

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 district, an estimate of the costs for the proposed improvement projects, an estimate of the amount of the costs for the proposed improvement projects that the district will pay directly or that will be reimbursed to a developer of property in the district, and the means of financing costs related to the planning, design, construction, improvement, maintenance, and operation of the proposed improvement projects.  
(b) The district may not exercise any powers under this chapter until:  
(1) the development agreement and consent application are executed and effective; and

SENATE VERSION (CS)

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 district, an estimate of the costs for the proposed improvement projects, an estimate of the amount of the costs for the proposed improvement projects that the district will pay directly or that will be reimbursed to a developer of property in the district, and the means of financing costs related to the planning, design, construction, improvement, maintenance, and operation of the proposed improvement projects.  
(b) The district may not exercise any powers under this chapter until:  
(1) the development agreement and consent application are executed and effective; and

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

Sec. 3952.004. 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, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

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

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

SENATE VERSION (CS)

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

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

Sec. 3952.004. 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, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

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

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

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

and other powers granted under this chapter.

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

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

(2) eliminating unemployment and underemployment;

(3) providing quality residential housing; and

(4) developing or expanding transportation and commerce.

(d) The district will:

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

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

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

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

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

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

SENATE VERSION (CS)

and other powers granted under this chapter.

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

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

(2) eliminating unemployment and underemployment;

(3) providing quality residential housing; and

(4) developing or expanding transportation and commerce.

(d) The district will:

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

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

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

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

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

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

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

- (1) the district's organization, existence, or validity;
- (2) the district's right to contract, including the right to issue any type of bond or other obligation for a purpose for which the district is created;
- (3) the district's right to impose or collect an assessment, ad valorem taxes, or any other revenue; or
- (4) the legality or operation of the board.

**SUBCHAPTER B. BOARD OF DIRECTORS**

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

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

- (1) a resident of the city who is also a registered voter of the city;
- (2) an owner of property in the district; or
- (3) an agent, employee, or tenant of a person described by Subdivision (2).

(b) A person who is an agent, employee, or tenant of Hawkins Midlothian Development, LLC, is not qualified to be appointed as a director solely because the person is an agent, employee, or tenant of that corporation if the corporation does

SENATE VERSION (CS)

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

- (1) the district's organization, existence, or validity;
- (2) the district's right to contract, including the right to issue any type of bond or other obligation for a purpose for which the district is created;
- (3) the district's right to impose or collect an assessment, ad valorem taxes, or any other revenue; or
- (4) the legality or operation of the board.

Sec. 3952.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as provided by this chapter, Chapter 375, Local Government Code, applies to the district.

**SUBCHAPTER B. BOARD OF DIRECTORS**

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

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

- (1) a resident of the city who is also a registered voter of the city;
- (2) an owner of property in the district; or
- (3) an agent, employee, or tenant of a person described by Subdivision (2).

(b) A person who is an agent, employee, or tenant of Hawkins Midlothian Development, LLC, is not qualified to be appointed as a director solely because the person is an agent, employee, or tenant of that corporation if the corporation does

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

not own property in the district.

(c) Section 49.052, Water Code, does not apply to the district.  
Sec. 3952.053. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from a list of names recommended by the board as provided by Section 375.064, Local Government Code.

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

(1) the city manager of the city; and

(2) the chief financial officer of the city.

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

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

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

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

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

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

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

(2) the total compensation for each director to an amount not

SENATE VERSION (CS)

not own property in the district.

(c) Section 49.052, Water Code, does not apply to the district.  
Sec. 3952.053. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from a list of names recommended by the board as provided by Section 375.064, Local Government Code.

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

(1) the city manager of the city; and

(2) the chief financial officer of the city.

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

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

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

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

Sec. 3952.058. COMPENSATION.

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

to exceed \$7,200 in a calendar year.

