

By: Holland

H.B. No. 4706

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the North Celina Municipal Management District No. 3; 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 C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3986 to read as follows:

CHAPTER 3986. NORTH CELINA MUNICIPAL MANAGEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3986.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

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

Sec. 3986.0102. NATURE OF DISTRICT. The North Celina Municipal Management District No. 3 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3986.0103. PURPOSE; DECLARATION OF INTENT. (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.

(b) 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.

(c) 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.

(d) This chapter and the creation of the district may not be interpreted to relieve the city 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 services provided in the district.

Sec. 3986.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) 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, and other powers granted under this chapter.

(b) The district is created to serve a public use and benefit.

(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; and

1           (3) developing or expanding transportation and  
2 commerce.

3           (d) The district will:

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

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

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

15           (4) provide for the construction of water, wastewater,  
16 drainage, road, and recreational facilities for the district.

17           (e) Pedestrian ways along or across a street, whether at  
18 grade or above or below the surface, and street lighting, street  
19 landscaping, parking, and street art objects are parts of and  
20 necessary components of a street and are considered to be a street  
21 or road improvement.

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

25           Sec. 3986.0105. INITIAL DISTRICT TERRITORY. (a) The  
26 district is initially composed of the territory described by  
27 Section 2 of the Act enacting this chapter.

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

5            (1) organization, existence, or validity;

6            (2) right to issue any type of bonds for the purposes  
7 for which the district is created or to pay the principal of and  
8 interest on the bonds;

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

10           (4) legality or operation.

11        Sec. 3986.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
12 All or any part of the area of the district is eligible to be  
13 included in:

14           (1) a tax increment reinvestment zone created under  
15 Chapter 311, Tax Code; or

16           (2) a tax abatement reinvestment zone created under  
17 Chapter 312, Tax Code.

18        Sec. 3986.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT  
19 DISTRICTS LAW. Except as otherwise provided by this chapter,  
20 Chapter 375, Local Government Code, applies to the district.

21        Sec. 3986.0108. CONSTRUCTION OF CHAPTER. This chapter  
22 shall be liberally construed in conformity with the findings and  
23 purposes stated in this chapter.

24        Sec. 3986.0109. COMPLIANCE WITH AND ENFORCEABILITY OF  
25 MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The  
26 district shall comply with all applicable requirements of any  
27 ordinance or resolution that consents to the creation of the

district or to the inclusion of land in the district.

(b) Any agreement between the district and a municipality related to the municipality's consent to the creation of the district, including a development agreement, is valid and enforceable.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3986.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors who serve staggered terms of four years.

(b) Four directors must be elected in the manner provided by Subchapter D, Chapter 49, Water Code.

(c) One director must be appointed by the governing body of the city from a list of persons recommended by the preceding board.

Sec. 3986.0202. COMPENSATION; EXPENSES. (a) The district may compensate each elected director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200.

(b) An appointed director is not entitled to compensation for service on the board.

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

Sec. 3986.0203. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>                    </u>
<u>2</u>	<u>                    </u>

3  
4  
5

(b) Of the initial directors, the terms of directors appointed for positions one through three expire June 1, 2021, and the terms of directors appointed for positions four and five expire June 1, 2023. The initial directors in positions one through four are replaced by directors elected under Section 3986.0201(b), and the initial director in position five is replaced by a director appointed under Section 3986.0201(c).

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3986.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3986.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

(b) The district may contract with a governmental or private entity to carry out an action under Subsection (a).

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3986.0303. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to

assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3986.0304. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the city, to provide law enforcement services in the district for a fee.

Sec. 3986.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3986.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local

economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers provided to municipalities by:

(1) Chapter 380, Local Government Code; and

(2) Subchapter A, Chapter 1509, Government Code.

Sec. 3986.0307. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are parts of and necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking facilities may be considered an economic development program.

Sec. 3986.0308. ADDING OR EXCLUDING LAND. If the governing body of the city approves an addition or exclusion of land by affirmative vote, the district may add or exclude the land in the



manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code. The district may add land only if the land is located in the city's corporate limits.

Sec. 3986.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 3986.0310. 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) not more than four new districts are created by the division.

(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) An order dividing the district must:

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

1 territory of each new district;

2 (3) appoint initial directors for each new district;  
3 and

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

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

10 (g) Municipal consent to the creation of the district and to  
11 the inclusion of land in the district acts as municipal consent to  
12 the creation of any new district created by the division of the  
13 district and to the inclusion of land in the new district.

14 (h) A new district created by the division of the district  
15 must hold an election as required by Section 3986.0501 to obtain  
16 voter approval before the district may impose a maintenance tax or  
17 issue bonds payable wholly or partly from ad valorem taxes.

18 Sec. 3986.0311. NO EMINENT DOMAIN POWER. The district may  
19 not exercise the power of eminent domain.

20 SUBCHAPTER D. ASSESSMENTS

21 Sec. 3986.0401. PETITION REQUIRED FOR FINANCING SERVICES  
22 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
23 service or improvement project with assessments under this chapter  
24 unless a written petition requesting that service or improvement  
25 has been filed with the board.

26 (b) A petition filed under Subsection (a) must be signed by  
27 the owners of a majority of the assessed value of real property in

1 the district subject to assessment according to the most recent  
2 certified tax appraisal roll for the county.

3 Sec. 3986.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
4 Except as provided by Section 3986.0503(c), the board by resolution  
5 may impose and collect an assessment for any purpose authorized by  
6 this chapter in all or any part of the district.

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

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

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

17 (3) are the personal liability of and a charge against  
18 the owners of the property even if the owners are not named in the  
19 assessment proceedings.

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

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

SUBCHAPTER E. TAXES AND BONDS

Sec. 3986.0501. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3986.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3986.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

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

Sec. 3986.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on terms determined by the board.

(b) The district may issue bonds, notes, 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 of money, to pay for any authorized district purpose.

(c) The district may issue bonds, notes, or other obligations payable wholly or partly from assessments only to

finance a major public infrastructure improvement project that serves a majority of the district.

(d) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from assessments in the manner provided by Subchapter A, Chapter 372, Local Government Code, if the improvement financed by an obligation issued under this section will be conveyed to or operated and maintained by a municipality or other retail utility provider pursuant to an agreement with the district entered into before the issuance of the obligation.

Sec. 3986.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

(1) revenue other than ad valorem taxes, including contract revenues; or

(2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3986.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3986.0501, the district may issue bonds payable from ad valorem taxes.

(b) 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 annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

1       (c) All or any part of any facilities or improvements that  
2 may be acquired by a district by the issuance of its bonds may be  
3 submitted as a single proposition or as several propositions to be  
4 voted on at the election.

5       Sec. 3986.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
6 board may not issue bonds until each municipality in whose  
7 corporate limits or extraterritorial jurisdiction the district is  
8 located has consented by ordinance or resolution to the creation of  
9 the district and to the inclusion of land in the district.

10       (b) This section applies only to the district's first  
11 issuance of bonds payable from ad valorem taxes.

12                   SUBCHAPTER I. DISSOLUTION

13       Sec. 3986.0901. DISSOLUTION. (a) Except as limited by  
14 Subsection (b), the board shall dissolve the district on written  
15 petition filed with the board by the owners of:

16               (1) 66 percent or more of the assessed value of the  
17 property subject to assessment by the district based on the most  
18 recent certified county property tax rolls; or

19               (2) 66 percent or more of the surface area of the  
20 district, excluding roads, streets, highways, utility  
21 rights-of-way, other public areas, and other property exempt from  
22 assessment by the district according to the most recent certified  
23 county property tax rolls.

24       (b) The district may not be dissolved if the district:

25               (1) has any outstanding bonded or other indebtedness  
26 until that bonded or other indebtedness has been repaid or defeased  
27 in accordance with the order or resolution authorizing the issuance

1 of the bonded or other indebtedness;

2 (2) has a contractual obligation to pay money until:

3 (A) that obligation has been fully paid in  
4 accordance with the contract; or

5 (B) another political subdivision assumes the  
6 obligation; or

7 (3) owns, operates, or maintains public works,  
8 facilities, or improvements unless, before the district dissolves,  
9 the district contracts with another party for the ownership and  
10 operation or maintenance of the public works, facilities, or  
11 improvements.

12 (d) Section 375.262, Local Government Code, does not apply  
13 to the district.

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

17 TRACT 1: 2178 ACRES MORE OR LESS

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

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1 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.  
2 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE  
3 J DAVIS SURVEY, ABSTRACT # 254, THE B.B.B. & C.R.R. SURVEY, ABSTRACT  
4 # 131, THE H. COCHRAN SURVEY, ABSTRACT # 192, THE T & P. RR CO.  
5 SURVEY, ABSTRACT # 1054, THE J.F. SMILEY SURVEY, ABSTRACT 869, THE  
6 J. WORRALL SURVEY, ABSTRACT # 1036, THE J. QUEEN SURVEY, ABSTRACT #  
7 733, THE J. H. BIGGS SURVEY, ABSTRACT # 51, THE E. ALEXANDER SURVEY,  
8 ABSTRACT # 19, THE SA & MG RR CO SURVEY, ABSTRACT # 876 AND THE P.  
9 NEWSON, SURVEY, ABSTRACT # 665 AND BEING ALL OF A CALLED 579.400  
10 ACRE TRACT OF LAND DESCRIBED AS TRACT II IN THE DEED TO DYNAVEST  
11 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE DEED  
12 RECORDS OF COLLIN COUNTY, TEXAS, ALL OF A CALLED 218.360 ACRE TRACT  
13 OF LAND DESCRIBED AS TRACT NO. 1 AND ALL OF A CALLED 161.910 ACRE  
14 TRACT OF LAND DESCRIBED AS TRACT NO. 2 IN THE DEED TO DYNAVEST JOINT  
15 VENTURE AS RECORDED IN VOLUME 2288, PAGE 125 OF THE DEED RECORDS OF  
16 COLLIN COUNTY, TEXAS AND ALL OF A CALLED 1215.843 ACRE TRACT  
17 DESCRIBED IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN  
18 VOLUME 2288, PAGE 110, OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS  
19 AND BEING MORE PARTICULAR DESCRIBED AS FOLLOWS:

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

23 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF  
24 6447.04 FEET TO A POINT FOR CORNER AT THE NORTHWEST CORNER OF SAID  
25 579.400 ACRE TRACT;

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



1 THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS EAST A DISTANCE OF  
2 1013.53 FEET TO A POINT FOR CORNER AT THE MOST NORTHERLY NORTHWEST  
3 CORNER OF SAID 579.400 ACRE TRACT;  
4 THENCE NORTH 89 DEGREES 27 MINUTES 02 SECONDS EAST A DISTANCE OF  
5 2192.86 FEET TO A POINT FOR CORNER IN ELM CREEK;  
6 THENCE NORTH 41 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE CENTER  
7 OF ELM CREEK A DISTANCE OF 693.00 FEET TO A POINT FOR CORNER;  
8 THENCE NORTH 48 DEGREES 30 MINUTES 00 SECONDS EAST ALONG THE CENTER  
9 OF ELM CREEK A DISTANCE OF 417.00 FEET TO A POINT FOR CORNER;  
10 THENCE NORTH 10 DEGREES 40 MINUTES 00 SECONDS EAST ALONG THE CENTER  
11 OF ELM CREEK A DISTANCE OF 274.20 FEET TO A POINT FOR CORNER;  
12 THENCE NORTH 74 DEGREES 54 MINUTES 00 SECONDS EAST ALONG THE CENTER  
13 OF ELM CREEK A DISTANCE OF 211.00 FEET TO A POINT FOR CORNER;  
14 THENCE NORTH 65 DEGREES 52 MINUTES 00 SECONDS EAST ALONG THE CENTER  
15 OF ELM CREEK A DISTANCE OF 282.00 FEET TO A POINT FOR CORNER;  
16 THENCE NORTH 26 DEGREES 53 MINUTES 00 SECONDS EAST ALONG THE CENTER  
17 OF ELM CREEK A DISTANCE OF 1077.50 FEET TO A POINT FOR CORNER TO THE  
18 MOST NORTHERLY NORTHWEST CORNER OF SAID 1215.843 ACRE TRACT;  
19 THENCE SOUTH 87 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF  
20 271.00 FEET TO A POINT FOR CORNER;  
21 THENCE SOUTH 89 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF  
22 127.00 FEET TO A POINT FOR CORNER;  
23 THENCE NORTH 88 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF  
24 560.00 FEET TO A POINT FOR CORNER;  
25 THENCE NORTH 87 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF  
26 917.00 FEET TO A POINT FOR CORNER;  
27 THENCE SOUTH 86 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF

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1 411.00 FEET TO A POINT FOR CORNER TO THE MOST NORTHERLY NORTHEAST  
2 CORNER OF SAID 1215.843 ACRE TRACT  
3 THENCE SOUTH 01 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF  
4 889.00 FEET TO A POINT FOR CORNER;  
5 THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF  
6 675.00 FEET TO A POINT FOR CORNER;  
7 THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST A DISTANCE OF  
8 611.00 FEET TO A POINT FOR CORNER;  
9 THENCE SOUTH 00 DEGREES 52 MINUTES 00 SECONDS WEST A DISTANCE OF  
10 529.00 FEET TO A POINT FOR CORNER;  
11 THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS WEST A DISTANCE OF  
12 3775.00 FEET TO A POINT FOR CORNER;  
13 THENCE SOUTH 03 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF  
14 491.83 FEET TO A POINT FOR CORNER;  
15 THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST A DISTANCE OF  
16 271.50 FEET TO A POINT FOR CORNER;  
17 THENCE SOUTH 02 DEGREES 03 MINUTES 09 SECONDS EAST A DISTANCE OF  
18 560.34 FEET TO A POINT FOR CORNER;  
19 THENCE SOUTH 86 DEGREES 42 MINUTES 28 SECONDS WEST A DISTANCE OF  
20 66.00 FEET TO A POINT FOR CORNER;  
21 THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST A DISTANCE OF  
22 2883.84 FEET TO A POINT FOR CORNER AT THE MOST EASTERLY SOUTHEAST  
23 CORNER OF SAID 1215.843 ACRE TRACT AND THE NORTHEAST CORNER OF SAID  
24 161.91 ACRE TRACT;  
25 THENCE SOUTH 01 DEGREES 59 MINUTES 59 SECONDS EAST A DISTANCE OF  
26 271.54 FEET TO A POINT FOR CORNER;  
27 THENCE SOUTH 02 DEGREES 49 MINUTES 01 SECONDS EAST A DISTANCE OF

1 698.98 FEET TO A POINT FOR CORNER;  
2 THENCE SOUTH 02 DEGREES 27 MINUTES 24 SECONDS EAST A DISTANCE OF  
3 849.68 FEET TO A POINT FOR CORNER TO THE SOUTHEAST CORNER OF SAID  
4 161.91 ACRE TRACT;  
5 THENCE SOUTH 88 DEGREES 39 MINUTES 30 SECONDS WEST A DISTANCE OF  
6 2104.21 FEET TO A POINT FOR CORNER;  
7 THENCE SOUTH 87 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF  
8 986.67 FEET TO A POINT FOR CORNER;  
9 THENCE SOUTH 89 DEGREES 09 MINUTES 32 SECONDS WEST A DISTANCE OF  
10 508.11 FEET TO A POINT FOR CORNER;  
11 THENCE SOUTH 87 DEGREES 55 MINUTES 18 SECONDS WEST A DISTANCE OF  
12 230.84 FEET TO A POINT FOR CORNER;  
13 THENCE SOUTH 88 DEGREES 45 MINUTES 02 SECONDS WEST A DISTANCE OF  
14 285.38 FEET TO A POINT FOR CORNER;  
15 THENCE NORTH 74 DEGREES 25 MINUTES 03 SECONDS WEST A DISTANCE OF  
16 1160.29 FEET TO A POINT FOR CORNER;  
17 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST A DISTANCE OF  
18 404.97 FEET TO A POINT FOR CORNER TO A POINT IN THE NORTH  
19 RIGHT-OF-WAY LINE OF FM # 455;  
20 THENCE NORTH 15 DEGREES 23 MINUTES 42 SECONDS EAST WITH SAID  
21 RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER;  
22 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST WITH SAID  
23 RIGHT-OF-WAY LINE A DISTANCE OF 179.93 FEET TO A POINT FOR CORNER;  
24 THENCE NORTH 52 DEGREES 06 MINUTES 25 SECONDS WEST WITH SAID  
25 RIGHT-OF-WAY LINE A DISTANCE OF 697.67 FEET TO A POINT FOR CORNER;  
26 THENCE WITH SAID RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO THE  
27 LEFT WITH AN ARC LENGTH OF 363.14 FEET, WITH A RADIUS OF 986.86 FEET,

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

20 NOTE: THIS DESCRIPTION HAS BEEN CREATED BY RECORD INFORMATION ONLY.  
21 THERE WERE CLOSURE ERRORS FOUND IN THE DEEDS THAT COULD NOT BE  
22 ISOLATED. EXACT DIMENSIONS AND AREAS CAN BE OBTAINED BY AN ON THE  
23 GROUND SURVEY.

24 TRACT 2: 100.474 ACRES MORE OR LESS

25 LEGAL DESCRIPTION CONSISTING OF 100.474 ACRES MORE OR LESS BY  
26 COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED AS  
27 TRACT I IN THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME

2288, PAGE 119 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS  
BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J.  
DAVIS SURVEY, ABSTRACT # 254, THE W.P. ALLEN SURVEY, ABSTRACT # 24,  
AND THE J. HOWARD SURVEY, ABSTRACT # 442 AND BEING ALL OF A CALLED  
100.474 ACRE TRACT OF LAND DESCRIBED AS TRACT I IN THE DEED TO  
DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 119 OF THE  
DEED RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED  
HEREIN AT THE INTERSECTION OF THE WEST LINE OF SAID COLLIN COUNTY  
WITH THE SOUTHWEST CORNER OF SAID 100.474 ACRE TRACT OF LAND;  
THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST, A DISTANCE OF  
1213.34 FEET TO A POINT FOR CORNER;  
THENCE NORTH 89 DEGREES 57 MINUTES 51 SECONDS EAST, A DISTANCE OF  
3608.95 FEET TO A POINT FOR CORNER;  
THENCE SOUTH 00 DEGREES 56 MINUTES 02 SECONDS EAST, A DISTANCE OF  
1192.20 FEET TO A POINT FOR CORNER;  
THENCE SOUTH 89 DEGREES 11 MINUTES 58 SECONDS WEST, A DISTANCE OF  
1594.31 FEET TO A POINT FOR CORNER;  
THENCE SOUTH 89 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF  
2038.77 FEET TO THE POINT OF BEGINNING AND ENCLOSING 100.474 ACRES  
OF LAND, MORE OR LESS.

TRACT 3: 958.042 ACRES MORE OR LESS

LEGAL DESCRIPTION CONSISTING OF 958.042 ACRES MORE OR LESS BY  
COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED IN  
THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE  
114 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS

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1 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.  
2 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE  
3 J. QUEEN SURVEY, ABSTRACT # 733, THE J. QUEEN SURVEY, ABSTRACT #  
4 1111, THE A. H. GEE SURVEY, ABSTRACT # 1104, THE H. COCHRAN SURVEY,  
5 ABSTRACT # 191, THE J. RAGSDALE SURVEY, ABSTRACT # 735 AND THE  
6 GERMAN IMIGRATION CO. SURVEY, ABSTRACT # 356 AND BEING ALL OF A  
7 CALLED 957.743 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DYNAVEST  
8 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 144 OF THE DEED  
9 RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY  
10 DESCRIBED AS FOLLOWS:

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

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

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

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

22 THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO  
23 THE RIGHT WITH AN ARC LENGTH OF 237.99 FEET, WITH A RADIUS OF  
24 1277.20 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 38 MINUTES 21  
25 SECONDS EAST, AND WITH A CHORD LENGTH OF 237.64 FEET TO A POINT FOR  
26 CORNER;

27 THENCE SOUTH 73 DEGREES 11 MINUTES 25 SECONDS EAST WITH SAID SOUTH

1 RIGHT-OF-WAY LINE A DISTANCE OF 131.75 FEET TO A POINT FOR CORNER;  
2 THENCE SOUTH 16 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF  
3 103.35 FEET TO A POINT FOR CORNER;  
4 THENCE SOUTH 40 DEGREES 22 MINUTES 29 SECONDS WEST A DISTANCE OF  
5 414.21 FEET TO A POINT FOR CORNER;  
6 THENCE SOUTH 50 DEGREES 17 MINUTES 10 SECONDS EAST A DISTANCE OF  
7 174.16 FEET TO A POINT FOR CORNER;  
8 THENCE SOUTH 04 DEGREES 36 MINUTES 13 SECONDS EAST A DISTANCE OF  
9 103.17 FEET TO A POINT FOR CORNER;  
10 THENCE SOUTH 53 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF  
11 256.14 FEET TO A POINT FOR CORNER;  
12 THENCE SOUTH 23 DEGREES 11 MINUTES 46 SECONDS WEST A DISTANCE OF  
13 269.21 FEET TO A POINT FOR CORNER;  
14 THENCE SOUTH 66 DEGREES 05 MINUTES 31 SECONDS EAST A DISTANCE OF  
15 178.82 FEET TO A POINT FOR CORNER;  
16 THENCE SOUTH 04 DEGREES 58 MINUTES 45 SECONDS EAST A DISTANCE OF  
17 193.80 FEET TO A POINT FOR CORNER;  
18 THENCE SOUTH 50 DEGREES 28 MINUTES 50 SECONDS WEST A DISTANCE OF  
19 169.49 FEET TO A POINT FOR CORNER;  
20 THENCE SOUTH 87 DEGREES 27 MINUTES 53 SECONDS WEST A DISTANCE OF  
21 174.71 FEET TO A POINT FOR CORNER;  
22 THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST A DISTANCE OF  
23 763.18 FEET TO A POINT FOR CORNER;  
24 THENCE NORTH 86 DEGREES 32 MINUTES 52 SECONDS EAST A DISTANCE OF  
25 1464.77 FEET TO A POINT FOR CORNER;  
26 THENCE NORTH 89 DEGREES 13 MINUTES 02 SECONDS EAST A DISTANCE OF  
27 524.81 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF

1 FM # 455;  
2 THENCE SOUTH 03 DEGREES 06 MINUTES 54 SECONDS WEST WITH SAID WEST  
3 RIGHT-OF-WAY LINE A DISTANCE OF 37.23 FEET TO A POINT FOR CORNER;  
4 THENCE WITH SAID WEST RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO  
5 THE LEFT WITH AN ARC LENGTH OF 577.39 FEET, WITH A RADIUS OF 1477.38  
6 FEET, WITH A CHORD BEARING OF SOUTH 08 DEGREES 00 MINUTES 36 SECONDS  
7 EAST , AND WITH A CHORD LENGTH OF 573.72 FEET TO A POINT FOR CORNER;  
8 THENCE SOUTH 19 DEGREES 08 MINUTES 06 SECONDS EAST WITH SAID WEST  
9 RIGHT-OF-WAY LINE A DISTANCE OF 354.02 FEET TO A POINT FOR CORNER;  
10 THENCE SOUTH 89 DEGREES 08 MINUTES 02 SECONDS WEST A DISTANCE OF  
11 974.20 FEET TO A POINT FOR CORNER;  
12 THENCE SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST A DISTANCE OF  
13 1724.68 FEET TO A POINT FOR CORNER;  
14 THENCE SOUTH 01 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF  
15 2948.48 FEET TO A POINT FOR CORNER;  
16 THENCE NORTH 88 DEGREES 01 MINUTES 35 SECONDS EAST A DISTANCE OF  
17 1138.15 FEET TO A POINT FOR CORNER;  
18 THENCE SOUTH 01 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF  
19 1965.29 FEET TO A POINT FOR CORNER;  
20 THENCE SOUTH 89 DEGREES 32 MINUTES 30 SECONDS WEST A DISTANCE OF  
21 5389.11 FEET TO A POINT FOR CORNER;  
22 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF  
23 10550.55 FEET TO A POINT FOR CORNER;  
24 AND ENCLOSING 958.042 ACRES OF LAND, MORE OR LESS.

25 SECTION 3. (a) The legal notice of the intention to  
26 introduce this Act, setting forth the general substance of this  
27 Act, has been published as provided by law, and the notice and a



1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

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

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

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

16 SECTION 4. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2019.