

1 AN ACT

2 relating to the creation of the Club Municipal Management District
3 No. 1; providing authority to levy an assessment and issue bonds.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Subtitle C, Title 4, Special District Local Laws
6 Code, is amended by adding Chapter 3902 to read as follows:

7 CHAPTER 3902. CLUB MUNICIPAL MANAGEMENT DISTRICT NO. 1

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 3902.001. DEFINITIONS. In this chapter:

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

11 (2) "Capital improvement plan" means a plan created
12 under Section 3902.110.

13 (3) "City" means the City of Heath, Texas.

14 (4) "Development agreement" means an agreement
15 created under Section 3902.109.

16 (5) "Director" means a board member.

17 (6) "District" means the Club Municipal Management
18 District No. 1.

19 (7) "Financial plan" means a plan created under
20 Section 3902.154.

21 (8) "Improvement project" means a project authorized
22 by Subchapter C-1.

23 Sec. 3902.002. CREATION AND NATURE OF DISTRICT. The
24 district is a special district created under Sections 52 and 52-a,

1 Article III, and Section 59, Article XVI, Texas Constitution.

2 Sec. 3902.003. PRIMARY PURPOSE; MIXED-USE RESIDENTIAL AND
3 COMMERCIAL DEVELOPMENT. The primary purpose of the district is to
4 facilitate the construction and continued maintenance of a quality
5 mixed-use residential and commercial development to benefit city
6 residents.

7 Sec. 3902.004. ADDITIONAL PURPOSES; LEGISLATIVE FINDINGS.

8 (a) The creation of the district is essential to accomplish the
9 purposes of Sections 52 and 52-a, Article III, and Section 59,
10 Article XVI, Texas Constitution, and other public purposes stated
11 in this chapter. By creating the district and in authorizing the
12 city and other political subdivisions to contract with the
13 district, the legislature has established a program to accomplish
14 the public purposes set out in Section 52-a, Article III, Texas
15 Constitution.

16 (b) The creation of the district is necessary to promote,
17 develop, encourage, and maintain employment, commerce,
18 transportation, housing, tourism, recreation, the arts,
19 entertainment, economic development, safety, and the public
20 welfare in the district.

21 (c) This chapter and the creation of the district may not be
22 interpreted to relieve the city, Rockwall County, or Kaufman County
23 from providing or requiring the city or the counties to provide the
24 level of services provided as of the effective date of the Act
25 enacting this chapter to the area in the district as the city or
26 counties do to similarly situated property in the city. The
27 district is created to supplement and not to supplant city and

1 county services provided in the district.

2 Sec. 3902.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

3 The district is created to serve a public use and benefit.

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

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

11 (1) further the public purposes of developing and
12 diversifying the economy of the state;

13 (2) provide needed funding for the district to
14 preserve, maintain, and enhance the economic health and vitality of
15 the district territory as a community and business center; and

16 (3) promote the health, safety, welfare, and enjoyment
17 of the public by providing pedestrian ways and by landscaping and
18 developing certain areas in the district, which are necessary for
19 the restoration, preservation, and enhancement of scenic beauty.

20 (d) Pedestrian ways along or across a street, whether at
21 grade or above or below the surface, and street lighting, street
22 landscaping, parking, and street art objects are parts of and
23 necessary components of a street and are considered to be a street
24 or road improvement.

25 (e) The district will not act as the agent or
26 instrumentality of any private interest even though the district
27 will benefit many private interests as well as the public.

1 Sec. 3902.006. INITIAL DISTRICT TERRITORY. (a) The
2 district is initially composed of the territory described by
3 Section 2 of the Act enacting this chapter.

4 (b) The boundaries and field notes contained in Section 2 of
5 the Act enacting this chapter form a closure. A mistake in the
6 field notes or in copying the field notes in the legislative process
7 does not affect the district's:

8 (1) organization, existence, or validity;

9 (2) right to contract;

10 (3) authority to borrow money or issue bonds or other
11 obligations described by Section 3902.253 or to pay the principal
12 and interest of the bonds or other obligations;

13 (4) right to impose or collect an assessment, or
14 collect other revenue; or

15 (5) legality or operation.

16 Sec. 3902.007. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

17 (a) All or any part of the area of the district is eligible to be
18 included in:

19 (1) a tax increment reinvestment zone created under
20 Chapter 311, Tax Code;

21 (2) a tax abatement reinvestment zone created under
22 Chapter 312, Tax Code;

23 (3) an enterprise zone created under Chapter 2303,
24 Government Code; or

25 (4) an industrial district created under Chapter 42,
26 Local Government Code.

27 (b) If the city creates a tax increment reinvestment zone

1 described by Subsection (a), the city and the board of directors of
2 the zone, by contract with the district, may grant money deposited
3 in the tax increment fund to the district to be used by the district
4 for:

5 (1) the purposes permitted for money granted to a
6 corporation under Section 380.002(b), Local Government Code; and

7 (2) any other district purpose, including the right to
8 pledge the money as security for any bonds or other obligations
9 issued by the district under Section 3902.253.

10 (c) A tax increment reinvestment zone created by the city in
11 the district is not subject to the limitations provided by Section
12 311.006, Tax Code.

13 Sec. 3902.008. APPLICABILITY OF MUNICIPAL MANAGEMENT
14 DISTRICT LAW; PURPOSE. (a) Except as provided by this chapter,
15 Chapter 375, Local Government Code, applies to the district.

16 (b) The district is created to accomplish the purposes of a
17 municipal management district as provided by general law and
18 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
19 Texas Constitution.

20 Sec. 3902.009. LIBERAL CONSTRUCTION OF CHAPTER. This
21 chapter shall be liberally construed in conformity with the
22 findings and purposes stated in this chapter.

23 [Sections 3902.010-3902.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3902.051. GOVERNING BODY; TERMS. The district is
26 governed by a board of five directors who serve staggered terms of
27 four years, with two or three directors' terms expiring May 31 of

1 each even-numbered year.

2 Sec. 3902.052. QUALIFICATIONS. (a) To be qualified to
3 serve as a director, a person must:

4 (1) meet the qualifications prescribed by Section
5 375.063, Local Government Code;

6 (2) be a partner of a partnership that owns property in
7 the district;

8 (3) be a shareholder, director, or officer of a
9 corporation that owns property in the district;

10 (4) be a member, manager, or officer of a limited
11 liability company that owns property in the district;

12 (5) be a member, manager, or officer of a limited
13 liability company that is a partner of a partnership that owns
14 property in the district; or

15 (6) reside in the city.

16 (b) Section 49.052, Water Code, does not apply to the
17 district.

18 Sec. 3902.053. APPOINTMENT OF DIRECTORS. (a) In this
19 section, "homeowner" means a person who owns residential property
20 in the district that is used for personal, family, or household
21 purposes.

22 (b) Before 500 residential units in the district are sold to
23 homeowners, the owner or owners of a majority of the assessed value
24 of the real property in the district may submit a petition to the
25 governing body of the city requesting that the governing body
26 appoint as directors three persons from persons named in the
27 petition.

1 (c) After 500 residential units in the district are sold to
2 homeowners:

3 (1) a majority of the homeowners in the district may
4 submit a petition to the governing body of the city requesting that
5 the governing body appoint as directors two persons from persons
6 named in the petition; and

7 (2) the owner or owners of a majority of the assessed
8 value of the real property in the district that is not residential
9 property may submit a petition to the governing body of the city
10 requesting that the governing body appoint as director one person
11 from persons named in the petition.

12 (d) The governing body of the city shall appoint five
13 directors. The appointments may include one or more of the persons
14 named in the petitions.

15 Sec. 3902.054. EX OFFICIO DIRECTORS. (a) The governing
16 body of the city may appoint up to three persons to serve ex officio
17 as nonvoting directors.

18 (b) An ex officio director is not counted for purposes of
19 determining a quorum.

20 (c) Section 3902.052 does not apply to this section.

21 (d) An ex officio director:

22 (1) is entitled to all notices and information given
23 to and accessible to a director; and

24 (2) may attend any board meeting, regardless of
25 whether the meeting is open or closed to the public.

26 Sec. 3902.055. VACANCY. The remaining directors shall
27 appoint a person to fill a vacancy for the remainder of the

1 unexpired term.

2 Sec. 3902.056. COMPENSATION; EXPENSES. (a) The board may
3 compensate each director in an amount not to exceed \$50 for each
4 board meeting. The total amount of compensation for each director
5 in a calendar year may not exceed \$2,000.

6 (b) A director is entitled to reimbursement for actual
7 expenses reasonably and necessarily incurred while engaging in
8 activities on behalf of the district under a policy established by
9 the board.

10 Sec. 3902.057. INITIAL DIRECTORS. (a) On or before
11 September 15, 2011, the governing body of the city shall appoint two
12 initial directors.

