

By: Fallon

S.B. No. 2530

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8048.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

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

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

Sec. 8048.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8048.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 8048.0103 until each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located has  
6 consented by ordinance or resolution to the creation of the  
7 district and to the inclusion of land in the district.

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

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

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

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

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

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

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

24 (1) organization, existence, or validity;

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

1           (3) right to impose a tax; or

2           (4) legality or operation.

3                   SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

18                   (2) September 1, 2023.

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

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

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

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

8                   SUBCHAPTER C. POWERS AND DUTIES

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

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

17       Sec. 8048.0303. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may design,  
19 acquire, construct, finance, issue bonds for, improve, operate,  
20 maintain, and convey to this state, a county, or a municipality for  
21 operation and maintenance macadamized, graveled, or paved roads, or  
22 improvements, including storm drainage, in aid of those roads.

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

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

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

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

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

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

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) The board may adopt an order dividing the district  
6 before or after the date the board holds an election under Section  
7 8048.0103 to confirm the district's creation.

8       (f) An order dividing the district shall:

9           (1) name each new district;

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

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

13 and

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

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

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

26       (i) Municipal consent to the creation of the district and to  
27 the inclusion of land in the district granted under Section

1 8048.0104 acts as municipal consent to the creation of any new  
2 district created by the division of the district and to the  
3 inclusion of land in the new district.

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

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

12 Sec. 8048.0308. LIMITATION ON USE OF EMINENT DOMAIN. (a)  
13 The district may not exercise the power of eminent domain outside  
14 the district to acquire a site or easement for:

- 15 (1) a road project authorized by Section 8048.0303; or  
16 (2) a recreational facility as defined by Section  
17 49.462, Water Code.

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

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 8048.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
27 OBLIGATIONS. The district may issue bonds or other obligations



1 payable wholly or partly from ad valorem taxes, impact fees,  
2 revenue, contract payments, grants, or other district money, or any  
3 combination of those sources, to pay for any authorized district  
4 purpose.

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

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

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

19 TRACT 1 - 1,271.51 acres of land

20 BEING a tract of land situated in the David Arnspiger Survey,  
21 Abstract No. 15, the J. W. Curtis Survey, Abstract No. 1077, the E.  
22 T. Berry Survey, Abstract No. 41, the Nelson H. Haney Survey,  
23 Abstract No. 431, the W. P. Burns Survey, Abstract No. 100, the  
24 Jonas Whitaker Survey, Abstract No. 981 and the John Batterton  
25 Survey, Abstract No. 94, Collin County, Texas, and being a portion  
26 of a called "Tract F" described in a Special Warranty Deed to  
27 Risland Mantua LLC, recorded in Instrument No 20180625000783630 of

1 the Official Public Records of Collin County, Texas, and being more  
2 particularly described as follows:

3 BEGINNING at the easterly, northeast corner of said "Tract F", same  
4 being intersection of the centerline of County Line Road (Grayson  
5 County), County Road 290 (Collin County), a public use right of way,  
6 with the westerly right of way line of U. S. Highway 75, a variable  
7 width right of way, as described in a deed to the State of Texas,  
8 recorded in Volume 652, Page 135 of the Deed Records of Collin  
9 County, Texas;

10 THENCE in a southerly direction, along the easterly line of said  
11 "Tract F" and the westerly right of way line of said U. S. Highway 75  
12 as described in Volume 652, Page 135 and as described in a Judgment  
13 to the State of Texas, County Court at Law No. 6, Case  
14 No. 006-00545-2016, recorded in Instrument No. 20170920001260310  
15 of the Official Public Records of Collin County, Texas, the  
16 following:

17 South 01°56'15" West, a distance of 27.95 feet to a point for corner;

18 South 31°48'34" East, a distance of 136.71 feet to a point for  
19 corner;

20 South 00°20'20" West, a distance of 282.10 feet to a point for  
21 corner;

22 South 21°16'14" East, a distance of 345.94 feet to a point for  
23 corner;

24 South 35°44'18" East, a distance of 435.88 feet to a point for  
25 corner;

26 South 23°01'57" East, a distance of 258.20 feet to a point for  
27 corner;

1 South 10°16'02" East, a distance of 203.48 feet to a point for  
2 corner;  
3 South 00°22'01" East, a distance of 100.01 feet to a point for  
4 corner;  
5 South 04°13'45" West, a distance of 501.15 feet to a point for  
6 corner;  
7 South 13°22'12" West, a distance of 314.40 feet to a point for  
8 corner;  
9 South 11°23'58" East, a distance of 136.88 feet to a point for  
10 corner;  
11 South 06°35'34" East, a distance of 563.79 feet to a point for  
12 corner;  
13 South 00°20'20" West, a distance of 800.00 feet to a point for  
14 corner;  
15 South 14°56'27" West, a distance of 325.62 feet to a point for  
16 corner;  
17 South 19°18'41" East, a distance of 244.11 feet to a point for  
18 corner;  
19 South 00°20'20" West, a distance of 597.91 feet to the intersection  
20 of the easterly line of said "Tract F" and the westerly right of way  
21 line of said U. S. Highway 75 with the northerly line of a 2-foot  
22 wide annexation strip as described in City of Van Alstyne Ordinance  
23 No. 270, same being in the pavement of County Road 290, an apparent  
24 public use right of way;  
25 THENCE in a westerly direction, departing the easterly line of said  
26 "Tract F", the westerly right of way line of said U. S. Highway 75,  
27 and along the northerly line of said 2-foot wide annexation strip,

- 1 the following:
- 2 South  $89^{\circ}09'27''$  West, a distance of 334.80 feet to a point for
- 3 corner;
- 4 South  $86^{\circ}18'11''$  West, a distance of 141.19 feet to a point for
- 5 corner;
- 6 North  $87^{\circ}33'06''$  West, a distance of 63.18 feet to a point for corner;
- 7 North  $72^{\circ}05'15''$  West, a distance of 97.33 feet to a point for corner;
- 8 North  $67^{\circ}26'05''$  West, a distance of 118.45 feet to a point for
- 9 corner;
- 10 North  $69^{\circ}40'24''$  West, a distance of 136.90 feet to a point for
- 11 corner;
- 12 North  $75^{\circ}13'37''$  West, a distance of 120.69 feet to a point for
- 13 corner;
- 14 South  $69^{\circ}36'45''$  West, a distance of 94.83 feet to a point for corner;
- 15 South  $37^{\circ}58'13''$  West, a distance of 104.23 feet to a point for
- 16 corner;
- 17 South  $32^{\circ}02'27''$  West, a distance of 165.44 feet to a point for
- 18 corner;
- 19 South  $35^{\circ}08'30''$  West, a distance of 345.19 feet to a point for
- 20 corner;
- 21 South  $53^{\circ}44'03''$  West, a distance of 92.34 feet to a point for corner;
- 22 North  $86^{\circ}32'19''$  West, a distance of 86.38 feet to a point for corner;
- 23 North  $69^{\circ}30'37''$  West, a distance of 290.71 feet to a point for
- 24 corner;
- 25 North  $67^{\circ}28'08''$  West, a distance of 91.80 feet to a point for corner;
- 26 North  $63^{\circ}20'45''$  West, a distance of 251.28 feet to a point for
- 27 corner;

1 North 78°34'42" West, a distance of 83.74 feet to a point for corner;  
2 North 88°26'42" West, a distance of 210.85 feet to a point for  
3 corner;  
4 North 86°41'25" West, a distance of 533.07 feet to a point for  
5 corner;  
6 South 84°40'25" West, a distance of 88.23 feet to a point for corner;  
7 South 72°26'49" West, a distance of 73.70 feet to a point for corner;  
8 South 68°43'25" West, a distance of 74.14 feet to a point for corner;  
9 South 57°55'19" West, a distance of 70.52 feet to a point for corner;  
10 South 49°43'49" West, a distance of 167.97 feet to a point for  
11 corner;  
12 South 51°47'35" West, a distance of 616.21 feet to a point for  
13 corner;  
14 South 47°26'25" West, a distance of 75.86 feet to the intersection  
15 of the northerly line of said 2-foot wide annexation strip with a  
16 southerly line of said "Tract F";  
17 THENCE North 02°05'49" West, departing the northerly line of said  
18 2-foot wide annexation strip and along a southerly line of said  
19 "Tract F", a distance of 293.77 feet to an ell corner;  
20 THENCE South 89°38'09" West, continuing along a southerly line of  
21 said "Tract F", a distance of 547.77 feet to a point for corner;  
22 THENCE South 03°03'17" West, continuing along a southerly line of  
23 said "Tract F", a distance of 877.15 feet to the intersection of the  
24 northerly line of said 2-foot wide annexation strip with a  
25 southerly line of said "Tract F";  
26 THENCE South 37°21'58" West, departing the southerly line of said  
27 "Tract F" and along the northerly line of said 2-foot wide

1 annexation strip, a distance of 145.41 feet to a point for corner;  
2 THENCE South 34°06'43" West, continuing along the northerly line of  
3 said 2-foot wide annexation strip, a distance of 423.39 feet to a  
4 point for corner;  
5 THENCE North 88°30'45" West, continuing along the northerly line of  
6 said 2-foot wide annexation strip, a distance of 424.19 feet to the  
7 intersection of the northerly line of said 2-foot wide annexation  
8 strip with a westerly line of said "Tract F";  
9 THENCE in a northerly direction, departing said 2-foot wide  
10 annexation strip and along a westerly line of said "Tract F", the  
11 following:  
12 North 03°57'58" East, a distance of 84.40 feet to a point for corner;  
13 North 36°14'06" West, a distance of 93.77 feet to a point for corner;  
14 North 24°31'06" West, a distance of 55.00 feet to a point for corner;  
15 North 53°31'06" West, a distance of 42.00 feet to a point for corner;  
16 North 27°51'06" West, a distance of 29.70 feet to a point for corner;  
17 North 71°01'06" West, a distance of 25.40 feet to a point for corner;  
18 North 32°11'06" West, a distance of 27.30 feet to a point for corner;  
19 North 06°51'28" West, a distance of 61.40 feet to a point for corner;  
20 North 14°41'54" East, a distance of 29.40 feet to a point for corner;  
21 North 32°16'06" West, a distance of 22.00 feet to a point for corner;  
22 North 80°26'06" West, a distance of 16.10 feet to a point for corner;  
23 North 00°16'06" West, a distance of 50.00 feet to a point for corner;  
24 North 30°42'54" East, a distance of 24.60 feet to a point for corner;  
25 North 01°28'54" East, a distance of 26.40 feet to a point for corner;  
26 North 33°25'54" East, a distance of 43.20 feet to a point for corner;  
27 North 14°11'06" West, a distance of 54.70 feet to a point for corner;

1 North 00°31'06" West, a distance of 82.20 feet to a point for corner;  
2 North 20°31'06" West, a distance of 80.00 feet to a point for corner;  
3 North 41°06'06" West, a distance of 37.60 feet to a point for corner;  
4 North 16°43'54" East, a distance of 43.20 feet to a point for corner;  
5 North 57°28'54" East, a distance of 36.10 feet to a point for corner;  
6 North 29°31'06" West, a distance of 44.00 feet to a point for corner;  
7 North 57°31'06" West, a distance of 21.00 feet to a point for corner;  
8 North 22°18'06" West, a distance of 51.60 feet to a point for corner;  
9 South 47°08'54" West, a distance of 24.00 feet to a point for corner;  
10 North 45°11'06" West, a distance of 30.40 feet to a point for corner;  
11 North 86°31'06" West, a distance of 26.00 feet to a point for corner;  
12 North 44°31'06" West, a distance of 26.50 feet to a point for corner;  
13 North 86°31'06" West, a distance of 42.70 feet to a point for corner;  
14 North 28°11'06" West, a distance of 75.00 feet to a point for corner;  
15 North 14°31'06" West, a distance of 25.30 feet to a point for corner;  
16 North 35°31'06" West, a distance of 25.90 feet to a point for corner;  
17 North 19°39'06" West, a distance of 78.20 feet to a point for corner;  
18 North 67°28'54" East, a distance of 22.40 feet to a point for corner;  
19 North 45°39'54" East, a distance of 36.00 feet to a point for corner;  
20 North 45°31'06" West, a distance of 78.70 feet to a point for corner;  
21 North 38°40'06" West, a distance of 22.43 feet to a point for corner;  
22 South 80°27'54" West, a distance of 53.20 feet to a point for corner;  
23 North 17°21'12" West, a distance of 60.42 feet to an ell corner in  
24 said "Tract F";  
25 THENCE South 88°16'17" West, along a northerly line of said "Tract  
26 F", a distance of 293.83 feet to an ell corner;  
27 THENCE South 01°21'23" East, along an easterly line of said "Tract

1 F", a distance of 1,086.14 feet to the intersection of the northerly  
2 line of said 2-foot wide annexation strip with said easterly line of  
3 "Tract F";  
4 THENCE South 88°19'59" West, departing said "Tract F" and along the  
5 northerly line of said 2-foot wide annexation strip, a distance of  
6 773.86 feet to an ell corner of said 2-foot wide annexation strip;  
7 THENCE South 00°49'37" East, along the westerly line of said 2-foot  
8 wide annexation strip, a distance of 1,687.20 feet to an ell corner  
9 of said 2-foot wide annexation strip;  
10 THENCE South 89°17'51" West, along the northerly line of said 2-foot  
11 wide annexation strip, a distance of 797.13 feet to a point for  
12 corner on the westerly line of said "Tract F";  
13 THENCE South 89°27'13" West, continuing along the northerly line of  
14 said 2-foot wide annexation strip, a distance of 936.49 feet to a  
15 point for corner;  
16 THENCE South 01°09'08" East, continuing along the northerly line of  
17 said 2-foot wide annexation strip, a distance of 5.80 feet to a  
18 point for corner;  
19 THENCE South 89°14'26" West, continuing along the northerly line of  
20 said 2-foot wide annexation strip a distance of 117.27 feet to the  
21 intersection of the northerly line of said 2-foot wide annexation  
22 strip with the westerly line of said "Tract F";  
23 THENCE in a northerly direction, along the westerly line of said  
24 "Tract F" the following  
25 North 0°59'53" West, a distance of 2,705.86 feet to a point for  
26 corner;  
27 South 88°58'07" West, a distance of 676.32 feet to a point for



1 corner;  
2 North 0°56'51" West, a distance of 382.39 feet to a point for corner;  
3 North 0°46'36" West, a distance of 2,496.45 feet to the westerly,  
4 northwest corner of said "Tract F";  
5 THENCE North 88°38'49" East, along a northerly line of said "Tract  
6 F" and along the centerline of County Road 222, an apparent public  
7 use right of way, a distance of 671.98 feet to a point for corner;  
8 THENCE South 89°25'55" East, continuing along a northerly line of  
9 said "Tract F" and said County Road 222, a distance of 2.82 feet to a  
10 point for corner, same being the intersection of the centerline of  
11 County Road 222 with the centerline of County Road 291, an apparent  
12 public use right of way;  
13 THENCE North 01°06'23" West, departing said County Road 222, along  
14 said County Road 291, and along the westerly line of said "Tract F",  
15 a distance of 2,439.00 feet to a point for corner;  
16 THENCE South 69°25'12" East, departing said County Road 291 and  
17 continuing along the westerly line of said "Tract F", a distance of  
18 359.65 feet to a point for corner;  
19 THENCE North 29°41'27" East, continuing along the westerly line of  
20 said "Tract F", a distance of 628.14 feet to a point for corner;  
21 THENCE North 01°30'10" West, continuing along the westerly line of  
22 said "Tract F", a distance of 109.62 feet to a point for corner on  
23 the common line of Collin County and Grayson County;  
24 THENCE South 89°03'58" East, departing the westerly line of said  
25 "Tract F" and along the common line of Collin County and Grayson  
26 County, a distance of 5,554.68 feet to a point for corner on an  
27 easterly line of said "Tract F";

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1 THENCE South 5°33'38" West, departing the common line of Collin  
2 County and Grayson County, and along an easterly line of said "Tract  
3 F", a distance of 259.52 feet to a point for corner in aforesaid  
4 County Line Road (Grayson County), County Road 290 (Collin County);  
5 THENCE in an easterly direction, along said County Line Road  
6 (Grayson County), County Road 290 (Collin County), and along the  
7 northerly line of said "Tract F", the following:

8 South 3°19'56" East, a distance of 87.99 feet to a point for corner;  
9 North 86°47'27" East, a distance of 1017.31 feet to a point for  
10 corner;

11 North 63°35'34" East, a distance of 50.29 feet to a point for corner;

12 North 61°55'02" East, a distance of 73.73 feet to a point for corner;

13 North 16°03'52" East, a distance of 167.50 feet to a point for  
14 corner;

15 North 61°54'04" East, a distance of 7.34 feet to a point for corner;

16 North 65°40'53" East, a distance of 113.40 feet to a point for  
17 corner;

18 South 89°03'21" East, a distance of 823.88 feet to the POINT OF  
19 BEGINNING and containing 1300.62 gross acres of land, SAVE AND  
20 EXCEPT the following described tract.

21 BEING a tract of land situated in the E. T. Berry Survey, Abstract  
22 No. 41 and the Jonas Whitaker Survey, Abstract No. 981, Collin  
23 County, Texas, and being all of a called 4.78-acre tract of land,  
24 described in a General Warranty Deed to Paul T. Adams and Ruth E.  
25 Adams, recorded in Instrument No. 20060724001039710 of the  
26 Official Public Records of Collin County, Texas, all of a called  
27 1.405-acre tract of land, described in a General Warranty Deed to

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1 John P. Adams and Sharon B. Adams, recorded in Instrument  
2 No. 20070504000605760 of the Official Public Records of Collin  
3 County, Texas, all of a called 3.40-acre tract of land, described in  
4 a General Warranty Deed to John P. Adams and Sharon B. Adams,  
5 recorded in Instrument No. 20060724001039700 of the Official  
6 Public Records of Collin County, Texas, all of a 10.43-acre tract of  
7 land, described in a Deed to D. E. Billups, recorded in Volume 793,  
8 Page 437 of the Deed Records of Collin County, Texas and being all  
9 of a called 9.01-acre tract of land, described in a Warranty Deed to  
10 D. E. Billups and wife, Linda Billups, recorded in Volume 827, Page  
11 559 of the Deed Records of Collin County, Texas, same also being all  
12 of the "Exception Tract 1" as described in said Special Warranty  
13 Deed to Risland Mantua LLC, recorded in Instrument No  
14 20180625000783630 of the Official Public Records of Collin County,  
15 Texas, and being more particularly described as follows:

16 BEGINNING at the southwest corner of said 4.78-acre tract and said  
17 "Exception Tract 1", same being in the pavement of County Road 290,  
18 an apparent public use right of way;

19 THENCE North 01°20'28" West, along the westerly line of said  
20 4.78-acre tract, along the westerly line of said 1.405-acre tract  
21 and along the westerly line of said "Exception Tract 1", and with  
22 said County Road 290, a distance of 234.86 feet to a point for  
23 corner;

24 THENCE North 01°15'26" West, continuing along the westerly line of  
25 said "Exception Tract 1", the westerly line of said 1.405-acre  
26 tract, the westerly line of said 10.43-acre tract, the westerly  
27 line of said 9.01-acre tract, and continuing with said County Road

1 290, a distance of 612.61 feet to the northwest corner of said  
2 9.01-acre tract and said "Exception Tract 1";  
3 THENCE North 88°36'59" East, departing said County Road 290, along  
4 the northerly line of said 9.01-acre tract and said "Exception  
5 Tract 1", a distance of 1,418.85 feet to the northeast corner of  
6 said 9.01-acre tract and said "Exception Tract 1";  
7 THENCE in a southerly direction, along the easterly line of said  
8 "Exception Tract 1", the easterly line of said 9.01-acre tract, the  
9 easterly line of said 10.43-acre tract, the easterly line of said  
10 3.40-acre tract and the easterly line of said 4.78-acre tract, the  
11 following:  
12 South 23°09'54" East, a distance of 106.69 feet to a point for  
13 corner;  
14 South 35°28'12" West, a distance of 123.56 feet to a point for  
15 corner;  
16 South 56°03'11" East, a distance of 127.51 feet to a point for  
17 corner;  
18 South 11°18'27" East, a distance of 309.39 feet to a point for  
19 corner;  
20 South 02°01'32" West, a distance of 272.47 feet to the southeast  
21 corner of said 4.78-acre tract and said "Exception Tract 1";  
22 THENCE South 88°39'09" West, along the southerly line of said  
23 4.78-acre tract and said "Exception Tract 1", a distance of  
24 1,527.00 feet to the POINT OF BEGINNING and containing 29.11 acres  
25 of land, more or less.  
26 LEAVING a net acreage of 1,271.51 acres of land, more or less.  
27 TRACT 2 - 341.75 acres of land

1 BEING a tract of land situated in the Nelson H. Haney Survey,  
2 Abstract No. 431, the William Creager Survey, Abstract No. 164 and  
3 the J. C. Burge Survey, Abstract No. 106, Collin County, Texas and  
4 being a portion of a called "Tract B" described in a Special  
5 Warranty Deed to Risland Mantua LLC, recorded in Instrument No  
6 20180625000783630 of the Official Public Records of Collin County,  
7 Texas, and being more particularly described as follows:

8 BEGINNING at the northeast corner of said "Tract B", same being the  
9 intersection of the centerline County Road 375, an apparent public  
10 use right of way, with the westerly right of way line of State  
11 Highway 5, a called 100' wide right of way;

12 THENCE South 22°09'37" East, along the easterly line of said "Tract  
13 B" and the westerly right of way line of said State Highway 5, a  
14 distance of 1,354.52 feet to the easterly, southeast corner of said  
15 "Tract B";

16 THENCE North 88°59'49" West, departing the westerly right of way  
17 line of said State Highway 5 and along a southerly line of said  
18 "Tract B", a distance of 702.08 feet to an ell corner of said "Tract  
19 B";

20 THENCE South 1°32'38" East, along an easterly line of said "Tract  
21 B", a distance of 185.54 feet to an ell corner of said "Tract B";

22 THENCE North 89°00'00" West, along a southerly line of said "Tract  
23 B", a distance of 219.71 feet to a point for corner;

24 THENCE South 89°59'24" West, continuing along a southerly line of  
25 said "Tract B", a distance of 798.30 feet to an ell corner of said  
26 "Tract B";

27 THENCE South 1°38'52" West, along an easterly line of said "Tract

1 B", a distance of 543.47 feet to a point for corner;  
2 THENCE South 1°19'13" West, continuing along an easterly line of  
3 said "Tract B", a distance of 331.59 feet to a point for corner;  
4 THENCE South 1°22'55" West, continuing along an easterly line of  
5 said "Tract B", a distance of 247.59 feet to a point for corner;  
6 THENCE South 1°18'23" West, continuing along an easterly line of  
7 said "Tract B", a distance of 570.27 feet to a point for corner;  
8 THENCE South 1°23'08" West, continuing along an easterly line of  
9 said "Tract B", a distance of 571.26 feet to a southeast corner of  
10 said "Tract B";  
11 THENCE North 84°30'54" West, along a southerly line of said "Tract  
12 B", a distance of 386.90 feet to a point for corner;  
13 THENCE South 11°50'57" West, along an easterly line of said "Tract  
14 B", a distance of 52.44 feet to a point for corner;  
15 THENCE South 0°05'35" East, continuing along an easterly line of  
16 said "Tract B", a distance of 284.57 feet to a corner in the  
17 pavement of County Road 373, an apparent public use right of way,  
18 same being the intersection of the easterly line of said "Tract B"  
19 with the northerly line of a 2-foot wide annexation strip as  
20 described in City of Van Alstyne Ordinance No. 270;  
21 THENCE North 87°48'55" West, departing the easterly in of said  
22 "Tract B", and along the northerly line of said 2-foot wide  
23 annexation strip, a distance of 472.24 feet to a point for corner;  
24 THENCE North 87°48'54" West, continuing along the northerly line of  
25 said 2-foot wide annexation strip, a distance of 597.96 feet to the  
26 intersection of the northerly line of said 2-foot wide annexation  
27 strip with the easterly line of a tract of land described in an

1 Affidavit of Dedication for Cemetery Purposes for the Mantua  
2 Cemetery, recorded in Instrument No. 20090526000633620 of the  
3 Official Public Records of Collin County, Texas, same being a  
4 common line with said "Tract B";

5 THENCE departing County Road 373 and the northerly line of said  
6 2-foot wide annexation strip, along the common line of said Mantua  
7 Cemetery and said "Tract B", the following:

8 North 00°47'23" East, a distance of 371.22 feet to a point for  
9 corner;

10 South 53°21'16" West, a distance of 319.95 feet to a point for  
11 corner;

12 North 41°17'47" West, a distance of 134.58 feet to a point for  
13 corner;

14 South 81°06'37" West, a distance of 60.47 feet to a point for corner;

15 South 19°20'25" West, a distance of 155.17 feet to a point for  
16 corner;

17 South 68°49'48" West, a distance of 18.71 feet to a point for corner;

18 South 02°06'41" West, a distance of 101.84 feet to a point for  
19 corner;

20 South 87°48'54" East, a distance of 147.88 feet to the intersection  
21 of said common line with the northerly line of aforesaid 2-foot wide  
22 annexation strip, same being in aforesaid County Road 373;

23 THENCE in a southwesterly direction, departing the common line of  
24 said Mantua Cemetery and said "Tract B", along the northerly line of  
25 said 2-foot wide annexation strip, the following:

26 South 80°29'29" West, a distance of 51.80 feet to a point for corner;

27 South 60°58'19" West, a distance of 50.36 feet to a point for corner;

1 South 32°39'33" West, a distance of 160.17 feet to a point for  
2 corner;  
3 South 43°41'37" West, a distance of 37.86 feet to a point for corner;  
4 South 52°05'18" West, a distance of 72.16 feet to a point for corner;  
5 South 55°28'50" West, a distance of 143.01 feet to a point for  
6 corner;  
7 South 59°09'35" West, a distance of 80.15 feet to a point for corner;  
8 South 71°54'54" West, a distance of 246.70 feet to a point for  
9 corner;  
10 South 67°56'04" West, a distance of 788.92 feet to the intersection  
11 of the northerly line of said 2-foot wide annexation strip with the  
12 westerly line of said "Tract B", same also being on the easterly  
13 right of way line of U. S. Highway 75, a variable width right of way  
14 as described in a Judgement to the State of Texas, County Court at  
15 Law No. 6, Case No. 006-00600-2016, recorded in Instrument  
16 No. 20170920001260330 of the Official Public Records of Collin  
17 County, Texas;  
18 THENCE in a northerly direction, along the westerly line of said  
19 "Tract B" and the easterly right of way line of said U. S. Highway  
20 75, the following:  
21 North 02°17'51" East, a distance of 146.91 feet to a point for  
22 corner;  
23 North 09°18'58" West, a distance of 202.71 feet to a point for  
24 corner;  
25 North 15°15'20" East, a distance of 303.59 feet to a point for  
26 corner;  
27 North 09°10'44" West, a distance of 56.09 feet to a point for corner;



1 North 08°41'44" West, a distance of 355.90 feet to a point for  
2 corner;  
3 North 05°06'07" East, a distance of 301.04 feet to a point for  
4 corner;  
5 North 00°20'17" East, a distance of 200.00 feet to a point for  
6 corner;  
7 North 02°14'18" West, a distance of 400.40 feet to a point for  
8 corner;  
9 North 09°41'14" East, a distance of 497.44 feet to a point for  
10 corner;  
11 North 09°31'31" West, a distance of 618.15 feet to a point for  
12 corner;  
13 North 00°46'46" East, a distance of 318.78 feet to a point for  
14 corner;  
15 North 13°42'42" East, a distance of 342.51 feet to a point for  
16 corner;  
17 North 32°46'23" East, a distance of 801.70 feet to a point for  
18 corner;  
19 North 00°20'17" East, a distance of 320.11 feet to a point for  
20 corner;  
21 North 23°37'43" East, a distance of 167.95 feet to a point for  
22 corner;  
23 North 00°32'03" East, a distance of 17.68 feet to the northwest  
24 corner of said "Tract B", same being the intersection of the  
25 easterly right of way line of said U. S. Highway 75 with the  
26 centerline of the pavement of aforesaid County Road 375;  
27 THENCE South 89°01'02" East, departing the easterly right of way

1 line of said U. S. Highway 75, along the northerly line of said  
2 "Tract B" and generally along said County Road 375, a distance of  
3 677.50 feet to a point for corner;

4 THENCE South  $89^{\circ}27'22''$  East, continuing along the northerly line of  
5 said "Tract B" and said County Road 375, a distance of 448.35 feet  
6 to a point for corner;

7 THENCE South  $00^{\circ}53'32''$  West, departing said County Road 375 and  
8 along a westerly line of said "Tract B", a distance of 600.26 feet  
9 to an ell corner of said "Tract B";

10 THENCE South  $89^{\circ}17'03''$  East, along a northerly line of said "Tract  
11 B", a distance of 579.52 feet to an ell corner;

12 THENCE North  $00^{\circ}57'01''$  East, along an easterly line of said "Tract  
13 B", a distance of 602.00 feet to a corner in aforesaid County Road  
14 375;

15 THENCE South  $89^{\circ}27'21''$  East, continuing along the northerly line of  
16 said "Tract B" and said County Road 375 for part of the way, a  
17 distance of 815.46 feet to a point for corner;

18 THENCE South  $00^{\circ}53'34''$  West, continuing along the northerly line of  
19 said "Tract B", a distance of 150.64 feet to a corner in said County  
20 Road 375;

21 THENCE South  $89^{\circ}21'13''$  East, continuing along the northerly line of  
22 said "Tract B" and said County Road 375, a distance of 1,375.24 feet  
23 to the POINT OF BEGINNING and containing 341.75 acres of land, more  
24 or less.

25 TRACT 3 - 34.40 acres of land

26 BEING a tract of land situated in the Nelson H. Haney Survey,  
27 Abstract No. 431 and the William Creager Survey, Abstract No. 164,

1 Collin County, Texas and being all of a called "Tract C" described  
2 in a Special Warranty Deed to Risland Mantua LLC, recorded in  
3 Instrument No 20180625000783630 of the Official Public Records of  
4 Collin County, Texas, and being more particularly described as  
5 follows:

6 BEGINNING at the northwest corner of said "Tract C", same being the  
7 intersection of the centerline County Road 375, an apparent public  
8 use right of way, with the easterly line of the Dallas Area Rapid  
9 Transit right of way as described in a Correction Deed, recorded in  
10 Volume 5443, Page 5532 of the Deed Records of Collin County, Texas;

11 THENCE South  $87^{\circ}38'28''$  East, along the northerly line of said "Tract  
12 C" and with said County Road 375 for part of the way, a distance of  
13 754.24 feet to the northerly, northeast corner of said "Tract C";

14 THENCE South  $01^{\circ}27'56''$  West, along an easterly line of said "Tract  
15 C", a distance of 1,162.79 feet to an ell corner of said "Tract C";

16 THENCE South  $89^{\circ}16'15''$  East, a northerly line of said "Tract C", a  
17 distance of 934.92 feet to a point for corner;

18 THENCE South  $89^{\circ}48'36''$  East, continuing along a northerly line of  
19 said "Tract C", a distance of 370.40 feet to the easterly, northeast  
20 corner of said "Tract C";

21 THENCE South  $01^{\circ}07'57''$  West, along the easterly line of said the  
22 easterly, northeast corner of said "Tract C", a distance of 661.53  
23 feet to the southeast corner of said the easterly, northeast corner  
24 of said "Tract C";

25 THENCE North  $88^{\circ}56'12''$  West, along the southerly line of said the  
26 easterly, northeast corner of said "Tract C", a distance of  
27 1,264.27 feet to the southwest corner of said the easterly,

1 northeast corner of said "Tract C", same being on the easterly line  
2 of aforesaid Dallas Area Rapid Transit right of way;  
3 THENCE North 22°10'47" West, along the westerly line of said "Tract  
4 C" and the easterly line of said Dallas Area Rapid Transit right of  
5 way, a distance of 1,991.91 feet to the POINT OF BEGINNING and  
6 containing 34.40 acres of land, more or less.

7 TRACT 4 - 6.12 acres of land

8 BEING a tract of land situated in the William Creager Survey,  
9 Abstract No. 164, Collin County, Texas and being all of a called  
10 "Tract D" described in a Special Warranty Deed to Risland Mantua  
11 LLC, recorded in Instrument No 20180625000783630 of the Official  
12 Public Records of Collin County, Texas, and being more particularly  
13 described as follows:

14 BEGINNING at the northeast corner of said "Tract D", same being on  
15 the westerly right of way line of State Highway 5, a called 100'  
16 wide right of way;

17 THENCE South 22°10'13" East, along the easterly line of said "Tract  
18 D" and the westerly right of way line of said State Highway 5, a  
19 distance of 638.80 feet to the easterly, southeast corner of said  
20 "Tract D";

21 THENCE South 68°03'51" West, departing the westerly right of way  
22 line of said State Highway 5, along a southerly line of said "Tract  
23 D", a distance of 142.37 feet to an ell corner;

24 THENCE South 21°29'49" East, along an easterly line of said "Tract  
25 D", a distance of 300.26 feet to the southerly, southeast corner of  
26 said "Tract D";

27 THENCE South 67°51'20" West, along the southerly line of said "Tract

1 D", a distance of 377.74 feet to the southwest corner of said "Tract  
2 D";  
3 THENCE North 00°34'02" East, along the westerly line of said "Tract  
4 D", a distance of 1,068.43 feet to the northwest corner of said  
5 "Tract D";  
6 THENCE South 89°06'40" East, along the northerly line of said "Tract  
7 D", a distance of 120.29 feet to the POINT OF BEGINNING and  
8 containing 6.12 acres of land, more or less.  
9 TRACT 5 - 27.89 acres of land  
10 BEING a tract of land situated in the William Creager Survey,  
11 Abstract No. 164, Collin County, Texas and being a portion of a  
12 called "Tract E" described in a Special Warranty Deed to Risland  
13 Mantua LLC, recorded in Instrument No 20180625000783630 of the  
14 Official Public Records of Collin County, Texas, and being more  
15 particularly described as follows:  
16 BEGINNING at a corner in the pavement of County Road 373, an  
17 apparent public use right of way, same being the intersection of the  
18 westerly line of said "Tract E" with the northerly line of a 2-foot  
19 wide annexation strip as described in City of Van Alstyne Ordinance  
20 No. 270;  
21 THENCE North 00°19'34" East, departing said County Road 373 and said  
22 2-foot wide annexation strip, along the westerly line of said  
23 "Tract E", a distance of 1,147.64 feet to the northwest corner of  
24 said "Tract E";  
25 THENCE North 68°04'31" East, along the northerly line of said "Tract  
26 E", a distance of 675.15 feet to the northeast corner of said "Tract  
27 E", same being on the westerly right of way line of State Highway 5,

1 a variable width right of way;

2 THENCE South 22°11'20" East, along the easterly line of said "Tract  
3 E" and the westerly right of way line of said State Highway 5, a  
4 distance of 1,536.48 feet to a corner in the pavement of aforesaid  
5 County Road 373, same being the intersection of the easterly line of  
6 said "Tract E" and the westerly right of way line of said State  
7 Highway 5 with the northerly line of aforesaid 2-foot wide  
8 annexation strip;

9 THENCE North 88°54'53" West, departing the easterly line of said  
10 "Tract E" and along the northerly line of said 2-foot wide  
11 annexation strip, a distance of 1,213.34 feet to the POINT OF  
12 BEGINNING and containing 27.89 acres of land, more or less.

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect  
2 to the notice, introduction, and passage of this Act are fulfilled  
3 and accomplished.

4 SECTION 4. (a) Section 8048.0308, Special District Local  
5 Laws Code, as added by Section 1 of this Act, takes effect only if  
6 this Act receives a two-thirds vote of all the members elected to  
7 each house.

8 (b) If this Act does not receive a two-thirds vote of all the  
9 members elected to each house, Subchapter C, Chapter 8048, Special  
10 District Local Laws Code, as added by Section 1 of this Act, is  
11 amended by adding Section 8048.0308 to read as follows:

12 Sec. 8048.0308. NO EMINENT DOMAIN POWER. The district may  
13 not exercise the power of eminent domain.

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

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