THE ORDER:

Approval of a Legislative Policy Statement for the 83rd Legislative Session relating to the licensing of professionals engaged in Texas pollutant discharge elimination system-related stormwater activity; specifically stating Denton County’s opposition to House Bill 3289, and any appropriate action.

Motion by County Judge Yes  
Mary Horn Abstain  
No  
Absent  

Commissioner Pct No 1  Yes  
Hugh Coleman  Abstain  
No  
Absent  

Commissioner Pct No 2  Yes  
Ron Marchant  Abstain  
No  
Absent  

Commissioner Pct No 3  Yes  
Bobbie J. Mitchell  Abstain  
No  
Absent  

Commissioner Pct No 4  Yes  
Andy Eads  Abstain  
No  
Absent  

Motion Carried

Other Action:  Pulled from Consent  No Action  Postponed

BY ORDER OF THE COMMISSIONERS COURT:  ATTEST:

__________________________
Presiding Officer

APPROVED AS TO FORM:

__________________________
Assistant District Attorney  

__________________________
Deputy County Clerk
LEGISLATIVE POLICY STATEMENT

DENTON COUNTY COMMISSIONERS COURT

83rd LEGISLATIVE SESSION

SUBJECT:  HB 3289

DATE:     MARCH 26, 2013

DENTON COUNTY OPPOSES HOUSE BILL 3289, which relates to the licensing of professionals engaged in Texas pollutant discharge elimination system-related stormwater activity. Current certification requirements include a 40 hour class and passing of an exam; professional licensing requires significant educational commitment, testing, and experience. Certification primarily concerns being trained in regulations of stormwater management and best management practices but does not include designing drainage systems, which are the purview of licensed professional engineers.

MARY HORN, County Judge

HUGH COLEMAN,
Commissioner Precinct #1

RON MARCHANT,
Commissioner Precinct #2

BOBBIE J. MITCHELL,
Commissioner Precinct #3

ANDY EADS,
Commissioner Precinct #4
A BILL TO BE ENTITLED
AN ACT
relating to the licensing of professionals engaged in Texas pollutant discharge elimination system-related stormwater activity.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter K, Chapter 26, Water Code, is amended by adding Section 26.457 to read as follows:

Sec. 26.457. TPDES-RELATED STORMWATER PROFESSIONALS; ADVISORY BOARD. (a) In this section:

(1) "Stormwater" means rainfall runoff, including snow or ice melt during a rain event.

(2) "TPDES" means the Texas pollutant discharge elimination system.

(3) "TPDES-related stormwater activity" means professional, laboratory, training, contracting, or other services relating to the planning, development, implementation, inspection, construction, or monitoring of a stormwater pollution prevention project or activity requiring a permit issued by the commission under the TPDES.

(4) "TPDES-related stormwater professional" means a person who engages in TPDES-related stormwater activity and is required to be licensed under Subsection (b).

(b) A person who engages in a TPDES-related stormwater activity must hold a license issued by the commission under Chapter
(c) The commission shall appoint a TPDES-related stormwater professionals advisory board to guide, advise, and make recommendations to the commission about matters related to licensing of TPDES-related stormwater professionals. The advisory board is composed of:

(1) five members who are licensed as TPDES-related stormwater professionals, of whom at least four members must also be licensed as professional engineers with experience in civil engineering;

(2) two members who are active members of an organization promoting environmental protection; and

(3) two members who are active members of an organization promoting business interests.

(d) Section 2110.008, Government Code, does not apply to the advisory board under Subsection (c).

SECTION 2. Section 37.002, Water Code, is amended to read as follows:

Sec. 37.002. RULES. The commission shall adopt any rules necessary to:


(2) establish classes and terms of occupational licenses and registrations; and
administer the provisions of this chapter and other laws governing occupational licenses and registrations under the commission's jurisdiction.

SECTION 3. Section 37.003, Water Code, is amended to read as follows:

Sec. 37.003. LICENSE OR REGISTRATION REQUIRED. A person may not engage in a business, occupation, or profession described by Section 26.0301, 26.3573, 26.452, 26.456, or 26.457 of this code, Section 341.033, 341.034, 361.027, 366.014, or 366.071, Health and Safety Code, or Section 1903.251, Occupations Code, unless the person holds the appropriate license or registration issued by the commission.

SECTION 4. (a) Not later than January 1, 2014, the Texas Commission on Environmental Quality shall appoint the initial members of the TPDES-related stormwater professionals advisory board established under Section 26.457, Water Code, as added by this Act. Notwithstanding Section 26.457(c)(1), Water Code, as added by this Act, the initial members of the advisory board who are appointed under that subdivision are not required to be licensed as TPDES-related stormwater professionals but are required to be licensed as professional engineers with experience related to the implementation by this state of the national pollutant discharge elimination system stormwater program.

(b) Not later than January 1, 2015, the Texas Commission on Environmental Quality, in consultation with the TPDES-related stormwater professionals advisory board established under Section 26.457, Water Code, as added by this Act, shall adopt the rules
required to implement the licensure of TPDES-related stormwater professionals under Section 37.003, Water Code, as amended by this Act.

(c) Notwithstanding Section 26.457, Water Code, as added by this Act, a person employed as a TPDES-related stormwater professional is not required to hold a license under Section 26.457, Water Code, as added by this Act, and is not subject to the imposition of a penalty for not holding a license under that section before January 1, 2016.

(d) The Texas Commission on Environmental Quality shall administer the first examination for the licensure of TPDES-related stormwater professionals under the rules adopted by Section 37.002, Water Code, as amended by this Act, not later than June 1, 2015.

(e) The Texas Commission on Environmental Quality shall publish the first roster of TPDES-related stormwater professionals as required by Section 37.014, Water Code, not later than January 1, 2016.

SECTION 5. (a) Before June 1, 2015, the Texas Commission on Environmental Quality shall issue a TPDES-related stormwater professional license required by Section 26.457, Water Code, as added by this Act, to a person if the person submits an application, a fee, and any other materials required by the commission and:

(1) has at least three years of applicable experience relating to the Texas pollutant discharge elimination system stormwater program, including a minimum of two years in responsible charge;

(2) holds a bachelor's or graduate degree from an
accredited college or university in a science or engineering field relating to the Texas pollutant discharge elimination system stormwater program;

(3) is a licensed professional engineer or a licensed architect;

(4) has a high school diploma or its equivalent and has seven years of applicable experience relating to the Texas pollutant discharge elimination system stormwater program, including a minimum of six years in responsible charge;

(5) holds an associate's degree from an accredited college in a science or engineering field relating to the Texas pollutant discharge elimination system stormwater program, and has two years of related experience, including a minimum of one year in responsible charge; or

(6) is a licensed geologist with two years of applicable experience relating to the Texas pollutant discharge elimination system stormwater program, including a minimum of one year in responsible charge.

(b) A license issued under this section is valid for two years and may be renewed in the same manner as a license issued to a person under the rules adopted by Section 37.002, Water Code, as amended by this Act.

SECTION 6. This Act takes effect September 1, 2013.
Kate,

I don’t know if it is too late for the Court to oppose a proposed bill, but this one needs to be opposed.

The Texas Pollutant Discharge Elimination System – related stormwater activity” license is being pushed by a private organization as a money making venture. NCTCOG staff, over the years, have also pushed to get this certification changed to a license.

It has been called a certification for years, but now this group is trying to get this certification recognized as a license. I am not opposed to people getting the certification to improve their knowledge of how to deal with stormwater, but it should no means be classified as a license. The certification requires a 40-hr class and then a test, it by no means has the same requirements of someone getting a professional engineering license the education, testing and experience. I have seen people with this certification try to sell themselves as design engineers and attempt to design stormwater management systems. Only to fail. Granted some people who have this certification are also licensed professional engineers but they are doing the work as the licensed professional engineer and not the certified person. The certification mainly deals with the regulations of stormwater management, best management practices and such, it doesn’t deal with designing drainage systems. The public will not know the difference between a licensed professional engineer and a licensed stormwater professional so there is great risk to the public having both professionals recognized on the same level. This could be a public safety nightmare.

I would recommend that the Commissioners Court oppose the proposed bill as written and recommend that the bill be changed to say that the Texas Pollutant Discharge Elimination System – related stormwater activity be supervised by a licensed professional engineer.

Thanks
Bennett

Jeff Rice

Stormwater and Public Works Contacts in North Central Texas:

It has come to our attention that a bill “relating to the licensing of professionals engaged in Texas pollutant discharge elimination system-related stormwater activity” has been introduced in the current session of the Texas Legislature. Click here to access information on HB 3289 at Texas Legislature Online.
At the request of member cities, NCTCOG is providing this information for the sole purpose of informing our members on a topic that may affect their operations. Please address any support for or concerns regarding the legislation through channels appropriate for your community/organization.

We anticipate that this issue may be discussed at the next meeting of the Regional Stormwater Management Coordinating Council on May 22, 2013.

Jeff Rice  
Environment & Development Planner  
North Central Texas Council of Governments  
616 Six Flags Drive, Arlington, TX 76011  
817.695.9212  
jrice@nctcog.org
DENTON COUNTY
COMMISSIONERS COURT

Court Order Number:

THE ORDER:

Approval of a Legislative Policy Statement for the 83rd Legislative Session relating to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; providing authority to impose a tax and issue bonds; and specifically stating Denton County’s support for House Bill 3707 and any appropriate action.

Motion by ____________ Seconded by

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<tr>
<th>Commissioner Pct No 1</th>
<th>Commissioner Pct No 2</th>
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<td>Hugh Coleman</td>
<td>Ron Marchant</td>
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<td>Bobbie J. Mitchell</td>
<td>Andy Eads</td>
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Motion Carried

Other Action:  Pulled from Consent ___  No Action ___  Postponed ___

BY ORDER OF THE COMMISSIONERS COURT:

______________________________
Presiding Officer

APPROVED AS TO FORM:

______________________________
Assistant District Attorney

ATTEST:

______________________________
Cynthia Mitchell, County Clerk
and Ex-Officio Clerk of the Commissioners Court of Denton County, Texas

BY:

______________________________
Deputy County Clerk
LEGISLATIVE POLICY STATEMENT

DENTON COUNTY COMMISSIONERS COURT

83RD LEGISLATIVE SESSION

SUBJECT: HB 3707

DATE: March 26, 2013

DENTON COUNTY SUPPORTS HOUSE BILL 3707 which relates to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; providing authority to impose a tax and issue bonds.

_____________________________________________________  
MARY HORN, County Judge

HUGH COLEMAN,  
Commissioner Precinct #1

RON MARCHANT,  
Commissioner Precinct #2

BOBBIE J. MITCHELL,  
Commissioner Precinct #3

ANDY EADS,  
Commissioner Precinct #4
A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Venable Ranch Municipal Utility District No. 1 of Denton County; providing authority to impose a tax and issue bonds.

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 8__ to read as follows:

CHAPTER 8 . VENABLE RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Aubrey, Texas.

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

(4) "Director" means a board member.

(5) "District" means the Venable Ranch Municipal Utility District No. 1 of Denton County.

Sec. 8.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent
Sec. 8.004. CONSENT OF CITY AND DEVELOPMENT AGREEMENT REQUIRED. (a) The temporary directors may not hold an election under Section 8.003 until the city has:

(1) consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district; and

(2) approved and entered into a development agreement with an owner or owners of land within the district under Section 212.172, Local Government Code.

(b) If the city does not consent to the creation of the district or if the owners of land in the district do not enter into a development agreement with the city before September 1, 2015:

(1) the district is dissolved September 1, 2015; and

(2) this chapter expires September 1, 2015.

Sec. 8.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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

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

Sec. 8.006. INITIAL DISTRICT TERRITORY. (a) The 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 made 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 bond for the purposes for which the district is created or to pay the principal of and interest on a bond;
3. right to impose a tax; or
4. legality or operation.

Sec. 8.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT REINVESTMENT ZONE. All or any part of the territory within the district that is located within the city's corporate limits is eligible to be included in a tax increment reinvestment zone created under Chapter 311, Tax Code.

[Sections 8.008-8.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8.052, directors serve staggered four-year terms.

Sec. 8.052. TEMPORARY DIRECTORS. (a) On or after September 1, 2013, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the
petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8.003; or

(2) September 1, 2017.

(c) If permanent directors have not been elected under Section 8.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8.003; or

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

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

[Sections 8.053-8.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8.102. MUNICIPAL UTILITY DISTRICT POWERS AND
DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 8.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE AND DEVELOPMENT AGREEMENT. (a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that
consents to the creation of the district or to the inclusion of land
in the district and shall further comply with the terms of the
development agreement described in Section 8 .004 that may be
applicable to the district.

(b) The ordinance or resolution of the city consenting to
the inclusion of any land in the district not within the initial
district territory described in Section 8 .006 may be conditioned
on the additional land being covered by a development agreement
entered into with the city under Section 212.172, Local Government
Code.

Sec. 8 .106. ANNEXATION BY CITY. (a) Notwithstanding
any other law, if all of the territory of the district is annexed by
the city into the corporate limits of the city before the date of
the election held to confirm the creation of the district, the
district may not be dissolved and continues in existence following
annexation as described by this section.

(b) The city may annex part of the district into its
corporate limits without annexing the entire district under the
terms of a development agreement executed under Section 8 .004
between the city and the owners of the land in the district that is
covered by the development agreement.

(c) As relates to any part of the district that is within the
city limits and has not been dissolved, the city:

(1) is not obligated to perform any functions of the
district, except to the extent provided for under a development
agreement executed under Section 8 .004; and

(2) is not obligated to pay a landowner or developer
for expenses incurred by the landowner or developer in connection
with the district, except to the extent provided for under a
development agreement executed under Section 8 .004.

(d) The district shall be dissolved and its debts and
obligations assumed by the city in accordance with Chapter 43,
Local Government Code, including Sections 43.075 and 43.0715, only
if the city annexes all of the district and:

(1) water, sanitary sewer, and drainage improvements,
and roads have been constructed to serve at least 90 percent of the
developable territory of the district; or

(2) the board adopts a resolution consenting to the
dissolution of the district, and the owner or owners of a majority
of the assessed value of the unimproved real property in the
district consent in writing to the dissolution of the district.

(e) Notwithstanding Section 54.016(f)(2), Water Code, an
allocation agreement between the city and the district that
provides for the allocation of the taxes or revenues of the district
and the city following the date of inclusion of all or any part of
the district's territory in the corporate limits of the city may
provide that the total annual ad valorem taxes collected by the city
and the district from taxable property within the city's corporate
limits may exceed the city's ad valorem tax on that property.

Sec. 8 .107. FIRE-FIGHTING SERVICES. (a)
Notwithstanding Section 49.351(a), Water Code, the district may
establish, operate, and maintain a fire department, contract with
another political subdivision for the joint operation of a fire
department, or contract with any other person to perform
fire-fighting services in the district and may issue bonds and impose taxes to pay for the department and the activities, as authorized by Section 59(f), Article XVI, Texas Constitution, and Section 49.351, Water Code.

Sec. 8 .108. FEES AND CHARGES. (a) The district may adopt and enforce all necessary charges, mandatory fees, or rentals, in addition to taxes, for providing or making available any district facility or service, including fire-fighting activities provided under Section 8 .007.

(b) Upon the request of the district, a retail public utility providing water or sewer service to a customer within the district shall terminate such services to enforce payment of an unpaid fee or charge due to the district.

[Sections 8 .109-8 .150 reserved for expansion]

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

Sec. 8 .151. DIVISION OF DISTRICT; PREREQUISITES. 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.

Sec. 8 .152. LAW APPLICABLE TO NEW DISTRICT. This chapter applies to any new district created by division of the district, and a new district has all the powers and duties of the district.

Sec. 8. 153. LIMITATION ON AREA OF NEW DISTRICT. A new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.
Sec. 8.154. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(b) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8.003 to confirm the district's creation.

(c) An order dividing the district must:

(1) name each new district;

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

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

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

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

Sec. 8.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a) A new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8.003.

(b) If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission and city.

Sec. 8.156. TAX OR BOND ELECTION. Before a new district
created by the division of the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes, the new district must hold an election as required by this chapter to obtain voter approval.

[Sections 8.157-.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 8.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or
(2) contract payments described by Section 8.203.

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

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

Sec. 8.202. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8.201, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8.203. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than
an operation and maintenance tax and use the revenue derived from
the tax to make payments under a contract after the provisions of
the contract have been approved by a majority of the district voters
voting at an election held for that purpose.

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

[Sections 8.204-8.250 reserved for expansion]

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 8.251. AUTHORITY TO ISSUE BONDS AND OTHER
OBLIGATIONS. The district may issue bonds or other obligations
payable wholly or partly from ad valorem taxes, impact fees,
revenue, contract payments, grants, or other district money, or any
combination of those sources, to pay for any authorized district
purpose.