(c) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

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

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

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

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

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

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

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

Pos. No.Name of Director

1Terrance Jobe

2Tiffany Jobe

3Jonathan Jobe

4Tiffany Roath

5Travis Hudson

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

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

SENATE VERSION (CS)

A director is entitled to receive fees of office and reimbursement for actual expenses in the manner provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

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

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

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

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

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

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

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

Pos. No.Name of Director

1Terrance Jobe

2Tiffany Jobe

3Jonathan Jobe

4Tiffany Roath

5Travis Hudson

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

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

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

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

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

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

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

SENATE VERSION (CS)

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

Sec. 3952.104. RULES; ENFORCEMENT. (a) The district may adopt rules:

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

(1) to administer or operate the district; or  
(2) for the use, enjoyment, availability, protection, security, and maintenance of the district's property and facilities.  
(b) The district may enforce its rules by injunctive relief.  
Sec. 3952.107. NAME CHANGE; NOTICE. (a) The board by resolution may change the district's name.  
(b) The board shall give written notice of a name change to the city.  
Sec. 3952.108. TERMS OF EMPLOYMENT; COMPENSATION. The board may employ and establish the terms of employment and compensation of an executive director or general manager and any other district employees the board considers necessary.  
Sec. 3952.109. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.  
SUBCHAPTER D. IMPROVEMENT PROJECTS  
Sec. 3952.151. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project or service unless the board determines the project or service:  
(1) is necessary to accomplish a public purpose of the district;  
(2) complies with the development agreement and consent application or the parties to the development agreement and consent application agree to the project or service, in writing; and  
(3) is authorized by an ordinance of the city that consents to the creation of the district.  
Sec. 3952.152. CITY REQUIREMENTS. (a) An improvement project must comply with any applicable city construction codes and construction ordinances.  
(b) The district may not provide, conduct, or authorize any improvement project on the city streets, highways, rights-of-way, or easements without the consent of the governing body

SENATE VERSION (CS)

(1) to administer or operate the district; or  
(2) for the use, enjoyment, availability, protection, security, and maintenance of the district's property and facilities.  
(b) The district may enforce its rules by injunctive relief.  
Sec. 3952.105. NAME CHANGE; NOTICE. (a) The board by resolution may change the district's name.  
(b) The board shall give written notice of a name change to the city.  
Sec. 3952.106. TERMS OF EMPLOYMENT; COMPENSATION. The board may employ and establish the terms of employment and compensation of an executive director or general manager and any other district employees the board considers necessary.  
Sec. 3952.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.  
SUBCHAPTER D. IMPROVEMENT PROJECTS  
Sec. 3952.151. BOARD DETERMINATION REQUIRED. The district may not undertake an improvement project or service unless the board determines the project or service:  
(1) is necessary to accomplish a public purpose of the district;  
(2) complies with the development agreement and consent application or the parties to the development agreement and consent application agree to the project or service, in writing; and  
(3) is authorized by an ordinance of the city that consents to the creation of the district.  
Sec. 3952.152. CITY REQUIREMENTS. (a) An improvement project must comply with any applicable city construction codes and construction ordinances.  
(b) The district may not provide, conduct, or authorize any improvement project on the city streets, highways, rights-of-way, or easements without the consent of the governing body

CONFERENCE



**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

of the city.  
Sec. 3952.153. ADDITIONAL CITY POWERS REGARDING IMPROVEMENT PROJECTS. (a) Unless the district and the city agree otherwise, the city may:  
(1) by ordinance, order, or resolution require that title to all or any portion of an improvement project vest in the city; or  
(2) by ordinance, order, or resolution or other directive authorize the district to own, encumber, maintain, and operate an improvement project or convey the project to the city at a later date.  
(b) The district shall immediately comply with any city ordinance, order, or resolution adopted under this section.  
Sec. 3952.154. LAKE. For the purposes of this subchapter, planning, design, construction, improvement, or maintenance of a lake includes work done for drainage, reclamation, or recreation.  
SUBCHAPTER E. CONTRACTS  
Sec. 3952.201. GENERAL CONTRACT POWERS. The district may contract with any person to accomplish any district purpose.  
Sec. 3952.202. CONTRACT TERMS. A contract the district enters into to carry out a purpose of this chapter may be on any terms and for any period the board determines, including an obligation to issue a negotiable or nonnegotiable note or warrant payable to the city, the county, or any other person.  
Sec. 3952.203. REIMBURSEMENT OF COSTS. The district may contract with any person for the payment, repayment, or reimbursement of costs incurred by that person on behalf of the district, including all or part of the costs of an improvement project and interest on the reimbursed cost.  
Sec. 3952.204. CONTRACT FOR IMPROVEMENT PROJECT. (a) The district may contract with any person for

SENATE VERSION (CS)

of the city.  
Sec. 3952.153. ADDITIONAL CITY POWERS REGARDING IMPROVEMENT PROJECTS. (a) Unless the district and the city agree otherwise, the city may:  
(1) by ordinance, order, or resolution require that title to all or any portion of an improvement project vest in the city; or  
(2) by ordinance, order, or resolution or other directive authorize the district to own, encumber, maintain, and operate an improvement project or convey the project to the city at a later date.  
(b) The district shall immediately comply with any city ordinance, order, or resolution adopted under this section.  
Sec. 3952.154. LAKE. For the purposes of this subchapter, planning, design, construction, improvement, or maintenance of a lake includes work done for drainage, reclamation, or recreation.  
SUBCHAPTER E. CONTRACTS  
Sec. 3952.201. GENERAL CONTRACT POWERS. The district may contract with any person to accomplish any district purpose.  
Sec. 3952.202. CONTRACT TERMS. A contract the district enters into to carry out a purpose of this chapter may be on any terms and for any period the board determines, including an obligation to issue a negotiable or nonnegotiable note or warrant payable to the city, the county, or any other person.  
Sec. 3952.203. REIMBURSEMENT OF COSTS. The district may contract with any person for the payment, repayment, or reimbursement of costs incurred by that person on behalf of the district, including all or part of the costs of an improvement project and interest on the reimbursed cost.  
Sec. 3952.204. CONTRACT FOR IMPROVEMENT PROJECT. (a) The district may contract with any person for

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

the use, occupancy, lease, rental, operation, maintenance, or management of all or part of a proposed or existing improvement project.

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

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

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 3952.251. DEVELOPMENT AGREEMENT AND CONSENT APPLICATION REQUIRED TO BORROW MONEY OR IMPOSE TAXES OR ASSESSMENTS, INCLUDING BONDS. Before the district may issue bonds, impose taxes or assessments, or borrow money, the district must obtain from the city confirmation that the development agreement and consent application are enforceable and no defaults are known.

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

SENATE VERSION (CS)

the use, occupancy, lease, rental, operation, maintenance, or management of all or part of a proposed or existing improvement project.

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

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

SUBCHAPTER F. GENERAL FINANCIAL PROVISIONS

Sec. 3952.251. DEVELOPMENT AGREEMENT AND CONSENT APPLICATION REQUIRED TO BORROW MONEY OR IMPOSE TAXES OR ASSESSMENTS, INCLUDING BONDS. Before the district may issue bonds, impose taxes or assessments, or borrow money, the district must obtain from the city confirmation that the development agreement and consent application are enforceable and no defaults are known.

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

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

district revenue.  
Sec. 3952.253. GENERAL POWERS REGARDING PAYMENT OF DISTRICT BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or secure the payment or repayment of any bond, note, or other temporary or permanent obligation or reimbursement or other contract with any person and the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs or revenue of an improvement project or district contractual obligation or debt by:  
(1) a lease, installment purchase contract, or other agreement;  
or  
(2) any other revenue or resources of the district or other revenue authorized by the city, including revenue from a tax increment reinvestment zone created by the city.

Sec. 3952.254. ASSESSMENTS. (a) The district may impose an assessment on property in the district, if the assessment is authorized by an ordinance of the city, to pay the cost or the cost of maintenance of any authorized district improvement in the manner provided for:  
(1) a district under Subchapters A, E, and F, Chapter 375, Local Government Code; or  
(2) a municipality or county under Subchapter A, Chapter 372, Local Government Code.

SENATE VERSION (CS)

district revenue.  
Sec. 3952.253. GENERAL POWERS REGARDING PAYMENT OF DISTRICT BONDS, OBLIGATIONS, OR OTHER COSTS. The district may provide or secure the payment or repayment of any bond, note, or other temporary or permanent obligation or reimbursement or other contract with any person and the costs and expenses of the establishment, administration, and operation of the district and the district's costs or share of the costs or revenue of an improvement project or district contractual obligation or debt by:  
(1) a lease, installment purchase contract, or other agreement;  
or  
(2) any other revenue or resources of the district or other revenue authorized by the city, including revenue from a tax increment reinvestment zone created by the city.  
Sec. 3952.254. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board in the manner provided by Section 375.114, Local Government Code.  
Sec. 3952.255. ASSESSMENTS. (a) The district may impose an assessment on property in the district, if the assessment is authorized by an ordinance of the city, to pay the cost or the cost of maintenance of any authorized district improvement in the manner provided for a district under Subchapters A, E, and F, Chapter 375, Local Government Code.

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

(1) are a first and prior lien against the property assessed; and  
(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes.

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

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

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

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

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

SENATE VERSION (CS)

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

(1) are a first and prior lien against the property assessed; and  
(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes.

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

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

Sec. 3952.256. NONPOTABLE WATER USER CHARGES; CITY APPROVAL. The district may establish user charges for the use of nonpotable water for irrigation purposes, subject to approval of the governing body of the city.

Sec. 3952.257. COSTS FOR IMPROVEMENT PROJECTS. The district may undertake separately or jointly with other persons, including the city or county, all or part of the cost of an improvement project, including an improvement project:

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

SUBCHAPTER G. TAXES AND BONDS

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

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

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

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

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

Sec. 3952.303. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations

SENATE VERSION (CS)

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

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

SUBCHAPTER G. TAXES AND BONDS

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

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

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

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

Sec. 3952.303. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

payable wholly or partly from ad valorem taxes are issued:

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

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

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

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

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

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

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

SUBCHAPTER H. DISSOLUTION

Sec. 3952.351. DISSOLUTION BY CITY ORDINANCE.

(a) The city by ordinance may dissolve the district.

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

(c) The city may not dissolve the district until the development agreement and consent application have been executed and the district's performance under the agreement

SENATE VERSION (CS)

payable wholly or partly from ad valorem taxes are issued:

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

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

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

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

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

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

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

SUBCHAPTER H. DISSOLUTION

Sec. 3952.351. DISSOLUTION BY CITY ORDINANCE.

(a) The city by ordinance may dissolve the district.

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

(c) The city may not dissolve the district until the development agreement and consent application have been executed and the district's performance under the agreement

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

has been fulfilled, including any right or obligation the district has to reimburse a developer or owner for the costs of improvement projects.

Sec. 3952.352. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

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

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

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

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

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

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

LEGAL LAND DESCRIPTION

BEING 175.834 acres (7,659,336 square feet) in the William W. Rawls Survey, Abstract No. 915, Benjamin F. Hawkins Survey, Abstract Number 464, Marcellus T. Hawkins Survey,

SENATE VERSION (CS)

has been fulfilled, including any right or obligation the district has to reimburse a developer or owner for the costs of improvement projects.

Sec. 3952.352. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, the city shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

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

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

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

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

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

SECTION 2. Same as House version.

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Abstract No. 463, and John M. Garvin Survey, Abstract No. 424, Ellis County, Texas; being a 175.834 acres (7,659,336 square feet) of land being all of that certain tract of land described in a Special Warranty Deed to Hawkins Midlothian Development, LLC (hereinafter referred to as Hawkins Midlothian Development tract), as recorded in Instrument Number 1521607, Official Public Records, Ellis County, Texas (O.P.R.E.C.T.); said 175.834 acres (7,659,336 square feet) being more particularly described, by metes and bounds, as follows:

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

THENCE North 05 degrees 16 minutes 20 seconds East, departing the North line of said Lawson Farms - Phase One and with the common line between said Hawkins Midlothian Development tract and the existing Easterly right-of-way line of said F.M. Road 663, a distance of 575.72 feet to a five-eighths inch iron rod found for the Southerly corner of that certain tract of land described in a Deed to the State of Texas for right-of-way of said F.M. Road 663, as recorded in Volume 1465, Page 1208, D.R.E.C.T.;

SENATE VERSION (CS)

CONFERENCE



**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

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

1. North 08 degrees 21 minutes 23 seconds East, a distance of 200.25 feet to a fence post found for corner;
  2. North 06 degrees 48 minutes 13 seconds East, a distance of 85.00 feet to a five-eighths inch iron rod found for corner;
  3. North 09 degrees 25 minutes 21 seconds East, a distance of 85.00 feet to a five-eighths inch iron rod found for corner;
  4. North 12 degrees 02 minutes 28 seconds East, a distance of 85.00 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner;
  5. North 14 degrees 39 minutes 36 seconds East, at a distance of 6.91 feet, pass a TxDOT monument found for the Southeast corner that certain tract of land described in a Deed to the State of Texas for right-of-way of said F.M. Road 663, as recorded in Volume 1747, Page 1109, D.R.E.C.T, and continue a total distance of 85.00 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner;
  6. North 17 degrees 16 minutes 43 seconds East, a distance of 85.00 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner;
  7. North 19 degrees 53 minutes 51 seconds East, a distance of 52.97 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for corner, same being the Westerly Northwest corner of said Hawkins Midlothian Development tract and the Southwest corner of the remainder of that certain tract of land described in a deed to Wilbur L. Stephenson and Wife Jo. M. Stephenson (hereinafter referred to as Stephenson tract), as recorded in Volume 1866, Page 2280, D.R.E.C.T.;
- THENCE South 68 degrees 03 minutes 05 seconds East,

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

THENCE Easterly continue with the common line between said Hawkins Midlothian Development tract and the remainder of said Stephenson tract and with said curve to the left having a radius of 1000.00 feet, through a central angle of 22 degrees 32 minutes 39 seconds, for an arc distance of 393.47 feet to a one-half inch iron rod with plastic cap stamped "VOTEX" found for the end of said curve;

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

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

THENCE North 89 degrees 23 minutes 54 seconds East, departing the Easterly line of said Stephenson tract and with

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

the common line between said Hawkins Midlothian Development tract and said MISD tract, a distance of 474.84 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the Southerly Southeast corner of said MISD tract;

THENCE North 44 degrees 18 minutes 23 seconds East continue with the common line between said Hawkins Midlothian Development tract and said Hawkins Meadow tract, a distance of 63.58 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the Easterly Southeast corner of said Hawkins Meadow tract;

THENCE North 00 degrees 47 minutes 14 seconds West, continue with the common line between said Hawkins Midlothian Development tract and said MISD tract, a distance of 1004.02 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the Northeast corner of said MISD tract;

THENCE South 88 degrees 44 minutes 42 seconds West continue with the common line between said Midlothian Development tract and said MISD tract, a distance of 30.26 feet to a three-quarter inch iron rod found for an angle point on the West line of said Hawkins Midlothian Development tract;

THENCE North 01 degree 36 minutes 49 seconds West, departing the North line of said MISD tract and with the West line of said Hawkins Midlothian Development tract, a distance of 574.65 feet to a three-quarters inch pipe found for the Northwest corner of said Hawkins Midlothian Development tract;

THENCE South 89 degrees 25 minutes 31 seconds East with a Nand the existing South right-of-way line of said Mt. Zion

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Road, a distance of 56.72 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the beginning of a non-tangent curve to the left, whose long chord bears South 14 degrees 42 minutes 34 seconds East, a distance of 103.35 feet;

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

1. Southerly, departing the existing South right-of-way line of said Mt. Zion Road and with said non-tangent curve to the left having a radius of 1000.00 feet, through a central angle of 5 degrees 55 minutes 26 seconds, for an arc distance of 103.39 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the beginning of a reverse curve whose long chord bears South 09 degrees 34 minutes 03 seconds East, a distance of 307.31 feet;
2. Southerly with said reverse curve having a radius of 1090.00 feet, through a central angle of 16 degrees 12 minutes 28 seconds, for an arc distance of 308.34 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
3. North 88 degrees 57 minutes 58 seconds East, a distance of 170.22 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
4. North 00 degrees 18 minutes 59 seconds West, a distance of 255.12 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
5. South 89 degrees 41 minutes 01 second West, a distance of 113.27 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for corner;
6. North 00 degrees 18 minutes 59 seconds West, a distance of 139.90 feet to a one-half inch iron rod with yellow plastic cap stamped "VOTEX R.P.L.S. 4813" found for the existing

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

South right-of-way line of said Mt. Zion Road, same being the beginning of a non-tangent curve to the right, whose long chord bears South 74 degrees 38 minutes 51 seconds East, a distance of 227.69 feet;

THENCE Easterly with the common line between said Hawkins Midlothian Development tract and the existing South right-of-way line of Mt. Zion Road and with said non-tangent curve to the right having a radius of 755.00 feet, through a central angle of 17 degrees 20 minutes 43 seconds, for an arc distance of 228.56 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

THENCE South 67 degrees 58 minutes 31 seconds East continue with the common line between said Hawkins Midlothian Development tract and the existing South right-of-way line of Mt. Zion Road, a distance of 460.94 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the beginning of a curve to the left, whose long chord bears South 68 degrees 55 minutes 06 seconds East, a distance of 86.66 feet;

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

THENCE South 00 degrees 13 minutes 36 seconds West with an Easterly line of said Hawkins Midlothian Development tract, passing at a distance of 9.50 feet, the Northwest corner of that certain tract of land described in a General Warranty

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

Deed to Midlothian Economic Development (hereinafter referred to as Midlothian Economic Development tract), as recorded in Instrument Number 1517886, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and Midlothian Economic Development tract for a total distance of 241.18 feet to a one inch iron pipe found for an inner-ell corner of said Hawkins Midlothian Development tract, same being the Southwest corner of said Midlothian Economic Development tract;

THENCE South 89 degrees 55 minutes 29 seconds East continue with the common line between said Hawkins Midlothian Development tract and said Midlothian Economic Development tract, a distance of 188.11 feet to a five-eighths inch iron rod found for an angle point in a Northerly line of said Hawkins Midlothian Development tract, same being the Southeasterly corner of said Midlothian Economic Development tract;

THENCE North 89 degrees 29 minutes 47 seconds East with a Northerly line of said Hawkins Midlothian Development tract, passing at a distance of 93.18 feet, the Southwest corner of that certain tract of land described in a deed to Christina Marie Luther (hereinafter referred to as Luther tract), as recorded in Volume 1652, Page 287, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and said Luther tract for a total distance of 380.22 feet to a fence post found for the Easterly Northeast corner of said Hawkins Midlothian Development tract, same being the Southeast corner of said Luther tract;

THENCE South 02 degrees 37 minutes 04 seconds East with the East line of said Hawkins Midlothian Development tract, passing at a distance of 155.04 feet, the Northwest corner of

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

that certain tract of land described in a General Warranty Deed with Third Party Vendor's Lien to Lee Morgan Whitehead and wife, Deborah Lei Whitehead (hereinafter referred to as Whitehead tract), as recorded in Volume 2555, Page 1721, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and said Whitehead tract for a total distance of 675.55 feet to a five-eighths inch pipe found for the Easterly Southeast corner of said Hawkins Midlothian Development tract, same being the Southwest corner of said Whitehead tract, same being the North line of that certain tract of land described in a deed to Billy Ray Brandon (hereinafter referred to as Brandon tract), as recorded in Volume 548, Page 79, Deed Records, Ellis County, Texas (D.R.E.C.T.);

THENCE South 89 degrees 36 minutes 52 seconds West with the common line between said Hawkins Midlothian Development tract and said Brandon tract, a distance of 571.25 feet to a five-eighths inch iron pipe found for an inner-ell corner of said Hawkins Midlothian Development tract, same being the Northwest corner of said Brandon tract;

THENCE South 01 degree 30 minutes 18 seconds East continue with the common line between said Hawkins Midlothian Development tract and said Brandon tract, passing at a distance of 660.17 feet, the Southwest corner of said Brandon tract, same being the Northwest corner of that certain tract of land described in a Warranty Deed to City of Midlothian (hereinafter referred to as City of Midlothian tract), as recorded in Volume 2540, Page 2088, D.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and said City of Midlothian tract, passing at a distance of 1980.54 feet, the Southwest corner of said City of Midlothian tract, same being

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

the Northerly Northwest corner of that certain tract of land described as Lakegrove (hereinafter referred to as Lakegrove), an addition to Ellis County, Texas, according to the plat recorded in Cabinet A, Page 753, P.R.E.C.T. and continue with said course for a total distance of 3388.12 feet to a fence post found for the Southeast corner of said Hawkins Midlothian Development tract, same being an inner-ell corner of said Lakegrove;

THENCE South 88 degrees 56 minutes 48 seconds West continue with the common line between said Hawkins Midlothian Development tract and said Lakegrove, passing at a distance of 361.12 feet, the Westerly Northwest corner of said Lakegrove, same being the Northeast corner of that certain tract of land described in a deed to the City of Midlothian (hereinafter referred to as City of Midlothian 2 tract), as recorded in Volume 2540, Page 1952, D.R.E.C.T., and continue with said course and the common line between said Hawkins Midlothian Development tract and said City of Midlothian 2 tract for a total distance of 452.58 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for corner;

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

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

SENATE VERSION (CS)

CONFERENCE



**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

THENCE South 89 degrees 50 minutes 48 seconds West, continue with the common line between said Hawkins Midlothian Development tract and said City of Midlothian 2 tract, passing at a distance of 456.78 feet, the Northeast corner of Lot 32, Block 2 of that certain tract of land described as Lawson Farms - Phase 2A (hereinafter referred to as Lawson Farms - Phase 2A), an addition to the City of Midlothian, Ellis County, Texas, according to the plat recorded in Cabinet H, Page 252, P.R.E.C.T., and continue with said course and with the common line between said Hawkins Midlothian Development tract and said Lawson Farms - Phase 2A, a total distance of 620.49 feet to a one-half inch iron rod found for corner;

THENCE North 00 degrees 20 minutes 17 seconds West continue with the common line between said Hawkins Midlothian Development tract and said Lawson Farms - Phase 2A, passing at a distance of 154.34 feet, a Northerly corner of said Lawson Farms - Phase 2A, same being the Southeast corner of the remainder of that certain tract of land described in a deed to SKJ Lawson Farms Development, L.P., (hereinafter referred to as SKJ Lawson Farms Development tract), as recorded in Volume 2005, Page 2309, O.P.R.E.C.T. and continue with said course and the common line between said Hawkins Midlothian Development tract and the remainder of said SKJ Lawson Farms Development tract for a total distance of 1330.40 feet to a one-half inch iron rod found for an inner-ell corner of said Hawkins Midlothian Development tract, same being the Northeast corner of said SKJ Lawson Farms Development tract;

THENCE South 89 degrees 45 minutes 57 seconds West with the common line between said Hawkins Midlothian Development tract and said SKJ Lawson Farms Development

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

SAVE AND EXCEPT

LEGAL LAND DESCRIPTION:

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

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

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

THENCE South 87 degrees 30 minutes 51 seconds West continue with the common line between said SAVE AND EXCEPT TRACT and said Hawkins Midlothian Development tract, a distance of 450.20 feet to a five-eighths inch iron rod with plastic cap stamped "RPLS 4838" set for the Southwest corner of said SAVE AND EXCEPT TRACT, same being an inner-ell corner of said Hawkins Midlothian Development tract;

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

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

SENATE VERSION (CS)

CONFERENCE

**House Bill 4347**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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

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

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

(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE