By:  Fallon S.B. No. 2530

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1.  Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8048 to read as follows:

CHAPTER 8048. VAN ALSTYNE MUNICIPAL UTILITY DISTRICT NO. 2 OF COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8048.0101.  DEFINITIONS. In this chapter:

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

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

(3)  "Director" means a board member.

(4)  "District" means the Van Alstyne Municipal Utility District No. 2 of Collin County.

Sec. 8048.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8048.0103.  CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8048.0104.  CONDITIONS PRECEDENT TO CONFIRMATION ELECTION. (a)  The temporary directors may not hold an election under Section 8048.0103 until:

(1)  each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2)  the district has entered into a contract with a municipality, Collin County, or another entity:

(A)  for adequate supplemental police, fire, emergency, and animal control services for the district; and

(B)  that is approved by the Commissioners Court of Collin County under Subsection (c).

(b)  A contract under Subsection (a) may include a provision that the contract takes effect only on the approval of the Commissioners Court of Collin County and the voters in the district voting in an election held for that purpose.

(c)  The Commissioners Court of Collin County shall review a contract under Subsection (a) and evaluate the supplemental police, fire, emergency, and animal control services provided in the contract. If the commissioners court determines that the contract provides adequate services, the commissioners court shall adopt a resolution stating that the contract has met the requirements of Subsection (a).

Sec. 8048.0105.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  The district is created to serve a public purpose and benefit.

(b)  The district is created to accomplish the purposes of:

(1)  a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2)  Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8048.0106.  INITIAL DISTRICT TERRITORY. (a)  The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1)  organization, existence, or validity;

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

(3)  right to impose a tax; or

(4)  legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8048.0201.  GOVERNING BODY; TERMS. (a)  The district is governed by a board of five elected directors.

(b)  Except as provided by Section 8048.0202, directors serve staggered four-year terms.

Sec. 8048.0202.  TEMPORARY DIRECTORS. (a)  On or after September 1, 2019, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8048.0103; or

(2)  September 1, 2023.

(c)  If permanent directors have not been elected under Section 8048.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 8048.0103; or

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

(d)  If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8048.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8048.0302.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8048.0303.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8048.0304.  ROAD STANDARDS AND REQUIREMENTS. (a)  A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b)  If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c)  If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

(d)  The district shall maintain all roads that the district constructs except for roads constructed by the district that another governmental entity agrees to maintain.

Sec. 8048.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8048.0306.  DIVISION OF DISTRICT. (a)  The district may be divided into two or more new districts only if:

(1)  the district has no outstanding bonded debt;

(2)  the district is not imposing ad valorem taxes; and

(3)  the City of Van Alstyne by ordinance or resolution has consented to the division of the district.

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

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

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

(e)  The board may adopt an order dividing the district before or after the date the board holds an election under Section 8048.0103 to confirm the district's creation.

(f)  An order dividing the district shall:

(1)  name each new district;

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

(3)  appoint temporary directors for each new district; and

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

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

(h)  Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8048.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i)  Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8048.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

Sec. 8048.0307.  LIMITATION ON ANNEXATION. The district may not annex territory outside the area described by Section 2 of the Act enacting this chapter unless the City of Van Alstyne by ordinance or resolution has consented to the annexation.

Sec. 8048.0308.  ANIMAL CONTROL ORDINANCE. The district may adopt an animal control ordinance and enforce the ordinance inside the district.

Sec. 8048.0309.  LIMITATION ON USE OF EMINENT DOMAIN. (a)  The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1)  a road project authorized by Section 8048.0303; or

(2)  a recreational facility as defined by Section 49.462, Water Code.

(b)  The district may not exercise the power of eminent domain in the corporate limits of the City of Van Alstyne unless the city by ordinance or resolution has consented to the exercise of eminent domain authority.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8048.0401.  ELECTIONS REGARDING TAXES OR BONDS. (a)  The district may issue, without an election, bonds and other obligations secured by:

(1)  revenue other than ad valorem taxes; or

(2)  contract payments described by Section 8048.0403.

(b)  The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c)  The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8048.0402.  OPERATION AND MAINTENANCE TAX. (a)  If authorized at an election held under Section 8048.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b)  The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 8048.0403.  CONTRACT TAXES. (a)  In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b)  A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8048.0501.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8048.0502.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8048.0503.  BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SUBCHAPTER F. MUNICIPAL PERMITTING AUTHORITY IN DISTRICT

Sec. 8048.0601.  MUNICIPAL AUTHORITY. (a)  Notwithstanding any other law, a municipality has exclusive authority in the district to:

(1)  issue building permits and certificates of occupancy;

(2)  enforce the municipality's building codes;

(3)  enforce the municipality's health regulations regarding food establishments, public swimming pools, and standing water; and

(4)  perform an inspection necessary to accomplish the purposes of this subsection.

(b)  A fee for a permit or certificate issued by a municipality for use in the district may not exceed the fees charged for the same permit or certificate issued for use in the corporate limits of the municipality.

SECTION 2.  The Van Alstyne County Municipal Utility District No. 2 of Collin County initially includes all the territory contained in the following area:

TRACT 1: 1,216.48 ACRES

SITUATED in the County of Collin, State of Texas, and being a part of the David Arnspiger Survey, Abstract No. 15, the E. T. Berry Survey, Abstract No. 41, the J. W. Curtis Survey, Abstract No. 1077, the Jonas Whitaker Survey, Abstract No. 981, the W. P. Burns Survey, Abstract No. 100, and the J. Batterton Survey, Abstract No. 94, and being a part of the 1232.837 ac. tract of land conveyed to Vincent Viola by W. Mark David by Special Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page 726, Deed Records, Collin County, Texas, and being all of the 64.749 ac. tract of land (Tract 3) conveyed to Vincent J. Viola by Don S. Flesher by Warranty Deed dated September 10, 2004 and recorded in Volume 5766, Page 6210, said Collin County Deed Records and being all of the 133.814 ac. tract of land conveyed to Vincent J. Viola by Mary Jane Kinsey by Warranty Deed with Vendor's Lien dated March 31, 2004 and recorded in Volume 5642, Page 1395, said Collin County Deed Records, and being all of the 377.45 ac. tract of land conveyed to Vincent J. Viola by Thornton Farm Partnership, Ltd. by Special Warranty Deed with Vendor's Lien dated September 22, 2005 and recorded in Volume 6010, Page 3310, said Collin County Deed Records, and being all of the 61.61 ac. tract of land conveyed to Vincent J. Viola by Jack R. Shirley, Trustee of the Shirley Living Trust by Warranty Deed with Vendor's Lien dated February 26, 2004 and recorded in Volume 5616, Page 5706, said Collin County Deed Records, and being more particularly described as one tract of land by metes and bounds as follows, to-wit:

BEGINNING at a 1/2 inch rebar set at the Southwest corner of said Viola 133.814 ac., at the Southeast comer of the 40 ac. tract of land conveyed to James R. Thornton in Volume 724, Page 884, said Collin County Deed Records;

THENCE North 00 deg. 10 min. 11 sec. East, with the West line of said Viola 133.814 ac. and the East line of said Thornton 40 ac., a distance of 2,705.48 ft. to a point in the South line of the 77.17 ac. tract of land (Tract A) conveyed to MJW Partners, L. P. in Volume 4458, Page 1303, said Collin County Deed Records, at the Northwest comer of said Viola 133.814 ac., at the Northeast corner of said Thornton 40 ac.;

THENCE North 88 deg. 39 min. 20 sec. East, with the South line of said MJW Partners 77.17 ac. and the North line of said Viola 133.814 ac., a distance of 479.16 ft. to a point at the Southeast corner of said MJW Partners 77.17 ac., at the most Southerly Southwest comer of said 377.45 ac.;

THENCE North 00 deg. 31 min. 02 sec. East, with the West line of said 377.45 ac. and the East line of said MJW Partners 77.17 ac., a distance of 450.50 ft. to an angle point;

THENCE North 00 deg. 51 min. 11 sec. East, continuing with the West line of said 377.45 ac. and the East line of said MJW Partners 77.17 ac., a distance of 856.69 ft. to an angle point;

THENCE North 00 deg. 38 min. 27 sec. East, continuing with the West line of said 377.45 ac. and the East line of said MJW Partners 77.17 ac., a distance of 1,265.62 ft. to a point at the most Easterly Northeast comer of said MJW Partners 77.17 ac.;

THENCE North 89 deg. 34 min. 48 sec. West, with a North line of said MJW Partners 77.17 ac. and a South line of said 377.45 ac., a distance of 78.26 ft. to a point for an Ell corner of said 377.45 ac.;

THENCE North 00 deg. 49 min. 48 sec. West, with an East line of said MJW Partners 77.17 ac. and a West line of said 377.45 ac., passing a Northeast corner of said MJW Partners 77.17 ac. and the Southeast comer of the 2.46 ac. tract of land (Tract B) conveyed to MJW Partners, L.B. in said Volume 4458, Page 1303, and continuing now with the East line of said MJW Partners 2.46 ac. for a total distance of 264.00 ft. to a point at the Northeast comer of said MJW Properties 2.46 ac.;

THENCE North 89 deg. 34 min. 48 sec. West, with the North line of said MJW Partners 2.46 ac. and a South line of said 377.45 ac., a distance of 424.33 ft. to a point at the most Westerly Southwest corner of said 377.45 ac., at the Northwest corner of said MJW Partners 2.46 ac.;

THENCE North 00 deg. 03 min. 15 sec. West, entering the pavement of Collin County Road No, 222, passing the most Easterly Southeast comer of the 12.5 ac. tract of land (First Tract) conveyed to Julie Elizabeth Fifer Hilbun in Volume 4753, Page 394, said Collin County Deed Records, being the intersection of the center of said Collin County Road No. 222 with the center of Collin County Road No. 291 and continuing now with the center of said Collin County Road No. 291, passing the Northeast comer of said Hilbun 12.5 ac. and the most Easterly Southeast comer of the 89.74 ac. tract of land conveyed to Lee Brock and Michael Adams in

Volume 4971, Page 3703, said Collin County Deed Records, a Northeast corner of said Batterton Survey, the Southeast comer of said Whitaker Survey, and continuing now with the East line of both said Whitaker Survey and said Brock & Adams 89.74 ac. and the West line of said Arnspiger Survey, passing the Northeast comer of said Brock & Adams 89.74 ac. and the Southeast corner of the 113.35 ac. tract of land conveyed to Claude T. Dowell and Betty M. Dowell in Collin County Clerk File No. 96-0003539, and continuing now with the East line of said Dowell 113.35 ac. for a total distance of 2,879.39 ft. to a PK nail at the Northwest corner of said 6.29 ac., at the Southwest comer of the 5.00 ac. tract of land conveyed to Wood Family Trust in Volume 3910, Page 772, said Grayson County Official Public Records, at the most Westerly Northwest comer of the herein described tract;

THENCE South 88 deg. 53 min. 10 sec. East, with the South line of said Wood Family Trust 5.00 ac., a distance of 573.19 ft. to a point at the Southeast comer of said Wood Family Trust 5.00 ac., at an Ell comer of said 6.29 ac.;

THENCE North 00 deg. 03 min. 10 sec. West, with the East line of said Wood Family Trust 5.00 ac., a distance of 126.09 ft. to a point for corner on the common line of Collin County and Grayson County;

THENCE South 87°59'17" East, departing the East line of said Wood Family Trust 5.00 ac., with the common line of said Collin County and Grayson County, a distance of 5,627.71 feet to a point in the center of a creek;

THENCE South 06 deg. 38 min. 18 sec. West, departing the common line of said Collin County and Grayson County, and with the center of said creek, a distance of 259.52 ft. to a point for corner;

THENCE South 02 deg. 15 min. 16 sec. East, continuing with the center of said creek, a distance of 87.99 ft. to a point in the center of County Road No. 290;

THENCE North 87 deg. 49 min. 46 sec. East, with the center of said County Road No. 290, a distance of 1,121.68 ft. to a point at an Ell comer;

THENCE North 17 deg. 08 min. 05 sec. East, continuing with the center of said County Road No. 290, distance of 274.78 ft. to a point in the South line of said Grayson County, in the North line of said Collin County;

THENCE South 88 deg. 01 min. 11 sec. East, continuing with the center of said County Road No. 290, a distance of 918.91 ft. to a point in the West right-of-way line of U. S. Highway No. 75;

THENCE Southerly, with the West right-of-way line of said U. S. Highway No. 75, the following calls and distances:

South 02 deg. 54 min. 36 sec. West, a distance of 27.94 ft. to an angle point;

South 30 deg. 46 min. 30 sec. East, a distance of 183.31 ft. to an angle point;

South 88 deg. 06 min. 30 sec. East, a distance of 449.88 ft. to an angle point;

South 44 deg. 01 min. 30 sec. East, a distance of 59.33 ft. to a point at the beginning of a curve;

Southerly, with a non-tangent curve to the right having a radius of 11,236.22 ft. and a central angle of 02 deg. 19 min. 08 sec. (chord bears South 00 deg. 12 min. 56 sec. West, 454.72 ft.), an arc distance of 454,76 ft. to an angle point;

South 02 deg. 36 min. 16 sec. East, a distance of 360.12 ft. to an angle point;

South 00 deg. 25 min. 13 sec. West, a distance of 599.93 ft. to an angle point;

South 01 deg. 22 min. 30 sec. West, a distance of 199.95 ft. to an angle point;

South 04 deg. 42 min. 49 sec. West, a distance of 600.86 ft. to an angle point;

South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;

South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft. to an angle point;

South 01 deg. 22 min. 30 sec. West, a distance of 999.74 ft. to an angle point;

South 10 deg. 21 min. 51 sec. West, a distance of 195.80 ft. to an angle point;

South 07 deg. 03 min. 08 sec. East, a distance of 208.75 ft. to an angle point;

South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft. to an angle point;

South 07 deg. 33 min. 03 sec. West, a distance of 185.86 ft. to an angle point;

South 45 deg. 36 min. 30 sec. West, a distance of 42.98 ft. to an angle point;

South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft. to a point in the center of County Road No. 372;

THENCE Westerly, with the center of said County Road No. 372, the following calls and distances:

South 89 deg. 42 min. 59 sec. West, a distance of 353.70 ft.;

South 86 deg. 10 min. 45 sec. West, a distance of 143.79 ft.;

North 87 deg. 30 min. 14 sec. West, a distance of 53.25 ft.;

North 74 deg. 09 min. 11 sec. West, a distance of 54.65 ft.;

North 66 deg. 03 min. 55 sec. West, a distance of 186.27 ft.;

North 69 deg. 12 min. 09 sec. West, a distance of 184.29 ft.;

North 86 deg. 57 min. 36 sec. West, a distance of 96.84 ft.;

South 48 deg. 48 min. 29 sec. West, a distance of 93.49 ft.;

South 33 deg. 28 min. 27 sec. West, a distance of 305.00 ft.;

South 37 deg. 10 min. 57 sec. West, a distance of 265.16 ft.;

South 55 deg. 13 min. 57 sec. West, a distance of 89.72 ft.;

North 83 deg. 28 min. 02 sec. West, a distance of 100.14 ft.;

North 68 deg. 03 min. 52 sec. West, a distance of 396.07 ft.;

North 60 deg. 49 min. 08 sec. West, a distance of 186.54 ft.;

North 67 deg. 57 min. 27 sec. West, a distance of 71.26 ft.;

North 89 deg. 56 min. 56 sec. West, a distance of 69.12 ft.;

South 75 deg. 45 min. 15 sec. West, a distance of 103.51 ft.;

South 83 deg. 05 min. 09 sec. West, a distance of 72.42 ft.;

North 85 deg. 18 min. 09 sec. West, a distance of 68.25 ft.;

North 81 deg. 39 min. 08 sec. West, a distance of 527.44 ft.;

South 82 deg. 17 min. 34 sec. West, a distance of 143.98 ft.;

South 60 deg. 43 min. 16 sec. West, a distance of 129.67 ft. to the intersection of the center of said County Road No. 372 with the center of said County Road No. 290;

THENCE South 51 deg. 14 min. 09 sec. West, with the center of said County Road No. 290, a distance of 159.23 ft. to an angle point;

THENCE South 52 deg. 34 min. 25 sec. West, continuing with the center of said County Road No. 290, a distance of 692.22 ft. to a point at the Southeast corner of the property conveyed to Tristian D. Pfeffer in Volume 3064, Page 593, said Collin County Deed Records;

THENCE North 01 deg. 04 min. 20 sec. West, with the East line of said Pfeffer tract, a distance of 295.17 ft. to a point at the Northeast comer of said Pfeffer tract;

THENCE North 89 deg. 16 min. 11 sec. West, with the North line of said Pfeffer tract, passing the Northwest comer of said Pfeffer tract and the Northeast corner of the property conveyed to Michael Ray Ashley, and continuing now with the North line of said Ashley tract for a total distance of 547.91 ft. to a point at the Northwest comer of said Ashley tract;

THENCE South 04 deg. 31 min. 06 sec. West, with the West line of said Ashley tract, passing the Southwest comer of said Ashley tract and continuing for a total distance of 872.74 ft. to a point in the center of said County Road No. 290;

THENCE South 34 deg. 58 min. 46 sec. West, with the center of said County Road No. 290, a distance of 568.84 ft. to an angle point;

THENCE North 87 deg. 43 min. 32 sec. West, continuing with the center of said County Road No. 290, a distance of 425.02 ft. to a point at the intersection of the center of said County Road No. 290 with the center of a creek, at the Southeast comer of the 18.632 ac. tract of land conveyed to Stephen V. Jones and Kristi S. Jones in Volume 4140, Page 3149, said Collin County Deed Records;

THENCE Northerly, with the center of a creek, maintaining the East line of said Jones 18.632 ac., the following the calls and distances:

North 04 deg. 31 min. 06 sec. East, a distance of 86.50 ft.;

North 35 deg. 11 min. 54 sec. West, a distance of 93.77 ft.;

North 23 deg. 28 min. 54 sec. West, a distance of 55.00 ft.;

North 52 deg. 28 min. 54 sec. West, a distance of 42.00 ft.;

North 26 deg. 48 min. 54 sec. West, a distance of 29.70 ft.;

North 69 deg. 58 min.54 sec. West, a distance of 25.40 ft.;

North 31 deg. 08 min. 54 sec. West, a distance of 27.30 ft.;

North 05 deg. 49 min. 16 sec. West, a distance of 61.40 ft.;

North 15 deg. 44 min. 06 sec. East, a distance of 29.40 ft.;

North 31 deg. 13 min. 54 sec. West, a distance of 22.00 ft.;

North 79 deg. 23 min. 54 sec. West, a distance of 16.10 ft.;

North 00 deg. 46 min. 06 sec. East, a distance of 50.00 ft.;

North 31 deg. 45 min. 06 sec. East, a distance of 24.60 ft.;

North 02 deg. 31 min. 06 sec. East, a distance of 26.40 ft.;

North 34 deg. 28 min. 06 sec. East, a distance of 43.20 ft.;

North 13 deg. 08 min. 54 sec. West, a distance of 54.70 ft.;

North 00 deg. 31 min. 06 sec. East, a distance of 82.20 ft.;

North 19 deg. 28 min. 54 sec. West, a distance of 80.00 ft.;

North 40 deg. 03 min. 54 sec. West, a distance of 37.60 ft.;

North 17 deg. 46 min..06 sec. East, a distance of 43.20 ft.;

North 58 deg. 31 min. 06 sec. East, a distance of 36.10 ft.;

North 28 deg. 28 min. 54 sec. West, a distance of 44.00 ft.;

North 56 deg. 28 min. 54 sec. West, a distance of 21.00 ft.;

North 21 deg. 15 min. 54 sec. West, a distance of 51.60 ft.;

South 48 deg. 11 min. 06 sec. West, a distance of 24.00 ft.;

North 44 deg. 08 min. 54 sec. West, a distance of 30.40 ft.;

North 85 deg. 28 min. 54 sec. West, a distance of 26.00 ft.;

North 43 deg. 28 min. 54 sec. West, a distance of 26.50 ft.;

North 85 deg. 28 min. 54 sec. West, a distance of 42.70 ft.;

North 27 deg. 08 min. 54 sec. West, a distance of 75.00 ft.;

North 13 deg. 28 min. 54 sec. West, a distance of 25.30 ft.;

North 34 deg. 28 min. 54 sec. West, a distance of 25.90 ft.;

North 18 deg. 36 min. 54 sec. West, a distance of 78.20 ft.;

North 68 deg. 31 min. 06 sec. East, a distance of 22.40 ft.;

North 46 deg. 42 min. 06 sec. East, a distance of 36.00 ft.;

North 44 deg. 28 min. 54 sec. West, a distance of 78.70 ft.;

North 37 deg. 37 min. 54 sec. West, a distance of 22.43 ft.;

South 81 deg. 30 min. 06 sec. West, a distance of 53.20 ft.;

North 16 deg. 18 min. 59 sec. West, a distance of 60.42 ft. to a point at the Northeast comer of said Jones 18.632 ac.;

THENCE South 89 deg. 18 min. 29 sec. West, with the North line of said Jones 18.632 ac., a distance of 293.17 ft. to a point at the Northwest comer of said Jones 18.632 ac.;

THENCE South 00 deg. 19 min. 05 sec. East, with the West line of said Jones 18.632 ac., a distance of 62.47 ft. to a 1/2 inch rebar found at the Northwest base of a 48 inch tree at a fence comer, at the Northeast comer of said Viola 133.814 ac.;

THENCE South 00 deg. 24 min. 08 sec. East, continuing with the West line of said Jones 18.632 ac., a distance of 1,026.81 ft. to a 1/2 inch rebar found in the center of said County Road No. 290, at the Southwest comer of said Jones 18.632 ac.;

THENCE South 89 deg. 26 min. 03 sec. West, with the center of said County Road No. 290, a distance of 772.79 ft. to a 1/2 inch rebar found at an Ell comer of said Viola 133.814 ac.;

THENCE South 00 deg. 16 min. 20 sec. West, continuing with the center of said County Road No. 290, a distance of 1,686.94 ft. to a 1/2 inch rebar found at the most Southerly Southeast corner of said Viola 133.814 ac.;

THENCE North 89 deg. 36 min. 49 sec. West, continuing with the center of said County Road No. 290 and with the South line of said Viola 133.814 ac., a distance of 798.24 ft. to a 1/2 inch rebar found at the Northeast corner of the 10.669 ac. tract of land conveyed to Delmore A. Church and Joyce church in Volume 702, Page 585, said Collin County Deed Records;

THENCE North 89 deg. 29 min. 33 sec. West, continuing with the center of said County Road No. 290 and with the North line of said Church 10.669 ac., a distance of 935.50 ft. to a point at the Northwest comer of said Church 10.669 ac.;

THENCE South 00 deg. 17 min. 31 sec. East, with the West line of said Church 10.669 ac., a distance of 5.80 ft. to a point at the Northeast corner of the 103 ac. tract of land conveyed to James Robert Thornton in Volume 1596, Page 467 and Volume 1599; Page 451, said Collin County Deed Records;

THENCE North 89 deg. 44 min. 24 sec. West; with the center of Collin County Road No. 11.01, a public road, and with the North line of said Thornton 103 ac., a distance of 118.58 ft. to the PLACE OF BEGINNING and containing 1,245.57 ACRES of land.

LESS AND EXCEPT the tract described below.

SITUATED in the County of Collin, State of Texas, and being a part of the Jonas Whitaker Survey, Abstract No. 981, being a part of the E.T. Berry Survey, Abstract No. 41, and being all of the property conveyed to D. E. Billups, lying in the E.T. Berry Survey, and being all of the property conveyed to Geraldine Billups in Volume 4831, Page 862, Collin County Deed Records, and being all of the property conveyed to John Adams and Paul Adams in County Clerks File No. 94-0083801, and being more particularly described as one tract of land by metes and bounds as follows, to-wit:

BEGINNING at a point in the center of County Road No. 290, at the Southwest comer of both said John & Paul Adams tract and the herein described exception tract;

THENCE North 00 degrees 17 minutes 41 seconds West, with the center of said County Road No. 290, a distance of 234.95 feet to a point at the intersection of the center of said County Road No. 290 and County Road No. 222, at an angle point in the West line of the herein described exception tract;

THENCE North 00 degrees 13 minutes 11 seconds West, continuing with the center of said County Road No. 290, passing the Northwest comer of said John & Paul Adams tract, and the Southwest comer of said Geraldine Billups tract, passing the Northwest comer of said Geraldine Billups tract and the Southwest corner of said D. E. Billups tract and continuing now with the West line of said D. E. Billups tract for a total distance of 612.61 feet to a point at the Northwest comer of both said D. E. Billups tract and the herein described exception tract;

THENCE North 89 degrees 37 minutes 36 seconds East, with the North line of said D. E. Billups tract, a distance of 1,418.49 feet to a point at the Northeast comer of both said D. E. Billups tract and the herein described exception tract;

THENCE Southerly, with the East line of said D. E. Billups tract, said Geraldine Billups tract and said John & Paul Adams tract, the following calls and distances:

South 22 degrees 07 minutes 54 seconds East, a distance of 107.40 feet to an angle point;

South 36 degrees 30 minutes 12 seconds West, a distance of 123.56 feet to an angle point;

South 55 degrees 01 minutes 11 seconds East, a distance of 127.51 feet to an angle point;

South 09 degrees 13 minutes 07 seconds East, a distance of 307.63 feet to an angle point;

South 00 degrees 53 minutes 06 seconds West, a distance of 272.87 feet to a point atthe Southeast corner of both said John & Paul Adams tract and the herein described exception tract;

THENCE South 89 degrees 41 minutes 09 seconds West, with the South line of said John & Paul Adams tract, a distance of 1,531.42 feet to the PLACE OF BEGINNING and containing 29.09 ACRES of land less and excepted from the above described 1,245.57 ac. tract and leaving a NET ACREAGE of 1,216.48 ACRES of land, all of which lies entirely within the Extraterritorial Jurisdiction of the City of Van Alstyne, as established by the "Boundary Line Settlement Agreement" dated September 12, 2006, to be filed in the Official Public Records of Collin County, Texas.

TRACT 2: 362.23 ACRES

SITUATED in the County of Collin, State of Texas, and being a part of the Hanny Nelson Survey, Abstract No. 431, and being a part of the J.C. Burge Survey, Abstract No. 106, and being a part of the W. M. Creager Survey, Abstract No. 164, and being a part of the 363.943 ac. tract of land (Tract 2) and all of the 217.416 ac. tract of land (Tract 3), both conveyed to Vincent Viola by W. Mark David by Special Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page 697, Deed Records, Collin County, Texas, and being more particularly described as one tract of land by metes and bounds as follows, to-wit:

BEGINNING at a point in East right-of-way line of U. S. Highway No. 75, in the center of Collin County Road No. 290, at the most Northerly Northwest comer of said Viola Tract 2;

THENCE South 87 deg. 47 min. 57 sec. East, with the center of said Collin County Road No. 290, a distance of 677.09 ft. to a point at the Northeast comer of said Viola Tract 2, at the Northwest comer of said Viola Tract 3;

THENCE South 88 deg. 25 min. 32 sec. East, continuing with the center of said Collin County Road No. 290, a distance of 447.93 ft. to a point at the Northwest comer of the property conveyed to Jim Lawrence in Volume 1498, Page 563, said Collin County Deed Records;

THENCE South 01 deg. 54 min. 14 sec. West, with the West line of said Lawrence tract, a distance of 599.97 ft. to a point at the Southwest comer of said Lawrence tract;

THENCE South 88 deg. 12 min. 30 sec. East, with the South line of said Lawrence tract, a distance of 579.90 ft. to a point at the Southeast comer of said Lawrence tract;

THENCE North 01 deg. 58 min. 08 sec. East, with the East line of said Lawrence tract, a distance of 602.17 ft. to a point in the center of said Collin County Road No. 290, at Northeast corner of said Lawrence tract;

THENCE South 88 deg. 25 min. 32 sec. East, with the center of said Collin County Road No. 290, passing the most Westerly Southwest corner of the property conveyed to Tucker B. McDonald in Collin County Clerk's File No. 94-9053991, and continuing now with a South line of said McDonald tract for a total distance of 815.54 ft. to a point at a Northeast comer of said Viola Tract 3, at an Ell comer of said McDonald tract;

THENCE South 01 deg. 55 min. 23 sec. West, with a West line of said McDonald tract, a distance of 144.12 ft. to a point at the Southwest corner of said McDonald tract;

THENCE South 88 deg. 09 min. 09 sec. East, with a South line of said McDonald tract, passing the Southeast comer of said McDonald tract and a Southwest comer of the property conveyed to Forrest W. Moore in Volume 1799, Page 804, said Collin County Deed Records, and continuing now with a South line of said Moore tract for a total distance of 1,372.74 ft. to a point in West right-of-way line of State Highway No. 5, at the Northeast comer of both said Viola Tract 3 and the herein described tract;

THENCE South 21 deg. 08 min. 14 sec. East, with the West right-of-way line of said State Highway No. 5, a distance of 1,357.58 ft. to a point at the most Easterly Southeast corner of both said Viola Tract 3. and the herein described tract, at the Northeast corner of the property conveyed to John E. Steffens in Collin County Clerk's File No. 93-0104713;

THENCE North 87 deg. 57 min. 15 sec. West, with the North line of said Steffens tract, a distance of 701.67 ft. to a point at the Northwest corner of said Steffens tract;

THENCE South 00 deg. 32 min. 52 sec. East, with the West line of said Steffens tract, a distance of 185.54 ft. to a point in the North line of the property conveyed to Ann Marie Forlenza in Collin County Clerk ' s File No. 96-0016528, at the Southwest corner of said Steffens tract;

THENCE North 88 deg. 15 min. 56 sec. West, with the North line of said Forlenza tract, passing the Northwest corner of said Forlenza tract and the Northeast corner of Anna 103, an Addition to Collin County, Texas, s recorded in the Collin County Plat Records, a distance of 219.14 ft. to an angle point in the North line of said Anna 103 Addition;

THENCE North 88 deg. 54 min. 31 sec. West, continuing with the North line of said Anna 103 Addition, a distance of 802.35 ft. to a point at the Northwest corner of said Anna 103 Addition;

THENCE South 02 deg. 22 min. 42 sec. West, with the West line of said Anna 103 Addition, a distance of 2,263.74 ft. to a point at the Northeast corner of the property conveyed to Ronald Larue in Volume 1697, Page 57, said Collin County Deed Records;

THENCE North 83 deg. 28 min. 52 sec. West, with the North line of said Larue tract, a distance of 386.62 ft. to a-point at the Northwest corner of said Larue tract;

THENCE South 02 deg. 22 min. 41 sec. West, with the West line of said Larue tract, a distance of 335.53 ft. to a point in the North line of the property conveyed to Virginia R. Bryant in Volume 2867, Page 168, said Collin County Deed Records, at the Southwest comer of said Larue tract;

THENCE North 86 deg. 56 min. 09 sec. West, with the North line of said Bryant tract, a distance of 474.85 ft. to a point at the Northwest comer said Bryant tract;

THENCE North 87 deg. 00 min. 45 sec. West, a distance of 597.94 ft. to a point at the Southe:ist corn.er of the Mantua Cemetery;

THENCE North 01 deg. 35 min.. 32 sec. East , with the East line of said Mantua Cemetery, a distance of 372.22 ft. to a point at the Northeast comer of said Mantua Cemetery;

THENCE South 54 deg. 09 min. 25 sec. West, with the North line of said Mantua Cemetery, a distance of 319.95 ft. to an angle point;

THENCE North 40 deg. 29 min. 38 sec. West, continuing with the North line of said Mantua Cemetery, a distance of 134.58 ft. to an angle point;

THENCE South 81 deg. 54 min. 46 sec. West, continuing with the North line of said Mantua Cemetery, a distance of 60.47 ft. to an angle point;

THENCE South 20 deg. 08 min. 34 sec. West, continuing with the North line of said Mantua Cemetery, a distance of 155.17 ft. to an angle point;

THENCE South 69 deg. 37 min. 57 sec. West, continuing with the North line of said Mantua Cemetery, a distance of 17.16 ft. to a point in the center of a public road, at the Northwest comer of said Mantua Cemetery;

THENCE South 03 deg. 13 min. 52 sec. West, with the West line of said Mantua Cemetery, a distance of 102.46 ft. to a point at the Southwest corner of said Mantua Cemetery;

THENCE South 87 deg. 00 min. 45 sec. East, with the South line of said Mantua Cemetery, a distance of 23.27 ft. to a point in the center of said public road;

THENCE South 08 deg. 32 min. 03 sec. West, with the center of said public road, a distance of 105.61 ft. to an angle point;

THENCE South 36 deg. 51 min. 30 sec. West, continuing with the center of said public road, a distance of 94.21 ft. to an angle point;

THENCE South 51 deg. 48 min. 17 sec. West, continuing with the center of said public road, a distance of 78.22 ft. to an angle point;

THENCE South 56 deg. 56 min. 45 sec. West, continuing with the center of said public road, a distance of 149.91 ft. to an angle point;

THENCE South 57 deg. 35 min. 20 sec. West, continuing with the center of said public road, a distance of 87.86 ft. to a point at the most Northerly Northeast comer of the property conveyed to Leonard Harlow in Collin County Clerk's File No. 92-0054819;

THENCE South 72 deg. 58 min. 34 sec. West, with a North line of said Harlow tract, a distance of 246.79 ft. to a point at the most Northerly Northwest corner of said Harlow tract;

THENCE South 01 deg. 36 min. 58 sec. West, with a West line of said Harlow tract, a distance of 398.78 ft. to an angle point;

THENCE South 21 deg. 05 min. 34 sec. West, with a North line of said Harlow tract, a distance of 82.04 ft. to a point at an Ell corner of said Harlow tract;

THENCE North 87 deg. 34 min. 30 sec. West, continuing with a North line of said Harlow tract, entering the centerline of said public road and continuing for a distance of 233.21 ft. to a point at the most Westerly Northwest comer of said Harlow tract;

THENCE South 89 deg. 26 min. 08 sec. West, with the center of said public road, a distance of 492.32 ft. to a point at the intersection of the center of said public road with the East right-of-way line of said U. S. Highway No. 75;

THENCE Northerly, with the East right-of-way line of U. S. Highway No. 75, the following calls and distances:

North 01 deg. 22 min. 30 sec. East, a distance of 26.10 ft to an angle point;

North 44 deg. 23 min. 30 sec. West, a distance of 41.84 ft. to an angle point;

North 01 deg. 22 min. 30 sec. East, a distance of 774.10 ft. to an angle point;

North 04 deg. 20 min. 30 sec. West, a distance of 200.95 ft. to an angle point;

North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft. to an angle point;

North 04 deg. 14 min. 15 sec. East, a distance of 200.20 ft. to an angle point;

North 07 deg. 05 min. 08 sec. East, a distance of 200.95 ft. to an angle point;

North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft. to an angle point;

North 04 deg. 20 min. 08 sec. West, a distance of 200.95 ft. to an angle point;

North 00 deg. 03 min. 25 sec. West, a distance of 400.02 ft. to an angle point;

North 09 deg. 54 min. 21 sec. East, a distance of 202.18 ft. to an angle point;

North 07 deg. 09 min. 20 sec. West, a distance of 202.18 ft. to an angle point;

North 00 deg. 32 min. 03 sec. West, a distance of 600.18 ft. to an angle point;

North 04 deg. 57 min. 05 sec. East, a distance of 400.68 ft. to an angle point;

North 07 deg. 05 min. 08 sec. East, a distance of 401.89 ft. to an angle point;

North 01 deg. 22 min. 31 sec. East, a distance of 159.31 ft. to a point at the beginning of a curve;

Northerly, with a curve to the left having a radius of 11,681.11 ft. and a central angle of 02 deg. 16 min. 07 sec. (chord bears North 00 deg. 14 min. 28.sec. East, 462.48 ft.), an arc distance of 462.51 ft. to a point at the end of said curve;

North 49 deg. 37 min. 30 sec. East, a distance of 43.80 ft. to an angle point;

South 88 deg. 06 min. 30 sec. East, a distance of 479.87 ft. to an angle point;

North 24 deg. 52 min. 30 sec. East, a distance of 179.23 ft. to an angle point;

North 01 deg. 34 min. 28 sec. East, a distance of 18.13 ft. to the PLACE OF BEGINNING and containing 362.23 ACRES of land, all of which lies entirely within the Extraterritorial. Jurisdiction of the City of Van Alstyne, as established by the "Boundary Line Settlement Agreement" dated September 12, 2006, to be filed in the Official Public Records of Collin County, Texas.

TRACT 3: 34.40 ACRES

SITUATED in the County of Collin, State of Texas, and being a part of the W. M. Creager Survey, Abstract No. 164, being a part of the Hanny Nelson Survey, Abstract No. 431, and being all of the 14.381 ac. tract of land (Tract 4) and 20.024 ac. tract of land (Tract 5) both conveyed to Vincent Viola by W. Mark David by Special Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page 697, Deed Records, Collin County, Texas, and being more particularly described as one tract of land by metes and bounds as follows, o-wit:

BEGINNING at a point in the center of Collin County Road No. 290, a public road, in the East-right-of-way line of State Highway No. 5, at the Northwest comer of said Viola Tract 4;

THENCE South 86 deg. 46 min. 04 sec. East, with the center of said Collin County Road No. 290 and the North line of said Viola Tract 4, a distance of 752.83 ft. to a point at the Northeast comer of said Viola Tract 4, at the Northwest comer of the property conveyed to Rollin G. Andreas in Collin County Clerk's File No. 95-0024818;

THENCE South 02 deg. 30 min. 46 sec. West, with the West line of said Andreas tract, a distance of 1,162.43 ft. to a point at the Southwest comer of said Andreas tract, at the most Northerly Northwest corner of said Viola Tract 5;

THENCE South 88 deg. 22 min. 09 sec. East, with the South line of said Andreas tract, passing the Southeast comer of said Andreas tract and the Southwest comer of the property conveyed to Clyde L. Depew in Volume 2709, Page 88, said Collin County Deed Records, and continuing now with the South line of said Depew tract, passing the Southeast corner of said Depew tract and the Southwest corner of the property conveyed to Donald H. Topper in Volume 3139, Page 13, said Collin County Deed Records, and continuing now with the South line of said Topper tract for total distance of 1,305.31 ft. to a point at the Northeast comer of said Viola Tract 5;

THENCE South 02 deg. 11 min. 51 sec. West, with the East line of said Viola Tract 5, a distance of 661.46 ft. to a point at the Southeast corner of both said Viola Tract 5 and the herein described tract, at a comer of the property conveyed to Osa W. Marshhall in Volume 756, Page 823, said Collin County Deed Records;

THENCE North 87 deg. 53 min. 32 sec. West, with the South line of said Viola Tract 5 and the North line of said Marshhall tract, a distance of 1,263.76 ft. to a point in the East right- of-way line of said State Highway No. 5, at the Southwest comer of both said Viola Tract 5 and the herein described tract, at the Northwest comer of said Marshhall tract;

THENCE North 21 deg. 07 min. 59 sec. West, with the East right-of-way line of said State Highway No. 5 and the West line of said Viola Tract 5, passing the most Westerly Northwest corner of said Viola Tract 5 and the Southwest comer of said Viola Tract 4 and continuing now with the West line of said Viola Tract 4 for a total distance of 1,989.19 ft. to the PLACE OF BEGINNING and containing 34.40 ACRES of land, all of which lies entirely within the Extraterritorial Jurisdiction of the City of Van Alstyne, as established by the "Boundary Line Settlement Agreement" dated September 12, 2006, to be filed in the Official Public Records of Collin County, Texas.

TRACT 4: 6.12 ACRES

SITUATED in the County of Collin, State of Texas, and being a part of the W. M. Creager Survey, Abstract No. 164, and being all of the 6.120 ac. tract of land (Tract 6) conveyed to Vincent Viola by W. Mark David by Special Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page 697, Deed Records, Collin County, Texas, and being more particularly described as one tract of land by metes and bounds as follows, to-wit:

BEGINNING at a point in the West right-of-way line of State Highway No. 5, at the Northeast comer of said Viola Tract 6, at the Southeast corner of the property conveyed to John E. Steffens in Collin County Clerk's File No. 93-0104713;

THENCE South 21 deg. 08 min. 14 sec. East, with the West right-of-way line of said State Highway No. 5, a distance of 638.77 ft. to a point at the most Easterly Southeast corner of said Viola Tract 6, at the Northeast corner of the property conveyed to Tina M. Lieto;

THENCE South 69 deg. 07 min .56 sec. West, with the North line of said Lieto tract, a distance of 142.55 ft. to a point at the Northwest comer of said Lieto tract;

THENCE South 20 deg. 28 min. 53. sec. East, with the West line of said Lieto tract, a distance of 300.17 ft. to a point in the North line of the property conveyed to Tim P. Heffernan in Collin County Clerk's File No. 94-0098977, at the Southwest corner of said Lieto tract, at the most Southerly Southeast comer of said Viola Tract 6;

THENCE South 68 deg. 55.min. 52 sec. West, with the North line of said Heffernan tract , a distance of 377.37 ft. to a point in the East line of the property conveyed to Kerry L. Burns in Collin County Clerk's File No. 93-00. 91969, at the Southwest comer of said Viola Tract 6;

THENCE North 01 deg. 35 min. 22 sec. East, with the East line of said Burns tract, a distance of 1,068.04 ft. to a point in the South line of said Steffens tract, at the Northeast comer of said Bums tract, at the Northwest corner of said Viola Tract 6;

THENCE South 88 deg. 00 min. 11 sec. East, with the South line of said Steffens tract, a distance of120.41 ft. to the PLACE OF BEGINNING and containing 6.12 ACRES of land , all of which lies entirely within the Extraterritorial Jurisdiction of the City of Van Alstyne, as established by the "Boundary Line Settlement Agreement" dated September 12, 2006, to be filed in the Official Public Records of Collin County, Texas.

TRACT 5: 27.39 ACRES

SITUATED in the County of Collin, State of Texas, and being a part of the W. M. Creager Survey, Abstract No. 164, and being all of the 27.387 ac. tract of land (Tract 7) conveyed to Vincent Viola by W. Mark David by Special Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page 697, Deed Records, Collin County, Texas, and being more particularly described as one tract of land by metes and bounds as follows, to-wit:

BEGINNING at a point in the West right-of-way line of State Highway No. 5, at the Northeast corner of said Viola Tract 7, at the Southeast corner of the property conveyed to Tim P. Heffernan in Collin County Clerk's File No. 94-0098977;

THENCE South 21 deg. 08 min. 14 sec. East, with the West right-of-way line of said State Highway No. 5, a distance of 1,183.89 ft. to a point at the Northeast corner of the property conveyed to M. F. Darehsori in Volume 2264, Page 395, said Collin County Deed Records;

THENCE North 87 deg. 58 min. 11 sec. West, with the North line of said Darehsori tract, a distance of 131.73 ft. to a point at the Northwest corner of said Darehsori tract;

THENCE South 02 deg. 01 min. 49 sec. West, with the West line of said Darehsori tract, a distance of 150.00 ft. to a point at the Southwest corner of said Drehsori tract;

THENCE South 87 deg. 58 min. 11 sec. East, with the South line of said Darehsori tract, a distance of 195.92 ft. to a point in the West right-of-way line of said State Highway No. 5, at the Southeast corner of said Darehsori tract;

THENCE South 21 deg. 08 min. 14 sec. East, with the West right-of-way line of said State Highway No.5, a distance of 190.49 ft. to a point at the Southeast corner of said Viola Tract 7;

THENCE North 87 deg. 54 min. 56 sec. West, with the South line of said Viola Tract 7, a distance of 1,216.71 ft. to a point at the Southwest comer of said Viola Tract 7;

THENCE North 01 deg. 35 min. 22 sec. East, with the West line of said Viola Tract 7, a distance of 1,149.78 ft. to a point at the Northwest comer of said Viola Tract 7, at the Southwest comer of said Heffernan tract;

THENCE North 69 deg. 05 min. 34 sec. East, with the South line of said Heffernan tract, a distance of 673 .94 ft. to the PLACE OF BEGINNING and containing 27.39 ACRES of land, all of which lies entirely within the Extraterritorial Jurisdiction of the City of Van Alstyne, as established by the "Boundary Line Settlement Agreement" dated September 12, 2006, to be filed in the Official Public Records of Collin County, Texas.

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, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d)  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 are fulfilled and accomplished.

SECTION 4.  (a)  Section 8048.0309, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b)  If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8048, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8048.0309 to read as follows:

Sec. 8048.0309.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5.  This Act takes effect September 1, 2019.