Sec. 8.251. TAXES FOR BONDS. At the time the district
issues bonds payable wholly or partly from ad valorem taxes, the
board shall provide for the annual imposition of a continuing
direct ad valorem tax, without limit as to rate or amount, while all
or part of the bonds are outstanding as required and in the manner
provided by Sections 54.601 and 54.602, Water Code.

Sec. 8.253. BONDS FOR ROAD PROJECTS. At the time of
issuance, the total principal amount of bonds or other obligations
issued or incurred to finance road projects and payable from ad
valorem taxes may not exceed one-fourth of the assessed value of the
real property in the district.

SECTION 2. The Venable Ranch Municipal Utility District No.
1 of Denton County initially includes all the territory contained 
in the following area:

VENABLE PROPERTY DESCRIPTION:

TRACT 1

Being a tract of land situated in the George Smith Survey, Abstract 
No. 1219, the S. Williams Survey, Abstract No. 1333, the M. McBride 
Survey, Abstract No. 804, the N. McMillan Survey, Abstract No. 841, 
the J. Cantwell Survey, Abstract No. 282, the T. Chambers Survey, 
Abstract No. 223, the J. Moses Survey, Abstract No. 894, the J. 
Wells Survey, Abstract No. 1426, the J. Wilburn Survey, Abstract 
No. 1427, and the W. Boydston Survey, Abstract No. 117, Denton 
County, Texas and being all of the following tracts of land conveyed 
to Venable Royalty, LTD.; a called 10.69 acre tract by deed recorded 
in Volume 5128, Page 563 of the Real Property Records of Denton 
County, Texas (R.P.R.D.C.T.); a called 11.00 acre tract by deed 
recorded in Volume 5144, Page 2973, R.P.R.D.C.T.; a called a called 
29.089 acre tract by deed recorded in Volume 4077, Page 1372, 
R.P.R.D.C.T.; a called 27.20 acre tract by deed recorded in Volume 
5076, Page 822, R.P.R.D.C.T. (50% interest); a called 54.08 acre 
tract by deed recorded in Volume 4867, Page 3255, R.P.R.D.C.T.; a 
called 7.000 acre tract, called Parcel One, Tract I, a called 0.228 
acre tract, called Parcel One, Tract II, and a called 14.586 acre 
tract, called Parcel Two by deed recorded in Volume 4506, Page 1340 
of the Deed Records of Denton County, Texas (D.R.D.C.T.); all of 
Lots 16 and 17 of Scenic Acres by deed recorded in Volume 4399, Page 
1845, R.P.R.D.C.T., said Scenic Acres being an addition to Denton 
County, Texas according to the plat recorded in Cabinet B, Page 379
of the Map Records of Denton County, Texas (M.R.D.C.T.); all of the
following tracts of land conveyed to Venable Estate, LTD.; a called
4.02 acre tract by deed recorded in Instrument No. 2008-41088 of the
Official Records of Denton County, Texas (O.R.D.C.T.); a called
27.20 acre tract by deed recorded in Instrument No. 2004-101157,
O.R.D.C.T. (50% interest); all of the following recorded in
48.9 acre tract, called First Tract; a called 70 acre tract, called
Second Tract; a called 40 acre tract, called Third Tract; a called
30 acre tract, called Fourth Tract; a called 70.80 acre tract,
called Fifth Tract; a called 70.62 acre tract, called Sixth Tract; a
called 53.83 acre tract, called Seventh Tract; a called 88 acre
track, called Eighth Tract; a called 40 acre tract, called Ninth
Tract; a called 40 acre tract, called Tenth Tract; a called 54 acre
tract, called Eleventh Tract; a called 63 acre tract, called
Twelfth Tract; a called 55 acre tract, called Thirteenth Tract; a
called 50 acre tract, called Fourteenth Tract; a called 3 acre
tract, called Fifteenth Tract; a called 6 acre tract, called
Sixteenth Tract; a called 100 acre tract, called Seventeenth Tract;
19 a called 58 acre tract, called Eighteenth Tract; a called 29.37 acre
tract, called Nineteenth Tract; the remainder of a called 20 acre
tract, called Twentieth Tract; a called 80 acre tract, called
Twenty-First Tract; a called 3.5 acre tract, called Twenty-Second
Tract; a called 114.8 acre tract, called Twenty-Third Tract; a
called 412 acre tract, called Twenty-Fourth Tract; a called 40 acre
tract, called Twenty-Fifth Tract; a called 40 acre tract, called
Twenty-Sixth Tract; a called 65.93 acre tract, called
Twenty-Seventh Tract; of Exhibit "A-2"; First Tract; Second Tract; and a called 118.3 acre tract, called Third Tract; all of Exhibit "A-3", called 24 acres; all of Exhibit "A-6", called 70 acres; of Exhibit "A-7"; a called 63 acre tract, called First Tract; and a called 80 acre tract, called Second Tract; and all of Exhibit "A-8", called 54.089 acres, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod found for the northeast corner of said Venable 10.69 acre tract, said corner being in the west line of the Texas and Pacific Railway Company right-of-way (80 foot wide right-of-way);

THENCE along the west line of said Texas and Pacific Railway Company right-of-way the following courses and distances:

South 07°8'41" West, a distance of 3421.85 feet to the beginning of a tangent curve to the right;

Southwesterly along said tangent curve to the right having a central angle of 18°23'37"", a radius of 5679.58 feet, a chord bearing of South 16°53'01" West, a chord distance of 1815.49 feet, and an arc length of 1823.31 feet to a point at the end of said curve;

South 26°04'49" West, a distance of 3713.98 feet to the southeast corner of said Venable Exhibit "A-1" Twenty-Fourth Tract, said point being in the approximate centerline of Black Jack Road;

THENCE with the approximate centerline of Black Jack Road and along the south lines of said Venable Exhibit "A-1" Twenty-Fourth Tract and Twentieth Tract, the following courses and distances:

North 89°23'03" West, passing at a distance of 88.61 feet the
northeast corner of Quail Ridge Estates, an addition to the City of
Aubrey, Texas according to the plat recorded in Cabinet T, Page 40,
M.R.D.C.T., and continuing for a total distance of 1122.68 feet to
the most northerly northwest corner of said Quail Ridge Estates;
North 89° 59' 13" West, a distance of 2643.79 feet to the northwest
corner of a called 15.000 acre tract of land, called Tract Eight,
conveyed to Old south Royalty Company by deed recorded in Volume
2138, Page 809, R.P.R.D.C.T. and the northeast corner of a called
15.28 Acre tract of land conveyed to Robert A. Foster and Etta J.
South 89° 49' 29" West, passing at a distance of 39.40 feet a mag nail
found, and continuing for a total distance of 368.29 feet to the
southwest corner of said Venable Exhibit "A-1" Twentieth Tract,
said point being in the west line of Wilson Cemetery Road;
THENCE North 01° 18' 58" West, along the west line of said Venable
Exhibit "A-1" Twentieth Tract and the west line of said Wilson
Cemetery Road, passing at a distance of 8.98 feet a mag nail found
for the southeast corner of a called 25.196 acre tract of land
conveyed to Russell W. Streng and Truly W. Streng, by deed recorded
in Volume 4326, Page 1990, R.P.R.D.C.T., and continuing along said
west lines and the east line of said 25.196 acre tract for a total
distance of 224.04 feet to a point in a fence line at the southerly
corner of a called 0.100 acre tract of land conveyed to Russell W.
Streng and Truly W. Streng by deed recorded in Document No.
2012-53458, O.R.D.C.T.;
THENCE North 00° 08' 42" West, with said fence line along the west
line of said Wilson Cemetery Road, and along the east line of said
0.100 acre tract, a distance of 653.39 feet to the northeast corner of said 0.100 acre tract and the southeast corner of a called 0.422 acre tract of land conveyed to Rodney Ivan Streng and Judith Ann Streng, Trustees, or Their Successor Trustees Under The Rodney I. Streng and Judith A. Streng Living Trust, by deed recorded in Document No. 2012-53328, O.R.D.C.T.;

THENCE continuing along said fence line along the west line of said Wilson Cemetery Road, and along the east line of said 0.422 acre tract, the following courses and distances:

North 00°10'08" West, a distance of 816.15 feet to a point for corner;
North 15°07'16" West, a distance of 23.99 feet to a point for corner;
North 54°47'59" West, a distance of 29.83 feet to the most northerly corner of said 0.422 acre tract, said point being in the west line of said Venable Exhibit "A-1" Twentieth Tract and east line of a called 25.196 acre tract of land conveyed to Rodney I. Streng and Judith A. Streng Family Trust, by deed recorded in Instrument Number 2010-59229, O.R.D.C.T.;

THENCE North 01°18'58" West, a distance of 12.03 feet to a mag nail found for the northwest corner of said Venable Exhibit "A-1" Twentieth Tract and the northeast corner of said Streng Family Trust 25.196 acre tract, said corner being in the south line of said Venable Exhibit "A-1" Eighth Tract;

THENCE North 89°45'07" West, with said Wilson Cemetery Road, and along the south line of said Venable Exhibit "A-1" Eighth Tract and the north line of said Streng Family Trust 25.196 acre tract, a distance of 1254.71 feet to a 1/2 inch iron rod found for the
southwest corner of said Venable Exhibit "A-1" Eighth Tract and the
northwest corner of said Streng Family Trust 25.196 acre tract,
said corner being in the east line of a called 5.30 acre tract of
land, called Tract Three, conveyed to Cedars Development, Inc. by
deed recorded in Instrument Number 2011-95252, O.R.D.C.T.;

THENCE North 01°20'47" West, with said Wilson Cemetery Road, and
along the west line of said Venable Exhibit "A-1" Eighth Tract and
the east line of said 5.30 acre tract, a distance of 573.91 feet to a
1/2 inch iron rod found for the northeast corner of said 5.30 acre
tract and the southeast corner of said Venable Exhibit "A-1"
Fourteenth Tract, said corner being at the intersection of Wilson
Cemetery Road with Grubbs Road;

THENCE North 88°33'37" West, with said Grubbs Road, and along the
south lines of said Venable Exhibit "A-1" Fourteenth Tract and
Fifteenth Tract, a distance of 1429.54 feet to a mag nail found for
the southwest corner of said Venable Exhibit "A-1" Fifteenth Tract,
and the southeast corner of a called 0.743 acre tract of land,
called Tract One, conveyed to Old South Royalty Company by deed
recorded in Volume 2138, Page 809, R.P.R.D.C.T.;

THENCE North 00°16'29" East, along the west line of said Venable
Exhibit "A-1" Fifteenth Tract and the east line of said 0.743 acre
tract, passing at a distance of 1078.75 feet the northeast corner of
said 0.743 acre tract and the most southerly southeast corner of a
called 352.393 acre tract of land, called Tract Three, conveyed to
Old South Royalty Company by deed recorded in Volume 2138, Page 809,
R.P.R.D.C.T., and continuing along said west line and the east line
of said 352.393 acre tract, for a total distance of 2079.16 feet to
H.B. No. 3707

