

By: Wray

H.B. No. 4347

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Midlothian Municipal Management District No. 3; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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 3952 to read as follows:

CHAPTER 3952. MIDLOTHIAN MUNICIPAL MANAGEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3952.001. DEFINITIONS. In this chapter:

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

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

(3) "County" means Ellis County, Texas.

(4) "Development agreement and consent application" means the Development Agreement made between the city and Hawkins Midlothian Development, LLC, and the Second Amended and Restated Application for Consent to Create a Municipal Management District submitted to the city by Hawkins Midlothian Development, LLC.

(5) "Director" means a board member.

(6) "District" means the Midlothian Municipal Management District No. 3.

Sec. 3952.002. PRECONDITION. (a) In this section, "finance plan" means a plan that includes a general description of proposed improvement projects that will be financed by the

1 district, an estimate of the costs for the proposed improvement  
2 projects, an estimate of the amount of the costs for the proposed  
3 improvement projects that the district will pay directly or that  
4 will be reimbursed to a developer of property in the district, and  
5 the means of financing costs related to the planning, design,  
6 construction, improvement, maintenance, and operation of the  
7 proposed improvement projects.

8 (b) The district may not exercise any powers under this  
9 chapter until:

10 (1) the development agreement and consent application  
11 are executed and effective; and

12 (2) the finance plan is approved by the governing body  
13 of the city.

14 Sec. 3952.003. CREATION AND NATURE OF DISTRICT. The  
15 district is a special district created under Section 59, Article  
16 XVI, Texas Constitution.

17 Sec. 3952.004. PURPOSE; LEGISLATIVE FINDINGS. (a) The  
18 creation of the district is essential to accomplish the purposes of  
19 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
20 Texas Constitution, and other public purposes stated in this  
21 chapter. By creating the district and in authorizing the city and  
22 other political subdivisions to contract with the district, the  
23 legislature has established a program to accomplish the public  
24 purposes set out in Section 52-a, Article III, Texas Constitution.

25 (b) The creation of the district is necessary to promote,  
26 develop, encourage, and maintain employment, commerce,  
27 transportation, housing, tourism, recreation, the arts,

1 entertainment, economic development, safety, and the public  
2 welfare in the district.

3 (c) This chapter and the creation of the district may not be  
4 interpreted to relieve the city or county from providing the level  
5 of services provided as of the effective date of the Act enacting  
6 this chapter to the area in the district. The district is created  
7 to supplement and not to supplant city and county services provided  
8 in the district.

9 Sec. 3952.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
10 The district is created to serve a public use and benefit.

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

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

18 (1) developing and diversifying the economy of the  
19 state;

20 (2) eliminating unemployment and underemployment;

21 (3) providing quality residential housing; and

22 (4) developing or expanding transportation and  
23 commerce.

24 (d) The district will:

25 (1) promote the health, safety, and general welfare of  
26 residents, employers, potential employees, employees, visitors,  
27 and consumers in the district, and of the public;

1           (2) provide needed funding for the district to  
2 preserve, maintain, and enhance the economic health and vitality of  
3 the district territory as a residential community and business  
4 center; and

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

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

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

17           Sec. 3952.006. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act enacting this chapter.

20           (b) A mistake in the field notes of the district contained  
21 in Section 2 of the Act enacting this chapter or in copying the  
22 field notes in the legislative process does not in any way affect:

23           (1) the district's organization, existence, or  
24 validity;

25           (2) the district's right to contract, including the  
26 right to issue any type of bond or other obligation for a purpose  
27 for which the district is created;

1           (3) the district's right to impose or collect an  
2 assessment, ad valorem taxes, or any other revenue; or

3           (4) the legality or operation of the board.

4                           SUBCHAPTER B. BOARD OF DIRECTORS

5           Sec. 3952.051. GOVERNING BODY; TERMS. The district is  
6 governed by a board of five voting directors who serve staggered  
7 terms of four years, with two or three directors' terms expiring May  
8 31 of each even-numbered year.

9           Sec. 3952.052. QUALIFICATIONS. (a) To be qualified to  
10 serve as a director appointed by the governing body of the city, a  
11 person must be:

12                   (1) a resident of the city who is also a registered  
13 voter of the city;

14                   (2) an owner of property in the district; or

15                   (3) an agent, employee, or tenant of a person  
16 described by Subdivision (2).

17           (b) A person who is an agent, employee, or tenant of Hawkins  
18 Midlothian Development, LLC, is not qualified to be appointed as a  
19 director solely because the person is an agent, employee, or tenant  
20 of that corporation if the corporation does not own property in the  
21 district.

22           (c) Section 49.052, Water Code, does not apply to the  
23 district.

24           Sec. 3952.053. APPOINTMENT OF DIRECTORS. The governing  
25 body of the city shall appoint directors from a list of names  
26 recommended by the board as provided by Section 375.064, Local  
27 Government Code.

1       Sec. 3952.054. EX OFFICIO DIRECTORS. (a) The following  
2 persons serve ex officio as nonvoting directors:

3           (1) the city manager of the city; and

4           (2) the chief financial officer of the city.

5       (b) An ex officio director is entitled to notice of board  
6 meetings and to speak on a matter before the board.

7       Sec. 3952.055. VACANCY. The governing body of the city  
8 shall fill a vacancy on the board for the remainder of the unexpired  
9 term in the same manner as the original appointment.

10       Sec. 3952.056. DIRECTOR'S OATH OR AFFIRMATION. A director  
11 shall file the director's oath or affirmation of office with the  
12 district, and the district shall retain the oath or affirmation in  
13 the district records.

14       Sec. 3952.057. OFFICERS. The board shall elect from among  
15 the directors a chair, a vice chair, and a secretary.

16       Sec. 3952.058. COMPENSATION; EXPENSES. (a) The district  
17 may compensate each director in an amount not to exceed \$75 for each  
18 board meeting. The total amount of compensation for each director  
19 in a calendar year may not exceed \$3,000.

20       (b) The governing body of the city, by resolution or  
21 ordinance, may increase:

22           (1) the compensation for each director to an amount  
23 not to exceed \$150 for each board meeting; and

24           (2) the total compensation for each director to an  
25 amount not to exceed \$7,200 in a calendar year.

26       (c) A director is entitled to reimbursement for necessary  
27 and reasonable expenses incurred in carrying out the duties and

1 responsibilities of the board.

2 Sec. 3952.059. LIABILITY INSURANCE. The district may  
3 obtain and pay for comprehensive general liability insurance  
4 coverage from a commercial insurance company or other source that  
5 protects and insures a director against personal liability and from  
6 all claims relating to:

7 (1) actions taken by the director in the director's  
8 capacity as a member of the board;

9 (2) actions and activities taken by the district; or

10 (3) the actions of others acting on behalf of the  
11 district.

12 Sec. 3952.060. BOARD MEETINGS. The board shall hold  
13 meetings at a place accessible to the public.

14 Sec. 3952.061. CONFLICTS OF INTEREST. Chapter 171, Local  
15 Government Code, governs conflicts of interest of directors.

16 Sec. 3952.062. INITIAL DIRECTORS. (a) The initial board  
17 consists of:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Terrance Jobe</u>
<u>2</u>	<u>Tiffany Jobe</u>
<u>3</u>	<u>Jonathan Jobe</u>
<u>4</u>	<u>Tiffany Roath</u>
<u>5</u>	<u>Travis Hudson</u>

24 (b) The governing body of the city shall stagger the initial  
25 directors' terms, with two or three directors' terms expiring May  
26 31, 2018. The remaining directors' terms must expire May 31, 2020.

27 (c) Section 3952.052 does not apply to this section.

SUBCHAPTER C. POWERS AND DUTIES

1                   Sec. 3952.101. IMPROVEMENT PROJECTS. (a) The district may  
2 provide, or it may enter into contracts with a governmental or  
3 private entity to provide, the improvement projects described by  
4 Subchapter D or activities in support of or incidental to those  
5 projects.

6                   (b) An improvement project authorized under this chapter  
7 may be located inside or outside the district.

8                   Sec. 3952.102. WATER DISTRICT POWERS. The district has the  
9 powers provided by the general laws relating to conservation and  
10 reclamation districts created under Section 59, Article XVI, Texas  
11 Constitution, including Chapters 49 and 54, Water Code.

12                   Sec. 3952.103. ROAD DISTRICT POWERS; EXCEPTION. (a)  
13 Except as provided by Subsection (b), the district has the powers  
14 provided by the general laws relating to road districts and road  
15 utility districts created under Section 52(b), Article III, Texas  
16 Constitution, including Chapter 441, Transportation Code.

17                   (b) The district may exercise any power granted by this  
18 chapter and by Chapter 441, Transportation Code, without regard to  
19 any provision or requirement of, or procedure prescribed by,  
20 Chapter 441, Transportation Code.

21                   Sec. 3952.104. PUBLIC IMPROVEMENT DISTRICT POWERS. The  
22 district has the powers provided by Subchapter A, Chapter 372,  
23 Local Government Code, to a municipality or county.

24                   Sec. 3952.105. MUNICIPAL MANAGEMENT DISTRICT POWERS. The  
25 district has the powers provided by Chapter 375, Local Government  
26 Code.

1       Sec. 3952.106. RULES; ENFORCEMENT. (a) The district may  
2 adopt rules:

3           (1) to administer or operate the district; or  
4           (2) for the use, enjoyment, availability, protection,  
5 security, and maintenance of the district's property and  
6 facilities.

7       (b) The district may enforce its rules by injunctive relief.

8       Sec. 3952.107. NAME CHANGE; NOTICE. (a) The board by  
9 resolution may change the district's name.

10       (b) The board shall give written notice of a name change to  
11 the city.

12       Sec. 3952.108. TERMS OF EMPLOYMENT; COMPENSATION. The  
13 board may employ and establish the terms of employment and  
14 compensation of an executive director or general manager and any  
15 other district employees the board considers necessary.

16       Sec. 3952.109. NO EMINENT DOMAIN POWER. The district may  
17 not exercise the power of eminent domain.

18                   SUBCHAPTER D. IMPROVEMENT PROJECTS

19       Sec. 3952.151. BOARD DETERMINATION REQUIRED. The district  
20 may not undertake an improvement project or service unless the  
21 board determines the project or service:

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

24           (2) complies with the development agreement and  
25 consent application or the parties to the development agreement and  
26 consent application agree to the project or service, in writing;

27 and

1           (3) is authorized by an ordinance of the city that  
2 consents to the creation of the district.

3           Sec. 3952.152. CITY REQUIREMENTS. (a) An improvement  
4 project must comply with any applicable city construction codes and  
5 construction ordinances.

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

9           Sec. 3952.153. ADDITIONAL CITY POWERS REGARDING  
10 IMPROVEMENT PROJECTS. (a) Unless the district and the city agree  
11 otherwise, the city may:

12           (1) by ordinance, order, or resolution require that  
13 title to all or any portion of an improvement project vest in the  
14 city; or

15           (2) by ordinance, order, or resolution or other  
16 directive authorize the district to own, encumber, maintain, and  
17 operate an improvement project or convey the project to the city at  
18 a later date.

19           (b) The district shall immediately comply with any city  
20 ordinance, order, or resolution adopted under this section.

21           Sec. 3952.154. LAKE. For the purposes of this subchapter,  
22 planning, design, construction, improvement, or maintenance of a  
23 lake includes work done for drainage, reclamation, or recreation.

24                                   SUBCHAPTER E. CONTRACTS

25           Sec. 3952.201. GENERAL CONTRACT POWERS. The district may  
26 contract with any person to accomplish any district purpose.

27           Sec. 3952.202. CONTRACT TERMS. A contract the district

1 enters into to carry out a purpose of this chapter may be on any  
2 terms and for any period the board determines, including an  
3 obligation to issue a negotiable or nonnegotiable note or warrant  
4 payable to the city, the county, or any other person.

5 Sec. 3952.203. REIMBURSEMENT OF COSTS. The district may  
6 contract with any person for the payment, repayment, or  
7 reimbursement of costs incurred by that person on behalf of the  
8 district, including all or part of the costs of an improvement  
9 project and interest on the reimbursed cost.

10 Sec. 3952.204. CONTRACT FOR IMPROVEMENT PROJECT. (a) The  
11 district may contract with any person for the use, occupancy,  
12 lease, rental, operation, maintenance, or management of all or part  
13 of a proposed or existing improvement project.

14 (b) The district may apply for and contract with any person  
15 to receive, administer, and perform a duty or obligation of the  
16 district under a federal, state, local, or private gift, grant,  
17 loan, conveyance, transfer, bequest, or other financial assistance  
18 arrangement relating to the investigation, planning, analysis,  
19 study, design, acquisition, construction, improvement, completion,  
20 implementation, or operation by the district or others of a  
21 proposed or existing improvement project.

22 Sec. 3952.205. NO FURTHER CONTRACT AUTHORIZATION REQUIRED.  
23 Any person, including the city, may contract with the district to  
24 carry out the purposes of this chapter without further statutory or  
25 other kind of authorization.

26 SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

27 Sec. 3952.251. DEVELOPMENT AGREEMENT AND CONSENT

1 APPLICATION REQUIRED TO BORROW MONEY OR IMPOSE TAXES OR  
2 ASSESSMENTS, INCLUDING BONDS. Before the district may issue bonds,  
3 impose taxes or assessments, or borrow money, the district must  
4 obtain from the city confirmation that the development agreement  
5 and consent application are enforceable and no defaults are known.

6 Sec. 3952.252. BORROWING MONEY. The district may borrow  
7 money for a district purpose by issuing or executing bonds, notes,  
8 credit agreements, or other obligations of any kind found by the  
9 board to be necessary or appropriate for a district purpose. The  
10 bond, note, credit agreement, or other obligation must be secured  
11 by and payable from any combination of ad valorem taxes,  
12 assessments, or any other district revenue.

13 Sec. 3952.253. GENERAL POWERS REGARDING PAYMENT OF DISTRICT  
14 BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or  
15 secure the payment or repayment of any bond, note, or other  
16 temporary or permanent obligation or reimbursement or other  
17 contract with any person and the costs and expenses of the  
18 establishment, administration, and operation of the district and  
19 the district's costs or share of the costs or revenue of an  
20 improvement project or district contractual obligation or debt by:

21 (1) a lease, installment purchase contract, or other  
22 agreement; or

23 (2) any other revenue or resources of the district or  
24 other revenue authorized by the city, including revenue from a tax  
25 increment reinvestment zone created by the city.

26 Sec. 3952.254. ASSESSMENTS. (a) The district may impose an  
27 assessment on property in the district, if the assessment is

1 authorized by an ordinance of the city, to pay the cost or the cost  
2 of maintenance of any authorized district improvement in the manner  
3 provided for:

4 (1) a district under Subchapters A, E, and F, Chapter  
5 375, Local Government Code; or

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

8 (b) An assessment, a reassessment, or an assessment  
9 resulting from an addition to or correction of the assessment roll  
10 by the district, penalties and interest on an assessment or  
11 reassessment, an expense of collection, and reasonable attorney's  
12 fees incurred by the district:

13 (1) are a first and prior lien against the property  
14 assessed; and

15 (2) are superior to any other lien or claim other than  
16 a lien or claim for county, school district, or municipal ad valorem  
17 taxes.

18 (c) The lien of an assessment against property runs with the  
19 land. The portion of an assessment payment obligation that has not  
20 yet come due is not eliminated by the foreclosure of an ad valorem  
21 tax lien, and any purchaser of property in a foreclosure of an ad  
22 valorem tax lien takes the property subject to the assessment  
23 payment obligations that have not yet come due and to the lien and  
24 terms of the lien's payment under the applicable assessment  
25 ordinance or order.

26 (d) The board may make a correction to or deletion from the  
27 assessment roll that does not increase the amount of assessment of

1 any parcel of land without providing notice and holding a hearing in  
2 the manner required for additional assessments.

3 (e) Section 372.023(e), Local Government Code, does not  
4 apply to the district.

5 Sec. 3952.255. NONPOTABLE WATER USER CHARGES; CITY  
6 APPROVAL. The district may establish user charges for the use of  
7 nonpotable water for irrigation purposes, subject to approval of  
8 the governing body of the city.

9 Sec. 3952.256. COSTS FOR IMPROVEMENT PROJECTS. The  
10 district may undertake separately or jointly with other persons,  
11 including the city or county, all or part of the cost of an  
12 improvement project, including an improvement project:

13 (1) for improving, enhancing, and supporting public  
14 safety and security, fire protection and emergency medical  
15 services, and law enforcement in and adjacent to the district; or

16 (2) that confers a general benefit on the entire  
17 district or a special benefit on a definable part of the district.

18 Sec. 3952.257. RESIDENTIAL PROPERTY NOT EXEMPT. Section  
19 375.161, Local Government Code, does not apply to the district.

20 SUBCHAPTER G. TAXES AND BONDS

21 Sec. 3952.301. BONDS AND OTHER OBLIGATIONS. (a) The  
22 district may issue, by competitive bid or negotiated sale, bonds,  
23 notes, or other obligations payable wholly or partly from ad  
24 valorem taxes or assessments in the manner provided by Subchapter  
25 A, Chapter 372, or Subchapter J, Chapter 375, Local Government  
26 Code.

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) Sections 375.208, Local Government Code, and 49.181 and  
11 49.182, Water Code, do not apply to the district.

12 Sec. 3952.302. BOND MATURITY. Bonds may mature not more  
13 than 40 years from their date of issue.

14 Sec. 3952.303. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
15 the time bonds or other obligations payable wholly or partly from ad  
16 valorem taxes are issued:

17 (1) the board shall impose a continuing direct annual  
18 ad valorem tax for each year that all or part of the bonds are  
19 outstanding; and

20 (2) the district annually shall impose an ad valorem  
21 tax on all taxable property in the district in an amount sufficient  
22 to:

23 (A) pay the interest on the bonds or other  
24 obligations as the interest becomes due; and

25 (B) create a sinking fund for the payment of the  
26 principal of the bonds or other obligations when due or the  
27 redemption price at any earlier required redemption date.

1       Sec. 3952.304. ELECTION REQUIRED FOR TAXES OR BONDS. The  
2 district must hold an election in the manner provided by Subchapter  
3 L, Chapter 375, Local Government Code, to obtain voter approval  
4 before the district may impose an ad valorem tax or issue bonds  
5 payable from ad valorem taxes.

6       Sec. 3952.305. TAX RATE. The district's ad valorem tax rate  
7 may not exceed 40 cents per \$100 valuation.

8       Sec. 3952.306. ISSUER POWERS FOR CERTAIN PUBLIC  
9 IMPROVEMENTS. The district may exercise any power of an issuer  
10 under Chapter 1371, Government Code.

11                               SUBCHAPTER H. DISSOLUTION

12       Sec. 3952.351. DISSOLUTION BY CITY ORDINANCE. (a) The city  
13 by ordinance may dissolve the district.

14       (b) The city may not dissolve the district until the  
15 district's outstanding debt or contractual obligations have been  
16 repaid or discharged, including the defeasance of any outstanding  
17 debt issued by the city.

18       (c) The city may not dissolve the district until the  
19 development agreement and consent application have been executed  
20 and the district's performance under the agreement has been  
21 fulfilled, including any right or obligation the district has to  
22 reimburse a developer or owner for the costs of improvement  
23 projects.

24       Sec. 3952.352. COLLECTION OF ASSESSMENTS AND OTHER REVENUE.

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

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

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

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

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

10 Sec. 3952.353. ASSUMPTION OF ASSETS AND LIABILITIES. (a)  
11 After the city dissolves the district, the city assumes the  
12 obligations of the district, including any bonds or other debt  
13 payable from assessments or other district revenue.

14 (b) If the city dissolves the district, the board shall  
15 transfer ownership of all district property to the city.

16 SECTION 2. The Midlothian Municipal Management District No.  
17 3 initially includes all the territory contained in the following  
18 area:

19 LEGAL LAND DESCRIPTION

20 BEING 175.834 acres (7,659,336 square feet) in the  
21 William W. Rawls Survey, Abstract No. 915, Benjamin F.  
22 Hawkins Survey, Abstract Number 464, Marcellus T.  
23 Hawkins Survey, Abstract No. 463, and John M. Garvin  
24 Survey, Abstract No. 424, Ellis County, Texas; being a  
25 175.834 acres (7,659,336 square feet) of land being  
26 all of that certain tract of land described in a  
27 Special Warranty Deed to Hawkins Midlothian

1 Development, LLC (hereinafter referred to as Hawkins  
2 Midlothian Development tract), as recorded in  
3 Instrument Number 1521607, Official Public Records,  
4 Ellis County, Texas (O.P.R.E.C.T.); said 175.834 acres  
5 (7,659,336 square feet) being more particularly  
6 described, by metes and bounds, as follows:

7 BEGINNING at a 60D nail found for the Westerly  
8 Southwest corner of said Hawkins Midlothian  
9 Development tract, same being the existing Easterly  
10 right-of-way line of F.M. Road 663 (80' right-of-way),  
11 as recorded in Volume 387, Page 161, Deed Records,  
12 Ellis County, Texas (D.R.E.C.T.), same also being the  
13 North line of Lawson Farms - Phase One (hereinafter  
14 referred to as Lawson Farms - Phase One), an addition  
15 to the City of Midlothian, Ellis County, Texas,  
16 according to the plat recorded in Cabinet G, Slide 388,  
17 Plat Records, Ellis County, Texas, from which the  
18 Northwest corner of Lot 20, Block 1 of said Lawson  
19 Farms - Phase One bears North 89 degrees 45 minutes 57  
20 seconds East, a distance of 13.69 feet;

21 THENCE North 05 degrees 16 minutes 20 seconds East,  
22 departing the North line of said Lawson Farms - Phase  
23 One and with the common line between said Hawkins  
24 Midlothian Development tract and the existing Easterly  
25 right-of-way line of said F.M. Road 663, a distance of  
26 575.72 feet to a five-eighths inch iron rod found for  
27 the Southerly corner of that certain tract of land

1 described in a Deed to the State of Texas for  
2 right-of-way of said F.M. Road 663, as recorded in  
3 Volume 1465, Page 1208, D.R.E.C.T.;

4 THENCE with the common line between the remainder of  
5 said Hawkins Midlothian Development tract and the  
6 existing Easterly right-of-way line of said F.M. Road  
7 663 for the following 7 courses:

8 1. North 08 degrees 21 minutes 23 seconds East, a  
9 distance of 200.25 feet to a fence post found for  
10 corner;

11 2. North 06 degrees 48 minutes 13 seconds East, a  
12 distance of 85.00 feet to a five-eighths inch iron rod  
13 found for corner;

14 3. North 09 degrees 25 minutes 21 seconds East, a  
15 distance of 85.00 feet to a five-eighths inch iron rod  
16 found for corner;

17 4. North 12 degrees 02 minutes 28 seconds East, a  
18 distance of 85.00 feet to a one-half inch iron rod with  
19 plastic cap stamped "VOTEX" found for corner;

20 5. North 14 degrees 39 minutes 36 seconds East, at a  
21 distance of 6.91 feet, pass a TxDOT monument found for  
22 the Southeast corner that certain tract of land  
23 described in a Deed to the State of Texas for  
24 right-of-way of said F.M. Road 663, as recorded in  
25 Volume 1747, Page 1109, D.R.E.C.T, and continue a  
26 total distance of 85.00 feet to a one-half inch iron  
27 rod with plastic cap stamped "VOTEX" found for corner;

1           6. North 17 degrees 16 minutes 43 seconds East, a  
2 distance of 85.00 feet to a one-half inch iron rod with  
3 plastic cap stamped "VOTEX" found for corner;

4           7. North 19 degrees 53 minutes 51 seconds East, a  
5 distance of 52.97 feet to a one-half inch iron rod with  
6 plastic cap stamped "VOTEX" found for corner, same  
7 being the Westerly Northwest corner of said Hawkins  
8 Midlothian Development tract and the Southwest corner  
9 of the remainder of that certain tract of land  
10 described in a deed to Wilbur L. Stephenson and Wife  
11 Jo. M. Stephenson (hereinafter referred to as  
12 Stephenson tract), as recorded in Volume 1866, Page  
13 2280, D.R.E.C.T.;

14          THENCE South 68 degrees 03 minutes 05 seconds East,  
15 departing the existing Easterly right-of-way line of  
16 said F.M. Road 663 and with the common line between  
17 said Hawkins Midlothian Development tract and the  
18 remainder of said Stephenson tract, a distance of  
19 337.59 feet to a one-half inch iron rod with plastic  
20 cap stamped "VOTEX" found for the beginning of a curve  
21 to the left, whose long chord bears South 79 degrees 19  
22 minutes 22 seconds East, a distance of 390.93 feet;

23          THENCE Easterly continue with the common line between  
24 said Hawkins Midlothian Development tract and the  
25 remainder of said Stephenson tract and with said curve  
26 to the left having a radius of 1000.00 feet, through a  
27 central angle of 22 degrees 32 minutes 39 seconds, for

1 an arc distance of 393.47 feet to a one-half inch iron  
2 rod with plastic cap stamped "VOTEX" found for the end  
3 of said curve;

4 THENCE North 89 degrees 24 minutes 17 seconds East  
5 continue with the common line between said Hawkins  
6 Midlothian Development tract and the remainder of said  
7 Stephenson tract and generally with a fence line, a  
8 distance of 1149.39 feet to a fence post for an  
9 inner-ell corner of said Hawkins Midlothian  
10 Development tract;

11 THENCE North 01 degree 48 minutes 16 seconds West with  
12 the common line between said Hawkins Midlothian  
13 Development tract and said Stephenson tract, a  
14 distance of 45.01 feet to a one-half inch iron rod with  
15 plastic cap stamped "VOTEX" found for the Southwest  
16 corner of that certain tract of land described in a  
17 Special Warranty Deed to The Board of Trustees of the  
18 Midlothian Independent School District (hereinafter  
19 referred to as MISD tract), as recorded in Instrument  
20 Number 1522030, O.P.R.E.C.T.;

21 THENCE North 89 degrees 23 minutes 54 seconds East,  
22 departing the Easterly line of said Stephenson tract  
23 and with the common line between said Hawkins  
24 Midlothian Development tract and said MISD tract, a  
25 distance of 474.84 feet to a one-half inch iron rod  
26 with yellow plastic cap stamped "VOTEX R.P.L.S. 4813"  
27 found for the Southerly Southeast corner of said MISD

1 tract;  
2 THENCE North 44 degrees 18 minutes 23 seconds East  
3 continue with the common line between said Hawkins  
4 Midlothian Development tract and said Hawkins Meadow  
5 tract, a distance of 63.58 feet to a one-half inch iron  
6 rod with yellow plastic cap stamped "VOTEX R.P.L.S.  
7 4813" found for the Easterly Southeast corner of said  
8 Hawkins Meadow tract;  
9 THENCE North 00 degrees 47 minutes 14 seconds West,  
10 continue with the common line between said Hawkins  
11 Midlothian Development tract and said MISD tract, a  
12 distance of 1004.02 feet to a one-half inch iron rod  
13 with yellow plastic cap stamped "VOTEX R.P.L.S. 4813"  
14 found for the Northeast corner of said MISD tract;  
15 THENCE South 88 degrees 44 minutes 42 seconds West  
16 continue with the common line between said Midlothian  
17 Development tract and said MISD tract, a distance of  
18 30.26 feet to a three-quarter inch iron rod found for  
19 an angle point on the West line of said Hawkins  
20 Midlothian Development tract;  
21 THENCE North 01 degree 36 minutes 49 seconds West,  
22 departing the North line of said MISD tract and with  
23 the West line of said Hawkins Midlothian Development  
24 tract, a distance of 574.65 feet to a three-quarters  
25 inch pipe found for the Northwest corner of said  
26 Hawkins Midlothian Development tract;  
27 THENCE South 89 degrees 25 minutes 31 seconds East with

1 a Nand the existing South right-of-way line of said Mt.  
2 Zion Road, a distance of 56.72 feet to a one-half inch  
3 iron rod with yellow plastic cap stamped "VOTEX  
4 R.P.L.S. 4813" found for the beginning of a  
5 non-tangent curve to the left, whose long chord bears  
6 South 14 degrees 42 minutes 34 seconds East, a distance  
7 of 103.35 feet;

8 THENCE with a Northerly line of said Hawkins  
9 Midlothian Development tract for the following 6  
10 courses:

11 1. Southerly, departing the existing South  
12 right-of-way line of said Mt. Zion Road and with said  
13 non-tangent curve to the left having a radius of  
14 1000.00 feet, through a central angle of 5 degrees 55  
15 minutes 26 seconds, for an arc distance of 103.39 feet  
16 to a one-half inch iron rod with yellow plastic cap  
17 stamped "VOTEX R.P.L.S. 4813" found for the beginning  
18 of a reverse curve whose long chord bears South 09  
19 degrees 34 minutes 03 seconds East, a distance of  
20 307.31 feet;

21 2. Southerly with said reverse curve having a radius  
22 of 1090.00 feet, through a central angle of 16 degrees  
23 12 minutes 28 seconds, for an arc distance of 308.34  
24 feet to a one-half inch iron rod with yellow plastic  
25 cap stamped "VOTEX R.P.L.S. 4813" found for corner;

26 3. North 88 degrees 57 minutes 58 seconds East, a  
27 distance of 170.22 feet to a one-half inch iron rod

1 with yellow plastic cap stamped "VOTEX R.P.L.S. 4813"  
2 found for corner;  
3 4. North 00 degrees 18 minutes 59 seconds West, a  
4 distance of 255.12 feet to a one-half inch iron rod  
5 with yellow plastic cap stamped "VOTEX R.P.L.S. 4813"  
6 found for corner;  
7 5. South 89 degrees 41 minutes 01 second West, a  
8 distance of 113.27 feet to a one-half inch iron rod  
9 with yellow plastic cap stamped "VOTEX R.P.L.S. 4813"  
10 found for corner;  
11 6. North 00 degrees 18 minutes 59 seconds West, a  
12 distance of 139.90 feet to a one-half inch iron rod  
13 with yellow plastic cap stamped "VOTEX R.P.L.S. 4813"  
14 found for the existing South right-of-way line of said  
15 Mt. Zion Road, same being the beginning of a  
16 non-tangent curve to the right, whose long chord bears  
17 South 74 degrees 38 minutes 51 seconds East, a distance  
18 of 227.69 feet;  
19 THENCE Easterly with the common line between said  
20 Hawkins Midlothian Development tract and the existing  
21 South right-of-way line of Mt. Zion Road and with said  
22 non-tangent curve to the right having a radius of  
23 755.00 feet, through a central angle of 17 degrees 20  
24 minutes 43 seconds, for an arc distance of 228.56 feet  
25 to a five-eighths inch iron rod with plastic cap  
26 stamped "RPLS 4838" set for corner;  
27 THENCE South 67 degrees 58 minutes 31 seconds East

1 continue with the common line between said Hawkins  
2 Midlothian Development tract and the existing South  
3 right-of-way line of Mt. Zion Road, a distance of  
4 460.94 feet to a five-eighths inch iron rod with  
5 plastic cap stamped "RPLS 4838" set for the beginning  
6 of a curve to the left, whose long chord bears South 68  
7 degrees 55 minutes 06 seconds East, a distance of 86.66  
8 feet;

9 THENCE Southeasterly continue with the common line  
10 between said Hawkins Midlothian Development tract and  
11 the existing South right-of-way line of Mt. Zion Road  
12 and with said curve to the left having a radius of  
13 842.75 feet, through a central angle of 5 degrees 53  
14 minutes 40 seconds, for an arc distance of 86.70 feet  
15 to a five-eighths inch iron rod with plastic cap  
16 stamped "RPLS 4838" set for the Northerly Northeast  
17 corner of said Hawkins Midlothian Development tract;

18 THENCE South 00 degrees 13 minutes 36 seconds West with  
19 an Easterly line of said Hawkins Midlothian  
20 Development tract, passing at a distance of 9.50 feet,  
21 the Northwest corner of that certain tract of land  
22 described in a General Warranty Deed to Midlothian  
23 Economic Development (hereinafter referred to as  
24 Midlothian Economic Development tract), as recorded in  
25 Instrument Number 1517886, O.P.R.E.C.T. and continue  
26 with said course and the common line between said  
27 Hawkins Midlothian Development tract and Midlothian

1 Economic Development tract for a total distance of  
2 241.18 feet to a one inch iron pipe found for an  
3 inner-ell corner of said Hawkins Midlothian  
4 Development tract, same being the Southwest corner of  
5 said Midlothian Economic Development tract;  
6 THENCE South 89 degrees 55 minutes 29 seconds East  
7 continue with the common line between said Hawkins  
8 Midlothian Development tract and said Midlothian  
9 Economic Development tract, a distance of 188.11 feet  
10 to a five-eighths inch iron rod found for an angle  
11 point in a Northerly line of said Hawkins Midlothian  
12 Development tract, same being the Southeasterly corner  
13 of said Midlothian Economic Development tract;  
14 THENCE North 89 degrees 29 minutes 47 seconds East with  
15 a Northerly line of said Hawkins Midlothian  
16 Development tract, passing at a distance of 93.18  
17 feet, the Southwest corner of that certain tract of  
18 land described in a deed to Christina Marie Luther  
19 (hereinafter referred to as Luther tract), as recorded  
20 in Volume 1652, Page 287, O.P.R.E.C.T. and continue  
21 with said course and the common line between said  
22 Hawkins Midlothian Development tract and said Luther  
23 tract for a total distance of 380.22 feet to a fence  
24 post found for the Easterly Northeast corner of said  
25 Hawkins Midlothian Development tract, same being the  
26 Southeast corner of said Luther tract;  
27 THENCE South 02 degrees 37 minutes 04 seconds East with

1 the East line of said Hawkins Midlothian Development  
2 tract, passing at a distance of 155.04 feet, the  
3 Northwest corner of that certain tract of land  
4 described in a General Warranty Deed with Third Party  
5 Vendor's Lien to Lee Morgan Whitehead and wife, Deborah  
6 Lei Whitehead (hereinafter referred to as Whitehead  
7 tract), as recorded in Volume 2555, Page 1721,  
8 O.P.R.E.C.T. and continue with said course and the  
9 common line between said Hawkins Midlothian  
10 Development tract and said Whitehead tract for a total  
11 distance of 675.55 feet to a five-eighths inch pipe  
12 found for the Easterly Southeast corner of said  
13 Hawkins Midlothian Development tract, same being the  
14 Southwest corner of said Whitehead tract, same being  
15 the North line of that certain tract of land described  
16 in a deed to Billy Ray Brandon (hereinafter referred to  
17 as Brandon tract), as recorded in Volume 548, Page 79,  
18 Deed Records, Ellis County, Texas (D.R.E.C.T.);  
19 THENCE South 89 degrees 36 minutes 52 seconds West with  
20 the common line between said Hawkins Midlothian  
21 Development tract and said Brandon tract, a distance  
22 of 571.25 feet to a five-eighths inch iron pipe found  
23 for an inner-ell corner of said Hawkins Midlothian  
24 Development tract, same being the Northwest corner of  
25 said Brandon tract;  
26 THENCE South 01 degree 30 minutes 18 seconds East  
27 continue with the common line between said Hawkins

1 Midlothian Development tract and said Brandon tract,  
2 passing at a distance of 660.17 feet, the Southwest  
3 corner of said Brandon tract, same being the Northwest  
4 corner of that certain tract of land described in a  
5 Warranty Deed to City of Midlothian (hereinafter  
6 referred to as City of Midlothian tract), as recorded  
7 in Volume 2540, Page 2088, D.R.E.C.T. and continue  
8 with said course and the common line between said  
9 Hawkins Midlothian Development tract and said City of  
10 Midlothian tract, passing at a distance of 1980.54  
11 feet, the Southwest corner of said City of Midlothian  
12 tract, same being the Northerly Northwest corner of  
13 that certain tract of land described as Lakegrove  
14 (hereinafter referred to as Lakegrove), an addition to  
15 Ellis County, Texas, according to the plat recorded in  
16 Cabinet A, Page 753, P.R.E.C.T. and continue with said  
17 course for a total distance of 3388.12 feet to a fence  
18 post found for the Southeast corner of said Hawkins  
19 Midlothian Development tract, same being an inner-ell  
20 corner of said Lakegrove;

21 THENCE South 88 degrees 56 minutes 48 seconds West  
22 continue with the common line between said Hawkins  
23 Midlothian Development tract and said Lakegrove,  
24 passing at a distance of 361.12 feet, the Westerly  
25 Northwest corner of said Lakegrove, same being the  
26 Northeast corner of that certain tract of land  
27 described in a deed to the City of Midlothian

1 (hereinafter referred to as City of Midlothian 2  
2 tract), as recorded in Volume 2540, Page 1952,  
3 D.R.E.C.T., and continue with said course and the  
4 common line between said Hawkins Midlothian  
5 Development tract and said City of Midlothian 2 tract  
6 for a total distance of 452.58 feet to a five-eighths  
7 inch iron rod with plastic cap stamped "RPLS 4838" set  
8 for corner;

9 THENCE South 86 degrees 33 minutes 50 seconds West,  
10 continue with the common line between said Hawkins  
11 Midlothian Development tract and said City of  
12 Midlothian 2 tract, a distance of 380.52 feet to a  
13 one-half inch iron rod found for the Southerly  
14 Southwest corner of said Hawkins Midlothian  
15 Development tract;

16 THENCE North 01 degree 50 minutes 27 seconds East,  
17 continue with the common line between said Hawkins  
18 Midlothian Development tract and said City of  
19 Midlothian 2 tract, a distance of 562.86 feet to a  
20 one-half inch iron rod found for corner;

21 THENCE South 89 degrees 50 minutes 48 seconds West,  
22 continue with the common line between said Hawkins  
23 Midlothian Development tract and said City of  
24 Midlothian 2 tract, passing at a distance of 456.78  
25 feet, the Northeast corner of Lot 32, Block 2 of that  
26 certain tract of land described as Lawson Farms - Phase  
27 2A (hereinafter referred to as Lawson Farms - Phase

1           2A), an addition to the City of Midlothian, Ellis  
2           County, Texas, according to the plat recorded in  
3           Cabinet H, Page 252, P.R.E.C.T., and continue with  
4           said course and with the common line between said  
5           Hawkins Midlothian Development tract and said Lawson  
6           Farms - Phase 2A, a total distance of 620.49 feet to a  
7           one-half inch iron rod found for corner;  
8           THENCE North 00 degrees 20 minutes 17 seconds West  
9           continue with the common line between said Hawkins  
10          Midlothian Development tract and said Lawson Farms -  
11          Phase 2A, passing at a distance of 154.34 feet, a  
12          Northerly corner of said Lawson Farms - Phase 2A, same  
13          being the Southeast corner of the remainder of that  
14          certain tract of land described in a deed to SKJ Lawson  
15          Farms Development, L.P., (hereinafter referred to as  
16          SKJ Lawson Farms Development tract), as recorded in  
17          Volume 2005, Page 2309, O.P.R.E.C.T. and continue with  
18          said course and the common line between said Hawkins  
19          Midlothian Development tract and the remainder of said  
20          SKJ Lawson Farms Development tract for a total  
21          distance of 1330.40 feet to a one-half inch iron rod  
22          found for an inner-ell corner of said Hawkins  
23          Midlothian Development tract, same being the Northeast  
24          corner of said SKJ Lawson Farms Development tract;  
25          THENCE South 89 degrees 45 minutes 57 seconds West with  
26          the common line between said Hawkins Midlothian  
27          Development tract and said SKJ Lawson Farms

1 Development tract, passing at a distance of 1209.51  
2 feet, a one-half inch iron rod found for the Northeast  
3 corner of the aforesaid Lawson Farms - Phase One and  
4 continue with said course and the common line between  
5 said Hawkins Midlothian Development tract and said  
6 Lawson Farms - Phase One, for a total distance of  
7 2082.59 feet to the PLACE OF BEGINNING, and containing  
8 a calculated area of 175.834 acres (7,659,336 square  
9 feet) of land.

10 SAVE AND EXCEPT

11 LEGAL LAND DESCRIPTION:

12 BEING 4.339 acres or (188,987 square feet) in the  
13 Marcellus T. Hawkins Survey, Abstract No. 463 and  
14 Benjamin F. Hawkins Survey, Abstract No. 464, Ellis  
15 County, Texas; said 4.339 acres or (188,987 square  
16 feet) of land being all of that certain tract of land  
17 described in a Correction Warranty Deed to James  
18 Marcus Pitts, as recorded in Volume 2132, Page 442,  
19 Official Public Records, Ellis County, Texas  
20 (O.P.R.E.C.T.); said 4.339 acres or (188,987 square  
21 feet) of land being all of that certain tract of land  
22 described as SAVE AND EXCEPT TRACT in a Special  
23 Warranty Deed to Hawkins Midlothian Development, LLC  
24 (hereinafter referred to as SAVE AND EXCEPT TRACT), as  
25 recorded in Instrument Number 1521607, O.P.R.E.C.T.;  
26 said 4.339 acres or (188,987 square feet) being more  
27 particularly described, by metes and bounds, as

1 follows:

2 BEGINNING at a three-quarters inch iron rod found for  
3 the Northwest corner of said SAVE AND EXCEPT TRACT,  
4 same being an inner-ell corner of that certain tract of  
5 land described in a Special Warranty Deed to Hawkins  
6 Midlothian Development, LLC (hereinafter referred to  
7 as Hawkins Midlothian Development tract), as recorded  
8 in Instrument Number 1521607, O.P.R.E.C.T.;

9 THENCE North 89 degrees 47 minutes 57 seconds East with  
10 the common line between said SAVE AND EXCEPT TRACT and  
11 said Hawkins Midlothian Development tract, a distance  
12 of 477.86 feet to a three-eighths inch iron rod found  
13 for the Northeast corner of said SAVE AND EXCEPT TRACT,  
14 same being an inner-ell corner of said Hawkins  
15 Midlothian Development tract;

16 THENCE South 02 degrees 32 minutes 45 seconds West  
17 continue with the common line between said SAVE AND  
18 EXCEPT TRACT and said Hawkins Midlothian Development  
19 tract, a distance of 399.01 feet to a one-half inch  
20 iron rod found for the Southeast corner of said SAVE  
21 AND EXCEPT TRACT, same being an inner-ell corner of  
22 said Hawkins Midlothian Development tract;

23 THENCE South 87 degrees 30 minutes 51 seconds West  
24 continue with the common line between said SAVE AND  
25 EXCEPT TRACT and said Hawkins Midlothian Development  
26 tract, a distance of 450.20 feet to a five-eighths inch  
27 iron rod with plastic cap stamped "RPLS 4838" set for

1 the Southwest corner of said SAVE AND EXCEPT TRACT,  
2 same being an inner-ell corner of said Hawkins  
3 Midlothian Development tract;

4 THENCE North 01 degree 25 minutes 30 seconds West  
5 continue with the common line between said SAVE AND  
6 EXCEPT TRACT and said Hawkins Midlothian Development  
7 tract, a distance of 416.60 feet to the PLACE OF  
8 BEGINNING, and containing a calculated area of 4.339  
9 acres or (188,987 square feet) of land.

10 LEAVING A NET ACREAGE OF 171.496 ACRES or (7,470,349  
11 SQUARE FEET).

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

19 (b) The governor, one of the required recipients, has  
20 submitted the notice and Act to the Texas Commission on  
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed  
23 its recommendations relating to this Act with the governor,  
24 lieutenant governor, and speaker of the house of representatives  
25 within the required time.

26 (d) The general law relating to consent by political  
27 subdivisions to the creation of districts with conservation,

1 reclamation, and road powers and the inclusion of land in those  
2 districts has been complied with.

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

7 SECTION 4. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2017.