

By: Birdwell

S.B. No. 3048

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Bluebonnet Hills Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes; granting a limited power of eminent domain.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 4016 to read as follows:

CHAPTER 4016. BLUEBONNET HILLS MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 4016.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Bluebonnet Hills Municipal Management District No. 1.

Sec. 4016.0102. NATURE OF DISTRICT. The Bluebonnet Hills Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 4016.0103. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

1 (b) By creating the district and in authorizing the city and
2 other political subdivisions to contract with the district, the
3 legislature has established a program to accomplish the public
4 purposes set out in Section 52-a, Article III, Texas Constitution.

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

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

16 Sec. 4016.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

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

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

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

1 (2) eliminating unemployment and underemployment; and
2 (3) developing or expanding transportation and
3 commerce.

4 (d) The district will:

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

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

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

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

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

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

26 Sec. 4016.0105. INITIAL DISTRICT TERRITORY. (a) The
27 district is initially composed of the territory described by

Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

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

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

(4) legality or operation.

Sec. 4016.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. All or any part of the area of the district is eligible to be included in:

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

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

Sec. 4016.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 4016.0108. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 4016.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors who serve staggered

terms of four years.

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

Sec. 4016.0202. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200.

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

(c) Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 4016.0203. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Jake Weaver</u>
<u>2</u>	<u>Cassie Wagner</u>
<u>3</u>	<u>Dylan Suhy</u>
<u>4</u>	<u>Melanie Wright</u>
<u>5</u>	<u>Haley Sheffield</u>

(b) Of the initial directors, the terms of directors appointed for positions one through three expire June 1, 2027, and the terms of directors appointed for positions four and five expire June 1, 2029.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 4016.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for

which the district is created.

Sec. 4016.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or under Chapter 375, Local Government Code.

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

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

Sec. 4016.0303. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

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

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

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

required to reside in the district.

Sec. 4016.0304. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the city, to provide law enforcement services in the district for a fee.

Sec. 4016.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 4016.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district may engage in activities that accomplish the economic development purposes of the district.

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

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

(2) provide district personnel and services.

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

(1) Chapter 380, Local Government Code; and

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

Sec. 4016.0307. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other

structures or accommodations for parking motor vehicles off the streets and related appurtenances.

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

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

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

Sec. 4016.0308. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.

Sec. 4016.0309. ADDING OR EXCLUDING LAND. Except as provided by Section 4016.0310, the district may add or exclude land in the manner provided by Subchapter J, Chapter 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

Sec. 4016.0310. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

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

(c) Any new district created by the division of the district

1 may not, at the time the new district is created, contain any land
2 outside the area described by Section 2 of the Act enacting this
3 chapter.

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

8 (e) An order dividing the district must:

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 initial 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 (f) 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 Texas Commission on Environmental Quality and record the
19 order in the real property records of each county in which the
20 district is located.

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

25 (h) Municipal consent to the creation of the district and to
26 the inclusion of land in the district granted under Section
27 4016.0506 acts as municipal consent to the creation of any new

district created by the division of the district and to the inclusion of land in the new district.

Sec. 4016.0311. EMINENT DOMAIN. The district may exercise the power of eminent domain in the manner provided by Section 49.222, Water Code.

SUBCHAPTER D. ASSESSMENTS

Sec. 4016.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

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

Sec. 4016.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

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

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

(2) are superior to any other lien or claim other than

a lien or claim for county, school district, or municipal ad valorem taxes; and

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

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

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

SUBCHAPTER E. TAXES AND BONDS

Sec. 4016.0501. TAX ELECTION REQUIRED. (a) The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

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

Sec. 4016.0502. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 4016.0501, the district may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

1 (1) maintain and operate the district;

2 (2) construct or acquire improvements; or

3 (3) provide a service.

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

7 Sec. 4016.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
8 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
9 terms determined by the board.

10 (b) The district may issue, by public or private sale,
11 bonds, notes, or other obligations payable wholly or partly from ad
12 valorem taxes, assessments, impact fees, revenue, contract
13 payments, grants, or other district money, or any combination of
14 those sources of money, to pay for any authorized district purpose.

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

23 Sec. 4016.0504. BONDS SECURED BY REVENUE OR CONTRACT
24 PAYMENTS. The district may issue, without an election, bonds
25 secured by:

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

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

3 Sec. 4016.0505. BONDS SECURED BY AD VALOREM TAXES;
4 ELECTIONS. (a) If authorized at an election under Section
5 4016.0501, the district may issue bonds payable from ad valorem
6 taxes.

7 (b) At the time the district issues bonds payable wholly or
8 partly from ad valorem taxes, the board shall provide for the annual
9 imposition of a continuing direct annual ad valorem tax, without
10 limit as to rate or amount, for each year that all or part of the
11 bonds are outstanding as required and in the manner provided by
12 Sections 54.601 and 54.602, Water Code.

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

17 Sec. 4016.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
18 board may not issue bonds until each municipality in whose
19 corporate limits or extraterritorial jurisdiction the district is
20 located has consented by ordinance or resolution to the creation of
21 the district and to the inclusion of land in the district as
22 required by applicable law.

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

25 SUBCHAPTER I. DISSOLUTION

26 Sec. 4016.0901. DISSOLUTION. (a) The board shall dissolve
27 the district on written petition filed with the board by the owners

1 of:

2 (1) at least two-thirds of the assessed value of the
3 property subject to assessment by the district based on the most
4 recent certified county property tax rolls; or

5 (2) at least two-thirds of the surface area of the
6 district, excluding roads, streets, highways, utility
7 rights-of-way, other public areas, and other property exempt from
8 assessment by the district according to the most recent certified
9 county property tax rolls.

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

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

14 (1) has any outstanding bonded indebtedness until that
15 bonded indebtedness has been repaid or defeased in accordance with
16 the order or resolution authorizing the issuance of the bonds;

17 (2) has a contractual obligation to pay money until
18 that obligation has been fully paid in accordance with the
19 contract; or

20 (3) owns, operates, or maintains public works,
21 facilities, or improvements unless the district contracts with
22 another person for the ownership, operation, or maintenance of the
23 public works, facilities, or improvements.

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

26 SECTION 2. The Bluebonnet Hills Municipal Management
27 District No. 1 initially includes all territory contained in the

1 following area:

2 TRACT 1:

3 Being a tract of land situated in the John Chamblee Survey, Abstract
4 No. 192, in the M.E.P. & P. Railroad Survey, Abstract No. 761 and in
5 the Allen Reeves Survey, Abstract No. 939, Ellis County, Texas, and
6 being part of a called 367.8751 acre tract of land conveyed to
7 Fulson Midlothian Partners I, LP by deed recorded in Volume 2220,
8 Page 194, Official Public Records, Ellis County, Texas and part of a
9 145.15 acre tract of land conveyed to Fulson Midlothian Partners I,
10 LP by deed recorded in Volume 2214, Page 2136, Deed Records, Ellis
11 County, Texas and being more particularly described as follows:

12 Beginning at a 1/2" iron pin found with orange cap stamped
13 "8172753361" on the northwest line of said 367.8751 acre tract, on
14 the southeast line of a 406.638 acre tract of land conveyed to One
15 Windsor Hills, LP by deed recorded in Volume 2206, Page 1415, Deed
16 Records, Ellis County, Texas and being the north corner of Tract 4,
17 a 9.607 acre tract of land conveyed to Kruthin, LLC by deed recorded
18 in Instrument No. 2136939, Official Public Records, Ellis County,
19 Texas;

20 Thence, North 58°46'14" East, along the northwest line of said
21 367.8751 acre tract and the southeast line of said 406.638 acre
22 tract, a distance of 3299.91 feet to a 1/2" iron pin set with yellow
23 cap stamped "CCG INC RPLS 5129" for an east corner of said 406.638
24 acre tract and a re-entrant corner of said 367.8751 acre tract;

25 Thence, North 30°05'16" West, along an easterly line of said 406.638
26 acre tract and a westerly line of said 367.8751 acre tract, a
27 distance of 291.53 feet to a 1/2" iron pin set with yellow cap

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1 stamped "CCG INC RPLS 5129" for the northwest corner of said
2 367.8751 acre tract and being on the south line of Kimble Road (no
3 recorded R.O.W.);
4 Thence, North 73°16'08" East, along the northerly line of said
5 367.8751 acre tract and the southerly line of said Kimble Road, a
6 distance of 1043.50 feet to a 1/2" iron pin set with yellow cap
7 stamped "CCG INC RPLS 5129" for the northeast corner of said
8 367.8751 acre tract and the northwest corner of Tract II, a 239.022
9 acre tract of land conveyed to Cann Real Estates, LTD. By deed
10 recorded in Volume 1659, Page 719, Deed Records, Ellis County,
11 Texas, said point being South 44°38'47" East, a distance of 6.30
12 feet from a 1/2" iron pin found;
13 Thence, South 28°18'19" East, along the easterly line of said
14 367.8751 acre tract and the westerly line of said 239.022 acre
15 tract, a distance of 1164.51 feet to a mag nail found in wood post
16 for corner;
17 Thence, South 23°33'43" East, along the easterly line of said
18 367.8751 acre tract and the westerly line of said 239.022 acre
19 tract, passing at a distance of 2774.10 feet to a 1/2" iron pin
20 found with red cap stamped "GEER RPLS 4117" for a northeast corner
21 of said 145.15 acre tract and continuing for a total distance of
22 2820.97 feet to a 1/2" iron pin found for the southwest corner of
23 said 239.022 acre tract and a re-entrant corner of said 145.15 acre
24 tract;
25 Thence, North 55°33'31" West, a distance of 802.05 feet to a 1/2"
26 iron pin found with pink cap stamped "8172753361" for corner;
27 Thence, South 49°51'21" West, a distance of 1279.89 feet to a 1/2"

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1 iron pin set with yellow cap stamped "CCG INC RPLS 5129" for corner
2 on the northwest line of Tract 8, a 26.698 acre tract of land
3 conveyed to Kruthin, LLC by deed recorded in Instrument
4 No. 2136939, Official Public Records, Ellis County, Texas;

5 Thence, North 45°24'41" West, a distance of 39.61 feet to a 1/2" iron
6 pin set with yellow cap stamped "CCG INC RPLS 5129" for the south
7 corner of a 26.861 acre tract of land conveyed to Canvas Midlothian
8 I Owner, LLC by deed recorded in Instrument No. 2156284, Official
9 Public Records, Ellis County, Texas;

10 Thence, North 44°35'09" East, along the southeast line of said
11 26.861 acre tract, a distance of 78.68 feet to a 1/2" iron pin set
12 with yellow cap stamped "CCG INC RPLS 5129" for the beginning of a
13 curve to the left having a central angle of 82°02'57", a radius of
14 955.00 feet and a chord bearing of North 03°33'51" East, a distance
15 of 1253.69 feet;

16 Thence, northeasterly, along the easterly line of said 26.861 acre
17 tract and said curve to the left, an arc distance of 1367.59 feet to
18 a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS 5129" for
19 the end of said curve;

20 Thence, North 37°27'37" West, along the easterly line of said 26.861
21 acre tract, a distance of 16.23 feet to a 1/2" iron pin set with
22 yellow cap stamped "CCG INC RPLS 5129" for the northeast corner of
23 said 26.861 acre tract;

24 Thence, South 82°50'47" West, along the north line of said 26.861
25 acre tract, a distance of 1059.46 feet to a 1/2" iron pin set with
26 yellow cap stamped "CCG INC RPLS 5129" for the northwest corner of
27 said 26.861 acre tract;

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1 Thence, South 07°09'13" East, along the west line of said 26.861
2 acre tract, a distance of 763.01 feet to a 1/2" iron pin set with
3 yellow cap stamped "CCG INC RPLS 5129" for the southwest corner of
4 said 26.861 acre tract;

5 Thence, North 74°43'29" West, a distance of 86.40 feet to a 1/2" iron
6 pin set with yellow cap stamped "CCG INC RPLS 5129" for the
7 beginning of a curve to the left having a central angle of 16°12'38",
8 a radius of 850.00 feet and a chord bearing of North 82°49'43" West,
9 a distance of 239.69 feet;

10 Thence, northwesterly, along said curve to the left, an arc
11 distance of 240.49 feet to a 1/2" iron pin set with yellow cap
12 stamped "CCG INC RPLS 5129" for corner on the east line of Tract
13 III, a 2.599 acre tract of land conveyed to Shiloh C.C., Inc. by
14 deed recorded in Instrument No. 1926898, Official Public Records,
15 Ellis County, Texas;

16 Thence, North 07°32'48" West, along the east line of said Tract III
17 and the east line of Tract II, a 5.002 acre tract of land conveyed to
18 Shiloh C.C., Inc. by deed recorded in Instrument No. 1926898,
19 Official Public Records, Ellis County, Texas, a distance of 715.95
20 feet to a 1/2" iron pin found for the northeast corner of said Tract
21 II;

22 Thence, South 82°27'14" West, along the north line of said Tract II
23 and the north line of Tract I, a 0.931 acre tract of land conveyed to
24 Shiloh C.C., Inc. by deed recorded in Instrument No. 1926898,
25 Official Public Records, Ellis County, Texas, a distance of 869.58
26 feet to a 1/2" iron pin set with yellow cap stamped "CCG INC RPLS
27 5129" for the west corner of said Tract I and on the northeast line

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1 of Padera Lakeside Addition, an addition to the City of Midlothian,
2 Texas, according to the plat thereof recorded in Cabinet J, Page
3 335, Plat Records, Ellis County, Texas;
4 Thence, North 60°16'52" West, along the northeast line of said
5 Padera Lakeside Addition, a distance of 130.64 feet to a 1/2" iron
6 pin set with yellow cap stamped "CCG INC RPLS 5129" for the north
7 corner of said Padera Lakeside Addition;
8 Thence, North 60°28'03" West, a distance of 31.09 feet to a 1/2" iron
9 pin found with pink cap stamped "DTS 8172753361" for corner;
10 Thence, North 72°02'20" West, a distance of 601.32 feet to a 1/2"
11 iron pin found with pink cap stamped "DTS 8172753361" for corner;
12 Thence, South 62°49'32" West, a distance of 458.28 feet to a 1/2"
13 iron pin found with pink cap stamped "DTS 8172753361" for corner;
14 Thence, South 06°55'23" East, a distance of 559.76 feet to a 1/2"
15 iron pin found for corner on the northeast right-of-way line of U.S.
16 Highway No. 287 (variable width R.O.W.);
17 Thence, North 63°21'02" West, along the northeast right-of-way line
18 of U.S. Highway No. 287 (variable width R.O.W.), a distance of
19 79.31 feet to a concrete monument found for corner;
20 Thence, North 60°52'22" West, along the northeast right-of-way line
21 of U.S. Highway No. 287 (variable width R.O.W.), a distance of
22 66.98 feet to a 1/2" iron pin found with orange cap stamped
23 "8172753361" for the southeast corner of said Tract 4, a 9.607 acre
24 tract;
25 Thence, North 07°06'20" West, along the east line of said Tract 4, a
26 distance of 493.69 feet to a 1/2" iron pin found with orange cap
27 stamped "8172753361" for corner;

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1 Thence, North 50°07'14" West, along the northeast line of said Tract
2 4, a distance of 431.52 feet to a 1/2" iron pin found with orange cap
3 stamped "8172753361" for corner;

4 Thence, North 00°27'34" West, along the east line of said Tract 4, a
5 distance of 276.56 feet to the Point of Beginning and containing
6 8,974,410 square feet or 206.024 acres of land.

7 TRACT 2:

8 BEING a tract of land situated in the Allen Reeves Survey, Abstract
9 Number 939, the John Chamblee Survey, Abstract Number 192 and the
10 J.B. Littlepage Survey, Abstract Number 643, Ellis County, Texas
11 and being all of a tract of land described by deed to Cann Real
12 Estate, LTD. recorded in Volume 1659, Page 719 (Tract II) of the
13 Deed Records Ellis County, Texas, and being more particularly
14 described as follows:

15 BEGINNING at a Flat iron blade found in a field for the southwest
16 corner of said Cann tract, said point also lying on the northerly
17 line of a tract of land to Fulsom Midlothian Partners, L.P. recorded
18 in Volume 2214, Page 2136 of said Deed Records at an inner ell
19 corner of same;

20 THENCE North 23 degrees 33 minutes 29 seconds West along the west
21 line of said Cann tract passing a 1/2 inch iron rod with cap stamped
22 "R.P.L.S. 4117" found for a northerly corner of said Fulsom tract,
23 same being the most northerly southeast corner of a tract of land to
24 Fulsom Midlothian Partners, L.P. recorded in Volume 2220, Page 194
25 of said Deed Records at a distance of 46.53 feet, and continuing
26 along the common line of said Cann tract and said Fulsom tract
27 recorded in Volume 2220, Page 194, a total a distance of 2820.45

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1 feet to a MAG NAIL found in a wood fence post at an angle point on
2 said common line;
3 THENCE North 28 degrees 23 minutes 56 seconds West continuing along
4 said common line and generally along a barbed wire fence, a distance
5 of 1170.80 feet to 5/8 inch iron rod found in a dirt drive at the
6 general projection of the near center of Auger Road for the
7 northwest corner of said Cann tract, the northeast corner of said
8 Fulsom tract recorded in Volume 2220, Page 194 and lying on the
9 south line of a tract of land to One Windsor Hills, L.P. recorded in
10 Volume 2181, Page 1640 of said Deed Records;
11 THENCE along the northerly line of said Cann tract and generally
12 along Auger Road the following courses and distances;
13 North 74 degrees 39 minutes 18 seconds East, a distance of 8.56 feet
14 to 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for
15 corner;
16 THENCE North 77 degrees 59 minutes 17 seconds East passing the
17 southwest corner of a tract of land to One Windsor Hills, L.P.
18 recorded in Volume 2202, Page 1293 of said Deed Records, and
19 continuing a total distance of 497.21 feet to 1/2 inch iron rod
20 found for corner:
21 South 84 degrees 33 minutes 17 seconds East, a distance of 619.13
22 feet to 1/2 inch iron rod found for corner;
23 North 81 degrees 34 minutes 16 seconds East, a distance of 521.44
24 feet to 1/2 inch iron rod found for the southeast corner of said One
25 Windsor Hills, L.P. recorded in Volume 2202, Page 1293 and the
26 southwest corner of a tract of land to The City of Midlothian
27 recorded in Volume 491, Page 81 of said Deed Records;

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1 North 84 degrees 21 minutes 49 seconds East along the common line of
2 said Cann tract and said City tract, a distance of 205.64 feet to
3 1/2 inch iron rod found for corner;
4 North 88 degrees 25 minutes 58 seconds East continuing along said
5 common line, a distance of 829.02 feet to a 5/8 inch iron rod with
6 cap stamped "R.P.L.S. 5430" set for the northeast corner of said
7 Cann tract and the southeast corner of said City tract;
8 South 00 degrees 46 minutes 10 seconds East a distance of 976.31
9 feet to 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for
10 corner;
11 South 89 degrees 57 minutes 42 seconds East a distance of 142.80
12 feet to 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for
13 corner;
14 THENCE South 58 degrees 00 minutes 17 seconds East departing Auger
15 Road and passing the northwest corner of Overlook Estates IV an
16 addition to The City of Midlothian as recorded in Cabinet F, Page
17 187 of the Plat Records of Ellis County, Texas, a total distance of
18 301.58 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
19 THENCE along the common line of said Cann tract and said Overlook
20 Estates the following courses and distances;
21 South 63 degrees 43 minutes 33 seconds East, a distance of 214.61
22 feet to 5/8 inch iron rod with cap stamped "R.P.L.S. 5430" set for
23 corner;
24 South 41 degrees 22 minutes 28 seconds East, a distance of 66.05
25 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
26 South 24 degrees 18 minutes 05 seconds West, a distance of 90.50
27 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;

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1 South 24 degrees 57 minutes 58 seconds East, a distance of 23.23
2 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
3 North 80 degrees 48 minutes 32 seconds East, a distance of 68.55
4 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
5 South 30 degrees 52 minutes 50 seconds East, a distance of 252.81
6 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
7 North 72 degrees 27 minutes 37 seconds East, a distance of 54.51
8 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
9 South 37 degrees 16 minutes 38 seconds East, a distance of 80.19
10 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
11 South 01 degrees 09 minutes 54 seconds East, a distance of 97.03
12 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
13 South 29 degrees 02 minutes 50 seconds East, a distance of 224.48
14 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
15 South 08 degrees 17 minutes 52 seconds West, a distance of 53.22
16 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
17 South 71 degrees 58 minutes 49 seconds East, a distance of 42.96
18 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
19 South 68 degrees 32 minutes 23 seconds East, a distance of 79.06
20 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
21 South 42 degrees 51 minutes 10 seconds East, a distance of 280.02
22 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
23 North 77 degrees 23 minutes 36 seconds East, a distance of 57.39
24 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
25 South 23 degrees 51 minutes 49 seconds East, a distance of 79.75
26 feet to 1/2 inch iron rod stamped "N.D.M." found for corner;
27 South 70 degrees 56 minutes 56 seconds East, a distance of 20.25

1 feet to 1/2 inch iron rod found for the north corner of a tract of
2 land to Highway 67 28 Acre Partners, LTD. as recorded in Volume
3 2500, Page 1322 of said Deed Records;

4 THENCE South 60 degrees 23 minutes 41 seconds West along the common
5 line of said Cann tract and said Highway 67 tract a, distance of
6 50.72 feet to 1/2 inch iron rod found for corner;

7 THENCE South 32 degrees 36 minutes 05 seconds East continuing along
8 the common line of said Cann tract and said Highway 67 tract, a
9 distance of 1729.77 feet to 1/2 inch iron rod found for the
10 southeast corner of said Cann tract;

11 THENCE North 89 degrees 36 minutes 46 seconds West along the south
12 line of said Cann tract, a distance of 986.95 feet to 1/2 inch iron
13 rod found for corner at an angle point in same;

14 THENCE South 89 degrees 48 minutes 13 seconds West, a distance of
15 2310.83 feet to the POINT OF BEGINNING containing 10,557,874 square
16 Feet, or 242.375 acres of land.

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

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor,
2 lieutenant governor, and speaker of the house of representatives
3 within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act have been
7 fulfilled and accomplished.

8 SECTION 4. (a) Section 4016.0311, Special District Local
9 Laws Code, as added by Section 1 of this Act, takes effect only if
10 this Act receives a two-thirds vote of all the members elected to
11 each house.

12 (b) If this Act does not receive a two-thirds vote of all the
13 members elected to each house, Subchapter C, Chapter 4016, Special
14 District Local Laws Code, as added by Section 1 of this Act, is
15 amended by adding Section 4016.0311 to read as follows:

16 Sec. 4016.0311. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

18 SECTION 5. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect September 1, 2025.