

By: Holland

H.B. No. 4706

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Dynavest Municipal Management District No. 1; 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. DYNAVEST MUNICIPAL MANAGEMENT DISTRICT NO. 1

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 Dynavest Municipal Management District No. 1.

Sec. 3986.0102. NATURE OF DISTRICT. The Dynavest Municipal Management District No. 1 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

1 other political subdivisions to contract with the district, the  
2 legislature has established a program to accomplish the public  
3 purposes set out in Section 52-a, Article III, Texas Constitution.

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

9 (d) This chapter and the creation of the district may not be  
10 interpreted to relieve the city from providing the level of  
11 services provided as of the effective date of the Act enacting this  
12 chapter to the area in the district. The district is created to  
13 supplement and not to supplant city services provided in the  
14 district.

15 Sec. 3986.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

16 (a) All land and other property included in the district will  
17 benefit from the improvements and services to be provided by the  
18 district under powers conferred by Sections 52 and 52-a, Article  
19 III, and Section 59, Article XVI, Texas Constitution, and other  
20 powers granted under this chapter.

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

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

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

27 (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 water, wastewater, drainage, road, and  
16 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

1 district or to the inclusion of land in the district.

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

6 SUBCHAPTER B. BOARD OF DIRECTORS

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

10 (b) Directors are elected in the manner provided by  
11 Subchapter D, Chapter 49, Water Code.

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

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

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

	<u>Pos. No.</u>	<u>Name of Director</u>
21	<u>1</u>	=====
22	<u>2</u>	=====
23	<u>3</u>	=====
24	<u>4</u>	=====
25	<u>5</u>	=====

26 (b) The initial directors shall hold an election to elect  
27

1 five permanent directors as provided by Section 49.102, Water Code.

2 (c) Initial directors serve until the earlier of:

3 (1) the date permanent directors are elected under  
4 Subsection (b); or

5 (2) the fourth anniversary of the effective date of  
6 the Act enacting this chapter.

7 (d) If permanent directors have not been elected under  
8 Subsection (b) and the terms of the initial directors have expired,  
9 successor initial directors shall be appointed or reappointed as  
10 provided by Subsection (e) to serve terms that expire on the earlier  
11 of:

12 (1) the date permanent directors are elected under  
13 Subsection (b); or

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

16 (e) If Subsection (d) applies, the owner or owners of a  
17 majority of the assessed value of the real property in the district  
18 according to the most recent certified tax appraisal roll for the  
19 county may submit a petition to the commission requesting that the  
20 commission appoint as successor initial directors the five persons  
21 named in the petition. The commission shall appoint as successor  
22 initial directors the five persons named in the petition.

23 SUBCHAPTER C. POWERS AND DUTIES

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

27 Sec. 3986.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The

1 district, using any money available to the district for the  
2 purpose, may provide, design, construct, acquire, improve,  
3 relocate, operate, maintain, or finance an improvement project or  
4 service authorized under this chapter or Chapter 375, Local  
5 Government Code.

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

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

11 Sec. 3986.0303. NONPROFIT CORPORATION. (a) The board by  
12 resolution may authorize the creation of a nonprofit corporation to  
13 assist and act for the district in implementing a project or  
14 providing a service authorized by this chapter.

15 (b) The nonprofit corporation:

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

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

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

27 Sec. 3986.0304. LAW ENFORCEMENT SERVICES. To protect the

1 public interest, the district may contract with a qualified party,  
2 including the city, to provide law enforcement services in the  
3 district for a fee.

4 Sec. 3986.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.

5 The district may join and pay dues to a charitable or nonprofit  
6 organization that performs a service or provides an activity  
7 consistent with the furtherance of a district purpose.

8 Sec. 3986.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The

9 district may engage in activities that accomplish the economic  
10 development purposes of the district.

11 (b) The district may establish and provide for the  
12 administration of one or more programs to promote state or local  
13 economic development and to stimulate business and commercial  
14 activity in the district, including programs to:

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

16 (2) provide district personnel and services.

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

20 (1) Chapter 380, Local Government Code; and

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

22 Sec. 3986.0307. PARKING FACILITIES. (a) The district may

23 acquire, lease as lessor or lessee, construct, develop, own,  
24 operate, and maintain parking facilities or a system of parking  
25 facilities, including lots, garages, parking terminals, or other  
26 structures or accommodations for parking motor vehicles off the  
27 streets and related appurtenances.



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

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

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

10       Sec. 3986.0308. ADDING OR EXCLUDING LAND. The district may  
11 add or exclude land in the manner provided by Subchapter J, Chapter  
12 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

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

17       Sec. 3986.0310. DIVISION OF DISTRICT. (a) The district may  
18 be divided into two or more new districts only if the district:

19               (1) has no outstanding bonded debt; and

20               (2) is not imposing ad valorem taxes.

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

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

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

5       (e) An order dividing the district must:

6           (1) name each new district;

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

9           (3) appoint initial directors for each new district;

10 and

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

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

17       (g) Municipal consent to the creation of the district and to  
18 the inclusion of land in the district acts as municipal consent to  
19 the creation of any new district created by the division of the  
20 district and to the inclusion of land in the new district.

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

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

SUBCHAPTER D. ASSESSMENTS

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

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3986.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

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

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

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

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

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

9                   SUBCHAPTER E. TAXES AND BONDS

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

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

20                   (1) maintain and operate the district;

21                   (2) construct or acquire improvements; or

22                   (3) provide a service.

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

26       Sec. 3986.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE  
27 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on

1 terms determined by the board.

2 (b) The district may issue bonds, notes, or other  
3 obligations payable wholly or partly from ad valorem taxes,  
4 assessments, impact fees, revenue, contract payments, grants, or  
5 other district money, or any combination of those sources of money,  
6 to pay for any authorized district purpose.

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

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

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

14 Sec. 3986.0505. BONDS SECURED BY AD VALOREM TAXES;  
15 ELECTIONS. (a) If authorized at an election under Section  
16 3986.0501, the district may issue bonds payable from ad valorem  
17 taxes.

18 (b) Section 375.243, Local Government Code, does not apply  
19 to the district.

20 (c) At the time the district issues bonds payable wholly or  
21 partly from ad valorem taxes, the board shall provide for the annual  
22 imposition of a continuing direct annual ad valorem tax, without  
23 limit as to rate or amount, for each year that all or part of the  
24 bonds are outstanding as required and in the manner provided by  
25 Sections 54.601 and 54.602, Water Code.

26 (d) All or any part of any facilities or improvements that  
27 may be acquired by a district by the issuance of its bonds may be

1 submitted as a single proposition or as several propositions to be  
2 voted on at the election.

3 Sec. 3986.0506. BONDS AND OTHER OBLIGATIONS FOR IMPROVEMENT  
4 UNDER AGREEMENT. If the improvements financed by an obligation  
5 will be conveyed to or operated and maintained by a municipality or  
6 retail utility provider under an agreement between the district and  
7 the municipality or retail utility provider entered into before the  
8 issuance of the obligation, the obligation may be in the form of  
9 bonds, notes, or other obligations payable wholly or partly from  
10 assessments, issued by public or private sale, in the manner  
11 provided by Subchapter A, Chapter 372, Local Government Code.

12 Sec. 3986.0507. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
13 board may not issue bonds until each municipality in whose  
14 corporate limits or extraterritorial jurisdiction the district is  
15 located has consented by ordinance or resolution to the creation of  
16 the district and to the inclusion of land in the district.

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

19 SUBCHAPTER I. DISSOLUTION

20 Sec. 3986.0901. DISSOLUTION. (a) The board shall dissolve  
21 the district on written petition filed with the board by the owners  
22 of:

23 (1) 66 percent or more of the assessed value of the  
24 property subject to assessment by the district based on the most  
25 recent certified county property tax rolls; or

26 (2) 66 percent or more of the surface area of the  
27 district, excluding roads, streets, highways, utility

1 rights-of-way, other public areas, and other property exempt from  
2 assessment by the district according to the most recent certified  
3 county property tax rolls.

4 (b) The board by majority vote may dissolve the district at  
5 any time.

6 (c) The district may not be dissolved by its board under  
7 Subsection (a) or (b) if the district:

8 (1) has any outstanding debt until that debt has been  
9 repaid or defeased in accordance with the order or resolution  
10 authorizing the issuance of the debt;

11 (2) has a contractual obligation to pay money until  
12 that obligation has been fully paid in accordance with the  
13 contract; or

14 (3) owns, operates, or maintains public works,  
15 facilities, or improvements unless the district contracts with  
16 another person for the ownership and operation or maintenance of  
17 the public works, facilities, or improvements.

18 (d) Sections 375.261, 375.262, and 375.264, Local  
19 Government Code, do not apply to the district.

20 SECTION 2. The Dynavest Municipal Management District No. 1  
21 initially includes all territory contained in the following area:

22 TRACT 1: 2178 ACRES MORE OR LESS

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

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

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

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



1 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF  
2 6447.04 FEET TO A POINT FOR CORNER AT THE NORTHWEST CORNER OF SAID  
3 579.400 ACRE TRACT;  
4 THENCE SOUTH 89 DEGREES 27 MINUTES 28 SECONDS EAST A DISTANCE OF  
5 2678.28 FEET TO A POINT FOR CORNER;  
6 THENCE NORTH 00 DEGREES 23 MINUTES 38 SECONDS EAST A DISTANCE OF  
7 1013.53 FEET TO A POINT FOR CORNER AT THE MOST NORTHERLY NORTHWEST  
8 CORNER OF SAID 579.400 ACRE TRACT;  
9 THENCE NORTH 89 DEGREES 27 MINUTES 02 SECONDS EAST A DISTANCE OF  
10 2192.86 FEET TO A POINT FOR CORNER IN ELM CREEK;  
11 THENCE NORTH 41 DEGREES 45 MINUTES 00 SECONDS EAST ALONG THE CENTER  
12 OF ELM CREEK A DISTANCE OF 693.00 FEET TO A POINT FOR CORNER;  
13 THENCE NORTH 48 DEGREES 30 MINUTES 00 SECONDS EAST ALONG THE CENTER  
14 OF ELM CREEK A DISTANCE OF 417.00 FEET TO A POINT FOR CORNER;  
15 THENCE NORTH 10 DEGREES 40 MINUTES 00 SECONDS EAST ALONG THE CENTER  
16 OF ELM CREEK A DISTANCE OF 274.20 FEET TO A POINT FOR CORNER;  
17 THENCE NORTH 74 DEGREES 54 MINUTES 00 SECONDS EAST ALONG THE CENTER  
18 OF ELM CREEK A DISTANCE OF 211.00 FEET TO A POINT FOR CORNER;  
19 THENCE NORTH 65 DEGREES 52 MINUTES 00 SECONDS EAST ALONG THE CENTER  
20 OF ELM CREEK A DISTANCE OF 282.00 FEET TO A POINT FOR CORNER;  
21 THENCE NORTH 26 DEGREES 53 MINUTES 00 SECONDS EAST ALONG THE CENTER  
22 OF ELM CREEK A DISTANCE OF 1077.50 FEET TO A POINT FOR CORNER TO THE  
23 MOST NORTHERLY NORTHWEST CORNER OF SAID 1215.843 ACRE TRACT;  
24 THENCE SOUTH 87 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF  
25 271.00 FEET TO A POINT FOR CORNER;  
26 THENCE SOUTH 89 DEGREES 54 MINUTES 00 SECONDS EAST A DISTANCE OF  
27 127.00 FEET TO A POINT FOR CORNER;

1 THENCE NORTH 88 DEGREES 58 MINUTES 00 SECONDS EAST A DISTANCE OF  
2 560.00 FEET TO A POINT FOR CORNER;  
3 THENCE NORTH 87 DEGREES 46 MINUTES 00 SECONDS EAST A DISTANCE OF  
4 917.00 FEET TO A POINT FOR CORNER;  
5 THENCE SOUTH 86 DEGREES 43 MINUTES 00 SECONDS EAST A DISTANCE OF  
6 411.00 FEET TO A POINT FOR CORNER TO THE MOST NORTHERLY NORTHEAST  
7 CORNER OF SAID 1215.843 ACRE TRACT  
8 THENCE SOUTH 01 DEGREES 44 MINUTES 00 SECONDS EAST A DISTANCE OF  
9 889.00 FEET TO A POINT FOR CORNER;  
10 THENCE SOUTH 58 DEGREES 17 MINUTES 00 SECONDS EAST A DISTANCE OF  
11 675.00 FEET TO A POINT FOR CORNER;  
12 THENCE NORTH 89 DEGREES 55 MINUTES 00 SECONDS EAST A DISTANCE OF  
13 611.00 FEET TO A POINT FOR CORNER;  
14 THENCE SOUTH 00 DEGREES 52 MINUTES 00 SECONDS WEST A DISTANCE OF  
15 529.00 FEET TO A POINT FOR CORNER;  
16 THENCE SOUTH 00 DEGREES 19 MINUTES 00 SECONDS WEST A DISTANCE OF  
17 3775.00 FEET TO A POINT FOR CORNER;  
18 THENCE SOUTH 03 DEGREES 39 MINUTES 54 SECONDS WEST A DISTANCE OF  
19 491.83 FEET TO A POINT FOR CORNER;  
20 THENCE SOUTH 00 DEGREES 21 MINUTES 00 SECONDS WEST A DISTANCE OF  
21 271.50 FEET TO A POINT FOR CORNER;  
22 THENCE SOUTH 02 DEGREES 03 MINUTES 09 SECONDS EAST A DISTANCE OF  
23 560.34 FEET TO A POINT FOR CORNER;  
24 THENCE SOUTH 86 DEGREES 42 MINUTES 28 SECONDS WEST A DISTANCE OF  
25 66.00 FEET TO A POINT FOR CORNER;  
26 THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST A DISTANCE OF  
27 2883.84 FEET TO A POINT FOR CORNER AT THE MOST EASTERLY SOUTHEAST

1 CORNER OF SAID 1215.843 ACRE TRACT AND THE NORTHEAST CORNER OF SAID  
2 161.91 ACRE TRACT;  
3 THENCE SOUTH 01 DEGREES 59 MINUTES 59 SECONDS EAST A DISTANCE OF  
4 271.54 FEET TO A POINT FOR CORNER;  
5 THENCE SOUTH 02 DEGREES 49 MINUTES 01 SECONDS EAST A DISTANCE OF  
6 698.98 FEET TO A POINT FOR CORNER;  
7 THENCE SOUTH 02 DEGREES 27 MINUTES 24 SECONDS EAST A DISTANCE OF  
8 849.68 FEET TO A POINT FOR CORNER TO THE SOUTHEAST CORNER OF SAID  
9 161.91 ACRE TRACT;  
10 THENCE SOUTH 88 DEGREES 39 MINUTES 30 SECONDS WEST A DISTANCE OF  
11 2104.21 FEET TO A POINT FOR CORNER;  
12 THENCE SOUTH 87 DEGREES 44 MINUTES 05 SECONDS WEST A DISTANCE OF  
13 986.67 FEET TO A POINT FOR CORNER;  
14 THENCE SOUTH 89 DEGREES 09 MINUTES 32 SECONDS WEST A DISTANCE OF  
15 508.11 FEET TO A POINT FOR CORNER;  
16 THENCE SOUTH 87 DEGREES 55 MINUTES 18 SECONDS WEST A DISTANCE OF  
17 230.84 FEET TO A POINT FOR CORNER;  
18 THENCE SOUTH 88 DEGREES 45 MINUTES 02 SECONDS WEST A DISTANCE OF  
19 285.38 FEET TO A POINT FOR CORNER;  
20 THENCE NORTH 74 DEGREES 25 MINUTES 03 SECONDS WEST A DISTANCE OF  
21 1160.29 FEET TO A POINT FOR CORNER;  
22 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST A DISTANCE OF  
23 404.97 FEET TO A POINT FOR CORNER TO A POINT IN THE NORTH  
24 RIGHT-OF-WAY LINE OF FM # 455;  
25 THENCE NORTH 15 DEGREES 23 MINUTES 42 SECONDS EAST WITH SAID  
26 RIGHT-OF-WAY LINE A DISTANCE OF 40.00 FEET TO A POINT FOR CORNER;  
27 THENCE NORTH 74 DEGREES 36 MINUTES 18 SECONDS WEST WITH SAID

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

25 NOTE: THIS DESCRIPTION HAS BEEN CREATED BY RECORD INFORMATION ONLY.  
26 THERE WERE CLOSURE ERRORS FOUND IN THE DEEDS THAT COULD NOT BE  
27 ISOLATED. EXACT DIMENSIONS AND AREAS CAN BE OBTAINED BY AN ON THE

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

1 TRACT 3: 958.042 ACRES MORE OR LESS  
2 LEGAL DESCRIPTION CONSISTING OF 958.042 ACRES MORE OR LESS BY  
3 COMPUTING EXHIBIT A IN THE DEED TO THE TRACT OF LAND DESCRIBED IN  
4 THE DEED TO DYNAVEST JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE  
5 114 OF THE DEED RECORDS OF COLLIN COUNTY, TEXAS  
6 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN THE J. W.  
7 HAYNES SURVEY, ABSTRACT # 453, J, CUMBA SURVEY, ABSTRACT # 242, THE  
8 J. QUEEN SURVEY, ABSTRACT # 733, THE J. QUEEN SURVEY, ABSTRACT #  
9 1111, THE A. H. GEE SURVEY, ABSTRACT # 1104, THE H. COCHRAN SURVEY,  
10 ABSTRACT # 191, THE J. RAGSDALE SURVEY, ABSTRACT # 735 AND THE  
11 GERMAN IMIGRATION CO. SURVEY, ABSTRACT # 356 AND BEING ALL OF A  
12 CALLED 957.743 ACRE TRACT OF LAND DESCRIBED IN THE DEED TO DYNAVEST  
13 JOINT VENTURE AS RECORDED IN VOLUME 2288, PAGE 144 OF THE DEED  
14 RECORDS OF COLLIN COUNTY, TEXAS AND BEING MORE PARTICULARLY  
15 DESCRIBED AS FOLLOWS:

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

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

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

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

27 THENCE WITH SAID SOUTH RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO

1 THE RIGHT WITH AN ARC LENGTH OF 237.99 FEET, WITH A RADIUS OF  
2 1277.20 FEET, WITH A CHORD BEARING OF SOUTH 78 DEGREES 38 MINUTES 21  
3 SECONDS EAST, AND WITH A CHORD LENGTH OF 237.64 FEET TO A POINT FOR  
4 CORNER;  
5 THENCE SOUTH 73 DEGREES 11 MINUTES 25 SECONDS EAST WITH SAID SOUTH  
6 RIGHT-OF-WAY LINE A DISTANCE OF 131.75 FEET TO A POINT FOR CORNER;  
7 THENCE SOUTH 16 DEGREES 58 MINUTES 43 SECONDS WEST A DISTANCE OF  
8 103.35 FEET TO A POINT FOR CORNER;  
9 THENCE SOUTH 40 DEGREES 22 MINUTES 29 SECONDS WEST A DISTANCE OF  
10 414.21 FEET TO A POINT FOR CORNER;  
11 THENCE SOUTH 50 DEGREES 17 MINUTES 10 SECONDS EAST A DISTANCE OF  
12 174.16 FEET TO A POINT FOR CORNER;  
13 THENCE SOUTH 04 DEGREES 36 MINUTES 13 SECONDS EAST A DISTANCE OF  
14 103.17 FEET TO A POINT FOR CORNER;  
15 THENCE SOUTH 53 DEGREES 02 MINUTES 05 SECONDS WEST A DISTANCE OF  
16 256.14 FEET TO A POINT FOR CORNER;  
17 THENCE SOUTH 23 DEGREES 11 MINUTES 46 SECONDS WEST A DISTANCE OF  
18 269.21 FEET TO A POINT FOR CORNER;  
19 THENCE SOUTH 66 DEGREES 05 MINUTES 31 SECONDS EAST A DISTANCE OF  
20 178.82 FEET TO A POINT FOR CORNER;  
21 THENCE SOUTH 04 DEGREES 58 MINUTES 45 SECONDS EAST A DISTANCE OF  
22 193.80 FEET TO A POINT FOR CORNER;  
23 THENCE SOUTH 50 DEGREES 28 MINUTES 50 SECONDS WEST A DISTANCE OF  
24 169.49 FEET TO A POINT FOR CORNER;  
25 THENCE SOUTH 87 DEGREES 27 MINUTES 53 SECONDS WEST A DISTANCE OF  
26 174.71 FEET TO A POINT FOR CORNER;  
27 THENCE SOUTH 00 DEGREES 14 MINUTES 15 SECONDS WEST A DISTANCE OF

1 763.18 FEET TO A POINT FOR CORNER;  
2 THENCE NORTH 86 DEGREES 32 MINUTES 52 SECONDS EAST A DISTANCE OF  
3 1464.77 FEET TO A POINT FOR CORNER;  
4 THENCE NORTH 89 DEGREES 13 MINUTES 02 SECONDS EAST A DISTANCE OF  
5 524.81 FEET TO A POINT FOR CORNER IN THE WEST RIGHT-OF-WAY LINE OF  
6 FM # 455;  
7 THENCE SOUTH 03 DEGREES 06 MINUTES 54 SECONDS WEST WITH SAID WEST  
8 RIGHT-OF-WAY LINE A DISTANCE OF 37.23 FEET TO A POINT FOR CORNER;  
9 THENCE WITH SAID WEST RIGHT-OF-WAY LINE AND WITH A CURVE TURNING TO  
10 THE LEFT WITH AN ARC LENGTH OF 577.39 FEET, WITH A RADIUS OF 1477.38  
11 FEET, WITH A CHORD BEARING OF SOUTH 08 DEGREES 00 MINUTES 36 SECONDS  
12 EAST , AND WITH A CHORD LENGTH OF 573.72 FEET TO A POINT FOR CORNER;  
13 THENCE SOUTH 19 DEGREES 08 MINUTES 06 SECONDS EAST WITH SAID WEST  
14 RIGHT-OF-WAY LINE A DISTANCE OF 354.02 FEET TO A POINT FOR CORNER;  
15 THENCE SOUTH 89 DEGREES 08 MINUTES 02 SECONDS WEST A DISTANCE OF  
16 974.20 FEET TO A POINT FOR CORNER;  
17 THENCE SOUTH 00 DEGREES 24 MINUTES 13 SECONDS EAST A DISTANCE OF  
18 1724.68 FEET TO A POINT FOR CORNER;  
19 THENCE SOUTH 01 DEGREES 25 MINUTES 40 SECONDS EAST A DISTANCE OF  
20 2948.48 FEET TO A POINT FOR CORNER;  
21 THENCE NORTH 88 DEGREES 01 MINUTES 35 SECONDS EAST A DISTANCE OF  
22 1138.15 FEET TO A POINT FOR CORNER;  
23 THENCE SOUTH 01 DEGREES 46 MINUTES 21 SECONDS EAST A DISTANCE OF  
24 1965.29 FEET TO A POINT FOR CORNER;  
25 THENCE SOUTH 89 DEGREES 32 MINUTES 30 SECONDS WEST A DISTANCE OF  
26 5389.11 FEET TO A POINT FOR CORNER;  
27 THENCE NORTH 00 DEGREES 12 MINUTES 53 SECONDS EAST A DISTANCE OF



1 10550.55 FEET TO A POINT FOR CORNER;  
2 AND ENCLOSING 958.042 ACRES OF LAND, MORE OR LESS.

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

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

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

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

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