

By: Fallon
(Smith)

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

1 directors as provided by Section 49.102, Water Code.

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

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

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

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

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

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

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

26 Sec. 8048.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

27 (a) The district is created to serve a public purpose and benefit.

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

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

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

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

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

15 (1) organization, existence, or validity;

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

19 (3) right to impose a tax; or

20 (4) legality or operation.

21 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

26 Sec. 8048.0202. TEMPORARY DIRECTORS. (a) On or after
27 September 1, 2019, the owner or owners of a majority of the assessed

1 value of the real property in the district may submit a petition to
2 the commission requesting that the commission appoint as temporary
3 directors the five persons named in the petition. The commission
4 shall appoint as temporary directors the five persons named in the
5 petition.

6 (b) Temporary directors serve until the earlier of:

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

9 (2) September 1, 2023.

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

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

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

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

26 SUBCHAPTER C. POWERS AND DUTIES

27 Sec. 8048.0301. GENERAL POWERS AND DUTIES. The district

1 has the powers and duties necessary to accomplish the purposes for
2 which the district is created.

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

8 Sec. 8048.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
9 52, Article III, Texas Constitution, the district may design,
10 acquire, construct, finance, issue bonds for, improve, operate,
11 maintain, and convey to this state, a county, or a municipality for
12 operation and maintenance macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

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

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

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

27 (d) The district shall maintain all roads that the district

1 constructs except for roads constructed by the district that
2 another governmental entity agrees to maintain.

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

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

- 11 (1) the district has no outstanding bonded debt;
12 (2) the district is not imposing ad valorem taxes; and
13 (3) the City of Van Alstyne by ordinance or resolution
14 has consented to the division of the district.

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

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

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

26 (e) The board may adopt an order dividing the district
27 before or after the date the board holds an election under Section

1 8048.0103 to confirm the district's creation.

2 (f) An order dividing the district shall:

3 (1) name each new district;

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

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

7 and

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

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

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

20 (i) Municipal consent to the creation of the district and to
21 the inclusion of land in the district granted under Section
22 8048.0104 acts as municipal consent to the creation of any new
23 district created by the division of the district and to the
24 inclusion of land in the new district.

25 (j) Any new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

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

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

9 Sec. 8048.0309. LIMITATION ON USE OF EMINENT DOMAIN.

10 (a) The district may not exercise the power of eminent domain
11 outside the district to acquire a site or easement for:

- 12 (1) a road project authorized by Section 8048.0303; or
13 (2) a recreational facility as defined by Section
14 49.462, Water Code.

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

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8048.0401. ELECTIONS REGARDING TAXES OR BONDS.

21 (a) The district may issue, without an election, bonds and other
22 obligations secured by:

- 23 (1) revenue other than ad valorem taxes; or
24 (2) contract payments described by Section 8048.0403.

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

1 payable from ad valorem taxes.

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

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

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

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

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

22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

1 purpose.

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

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

13 SUBCHAPTER F. MUNICIPAL PERMITTING AUTHORITY IN DISTRICT

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

17 (1) issue building permits and certificates of
18 occupancy;

19 (2) enforce the municipality's building codes;

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

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

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

1 limits of the municipality.

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

5 TRACT 1: 1,216.48 ACRES

6 SITUATED in the County of Collin, State of Texas, and being a
7 part of the David Arnsperger Survey, Abstract No. 15, the E. T. Berry
8 Survey, Abstract No. 41, the J. W. Curtis Survey, Abstract
9 No. 1077, the Jonas Whitaker Survey, Abstract No. 981, the W. P.
10 Burns Survey, Abstract No. 100, and the J. Batterton Survey,
11 Abstract No. 94, and being a part of the 1232.837 ac. tract of land
12 conveyed to Vincent Viola by W. Mark David by Special Warranty Deed
13 dated July 30, 2001 and recorded in Volume 4987, Page 726, Deed
14 Records, Collin County, Texas, and being all of the 64.749 ac. tract
15 of land (Tract 3) conveyed to Vincent J. Viola by Don S. Flesher by
16 Warranty Deed dated September 10, 2004 and recorded in Volume 5766,
17 Page 6210, said Collin County Deed Records and being all of the
18 133.814 ac. tract of land conveyed to Vincent J. Viola by Mary Jane
19 Kinsey by Warranty Deed with Vendor's Lien dated March 31, 2004 and
20 recorded in Volume 5642, Page 1395, said Collin County Deed
21 Records, and being all of the 377.45 ac. tract of land conveyed to
22 Vincent J. Viola by Thornton Farm Partnership, Ltd. by Special
23 Warranty Deed with Vendor's Lien dated September 22, 2005 and
24 recorded in Volume 6010, Page 3310, said Collin County Deed
25 Records, and being all of the 61.61 ac. tract of land conveyed to
26 Vincent J. Viola by Jack R. Shirley, Trustee of the Shirley Living
27 Trust by Warranty Deed with Vendor's Lien dated February 26, 2004

1 and recorded in Volume 5616, Page 5706, said Collin County Deed
2 Records, and being more particularly described as one tract of land
3 by metes and bounds as follows, to-wit:

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

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

15 THENCE North 88 deg. 39 min. 20 sec. East, with the South line
16 of said MJW Partners 77.17 ac. and the North line of said Viola
17 133.814 ac., a distance of 479.16 ft. to a point at the Southeast
18 corner of said MJW Partners 77.17 ac., at the most Southerly
19 Southwest corner of said 377.45 ac.;

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

23 THENCE North 00 deg. 51 min. 11 sec. East, continuing with the
24 West line of said 377.45 ac. and the East line of said MJW Partners
25 77.17 ac., a distance of 856.69 ft. to an angle point;

26 THENCE North 00 deg. 38 min. 27 sec. East, continuing with the
27 West line of said 377.45 ac. and the East line of said MJW Partners

1 77.17 ac., a distance of 1,265.62 ft. to a point at the most
2 Easterly Northeast comer of said MJW Partners 77.17 ac.;

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

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

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

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

1 12.5 ac. and the most Easterly Southeast comer of the 89.74 ac.
2 tract of land conveyed to Lee Brock and Michael Adams in

3 Volume 4971, Page 3703, said Collin County Deed Records, a
4 Northeast corner of said Batterton Survey, the Southeast comer of
5 said Whitaker Survey, and continuing now with the East line of both
6 said Whitaker Survey and said Brock & Adams 89.74 ac. and the West
7 line of said Arnspiger Survey, passing the Northeast comer of said
8 Brock & Adams 89.74 ac. and the Southeast corner of the 113.35 ac.
9 tract of land conveyed to Claude T. Dowell and Betty M. Dowell in
10 Collin County Clerk File No. 96-0003539, and continuing now with
11 the East line of said Dowell 113.35 ac. for a total distance of
12 2,879.39 ft. to a PK nail at the Northwest corner of said 6.29 ac.,
13 at the Southwest comer of the 5.00 ac. tract of land conveyed to
14 Wood Family Trust in Volume 3910, Page 772, said Grayson County
15 Official Public Records, at the most Westerly Northwest comer of
16 the herein described tract;

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

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

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

1 the center of a creek;

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

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

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

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

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

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

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

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

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

27 South 44 deg. 01 min. 30 sec. East, a distance of 59.33 ft. to

1 a point at the beginning of a curve;
2 Southerly, with a non-tangent curve to the right having a
3 radius of 11,236.22 ft. and a central angle of 02 deg. 19 min.
4 08 sec. (chord bears South 00 deg. 12 min. 56 sec. West,
5 454.72 ft.), an arc distance of 454,76 ft. to an angle point;
6 South 02 deg. 36 min. 16 sec. East, a distance of 360.12 ft.
7 to an angle point;
8 South 00 deg. 25 min. 13 sec. West, a distance of 599.93 ft.
9 to an angle point;
10 South 01 deg. 22 min. 30 sec. West, a distance of 199.95 ft.
11 to an angle point;
12 South 04 deg. 42 min. 49 sec. West, a distance of 600.86 ft.
13 to an angle point;
14 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
15 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
16 to an angle point;
17 South 01 deg. 22 min. 30 sec. West, a distance of 999.74 ft.
18 to an angle point;
19 South 10 deg. 21 min. 51 sec. West, a distance of 195.80 ft.
20 to an angle point;
21 South 07 deg. 03 min. 08 sec. East, a distance of 208.75 ft.
22 to an angle point;
23 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
24 to an angle point;
25 South 07 deg. 33 min. 03 sec. West, a distance of 185.86 ft.
26 to an angle point;
27 South 45 deg. 36 min. 30 sec. West, a distance of 42.98 ft. to

1 an angle point;
2 South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft. to
3 a point in the center of County Road No. 372;
4 THENCE Westerly, with the center of said County Road No. 372,
5 the following calls and distances:
6 South 89 deg. 42 min. 59 sec. West, a distance of 353.70 ft.;
7 South 86 deg. 10 min. 45 sec. West, a distance of 143.79 ft.;
8 North 87 deg. 30 min. 14 sec. West, a distance of 53.25 ft.;
9 North 74 deg. 09 min. 11 sec. West, a distance of 54.65 ft.;
10 North 66 deg. 03 min. 55 sec. West, a distance of 186.27 ft.;
11 North 69 deg. 12 min. 09 sec. West, a distance of 184.29 ft.;
12 North 86 deg. 57 min. 36 sec. West, a distance of 96.84 ft.;
13 South 48 deg. 48 min. 29 sec. West, a distance of 93.49 ft.;
14 South 33 deg. 28 min. 27 sec. West, a distance of 305.00 ft.;
15 South 37 deg. 10 min. 57 sec. West, a distance of 265.16 ft.;
16 South 55 deg. 13 min. 57 sec. West, a distance of 89.72 ft.;
17 North 83 deg. 28 min. 02 sec. West, a distance of 100.14 ft.;
18 North 68 deg. 03 min. 52 sec. West, a distance of 396.07 ft.;
19 North 60 deg. 49 min. 08 sec. West, a distance of 186.54 ft.;
20 North 67 deg. 57 min. 27 sec. West, a distance of 71.26 ft.;
21 North 89 deg. 56 min. 56 sec. West, a distance of 69.12 ft.;
22 South 75 deg. 45 min. 15 sec. West, a distance of 103.51 ft.;
23 South 83 deg. 05 min. 09 sec. West, a distance of 72.42 ft.;
24 North 85 deg. 18 min. 09 sec. West, a distance of 68.25 ft.;
25 North 81 deg. 39 min. 08 sec. West, a distance of 527.44 ft.;
26 South 82 deg. 17 min. 34 sec. West, a distance of 143.98 ft.;
27 South 60 deg. 43 min. 16 sec. West, a distance of 129.67 ft.

1 to the intersection of the center of said County Road No. 372
2 with the center of said County Road No. 290;

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

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

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

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

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

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

27 THENCE North 87 deg. 43 min. 32 sec. West, continuing with the

1 center of said County Road No. 290, a distance of 425.02 ft. to a
2 point at the intersection of the center of said County Road No. 290
3 with the center of a creek, at the Southeast comer of the 18.632 ac.
4 tract of land conveyed to Stephen V. Jones and Kristi S. Jones in
5 Volume 4140, Page 3149, said Collin County Deed Records;

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

- 9 North 04 deg. 31 min. 06 sec. East, a distance of 86.50 ft.;
- 10 North 35 deg. 11 min. 54 sec. West, a distance of 93.77 ft.;
- 11 North 23 deg. 28 min. 54 sec. West, a distance of 55.00 ft.;
- 12 North 52 deg. 28 min. 54 sec. West, a distance of 42.00 ft.;
- 13 North 26 deg. 48 min. 54 sec. West, a distance of 29.70 ft.;
- 14 North 69 deg. 58 min. 54 sec. West, a distance of 25.40 ft.;
- 15 North 31 deg. 08 min. 54 sec. West, a distance of 27.30 ft.;
- 16 North 05 deg. 49 min. 16 sec. West, a distance of 61.40 ft.;
- 17 North 15 deg. 44 min. 06 sec. East, a distance of 29.40 ft.;
- 18 North 31 deg. 13 min. 54 sec. West, a distance of 22.00 ft.;
- 19 North 79 deg. 23 min. 54 sec. West, a distance of 16.10 ft.;
- 20 North 00 deg. 46 min. 06 sec. East, a distance of 50.00 ft.;
- 21 North 31 deg. 45 min. 06 sec. East, a distance of 24.60 ft.;
- 22 North 02 deg. 31 min. 06 sec. East, a distance of 26.40 ft.;
- 23 North 34 deg. 28 min. 06 sec. East, a distance of 43.20 ft.;
- 24 North 13 deg. 08 min. 54 sec. West, a distance of 54.70 ft.;
- 25 North 00 deg. 31 min. 06 sec. East, a distance of 82.20 ft.;
- 26 North 19 deg. 28 min. 54 sec. West, a distance of 80.00 ft.;
- 27 North 40 deg. 03 min. 54 sec. West, a distance of 37.60 ft.;

1 North 17 deg. 46 min..06 sec. East, a distance of 43.20 ft. ;
2 North 58 deg. 31 min. 06 sec. East, a distance of 36.10 ft. ;
3 North 28 deg. 28 min. 54 sec. West, a distance of 44.00 ft. ;
4 North 56 deg. 28 min. 54 sec. West, a distance of 21.00 ft. ;
5 North 21 deg. 15 min. 54 sec. West, a distance of 51.60 ft. ;
6 South 48 deg. 11 min. 06 sec. West, a distance of 24.00 ft. ;
7 North 44 deg. 08 min. 54 sec. West, a distance of 30.40 ft. ;
8 North 85 deg. 28 min. 54 sec. West, a distance of 26.00 ft. ;
9 North 43 deg. 28 min. 54 sec. West, a distance of 26.50 ft. ;
10 North 85 deg. 28 min. 54 sec. West, a distance of 42.70 ft. ;
11 North 27 deg. 08 min. 54 sec. West, a distance of 75.00 ft. ;
12 North 13 deg. 28 min. 54 sec. West, a distance of 25.30 ft. ;
13 North 34 deg. 28 min. 54 sec. West, a distance of 25.90 ft. ;
14 North 18 deg. 36 min. 54 sec. West, a distance of 78.20 ft. ;
15 North 68 deg. 31 min. 06 sec. East, a distance of 22.40 ft. ;
16 North 46 deg. 42 min. 06 sec. East, a distance of 36.00 ft. ;
17 North 44 deg. 28 min. 54 sec. West, a distance of 78.70 ft. ;
18 North 37 deg. 37 min. 54 sec. West, a distance of 22.43 ft. ;
19 South 81 deg. 30 min. 06 sec. West, a distance of 53.20 ft. ;
20 North 16 deg. 18 min. 59 sec. West, a distance of 60.42 ft. to
21 a point at the Northeast comer of said Jones 18.632 ac. ;
22 THENCE South 89 deg. 18 min. 29 sec. West, with the North line
23 of said Jones 18.632 ac., a distance of 293.17 ft. to a point at the
24 Northwest comer of said Jones 18.632 ac. ;
25 THENCE South 00 deg. 19 min. 05 sec. East, with the West line
26 of said Jones 18.632 ac., a distance of 62.47 ft. to a 1/2 inch rebar
27 found at the Northwest base of a 48 inch tree at a fence comer, at

1 the Northeast comer of said Viola 133.814 ac.;

2 THENCE South 00 deg. 24 min. 08 sec. East, continuing with the
3 West line of said Jones 18.632 ac., a distance of 1,026.81 ft. to a
4 1/2 inch rebar found in the center of said County Road No. 290, at
5 the Southwest comer of said Jones 18.632 ac.;

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

9 THENCE South 00 deg. 16 min. 20 sec. West, continuing with the
10 center of said County Road No. 290, a distance of 1,686.94 ft. to a
11 1/2 inch rebar found at the most Southerly Southeast corner of said
12 Viola 133.814 ac.;

13 THENCE North 89 deg. 36 min. 49 sec. West, continuing with the
14 center of said County Road No. 290 and with the South line of said
15 Viola 133.814 ac., a distance of 798.24 ft. to a 1/2 inch rebar
16 found at the Northeast corner of the 10.669 ac. tract of land
17 conveyed to Delmore A. Church and Joyce church in Volume 702, Page
18 585, said Collin County Deed Records;

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

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

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

5 LESS AND EXCEPT the tract described below.

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

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

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

23 THENCE North 00 degrees 13 minutes 11 seconds West,
24 continuing with the center of said County Road No. 290, passing the
25 Northwest comer of said John & Paul Adams tract, and the Southwest
26 comer of said Geraldine Billups tract, passing the Northwest comer
27 of said Geraldine Billups tract and the Southwest corner of said D.

1 E. Billups tract and continuing now with the West line of said D. E.
2 Billups tract for a total distance of 612.61 feet to a point at the
3 Northwest comer of both said D. E. Billups tract and the herein
4 described exception tract;

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

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

12 South 22 degrees 07 minutes 54 seconds East, a distance of
13 107.40 feet to an angle point;

14 South 36 degrees 30 minutes 12 seconds West, a distance of
15 123.56 feet to an angle point;

16 South 55 degrees 01 minutes 11 seconds East, a distance of
17 127.51 feet to an angle point;

18 South 09 degrees 13 minutes 07 seconds East, a distance of
19 307.63 feet to an angle point;

20 South 00 degrees 53 minutes 06 seconds West, a distance of
21 272.87 feet to a point atthe Southeast corner of both said
22 John & Paul Adams tract and the herein described exception
23 tract;

24 THENCE South 89 degrees 41 minutes 09 seconds West, with the
25 South line of said John & Paul Adams tract, a distance of 1,531.42
26 feet to the PLACE OF BEGINNING and containing 29.09 ACRES of land
27 less and excepted from the above described 1,245.57 ac. tract and

1 leaving a NET ACREAGE of 1,216.48 ACRES of land, all of which lies
2 entirely within the Extraterritorial Jurisdiction of the City of
3 Van Alstyne, as established by the "Boundary Line Settlement
4 Agreement" dated September 12, 2006, to be filed in the Official
5 Public Records of Collin County, Texas.

6 TRACT 2: 362.23 ACRES

7 SITUATED in the County of Collin, State of Texas, and being a
8 part of the Hanny Nelson Survey, Abstract No. 431, and being a part
9 of the J.C. Burge Survey, Abstract No. 106, and being a part of the
10 W. M. Creager Survey, Abstract No. 164, and being a part of the
11 363.943 ac. tract of land (Tract 2) and all of the 217.416 ac. tract
12 of land (Tract 3), both conveyed to Vincent Viola by W. Mark David
13 by Special Warranty Deed dated July 30, 2001 and recorded in Volume
14 4987, Page 697, Deed Records, Collin County, Texas, and being more
15 particularly described as one tract of land by metes and bounds as
16 follows, to-wit:

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

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

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

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

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

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

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

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

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

1 Viola Tract 3 and the herein described tract;

2 THENCE South 21 deg. 08 min. 14 sec. East, with the West
3 right-of-way line of said State Highway No. 5, a distance of
4 1,357.58 ft. to a point at the most Easterly Southeast corner of
5 both said Viola Tract 3. and the herein described tract, at the
6 Northeast corner of the property conveyed to John E. Steffens in
7 Collin County Clerk's File No. 93-0104713;

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

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

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

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

25 THENCE South 02 deg. 22 min. 42 sec. West, with the West line
26 of said Anna 103 Addition, a distance of 2,263.74 ft. to a point at
27 the Northeast corner of the property conveyed to Ronald Larue in

1 Volume 1697, Page 57, said Collin County Deed Records;

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

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

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

13 THENCE North 87 deg. 00 min. 45 sec. West, a distance of
14 597.94 ft. to a point at the Southe:ist corner of the Mantua
15 Cemetery;

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

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

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

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

27 THENCE South 20 deg. 08 min. 34 sec. West, continuing with the

1 North line of said Mantua Cemetery, a distance of 155.17 ft. to an
2 angle point;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.

1 to an angle point;
2 North 04 deg. 14 min. 15 sec. East, a distance of 200.20 ft.
3 to an angle point;
4 North 07 deg. 05 min. 08 sec. East, a distance of 200.95 ft.
5 to an angle point;
6 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
7 to an angle point;
8 North 04 deg. 20 min. 08 sec. West, a distance of 200.95 ft.
9 to an angle point;
10 North 00 deg. 03 min. 25 sec. West, a distance of 400.02 ft.
11 to an angle point;
12 North 09 deg. 54 min. 21 sec. East, a distance of 202.18 ft.
13 to an angle point;
14 North 07 deg. 09 min. 20 sec. West, a distance of 202.18 ft.
15 to an angle point;
16 North 00 deg. 32 min. 03 sec. West, a distance of 600.18 ft.
17 to an angle point;
18 North 04 deg. 57 min. 05 sec. East, a distance of 400.68 ft.
19 to an angle point;
20 North 07 deg. 05 min. 08 sec. East, a distance of 401.89 ft.
21 to an angle point;
22 North 01 deg. 22 min. 31 sec. East, a distance of 159.31 ft.
23 to a point at the beginning of a curve;
24 Northerly, with a curve to the left having a radius of
25 11,681.11 ft. and a central angle of 02 deg. 16 min. 07 sec.
26 (chord bears North 00 deg. 14 min. 28.sec. East, 462.48 ft.),
27 an arc distance of 462.51 ft. to a point at the end of said

1 curve;
2 North 49 deg. 37 min. 30 sec. East, a distance of 43.80 ft. to
3 an angle point;
4 South 88 deg. 06 min. 30 sec. East, a distance of 479.87 ft.
5 to an angle point;
6 North 24 deg. 52 min. 30 sec. East, a distance of 179.23 ft.
7 to an angle point;
8 North 01 deg. 34 min. 28 sec. East, a distance of 18.13 ft. to
9 the PLACE OF BEGINNING and containing 362.23 ACRES of land,
10 all of which lies entirely within the Extraterritorial.
11 Jurisdiction of the City of Van Alstyne, as established by
12 the "Boundary Line Settlement Agreement" dated September 12,
13 2006, to be filed in the Official Public Records of Collin
14 County, Texas.

15 TRACT 3: 34.40 ACRES

16 SITUATED in the County of Collin, State of Texas, and being a
17 part of the W. M. Creager Survey, Abstract No. 164, being a part of
18 the Hanny Nelson Survey, Abstract No. 431, and being all of the
19 14.381 ac. tract of land (Tract 4) and 20.024 ac. tract of land
20 (Tract 5) both conveyed to Vincent Viola by W. Mark David by Special
21 Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page
22 697, Deed Records, Collin County, Texas, and being more
23 particularly described as one tract of land by metes and bounds as
24 follows, o-wit:

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

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

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

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

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

26 THENCE North 87 deg. 53 min. 32 sec. West, with the South line
27 of said Viola Tract 5 and the North line of said Marshhall tract, a

1 distance of 1,263.76 ft. to a point in the East right- of-way line
2 of said State Highway No. 5, at the Southwest comer of both said
3 Viola Tract 5 and the herein described tract, at the Northwest comer
4 of said Marshhall tract;

5 THENCE North 21 deg. 07 min. 59 sec. West, with the East
6 right-of-way line of said State Highway No. 5 and the West line of
7 said Viola Tract 5, passing the most Westerly Northwest corner of
8 said Viola Tract 5 and the Southwest comer of said Viola Tract 4 and
9 continuing now with the West line of said Viola Tract 4 for a total
10 distance of 1,989.19 ft. to the PLACE OF BEGINNING and containing
11 34.40 ACRES of land, all of which lies entirely within the
12 Extraterritorial Jurisdiction of the City of Van Alstyne, as
13 established by the "Boundary Line Settlement Agreement" dated
14 September 12, 2006, to be filed in the Official Public Records of
15 Collin County, Texas.

16 TRACT 4: 6.12 ACRES

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

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

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

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

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

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

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

23 THENCE South 88 deg. 00 min. 11 sec. East, with the South line
24 of said Steffens tract, a distance of 120.41 ft. to the PLACE OF
25 BEGINNING and containing 6.12 ACRES of land , all of which lies
26 entirely within the Extraterritorial Jurisdiction of the City of
27 Van Alstyne, as established by the "Boundary Line Settlement

1 Agreement" dated September 12, 2006, to be filed in the Official
2 Public Records of Collin County, Texas.

3 TRACT 5: 27.39 ACRES

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

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

15 THENCE South 21 deg. 08 min. 14 sec. East, with the West
16 right-of-way line of said State Highway No. 5, a distance of
17 1,183.89 ft. to a point at the Northeast corner of the property
18 conveyed to M. F. Darehsori in Volume 2264, Page 395, said Collin
19 County Deed Records;

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

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

26 THENCE South 87 deg. 58 min. 11 sec. East, with the South line
27 of said Darehsori tract, a distance of 195.92 ft. to a point in the

1 West right-of-way line of said State Highway No. 5, at the
2 Southeast corner of said Darehsori tract;

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

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

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

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

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

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

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

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

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

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