13 (b) On or before September 15, 2011, the owner or owners of a
14 majority of the assessed value of the real property in the district
15 may submit a petition to the governing body of the city requesting
16 that the governing body appoint as initial directors the three
17 persons named in the petition. If a petition is submitted, the
18 governing body shall appoint as initial directors the three persons
19 named in the petition. If a petition is not submitted on or before
20 September 15, 2011, the governing body shall appoint the initial
21 directors.

22 (c) The initial directors serve staggered terms, with one
23 director serving a term expiring on May 31, 2015, two directors
24 serving a term expiring on May 31, 2014, and two directors serving a
25 term expiring on May 31, 2013.

26 (d) This section expires September 1, 2015.

27 [Sections 3902.058-3902.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 3902.101. GENERAL POWERS AND DUTIES. The district has
3 the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 3902.102. IMPROVEMENT PROJECTS. The district may
6 provide, or it may enter into contracts with a governmental or
7 private entity to provide, the improvement projects described by
8 Subchapter C-1 or activities in support of or incidental to those
9 projects.

10 Sec. 3902.103. DEVELOPMENT CORPORATION POWERS. If approved
11 by the governing body of the city, the district, using money
12 available to the district, may exercise the powers given to a
13 development corporation under Chapter 505, Local Government Code,
14 including the power to own, operate, acquire, construct, lease,
15 improve, or maintain a project under that chapter.

16 Sec. 3902.104. WATER DISTRICT POWERS. The district has the
17 powers provided by the general laws relating to conservation and
18 reclamation districts created under Section 59, Article XVI, Texas
19 Constitution, including Chapters 49 and 54, Water Code.

20 Sec. 3902.105. ROAD DISTRICT POWERS. The district has the
21 powers provided by the general laws relating to road districts and
22 road utility districts created under Section 52(b), Article III,
23 Texas Constitution, including Chapters 365 and 441, Transportation
24 Code.

25 Sec. 3902.106. PUBLIC IMPROVEMENT DISTRICT POWERS. The
26 district has the powers provided by Chapter 372, Local Government
27 Code, to a municipality or county.

1 Sec. 3902.107. CONTRACT POWERS. The district may contract
2 with a governmental or private entity, on terms determined by the
3 board, to carry out a power or duty authorized by this chapter or to
4 accomplish a purpose for which the district is created.

5 Sec. 3902.108. AGREEMENTS; GRANTS. (a) As provided by
6 Chapter 375, Local Government Code, the district may make an
7 agreement with or accept a gift, grant, or loan from any person.

8 (b) The implementation of a project is a governmental
9 function or service for the purposes of Chapter 791, Government
10 Code.

11 Sec. 3902.109. DEVELOPMENT AGREEMENT. The city may enter
12 into an agreement with each person who owns land in the district at
13 the time the agreement is executed that relates to any aspect of the
14 development of property in or outside the district, including a
15 provision agreed to by the city and an owner relating to:

- 16 (1) a type of improvement;
- 17 (2) density of development;
- 18 (3) timing of construction of an improvement; and
- 19 (4) aesthetics.

20 Sec. 3902.110. CAPITAL IMPROVEMENT PLAN. (a) The district
21 shall prepare a plan that includes:

22 (1) a description of each improvement project to be
23 constructed in the district;

24 (2) the timing of construction for each improvement
25 project to be constructed in the district;

26 (3) the financing and general budget of each
27 improvement project to be constructed in the district; and

1 (4) any other information the city needs to make a
2 decision on the plan.

3 (b) The district shall submit the plan to the city for
4 approval.

5 Sec. 3902.111. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
6 district may join and pay dues to a charitable or nonprofit
7 organization that performs a service or provides an activity
8 consistent with the furtherance of a district purpose.

9 Sec. 3902.112. PARKING FACILITIES. (a) The district may
10 acquire, lease as lessor or lessee, construct, develop, own,
11 operate, and maintain parking facilities or a system of parking
12 facilities, including lots, garages, parking terminals, or other
13 structures or accommodations for parking motor vehicles off the
14 streets and related appurtenances.

15 (b) The district's parking facilities serve the public
16 purposes of the district and are owned, used, and held for a public
17 purpose even if leased or operated by a private entity for a term of
18 years.

19 (c) The district's parking facilities are necessary
20 components of a street and are considered to be a street or road
21 improvement.

22 (d) The development and operation of the district's parking
23 facilities may be considered an economic development program.

24 Sec. 3902.113. ADDING OR REMOVING TERRITORY; CITY APPROVAL.
25 As provided by Subchapter J, Chapter 49, Water Code, the board may
26 add territory to the district, subject to Section 54.016, Water
27 Code, or remove territory from the district, except that:

1 (1) the addition or removal of the territory must be
2 approved by three-fourths of all the members of the governing body
3 of the city; and

4 (2) territory may not be removed from the district if
5 bonds or other obligations of the district payable wholly or partly
6 from assessments levied or assessed on the territory are
7 outstanding.

8 Sec. 3902.114. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 Sec. 3902.115. NO TOLL ROADS. The district may not
11 construct, acquire, maintain, or operate a toll road.

12 [Sections 3902.116-3902.150 reserved for expansion]

13 SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

14 Sec. 3902.151. IMPROVEMENT PROJECTS AND SERVICES. The
15 district may provide, design, construct, acquire, improve,
16 relocate, operate, maintain, or finance an improvement project or
17 service using money available to the district, or contract with a
18 governmental or private entity to provide, design, construct,
19 acquire, improve, relocate, operate, maintain, or finance an
20 improvement project or service authorized under this chapter or
21 Chapter 375, Local Government Code.

22 Sec. 3902.152. BOARD DETERMINATION REQUIRED. The district
23 may not undertake an improvement project unless the board
24 determines the project:

25 (1) is necessary to accomplish a public purpose of the
26 district; and

27 (2) complies with the development agreement or the

1 parties to the development agreement agree to the project, in
2 writing.

3 Sec. 3902.153. CITY APPROVAL REQUIRED. The district may
4 not undertake an improvement project unless the district obtains
5 approval from the governing body of the city.

6 Sec. 3902.154. FINANCIAL PLAN. (a) The district shall
7 prepare a financial plan that details the cost, method of
8 financing, cost of financing, and feasibility of financing for each
9 improvement to be constructed by the district.

10 (b) The district shall submit the plan to the city for
11 approval.

12 Sec. 3902.155. DEVELOPMENT AGREEMENT, CAPITAL IMPROVEMENT
13 PLAN, AND FINANCIAL PLAN REQUIRED. The district may not undertake
14 an improvement project or spend money for a project or service,
15 including an economic development project or an expenditure for
16 economic development incentives, unless the governing body of the
17 city has approved:

18 (1) a development agreement; and

19 (2) a capital improvement plan and financial plan for
20 the improvement project or expenditure.

21 Sec. 3902.156. LOCATION OF IMPROVEMENT PROJECT OR SERVICE.

22 An improvement project or service may be located:

23 (1) in the district; or

24 (2) outside the district if the project or service is
25 necessary to extend, connect to, or increase the functionality of
26 an improvement project or service in the district, including water
27 and sewer utilities, a drainage improvement, and a road or street

1 improvement.

2 Sec. 3902.157. CITY REQUIREMENTS. (a) An improvement
3 project in the city must comply with city ordinances and
4 construction codes.

5 (b) The district may not provide, conduct, or authorize any
6 improvement project on the city's streets, highways,
7 rights-of-way, or easements without the consent of the governing
8 body of the city.

9 Sec. 3902.158. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE
10 AREA. The district may undertake an improvement project or service
11 that confers a special benefit on a definable area in the district
12 and impose a special assessment on benefited property in the
13 district in accordance with:

14 (1) Chapter 372, Local Government Code; or

15 (2) Chapter 375, Local Government Code.

16 Sec. 3902.159. CONTRACTS. A contract to design, construct,
17 acquire, improve, relocate, operate, maintain, or finance an
18 improvement project is considered a contract for a good or service
19 under Subchapter I, Chapter 271, Local Government Code.

20 Sec. 3902.160. CITY ORDINANCE, ORDER, OR RESOLUTION. (a)
21 Unless the district and city agree otherwise, the city may by
22 ordinance, order, or resolution:

23 (1) require that title to all or any portion of an
24 improvement project vest in the city; or

25 (2) authorize the district to:

26 (A) own, encumber, maintain, or operate an
27 improvement project; or

1 (B) convey the project to the city at a later
2 date.

3 (b) The district shall immediately comply with a city
4 ordinance, order, or resolution described by this section.

5 [Sections 3902.161-3902.200 reserved for expansion]

6 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

7 Sec. 3902.201. DIVISION OF DISTRICT; PREREQUISITES; CITY
8 APPROVAL. The district may be divided into two or more new
9 districts only if:

- 10 (1) the district has no outstanding bonded debt; and
11 (2) three-fourths of all members of the governing body
12 of the city approve of each division.

13 Sec. 3902.202. LAW APPLICABLE TO NEW DISTRICT. This
14 chapter applies to any new district created by division of the
15 district, and a new district has all the powers and duties of the
16 district.

17 Sec. 3902.203. DIVISION PROCEDURES. (a) The board, on its
18 own motion or on receipt of a petition signed by an owner of real
19 property in the district, may adopt an order proposing to divide the
20 district.

21 (b) The board may not divide the district unless the
22 division is approved by the governing body of the city by
23 resolution. The resolution may set terms for the division under
24 Subsection (c).

25 (c) If the board decides to divide the district, the board
26 shall, subject to the city's resolution:

- 27 (1) set the terms of the division, including names for

1 the new districts and a plan for the payment or performance of any
2 outstanding district obligations;

3 (2) prepare a metes and bounds description for each
4 proposed district; and

5 (3) appoint initial directors for each new district.

6 Sec. 3902.204. NOTICE AND RECORDING OF ORDER. Not later
7 than the 30th day after the date of an order dividing the district,
8 the district shall:

9 (1) file the order with the Texas Commission on
10 Environmental Quality; and

11 (2) record the order in the real property records of
12 the county in which the district is located.

13 Sec. 3902.205. CONTRACT AUTHORITY OF NEW DISTRICTS. (a)
14 Except as provided by Subsection (b), the new districts may
15 contract with each other for any matter the boards of the new
16 districts consider appropriate.

17 (b) The new districts may not contract with each other for
18 water and wastewater services.

19 [Sections 3902.206-3902.250 reserved for expansion]

20 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

21 Sec. 3902.251. DISBURSEMENTS AND TRANSFERS OF MONEY. The
22 board by resolution shall establish the number of directors'
23 signatures and the procedure required for a disbursement or
24 transfer of the district's money.

25 Sec. 3902.252. MONEY USED FOR IMPROVEMENTS OR SERVICES.
26 The district may undertake and provide an improvement project or
27 service authorized by this chapter using any money available to the

1 district.

2 Sec. 3902.253. BORROWING MONEY; OBLIGATIONS. (a) The
3 district may borrow money for a district purpose without holding an
4 election by issuing bonds, notes, time warrants, or other
5 obligations, or by entering into a contract or other agreement
6 payable wholly or partly from an assessment, a contract payment, a
7 grant, revenue from a zone created under Chapter 311 or 312, Tax
8 Code, other district revenue, or a combination of these sources.

9 (b) An obligation described by Subsection (a):

10 (1) may bear interest at a rate determined by the
11 board; and

12 (2) may include a term or condition as determined by
13 the board.

14 Sec. 3902.254. DEVELOPMENT AGREEMENT, CAPITAL IMPROVEMENT
15 PLAN, AND FINANCIAL PLAN REQUIRED. (a) Before the district borrows
16 money or issues an obligation under Section 3902.253, the district
17 must submit and the governing body of the city must approve a
18 capital improvement plan, a financial plan, and a development
19 agreement that describe the method of:

20 (1) borrowing the money or issuing that type of
21 obligation; and

22 (2) using the proceeds that result from borrowing the
23 money or issuing the obligation.

24 (b) Before the district issues an obligation described in
25 the capital improvement plan, financial plan, and development
26 agreement, the district shall:

27 (1) provide the governing body of the city with the

1 information required to make an informed decision relating to the
2 obligation; and

3 (2) obtain approval from the governing body of the
4 city for the obligation.

5 Sec. 3902.255. QUARTERLY REPORTING. (a) After the
6 district incurs an obligation described by Section 3902.253 and
7 until all obligations of the district are paid in full or otherwise
8 satisfied, the district shall submit a quarterly financial report
9 to the city.

10 (b) The report must be based on sound accounting methods and
11 detail:

12 (1) the obligation incurred;

13 (2) the amount of the obligation that has been repaid;

14 and

15 (3) any other information the city requires.

16 Sec. 3902.256. ASSESSMENTS. The district may impose an
17 assessment on property in the district to pay for an obligation
18 described by Section 3902.253 in the manner provided for:

19 (1) a district under Subchapter F, Chapter 375, Local
20 Government Code; or

21 (2) a municipality or county under Subchapter A,
22 Chapter 372, Local Government Code.

23 Sec. 3902.257. NOTICE OF ASSESSMENTS. (a) The board shall
24 annually file written notice with the secretary of the city that
25 specifies the assessments the district will impose in the
26 district's next fiscal year in sufficient clarity to describe the
27 assessments for the operation and maintenance of the district and

1 the assessments for the payment of debt service of obligations
2 issued or incurred by the district.

3 (b) The board shall annually record in the deed records of
4 Rockwall County a current assessment roll approved by the governing
5 body of the city.

6 (c) The assessment roll must clearly state that the
7 assessments in the assessment roll are in addition to the ad valorem
8 taxes imposed by other taxing units that tax real property in the
9 district.

10 (d) The district shall generate and implement a program to
11 provide notification to a prospective purchaser of property in the
12 district of the assessments that have been imposed by the district.

13 Sec. 3902.258. BONDS FOR ROAD PROJECTS. At the time of
14 issuance, the total principal amount of bonds or other obligations
15 issued or incurred to finance road projects may not exceed
16 one-fourth of the assessed value of the real property in the
17 district.

18 Sec. 3902.259. CITY NOT REQUIRED TO PAY DISTRICT
19 OBLIGATIONS. The city is not obligated to pay bonds, notes, or any
20 other obligation of the district, including bonds or debt payable
21 from assessments or other district revenue, unless the city assumes
22 the district's obligations by a vote of three-fourths of the
23 governing body of the city.

24 Sec. 3902.260. TAX AND ASSESSMENT ABATEMENTS. The district
25 may designate reinvestment zones and may grant abatements of a tax
26 or assessment on property in the zones.

27 Sec. 3902.261. RESIDENTIAL PROPERTY NOT EXEMPT. Section

1 375.161, Local Government Code, does not apply to the district.

2 Sec. 3902.262. NO IMPACT FEES. The district may not impose
3 an impact fee.

4 Sec. 3902.263. NO TAXATION POWER. The district may not
5 impose a tax, including a sales tax and an ad valorem tax.

6 [Sections 3902.264-3902.300 reserved for expansion]

7 SUBCHAPTER F. DISSOLUTION

8 Sec. 3902.301. AUTOMATIC DISSOLUTION. The district
9 dissolves and this chapter expires on September 1, 2018, if:

10 (1) the district does not have outstanding debt or
11 other obligations; and

12 (2) a developer does not begin, on or before September
13 1, 2018, to construct a road or other improvement project in the
14 district that is to be financed with district bonds or other
15 obligations in accordance with a capital improvement plan or
16 financial plan approved by the city.

17 Sec. 3902.302. DISSOLUTION BY CITY. (a) The city may
18 dissolve the district by ordinance.

19 (b) The city may not dissolve the district until:

20 (1) the district's outstanding debt or contractual
21 obligations have been repaid or discharged; or

22 (2) the city agrees to succeed to the rights and
23 obligations of the district.

24 Sec. 3902.303. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

25 (a) If the dissolved district has bonds or other obligations
26 outstanding secured by and payable from assessments or other
27 revenue, the city succeeds to the rights and obligations of the

1 district regarding enforcement and collection of the assessments or
2 other revenue.

3 (b) The city shall have and exercise all district powers to
4 enforce and collect the assessments or other revenue to pay:

5 (1) the bonds or other obligations when due and
6 payable according to their terms; or

7 (2) special revenue or assessment bonds or other
8 obligations issued by the city to refund the outstanding bonds or
9 obligations of the district.

10 Sec. 3902.304. ASSUMPTION OF ASSETS AND LIABILITIES. (a)
11 After dissolution, the city assumes the obligations of the
12 district, including any bonds or other debt payable from
13 assessments or other district revenue.

14 (b) On or before dissolution, the board shall transfer
15 ownership of all district property to the city.

16 SECTION 2. The Club Municipal Management District No. 1
17 initially includes all the territory contained in the following
18 area:

19 TRACT 1

20 BEING a 511.319 acre tract of land situated in the G. Paschall
21 Survey, Abstract No. 180, the G. Paschall Survey, Abstract No. 404,
22 the I. Briscoe Survey, Abstract No. 57, the J. Canter Survey,
23 Abstract No. 53, the J. Canter Survey, Abstract No. 85, and the M.
24 Campbell Survey, Abstract No. 254 in the City of Heath, Rockwall
25 County and in Kaufman County, Texas, and being part of a 2.399 acre
26 tract of land described in Deed to Travis Ranch Development, L.P.,
27 as recorded in Volume 1991, Page 50, Deed Records, Kaufman County,

H.B. No. 3859

1 Texas (D.R.K.C.T.) and in Volume 2518, Page 56, Deed Records,
2 Rockwall County, Texas (D.R.R.C.T.). Bearing basis is the east
3 line of said 2.399 acre tract, said 511.319 acre tract, being more
4 particularly described by metes and bounds as follows:

5 COMMENCING at a 5/8" iron rod with yellow cap stamped "Carter
6 Burgess" set on the west right-of-way line of FM 740 (90°
7 right-of-way);

8 THENCE departing said west right-of-way line of FM 740, over
9 and across said 2.399 acre tract, the following courses; N 44°59'04"
10 W, a distance of 2895.47 feet to a 5/8" iron rod with yellow cap
11 stamped "Carter Burgess" set; N 45°58'22" W, a distance of 1009.71
12 feet to a 5/8" iron rod with yellow cap stamped "Carter Burgess"
13 set; S 77°56'11" W, a distance of 447.51 feet to a 5/8" iron rod with
14 yellow cap stamped "Carter Burgess" set; S 66°57'48" W, a distance
15 of 219.03 feet to a point; S 73°58'26" W, a distance of 382.43 feet
16 to a 5/8" iron rod with yellow cap stamped "Carter Burgess" set for
17 the beginning of a non-tangent curve to the right, the point of
18 beginning of the herein described tract; southwesterly, along said
19 non-tangent curve to the right having a radius of 2640.00 feet, a
20 central angle of 50°52'17", an arc length of 2343.99 feet, and a long
21 chord that bears 51°32'34" W, a distance of 2267.75 feet to a 5/8"
22 iron rod with yellow cap stamped "Carter Burgess" set in the east
23 line of Tract VI as described Agreed Judgment, recorded in Volume
24 10, Page 323, D.R.K.C.T.;

25 THENCE N 30°24'08" E, along the east line of said Tract VI, a
26 distance of 71.98 feet to a point for a southerly corner of Tract
27 No. 2 as described in Deed to the City of Dallas, recorded in Volume

1 537, Page 766, D.R.K.C.T.

2 THENCE along the easterly line of said City of Dallas Tract
3 No. 2, the following courses; N 63°48'01" E, a distance of 81.44 feet
4 to a found monument with brass disk stamped "City of Dallas
5 Elevation Marker 61-9-A"; N 23°47'38" E, a distance of 223.72 feet
6 to a found monument with brass disk stamped "City of Dallas
7 Elevation Marker G1-9-B"; N 67°43'21" E, a distance of 294.48 feet
8 to a found monument with brass disk stamped "City of Dallas
9 Elevation Marker 61-10"; N 05°56'19" E, a distance of 146.08 feet to
10 a point; N 31°46'19" E, a distance of 111.94 feet to a point; S
11 86°49'01" E, a distance of 152.52 feet to a point; N 54°08'39" E, a
12 distance of 70.13 feet to a point; N 43°06'37" W, a distance of
13 143.05 feet to a point; S 74°34'16" W, a distance of 176.48 feet to a
14 found monument with brass disk stamped "City of Dallas Elevation
15 Marker G1-14"; S 29°26'23" W, a distance of 324.95 feet to a found
16 monument with brass disk stamped "City of Dallas Elevation Marker
17 G1-15"; S 57°43'42" W, a distance of 318.96 feet to a found monument
18 with brass disk stamped "City of Dallas Elevation Marker G1-15-A";
19 S 04°33'50" W, a distance of 94.06 feet to a found monument with
20 brass disk stamped "City of Dallas Elevation Marker G1-15-B"; S
21 64°08'43" W, a distance of 88.30 feet to a point; N 31°59'44" W, a
22 distance of 65.42 feet to a point from which a found monument with
23 brass disk stamped "City of Dallas Elevation Marker G1-15-D" bears
24 S 60°39'57" W, a distance of 1.70 feet; S 57°43'49" W, a distance of
25 27.57 feet to a point from which a found monument with brass disk
26 stamped "City of Dallas Elevation Marker G1-15-E" bears N 81°12'17"
27 E, a distance of 0.80 feet; S 07°19'56" W, a distance of 24.28 feet

1 to a found monument with brass disk stamped "City of Dallas
2 Elevation Marker G1-15-F"; S 37°05'36" W, a distance of 73.28 feet
3 to a found monument with brass disk stamped "City of Dallas
4 Elevation Marker G1-15-G"; S 43°55'43" W, a distance of 58.02 feet
5 to a point, from which a found monument with brass disk stamped
6 "City of Dallas Elevation Marker G1-15-H " bears N 66°56'26" E, a
7 distance of 0.60 feet; S 01°33'16" W, a distance of 18.32 feet to a
8 point on the north line of the aforesaid City of Dallas Tract VI;

9 THENCE along the north line of said Tract VI, the following
10 courses; S 87°21'28" W, a distance of 67.00 feet to a found monument
11 with brass disk stamped "City of Dallas Elevation Marker G1-17"; S
12 43°16'20" W, a distance of 273.28 feet to a point, from which a found
13 broken monument bears S 55°25'19" E a distance of 0.91 feet; S
14 77°57'21" W, a distance of 229.32 feet to a point from which a found
15 monument with brass disk stamped "City of Dallas Elevation Marker
16 C7-1/C9-22" bears S 85°04'46" E, a distance of 0.96 feet, said point
17 being in the east line described in Agreed Judgment dated February
18 2, 1999; Cause No. 6241-A, recorded in Volume 1370, Page 721,
19 D.R.K.C.T.;

20 THENCE N 01°07'32" W, along said east line, a distance of
21 239.47 feet to a found monument with brass disk stamped "City of
22 Dallas Elevation Marker G1-1/C7-4";

23 THENCE N 64°17'34" W, continuing along said east line, a
24 distance of 169.60 feet to a found monument with brass disk stamped
25 "City of Dallas Elevation Marker G1-1-A" for the southeast corner
26 of Tract No. 1, as described in Deed to the City of Dallas, recorded
27 in Volume 537, Page 766, D.R.K.C.T.;

1 THENCE along the easterly line of said City of Dallas Tract
2 No. 1, the following courses; N 06°19'57" E, a distance of 164.40
3 feet to a found monument with brass disk stamped "City of Dallas
4 Elevation Marker G1-1-B"; N 16°51'50" E, a distance of 296.39 feet
5 to a found monument with brass disk stamped "City of Dallas
6 Elevation Marker G1-1-C"; N 25°38'50" E, a distance of 235.72 feet
7 to a found monument with brass disk stamped "City of Dallas
8 Elevation Marker G1-1-D"; N 71°45'20" E, a distance of 146.55 feet
9 to a found monument with brass disk stamped "City of Dallas
10 Elevation Marker G1-1-E"; N 22°11'30" E, a distance of 114.04 feet
11 to a found monument with brass disk stamped "City of Dallas
12 Elevation Marker G1-1-F"; N 60°03'13" E, a distance of 160.21 feet
13 to a found monument with brass disk stamped "City of Dallas
14 Elevation Marker G1-4"; S 84°07'07" E, a distance of 59.57 feet to a
15 found monument with brass disk stamped "City of Dallas Elevation
16 Marker G1-4-A"; N 75°19'19" E, a distance of 205.79 feet to a point;
17 N 87°13'35" E, a distance of 113.62 feet to a point; N 15°38'55" E, a
18 distance of 80.92 feet to a point; S 83°48'52" W, a distance of
19 182.98 feet to a point; S 67°15'02" W, a distance of 123.23 feet to a
20 found monument with brass disk stamped "City of Dallas Elevation
21 Marker G1-4-F"; N 87°11'54" W, a distance of 78.23 feet to a found
22 monument with brass disk stamped "City of Dallas Elevation Marker
23 G1-4-G"; S 55°49'29" W, a distance of 62.89 feet to a found monument
24 with brass disk stamped "City of Dallas Elevation Marker G1-4-H"; N
25 40°02'19" W, a distance of 20.99 feet to a found monument with brass
26 disk stamped "City of Dallas Elevation Marker G1-4-J"; N 54°42'27"
27 E, a distance of 97.98 feet to a found monument with brass disk

1 stamped "City of Dallas Elevation Marker G1-4-K"; N 21°23'44" E, a
2 distance of 56.99 feet to a found monument with brass disk stamped
3 "City of Dallas Elevation Marker G1-4-L"; N 82°27'31" E, a distance
4 of 38.67 feet to a found monument with brass disk stamped "City of
5 Dallas Elevation Marker G1-4-M"; N 48°45'48" E, a distance of 91.20
6 feet to a found monument with brass disk stamped "City of Dallas
7 Elevation Marker G1-4-N"; N 03°12'14" W, a distance of 62.74 feet to
8 a found monument with brass disk stamped "City of Dallas Elevation
9 Marker G1-4-P"; N 36°02'40" W, a distance of 32.94 feet to a found
10 monument with brass disk stamped "City of Dallas Elevation Marker
11 G1-4-Q"; S 13°11'09" W, a distance of 54.69 feet to a found monument
12 with brass disk stamped "City of Dallas Elevation Marker G1-4-R"; S
13 23°13'13" W, a distance of 61.72 feet to a found monument with brass
14 disk stamped "City of Dallas Elevation Marker G1-4-S"; N 34°33'11"
15 W, a distance of 33.01 feet to a found monument with brass disk
16 stamped "City of Dallas Elevation Marker G1-4-T"; S 45°52'46" W, a
17 distance of 223.95 feet to a found monument with brass disk stamped
18 "City of Dallas Elevation Marker G1-5"; S 55°42'15" W, a distance of
19 825.85 feet to a point; S 44°56'17" W, a distance of 138.31 feet to a
20 found monument with brass disk stamped "City of Dallas Elevation
21 Marker 01-6-A"; S 24°14'50" W, a distance of 219.81 feet to a found
22 monument with brass disk stamped "City of Dallas Elevation Marker
23 01-6-B";

24 THENCE N 64°34'02" W, a distance of 49.83 feet to a found
25 monument with brass disk stamped "City of Dallas Elevation Marker
26 G1-7";

27 THENCE N 70°33'40" W, a distance of 109.15 feet to a point;

1 THENCE N 70°28'19" W, a distance of 60.46 feet to a found
2 monument with brass disk stamped "City of Dallas Elevation Marker
3 F6-1" in the northeast line of Parcel II, as described in Deed to
4 the City of Dallas, recorded in Volume 10, Page 323, D.I.K.C.T.;

5 THENCE along the northeast line of said remainder of City of
6 Dallas Parcel II the following courses; S 21°26'22" W, a distance of
7 85.74 feet to a 1/2" iron rod with red cap stamped "Dallas" found
8 for the beginning of a non-tangent curve to the left;
9 northwesterly, along said non-tangent curve to the left having a
10 radius of 350.00 feet, a central angle of 21°37'02", an arc length of
11 132.05 feet, and a long chord that bears N 54°09'55" W, a distance of
12 131.27 feet to a 1/2" iron rod with red cap stamped "Dallas" found;
13 N 64°58'40" W, a distance of 45.00 feet to a 1/2" iron rod with red
14 cap stamped "Dallas" found; N 67°16'56" W, a distance of 46.89 feet
15 to a 1/2" iron rod with red cap stamped "Dallas" found; N 64°00'03"
16 W, a distance of 83.24 feet to a 1/2" iron rod with red cap stamped
17 "Dallas" found; N 67°32'43" W, a distance of 88.79 feet to a 1/2"
18 iron rod with red cap stamped "Dallas" found for the beginning of a
19 tangent curve to the right; northwesterly, along said tangent curve
20 to the right having a radius of 63.00 feet, a central angle of
21 42°46'51", an arc length of 47.04 feet, and a long chord that bears N
22 46°09'17" W, a distance of 45.95 feet to a 1/2" iron rod with red cap
23 stamped "Dallas" found; N 24°45'56" W, a distance of 72.26 feet to a
24 1/2" iron rod with red cap stamped "Dallas" found for the beginning
25 of a tangent curve to the right; northwesterly, along said tangent
26 curve to the right having a radius of 48.89 feet, a central angle of
27 56°58'46", an arc length of 48.62 feet, and a long chord that bears N

1 03°43'27" E, a distance of 46.64 feet to a 1/2" iron rod with red cap
2 stamped "Dallas" found; N 32°12'45" E, a distance of 79.15 feet to a
3 1/2" iron rod with red cap stamped "Dallas" found for the beginning
4 of a tangent curve to the left; northwesterly, along said tangent
5 curve to the left having a radius of 40.17 feet, a central angle of
6 59°03'52", an arc length of 41.41 feet, and a long chord that bears N
7 02°40'49" E, a distance of 39.60 feet to a 1/2" iron rod with red cap
8 stamped "Dallas" found; N 26°50'52" W, a distance of 39.13 feet to a
9 1/2" iron rod with red cap stamped "Dallas" found in the south line
10 of a tract of land described as First Tract in Deed to the City of
11 Dallas, recorded in Volume 497, Page 624, D.R.R.C.T.;

12 THENCE N 88°44'35" E, along the south line of said City of
13 Dallas First Tract and the south line of the remainder tract of land
14 described in Deed to Sterling C. Evans, Trustee, recorded in Volume
15 27, Page 151, D.R.K.C.T., a distance of 419.79 feet to a PK nail
16 found in Ray Hubbard Drive;

17 THENCE N 02°51'38" W, along said Ray Hubbard Drive, a distance
18 of 1503.31 feet to a 1/2" iron rod found for the northeast corner of
19 Pecan Knoll Addition, an addition to the City of Heath, as recorded
20 in Cabinet C, Slide 141, Plat Records of Rockwall County, Texas,
21 (P.R.R.C.T.), said corner also being the beginning of a non-tangent
22 curve to the left; northwesterly, along the north line of said Pecan
23 Knoll Addition, and along said non-tangent curve to the left having
24 a radius of 258.91 feet, a central angle of 28°10'31", an arc length
25 of 127.32 feet, and a long chord that bears N 75°54'58" W, a distance
26 of 126.04 feet to a 1/2" iron rod found;

27 THENCE S 89°56'16" W, along the north line of said Pecan Knoll

1 Addition, a distance of 336.58 feet to a 1/2" iron rod with yellow
2 cap stamped "Halff Assoc., Inc." found in the east side of said Ray
3 Hubbard Drive;

4 THENCE N 00°56'55" W, along the east side of said Ray Hubbard
5 Drive, a distance of 1085.38 feet to a 1/2" iron rod found for the
6 southwest corner of a tract of land described in Deed to Anthony
7 Garretson Seely and Virginia Seely, recorded in Volume 585, Page
8 258, D.R.R.C.T.;

9 THENCE S 88°21'17" E, along the south line of said Seely
10 Tract, a distance of 424.63 feet to a 1/2" iron rod with yellow cap
11 stamped "Halff Assoc., Inc." found;

12 THENCE N 21°34'11" E, along the east line of said Seely Tract,
13 a distance of 315.28 feet to a 1/2" iron rod with yellow cap stamped
14 "Halff Assoc., Inc." found in the south line of a 10.64 acre tract
15 of land described in Deed to the City of Dallas, recorded in Volume
16 78, Page 406, D.R.R.C.T.;

17 THENCE along the south line of said 10.64 acre tract, the
18 following courses; S 68°24'27" E, a distance of 912.34 feet to a
19 found monument with brass disk stamped "City of Dallas Elevation
20 Marker G4-3"; N 77°05'40" E, a distance of 396.72 feet to a found
21 monument with brass disk stamped "City of Dallas Elevation Marker
22 G4-4"; N 53°40'19" E, a distance of 443.20 feet to a found monument
23 with brass disk stamped "City of Dallas Elevation Marker G4-5",
24 from which a 1/2" iron rod found bears S 74°58'35" E, a distance of
25 2.39 feet; N 00°45'17" W, a distance of 119.74 feet to a found
26 monument with brass disk stamped "City of Dallas Elevation Marker
27 G7-2" in the north line of a 17.69 acre tract described in Deed to

1 the City of Dallas, recorded in Volume 79, Page 177, D.R.R.C.T.;

2 THENCE along the north line of said 17.69 acre tract, the
3 following courses; S 78°11'37" W, a distance of 626.51 feet to a
4 found monument with brass disk stamped "City of Dallas Elevation
5 Marker G7-3"; N 58°29'39" W, a distance of 459.69 feet to a found
6 monument with brass disk stamped "City of Dallas Elevation Marker
7 G7-4"; N 22°26'05" W, a distance of 543.09 feet to a found monument
8 with brass disk stamped "City of Dallas Elevation Marker G7-5"; S
9 77°31'50" W, a distance of 275.86 feet to a 1/2" iron rod with yellow
10 cap stamped "Halff Assoc., Inc." found; N 12°27'13" W, a distance of
11 446.82 feet to a point in the aforesaid east line described in
12 Agreed Judgment, Cause No. 6241-A;

13 THENCE N 45°42'00" E, along said east line and the east line of
14 Anchor Bay Phase I and Phase II, additions to the City of Heath
15 Texas, as recorded in Cabinet C, Slide 60, P.R.R.C.T., a distance of
16 1691.20 feet to a point on the southwest line of K and K
17 Development, an addition to the City of Heath, Texas, as recorded in
18 Cabinet A, Slide 94, P.R.R.C.T.;

19 THENCE S 42°11'06" E, along the southwest line of said K and K
20 Development Tract, a distance of 1307.23 feet to a 1/2" iron rod
21 with yellow cap stamped "Halff Assoc., Inc." found;

22 THENCE N 45°06'54" E, along the southeast line of said K and K
23 Development Tract, a distance of 825.00 feet to a point;

24 THENCE S 41°12'17" E, departing said southeast line and along
25 the southwest line of a 20.00 acre tract of land described in Deed
26 to Grace E. Hambrick, recorded in Volume 2434, Page 237,
27 D.R.R.C.T., a distance of 1492.13 feet to a 1/2" iron rod with

1 yellow cap stamped "Halff Assoc., Inc." found in Rush Creek;

2 THENCE along the meanders of Rush Creek, the following
3 courses; S 76°31'01" E, a distance of 1.70 feet to a point; S
4 54°59'01" E, a distance of 243.70 feet to a point; N 83°24'59" E, a
5 distance of 171.20 feet to a point; N 36°31'59" E, a distance of
6 177.90 feet to a point; S 80°44'59" W, a distance of 233.40 feet to a
7 point; N 00°26'59" E, a distance of 212.90 feet to a point; N
8 32°06'01" W, a distance of 140.60 feet to a point; N 82°59'59" E, a
9 distance of 268.40 feet to a point; N 31°07'59" E, a distance of
10 159.60 feet to a point; N 33°21'01" W, a distance of 245.40 feet to a
11 point; N 40°30'59" E, a distance of 80.10 feet to a point; N 44°22'01"
12 W, a distance of 128.20 feet to a point; N 69°50'01" W, a distance of
13 87.00 feet to a point; N 32°01'59" E, a distance of 164.80 feet to a
14 point; S 11°02'01" E, a distance of 106.60 feet to a point; N
15 65°18'59" E, a distance of 147.00 feet to a point; N 27°16'01" W, a
16 distance of 109.80 feet to a point; N 80°19'01" W, a distance of
17 90.30 feet to a point; N 11°03'59" E, a distance of 80.80 feet to a
18 point in the southwest line of a 65.80 acre tract of land described
19 in Deed to Enmark Gas Corp, recorded in Volume 1298, D.R.R.C.T.,
20 from which a 1/2" iron rod found bears S 53°33'29" E, a distance of
21 10.19 feet;

22 THENCE S 53°55'45" E, along said southwest line, a distance of
23 1436.99 feet to a 1/2" iron rod with yellow cap stamped "Halff
24 Assoc., Inc." found for the south corner of a 0.42 acre tract of
25 land described in Deed to J.D. Crosby, recorded in Volume 54, Page
26 47, D.R.R.C.T.;

27 THENCE N 44°55'59" E, along the southeast line of said 0.42

1 acre tract, a distance of 300.57 feet to a 1/2" iron rod with yellow
2 cap stamped "Halff Assoc., Inc." found for the southwest corner of a
3 20.00 acre tract of land described in Deed to George Athens and
4 Demetra Athens, recorded in Volume 74, Page 447, D.R.R.C.T.;

5 THENCE S 41°42'01" E, along the southwest line of said Athens
6 Tract, a distance of 941.30 feet to a 1/2" iron rod with yellow cap
7 stamped "Halff Assoc., Inc." found;

8 THENCE S 51°14'01" E, continuing along the southwest line of
9 said Athens Tract, a distance of 542.00 feet to a 1/2" iron rod with
10 yellow cap stamped "Halff Assoc., Inc." found on the west
11 right-of-way line of the aforesaid FM 740 (80' right-of-way at this
12 point) also being the beginning of a non-tangent curve to the left;
13 southwesterly, along said west right-of-way line of FM 740 and
14 along said non-tangent curve to the left having a radius of 178.10
15 feet, a central angle of 17°32'13", an arc length of 54.51 feet, and
16 a long chord that bears S 02°22'59" W, a distance of 54.30 feet to a
17 wood right-of-way monument found;

18 THENCE S 13°47'04" E, continuing along said west right-of-way
19 line of FM 740, a distance of 16.10 feet to a 1/2" iron rod found for
20 the northeast corner of a 4.502 acre tract of land described in Deed
21 to Gerald R. Schotthoefer and E. Joan Schotthoefer, recorded in
22 Volume 925, Page 75, D.R.R.C.T.;

23 THENCE N 88°55'12" W, departing said west right-of-way line
24 and along the north line of said Schotthoefer Tract, a distance of
25 509.06 feet to a 3/8" iron rod found;

26 THENCE S 27°51'31" W, along the northwest line of said
27 Schotthoefer Tract, a distance of 316.73 feet to a 3/8" iron rod

1 found;

2 THENCE S 40°20'23" E, along the southwest line of said
3 Schotthoefer Tract, a distance of 268.09 feet to a 1/2" iron rod
4 with yellow cap stamped "Halff Assoc., Inc." found in the northwest
5 line of a 11.993 acre tract of land described in Deed to Lloyd N.
6 Fiedler, DVM and Dawn Fiedler, recorded in Volume 1252, Page 10,
7 D.R.R.C.T.;

8 THENCE S 47°47'30" W, along the northwest line of said Fiedler
9 Tract, a distance of 1251.20 feet to a 1/2" iron rod found for the
10 west corner of said Fiedler Tract;

11 THENCE over and across said 2.399 acre tract the following
12 courses; N 89°45'27" W, a distance of 1582.82 feet to a 5/8" iron rod
13 with yellow cap stamped "Carter Burgess" set for the beginning of a
14 non-tangent curve to the right; southwesterly, along said
15 non-tangent curve to the right having a radius of 2640.00 feet, a
16 central angle of 26°44'27", an arc length of 1232.13 feet, and a long
17 chord that bears S 12°44'12" W, a distance of 1220.97 feet to the
18 POINT OF BEGINNING and containing 511.319 acres of land.

19 TRACT 2

20 BEING a 65.99 acre tract of land situated in the Joshua Carter
21 Survey, Abstract No. 53, Rockwall County, Texas and being all of
22 that certain tract or parcel of land as monumented on the ground and
23 conveyed to RCM Development as recorded in Volume 2148, Page 139 of
24 the Deed Records of Rockwall County, Texas and as described by metes
25 and bounds in called 65.80 acre tract of land as conveyed to Enmark
26 Gas Corporation as recorded in Volume 1298, Page 064 of said Deed
27 Records, (basis of bearing is the northwest line of said Deed

H.B. No. 3859

1 recorded in Volume 1298, Page 064, N 45°10'01" E), said 65.99 acre
2 being more particularly described as follows:

3 BEGINNING at a 1/2" iron rod found for the north corner of
4 said called 65.80 acre tract, the east corner of a called 0.504 acre
5 tract of land as described in Deed to Brenda J. Jackson as recorded
6 in Volume 3634, Page 105 of said Deed Records, said iron rod also
7 being in the southwest right-of-way line of FM Road 740 (a variable
8 width right-of-way);

9 THENCE S 44°54'56" E, along the northeast line of said called
10 65.80 acre tract and the southwest right-of-way line of FM Road 740,
11 a distance of 852.55 feet to a 1/2" iron rod found for an ell corner
12 of said called 65.80 acre tract and the northernmost corner of a
13 called 1.9044 acre tract of land as described in Deed to Timothy D.
14 Bivins and wife, Cindy L. Bivins as recorded in Volume 1207, Page
15 020 of said Deed Records;

16 THENCE S 45°13'22" W, along a southeast line of said called
17 65.80 acre tract and along the northwest line of said Bivins Tract,
18 a distance of 435.45 feet to a 3/4" iron rod found for an ell corner
19 of said called 65.80 acre tract and the westernmost corner of said
20 Bivins Tract;

21 THENCE S 45°20'05" E, along a northeast line of said called
22 65.80 acre tract and along the southwest line of said Bivins Tract,
23 a distance of 192.21 feet to a 3/8" iron rod found for the
24 southernmost corner of said Bivins Tract and the westernmost corner
25 of a called 2.38 acre tract of land as described in Deed to B.R.
26 Baker and wife Cindy L. Baker as recorded in Volume 0841, Page 001
27 of said Deed Records;

1 THENCE S 45°07'36" E, continuing along a northeast line of
2 said called 85.60 acre tract and along the southwest line of said
3 Baker Tract, a distance of 308.19 feet to fence corner post for the
4 southernmost corner of said Baker Tract and being in the northwest
5 line of Lot 14 of King Acres Addition, as recorded in Cabinet A,
6 Slide 48 of the Plat Records of Rockwall County, Texas;

7 THENCE S 44°58'54" W, along a southeast line of said called
8 85.60 acre tract and the northeast line of said Lot 14, passing at a
9 distance of 1041.43 feet a 1/2" iron rod found for the westernmost
10 corner of a tract of land as described in Deed to K.K. Stonfield as
11 recorded in Volume 92, Page 15 of said Deed Records and the
12 northernmost corner of a called 20.00 acre tract (Tract 3) as
13 described in Deed to George Athens & Demetra Athens as recorded in
14 Volume 74, Page 447 of said Deed Records, and passing at a distance
15 of 1446.15 feet a 1/2" iron rod found for the westernmost corner of
16 said Athens Tract and an ell corner of a tract of land as described
17 in Deed to Travis Ranch Development, L.P. as recorded in Volume
18 2518, Page 56 of said Deed Records, in all a total distance of
19 1747.28 feet to a 1/2" iron rod found for the southernmost corner of
20 said called 85.60 acre tract and being an ell corner of said Travis
21 Ranch Development Tract;

22 THENCE N 53°27'11" W, along a southwest line of said called
23 85.60 acre tract and along a northeast line of said Travis Ranch
24 Development Tract, a distance of 1371.82 feet to a fence corner post
25 for the westernmost corner of said called 65.80 acre tract, an ell
26 corner of said Travis Ranch Development Tract and being in the
27 southeast line of Tract 2 as described in Deed to McCrumman

1 Partners, L.P. as recorded in Volume 1054, Page 117 of said Deed
2 Records;

3 THENCE N 45°00'47" E, along a southeast line of said Tract 2,
4 passing a southeast corner of said Tract 2 and the southernmost
5 corner of The Highlands of Heath Addition, as recorded in Cabinet D,
6 Slides 129 and 130 of the Plat Records of Rockwall County, Texas, in
7 all a total distance of 1064.37 feet to a 1/2" iron rod set with
8 yellow plastic cap marked "R.P.L.S. 5305";

9 THENCE N 45°10'01" E, continuing along the southeast line of
10 The Highlands of Heath Addition, and passing at a distance of
11 1110.90 feet to a 1/2" iron rod found for the easternmost corner of
12 Lot 27, Block 1 of said Addition and the southernmost corner of
13 aforesaid called 0.504 acre tract, in all a total distance of
14 1319.48 feet to the Point of Beginning and containing 65.99 acres or
15 2874.673 square feet of land more or less.

16 TRACT 3

17 BEING all that certain lot, tract or parcel of land, situated
18 in the Joshua Canter Survey, Abstract No. 53, Rockwall County,
19 Texas, and being more particularly described as follows:

20 BEGINNING at a point in the center of a county road that is
21 3049.9 feet S 45° 58' W from the north corner of said Canter Survey;

22 THENCE S 40° 57' E, a distance of 2883.1 feet to a point in the
23 center of Rush Creek;

24 THENCE in a southerly direction, down the center of Rush
25 Creek as follows: S 01° 00' W a distance of 164.1 feet; N 81° 18' E, a
26 distance of 233.4 feet; S 37° 05' W, a distance of 177.9 feet; S 83°
27 58' W, a distance of 171.2 feet; N 54° 26' W, a distance of 243.7

1 feet; N 75° 58' W, a distance of 1.7 feet;

2 THENCE N 40° 57' W, a distance of 2814.9 feet to a point in the
3 center of said county road;

4 THENCE N 45° 58' E, along the center of said road, a distance
5 of 284.9 feet to the POINT OF BEGINNING and containing 20.00 acres
6 of land.

7 TRACT 4

8 BEING a tract of 20.00 acres in the Joshua Canter Survey,
9 Abstract No. 53, Rockwall County, Texas; and being more
10 particularly described as follows:

11 BEGINNING at a point in the center of a county road that is
12 2739.2 feet S 45° 58' W from the north corner of said Canter Survey;

13 THENCE S 40° 57' E, 2866.4 feet to a point in the center of
14 Rush Creek;

15 THENCE in a southerly direction down the center of Rush Creek
16 as follows: S 31° 41' W 35.1 feet; S 83° 33' W 268.4 feet; S 31° 33' E
17 140.6 feet; S 01° 00' W 48.8 feet;

18 THENCE N 40° 57' W, 2883.1 feet to a point in the center of
19 said road;

20 THENCE N 45° 58' E, along the center of said road, 310.7 feet
21 to the POINT OF BEGINNING and containing 20.00 acres of land.

22 TRACT 5

23 BEING a tract of land situated in the J. Canter Survey,
24 Abstract No. 53, and being a portion of a called 6.674 acre tract of
25 land (called Tract One), and a 9.106 acre tract of land (called
26 Tract Two) described in the Deed to Stewart I. Kipness recorded in
27 Volume 601, Page 48, and also a portion of a called 14.923 acre

1 tract of land described by Deed to Stewart Kipness recorded in
2 Volume 1012, Page 27 of the Deed Records of Rockwall County, Texas
3 (D.R.R.C.T.), and being more particularly described as follows:

4 BEGINNING at a 60D nail found near a fence corner post at the
5 west corner of said 6.674 acre tract, also for the south corner of a
6 tract of land described by deed to H.D. Akins recorded in Volume
7 148, Page 852, D.R.R.C.T.;

8 THENCE N 45°10'18" E along the common line of said 6.674 acre
9 tract and said Akins Tract and generally along a barbed wire fence,
10 for a distance of 1217.50 feet to a 5/8" iron rod with cap stamped
11 R.P.L.S. 5430 set for corner;

12 THENCE S 33°08'53" E along a wire fence, for a distance of
13 625.59 feet to a 5/8" iron rod with cap stamped R.P.L.S. 5430 set at
14 an angle point in said wire fence;

15 THENCE N 60°29'05" E continuing along said wire fence, for a
16 distance of 82.03 feet to a 5/8" iron rod with cap stamped R.P.L.S.
17 5430 set at an angle point in said wire fence;

18 THENCE S 30°11'17" E continuing along said wire fence, for a
19 distance of 165.60 feet to a 5/8" iron rod with cap stamped R.P.L.S.
20 5430 set on the southeast line of the aforementioned 14.923 acre
21 tract, and from which a 1/2" iron rod with cap stamped "D.A.I."
22 found at the east corner of said 14.923 acre tract bears N 45°13'08"
23 E, a distance of 444.58 feet;

24 THENCE S 45°13'08" W along the southeast line of said 14.923
25 acre tract, for a distance of 1126.52 feet to a 1/2" iron rod with
26 cap stamped "D.A.I." found at the south corner of same, also lying
27 on a northeasterly line of a tract of land described by Deed to

1 Whittle Development recorded in Volume 3874, Page 120, D.R.R.C.T.;

2 THENCE N 44°56'35" W along the common line of said Whittle

3 Tract, said 14.923 acre tract, said 9.106 acre tract, and said 6.674

4 acre tract and generally along a barbed wire fence, for a distance

5 of 793.59 feet to the PLACE OF BEGINNING, and containing 914,523

6 square feet or 20.995 acres of land more or less.

7 TRACT 6

8 BEING a tract of land in the I. Briscoe Survey, Abstract No.

9 38, Rockwall County and the I. Briscoe Survey, Abstract No. 57,

10 Kaufman County, Texas, and being the residue of a called 75 acre

11 tract of land described in Deed to Letha J. Townsend as recorded in

12 Volume 27, Page 151, Deed Records, Rockwall County, Texas, and

13 being more particularly described by metes and bounds as follows:

14 BEGINNING at a point in the center of Hubbard Drive. a public

15 right-at-way, and the southeast corner of Misty Bend Addition, an

16 addition to the City of Heath as recorded in Cabinet A, Slide 359,

17 Plat Records, Rockwall County, Texas;

18 THENCE S 02°51'38" E, 459.37 feet with the center of said

19 Hubbard Drive to a P.K. Nail with shiner found, being an ell corner

20 of a tract of land described in deed to Whittle Development, Inc. as

21 recorded in Volume 2055, Page 522, Deed Records, Kaufman County,

22 Texas;

23 THENCE S 88°45'26" W, 286.47 feet along the southerly north

24 line of said Whittle Tract to a concrete monument found in the

25 easterly line of a tract of land described in deed to the City of

26 Dallas as recorded in Volume 78, Page 260, Deed Records, Rockwall

27 County, Texas;

1 THENCE N 53°16'08" W, 300.52 feet leaving said Whittle Tract
2 and continue along the easterly line of said City of Dallas tract to
3 a Concrete Monument found;

4 THENCE N 30°47'32" W, 299.33 feet with the easterly line of
5 said City of Dallas tract to a 3/8" iron rod found at the southwest
6 corner of the aforesaid Misty Bend Addition;

7 THENCE N 87°32'56" E, (the bearing base for this survey),
8 658.16 feet along the south line of said Misty Bend Addition to the
9 POINT Of BEGINNING and containing 5.329 gross acres of which 0.264
10 acres lie within the roadway leaving 5.065 net acres of land, more
11 or less.

12 TRACT 7

13 BEING a tract of land situated in the Joshua Canter Survey,
14 Abstract No. 53 and being a part of a 63.0 acre tract recorded in
15 Volume 47, Page 328, Deed Records of Rockwall County, Texas and more
16 particularly described as follows:

17 BEGINNING at the southerly northwest corner of a 61.302 acre
18 tract recorded in Volume 90, Page 403, Deed Records of Rockwall
19 County, Texas and on the easterly right-of-way of a public road;

20 THENCE S 87°55'10" E, 272.64 feet to an iron rod for corner;

21 THENCE N 09°47'59" E, 309.97 feet to the Northerly Northwest
22 corner of said 61.302 acre tract;

23 THENCE N 67°46'50" W, with the City of Dallas take line, 99.25
24 feet to an iron rod for corner;

25 THENCE N 78°12'40" W, with the City of Dallas take line, 225.3
26 feet to the east right-of-way of a public road;

27 THENCE S 08°01'20" W, with the east right-of-way of said

1 public road, 89.0 feet to an iron rod for corner;

2 THENCE S 00°04'22" W, with the east right-of-way of said
3 public road, 290.98 feet to the PLACE OF BEGINNING and containing
4 2.420 acres of land, more or less.

5 TRACT 8

6 BEING a tract of land situated in the Joshua Canter Survey,
7 Abstract No. 53, City of Heath, Rockwall County, Texas, and also
8 being part of a 61.48 acre tract as recorded in Volume 140, Page
9 237, Deed Records, Rockwall County, Texas, and being more
10 particularly described as follows:

11 BEGINNING at a point on the east line of Hubbard Drive, said
12 point being the most Westerly Northeast corner of said 61.48 acre
13 tract, a fence corner post for corner;

14 THENCE S 37°47'37" E, leaving the said east line of Hubbard
15 Drive, a distance of 272.18 feet to an iron pipe found for corner;

16 THENCE N 10°04'17" E, a distance of 310.32 feet to a 1/2" iron
17 stake set for corner;

18 THENCE S 67°46'50" E along the Take Line of Lake Ray Hubbard, a
19 distance of 236.18 feet to a 1/2" iron stake set for corner;

20 THENCE S 22°13'10" W, a distance of 315.50 feet to a 1/2" iron
21 stake set for corner;

22 THENCE N 87°47'27" W, a distance of 424.47 feet to a point on
23 the east line of Hubbard Drive, a 1/2" iron stake set for corner;

24 THENCE N 01°10'14" W, along the east line of Hubbard Drive, a
25 distance of 70.00 feet to the PLACE OF BEGINNING and containing 2.00
26 acres or land.

27 TRACT 9

1 BEING a 199.468 acre tract of land situated in the J. Canter
2 Survey, Abstract No. 53 and the J. Canter Survey, Abstract No. 85 in
3 Kaufman County and Rockwall County, Texas, and being part of a 2.399
4 acre tract of land described in Deed to Travis Ranch Development,
5 L.P., as recorded in Volume 1991, Page 50, Deed Records, Kaufman
6 County, Texas (D.R.K.C.T.) and Volume 2518, Page 56, Deed Records,
7 Rockwall County, Texas (D.R.R.C.T.). Bearing basis is the east
8 line of said 2.399 acre tract, said 153.100 acre tract, being more
9 particularly described by metes and bounds as follows:

10 COMMENCING at a 5/8" iron rod with yellow cap stamped "Carter
11 Burgess" set on the west right-of-way line of FM 740 (90°
12 right-of-way);

13 THENCE along said west right-of-way line of FM 740, and the
14 common east line of said 2.399 acre tract, the following courses; N
15 43°55'15" E, a distance of 403.94 feet to a point for the beginning
16 of a tangent curve to the left, from which a concrete right-of-way
17 monument found bears S 45°48'34" E, a distance of 1.00 feet;
18 northeasterly, along said tangent curve to the left having a radius
19 of 1387.41 feet, a central angle of 39°46'53", an arc length of
20 963.30 feet, a chord bearing of N 24°01'48" E, and a chord length of
21 944.07 feet, to a 5/8" iron with a plastic cap stamped "Carter
22 Burgess" set for POINT OF BEGINNING:

23 THENCE over and across said 2.399 acre tract the following
24 courses; S 88°53'33" W, a distance of 3247.44 feet to a 5/8" iron
25 with a plastic cap stamped "Carter Burgess" set; N 01°06'27" W, a
26 distance of 303.90 feet to a 5/8" iron with a plastic cap stamped
27 "Carter Burgess" set for the beginning of a tangent curve to the

1 right; northeasterly, along said curve to the right having a radius
2 of 630.00 feet, a central angle of 48°17'16", an arc length of 530.95
3 feet, a chord bearing of N 23°02'11" E, and a chord length of 515.38
4 feet, to a 5/8" iron with a plastic cap stamped "Carter Burgess"
5 set; N 61°02'29" W, a distance of 577.50 feet to a 5/8" iron with a
6 plastic cap stamped "Carter Burgess" set; S 28°57'31" W, a distance
7 of 1228.86 feet to a 5/8" iron with a plastic cap stamped "Carter
8 Burgess" set; S 88°53'33" W, a distance of 2081.92 feet to a 5/8"
9 iron with a plastic cap stamped "Carter Burges" set on the east line
10 of a 17.63 acre tract of land described in a deed as Parcel VI, to
11 the City of Dallas, as recorded in Volume 10, Page 323, D.R.K.C.T.;

12 THENCE N 30°24'08" E, along the east line of said 17.63 acre
13 tract, a distance of 25.27 feet to a 5/8" iron with a plastic cap
14 stamped "Carter Burgess" set for the beginning of a non-tangent
15 curve to the left;

16 THENCE departing said east line of said 17.63 acre tract,
17 over and across said 2.399 acre tract the following courses;
18 northeasterly, along said curve to the left having a radius of
19 2640.00 feet, a central angle of 77°36'44", an arc length of 3576.11
20 feet, a chord bearing of N 38°10'21" E, and a chord length of 3308.91
21 feet, to a 5/8" iron with a plastic cap stamped "Carter Burgess"
22 set; S 89°45'27" E, a distance of 1582.82 feet to a 1/2" iron rod
23 found for the west corner of a 11.993 acre tract of land described
24 in deed to Lloyd N. Fiedler, DVM and Dawn Fiedler, recorded in
25 Volume 1252, Page 10, D.R.R.C.T.;

26 THENCE S 45°36'58" E, a distance of 1982.04 feet to a 3/8" iron
27 rod found for the south corner of a 23.75 acre tract of land

1 described in deed to Thomas A. Shaw and Jean P. Shaw, recorded in
2 Volume 71, Page 117, D.R.R.C.T.;

3 THENCE N 43°51'08" E, along the southeast line of said Shaw
4 tract, a distance of 548.15 feet to a 3/8" iron rod found for the
5 west corner of a 0.10 acre tract, called Tract 2, as described in
6 deed to Dale E. Pratz and Sandra L. Pratz, recorded in Volume 1447,
7 Page 153, D.R.R.C.T.;

8 THENCE S 45°30'20" E, along the southwest line of said Pratz
9 Tract, a distance of 98.50 feet to a point from which a 1/2" iron rod
10 found bears N 48°58'52" W, a distance of 0.40 feet, said point being
11 in the west right-of-way line of the aforementioned FM 740, also
12 being the beginning of a non-tangent curve to the left;

13 THENCE along the west right-of-way line of said FM 740 and the
14 east line of said 2.399 acre tract, the following courses;
15 southeasterly, along said non-tangent curve to the left having a
16 radius of 194.85 feet, a central angle of 27°15'49", an arc length of
17 92.72 feet, and a long chord that bears S 31°52'25" E, a distance of
18 91.85 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc.,
19 Inc." found; S 45°30'20" E, a distance of 372.78 feet to a point from
20 which a concrete right-of-way monument found bears N 39°11'25" W, a
21 distance of 0.61 feet; S 44°18'15" W, a distance of 4.90 feet to a
22 point from which a concrete right-of-way monument found bears N
23 79°44'39" W, a distance of 0.57 feet, said point also being the
24 beginning of a non-tangent curve to the right; southeasterly, along
25 said non-tangent curve to the left having a radius of 1387.41 feet,
26 a central angle of 49°50'07", an arc length of 1206.75 feet, a chord
27 bearing of S 20°46'42" E, and a chord length of 1169.07 feet, to the

1 POINT OF BEGINNING and containing 199.468 acres of land, more or
2 less.

3 SECTION 3. (a) The legal notice of the intention to
4 introduce this Act, setting forth the general substance of this
5 Act, has been published as provided by law, and the notice and a
6 copy of this Act have been furnished to all persons, agencies,
7 officials, or entities to which they are required to be furnished
8 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9 Government Code.

10 (b) All requirements of the constitution and laws of this
11 state and the rules and procedures of the legislature with respect
12 to the notice, introduction, and passage of this Act have been
13 fulfilled and accomplished.

14 SECTION 4. This Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 3859 was passed by the House on May 13, 2011, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3859 on May 26, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3859 was passed by the Senate, with amendments, on May 24, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor