

House Bill 3859
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

CHAPTER 3902. CLUB MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3902.001. DEFINITIONS. In this chapter:

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

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

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

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

(5) "Director" means a board member.

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

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

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

Sec. 3902.002. CREATION AND NATURE OF DISTRICT.

The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3902.003. PRIMARY PURPOSE; MIXED-USE RESIDENTIAL AND COMMERCIAL DEVELOPMENT.

The primary purpose of the district is to facilitate the construction and continued maintenance of a quality mixed-use residential and commercial development to benefit city residents.

Sec. 3902.004. ADDITIONAL PURPOSES; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III,

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and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

Sec. 3902.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

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

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

(2) provide needed funding for the district to preserve,

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maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

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

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

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

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

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

(1) organization, existence, or validity;

(2) right to contract;

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

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

(5) legality or operation.

Sec. 3902.007. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the

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district is eligible to be included in:

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

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

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

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

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

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

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

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

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

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

Sec. 3902.009. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in

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conformity with the findings and purposes stated in this chapter.

[Sections 3902.010-3902.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

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

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

(6) reside in the city.

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

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

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

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persons named in the petition.

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

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

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

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

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

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

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

(d) An ex officio director:

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

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

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

Sec. 3902.056. COMPENSATION; EXPENSES. (a) The board may compensate each director in an amount not to exceed \$50 for each board meeting. The total amount of

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compensation for each director in a calendar year may not exceed \$2,000.

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

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

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

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

(d) This section expires September 1, 2015.

[Sections 3902.058-3902.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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

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of or incidental to those projects.

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

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

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

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

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

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

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791,

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Government Code.

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

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

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

- (1) a description of each improvement project to be constructed in the district;
- (2) the timing of construction for each improvement project to be constructed in the district;
- (3) the financing and general budget of each improvement project to be constructed in the district; and
- (4) any other information the city needs to make a decision on the plan.

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

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

Sec. 3902.112. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off

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the streets and related appurtenances.

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

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

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

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

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

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

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

[Sections 3902.115-3902.150 reserved for expansion]

SUBCHAPTER C-1. IMPROVEMENT PROJECTS AND SERVICES

Sec. 3902.151. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the

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district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

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

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

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

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

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

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

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

(1) a development agreement; and

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

Sec. 3902.156. LOCATION OF IMPROVEMENT PROJECT OR SERVICE. An improvement project or service

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may be located:

(1) in the district; or

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

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

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

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

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

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

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

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

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(2) authorize the district to:

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

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

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

[Sections 3902.161-3902.200 reserved for expansion]

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

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

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

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

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

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

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

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

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

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

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district; and

(3) appoint initial directors for each new district.

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

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

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

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

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

[Sections 3902.206-3902.250 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

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

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

Sec. 3902.253. BORROWING MONEY; OBLIGATIONS.

(a) The district may borrow money for a district purpose without holding an election by issuing bonds, notes, time warrants, or other obligations, or by entering into a contract or other agreement payable wholly or partly from an assessment, a contract payment, a grant, revenue from a zone created

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under Chapter 311 or 312, Tax Code, other district revenue, or a combination of these sources.

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

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

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

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

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

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

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

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

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

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

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

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(1) the obligation incurred;

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

(3) any other information the city requires.

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

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

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

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

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

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

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

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

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the district.

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

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

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

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

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

[Sections 3902.264-3902.300 reserved for expansion]

SUBCHAPTER F. DISSOLUTION

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

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

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

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

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

(1) the district's outstanding debt or contractual obligations

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have been repaid or discharged; or

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

Sec. 3902.303. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city succeeds to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

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

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

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

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

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

No equivalent provision.

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

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SECTION __. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road. [CA1]

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BEING a 511.319 acre tract of land situated in the G. Paschall Survey, Abstract No. 180, the G. Paschall Survey, Abstract No. 404, the I. Briscoe Survey, Abstract No. 57, the J. Canter Survey, Abstract No. 53, the J. Canter Survey, Abstract No. 85, and the M. Campbell Survey, Abstract No. 254 in the City of Heath, Rockwall County and in Kaufman County, Texas, and being part of a 2.399 acre tract of land described in Deed to Travis Ranch Development, L.P., as recorded in Volume 1991, Page 50, Deed Records, Kaufman County, Texas (D.R.K.C.T.) and in Volume 2518, Page 56, Deed Records, Rockwall County, Texas (D.R.R.C.T.). Bearing basis is the east line of said 2.399 acre tract, said 511.319 acre tract, being more particularly described by metes and bounds as follows:

