

By: Laubenberg

H.B. No. 3859

A BILL TO BE ENTITLED

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 [Sections 3902.115-3902.150 reserved for expansion]

11 SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

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

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

23 (1) is necessary to accomplish a public purpose of the
24 district; and

25 (2) complies with the development agreement or the
26 parties to the development agreement agree to the project, in
27 writing.

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

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

8 (b) The district shall submit the plan to the city for
9 approval.

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

16 (1) a development agreement; and

17 (2) a capital improvement plan and financial plan for
18 the improvement project or expenditure.

19 Sec. 3902.156. LOCATION OF IMPROVEMENT PROJECT OR SERVICE.
20 An improvement project or service may be located:

21 (1) in the district; or

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

27 Sec. 3902.157. CITY REQUIREMENTS. (a) An improvement

1 project in the city must comply with city ordinances and
2 construction codes.

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

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

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

13 (2) Chapter 375, Local Government Code.

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

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

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

23 (2) authorize the district to:

24 (A) own, encumber, maintain, or operate an
25 improvement project; or

26 (B) convey the project to the city at a later
27 date.

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

3 [Sections 3902.161-3902.200 reserved for expansion]

4 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

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

8 (1) the district has no outstanding bonded debt; and

9 (2) three-fourths of all members of the governing body
10 of the city approve of each division.

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

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

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

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

25 (1) set the terms of the division, including names for
26 the new districts and a plan for the payment or performance of any
27 outstanding district obligations;

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

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

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

7 (1) file the order with the Texas Commission on
8 Environmental Quality; and

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

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

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

17 [Sections 3902.206-3902.250 reserved for expansion]

18 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

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

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

27 Sec. 3902.253. BORROWING MONEY; OBLIGATIONS. (a) The

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

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

8 (1) may bear interest at a rate determined by the
9 board; and

10 (2) may include a term or condition as determined by
11 the board.

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

18 (1) borrowing the money or issuing that type of
19 obligation; and

20 (2) using the proceeds that result from borrowing the
21 money or issuing the obligation.

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

25 (1) provide the governing body of the city with the
26 information required to make an informed decision relating to the
27 obligation; and

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

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

8 (b) The report must be based on sound accounting methods and
9 detail:

10 (1) the obligation incurred;

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

12 and

13 (3) any other information the city requires.

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

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

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

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

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

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

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

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

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

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

25 Sec. 3902.261. RESIDENTIAL PROPERTY NOT EXEMPT. Section
26 375.161, Local Government Code, does not apply to the district.

27 Sec. 3902.262. NO IMPACT FEES. The district may not impose

1 an impact fee.

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

4 [Sections 3902.264-3902.300 reserved for expansion]

5 SUBCHAPTER F. DISSOLUTION

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

8 (1) the district does not have outstanding debt or
9 other obligations; and

10 (2) a developer does not begin, on or before September
11 1, 2018, to construct a road or other improvement project in the
12 district that is to be financed with district bonds or other
13 obligations in accordance with a capital improvement plan or
14 financial plan approved by the city.

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

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

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

20 (2) the city agrees to succeed to the rights and
21 obligations of the district.

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

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

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

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

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

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

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

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

17 TRACT 1

18 BEING a 511.319 acre tract of land situated in the G. Paschall
19 Survey, Abstract No. 180, the G. Paschall Survey, Abstract No. 404,
20 the I. Briscoe Survey, Abstract No. 57, the J. Canter Survey,
21 Abstract No. 53, the J. Canter Survey, Abstract No. 85, and the M.
22 Campbell Survey, Abstract No. 254 in the City of Heath, Rockwall
23 County and in Kaufman County, Texas, and being part of a 2.399 acre
24 tract of land described in Deed to Travis Ranch Development, L.P.,
25 as recorded in Volume 1991, Page 50, Deed Records, Kaufman County,
26 Texas (D.R.K.C.T.) and in Volume 2518, Page 56, Deed Records,
27 Rockwall County, Texas (D.R.R.C.T.). Bearing basis is the east

1 line of said 2.399 acre tract, said 511.319 acre tract, being more
2 particularly described by metes and bounds as follows:

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

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

23 THENCE N 30°24'08" E, along the east line of said Tract VI, a
24 distance of 71.98 feet to a point for a southerly corner of Tract
25 No. 2 as described in Deed to the City of Dallas, recorded in Volume
26 537, Page 766, D.R.K.C.T.

27 THENCE along the easterly line of said City of Dallas Tract

1 No. 2, the following courses; N 63°48'01" E, a distance of 81.44 feet
2 to a found monument with brass disk stamped "City of Dallas
3 Elevation Marker 61-9-A"; N 23°47'38" E, a distance of 223.72 feet
4 to a found monument with brass disk stamped "City of Dallas
5 Elevation Marker G1-9-B"; N 67°43'21" E, a distance of 294.48 feet
6 to a found monument with brass disk stamped "City of Dallas
7 Elevation Marker 61-10"; N 05°56'19" E, a distance of 146.08 feet to
8 a point; N 31°46'19" E, a distance of 111.94 feet to a point; S
9 86°49'01" E, a distance of 152.52 feet to a point; N 54°08'39" E, a
10 distance of 70.13 feet to a point; N 43°06'37" W, a distance of
11 143.05 feet to a point; S 74°34'16" W, a distance of 176.48 feet to a
12 found monument with brass disk stamped "City of Dallas Elevation
13 Marker G1-14"; S 29°26'23" W, a distance of 324.95 feet to a found
14 monument with brass disk stamped "City of Dallas Elevation Marker
15 G1-15"; S 57°43'42" W, a distance of 318.96 feet to a found monument
16 with brass disk stamped "City of Dallas Elevation Marker G1-15-A";
17 S 04°33'50" W, a distance of 94.06 feet to a found monument with
18 brass disk stamped "City of Dallas Elevation Marker G1-15-B"; S
19 64°08'43" W, a distance of 88.30 feet to a point; N 31°59'44" W, a
20 distance of 65.42 feet to a point from which a found monument with
21 brass disk stamped "City of Dallas Elevation Marker G1-15-D" bears
22 S 60°39'57" W, a distance of 1.70 feet; S 57°43'49" W, a distance of
23 27.57 feet to a point from which a found monument with brass disk
24 stamped "City of Dallas Elevation Marker G1-15-E" bears N 81°12'17"
25 E, a distance of 0.80 feet; S 07°19'56" W, a distance of 24.28 feet
26 to a found monument with brass disk stamped "City of Dallas
27 Elevation Marker G1-15-F"; S 37°05'36" W, a distance of 73.28 feet

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

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

18 THENCE N 01°07'32" W, along said east line, a distance of
19 239.47 feet to a found monument with brass disk stamped "City of
20 Dallas Elevation Marker G1-1/C7-4";

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

26 THENCE along the easterly line of said City of Dallas Tract
27 No. 1, the following courses; N 06°19'57" E, a distance of 164.40

1 feet to a found monument with brass disk stamped "City of Dallas
2 Elevation Marker G1-1-B"; N 16°51'50" E, a distance of 296.39 feet
3 to a found monument with brass disk stamped "City of Dallas
4 Elevation Marker G1-1-C"; N 25°38'50" E, a distance of 235.72 feet
5 to a found monument with brass disk stamped "City of Dallas
6 Elevation Marker G1-1-D"; N 71°45'20" E, a distance of 146.55 feet
7 to a found monument with brass disk stamped "City of Dallas
8 Elevation Marker G1-1-E"; N 22°11'30" E, a distance of 114.04 feet
9 to a found monument with brass disk stamped "City of Dallas
10 Elevation Marker G1-1-F"; N 60°03'13" E, a distance of 160.21 feet
11 to a found monument with brass disk stamped "City of Dallas
12 Elevation Marker G1-4"; S 84°07'07" E, a distance of 59.57 feet to a
13 found monument with brass disk stamped "City of Dallas Elevation
14 Marker G1-4-A"; N 75°19'19" E, a distance of 205.79 feet to a point;
15 N 87°13'35" E, a distance of 113.62 feet to a point; N 15°38'55" E, a
16 distance of 80.92 feet to a point; S 83°48'52" W, a distance of
17 182.98 feet to a point; S 67°15'02" W, a distance of 123.23 feet to a
18 found monument with brass disk stamped "City of Dallas Elevation
19 Marker G1-4-F"; N 87°11'54" W, a distance of 78.23 feet to a found
20 monument with brass disk stamped "City of Dallas Elevation Marker
21 G1-4-G"; S 55°49'29" W, a distance of 62.89 feet to a found monument
22 with brass disk stamped "City of Dallas Elevation Marker G1-4-H"; N
23 40°02'19" W, a distance of 20.99 feet to a found monument with brass
24 disk stamped "City of Dallas Elevation Marker G1-4-J"; N 54°42'27"
25 E, a distance of 97.98 feet to a found monument with brass disk
26 stamped "City of Dallas Elevation Marker G1-4-K"; N 21°23'44" E, a
27 distance of 56.99 feet to a found monument with brass disk stamped

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

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

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

26 THENCE N 70°28'19" W, a distance of 60.46 feet to a found
27 monument with brass disk stamped "City of Dallas Elevation Marker

1 F6-1" in the northeast line of Parcel II, as described in Deed to
2 the City of Dallas, recorded in Volume 10, Page 323, D.I.K.C.T.;

3 THENCE along the northeast line of said remainder of City of
4 Dallas Parcel II the following courses; S 21°26'22" W, a distance of
5 85.74 feet to a 1/2" iron rod with red cap stamped "Dallas" found
6 for the beginning of a non-tangent curve to the left;
7 northwesterly, along said non-tangent curve to the left having a
8 radius of 350.00 feet, a central angle of 21°37'02", an arc length of
9 132.05 feet, and a long chord that bears N 54°09'55" W, a distance of
10 131.27 feet to a 1/2" iron rod with red cap stamped "Dallas" found;
11 N 64°58'40" W, a distance of 45.00 feet to a 1/2" iron rod with red
12 cap stamped "Dallas" found; N 67°16'56" W, a distance of 46.89 feet
13 to a 1/2" iron rod with red cap stamped "Dallas" found; N 64°00'03"
14 W, a distance of 83.24 feet to a 1/2" iron rod with red cap stamped
15 "Dallas" found; N 67°32'43" W, a distance of 88.79 feet to a 1/2"
16 iron rod with red cap stamped "Dallas" found for the beginning of a
17 tangent curve to the right; northwesterly, along said tangent curve
18 to the right having a radius of 63.00 feet, a central angle of
19 42°46'51", an arc length of 47.04 feet, and a long chord that bears N
20 46°09'17" W, a distance of 45.95 feet to a 1/2" iron rod with red cap
21 stamped "Dallas" found; N 24°45'56" W, a distance of 72.26 feet to a
22 1/2" iron rod with red cap stamped "Dallas" found for the beginning
23 of a tangent curve to the right; northwesterly, along said tangent
24 curve to the right having a radius of 48.89 feet, a central angle of
25 56°58'46", an arc length of 48.62 feet, and a long chord that bears N
26 03°43'27" E, a distance of 46.64 feet to a 1/2" iron rod with red cap
27 stamped "Dallas" found; N 32°12'45" E, a distance of 79.15 feet to a

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

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

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

25 THENCE S 89°56'16" W, along the north line of said Pecan Knoll
26 Addition, a distance of 336.58 feet to a 1/2" iron rod with yellow
27 cap stamped "Halff Assoc., Inc." found in the east side of said Ray

1 Hubbard Drive;

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

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

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

15 THENCE along the south line of said 10.64 acre tract, the
16 following courses; S 68°24'27" E, a distance of 912.34 feet to a
17 found monument with brass disk stamped "City of Dallas Elevation
18 Marker G4-3"; N 77°05'40" E, a distance of 396.72 feet to a found
19 monument with brass disk stamped "City of Dallas Elevation Marker
20 G4-4"; N 53°40'19" E, a distance of 443.20 feet to a found monument
21 with brass disk stamped "City of Dallas Elevation Marker G4-5",
22 from which a 1/2" iron rod found bears S 74°58'35" E, a distance of
23 2.39 feet; N 00°45'17" W, a distance of 119.74 feet to a found
24 monument with brass disk stamped "City of Dallas Elevation Marker
25 G7-2" in the north line of a 17.69 acre tract described in Deed to
26 the City of Dallas, recorded in Volume 79, Page 177, D.R.R.C.T.;

27 THENCE along the north line of said 17.69 acre tract, the

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

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

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

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

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

27 THENCE along the meanders of Rush Creek, the following

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

20 THENCE S 53°55'45" E, along said southwest line, a distance of
21 1436.99 feet to a 1/2" iron rod with yellow cap stamped "Halff
22 Assoc., Inc." found for the south corner of a 0.42 acre tract of
23 land described in Deed to J.D. Crosby, recorded in Volume 54, Page
24 47, D.R.R.C.T.;

25 THENCE N 44°55'59" E, along the southeast line of said 0.42
26 acre tract, a distance of 300.57 feet to a 1/2" iron rod with yellow
27 cap stamped "Halff Assoc., Inc." found for the southwest corner of a

1 20.00 acre tract of land described in Deed to George Athens and
2 Demetra Athens, recorded in Volume 74, Page 447, D.R.R.C.T.;

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

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

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

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

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

27 THENCE S 40°20'23" E, along the southwest line of said

1 Schotthoefer Tract, a distance of 268.09 feet to a 1/2" iron rod
2 with yellow cap stamped "Halff Assoc., Inc." found in the northwest
3 line of a 11.993 acre tract of land described in Deed to Lloyd N.
4 Fiedler, DVM and Dawn Fiedler, recorded in Volume 1252, Page 10,
5 D.R.R.C.T.;

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

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

17 TRACT 2

18 BEING a 65.99 acre tract of land situated in the Joshua Carter
19 Survey, Abstract No. 53, Rockwall County, Texas and being all of
20 that certain tract or parcel of land as monumented on the ground and
21 conveyed to RCM Development as recorded in Volume 2148, Page 139 of
22 the Deed Records of Rockwall County, Texas and as described by metes
23 and bounds in called 65.80 acre tract of land as conveyed to Enmark
24 Gas Corporation as recorded in Volume 1298, Page 064 of said Deed
25 Records, (basis of bearing is the northwest line of said Deed
26 recorded in Volume 1298, Page 064, N 45°10'01" E), said 65.99 acre
27 being more particularly described as follows:

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

7 THENCE S 44°54'56" E, along the northeast line of said called
8 65.80 acre tract and the southwest right-of-way line of FM Road 740,
9 a distance of 852.55 feet to a 1/2" iron rod found for an ell corner
10 of said called 65.80 acre tract and the northernmost corner of a
11 called 1.9044 acre tract of land as described in Deed to Timothy D.
12 Bivins and wife, Cindy L. Bivins as recorded in Volume 1207, Page
13 020 of said Deed Records;

14 THENCE S 45°13'22" W, along a southeast line of said called
15 65.80 acre tract and along the northwest line of said Bivins Tract,
16 a distance of 435.45 feet to a 3/4" iron rod found for an ell corner
17 of said called 65.80 acre tract and the westernmost corner of said
18 Bivins Tract;

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

26 THENCE S 45°07'36" E, continuing along a northeast line of
27 said called 85.60 acre tract and along the southwest line of said

1 Baker Tract, a distance of 308.19 feet to fence corner post for the
2 southernmost corner of said Baker Tract and being in the northwest
3 line of Lot 14 of King Acres Addition, as recorded in Cabinet A,
4 Slide 48 of the Plat Records of Rockwall County, Texas;

5 THENCE S 44°58'54" W, along a southeast line of said called
6 85.60 acre tract and the northeast line of said Lot 14, passing at a
7 distance of 1041.43 feet a 1/2" iron rod found for the westernmost
8 corner of a tract of land as described in Deed to K.K. Stonfield as
9 recorded in Volume 92, Page 15 of said Deed Records and the
10 northernmost corner of a called 20.00 acre tract (Tract 3) as
11 described in Deed to George Athens & Demetra Athens as recorded in
12 Volume 74, Page 447 of said Deed Records, and passing at a distance
13 of 1446.15 feet a 1/2" iron rod found for the westernmost corner of
14 said Athens Tract and an ell corner of a tract of land as described
15 in Deed to Travis Ranch Development, L.P. as recorded in Volume
16 2518, Page 56 of said Deed Records, in all a total distance of
17 1747.28 feet to a 1/2" iron rod found for the southernmost corner of
18 said called 85.60 acre tract and being an ell corner of said Travis
19 Ranch Development Tract;

20 THENCE N 53°27'11" W, along a southwest line of said called
21 85.60 acre tract and along a northeast line of said Travis Ranch
22 Development Tract, a distance of 1371.82 feet to a fence corner post
23 for the westernmost corner of said called 65.80 acre tract, an ell
24 corner of said Travis Ranch Development Tract and being in the
25 southeast line of Tract 2 as described in Deed to McCrumman
26 Partners, L.P. as recorded in Volume 1054, Page 117 of said Deed
27 Records;

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

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

14 TRACT 3

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

18 BEGINNING at a point in the center of a county road that is
19 3049.9 feet S 45° 58' W from the north corner of said Canter Survey;

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

22 THENCE in a southerly direction, down the center of Rush
23 Creek as follows: S 01° 00' W a distance of 164.1 feet; N 81° 18' E, a
24 distance of 233.4 feet; S 37° 05' W, a distance of 177.9 feet; S 83°
25 58' W, a distance of 171.2 feet; N 54° 26' W, a distance of 243.7
26 feet; N 75° 58' W, a distance of 1.7 feet;

27 THENCE N 40° 57' W, a distance of 2814.9 feet to a point in the

1 center of said county road;

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

5 TRACT 4

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

9 BEGINNING at a point in the center of a county road that is
10 2739.2 feet S 45° 58' W from the north corner of said Canter Survey;

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

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

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

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

20 TRACT 5

21 BEING a tract of land situated in the J. Canter Survey,
22 Abstract No. 53, and being a portion of a called 6.674 acre tract of
23 land (called Tract One), and a 9.106 acre tract of land (called
24 Tract Two) described in the Deed to Stewart I. Kipness recorded in
25 Volume 601, Page 48, and also a portion of a called 14.923 acre
26 tract of land described by Deed to Stewart Kipness recorded in
27 Volume 1012, Page 27 of the Deed Records of Rockwall County, Texas

1 (D.R.R.C.T.), and being more particularly described as follows:

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

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

10 THENCE S 33°08'53" E along a wire fence, for a distance of
11 625.59 feet to a 5/8" iron rod with cap stamped R.P.L.S. 5430 set at
12 an angle point in said wire fence;

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

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

22 THENCE S 45°13'08" W along the southeast line of said 14.923
23 acre tract, for a distance of 1126.52 feet to a 1/2" iron rod with
24 cap stamped "D.A.I." found at the south corner of same, also lying
25 on a northeasterly line of a tract of land described by Deed to
26 Whittle Development recorded in Volume 3874, Page 120, D.R.R.C.T.;

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

1 Tract, said 14.923 acre tract, said 9.106 acre tract, and said 6.674
2 acre tract and generally along a barbed wire fence, for a distance
3 of 793.59 feet to the PLACE OF BEGINNING, and containing 914,523
4 square feet or 20.995 acres of land more or less.

5 TRACT 6

6 BEING a tract of land in the I. Briscoe Survey, Abstract No.
7 38, Rockwall County and the I. Briscoe Survey, Abstract No. 57,
8 Kaufman County, Texas, and being the residue of a called 75 acre
9 tract of land described in Deed to Letha J. Townsend as recorded in
10 Volume 27, Page 151, Deed Records, Rockwall County, Texas, and
11 being more particularly described by metes and bounds as follows:

12 BEGINNING at a point in the center of Hubbard Drive. a public
13 right-at-way, and the southeast corner of Misty Bend Addition, an
14 addition to the City of Heath as recorded in Cabinet A, Slide 359,
15 Plat Records, Rockwall County, Texas;

16 THENCE S 02°51'38" E, 459.37 feet with the center of said
17 Hubbard Drive to a P.K. Nail with shiner found, being an ell corner
18 of a tract of land described in deed to Whittle Development, Inc. as
19 recorded in Volume 2055, Page 522, Deed Records, Kaufman County,
20 Texas;

21 THENCE S 88°45'26" W, 286.47 feet along the southerly north
22 line of said Whittle Tract to a concrete monument found in the
23 easterly line of a tract of land described in deed to the City of
24 Dallas as recorded in Volume 78, Page 260, Deed Records, Rockwall
25 County, Texas;

26 THENCE N 53°16'08" W, 300.52 feet leaving said Whittle Tract
27 and continue along the easterly line of said City of Dallas tract to

1 a Concrete Monument found;

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

5 THENCE N 87°32'56" E, (the bearing base for this survey),
6 658.16 feet along the south line of said Misty Bend Addition to the
7 POINT Of BEGINNING and containing 5.329 gross acres of which 0.264
8 acres lie within the roadway leaving 5.065 net acres of land, more
9 or less.

10 TRACT 7

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

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

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

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

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

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

25 THENCE S 08°01'20" W, with the east right-of-way of said
26 public road, 89.0 feet to an iron rod for corner;

27 THENCE S 00°04'22" W, with the east right-of-way of said

1 public road, 290.98 feet to the PLACE OF BEGINNING and containing
2 2.420 acres of land, more or less.

3 TRACT 8

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

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

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

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

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

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

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

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

25 TRACT 9

26 BEING a 199.468 acre tract of land situated in the J. Canter
27 Survey, Abstract No. 53 and the J. Canter Survey, Abstract No. 85 in

1 Kaufman County and Rockwall County, Texas, and being part of a 2.399
2 acre tract of land described in Deed to Travis Ranch Development,
3 L.P., as recorded in Volume 1991, Page 50, Deed Records, Kaufman
4 County, Texas (D.R.K.C.T.) and Volume 2518, Page 56, Deed Records,
5 Rockwall County, Texas (D.R.R.C.T.). Bearing basis is the east
6 line of said 2.399 acre tract, said 153.100 acre tract, being more
7 particularly described by metes and bounds as follows:

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

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

21 THENCE over and across said 2.399 acre tract the following
22 courses; S 88°53'33" W, a distance of 3247.44 feet to a 5/8" iron
23 with a plastic cap stamped "Carter Burgess" set; N 01°06'27" W, a
24 distance of 303.90 feet to a 5/8" iron with a plastic cap stamped
25 "Carter Burgess" set for the beginning of a tangent curve to the
26 right; northeasterly, along said curve to the right having a radius
27 of 630.00 feet, a central angle of 48°17'16", an arc length of 530.95

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

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

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

24 THENCE S 45°36'58" E, a distance of 1982.04 feet to a 3/8" iron
25 rod found for the south corner of a 23.75 acre tract of land
26 described in deed to Thomas A. Shaw and Jean P. Shaw, recorded in
27 Volume 71, Page 117, D.R.R.C.T.;

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

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

11 THENCE along the west right-of-way line of said FM 740 and the
12 east line of said 2.399 acre tract, the following courses;
13 southeasterly, along said non-tangent curve to the left having a
14 radius of 194.85 feet, a central angle of 27°15'49", an arc length of
15 92.72 feet, and a long chord that bears S 31°52'25" E, a distance of
16 91.85 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc.,
17 Inc." found; S 45°30'20" E, a distance of 372.78 feet to a point from
18 which a concrete right-of-way monument found bears N 39°11'25" W, a
19 distance of 0.61 feet; S 44°18'15" W, a distance of 4.90 feet to a
20 point from which a concrete right-of-way monument found bears N
21 79°44'39" W, a distance of 0.57 feet, said point also being the
22 beginning of a non-tangent curve to the right; southeasterly, along
23 said non-tangent curve to the left having a radius of 1387.41 feet,
24 a central angle of 49°50'07", an arc length of 1206.75 feet, a chord
25 bearing of S 20°46'42" E, and a chord length of 1169.07 feet, to the
26 POINT OF BEGINNING and containing 199.468 acres of land, more or
27 less.

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

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

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