

By: Holland

H.B. No. 4294

Substitute the following for H.B. No. 4294:

By: Cortez

C.S.H.B. No. 4294

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the North Celina Municipal Management
3 District No. 3; providing a limited authority of eminent domain;
4 providing authority to impose taxes, levy assessments, and issue
5 bonds.

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

7 SECTION 1. Subtitle C, Title 4, Special District Local Laws
8 Code, is amended by adding Chapter 3959 to read as follows:

9 CHAPTER 3959. NORTH CELINA MUNICIPAL MANAGEMENT DISTRICT NO. 3

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 3959.001. DEFINITIONS. In this chapter:

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

13 (2) "City" means the City of Celina, Texas.

14 (3) "Commission" means the Texas Commission on
15 Environmental Quality.

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

17 (5) "District" means the North Celina Municipal
18 Management District No. 3.

19 Sec. 3959.002. CREATION AND NATURE OF DISTRICT. The
20 district is a special district created under Sections 52 and 52-a,
21 Article III, and Section 59, Article XVI, Texas Constitution.

22 Sec. 3959.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
23 creation of the district is essential to accomplish the purposes of
24 Sections 52 and 52-a, Article III, and Section 59, Article XVI,

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

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

11 (c) The district is created to supplement and not to
12 supplant city services provided in the district.

13 Sec. 3959.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
14 The district is created to serve a public use and benefit.

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

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

22 (1) developing and diversifying the economy of the
23 state;

24 (2) eliminating unemployment and underemployment;

25 (3) developing or expanding transportation and
26 commerce; and

27 (4) providing quality residential housing.

1 (d) The district will:

2 (1) promote the health, safety, and general welfare of
3 residents, employers, potential employees, employees, visitors,
4 and consumers in the district, and of the public;

5 (2) provide needed funding for the district to
6 preserve, maintain, and enhance the economic health and vitality of
7 the district territory as a residential community and business
8 center; and

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

13 (e) Pedestrian ways along or across a street, whether at
14 grade or above or below the surface, and street lighting, street
15 landscaping, vehicle parking, and street art objects are parts of
16 and necessary components of a street and are considered to be an
17 improvement project that includes a street or road improvement.

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

21 Sec. 3959.005. INITIAL DISTRICT TERRITORY. (a) The
22 district is initially composed of the territory described by
23 Section 2 of the Act enacting this chapter.

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

1 (1) organization, existence, or validity;

2 (2) right to issue any type of bond for the purposes
3 for which the district is created or to pay the principal of and
4 interest on a bond;

5 (3) right to impose or collect an assessment or tax; or

6 (4) legality or operation.

7 Sec. 3959.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
8 DISTRICT LAW. Except as provided by this chapter, Chapter 375,
9 Local Government Code, applies to the district.

10 Sec. 3959.007. CONFIRMATION AND DIRECTORS' ELECTION
11 REQUIRED. The initial directors shall hold an election to confirm
12 the creation of the district and to elect five permanent directors
13 as provided by Section 49.102, Water Code.

14 Sec. 3959.008. CONSENT OF MUNICIPALITY REQUIRED. The
15 initial directors may not hold an election under Section 3959.007
16 until each municipality in whose corporate limits or
17 extraterritorial jurisdiction the district is located has
18 consented by ordinance or resolution to the creation of the
19 district and to the inclusion of land in the district.

20 Sec. 3959.009. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

27 (3) an enterprise zone created under Chapter 2303,

1 Government Code.

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

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

9 (2) any other district purpose, including the right to
10 pledge the money as security for any bonds or other obligations
11 issued by the district under Section 3959.201.

12 (c) If the city creates a tax increment reinvestment zone
13 described by Subsection (a), the city may determine the percentage
14 of the property in the zone that may be used for residential
15 purposes and is not subject to the limitations provided by Section
16 311.006, Tax Code.

17 Sec. 3959.010. EFFECT OF ANNEXATION. Notwithstanding any
18 other law, if all of the territory of the district is annexed by the
19 city into the city's corporate limits, the district:

20 (1) retains all of the district's outstanding debt and
21 obligations;

22 (2) is not dissolved; and

23 (3) continues to operate under this chapter until the
24 district is dissolved under Subchapter F.

25 Sec. 3959.011. CONSTRUCTION OF CHAPTER. This chapter shall
26 be construed liberally in conformity with the findings and purposes
27 stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3959.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 3959.054, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3959.052. BOARD MEETINGS. The board shall hold meetings at a place accessible to the public and located in the city.

Sec. 3959.053. REMOVAL OF DIRECTORS. (a) The board may remove a director by unanimous vote of the other directors if the director has missed at least half of the meetings scheduled during the preceding 12 months.

(b) A director removed under this section may file a written appeal with the commission not later than the 30th day after the date the director receives written notice of the board action. The commission may reinstate the director if the commission finds that the removal was unwarranted under the circumstances after considering the reasons for the absences, the time and place of the meetings, the business conducted at the meetings missed, and any other relevant circumstances.

Sec. 3959.054. INITIAL DIRECTORS. (a) The initial board consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>John Peavy</u>
<u>2</u>	<u>Charles Taylor</u>
<u>3</u>	<u>Steve Cook</u>

1 4 Paul Schlosberg

2 5 Russell Miller

3 (b) Initial directors serve until the earlier of:

4 (1) the date permanent directors are elected under
5 Section 3959.007; or

6 (2) the fourth anniversary of the effective date of
7 the Act enacting this chapter.

8 (c) If permanent directors have not been elected under
9 Section 3959.007 and the terms of the initial directors have
10 expired, successor initial directors shall be appointed or
11 reappointed as provided by Subsection (d) to serve terms that
12 expire on the earlier of:

13 (1) the date permanent directors are elected under
14 Section 3959.007; or

15 (2) the fourth anniversary of the date of the
16 appointment or reappointment.

17 (d) If Subsection (c) applies, the owner or owners of a
18 majority of the assessed value of the real property in the district
19 according to the most recent certified tax appraisal rolls for the
20 county may submit a petition to the commission requesting that the
21 commission appoint as successor initial directors the five persons
22 named in the petition. The commission shall appoint as successor
23 initial directors the five persons named in the petition.

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 3959.101. GENERAL POWERS AND DUTIES. The district has
26 the powers and duties necessary to accomplish the purposes for
27 which the district is created.

1 Sec. 3959.102. PUBLIC IMPROVEMENT DISTRICT POWERS. The
2 district has the powers provided by Chapter 372, Local Government
3 Code, to a municipality or county.

4 Sec. 3959.103. IMPROVEMENT PROJECTS AND SERVICES. (a)
5 Subject to Subsection (c), the district may provide, design,
6 construct, acquire, improve, relocate, operate, maintain, or
7 finance an improvement project or service using money available to
8 the district, or contract with a governmental or private entity to
9 provide, design, construct, acquire, improve, relocate, operate,
10 maintain, or finance an improvement project or service authorized
11 under this chapter or Chapter 375, Local Government Code.

12 (b) The district may undertake an improvement project or
13 service that confers a special benefit on a definable area in the
14 district and levy and collect a special assessment on benefited
15 property in the district in accordance with:

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

17 (2) Chapter 375, Local Government Code.

18 (c) The district may not construct or finance an improvement
19 project, other than a water, sewer, or drainage facility or road,
20 without obtaining the written consent of the city's governing body.

21 Sec. 3959.104. LOCATION OF IMPROVEMENT PROJECT. A district
22 improvement project may be located inside or outside of the
23 district.

24 Sec. 3959.105. OWNERSHIP OF IMPROVEMENT PROJECTS. (a)
25 Before a district improvement project may be put into operation,
26 the district must transfer ownership of the project to the city.

27 (b) The transfer of ownership is complete on the city's

1 acceptance of ownership.

2 Sec. 3959.106. RETAIL WATER AND SEWER SERVICES PROHIBITED.

3 The district may not provide retail water or sewer services.

4 Sec. 3959.107. ADDING OR REMOVING TERRITORY. (a) Subject
5 to Subsections (b) and (c), the board may add or remove territory as
6 provided by Subchapter J, Chapter 49, Water Code.

7 (b) The district may add territory as described by
8 Subsection (a) only if the district obtains written consent from
9 the governing body of the city.

10 (c) The district and any district created under Section
11 3959.108 may not add a total area of more than 100 acres.

12 Sec. 3959.108. DIVISION OF DISTRICT. (a) The district may
13 be divided into two or more new districts only if the district:

14 (1) has no outstanding bonded debt; and

15 (2) is not imposing ad valorem taxes.

16 (b) This chapter applies to any new district created by the
17 division of the district, and a new district has all the powers and
18 duties of the district.

19 (c) Any new district created by the division of the district
20 may not, at the time the new district is created, contain any land
21 outside the area described by Section 2 of the Act enacting this
22 chapter.

23 (d) The board, on its own motion or on receipt of a petition
24 signed by the owner or owners of a majority of the assessed value of
25 the real property in the district, may adopt an order dividing the
26 district.

27 (e) The board may adopt an order dividing the district

1 before or after the date the board holds an election under Section
2 3959.007 to confirm the creation of the district.

3 (f) An order dividing the district must:

4 (1) name each new district;

5 (2) include the metes and bounds description of the
6 territory of each new district;

7 (3) appoint initial directors for each new district;

8 and

9 (4) provide for the division of assets and liabilities
10 between or among the new districts.

11 (g) On or before the 30th day after the date of adoption of
12 an order dividing the district, the district shall file the order
13 with the commission and record the order in the real property
14 records of each county in which the district is located.

15 (h) Any new district created by the division of the district
16 shall hold a confirmation and directors' election as required by
17 Section 3959.007.

18 (i) Municipal consent to the creation of the district and to
19 the inclusion of land in the district granted under Section
20 3959.008 acts as municipal consent to the creation of any new
21 district created by the division of the district and to the
22 inclusion of land in the new district.

23 (j) Any new district created by the division of the district
24 must hold an election as required by this chapter to obtain voter
25 approval before the district may impose a maintenance tax or issue
26 bonds payable wholly or partly from ad valorem taxes.

27 (k) If the creation of the new district is confirmed, the

1 new district shall provide the election date and results to the
2 commission.

3 Sec. 3959.109. LIMITED EMINENT DOMAIN POWER. The district
4 may not exercise the power of eminent domain unless the district
5 obtains written consent from the governing body of the city.

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

7 Sec. 3959.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
8 board by resolution shall establish the number of directors'
9 signatures and the procedure required for a disbursement or
10 transfer of the district's money.

11 Sec. 3959.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
12 The district may acquire, construct, operate, maintain, or finance
13 an improvement project or service authorized by this chapter or
14 Chapter 375, Local Government Code, using any money available to
15 the district.

16 Sec. 3959.153. METHOD OF NOTICE FOR HEARING. The district
17 may mail the notice required by Section 375.115(c), Local
18 Government Code, by certified or first class United States mail.
19 The board shall determine the method of notice.

20 Sec. 3959.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
21 The board by order may impose and collect an assessment for any
22 purpose authorized by this chapter in all or any part of the
23 district in the manner provided for:

24 (1) a district under Subchapters A, E, and F, Chapter
25 375, Local Government Code; or

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

1 (b) An assessment, a reassessment, or an assessment
2 resulting from an addition to or correction of the assessment roll
3 by the district, penalties and interest on an assessment or
4 reassessment, an expense of collection, and reasonable attorney's
5 fees incurred by the district are:

6 (1) a first and prior lien against the property
7 assessed;

8 (2) superior to any other lien or claim other than a
9 lien or claim for county, school district, or municipal ad valorem
10 taxes; and

11 (3) the personal liability of and a charge against the
12 owners of the property even if the owners are not named in the
13 assessment proceedings.

14 (c) The lien is effective from the date of the board's
15 resolution imposing the assessment until the date the assessment is
16 paid. The board may enforce the lien in the same manner that the
17 board may enforce an ad valorem tax lien against real property.

18 (d) The board may make a correction to or deletion from the
19 assessment roll that does not increase the amount of assessment of
20 any parcel of land without providing notice and holding a hearing in
21 the manner required for additional assessments.

22 (e) The district may not impose an assessment on a
23 municipality, county, or other political subdivision.

24 Sec. 3959.155. NOTICE OF ASSESSMENTS. Annually, the board
25 shall file with the secretary of the city written notice that
26 specifies the assessments the district will impose in the
27 district's next fiscal year in sufficient clarity to describe the

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

4 SUBCHAPTER E. TAXES AND BONDS

5 Sec. 3959.201. BONDS AND OTHER OBLIGATIONS. (a) The
6 district may issue, by public or private sale, bonds, notes, or
7 other obligations payable wholly or partly from ad valorem taxes or
8 assessments in the manner provided by:

9 (1) Subchapter J, Chapter 375, Local Government Code;
10 or

11 (2) Subchapter A, Chapter 372, Local Government Code,
12 if the improvements financed by an obligation issued under this
13 section will be conveyed to or operated and maintained by a
14 municipality or other retail utility provider pursuant to an
15 agreement with the district entered into before the issuance of the
16 obligation.

17 (b) In exercising the district's borrowing power, the
18 district may issue a bond or other obligation in the form of a bond,
19 note, certificate of participation or other instrument evidencing a
20 proportionate interest in payments to be made by the district, or
21 other type of obligation.

22 (c) In addition to the sources of money described by
23 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
24 Government Code, district bonds may be secured and made payable
25 wholly or partly by a pledge of any part of the money the district
26 receives from improvement revenue or from any other source.

27 (d) Not later than the 30th day before the date the district

1 holds a bond sale, the district shall provide the governing body of
2 the city written notice of the sale.

3 (e) The district may issue bonds, notes, or other
4 obligations to maintain or repair an existing improvement project
5 only if the district obtains written consent from the governing
6 body of the city.

7 SUBCHAPTER F. DISSOLUTION

8 Sec. 3959.251. DISSOLUTION BY CITY ORDINANCE. (a) The
9 governing body of the city may dissolve the district by ordinance.

10 (b) The governing body may not dissolve the district until:

11 (1) water, sanitary, sewer, and drainage improvements
12 and roads have been constructed to serve at least 80 percent of the
13 net developable territory of the district; and

14 (2) the district has reimbursed a developer in the
15 district for all costs advanced to or on behalf of the district.

16 (c) Until the district is dissolved, the district is
17 responsible for all bonds and other obligations of the district.

18 Sec. 3959.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

19 (a) If the dissolved district has bonds or other obligations
20 outstanding secured by and payable from assessments or other
21 revenue, other than revenue from ad valorem taxes:

22 (1) the assessments remain in effect; and

23 (2) the city shall succeed to the rights and
24 obligations of the district regarding enforcement and collection of
25 the assessments or other revenue.

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

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

3 (2) special revenue or assessment bonds or other
4 obligations issued by the city to refund the outstanding bonds or
5 obligations.

6 Sec. 3959.253. ASSUMPTION OF ASSETS AND LIABILITIES. After
7 the city dissolves the district, the city assumes, subject to the
8 appropriation and availability of funds, the obligations of the
9 district, including any bonds or other debt payable from taxes,
10 assessments, or other district revenue and any assets of the
11 district.

12 SECTION 2. The North Celina Municipal Management District
13 No. 3 initially includes all the territory contained in the
14 following area:

15 TRACT 1: 2178 ACRES MORE OR LESS
16 LEGAL DESCRIPTION CONSISTING OF 2178.085 ACRES MORE OR LESS BY
17 COMPILING DEEDS DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST JOINT
18 VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED RECORDS OF
19 COLLIN COUNTY, TEXAS, A 218.360 ACRE TRACT OF LAND DESCRIBED AS
20 TRACT NO. 1, A CALLED 161.910 ACRE TRACT OF LAND DESCRIBED AS TRACT
21 NO. 2 IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME
22 2288, PAGE 125 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND A
23 1215.843 ACRE TRACT DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE
24 AS RECORDED IN VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN
25 COUNTY, TEXAS.

26 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.
27 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE

1 J DAVIS SURVEY, ABSTRACT # 254, THE B.B.B. & C.R.R. SURVEY, ABSTRACT
2 # 131, THE H. COCHRAN SURVEY, ABSTRACT # 192, THE T & P. RR CO.
3 SURVEY, ABSTRACT # 1054, THE J.F. SMILEY SURVEY, ABSTRACT 869, THE
4 J. WORRALL SURVEY, ABSTRACT # 1036, THE J. QUEEN SURVEY, ABSTRACT #
5 733, THE J. H. BIGGS SURVEY, ABSTRACT # 51, THE E. ALEXANDER SURVEY,
6 ABSTRACT # 19, THE SA & MG RR CO SURVEY, ABSTRACT # 876 AND THE P.
7 NEWSON, SURVEY, ABSTRACT # 665 AND BEING ALL OF A CALLED 579.400
8 ACRE TRACT OF LAND DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST
9 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED
10 RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 218.360 ACRE TRACT
11 OF LAND DESCRIBED AS TRACT NO. 1 AND ALL OF A CALLED 161.910 ACRE
12 TRACT OF LAND DESCRIBED AS TRACT NO. 2 IN THE DEED TO DYNAVEST JOINT
13 VENTURE AS RECORDED IN VOLUME 2288, PAGE 125 OF THE DEED RECORDS OF
14 COLLIN COUNTY, TEXAS AND ALL OF A CALLED 1215.843 ACRE TRACT
15 DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN
16 VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS
17 AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

18 BEGINNING AT A THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED
19 HEREIN AT THE SOUTHWEST CORNER OF SAID 579.400 ACRE TRACT IN THE
20 NORTH RIGHT-OF-WAY LINE OF F. M. # 455;

21 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF
22 6447.04 FEET TO A POINT FOR CORNER AT THE NORTHWEST CORNER OF SAID
23 579.400 ACRE TRACT;

24 THENCE SOUTH 89 DEGREES 27 MINUTES 28 SECONDS EAST A DISTANCE OF
25 2678.28 FEET TO A POINT FOR CORNER;

26 THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS EAST A DISTANCE OF
27 1013.53 FEET TO A POINT FOR CORNER AT THE MOST NORTHERLY NORTHWEST

1 CORNER OF SAID 579.400 ACRE TRACT;
2 THENCE NORTH 89 DEGREES 27 MINUTES 02 SECONDS EAST A DISTANCE OF
3 2192.86 FEET TO A POINT FOR CORNER IN ELM CREEK;
4 THENCE NORTH 41 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE CENTER
5 OF ELM CREEK A DISTANCE OF 693.00 FEET TO A POINT FOR CORNER;
6 THENCE NORTH 48 DEGREES 30 MINUTES 00 SECONDS EAST ALONG THE CENTER
7 OF ELM CREEK A DISTANCE OF 417.00 FEET TO A POINT FOR CORNER;
8 THENCE NORTH 10 DEGREES 40 MINUTES 00 SECONDS EAST ALONG THE CENTER
9 OF ELM CREEK A DISTANCE OF 274.20 FEET TO A POINT FOR CORNER;
10 THENCE NORTH 74 DEGREES 54 MINUTES 00 SECONDS EAST ALONG THE CENTER
11 OF ELM CREEK A DISTANCE OF 211.00 FEET TO A POINT FOR CORNER;
12 THENCE NORTH 65 DEGREES 52 MINUTES 00 SECONDS EAST ALONG THE CENTER
13 OF ELM CREEK A DISTANCE OF 282.00 FEET TO A POINT FOR CORNER;
14 THENCE NORTH 26 DEGREES 53 MINUTES 00 SECONDS EAST ALONG THE CENTER
15 OF ELM CREEK A DISTANCE OF 1077.50 FEET TO A POINT FOR CORNER TO THE
16 MOST NORTHERLY NORTHWEST CORNER OF SAID 1215.843 ACRE TRACT;
17 THENCE SOUTH 87 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF
18 271.00 FEET TO A POINT FOR CORNER;
19 THENCE SOUTH 89 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF
20 127.00 FEET TO A POINT FOR CORNER;
21 THENCE NORTH 88 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF
22 560.00 FEET TO A POINT FOR CORNER;
23 THENCE NORTH 87 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF
24 917.00 FEET TO A POINT FOR CORNER;
25 THENCE SOUTH 86 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF
26 411.00 FEET TO A POINT FOR CORNER TO THE MOST NORTHERLY NORTHEAST
27 CORNER OF SAID 1215.843 ACRE TRACT

1 THENCE SOUTH 01 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF
2 889.00 FEET TO A POINT FOR CORNER;
3 THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF
4 675.00 FEET TO A POINT FOR CORNER;
5 THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST A DISTANCE OF
6 611.00 FEET TO A POINT FOR CORNER;
7 THENCE SOUTH 00 DEGREES 52 MINUTES 00 SECONDS WEST A DISTANCE OF
8 529.00 FEET TO A POINT FOR CORNER;
9 THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS WEST A DISTANCE OF
10 3775.00 FEET TO A POINT FOR CORNER;
11 THENCE SOUTH 03 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF
12 491.83 FEET TO A POINT FOR CORNER;
13 THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST A DISTANCE OF
14 271.50 FEET TO A POINT FOR CORNER;
15 THENCE SOUTH 02 DEGREES 03 MINUTES 09 SECONDS EAST A DISTANCE OF
16 560.34 FEET TO A POINT FOR CORNER;
17 THENCE SOUTH 86 DEGREES 42 MINUTES 28 SECONDS WEST A DISTANCE OF
18 66.00 FEET TO A POINT FOR CORNER;
19 THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST A DISTANCE OF
20 2883.84 FEET TO A POINT FOR CORNER AT THE MOST EASTERLY SOUTHEAST
21 CORNER OF SAID 1215.843 ACRE TRACT AND THE NORTHEAST CORNER OF SAID
22 161.91 ACRE TRACT;
23 THENCE SOUTH 01 DEGREES 59 MINUTES 59 SECONDS EAST A DISTANCE OF
24 271.54 FEET TO A POINT FOR CORNER;
25 THENCE SOUTH 02 DEGREES 49 MINUTES 01 SECONDS EAST A DISTANCE OF
26 698.98 FEET TO A POINT FOR CORNER;
27 THENCE SOUTH 02 DEGREES 27 MINUTES 24 SECONDS EAST A DISTANCE OF

1 849.68 FEET TO A POINT FOR CORNER TO THE SOUTHEAST CORNER OF SAID
2 161.91 ACRE TRACT;
3 THENCE SOUTH 88 DEGREES 39 MINUTES 30 SECONDS WEST A DISTANCE OF
4 2104.21 FEET TO A POINT FOR CORNER;
5 THENCE SOUTH 87 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF
6 986.67 FEET TO A POINT FOR CORNER;
7 THENCE SOUTH 89 DEGREES 09 MINUTES 32 SECONDS WEST A DISTANCE OF
8 508.11 FEET TO A POINT FOR CORNER;
9 THENCE SOUTH 87 DEGREES 55 MINUTES 18 SECONDS WEST A DISTANCE OF
10 230.84 FEET TO A POINT FOR CORNER;
11 THENCE SOUTH 88 DEGREES 45 MINUTES 02 SECONDS WEST A DISTANCE OF
12 285.38 FEET TO A POINT FOR CORNER;
13 THENCE NORTH 74 DEGREES 25 MINUTES 03 SECONDS WEST A DISTANCE OF
14 1160.29 FEET TO A POINT FOR CORNER;
15 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST A DISTANCE OF
16 404.97 FEET TO A POINT FOR CORNER TO A POINT IN THE NORTH
17 RIGHT-OF-WAY LINE OF FM # 455;
18 THENCE NORTH 15 DEGREES 23 MINUTES 42 SECONDS EAST WITH SAID
19 RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER;
20 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST WITH SAID
21 RIGHT-OF-WAY LINE A DISTANCE OF 179.93 FEET TO A POINT FOR CORNER;
22 THENCE NORTH 52 DEGREES 06 MINUTES 25 SECONDS WEST WITH SAID
23 RIGHT-OF-WAY LINE A DISTANCE OF 697.67 FEET TO A POINT FOR CORNER;
24 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE
25 LEFT WITH AN ARC LENGTH OF 363.14 FEET, WITH A RADIUS OF 986.86 FEET,
26 WITH A CHORD BEARING OF NORTH 62 DEGREES 38 MINUTES 55 SECONDS WEST,
27 AND WITH A CHORD LENGTH OF 361.09 FEET TO A POINT FOR CORNER;

1 THENCE NORTH 73 DEGREES 11 MINUTES 25 SECONDS WEST WITH SAID
2 RIGHT-OF-WAY LINE A DISTANCE OF 199.75 FEET TO A POINT FOR CORNER;
3 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE
4 LEFT WITH AN ARC LENGTH OF 254.11 FEET, WITH A RADIUS OF 1367.32
5 FEET, WITH A CHORD BEARING OF NORTH 78 DEGREES 37 MINUTES 35 SECONDS
6 WEST, AND WITH A CHORD LENGTH OF 253.75 FEET;
7 THENCE NORTH 83 DEGREES 34 MINUTES 06 SECONDS WEST WITH SAID
8 RIGHT-OF-WAY LINE A DISTANCE OF 104.02 FEET TO A POINT FOR CORNER;
9 THENCE NORTH 83 DEGREES 34 MINUTES 06 SECONDS WEST WITH SAID
10 RIGHT-OF-WAY LINE A DISTANCE OF 2140.11 FEET TO A POINT FOR CORNER;
11 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE
12 RIGHT WITH AN ARC LENGTH OF 283.92 FEET, WITH A RADIUS OF 528.70
13 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 22 MINUTES 06 SECONDS
14 WEST, AND WITH A CHORD LENGTH OF 280.52 FEET TO A POINT FOR CORNER, ;
15 THENCE NORTH 53 DEGREES 10 MINUTES 06 SECONDS WEST WITH SAID
16 RIGHT-OF-WAY LINE A DISTANCE OF 766.67 FEET TO THE POINT OF
17 BEGINNING AND ENCLOSING 2178.085 ACRES OF LAND, MORE OR LESS.

18 TRACT 2: 100.474 ACRES MORE OR LESS
19 LEGAL DESCRIPTION CONSISTING OF 100.474 ACRES MORE OR LESS BY
20 COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED AS
21 TRACT I IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME
22 2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS
23 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J.
24 DAVIS SURVEY, ABSTRACT # 254, THE W.P. ALLEN SURVEY, ABSTRACT # 24,
25 AND THE J. HOWARD SURVEY, ABSTRACT # 442 AND BEING ALL OF A CALLED
26 100.474 ACRE TRACT OF LAND DESCRIBED AS TRACT I IN THE DEED TO
27 DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE

1 DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY
2 DESCRIBED AS FOLLOWS:
3 BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED
4 HEREIN AT THE INTERSECTION OF THE WEST LINE OF SAID COLLIN COUNTY
5 WITH THE SOUTHWEST CORNER OF SAID 100.474 ACRE TRACT OF LAND;
6 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF
7 1213.34 FEET TO A POINT FOR CORNER;
8 THENCE NORTH 89 DEGREES 57 MINUTES 51 SECONDS EAST, A DISTANCE OF
9 3608.95 FEET TO A POINT FOR CORNER;
10 THENCE SOUTH 00 DEGREES 56 MINUTES 02 SECONDS EAST, A DISTANCE OF
11 1192.20 FEET TO A POINT FOR CORNER;
12 THENCE SOUTH 89 DEGREES 11 MINUTES 58 SECONDS WEST, A DISTANCE OF
13 1594.31 FEET TO A POINT FOR CORNER;
14 THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF
15 2038.77 FEET TO THE POINT OF BEGINNING AND ENCLOSING 100.474 ACRES
16 OF LAND, MORE OR LESS.
17 TRACT 3: 958.042 ACRES MORE OR LESS
18 LEGAL DESCRIPTION CONSISTING OF 958.042 ACRES MORE OR LESS BY
19 COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED IN
20 THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE
21 114 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS
22 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.
23 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE
24 J. QUEEN SURVEY, ABSTRACT # 733, THE J. QUEEN SURVEY, ABSTRACT #
25 1111, THE A. H. GEE SURVEY, ABSTRACT # 1104, THE H. COCHRAN SURVEY,
26 ABSTRACT # 191, THE J. RAGSDALE SURVEY, ABSTRACT # 735 AND THE
27 GERMAN IMIGRATION CO. SURVEY, ABSTRACT # 356 AND BEING ALL OF A

1 CALLED 957.743 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DYNAVEST
2 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 144 OF THE DEED
3 RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY
4 DESCRIBED AS FOLLOWS:

5 BEGINNING AT THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED
6 HEREIN AT A POINT AT THE NORTHWEST CORNER OF SAID 957.743 ACRE TRACT
7 IN THE SOUTH RIGHT-OF-WAY LINE OF FM # 455;

8 THENCE SOUTH 53 DEGREES 10 MINUTES 06 SECONDS EAST WITH SAID SOUTH
9 RIGHT-OF-WAY LINE A DISTANCE OF 699.50 FEET TO A POINT FOR CORNER;

10 THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO
11 THE LEFT WITH AN ARC LENGTH OF 332.25 FEET, WITH A RADIUS OF 618.70
12 FEET, WITH A CHORD BEARING OF SOUTH 68 DEGREES 22 MINUTES 06 SECONDS
13 EAST, AND WITH A CHORD LENGTH OF 328.27 FEET TO A POINT FOR CORNER;

14 THENCE SOUTH 83 DEGREES 34 MINUTES 06 SECONDS EAST WITH SAID SOUTH
15 RIGHT-OF-WAY LINE A DISTANCE OF 2243.84 FEET TO A POINT FOR CORNER;

16 THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO
17 THE RIGHT WITH AN ARC LENGTH OF 237.99 FEET, WITH A RADIUS OF
18 1277.20 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 38 MINUTES 21
19 SECONDS EAST, AND WITH A CHORD LENGTH OF 237.64 FEET TO A POINT FOR
20 CORNER;

21 THENCE SOUTH 73 DEGREES 11 MINUTES 25 SECONDS EAST WITH SAID SOUTH
22 RIGHT-OF-WAY LINE A DISTANCE OF 131.75 FEET TO A POINT FOR CORNER;

23 THENCE SOUTH 16 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF
24 103.35 FEET TO A POINT FOR CORNER;

25 THENCE SOUTH 40 DEGREES 22 MINUTES 29 SECONDS WEST A DISTANCE OF
26 414.21 FEET TO A POINT FOR CORNER;

27 THENCE SOUTH 50 DEGREES 17 MINUTES 10 SECONDS EAST A DISTANCE OF

1 174.16 FEET TO A POINT FOR CORNER;
2 THENCE SOUTH 04 DEGREES 36 MINUTES 13 SECONDS EAST A DISTANCE OF
3 103.17 FEET TO A POINT FOR CORNER;
4 THENCE SOUTH 53 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF
5 256.14 FEET TO A POINT FOR CORNER;
6 THENCE SOUTH 23 DEGREES 11 MINUTES 46 SECONDS WEST A DISTANCE OF
7 269.21 FEET TO A POINT FOR CORNER;
8 THENCE SOUTH 66 DEGREES 05 MINUTES 31 SECONDS EAST A DISTANCE OF
9 178.82 FEET TO A POINT FOR CORNER;
10 THENCE SOUTH 04 DEGREES 58 MINUTES 45 SECONDS EAST A DISTANCE OF
11 193.80 FEET TO A POINT FOR CORNER;
12 THENCE SOUTH 50 DEGREES 28 MINUTES 50 SECONDS WEST A DISTANCE OF
13 169.49 FEET TO A POINT FOR CORNER;
14 THENCE SOUTH 87 DEGREES 27 MINUTES 53 SECONDS WEST A DISTANCE OF
15 174.71 FEET TO A POINT FOR CORNER;
16 THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST A DISTANCE OF
17 763.18 FEET TO A POINT FOR CORNER;
18 THENCE NORTH 86 DEGREES 32 MINUTES 52 SECONDS EAST A DISTANCE OF
19 1464.77 FEET TO A POINT FOR CORNER;
20 THENCE NORTH 89 DEGREES 13 MINUTES 02 SECONDS EAST A DISTANCE OF
21 524.81 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF
22 FM # 455;
23 THENCE SOUTH 03 DEGREES 06 MINUTES 54 SECONDS WEST WITH SAID WEST
24 RIGHT-OF-WAY LINE A DISTANCE OF 37.23 FEET TO A POINT FOR CORNER;
25 THENCE WITH SAID WEST RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO
26 THE LEFT WITH AN ARC LENGTH OF 577.39 FEET, WITH A RADIUS OF 1477.38
27 FEET, WITH A CHORD BEARING OF SOUTH 08 DEGREES 00 MINUTES 36 SECONDS

1 EAST , AND WITH A CHORD LENGTH OF 573.72 FEET TO A POINT FOR CORNER;
2 THENCE SOUTH 19 DEGREES 08 MINUTES 06 SECONDS EAST WITH SAID WEST
3 RIGHT-OF-WAY LINE A DISTANCE OF 354.02 FEET TO A POINT FOR CORNER;
4 THENCE SOUTH 89 DEGREES 08 MINUTES 02 SECONDS WEST A DISTANCE OF
5 974.20 FEET TO A POINT FOR CORNER;
6 THENCE SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST A DISTANCE OF
7 1724.68 FEET TO A POINT FOR CORNER;
8 THENCE SOUTH 01 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF
9 2948.48 FEET TO A POINT FOR CORNER;
10 THENCE NORTH 88 DEGREES 01 MINUTES 35 SECONDS EAST A DISTANCE OF
11 1138.15 FEET TO A POINT FOR CORNER;
12 THENCE SOUTH 01 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF
13 1965.29 FEET TO A POINT FOR CORNER;
14 THENCE SOUTH 89 DEGREES 32 MINUTES 30 SECONDS WEST A DISTANCE OF
15 5389.11 FEET TO A POINT FOR CORNER;
16 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF
17 10550.55 FEET TO A POINT FOR CORNER;
18 AND ENCLOSING 958.042 ACRES OF LAND, MORE OR LESS.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

2 (c) The Texas Commission on Environmental Quality has filed
3 its recommendations relating to this Act with the governor,
4 lieutenant governor, and speaker of the house of representatives
5 within the required time.

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

10 SECTION 4. (a) Section 3959.109, Special District Local
11 Laws Code, as added by Section 1 of this Act, takes effect only if
12 this Act receives a two-thirds vote of all the members elected to
13 each house.

14 (b) If this Act does not receive a two-thirds vote of all the
15 members elected to each house, Subchapter C, Chapter 3959, Special
16 District Local Laws Code, as added by Section 1 of this Act, is
17 amended by adding Section 3959.109 to read as follows:

18 Sec. 3959.109. NO EMINENT DOMAIN POWER. The district may
19 not exercise the power of eminent domain.

20 (c) This section is not intended to be an expression of a
21 legislative interpretation of the requirements of Section 17(c),
22 Article I, Texas Constitution.

23 SECTION 5. This Act takes effect September 1, 2017.