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

THENCE departing said west right-of-way line of FM 740, over and across said 2.399 acre tract, the following courses; N 44°59'04" W, a distance of 2895.47 feet to a 5/8" iron rod with yellow cap stamped "Carter Burgess" set; N 45°58'22" W, a distance of 1009.71 feet to a 5/8" iron rod with yellow cap stamped "Carter Burgess" set; S 77°56'11" W, a distance of 447.51 feet to a 5/8" iron rod with yellow cap stamped "Carter Burgess" set; S 66°57'48" W, a distance of 219.03 feet to a point; S 73°58'26" W, a distance of 382.43 feet to a 5/8" iron rod with yellow cap stamped "Carter Burgess" set for the beginning of a non-tangent curve to the right, the point of beginning of the herein described tract; southwesterly, along said non-tangent curve to the right having a radius of 2640.00 feet, a central angle of 50°52'17", an arc length of 2343.99 feet, and a long chord that bears 51°32'34" W, a distance of 2267.75 feet to a 5/8" iron rod with yellow cap stamped

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"Carter Burgess" set in the east line of Tract VI as described Agreed Judgment, recorded in Volume 10, Page 323, D.R.K.C.T.;

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

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

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of 1.70 feet; S 57°43'49" W, a distance of 27.57 feet to a point from which a found monument with brass disk stamped "City of Dallas Elevation Marker G1-15-E" bears N 81°12'17" E, a distance of 0.80 feet; S 07°19'56" W, a distance of 24.28 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-15-F"; S 37°05'36" W, a distance of 73.28 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-15-G"; S 43°55'43" W, a distance of 58.02 feet to a point, from which a found monument with brass disk stamped "City of Dallas Elevation Marker G1-15-H " bears N 66°56'26" E, a distance of 0.60 feet; S 01°33'16" W, a distance of 18.32 feet to a point on the north line of the aforesaid City of Dallas Tract VI;

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

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

THENCE N 64°17'34" W, continuing along said east line, a distance of 169.60 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-1-A" for the southeast corner of Tract No. 1, as described in Deed to the

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

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monument with brass disk stamped "City of Dallas Elevation Marker G1-4-K"; N 21°23'44" E, a distance of 56.99 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-L"; N 82°27'31" E, a distance of 38.67 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-M"; N 48°45'48" E, a distance of 91.20 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-N"; N 03°12'14" W, a distance of 62.74 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-P"; N 36°02'40" W, a distance of 32.94 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-Q"; S 13°11'09" W, a distance of 54.69 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-R"; S 23°13'13" W, a distance of 61.72 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-S"; N 34°33'11" W, a distance of 33.01 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-4-T"; S 45°52'46" W, a distance of 223.95 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-5"; S 55°42'15" W, a distance of 825.85 feet to a point; S 44°56'17" W, a distance of 138.31 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker 01-6-A"; S 24°14'50" W, a distance of 219.81 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker 01-6-B";
THENCE N 64°34'02" W, a distance of 49.83 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G1-7";
THENCE N 70°33'40" W, a distance of 109.15 feet to a point;
THENCE N 70°28'19" W, a distance of 60.46 feet to a found

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monument with brass disk stamped "City of Dallas Elevation Marker F6-1" in the northeast line of Parcel II, as described in Deed to the City of Dallas, recorded in Volume 10, Page 323, D.I.K.C.T.;

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

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

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

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

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

THENCE N 00°56'55" W, along the east side of said Ray Hubbard Drive, a distance of 1085.38 feet to a 1/2" iron rod

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found for the southwest corner of a tract of land described in Deed to Anthony Garretson Seely and Virginia Seely, recorded in Volume 585, Page 258, D.R.R.C.T.;

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

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

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

THENCE along the north line of said 17.69 acre tract, the following courses; S 78°11'37" W, a distance of 626.51 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G7-3"; N 58°29'39" W, a distance of 459.69 feet to a found monument with brass disk stamped "City of Dallas Elevation Marker G7-4"; N 22°26'05" W, a distance of 543.09 feet to a found monument with brass disk stamped

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"City of Dallas Elevation Marker G7-5"; S 77°31'50" W, a distance of 275.86 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found; N 12°27'13" W, a distance of 446.82 feet to a point in the aforesaid east line described in Agreed Judgment, Cause No. 6241-A;
THENCE N 45°42'00" E, along said east line and the east line of Anchor Bay Phase I and Phase II, additions to the City of Heath Texas, as recorded in Cabinet C, Slide 60, P.R.R.C.T., a distance of 1691.20 feet to a point on the southwest line of K and K Development, an addition to the City of Heath, Texas, as recorded in Cabinet A, Slide 94, P.R.R.C.T.;
THENCE S 42°11'06" E, along the southwest line of said K and K Development Tract, a distance of 1307.23 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found;
THENCE N 45°06'54" E, along the southeast line of said K and K Development Tract, a distance of 825.00 feet to a point;
THENCE S 41°12'17" E, departing said southeast line and along the southwest line of a 20.00 acre tract of land described in Deed to Grace E. Hambrick, recorded in Volume 2434, Page 237, D.R.R.C.T., a distance of 1492.13 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found in Rush Creek;
THENCE along the meanders of Rush Creek, the following courses; S 76°31'01" E, a distance of 1.70 feet to a point; S 54°59'01" E, a distance of 243.70 feet to a point; N 83°24'59" E, a distance of 171.20 feet to a point; N 36°31'59" E, a distance of 177.90 feet to a point; S 80°44'59" W, a distance of 233.40 feet to a point; N 00°26'59" E, a distance of 212.90 feet to a point; N 32°06'01" W, a distance of 140.60 feet to a point; N 82°59'59" E, a distance of 268.40 feet to a point; N 31°07'59" E, a distance of 159.60 feet to a point; N 33°21'01" W, a distance of 245.40 feet to a point; N 40°30'59" E, a

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distance of 80.10 feet to a point; N 44°22'01" W, a distance of 128.20 feet to a point; N 69°50'01" W, a distance of 87.00 feet to a point; N 32°01'59" E, a distance of 164.80 feet to a point; S 11°02'01" E, a distance of 106.60 feet to a point; N 65°18'59" E, a distance of 147.00 feet to a point; N 27°16'01" W, a distance of 109.80 feet to a point; N 80°19'01" W, a distance of 90.30 feet to a point; N 11°03'59" E, a distance of 80.80 feet to a point in the southwest line of a 65.80 acre tract of land described in Deed to Enmark Gas Corp, recorded in Volume 1298, D.R.R.C.T., from which a 1/2" iron rod found bears S 53°33'29" E, a distance of 10.19 feet;
THENCE S 53°55'45" E, along said southwest line, a distance of 1436.99 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found for the south corner of a 0.42 acre tract of land described in Deed to J.D. Crosby, recorded in Volume 54, Page 47, D.R.R.C.T.;
THENCE N 44°55'59" E, along the southeast line of said 0.42 acre tract, a distance of 300.57 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found for the southwest corner of a 20.00 acre tract of land described in Deed to George Athens and Demetra Athens, recorded in Volume 74, Page 447, D.R.R.C.T.;
THENCE S 41°42'01" E, along the southwest line of said Athens Tract, a distance of 941.30 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found;
THENCE S 51°14'01" E, continuing along the southwest line of said Athens Tract, a distance of 542.00 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found on the west right-of-way line of the aforesaid FM 740 (80' right-of-way at this point) also being the beginning of a non-tangent curve to the left; southwesterly, along said west right-of-way line of FM 740 and along said non-tangent curve to the left

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having a radius of 178.10 feet, a central angle of 17°32'13", an arc length of 54.51 feet, and a long chord that bears S 02°22'59" W, a distance of 54.30 feet to a wood right-of-way monument found;

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

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

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

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

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

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

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containing 511.319 acres of land.

TRACT 2

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

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

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

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

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

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

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

THENCE N 53°27'11" W, along a southwest line of said called 85.60 acre tract and along a northeast line of said Travis

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Ranch Development Tract, a distance of 1371.82 feet to a fence corner post for the westernmost corner of said called 65.80 acre tract, an ell corner of said Travis Ranch Development Tract and being in the southeast line of Tract 2 as described in Deed to McCrumman Partners, L.P. as recorded in Volume 1054, Page 117 of said Deed Records;

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

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

TRACT 3

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

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

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

THENCE in a southerly direction, down the center of Rush Creek as follows: S 01° 00' W a distance of 164.1 feet; N 81°

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18' E, a distance of 233.4 feet; S 37° 05' W, a distance of 177.9 feet; S 83° 58' W, a distance of 171.2 feet; N 54° 26' W, a distance of 243.7 feet; N 75° 58' W, a distance of 1.7 feet; THENCE N 40° 57' W, a distance of 2814.9 feet to a point in the center of said county road;

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

TRACT 4

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

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

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

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

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

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

TRACT 5

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

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Kipness recorded in Volume 1012, Page 27 of the Deed Records of Rockwall County, Texas (D.R.R.C.T.), and being more particularly described as follows:

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

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

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

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

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

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

THENCE N 44°56'35" W along the common line of said Whittle Tract, said 14.923 acre tract, said 9.106 acre tract, and said 6.674 acre tract and generally along a barbed wire fence,

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for a distance of 793.59 feet to the PLACE OF BEGINNING, and containing 914,523 square feet or 20.995 acres of land more or less.

TRACT 6

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

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

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

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

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

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

THENCE N 87°32'56" E, (the bearing base for this survey),

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658.16 feet along the south line of said Misty Bend Addition to the POINT OF BEGINNING and containing 5.329 gross acres of which 0.264 acres lie within the roadway leaving 5.065 net acres of land, more or less.

TRACT 7

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

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

THENCE S 87°55'10" E, 272.64 feet to an iron rod for corner;
THENCE N 09°47'59" E, 309.97 feet to the Northerly Northwest corner of said 61.302 acre tract;

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

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

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

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

TRACT 8

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

BEGINNING at a point on the east line of Hubbard Drive,

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said point being the most Westerly Northeast corner of said 61.48 acre tract, a fence corner post for corner;
THENCE S 37°47'37" E, leaving the said east line of Hubbard Drive, a distance of 272.18 feet to an iron pipe found for corner;
THENCE N 10°04'17" E, a distance of 310.32 feet to a 1/2" iron stake set for corner;
THENCE S 67°46'50" E along the Take Line of Lake Ray Hubbard, a distance of 236.18 feet to a 1/2" iron stake set for corner;
THENCE S 22°13'10" W, a distance of 315.50 feet to a 1/2" iron stake set for corner;
THENCE N 87°47'27" W, a distance of 424.47 feet to a point on the east line of Hubbard Drive, a 1/2" iron stake set for corner;
THENCE N 01°10'14" W, along the east line of Hubbard Drive, a distance of 70.00 feet to the PLACE OF BEGINNING and containing 2.00 acres or land.
TRACT 9
BEING a 199.468 acre tract of land situated in the J. Canter Survey, Abstract No. 53 and the J. Canter Survey, Abstract No. 85 in Kaufman County and Rockwall County, Texas, and being part of a 2.399 acre tract of land described in Deed to Travis Ranch Development, L.P., as recorded in Volume 1991, Page 50, Deed Records, Kaufman County, Texas (D.R.K.C.T.) and Volume 2518, Page 56, Deed Records, Rockwall County, Texas (D.R.R.C.T.). Bearing basis is the east line of said 2.399 acre tract, said 153.100 acre tract, being more particularly described by metes and bounds as follows:
COMMENCING at a 5/8" iron rod with yellow cap stamped "Carter Burgess" set on the west right-of-way line of FM 740 (90° right-of-way);

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

THENCE over and across said 2.399 acre tract the following courses; S 88°53'33" W, a distance of 3247.44 feet to a 5/8" iron with a plastic cap stamped "Carter Burgess" set; N 01°06'27" W, a distance of 303.90 feet to a 5/8" iron with a plastic cap stamped "Carter Burgess" set for the beginning of a tangent curve to the right; northeasterly, along said curve to the right having a radius of 630.00 feet, a central angle of 48°17'16", an arc length of 530.95 feet, a chord bearing of N 23°02'11" E, and a chord length of 515.38 feet, to a 5/8" iron with a plastic cap stamped "Carter Burgess" set; N 61°02'29" W, a distance of 577.50 feet to a 5/8" iron with a plastic cap stamped "Carter Burgess" set; S 28°57'31" W, a distance of 1228.86 feet to a 5/8" iron with a plastic cap stamped "Carter Burgess" set; S 88°53'33" W, a distance of 2081.92 feet to a 5/8" iron with a plastic cap stamped "Carter Burgess" set on the east line of a 17.63 acre tract of land described in a deed as Parcel VI, to the City of Dallas, as recorded in Volume 10, Page 323, D.R.K.C.T.;

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

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tangent curve to the left;

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

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

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

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

THENCE along the west right-of-way line of said FM 740 and the east line of said 2.399 acre tract, the following courses; southeasterly, along said non-tangent curve to the left having a radius of 194.85 feet, a central angle of 27°15'49", an arc length of 92.72 feet, and a long chord that bears S 31°52'25"

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E, a distance of 91.85 feet to a 1/2" iron rod with yellow cap stamped "Halff Assoc., Inc." found; S 45°30'20" E, a distance of 372.78 feet to a point from which a concrete right-of-way monument found bears N 39°11'25" W, a distance of 0.61 feet; S 44°18'15" W, a distance of 4.90 feet to a point from which a concrete right-of-way monument found bears N 79°44'39" W, a distance of 0.57 feet, said point also being the beginning of a non-tangent curve to the right; southeasterly, along said non-tangent curve to the left having a radius of 1387.41 feet, a central angle of 49°50'07", an arc length of 1206.75 feet, a chord bearing of S 20°46'42" E, and a chord length of 1169.07 feet, to the POINT OF BEGINNING and containing 199.468 acres of land, more or less.

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

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

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

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SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE