

By: Holland

H.B. No. 4294

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 3959. NORTH CELINA MUNICIPAL MANAGEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3959.001. DEFINITIONS. In this chapter:

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

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

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

(4) "Director" means a board member.

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

Sec. 3959.002. 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. 3959.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of 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. (a) Except as provided by this chapter, Chapter 375,
9 Local Government Code, applies to the district.

10 (b) The following provisions of Chapter 375, Local
11 Government Code, do not apply to the district:

12 (1) Sections 375.161 and 375.164; and

13 (2) Subchapters B and O.

14 (c) This chapter prevails over any provision of Chapter 375,
15 Local Government Code, that is in conflict or inconsistent with
16 this chapter.

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

21 Sec. 3959.008. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

1 (3) an enterprise zone created under Chapter 2303,
2 Government Code.

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

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

10 (2) any other district purpose, including the right to
11 pledge the money as security for any bonds or other obligations
12 issued by the district under Section 3959.251.

13 (c) If the city creates a tax increment reinvestment zone
14 described by Subsection (a), the city may determine the percentage
15 of the property in the zone that may be used for residential
16 purposes and is not subject to the limitations provided by Section
17 311.006, Tax Code.

18 Sec. 3959.009. EFFECT OF ANNEXATION. Notwithstanding any
19 other law, if all of the territory of the district is annexed by the
20 city into the city's corporate limits, the district:

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

23 (2) is not dissolved; and

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

26 Sec. 3959.010. CONSTRUCTION OF CHAPTER. This chapter shall
27 be construed liberally in conformity with the findings and purposes

1 stated in this chapter.

2 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

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

	<u>Pos. No.</u>	<u>Name of Director</u>
25	<u>1</u>	<u>_____</u>
26	<u>1</u>	<u>_____</u>
27	<u>2</u>	<u>_____</u>

1 which the district is created.

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

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

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

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

18 (2) Chapter 375, Local Government Code.

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

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

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

1 (b) The transfer of ownership is complete on the city's
2 acceptance of ownership.

3 Sec. 3959.106. RETAIL WATER AND SEWER SERVICES PROHIBITED.
4 The district may not provide retail water or sewer services.

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

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

11 (c) The district and any district created under Subchapter D
12 may not add a total area of more than 100 acres.

13 Sec. 3959.108. LIMITED EMINENT DOMAIN POWER. The district
14 may not exercise the power of eminent domain unless the district
15 obtains written consent from the governing body of the city.

16 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

17 Sec. 3959.151. DIVISION OF DISTRICT; PREREQUISITES. The
18 district, including territory added to the district under Section
19 3959.107, may be divided into two or more new districts only if the
20 district has no outstanding bonded debt. Territory previously
21 added to the district under Section 3959.107 may be included in a
22 new district.

23 Sec. 3959.152. LAW APPLICABLE TO NEW DISTRICT. This
24 chapter applies to any new district created by division of the
25 district, and a new district has all the powers and duties of the
26 district.

27 Sec. 3959.153. DIVISION PROCEDURES. (a) The board, on its

1 own motion or on receipt of a petition signed by an owner of real
2 property in the district, may adopt an order proposing to divide the
3 district.

4 (b) If the board decides to divide the district, the board
5 shall:

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

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

11 (3) appoint four initial directors for each new
12 district.

13 (c) The governing body of the city shall appoint one
14 director for each new district.

15 Sec. 3959.154. CONTRACT AUTHORITY OF NEW DISTRICTS. The
16 new districts may contract with each other for any matter the boards
17 of the new districts consider appropriate, including the joint
18 construction or financing of an improvement authorized under this
19 chapter or the joint financing of water services, wastewater
20 services, or a maintenance obligation.

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

22 Sec. 3959.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
23 board by resolution shall establish the number of directors'
24 signatures and the procedure required for a disbursement or
25 transfer of the district's money.

26 Sec. 3959.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
27 The district may acquire, construct, operate, maintain, or finance

1 an improvement project or service authorized by this chapter or
2 Chapter 375, Local Government Code, using any money available to
3 the district.

4 Sec. 3959.203. METHOD OF NOTICE FOR HEARING. The district
5 may mail the notice required by Section 375.115(c), Local
6 Government Code, by certified or first class United States mail.
7 The board shall determine the method of notice.

8 Sec. 3959.204. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
9 The board by order may impose and collect an assessment for any
10 purpose authorized by this chapter in all or any part of the
11 district in the manner provided for:

12 (1) a district under Subchapters A, E, and F, Chapter
13 375, Local Government Code; or

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

16 (b) An assessment, a reassessment, or an assessment
17 resulting from an addition to or correction of the assessment roll
18 by the district, penalties and interest on an assessment or
19 reassessment, an expense of collection, and reasonable attorney's
20 fees incurred by the district are:

21 (1) a first and prior lien against the property
22 assessed;

23 (2) superior to any other lien or claim other than a
24 lien or claim for county, school district, or municipal ad valorem
25 taxes; and

26 (3) the personal liability of and a charge against the
27 owners of the property even if the owners are not named in the

1 assessment proceedings.

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

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

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

12 Sec. 3959.205. NOTICE OF ASSESSMENTS. Annually, the board
13 shall file with the secretary of the city written notice that
14 specifies the assessments the district will impose in the
15 district's next fiscal year in sufficient clarity to describe the
16 assessments for the operation and maintenance of the district and
17 the assessments for the payment of debt service of obligations
18 issued or incurred by the district.

19 SUBCHAPTER F. TAXES AND BONDS

20 Sec. 3959.251. BONDS AND OTHER OBLIGATIONS. (a) The
21 district may issue, by public or private sale, bonds, notes, or
22 other obligations payable wholly or partly from ad valorem taxes or
23 assessments in the manner provided by Subchapter A, Chapter 372, or
24 Subchapter J, Chapter 375, Local Government Code. Sections
25 375.207(a) and (b), Local Government Code, do not apply to the
26 district.

27 (b) In exercising the district's borrowing power, the

1 district may issue a bond or other obligation in the form of a bond,
2 note, certificate of participation or other instrument evidencing a
3 proportionate interest in payments to be made by the district, or
4 other type of obligation.

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

10 (d) Not later than the 30th day before the date the district
11 holds a bond sale, the district shall provide the governing body of
12 the city written notice of the sale.

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

17 SUBCHAPTER G. DISSOLUTION

18 Sec. 3959.301. DISSOLUTION BY CITY ORDINANCE. (a) The
19 governing body of the city may dissolve the district by ordinance.

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

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

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

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

1 Sec. 3959.302. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

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

5 (1) the assessments remain in effect; and

6 (2) the city shall succeed to the rights and
7 obligations of the district regarding enforcement and collection of
8 the assessments or other revenue.

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

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

13 (2) special revenue or assessment bonds or other
14 obligations issued by the city to refund the outstanding bonds or
15 obligations.

16 Sec. 3959.303. ASSUMPTION OF ASSETS AND LIABILITIES. After
17 the city dissolves the district, the city assumes, subject to the
18 appropriation and availability of funds, the obligations of the
19 district, including any bonds or other debt payable from taxes,
20 assessments, or other district revenue and any assets of the
21 district.

22 SECTION 2. The North Celina Municipal Management District
23 No. 3 initially includes all the territory contained in the
24 following area:

25 TRACT 1: 2178 ACRES MORE OR LESS

26 LEGAL DESCRIPTION CONSISTING OF 2178.085 ACRES MORE OR LESS BY
27 COMPILING DEEDS DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST JOINT

1 VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED RECORDS OF
2 COLLIN COUNTY, TEXAS, A 218.360 ACRE TRACT OF LAND DESCRIBED AS
3 TRACT NO. 1, A CALLED 161.910 ACRE TRACT OF LAND DESCRIBED AS TRACT
4 NO. 2 IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME
5 2288, PAGE 125 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS AND A
6 1215.843 ACRE TRACT DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE
7 AS RECORDED IN VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN
8 COUNTY, TEXAS.

9 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.
10 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE
11 J DAVIS SURVEY, ABSTRACT # 254, THE B.B.B. & C.R.R. SURVEY, ABSTRACT
12 # 131, THE H. COCHRAN SURVEY, ABSTRACT # 192, THE T & P. RR CO.
13 SURVEY, ABSTRACT # 1054, THE J.F. SMILEY SURVEY, ABSTRACT 869, THE
14 J. WORRALL SURVEY, ABSTRACT # 1036, THE J. QUEEN SURVEY, ABSTRACT #
15 733, THE J. H. BIGGS SURVEY, ABSTRACT # 51, THE E. ALEXANDER SURVEY,
16 ABSTRACT # 19, THE SA & MG RR CO SURVEY, ABSTRACT # 876 AND THE P.
17 NEWSON, SURVEY, ABSTRACT # 665 AND BEING ALL OF A CALLED 579.400
18 ACRE TRACT OF LAND DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST
19 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED
20 RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 218.360 ACRE TRACT
21 OF LAND DESCRIBED AS TRACT NO. 1 AND ALL OF A CALLED 161.910 ACRE
22 TRACT OF LAND DESCRIBED AS TRACT NO. 2 IN THE DEED TO DYNAVEST JOINT
23 VENTURE AS RECORDED IN VOLUME 2288, PAGE 125 OF THE DEED RECORDS OF
24 COLLIN COUNTY, TEXAS AND ALL OF A CALLED 1215.843 ACRE TRACT
25 DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN
26 VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS
27 AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

1 BEGINNING AT A THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED
2 HEREIN AT THE SOUTHWEST CORNER OF SAID 579.400 ACRE TRACT IN THE
3 NORTH RIGHT-OF-WAY LINE OF F. M. # 455;
4 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF
5 6447.04 FEET TO A POINT FOR CORNER AT THE NORTHWEST CORNER OF SAID
6 579.400 ACRE TRACT;
7 THENCE SOUTH 89 DEGREES 27 MINUTES 28 SECONDS EAST A DISTANCE OF
8 2678.28 FEET TO A POINT FOR CORNER;
9 THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS EAST A DISTANCE OF
10 1013.53 FEET TO A POINT FOR CORNER AT THE MOST NORTHERLY NORTHWEST
11 CORNER OF SAID 579.400 ACRE TRACT;
12 THENCE NORTH 89 DEGREES 27 MINUTES 02 SECONDS EAST A DISTANCE OF
13 2192.86 FEET TO A POINT FOR CORNER IN ELM CREEK;
14 THENCE NORTH 41 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE CENTER
15 OF ELM CREEK A DISTANCE OF 693.00 FEET TO A POINT FOR CORNER;
16 THENCE NORTH 48 DEGREES 30 MINUTES 00 SECONDS EAST ALONG THE CENTER
17 OF ELM CREEK A DISTANCE OF 417.00 FEET TO A POINT FOR CORNER;
18 THENCE NORTH 10 DEGREES 40 MINUTES 00 SECONDS EAST ALONG THE CENTER
19 OF ELM CREEK A DISTANCE OF 274.20 FEET TO A POINT FOR CORNER;
20 THENCE NORTH 74 DEGREES 54 MINUTES 00 SECONDS EAST ALONG THE CENTER
21 OF ELM CREEK A DISTANCE OF 211.00 FEET TO A POINT FOR CORNER;
22 THENCE NORTH 65 DEGREES 52 MINUTES 00 SECONDS EAST ALONG THE CENTER
23 OF ELM CREEK A DISTANCE OF 282.00 FEET TO A POINT FOR CORNER;
24 THENCE NORTH 26 DEGREES 53 MINUTES 00 SECONDS EAST ALONG THE CENTER
25 OF ELM CREEK A DISTANCE OF 1077.50 FEET TO A POINT FOR CORNER TO THE
26 MOST NORTHERLY NORTHWEST CORNER OF SAID 1215.843 ACRE TRACT;
27 THENCE SOUTH 87 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF

1 271.00 FEET TO A POINT FOR CORNER;
2 THENCE SOUTH 89 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF
3 127.00 FEET TO A POINT FOR CORNER;
4 THENCE NORTH 88 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF
5 560.00 FEET TO A POINT FOR CORNER;
6 THENCE NORTH 87 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF
7 917.00 FEET TO A POINT FOR CORNER;
8 THENCE SOUTH 86 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF
9 411.00 FEET TO A POINT FOR CORNER TO THE MOST NORTHERLY NORTHEAST
10 CORNER OF SAID 1215.843 ACRE TRACT
11 THENCE SOUTH 01 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF
12 889.00 FEET TO A POINT FOR CORNER;
13 THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF
14 675.00 FEET TO A POINT FOR CORNER;
15 THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST A DISTANCE OF
16 611.00 FEET TO A POINT FOR CORNER;
17 THENCE SOUTH 00 DEGREES 52 MINUTES 00 SECONDS WEST A DISTANCE OF
18 529.00 FEET TO A POINT FOR CORNER;
19 THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS WEST A DISTANCE OF
20 3775.00 FEET TO A POINT FOR CORNER;
21 THENCE SOUTH 03 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF
22 491.83 FEET TO A POINT FOR CORNER;
23 THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST A DISTANCE OF
24 271.50 FEET TO A POINT FOR CORNER;
25 THENCE SOUTH 02 DEGREES 03 MINUTES 09 SECONDS EAST A DISTANCE OF
26 560.34 FEET TO A POINT FOR CORNER;
27 THENCE SOUTH 86 DEGREES 42 MINUTES 28 SECONDS WEST A DISTANCE OF

1 66.00 FEET TO A POINT FOR CORNER;
2 THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST A DISTANCE OF
3 2883.84 FEET TO A POINT FOR CORNER AT THE MOST EASTERLY SOUTHEAST
4 CORNER OF SAID 1215.843 ACRE TRACT AND THE NORTHEAST CORNER OF SAID
5 161.91 ACRE TRACT;
6 THENCE SOUTH 01 DEGREES 59 MINUTES 59 SECONDS EAST A DISTANCE OF
7 271.54 FEET TO A POINT FOR CORNER;
8 THENCE SOUTH 02 DEGREES 49 MINUTES 01 SECONDS EAST A DISTANCE OF
9 698.98 FEET TO A POINT FOR CORNER;
10 THENCE SOUTH 02 DEGREES 27 MINUTES 24 SECONDS EAST A DISTANCE OF
11 849.68 FEET TO A POINT FOR CORNER TO THE SOUTHEAST CORNER OF SAID
12 161.91 ACRE TRACT;
13 THENCE SOUTH 88 DEGREES 39 MINUTES 30 SECONDS WEST A DISTANCE OF
14 2104.21 FEET TO A POINT FOR CORNER;
15 THENCE SOUTH 87 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF
16 986.67 FEET TO A POINT FOR CORNER;
17 THENCE SOUTH 89 DEGREES 09 MINUTES 32 SECONDS WEST A DISTANCE OF
18 508.11 FEET TO A POINT FOR CORNER;
19 THENCE SOUTH 87 DEGREES 55 MINUTES 18 SECONDS WEST A DISTANCE OF
20 230.84 FEET TO A POINT FOR CORNER;
21 THENCE SOUTH 88 DEGREES 45 MINUTES 02 SECONDS WEST A DISTANCE OF
22 285.38 FEET TO A POINT FOR CORNER;
23 THENCE NORTH 74 DEGREES 25 MINUTES 03 SECONDS WEST A DISTANCE OF
24 1160.29 FEET TO A POINT FOR CORNER;
25 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST A DISTANCE OF
26 404.97 FEET TO A POINT FOR CORNER TO A POINT IN THE NORTH
27 RIGHT-OF-WAY LINE OF FM # 455;

1 THENCE NORTH 15 DEGREES 23 MINUTES 42 SECONDS EAST WITH SAID
2 RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER;
3 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST WITH SAID
4 RIGHT-OF-WAY LINE A DISTANCE OF 179.93 FEET TO A POINT FOR CORNER;
5 THENCE NORTH 52 DEGREES 06 MINUTES 25 SECONDS WEST WITH SAID
6 RIGHT-OF-WAY LINE A DISTANCE OF 697.67 FEET TO A POINT FOR CORNER;
7 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE
8 LEFT WITH AN ARC LENGTH OF 363.14 FEET, WITH A RADIUS OF 986.86 FEET,
9 WITH A CHORD BEARING OF NORTH 62 DEGREES 38 MINUTES 55 SECONDS WEST,
10 AND WITH A CHORD LENGTH OF 361.09 FEET TO A POINT FOR CORNER;
11 THENCE NORTH 73 DEGREES 11 MINUTES 25 SECONDS WEST WITH SAID
12 RIGHT-OF-WAY LINE A DISTANCE OF 199.75 FEET TO A POINT FOR CORNER;
13 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE
14 LEFT WITH AN ARC LENGTH OF 254.11 FEET, WITH A RADIUS OF 1367.32
15 FEET, WITH A CHORD BEARING OF NORTH 78 DEGREES 37 MINUTES 35 SECONDS
16 WEST, AND WITH A CHORD LENGTH OF 253.75 FEET;
17 THENCE NORTH 83 DEGREES 34 MINUTES 06 SECONDS WEST WITH SAID
18 RIGHT-OF-WAY LINE A DISTANCE OF 104.02 FEET TO A POINT FOR CORNER;
19 THENCE NORTH 83 DEGREES 34 MINUTES 06 SECONDS WEST WITH SAID
20 RIGHT-OF-WAY LINE A DISTANCE OF 2140.11 FEET TO A POINT FOR CORNER;
21 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE
22 RIGHT WITH AN ARC LENGTH OF 283.92 FEET, WITH A RADIUS OF 528.70
23 FEET, WITH A CHORD BEARING OF NORTH 68 DEGREES 22 MINUTES 06 SECONDS
24 WEST, AND WITH A CHORD LENGTH OF 280.52 FEET TO A POINT FOR CORNER, ;
25 THENCE NORTH 53 DEGREES 10 MINUTES 06 SECONDS WEST WITH SAID
26 RIGHT-OF-WAY LINE A DISTANCE OF 766.67 FEET TO THE POINT OF
27 BEGINNING AND ENCLOSING 2178.085 ACRES OF LAND, MORE OR LESS.

1 TRACT 2: 100.474 ACRES MORE OR LESS
2 LEGAL DESCRIPTION CONSISTING OF 100.474 ACRES MORE OR LESS BY
3 COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED AS
4 TRACT I IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME
5 2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS
6 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J.
7 DAVIS SURVEY, ABSTRACT # 254, THE W.P. ALLEN SURVEY, ABSTRACT # 24,
8 AND THE J. HOWARD SURVEY, ABSTRACT # 442 AND BEING ALL OF A CALLED
9 100.474 ACRE TRACT OF LAND DESCRIBED AS TRACT I IN THE DEED TO
10 DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE
11 DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY
12 DESCRIBED AS FOLLOWS:
13 BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED
14 HEREIN AT THE INTERSECTION OF THE WEST LINE OF SAID COLLIN COUNTY
15 WITH THE SOUTHWEST CORNER OF SAID 100.474 ACRE TRACT OF LAND;
16 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF
17 1213.34 FEET TO A POINT FOR CORNER;
18 THENCE NORTH 89 DEGREES 57 MINUTES 51 SECONDS EAST, A DISTANCE OF
19 3608.95 FEET TO A POINT FOR CORNER;
20 THENCE SOUTH 00 DEGREES 56 MINUTES 02 SECONDS EAST, A DISTANCE OF
21 1192.20 FEET TO A POINT FOR CORNER;
22 THENCE SOUTH 89 DEGREES 11 MINUTES 58 SECONDS WEST, A DISTANCE OF
23 1594.31 FEET TO A POINT FOR CORNER;
24 THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF
25 2038.77 FEET TO THE POINT OF BEGINNING AND ENCLOSING 100.474 ACRES
26 OF LAND, MORE OR LESS.
27 TRACT 3: 958.042 ACRES MORE OR LESS

1 LEGAL DESCRIPTION CONSISTING OF 958.042 ACRES MORE OR LESS BY
2 COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED IN
3 THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE
4 114 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS
5 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.
6 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE
7 J. QUEEN SURVEY, ABSTRACT # 733, THE J. QUEEN SURVEY, ABSTRACT #
8 1111, THE A. H. GEE SURVEY, ABSTRACT # 1104, THE H. COCHRAN SURVEY,
9 ABSTRACT # 191, THE J. RAGSDALE SURVEY, ABSTRACT # 735 AND THE
10 GERMAN IMIGRATION CO. SURVEY, ABSTRACT # 356 AND BEING ALL OF A
11 CALLED 957.743 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DYNAVEST
12 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 144 OF THE DEED
13 RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY
14 DESCRIBED AS FOLLOWS:
15 BEGINNING AT THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED
16 HEREIN AT A POINT AT THE NORTHWEST CORNER OF SAID 957.743 ACRE TRACT
17 IN THE SOUTH RIGHT-OF-WAY LINE OF FM # 455;
18 THENCE SOUTH 53 DEGREES 10 MINUTES 06 SECONDS EAST WITH SAID SOUTH
19 RIGHT-OF-WAY LINE A DISTANCE OF 699.50 FEET TO A POINT FOR CORNER;
20 THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO
21 THE LEFT WITH AN ARC LENGTH OF 332.25 FEET, WITH A RADIUS OF 618.70
22 FEET, WITH A CHORD BEARING OF SOUTH 68 DEGREES 22 MINUTES 06 SECONDS
23 EAST, AND WITH A CHORD LENGTH OF 328.27 FEET TO A POINT FOR CORNER;
24 THENCE SOUTH 83 DEGREES 34 MINUTES 06 SECONDS EAST WITH SAID SOUTH
25 RIGHT-OF-WAY LINE A DISTANCE OF 2243.84 FEET TO A POINT FOR CORNER;
26 THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO
27 THE RIGHT WITH AN ARC LENGTH OF 237.99 FEET, WITH A RADIUS OF

1 1277.20 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 38 MINUTES 21
2 SECONDS EAST, AND WITH A CHORD LENGTH OF 237.64 FEET TO A POINT FOR
3 CORNER;
4 THENCE SOUTH 73 DEGREES 11 MINUTES 25 SECONDS EAST WITH SAID SOUTH
5 RIGHT-OF-WAY LINE A DISTANCE OF 131.75 FEET TO A POINT FOR CORNER;
6 THENCE SOUTH 16 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF
7 103.35 FEET TO A POINT FOR CORNER;
8 THENCE SOUTH 40 DEGREES 22 MINUTES 29 SECONDS WEST A DISTANCE OF
9 414.21 FEET TO A POINT FOR CORNER;
10 THENCE SOUTH 50 DEGREES 17 MINUTES 10 SECONDS EAST A DISTANCE OF
11 174.16 FEET TO A POINT FOR CORNER;
12 THENCE SOUTH 04 DEGREES 36 MINUTES 13 SECONDS EAST A DISTANCE OF
13 103.17 FEET TO A POINT FOR CORNER;
14 THENCE SOUTH 53 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF
15 256.14 FEET TO A POINT FOR CORNER;
16 THENCE SOUTH 23 DEGREES 11 MINUTES 46 SECONDS WEST A DISTANCE OF
17 269.21 FEET TO A POINT FOR CORNER;
18 THENCE SOUTH 66 DEGREES 05 MINUTES 31 SECONDS EAST A DISTANCE OF
19 178.82 FEET TO A POINT FOR CORNER;
20 THENCE SOUTH 04 DEGREES 58 MINUTES 45 SECONDS EAST A DISTANCE OF
21 193.80 FEET TO A POINT FOR CORNER;
22 THENCE SOUTH 50 DEGREES 28 MINUTES 50 SECONDS WEST A DISTANCE OF
23 169.49 FEET TO A POINT FOR CORNER;
24 THENCE SOUTH 87 DEGREES 27 MINUTES 53 SECONDS WEST A DISTANCE OF
25 174.71 FEET TO A POINT FOR CORNER;
26 THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST A DISTANCE OF
27 763.18 FEET TO A POINT FOR CORNER;

1 THENCE NORTH 86 DEGREES 32 MINUTES 52 SECONDS EAST A DISTANCE OF
2 1464.77 FEET TO A POINT FOR CORNER;
3 THENCE NORTH 89 DEGREES 13 MINUTES 02 SECONDS EAST A DISTANCE OF
4 524.81 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF
5 FM # 455;
6 THENCE SOUTH 03 DEGREES 06 MINUTES 54 SECONDS WEST WITH SAID WEST
7 RIGHT-OF-WAY LINE A DISTANCE OF 37.23 FEET TO A POINT FOR CORNER;
8 THENCE WITH SAID WEST RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO
9 THE LEFT WITH AN ARC LENGTH OF 577.39 FEET, WITH A RADIUS OF 1477.38
10 FEET, WITH A CHORD BEARING OF SOUTH 08 DEGREES 00 MINUTES 36 SECONDS
11 EAST , AND WITH A CHORD LENGTH OF 573.72 FEET TO A POINT FOR CORNER;
12 THENCE SOUTH 19 DEGREES 08 MINUTES 06 SECONDS EAST WITH SAID WEST
13 RIGHT-OF-WAY LINE A DISTANCE OF 354.02 FEET TO A POINT FOR CORNER;
14 THENCE SOUTH 89 DEGREES 08 MINUTES 02 SECONDS WEST A DISTANCE OF
15 974.20 FEET TO A POINT FOR CORNER;
16 THENCE SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST A DISTANCE OF
17 1724.68 FEET TO A POINT FOR CORNER;
18 THENCE SOUTH 01 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF
19 2948.48 FEET TO A POINT FOR CORNER;
20 THENCE NORTH 88 DEGREES 01 MINUTES 35 SECONDS EAST A DISTANCE OF
21 1138.15 FEET TO A POINT FOR CORNER;
22 THENCE SOUTH 01 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF
23 1965.29 FEET TO A POINT FOR CORNER;
24 THENCE SOUTH 89 DEGREES 32 MINUTES 30 SECONDS WEST A DISTANCE OF
25 5389.11 FEET TO A POINT FOR CORNER;
26 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF
27 10550.55 FEET TO A POINT FOR CORNER;

1 AND ENCLOSING 958.042 ACRES OF LAND, MORE OR LESS.

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

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

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

20 SECTION 4. (a) Section 3959.108, Special District Local
21 Laws Code, as added by Section 1 of this Act, takes effect only if
22 this Act receives a two-thirds vote of all the members elected to
23 each house.

24 (b) If this Act does not receive a two-thirds vote of all the
25 members elected to each house, Subchapter C, Chapter 3959, Special
26 District Local Laws Code, as added by Section 1 of this Act, is
27 amended by adding Section 3959.108 to read as follows:

1 Sec. 3959.108. NO EMINENT DOMAIN POWER. The district may
2 not exercise the power of eminent domain.

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

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