

1-1 By: Pitts (Senate Sponsor - Whitmire) H.B. No. 3852
1-2 (In the Senate - Received from the House May 13, 2011;
1-3 May 13, 2011, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 21, 2011, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 21, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Midlothian Municipal Management
1-9 District No. 2; providing authority to impose a tax, levy an
1-10 assessment, and issue bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-13 Code, is amended by adding Chapter 3911 to read as follows:

1-14 CHAPTER 3911. MIDLOTHIAN MUNICIPAL MANAGEMENT DISTRICT NO. 2

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 3911.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "City" means the City of Midlothian, Texas.

1-19 (3) "County" means Ellis County, Texas.

1-20 (4) "Development agreement" means the development
1-21 agreement between the city and ECOM Real Estate Management, Inc.,
1-22 Trustee.

1-23 (5) "Director" means a board member.

1-24 (6) "District" means the Midlothian Municipal
1-25 Management District No. 2.

1-26 (7) "Improvement project" means a project authorized
1-27 by Subchapter C-1.

1-28 Sec. 3911.002. PRECONDITION; EXPIRATION. (a) In this
1-29 section, "finance plan" means a finance plan between the city and
1-30 the district that includes a general description of improvement
1-31 projects that will be financed by the district, an estimate of the
1-32 costs for the improvement projects, an estimate of the amount of the
1-33 costs for the improvement projects that the district will pay
1-34 directly or that will be reimbursed to the developer, and the means
1-35 of financing costs related to the planning, design, construction,
1-36 improvement, maintenance, and operation of the improvement
1-37 projects.

1-38 (b) The district may not exercise any powers under this
1-39 chapter until the development agreement and finance plan are
1-40 executed.

1-41 (c) This chapter, including Section 3911.062, expires
1-42 September 1, 2015, if the development agreement and finance plan
1-43 are not executed by that date.

1-44 Sec. 3911.003. CREATION AND NATURE OF DISTRICT. The
1-45 district is a special district created under Section 59, Article
1-46 XVI, Texas Constitution.

1-47 Sec. 3911.004. PURPOSE; LEGISLATIVE FINDINGS. (a) The
1-48 creation of the district is essential to accomplish the purposes of
1-49 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-50 Texas Constitution, and other public purposes stated in this
1-51 chapter. By creating the district and in authorizing the city and
1-52 other political subdivisions to contract with the district, the
1-53 legislature has established a program to accomplish the public
1-54 purposes set out in Section 52-a, Article III, Texas Constitution.

1-55 (b) The creation of the district is necessary to promote,
1-56 develop, encourage, and maintain employment, commerce,
1-57 transportation, housing, tourism, recreation, the arts,
1-58 entertainment, economic development, safety, and the public
1-59 welfare in the district.

1-60 (c) This chapter and the creation of the district may not be
1-61 interpreted to relieve the city or county from providing the level
1-62 of services provided as of the effective date of the Act enacting
1-63 this chapter to the area in the district. The district is created
1-64 to supplement and not to supplant city and county services provided

2-1 in the district.

2-2 Sec. 3911.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
 2-3 The district is created to serve a public use and benefit.

2-4 (b) All land and other property included in the district
 2-5 will benefit from the improvements and services to be provided by
 2-6 the district under powers conferred by Sections 52 and 52-a,
 2-7 Article III, and Section 59, Article XVI, Texas Constitution, and
 2-8 other powers granted under this chapter.

2-9 (c) The creation of the district is in the public interest
 2-10 and is essential to further the public purposes of:

2-11 (1) developing and diversifying the economy of the
 2-12 state;

2-13 (2) eliminating unemployment and underemployment;

2-14 (3) providing quality residential housing; and

2-15 (4) developing or expanding transportation and
 2-16 commerce.

2-17 (d) The district will:

2-18 (1) promote the health, safety, and general welfare of
 2-19 residents, employers, potential employees, employees, visitors,
 2-20 and consumers in the district, and of the public;

2-21 (2) provide needed funding for the district to
 2-22 preserve, maintain, and enhance the economic health and vitality of
 2-23 the district territory as a residential community and business
 2-24 center; and

2-25 (3) promote the health, safety, welfare, and enjoyment
 2-26 of the public by providing pedestrian ways and by landscaping and
 2-27 developing certain areas in the district, which are necessary for
 2-28 the restoration, preservation, and enhancement of scenic beauty.

2-29 (e) Pedestrian ways along or across a street, whether at
 2-30 grade or above or below the surface, and street lighting, street
 2-31 landscaping, vehicle parking, and street art objects are parts of
 2-32 and necessary components of a street and are considered to be an
 2-33 improvement project that includes a street or road improvement.

2-34 (f) The district will not act as the agent or
 2-35 instrumentality of any private interest even though the district
 2-36 will benefit many private interests as well as the public.

2-37 Sec. 3911.006. INITIAL DISTRICT TERRITORY. (a) The
 2-38 district is initially composed of the territory described by
 2-39 Section 2 of the Act enacting this chapter.

2-40 (b) A mistake in the field notes of the district contained
 2-41 in Section 2 of the Act enacting this chapter or in copying the
 2-42 field notes in the legislative process does not in any way affect:

2-43 (1) the district's organization, existence, or
 2-44 validity;

2-45 (2) the district's right to contract, including the
 2-46 right to issue any type of bond or other obligation for a purpose
 2-47 for which the district is created;

2-48 (3) the district's right to impose or collect an
 2-49 assessment, ad valorem taxes, or any other revenue; or

2-50 (4) the legality or operation of the board.

2-51 Sec. 3911.007. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

2-52 (a) All or any part of the area of the district is eligible to be
 2-53 included in:

2-54 (1) a tax increment reinvestment zone created by the
 2-55 city under Chapter 311, Tax Code;

2-56 (2) a tax abatement reinvestment zone created by the
 2-57 city under Chapter 312, Tax Code; or

2-58 (3) an enterprise zone created by the city under
 2-59 Chapter 2303, Government Code.

2-60 (b) If the city creates a tax increment reinvestment zone
 2-61 described by Subsection (a), the city and the board of directors of
 2-62 the zone, by contract with the district, may grant money deposited
 2-63 in the tax increment fund to the district to be used by the district
 2-64 for the purposes permitted for money granted to a corporation under
 2-65 Section 380.002(b), Local Government Code, including the right to
 2-66 pledge the money as security for any bonds issued by the district
 2-67 for an improvement project.

2-68 [Sections 3911.008-3911.050 reserved for expansion]

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SUBCHAPTER B. BOARD OF DIRECTORS

3-1 Sec. 3911.051. GOVERNING BODY; TERMS. The district is
 3-2 governed by a board of five voting directors who serve staggered
 3-3 terms of four years, with two or three directors' terms expiring May
 3-4 31 of each even-numbered year.

3-5 Sec. 3911.052. QUALIFICATIONS. (a) To be qualified to
 3-6 serve as a director appointed by the governing body of the city, a
 3-7 person must be:

3-8 (1) a resident of the district who is also a registered
 3-9 voter of the city;

3-10 (2) an owner of property in the district; or

3-11 (3) an agent, employee, or tenant of a person
 3-12 described by Subdivision (2).

3-13 (b) Section 49.052, Water Code, does not apply to the
 3-14 district.

3-15 Sec. 3911.053. APPOINTMENT OF DIRECTORS. The governing
 3-16 body of the city shall appoint directors from a list of names
 3-17 recommended by a majority of the board. The governing body may
 3-18 request one additional list of names from the board.

3-19 Sec. 3911.054. EX OFFICIO DIRECTORS. (a) The following
 3-20 persons serve ex officio as nonvoting directors:

3-21 (1) the city manager of the city; and

3-22 (2) the chief financial officer of the city.

3-23 (b) An ex officio director is entitled to notice of board
 3-24 meetings and to speak on a matter before the board.

3-25 Sec. 3911.055. VACANCY. The governing body of the city
 3-26 shall fill a vacancy on the board for the remainder of the unexpired
 3-27 term in the same manner as the original appointment.

3-28 Sec. 3911.056. DIRECTOR'S OATH OR AFFIRMATION. A director
 3-29 shall file the director's oath or affirmation of office with the
 3-30 district, and the district shall retain the oath or affirmation in
 3-31 the district records.

3-32 Sec. 3911.057. OFFICERS. The board shall elect from among
 3-33 the directors a chair, a vice chair, and a secretary.

3-34 Sec. 3911.058. COMPENSATION; EXPENSES. (a) The district
 3-35 may compensate each director in an amount not to exceed \$75 for each
 3-36 board meeting. The total amount of compensation for each director
 3-37 in a calendar year may not exceed \$3,000.

3-38 (b) The governing body of the city, by resolution or
 3-39 ordinance, may increase:

3-40 (1) the compensation for each director to an amount
 3-41 not to exceed \$150 for each board meeting; and

3-42 (2) the total compensation for each director to an
 3-43 amount not to exceed \$6,000 in a calendar year.

3-44 (c) A director is entitled to reimbursement for necessary
 3-45 and reasonable expenses incurred in carrying out the duties and
 3-46 responsibilities of the board.

3-47 Sec. 3911.059. LIABILITY INSURANCE. The district may
 3-48 obtain and pay for comprehensive general liability insurance
 3-49 coverage from a commercial insurance company or other source that
 3-50 protects and insures a director against personal liability and from
 3-51 all claims relating to:

3-52 (1) actions taken by the director in the director's
 3-53 capacity as a member of the board;

3-54 (2) actions and activities taken by the district; or

3-55 (3) the actions of others acting on behalf of the
 3-56 district.

3-57 Sec. 3911.060. BOARD MEETINGS. The board shall hold
 3-58 meetings at a place accessible to the public.

3-59 Sec. 3911.061. CONFLICTS OF INTEREST. Chapter 171, Local
 3-60 Government Code, governs conflicts of interest of directors.

3-61 Sec. 3911.062. INITIAL DIRECTORS. (a) The governing body
 3-62 of the city shall appoint the initial directors from a list of names
 3-63 recommended by the owners of a majority of the assessed value of
 3-64 property in the district. The governing body may request one
 3-65 additional list of names from the board.

3-66 (b) The governing body of the city shall appoint the initial
 3-67 directors after the effective date of the Act enacting this
 3-68 chapter.
 3-69

4-1 (c) The governing body shall stagger the terms, with two or
4-2 three directors' terms expiring May 31, 2012, and the remaining
4-3 directors' terms expiring May 31, 2014.

4-4 (d) Section 3911.052 does not apply to this section.

4-5 (e) This section expires September 1, 2016.

4-6 [Sections 3911.063-3911.100 reserved for expansion]

4-7 SUBCHAPTER C. POWERS AND DUTIES

4-8 Sec. 3911.101. IMPROVEMENT PROJECTS. The district may
4-9 provide, or it may enter into contracts with a governmental or
4-10 private entity to provide, the improvement projects described by
4-11 Subchapter C-1 or activities in support of or incidental to those
4-12 projects.

4-13 Sec. 3911.102. WATER DISTRICT POWERS. The district has the
4-14 powers provided by the general laws relating to conservation and
4-15 reclamation districts created under Section 59, Article XVI, Texas
4-16 Constitution, including Chapters 49 and 54, Water Code.

4-17 Sec. 3911.103. ROAD DISTRICT POWERS; EXCEPTION. (a)
4-18 Except as provided by Subsection (b), the district has the powers
4-19 provided by the general laws relating to road districts and road
4-20 utility districts created under Section 52(b), Article III, Texas
4-21 Constitution, including Chapter 441, Transportation Code.

4-22 (b) The district may exercise any power granted by this
4-23 chapter and by Chapter 441, Transportation Code, without regard to
4-24 any provision or requirement of, or procedure or maintenance tax
4-25 rate limitation prescribed by, Chapter 441, Transportation Code.

4-26 Sec. 3911.104. PUBLIC IMPROVEMENT DISTRICT POWERS. The
4-27 district has the powers provided by Subchapter A, Chapter 372,
4-28 Local Government Code, to a municipality or county.

4-29 Sec. 3911.105. MUNICIPAL MANAGEMENT DISTRICT POWERS. The
4-30 district has the powers provided by Chapter 375, Local Government
4-31 Code.

4-32 Sec. 3911.106. RULES; ENFORCEMENT. (a) The district may
4-33 adopt rules:

- 4-34 (1) to administer or operate the district; or
- 4-35 (2) for the use, enjoyment, availability, protection,
- 4-36 security, and maintenance of the district's property and
- 4-37 facilities.

4-38 (b) The district may enforce its rules by injunctive relief.

4-39 Sec. 3911.107. NOTICE OF NAME CHANGE. The board shall give
4-40 written notice of any name change to the city.

4-41 Sec. 3911.108. TERMS OF EMPLOYMENT; COMPENSATION. The
4-42 board may employ and establish the terms of employment and
4-43 compensation of an executive director or general manager and any
4-44 other district employees the board considers necessary.

4-45 Sec. 3911.109. NO EMINENT DOMAIN POWER. The district may
4-46 not exercise the power of eminent domain.

4-47 [Sections 3911.110-3911.150 reserved for expansion]

4-48 SUBCHAPTER C-1. IMPROVEMENT PROJECTS

4-49 Sec. 3911.151. BOARD DETERMINATION REQUIRED. The district
4-50 may not undertake an improvement project or service unless the
4-51 board determines the project or service:

4-52 (1) is necessary to accomplish a public purpose of the
4-53 district; and

4-54 (2) complies with the development agreement or the
4-55 parties to the development agreement agree to the project or
4-56 service, in writing.

4-57 Sec. 3911.152. CITY REQUIREMENTS. (a) An improvement
4-58 project must comply with any applicable city construction codes and
4-59 construction ordinances.

4-60 (b) The district may not provide, conduct, or authorize any
4-61 improvement project on the city streets, highways, rights-of-way,
4-62 or easements without the consent of the governing body of the city.

4-63 Sec. 3911.153. ADDITIONAL CITY POWERS REGARDING
4-64 IMPROVEMENT PROJECTS. (a) Unless the district and the city agree
4-65 otherwise, the city may:

4-66 (1) by ordinance, order, or resolution require that
4-67 title to all or any portion of an improvement project vest in the
4-68 city; or

4-69 (2) by ordinance, order, or resolution or other

5-1 directive authorize the district to own, encumber, maintain, and
 5-2 operate an improvement project or convey the project to the city at
 5-3 a later date.

5-4 (b) The district shall immediately comply with any city
 5-5 ordinance, order, or resolution adopted under this section.

5-6 Sec. 3911.154. LAKE. For the purposes of this subchapter,
 5-7 planning, design, construction, improvement, or maintenance of a
 5-8 lake includes work done for drainage, reclamation, or recreation.

5-9 Sec. 3911.155. WATER; EXCEPTION. (a) Except as provided by
 5-10 Subsection (b), an improvement project may include a supply and
 5-11 distribution facility or system to provide potable and nonpotable
 5-12 water to the residents and businesses of the district, including a
 5-13 wastewater collection facility.

5-14 (b) The district may not engage in the business of wholesale
 5-15 or retail sale of potable water or the wholesale or retail
 5-16 collection and treatment of wastewater.

5-17 Sec. 3911.156. ROADS. An improvement project may include a
 5-18 paved, macadamized, or graveled road or street inside and outside
 5-19 the district, to the full extent authorized by Section 52, Article
 5-20 III, Texas Constitution.

5-21 Sec. 3911.157. STORM WATER. An improvement project may
 5-22 include protection and improvement of the quality of storm water
 5-23 that flows through the district.

5-24 Sec. 3911.158. PARKING OR HELIPORT. An improvement project
 5-25 may include the planning, design, construction, improvement,
 5-26 maintenance, and operation of an off-street parking facility or
 5-27 heliport.

5-28 Sec. 3911.159. EDUCATION AND CULTURE. An improvement
 5-29 project may include the planning and acquisition of:

5-30 (1) public art and sculpture and related exhibits and
 5-31 facilities; or

5-32 (2) an educational facility and a cultural exhibit or
 5-33 facility.

5-34 Sec. 3911.160. CONVENTION CENTER. An improvement project
 5-35 may include the planning, design, construction, acquisition,
 5-36 lease, rental, improvement, maintenance, installation, and
 5-37 management of and provision of furnishings for a facility for:

5-38 (1) a conference, convention, or exhibition;

5-39 (2) a manufacturer, consumer, or trade show;

5-40 (3) a civic, community, or institutional event; or

5-41 (4) an exhibit, display, attraction, special event, or
 5-42 seasonal or cultural celebration or holiday.

5-43 Sec. 3911.161. DEMOLITION. An improvement project may
 5-44 include the removal, razing, demolition, or clearing of land or
 5-45 improvements in connection with an improvement project.

5-46 Sec. 3911.162. MITIGATION OF ENVIRONMENTAL EFFECTS. An
 5-47 improvement project may include the acquisition and improvement of
 5-48 land or other property for the mitigation of the environmental
 5-49 effects of an improvement project.

5-50 Sec. 3911.163. ACQUISITION OF PROPERTY. An improvement
 5-51 project may include the acquisition of property or an interest in
 5-52 property in connection with an improvement project, including a
 5-53 project authorized by Subchapter A, Chapter 372, Local Government
 5-54 Code.

5-55 Sec. 3911.164. SPECIAL OR SUPPLEMENTAL SERVICES. An
 5-56 improvement project may include a special or supplemental service
 5-57 for the improvement and promotion of the district or an area
 5-58 adjacent to the district or for the protection of public health and
 5-59 safety in or adjacent to the district, including:

5-60 (1) tourism;

5-61 (2) fire protection or emergency medical services; and

5-62 (3) educational improvements, enhancements, and
 5-63 services.

5-64 Sec. 3911.165. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
 5-65 MAINTENANCE. An improvement project may include the planning,
 5-66 design, construction, improvement, and maintenance of:

5-67 (1) highway right-of-way or transit corridor
 5-68 beautification and improvement;

5-69 (2) a hiking and cycling path or trail;

6-1 (3) a pedestrian walkway; or
 6-2 (4) a garden, recreational facility, community
 6-3 activity center, dock, wharf, sports facility, open space, scenic
 6-4 area, or related exhibit or preserve.

6-5 Sec. 3911.166. SIMILAR IMPROVEMENT PROJECTS. An
 6-6 improvement project may include a public improvement, facility, or
 6-7 service similar to a project described by this subchapter.

6-8 [Sections 3911.167-3911.200 reserved for expansion]

6-9 SUBCHAPTER C-2. CONTRACTS

6-10 Sec. 3911.201. GENERAL CONTRACT POWERS. The district may
 6-11 contract with any person to accomplish any district purpose.

6-12 Sec. 3911.202. CONTRACT TERMS. A contract the district
 6-13 enters into to carry out a purpose of this chapter may be on any
 6-14 terms and for any period the board determines, including an
 6-15 obligation to issue a negotiable or nonnegotiable note or warrant
 6-16 payable to the city, the county, or any other person.

6-17 Sec. 3911.203. REIMBURSEMENT OF COSTS. The district may
 6-18 contract with any person for the payment, repayment, or
 6-19 reimbursement of costs incurred by that person on behalf of the
 6-20 district, including all or part of the costs of an improvement
 6-21 project and interest on the reimbursed cost.

6-22 Sec. 3911.204. CONTRACT FOR IMPROVEMENT PROJECT. (a) The
 6-23 district may contract with any person for the use, occupancy,
 6-24 lease, rental, operation, maintenance, or management of all or part
 6-25 of a proposed or existing improvement project.

6-26 (b) The district may apply for and contract with any person
 6-27 to receive, administer, and perform a duty or obligation of the
 6-28 district under a federal, state, local, or private gift, grant,
 6-29 loan, conveyance, transfer, bequest, or other financial assistance
 6-30 arrangement relating to the investigation, planning, analysis,
 6-31 study, design, acquisition, construction, improvement, completion,
 6-32 implementation, or operation by the district or others of a
 6-33 proposed or existing improvement project.

6-34 Sec. 3911.205. NO FURTHER CONTRACT AUTHORIZATION REQUIRED.
 6-35 Except as provided by Section 3911.206, any person, including the
 6-36 city, may contract with the district to carry out the purposes of
 6-37 this chapter without further statutory or other authorization.

6-38 Sec. 3911.206. CITY APPROVAL OF CERTAIN CONTRACTS. A
 6-39 contract payable from ad valorem taxes for a period longer than one
 6-40 year must be approved by the governing body of the city.

6-41 [Sections 3911.207-3911.250 reserved for expansion]

6-42 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6-43 Sec. 3911.251. DEVELOPMENT AGREEMENT REQUIRED TO BORROW
 6-44 MONEY OR IMPOSE TAXES OR ASSESSMENTS, INCLUDING BONDS. Before the
 6-45 district may issue bonds, impose taxes or assessments, or borrow
 6-46 money, the district and the city must negotiate and execute a
 6-47 development agreement regarding the development plans and rules
 6-48 for:

- 6-49 (1) the development and operation of the district; and
- 6-50 (2) the financing of improvement projects.

6-51 Sec. 3911.252. BORROWING MONEY. The district may borrow
 6-52 money for a district purpose by issuing or executing bonds, notes,
 6-53 credit agreements, or other obligations of any kind found by the
 6-54 board to be necessary or appropriate for a district purpose. The
 6-55 bond, note, credit agreement, or other obligation must be secured
 6-56 by and payable from any combination of ad valorem taxes,
 6-57 assessments, or any other district revenue.

6-58 Sec. 3911.253. GENERAL POWERS REGARDING PAYMENT OF DISTRICT
 6-59 BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or
 6-60 secure the payment or repayment of any bond, note, or other
 6-61 temporary or permanent obligation or reimbursement or other
 6-62 contract with any person and the costs and expenses of the
 6-63 establishment, administration, and operation of the district and
 6-64 the district's costs or share of the costs or revenue of an
 6-65 improvement project or district contractual obligation or debt by:

- 6-66 (1) the imposition of a tax or an assessment, user fee,
- 6-67 or rental charge;
- 6-68 (2) a lease, installment purchase contract, or other
- 6-69 agreement; or

7-1 (3) any other revenue or resources of the district or
7-2 other revenue authorized by the city, including revenue from a tax
7-3 increment reinvestment zone created by the city.

7-4 Sec. 3911.254. ASSESSMENTS. (a) The district may impose an
7-5 assessment on property in the district to pay the cost or the cost
7-6 of maintenance of any authorized district improvement in the manner
7-7 provided for:

7-8 (1) a district under Subchapters A, E, and F, Chapter
7-9 375, Local Government Code; or

7-10 (2) a municipality or county under Subchapter A,
7-11 Chapter 372, Local Government Code.

7-12 (b) An assessment, a reassessment, or an assessment
7-13 resulting from an addition to or correction of the assessment roll
7-14 by the district, penalties and interest on an assessment or
7-15 reassessment, an expense of collection, and reasonable attorney's
7-16 fees incurred by the district:

7-17 (1) are a first and prior lien against the property
7-18 assessed; and

7-19 (2) are superior to any other lien or claim other than
7-20 a lien or claim for county, school district, or municipal ad valorem
7-21 taxes.

7-22 (c) The lien of an assessment against property runs with the
7-23 land. The portion of an assessment payment obligation that has not
7-24 yet come due is not eliminated by the foreclosure of an ad valorem
7-25 tax lien, and any purchaser of property in a foreclosure of an ad
7-26 valorem tax lien takes the property subject to the assessment
7-27 payment obligations that have not yet come due and to the lien and
7-28 terms of the lien's payment under the applicable assessment
7-29 ordinance or order.

7-30 (d) The board may make a correction to or deletion from the
7-31 assessment roll that does not increase the amount of assessment of
7-32 any parcel of land without providing notice and holding a hearing in
7-33 the manner required for additional assessments.

7-34 (e) Section 372.023(e), Local Government Code, does not
7-35 apply to the district.

7-36 Sec. 3911.255. IMPACT FEES; EXEMPTION. (a) The district
7-37 may impose an impact fee on property in the district, including an
7-38 impact fee on residential or commercial property, only in the
7-39 manner provided by Subchapter A, Chapter 372, or Subchapter F,
7-40 Chapter 375, Local Government Code, for a municipality, county, or
7-41 public improvement district.

7-42 (b) An impact fee for residential property must be for the
7-43 limited purpose of providing capital funding for:

7-44 (1) public water and wastewater facilities;

7-45 (2) drainage and storm water facilities; and

7-46 (3) streets and alleys.

7-47 (c) The district may not impose an impact fee on the
7-48 property, including equipment and facilities, of a public utility
7-49 provider in the district.

7-50 Sec. 3911.256. NONPOTABLE WATER USER CHARGES; CITY
7-51 APPROVAL. The district may establish user charges for the use of
7-52 nonpotable water for irrigation purposes, subject to approval of
7-53 the governing body of the city.

7-54 Sec. 3911.257. COSTS FOR IMPROVEMENT PROJECTS. The
7-55 district may undertake separately or jointly with other persons,
7-56 including the city or county, all or part of the cost of an
7-57 improvement project, including an improvement project:

7-58 (1) for improving, enhancing, and supporting public
7-59 safety and security, fire protection and emergency medical
7-60 services, and law enforcement in and adjacent to the district; or

7-61 (2) that confers a general benefit on the entire
7-62 district or a special benefit on a definable part of the district.

7-63 Sec. 3911.258. RESIDENTIAL PROPERTY NOT EXEMPT. Section
7-64 375.161, Local Government Code, does not apply to the district.

7-65 [Sections 3911.259-3911.300 reserved for expansion]

7-66 SUBCHAPTER E. TAXES AND BONDS

7-67 Sec. 3911.301. PROPERTY TAX AUTHORIZED. The district may
7-68 impose an ad valorem tax on all taxable property in the district,
7-69 including industrial, commercial, and residential property, to pay

8-1 for an improvement project.

8-2 Sec. 3911.302. MAINTENANCE AND OPERATION TAX; ELECTION.

8-3 (a) The district may impose a tax for maintenance and operation
8-4 purposes, including for:

8-5 (1) planning, constructing, acquiring, maintaining,
8-6 repairing, and operating all improvement projects, including land,
8-7 plants, works, facilities, improvements, appliances, and equipment
8-8 of the district; and

8-9 (2) paying costs of services, engineering and legal
8-10 fees, and organization and administrative expenses.

8-11 (b) The district may not impose a maintenance and operation
8-12 tax unless a maximum tax rate is approved by the governing body of
8-13 the city and a majority of the district voters voting at an election
8-14 held for that purpose. The proposition in a maintenance and
8-15 operation tax election may be for a specific maximum rate or for an
8-16 unlimited rate. If a maximum tax rate is approved, the board may
8-17 impose the tax at any rate that does not exceed the approved rate.

8-18 (c) A maintenance and operation tax election may be held at
8-19 the same time and in conjunction with any other district election.
8-20 The election may be called by a separate election order or as part
8-21 of any other election order.

8-22 Sec. 3911.303. USE OF SURPLUS MAINTENANCE AND OPERATION
8-23 MONEY. If the district has maintenance and operation tax money that
8-24 is not needed for the purposes for which it was collected, the money
8-25 may be used for any authorized purpose.

8-26 Sec. 3911.304. TAX ABATEMENT. The district may enter into a
8-27 tax abatement agreement regarding the district's ad valorem taxes
8-28 in accordance with the general laws of this state authorizing and
8-29 applicable to a tax abatement agreement by a municipality.

8-30 Sec. 3911.305. BONDS AND OTHER OBLIGATIONS; MUNICIPAL
8-31 APPROVAL. (a) The district by competitive bid or negotiated sale
8-32 may issue bonds, notes, or other obligations payable wholly or
8-33 partly from ad valorem taxes or assessments in the manner provided
8-34 by Subchapter A, Chapter 372, or Subchapter J, Chapter 375, Local
8-35 Government Code.

8-36 (b) In exercising the district's borrowing power, the
8-37 district may issue a bond or other obligation in the form of a bond,
8-38 note, certificate of participation or other instrument to be made
8-39 by the district, or any other type of obligation.

8-40 (c) In addition to the sources of money described by
8-41 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
8-42 Government Code, district bonds may be secured and made payable,
8-43 wholly or partly, by a pledge of any part of the money the district
8-44 receives from system or improvement revenue or from any other
8-45 source.

8-46 Sec. 3911.306. BOND MATURITY. Bonds may mature not more
8-47 than 40 years from their date of issue.

8-48 Sec. 3911.307. TAXES FOR BONDS AND OTHER OBLIGATIONS;
8-49 ELECTION. (a) At the time bonds or other obligations payable
8-50 wholly or partly from ad valorem taxes are issued:

8-51 (1) the board shall impose a continuing direct annual
8-52 ad valorem tax, without limit as to rate or amount, for each year
8-53 that all or part of the bonds are outstanding; and

8-54 (2) the district annually shall impose an ad valorem
8-55 tax on all taxable property in the district in an amount sufficient
8-56 to:

8-57 (A) pay the interest on the bonds or other
8-58 obligations as the interest becomes due;

8-59 (B) create a sinking fund for the payment of the
8-60 principal of the bonds or other obligations when due or the
8-61 redemption price at any earlier required redemption date; and

8-62 (C) pay the expenses of imposing the taxes.

8-63 (b) Bonds or other obligations that are secured by and
8-64 payable from ad valorem taxes may not be issued unless the bonds and
8-65 the imposition of the taxes are approved by:

8-66 (1) a majority of the district voters voting at an
8-67 election held for that purpose; and

8-68 (2) the governing body of the city.

8-69 (c) The district shall hold an election required by this

9-1 section in the manner provided by Chapter 54, Water Code, and the
9-2 Election Code.

9-3 Sec. 3911.308. ISSUER POWERS FOR CERTAIN PUBLIC
9-4 IMPROVEMENTS. The district may exercise any power of an issuer
9-5 under Chapter 1371, Government Code.

9-6 [Sections 3911.309-3911.350 reserved for expansion]

9-7 SUBCHAPTER F. DISSOLUTION

9-8 Sec. 3911.351. DISSOLUTION BY CITY ORDINANCE. (a) The city
9-9 by ordinance may dissolve the district.

9-10 (b) The city may not dissolve the district until the
9-11 district's outstanding debt or contractual obligations have been
9-12 repaid or discharged, including the defeasance of any outstanding
9-13 debt issued by the city.

9-14 (c) The city may not dissolve the district until the
9-15 development agreement under Section 3911.251 has been executed and
9-16 the district's performance under the agreement has been fulfilled,
9-17 including any right or obligation the district has to reimburse a
9-18 developer or owner for the costs of improvement projects.

9-19 Sec. 3911.352. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

9-20 (a) If the dissolved district has bonds or other obligations
9-21 outstanding secured by and payable from assessments or other
9-22 revenue, other than ad valorem taxes, the city shall succeed to the
9-23 rights and obligations of the district regarding enforcement and
9-24 collection of the assessments or other revenue.

9-25 (b) The city shall have and exercise all district powers to
9-26 enforce and collect the assessments or other revenue to pay:

9-27 (1) the bonds or other obligations when due and
9-28 payable according to their terms; or

9-29 (2) special revenue or assessment bonds or other
9-30 obligations issued by the city to refund the outstanding bonds or
9-31 obligations.

9-32 Sec. 3911.353. ASSUMPTION OF ASSETS AND LIABILITIES. (a)
9-33 After the city dissolves the district, the city assumes the
9-34 obligations of the district, including any bonds or other debt
9-35 payable from assessments or other district revenue.

9-36 (b) If the city dissolves the district, the board shall
9-37 transfer ownership of all district property to the city.

9-38 SECTION 2. The Midlothian Municipal Management District No.
9-39 2 initially includes all the territory contained in the following
9-40 area:

9-41 LEGAL DESCRIPTION

9-42 TRACT 1:

9-43 BEING a tract of land located in the JOHN EARLY SURVEY ABSTRACT NO.
9-44 343, JOSEPH H. WITHERSPOON SURVEY, ABSTRACT NO. 1137, ISAAC COOPER
9-45 SURVEY, ABSTRACT NO. 226, ELIZABETH RICE SURVEY, ABSTRACT NO. 929,
9-46 A.R. NEWTON SURVEY, ABSTRACT NO. 807, WEST WILKINS SURVEY, ABSTRACT
9-47 NO. 1162, J. KYSER SURVEY, ABSTRACT NO. 597, Z. HEATH SURVEY,
9-48 ABSTRACT NO. 455, PUERTA IRRIGATION COMPANY SURVEY, ABSTRACT NO.
9-49 1240, and the JAMES P. NEILL SURVEY, ABSTRACT NO. 1387, Ellis
9-50 County, Texas and being a part of those tracts of land described
9-51 Tract 3 and Tract 5 in Deed to ECOM Real Estate Management, Inc.,
9-52 recorded in Volume 1792, Page 136, Deed Records, Ellis County,
9-53 Texas and being more particularly described as follows:

9-54 BEGINNING at a 1 inch iron pipe found in the East line of Walnut
9-55 Grove Road, a variable width right-of-way, at the most Westerly
9-56 Southwest corner of said Tract 3;

9-57 THENCE North 00 degrees 36 minutes 12 seconds West, along said East
9-58 line of Walnut Grove Road, a distance of 1,675.84 feet to a 1/2 inch
9-59 iron rod with a yellow plastic cap stamped "DAA" set for the most
9-60 Westerly Northwest corner of said Tract 3, said point being in the
9-61 South line of a tract of land described in Deed to Harold L. Curtis,
9-62 recorded in Volume 669, Page 548, Deed Records, Ellis County,
9-63 Texas;

9-64 THENCE North 88 degrees 46 minutes 56 seconds East, along the South
9-65 line of said Curtis tract and a tract of land described in Deed to
9-66 Homer Dudley and wife, Nana Dudley, recorded in Volume 1679, Page
9-67 407, Deed Records, Ellis County, Texas and a tract of land described
9-68 in Deed to Homer Dudley, recorded in Volume 1201, Page 416, Deed
9-69 Records, Ellis County, Texas, a distance of 1,648.23 feet to a 1/2

10-1 inch iron rod with a yellow plastic cap stamped "BMI" found for
10-2 corner;
10-3 THENCE North 01 degrees 01 minutes 38 seconds West, a distance of
10-4 821.39 feet to a 1/2 inch iron rod with a red plastic cap found at
10-5 the Northeast corner of said Dudley tract recorded in Volume 1201,
10-6 Page 387 and the Southeast corner of a tract of land described in
10-7 Deed to Homer Dudley and wife, Nana Dudley recorded in Volume 1576,
10-8 page 387, Deed Records, Ellis County, Texas;
10-9 THENCE North 01 degrees 04 minutes 29 seconds West, a distance of
10-10 401.46 feet to a 1/2 inch iron rod found at the Northeast corner of
10-11 said Dudley tract recorded in Volume 1576, Page 387 and the most
10-12 Southerly Southeast corner of a tract of land described in Deed to
10-13 Gwendolyn Larue, recorded in Volume 669, Page 548, Deed Records,
10-14 Ellis County, Texas;
10-15 THENCE North 01 degrees 16 minutes 41 seconds West, along the East
10-16 line of said Larue tract, a distance of 71.65 feet to a 1/2 inch iron
10-17 rod found at the most Northerly Northwest corner of said Tract 3;
10-18 THENCE North 88 degrees 00 minutes 34 seconds East, along the South
10-19 line of said Larue tract, a distance of 324.01 feet to a 1/2 inch
10-20 iron rod found for corner;
10-21 THENCE South 06 degrees 01 minutes 23 seconds East, a distance of
10-22 50.05 feet to a 1/2 inch iron rod found at the most Southerly
10-23 Southwest corner of a tract of land described as Tract 2 in Deed to
10-24 Richard A. Brouwer, recorded in Volume 2033, Page 377, Deed
10-25 Records, Ellis County, Texas;
10-26 THENCE North 89 degrees 20 minutes 47 seconds East, along the most
10-27 Northerly South line of said Brouwer Tract 2, a distance of 910.39
10-28 feet to a 1 inch iron pipe found at the Southeast corner of said
10-29 Houchin Tract 2 and the Southwest corner of a tract of land
10-30 described as Tract 1 in Deed to James Richard Houchin, recorded in
10-31 Volume 1931, Page 1469, Deed Records, Ellis County, Texas;
10-32 THENCE South 89 degrees 50 minutes 14 seconds East, along the South
10-33 line of said Brouwer Tract 1, a distance of 235.15 feet to a 1/2 inch
10-34 iron rod found at an ell corner of said Houchin Tract 1;
10-35 THENCE South 01 degrees 27 minutes 53 seconds East, a distance of
10-36 425.66 feet to a 1/2 inch iron rod found at the most Southerly
10-37 Southwest corner of said Brouwer Tract 1;
10-38 THENCE North 89 degrees 52 minutes 06 seconds East, along the most
10-39 Southerly South line of said Brouwer Tract 1, a distance of 500.00
10-40 feet to a point for corner;
10-41 THENCE South 00 degrees 52 minutes 06 seconds West, a distance of
10-42 1,103.00 feet to a point for corner;
10-43 THENCE North 89 degrees 52 minutes 06 seconds East, a distance of
10-44 519.21 feet to a point for corner;
10-45 THENCE South 00 degrees 07 minutes 54 seconds East, a distance of
10-46 643.49 feet to a point for corner;
10-47 THENCE North 89 degrees 52 minutes 06 seconds East, a distance of
10-48 388.00 feet to a point for corner;
10-49 THENCE South 00 degrees 07 minutes 54 seconds East, a distance of
10-50 196.94 feet to a point for corner;
10-51 THENCE South 89 degrees 12 minutes 10 seconds West, a distance of
10-52 288.51 feet to a point for corner;
10-53 THENCE South 29 degrees 00 minutes 50 seconds East, a distance of
10-54 109.18 feet to a point for corner;
10-55 THENCE South 44 degrees 37 minutes 50 seconds East, a distance of
10-56 231.94 feet to a point for corner;
10-57 THENCE South 24 degrees 04 minutes 50 seconds East, a distance of
10-58 133.89 feet to a point for corner;
10-59 THENCE South 35 degrees 57 minutes 50 seconds East, a distance of
10-60 98.06 feet to a point for corner;
10-61 THENCE South 30 degrees 47 minutes 50 seconds East, a distance of
10-62 138.89 feet to a 1/2 inch iron rod with a yellow plastic cap stamped
10-63 "DAA" set for corner;
10-64 THENCE Southerly with the approximate centerline of a creek the
10-65 following six (6) courses and distances:
10-66 South 07 degrees 54 minutes 27 seconds West, a distance of 221.82
10-67 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
10-68 set for corner;
10-69 South 05 degrees 16 minutes 01 seconds West, a distance of 180.85

11-1 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
11-2 set for corner;
11-3 South 05 degrees 43 minutes 17 seconds East, a distance of 89.54
11-4 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
11-5 set for corner;
11-6 South 39 degrees 55 minutes 09 seconds East, a distance of 92.89
11-7 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
11-8 set for corner;
11-9 South 28 degrees 43 minutes 21 seconds East, a distance of 54.13
11-10 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
11-11 set for corner;
11-12 South 00 degrees 47 minutes 28 seconds East, a distance of 126.46
11-13 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
11-14 set at the Northwest corner of a tract of land described in Cause
11-15 No. 25281 of the District Court of Ellis County, recorded in Volume
11-16 520, Page 609, Deed Records, Ellis County, Texas;
11-17 THENCE North 89 degrees 49 minutes 35 seconds East, a distance of
11-18 325.00 feet to a 1/2 inch iron rod with a yellow plastic cap stamped
11-19 "DAA" set at the Northeast corner of said tract described in Cause
11-20 No. 25281;
11-21 THENCE South 00 degrees 26 minutes 57 seconds East, a distance of
11-22 523.52 feet to a 1/2 inch iron rod with a yellow plastic cap stamped
11-23 "DAA" set at the Southeast corner of said tract described in Cause
11-24 No. 25281, said point being in the South line of a tract of land
11-25 described in Deed to Alma Ann Seale, recorded in Volume 693, Page
11-26 425, Deed Records, Ellis County, Texas;
11-27 THENCE North 89 degrees 00 minutes 13 seconds East, along the South
11-28 line of said Seale tract, a distance of 1,737.72 feet to a wood
11-29 fence post found for corner;
11-30 THENCE South 00 degrees 48 minutes 00 seconds East, along the West
11-31 line of said Seale tract and the West line of a tract of land
11-32 described in Deed to Alma Ann Seale, recorded in Volume 633, Page
11-33 750, Deed Records, Ellis County, Texas, a distance of 3,390.10 feet
11-34 to a 1/2 inch iron rod found at the Southwest corner of said Seale
11-35 tract recorded in Volume 633, Page 750;
11-36 THENCE North 89 degrees 32 minutes 26 seconds East, along the South
11-37 line of said Seale tract, a distance of 937.08 feet to a 1/2 inch
11-38 iron rod found at the Northwest corner of a tract of land described
11-39 in Deed as a Save & Except from said Tract 3 to the City Of
11-40 Midlothian And City Of Waxahachie;
11-41 THENCE South 03 degrees 09 minutes 09 seconds West, along the West
11-42 line of said Save & Except, a distance of 1,370.83 feet to a 2-1/2
11-43 inch aluminum disk found for corner;
11-44 THENCE South 86 degrees 51 minutes 59 seconds East, along the South
11-45 line of said Save & Except, a distance of 799.67 feet to a 2-1/2 inch
11-46 aluminum disk found for corner;
11-47 THENCE South 03 degrees 09 minutes 18 seconds West, along the West
11-48 line of said Save & Except, a distance of 706.20 feet to a 2-1/2 inch
11-49 aluminum disk found at the most Southerly Southwest corner of said
11-50 Save & Except tract and the Northeast corner of a tract of land
11-51 described in Deed to City Of Midlothian And City Of Waxahachie,
11-52 recorded in Volume 828, Page 86, Deed Records, Ellis County, Texas,
11-53 said point being in the North line of a tract of land described in
11-54 Deed to Alma Ann Seale, recorded in Volume 571, Page 811, Deed
11-55 Records, Ellis County, Texas;
11-56 THENCE South 89 degrees 02 minutes 26 seconds West, along said North
11-57 line, a distance of 1,833.21 feet to a 1/2 inch iron rod found for
11-58 corner;
11-59 THENCE North 00 degrees 46 minutes 36 seconds West, along the most
11-60 Westerly East line of said Seale tract, a distance of 790.80 feet to
11-61 a 1/2 inch iron rod found for corner;
11-62 THENCE North 26 degrees 47 minutes 39 seconds West, a distance of
11-63 332.61 feet to a 1/2 inch iron rod found for corner;
11-64 THENCE South 89 degrees 26 minutes 15 seconds West, along the North
11-65 line of said Seale tract, a distance of 751.98 feet to a 1/2 inch
11-66 iron rod with a yellow plastic cap stamped "DAA" set for corner in
11-67 the East line of a tract of land described as Tract II in Deed to
11-68 Garland Boles, recorded in Volume 996, Page 531, Deed records,
11-69 Ellis County, Texas;

12-1 THENCE North 10 degrees 15 minutes 25 seconds East, along said East
12-2 line, a distance of 30.73 feet to a 1/2 inch iron rod with a yellow
12-3 plastic cap stamped "DAA" set at the Northeast corner of said Boles
12-4 tract;
12-5 THENCE South 83 degrees 14 minutes 25 seconds West, along the North
12-6 line of said Bole tract, passing a 5/8 inch iron rod found at a
12-7 distance of 8.81 feet, and continuing for a total distance of 279.60
12-8 feet to a 1/2 inch iron rod found for corner;
12-9 THENCE South 00 degrees 33 minutes 25 seconds West, along the West
12-10 line of said Boles tract, a distance of 1,238.49 feet to a 1/2 inch
12-11 iron rod found for corner;
12-12 THENCE North 88 degrees 29 minutes 08 seconds West, a distance of
12-13 88.26 feet to a Texas Department of Transportation aluminum disk
12-14 found for corner in the Northeast line of U.S. Highway No. 287, a
12-15 variable width right-of-way;
12-16 THENCE Northwesterly along said Northeast right-of-way line the
12-17 following five (5) courses and distances:
12-18 North 48 degrees 39 minutes 02 seconds West, a distance of 692.86
12-19 feet to a Texas Department of Transportation aluminum disk found
12-20 for corner;
12-21 North 44 degrees 56 minutes 29 seconds West, a distance of 2,196.70
12-22 feet to a Texas Department of Transportation aluminum disk found
12-23 for corner;
12-24 North 39 degrees 54 minutes 45 seconds West, a distance of 501.93
12-25 feet to a Texas Department of Transportation aluminum disk found
12-26 for corner;
12-27 North 50 degrees 39 minutes 07 seconds West, a distance of 502.49
12-28 feet to a Texas Department of Transportation aluminum disk found
12-29 for corner;
12-30 North 45 degrees 59 minutes 38 seconds West, a distance of 418.55
12-31 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
12-32 set for corner in the Southeast line of Lot 1, Block A of Walnut
12-33 Grove Center North, an Addition to the City of Midlothian according
12-34 to the Plat thereof recorded in Cabinet F, Slide 185, Plat records,
12-35 Ellis County, Texas, said point being North 56 degrees 12 minutes 08
12-36 seconds East, 0.39 feet from a found 1/2 inch iron rod with a yellow
12-37 plastic cap stamped "BRITTAIN & CRAWFORD";
12-38 THENCE North 44 degrees 38 minutes 36 seconds East, along the
12-39 Southeast line of said Addition, a distance of 432.10 feet to a 1/2
12-40 inch iron rod with a yellow plastic cap stamped "BRITTAIN &
12-41 CRAWFORD" found at the most Easterly corner of said Addition;
12-42 THENCE North 45 degrees 21 minutes 24 seconds West, a distance of
12-43 1,300.00 feet to a 1/2 inch iron rod with a yellow plastic cap
12-44 stamped "BRITTAIN & CRAWFORD" found at the most Northerly corner of
12-45 said Addition;
12-46 THENCE North 00 degrees 05 minutes 21 seconds East, a distance of
12-47 907.03 feet to a 1/2 inch iron rod found at the Northeast corner of a
12-48 tract of land described as Tract 1 in Deed to Sara Jane Properties,
12-49 Ltd., recorded in Volume 1808, Page 242, Deed Records, Ellis
12-50 County, Texas and the Southeast corner of a tract of land described
12-51 in Deed to Sara Jane Properties, Ltd., recorded in Volume 1808, Page
12-52 248, Deed Records, Ellis County, Texas;
12-53 THENCE North 00 degrees 07 minutes 42 seconds West, a distance of
12-54 1,013.26 feet to a 1/2 inch iron rod with a yellow plastic cap
12-55 stamped "RPLS 4480" found at the Southeast corner of Lot 2 of Turner
12-56 Homestead Estates, an Addition to the City of Midlothian according
12-57 to the Plat thereof recorded in Cabinet E, Slide 194, Plat records,
12-58 Ellis County, Texas;
12-59 THENCE North 00 degrees 02 minutes 12 seconds West, a distance of
12-60 604.57 feet to a 1/2 inch iron rod found at the Northeast corner of
12-61 Lot 1 of said Addition and the Southeast corner of a tract of land
12-62 described in Deed to Stephen M. Guerrero and wife, Melissa M.
12-63 Guerrero, recorded in Volume 1657, Page 41, Deed Records, Ellis
12-64 County, Texas;
12-65 THENCE North 01 degrees 40 minutes 57 seconds West, a distance of
12-66 164.79 feet to a 1/2 inch iron rod found at the Northeast corner of
12-67 said Guerrero tract;
12-68 THENCE South 88 degrees 59 minutes 29 seconds West, along the North
12-69 line of said Guerrero tract, a distance of 1,550.61 feet to the

13-1 POINT OF BEGINNING and containing 839.041 acres of land, more or
13-2 less.
13-3 LEGAL DESCRIPTION
13-4 TRACT 2:
13-5 BEING a tract of land located in the ROBERT HOSFORD SURVEY, ABSTRACT
13-6 NO. 533, J.L. BLANTON SURVEY, ABSTRACT NO. 1284 and the JOURDAN
13-7 POWERS SURVEY, ABSTRACT NO. 838, Ellis County, Texas and being all
13-8 of a tract of land described as Tract 2 in Deed to ECOM Real Estate
13-9 Management, Inc., recorded in Volume 1792, Page 136, Deed Records,
13-10 Ellis County, Texas and being more particularly described as
13-11 follows:
13-12 BEGINNING at a point for corner near the approximate centerline of
13-13 Walnut Grove Road, a variable width right-of-way, at the most
13-14 Westerly Northwest corner of said Tract 2;
13-15 THENCE North 88 degrees 33 minutes 24 seconds East, passing at a
13-16 distance of 20.61 feet a 3/4 inch iron rod found at the Southwest
13-17 corner of a tract of land described in Deed to Joseph L. Rodgers and
13-18 wife, Merry Nicol Rodgers, recorded in Volume 845, Page 711, Deed
13-19 Records, Ellis County, Texas, and continuing for a total distance
13-20 of 1,971.70 feet to a 1/2 inch iron rod with a yellow plastic cap
13-21 stamped "DAA" set for corner;
13-22 THENCE North 88 degrees 26 minutes 34 seconds East, a distance of
13-23 32.90 feet to a 1/2 inch iron rod found at an inner ell corner of
13-24 said Tract 2;
13-25 THENCE North 00 degrees 06 minutes 53 seconds West, a distance of
13-26 1,815.01 feet to an axle found at the most Northerly Northwest
13-27 corner of said Tract 2 and the Southwest corner of a tract of land
13-28 described in Deed to MCDC, Ltd., L.P., recorded in Volume 1979, page
13-29 1154, Deed Records, Ellis County, Texas, said point also being the
13-30 Southwest corner of Lot 9, Block 1 of HIDDEN MEADOW, an Addition to
13-31 the City of Midlothian, Ellis County, Texas according to the Plat
13-32 thereof recorded in Cabinet H, Slide 157, Plat Records, Ellis
13-33 County, Texas;
13-34 THENCE North 77 degrees 08 minutes 11 seconds East, along the common
13-35 line of said Tract 2, said MCDC tract and said Addition, a distance
13-36 of 909.33 feet to a 1/2 inch iron rod found at the Most Northerly
13-37 Northeast corner of said Tract 2 and the Northwest corner of a tract
13-38 of land described in Deed to Charles Fairbanks, Jr., recorded in
13-39 Volume 1979, Page 1127, Deed Records, Ellis County, Texas;
13-40 THENCE South 07 degrees 01 minutes 08 seconds East, along the common
13-41 line of said Tract 2 and said Fairbanks tract, a distance of
13-42 1,198.90 feet to a wood fence post found for corner;
13-43 THENCE North 89 degrees 41 minutes 59 seconds East, continuing
13-44 along the common line of said Tract 2 and said Fairbanks tract, a
13-45 distance of 475.12 feet to a point for corner in the West line of a
13-46 tract of land described in Deed to Terry G. Weaver, recorded in
13-47 Volume 1878, Page 684, Deed Records, Ellis County, Texas, said
13-48 point being near the approximate centerline of a creek;
13-49 THENCE Southerly with the West line of said Weaver tract and the
13-50 approximate centerline of said creek the following three (3)
13-51 courses and distances:
13-52 South 22 degrees 06 minutes 29 seconds West, a distance of 58.05
13-53 feet to a point for corner;
13-54 South 09 degrees 30 minutes 50 seconds East, a distance of 342.74
13-55 feet to a point for corner;
13-56 South 19 degrees 53 minutes 00 seconds East, a distance of 210.41
13-57 feet to a point at the Northeast corner of a tract of land described
13-58 as Tract 1 in Deed to Richard A. Brouwer and wife, Mary K. Brouwer,
13-59 recorded in Volume 2033, Page 377, Deed Records, Ellis County,
13-60 Texas;
13-61 THENCE along the Northerly and Westerly lines of said Brouwer tract
13-62 the following eight (8) courses and distances:
13-63 North 72 degrees 02 minutes 30 seconds West, a distance of 58.66
13-64 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
13-65 set for corner;
13-66 North 89 degrees 17 minutes 47 seconds West, a distance of 127.79
13-67 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
13-68 set for corner;
13-69 South 75 degrees 33 minutes 32 seconds West, a distance of 132.00

14-1 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
 14-2 set for corner;
 14-3 North 61 degrees 42 minutes 14 seconds West, a distance of 33.00
 14-4 feet to a 1/2 inch iron rod with a yellow plastic cap stamped
 14-5 "COTTON SURVEYING" found for corner;
 14-6 South 02 degrees 43 minutes 46 seconds East, a distance of 129.00
 14-7 feet to a 1/2 inch iron rod found for corner;
 14-8 South 53 degrees 49 minutes 45 seconds West, a distance of 179.66
 14-9 feet to a 5/8 inch iron rod found for corner;
 14-10 South 53 degrees 47 minutes 16 seconds West, a distance of 303.27
 14-11 feet to a 1/2 inch iron rod found for corner;
 14-12 South 02 degrees 11 minutes 06 seconds East, a distance of 1,196.11
 14-13 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
 14-14 set for the Southeast corner of said Tract 2 and the most Easterly
 14-15 Northeast corner of a tract of land described as Tract 2 in Deed to
 14-16 Richard A. Brouwer and wife, Mary K. Brouwer, recorded in Volume
 14-17 2033, Page 377, Deed Records, Ellis County, Texas, said point being
 14-18 North 02 degrees 11 minutes 06 seconds West, 30.00 feet from a 1
 14-19 inch iron pipe found at the Southwest corner of said Brouwer Tract
 14-20 1;
 14-21 THENCE along the common line of said ECOM Real Estate Management
 14-22 Company Tract 2 and said Brouwer Tract 2 the following three courses
 14-23 and distances:
 14-24 South 89 degrees 25 minutes 42 seconds West, a distance of 880.81
 14-25 feet to a 10 inch wood fence post for corner;
 14-26 North 03 degrees 02 minutes 05 seconds West, a distance of 335.12
 14-27 feet to a 1/2 inch iron rod found for corner;
 14-28 South 89 degrees 09 minutes 22 seconds West, a distance of 2,010.01
 14-29 feet to a 1/2 inch iron rod with a yellow plastic cap stamped "DAA"
 14-30 set for corner near the approximate centerline of said Walnut Grove
 14-31 Road;
 14-32 THENCE North 01 degrees 34 minutes 39 seconds West, a distance of
 14-33 1,020.13 feet to the POINT OF BEGINNING and containing 127.324
 14-34 acres of land, more or less.
 14-35 FIELD NOTE DESCRIPTION
 14-36 TRACT 3:
 14-37 BEING a tract of land situated in the J. H. Witherspoon Survey,
 14-38 Abstract 1137, the I. Cooper Survey, Abstract No. 226, the Mary T.
 14-39 Castor Survey, Abstract 236, the James P. Alford Survey, Abstract 7
 14-40 and the J. H. Witherspoon Survey, Abstract 1136, all of Ellis
 14-41 County, Texas, said tract being a portion of that tract of land
 14-42 conveyed to ECOM Real Estate Management, Inc. according to the
 14-43 document filed of record in Volume 1177, Page 555, Deed Records of
 14-44 Ellis County, Texas, said tract being more particularly described
 14-45 as follows:
 14-46 BEGINNING at a point in the North Line of the M.J. Pogue Survey for
 14-47 the Southwest corner of said C. L. Williams Survey, same being
 14-48 common with the most Easterly Southeast corner of said M. T. Castor
 14-49 Survey;
 14-50 THENCE North 2 degrees 26 minutes West, along a fence and the Survey
 14-51 line, 546.60 feet to a point for corner;
 14-52 THENCE South 50 degrees 01 minutes West, 440.9 feet to a point for
 14-53 corner;
 14-54 THENCE South 4 degrees 25 minutes East, 152.3 feet to a point for
 14-55 corner;
 14-56 THENCE South 35 degrees 05 minutes West 126.0 feet to a point in the
 14-57 North line of the M. J. Pogue Survey;
 14-58 THENCE North 89 degrees 59 minutes West, along a fence and a Survey
 14-59 line, 392.0 feet to a point for corner;
 14-60 THENCE South 0 degrees 25 minutes East, along a fence, 886.3 feet to
 14-61 a point for corner;
 14-62 THENCE North 89 degrees 52 minutes West, along a fence and the South
 14-63 line of said Castor Survey, 2412.0 feet to a point for corner being
 14-64 the Southwest corner of said Castor Survey;
 14-65 THENCE North 0 degrees 40 minutes West, along a fence and said
 14-66 Survey line, 1340.58 feet to point on the North side of Plainview
 14-67 Road;
 14-68 THENCE South 89 degrees 22 minutes 25 seconds East, 867.34 feet to a
 14-69 point for corner;

15-1 THENCE North 89 degrees 04 minutes 35 seconds East, 346.53 feet to a
15-2 point for corner;
15-3 THENCE North 89 degrees 50 minutes 13 seconds East, 553.19 feet to a
15-4 point for corner at the beginning of a curve to the left having a
15-5 radius of 55.57 feet, a central angle of 77 degrees 01 minutes 46
15-6 seconds and a chord bearing and distance of North 51 degrees 17
15-7 minutes 31 seconds East, 69.21 feet;
15-8 With said curve to the left an arc distance of 74.71 feet to a point
15-9 for a corner of this tract;
15-10 THENCE North 12 degrees 46 minutes 38 seconds East, 416.00 feet to a
15-11 point for corner at the beginning of a curve to the left having a
15-12 radius of 1066.97 feet, a central angle of 8 degrees 20 minutes 31
15-13 seconds and a chord bearing and distance of North 08 degrees 36
15-14 minutes 22 seconds East, 155.21 feet;
15-15 With said curve to the left an arc distance of 155.35 feet to a point
15-16 for a corner of this tract;
15-17 THENCE North 04 degrees 26 minutes 34 seconds East, 435.87 feet to a
15-18 point for corner;
15-19 THENCE North 3 degrees 18 minutes East, 208.3 feet to a point for
15-20 corner;
15-21 THENCE North 19 degrees 16 minutes West, 303.3 feet to a point for
15-22 corner;
15-23 THENCE North 25 degrees 43 minutes East, 289.3 feet to a point for
15-24 corner;
15-25 THENCE North 0 degrees 45 minutes West, 687.13 feet to a point for
15-26 corner in the South Line of the H. & T.C. Railroad;
15-27 THENCE South 56 degrees 37 minutes 50 seconds East, with said South
15-28 Line, a distance of 2327.68 feet to a point for a corner at the
15-29 beginning of a curve to right having a radius of 15566.77 feet, a
15-30 central angle of 01 degrees 32 minutes 51 seconds and a chord
15-31 bearing and distance of South 55 degrees 04 minutes 32 seconds East,
15-32 420.40 feet;
15-33 With said curve to the right an arc distance of 420.42 feet to a
15-34 point for a corner at the beginning of a curve to the right having
15-35 a radius of 2814.79 feet, a central angle of 19 degrees 59 minutes 08
15-36 seconds and a chord bearing and distance of South 41 degrees 26
15-37 minutes 36 seconds East, 976.87 feet;
15-38 With said curve to the right an arc distance of 981.84 feet to a
15-39 point for a corner at the beginning of a curve to the right having a
15-40 radius of 22649.48 feet, a central angle of 0 degrees 33 minutes 30
15-41 seconds and a chord bearing and distance of South 30 degrees 13
15-42 minutes 42 seconds East, 220.70 feet;
15-43 With said curve to the right an arc distance of 220.71 feet to a
15-44 point for a corner;
15-45 THENCE South 29 degrees 40 minutes 07 seconds East, 561.82 feet to a
15-46 point for corner;
15-47 THENCE South 89 degrees 47 minutes West, leaving said Railroad
15-48 South Line, a distance of 378.59 feet to a point for corner at the
15-49 Northeast corner of the M. J. Pogue Survey;
15-50 THENCE North 89 degrees 21 minutes West, with the North Line of said
15-51 Pogue Survey, a distance of 72.3 feet to the West line of the above
15-52 mentioned Cooper Survey;
15-53 THENCE North 89 degrees 21 minutes West, with fence and common line
15-54 of said Pogue Survey and the above mentioned Geo. L. Williams
15-55 Survey, a distance of 1584.9 feet to the POINT OF BEGINNING,
15-56 containing 201.01 acres of land, more or less.
15-57 SECTION 3. (a) The legal notice of the intention to
15-58 introduce this Act, setting forth the general substance of this
15-59 Act, has been published as provided by law, and the notice and a
15-60 copy of this Act have been furnished to all persons, agencies,
15-61 officials, or entities to which they are required to be furnished
15-62 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
15-63 Government Code.
15-64 (b) The governor, one of the required recipients, has
15-65 submitted the notice and Act to the Texas Commission on
15-66 Environmental Quality.
15-67 (c) The Texas Commission on Environmental Quality has filed
15-68 its recommendations relating to this Act with the governor,
15-69 lieutenant governor, and speaker of the house of representatives

16-1 within the required time.

16-2 (d) All requirements of the constitution and laws of this
16-3 state and the rules and procedures of the legislature with respect
16-4 to the notice, introduction, and passage of this Act have been
16-5 fulfilled and accomplished.

16-6 SECTION 4. This Act takes effect immediately if it receives
16-7 a vote of two-thirds of all the members elected to each house, as
16-8 provided by Section 39, Article III, Texas Constitution. If this
16-9 Act does not receive the vote necessary for immediate effect, this
16-10 Act takes effect September 1, 2011.

16-11

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