1 a 1/2 inch iron rod with plastic cap stamped "J E Smith 3700" found
2 for the northwest corner of said Venable Exhibit "A-1" Fifteenth
3 Tract and an ell corner of said 352.393 acre tract;
4 THENCE South 89°57'36" East, along the north line of said Venable
5 Exhibit "A-1" Fifteenth Tract and a south line of said 352.393 acre
6 tract, a distance of 69.55 feet to a 1/2 inch iron rod with plastic
7 cap stamped "J E Smith 3700" found for the northeast corner of said
8 Venable Exhibit "A-1" Fifteenth Tract, the northwest corner of said
9 Venable Exhibit "A-1" Fourteenth Tract, the southwest corner of
10 said Venable Exhibit "A-1" Twelfth Tract, and the most easterly
11 southeast corner of said 352.393 acre tract;
12 THENCE North 00°07'55" West, along the west line of said Venable
13 Exhibit "A-1" Twelfth Tract and the east line of said 352.393 acre
14 tract, a distance of 1866.24 feet to a 1/2 inch iron rod with
15 plastic cap stamped "J E Smith 3700" found for the northeast corner
16 of said 352.393 acre tract and the southeast corner of said Venable
17 Exhibit "A-1" Nineteenth Tract;
18 THENCE along the south line of said Venable Exhibit "A-1"
19 Nineteenth Tract and the north line of said 352.393 acre tract the
20 following courses and distances:
21 South 84°01'58" West, a distance of 569.60 feet to a point for
22 corner;
23 South 89°43'26" West, a distance of 841.22 feet to a 1/2 inch iron
24 rod with plastic cap stamped "J E Smith 3700" found for the corner;
25 South 51°33'10" West, a distance of 179.90 feet to a 1/2 inch iron
26 rod with plastic cap stamped "J E Smith 3700" found for corner;
27 South 87°42'24" West, a distance of 225.93 feet to a 1/2 inch iron
rod with plastic cap stamped "J E Smith 3700" found for corner;
South 62'36'29" West, a distance of 502.48 feet to a 1/2 inch iron
rod with plastic cap stamped "J E Smith 3700" found the southwest
corner of said Venable Exhibit "A-1" Nineteenth Tract and the
southeast corner of said Venable Exhibit "A-1" Fifth Tract;
THENCE North 89'55'15" West, continuing along the north line of said
352.393 acre tract and the south lines of said Venable Exhibit "A-1"
Fifth Tract and Seventh Tract, passing at a distance of 4118.63 feet
a Corps. of Engineers concrete monument with brass disk found for
the northeast corner of Tract No. 2512E, conveyed to the United
States of America by deed recorded in County Clerk's File No.
95-R0068092, D.R.D.C.T., and continuing along the south line of
said Venable Exhibit "A-1" Seventh Tract and the north line of said
Tract No. 2512E, for a total distance of 4768.62 feet to a 5/8 inch
iron rod found for the northwest corner of said Tract No. 2512E,
said corner being in the east line of Tract No. 2512, conveyed to
the United States of America by deed recorded in County Clerk's File
No. 95-R0068092, D.R.D.C.T.;
THENCE North 14'20'32" East, along the east line of said Tract No.
2512, a distance of 116.96 feet to a 5/8 inch iron rod found for the
northeast corner of said Tract No. 2512;
THENCE South 89'21'47" West, along the north line of said Tract No.
2512, passing at a distance of 63.04 feet the northwest corner of
said Tract No. 2512 and a northeast corner of Tract No. 2510,
conveyed to the United States of America by deed recorded in County
Clerk's File No. 97-R0083048, D.R.D.C.T., and continuing along a
north line of said Tract No. 2510, for a total distance of 325.98
feet to a 5/8 inch iron rod found for an ell corner of said Tract No. 2510, said corner being in the west line of said Venable Exhibit "A-1" Sixth Tract and the east line of a called 2.73 acre tract of land conveyed to Venable Estate, LTD., by deed recorded in Instrument No. 2005-43578, O.R.D.C.T.;

THENCE North 00°37'33" West, along the east lines of said Tract No. 2510 and said Venable Exhibit "A-4", 2.73 acre tract and the west line of said Venable Exhibit "A-1" Sixth Tract, a distance of 2548.77 feet to a Corps. of Engineers concrete monument with brass disk found for the northeast corners of said Tract No. 2510 and said Venable Exhibit "A-4", 2.73 acre tract, the Northwest corner of said Venable Exhibit "A-1" Sixth Tract, the southwest corner of said Venable Exhibit "A-1" Fourth Tract, and the southeast corner of a called 331.388 acre tract of land conveyed to Robert G. McGraw and Helen McGraw, by deed recorded in County Clerk's File No. 97-R0089771, D.R.D.C.T.;

THENCE North 00°44'14" West, along the west line of said Venable Exhibit "A-1" Fourth Tract and the east line of said 331.388 acre tract, a distance of 750.63 feet to a Corps. of Engineers concrete monument with brass disk found for the northwest corner of said Venable Exhibit "A-1" Fourth Tract and a northeast corner of said 331.388 acre tract, being in the south line of a called 119.83 acre tract of land conveyed to Helen McGraw, by deed recorded in Volume 4407, Page 1179, R.P.R.D.C.T.;

THENCE South 89°47'07" East, along the north lines of said Venable Exhibit "A-1" Fourth Tract and Third Tract, and the south line of said 119.83 acre tract, a distance of 1787.66 feet to a 1/2 inch
iron rod found for a southeast corner of said 119.83 acre tract and
the southwest corner of said Venable Parcel Two, 14.586 acre tract,
said corner being in the approximate centerline of McKinney Bridge
Road;

THENCE with the approximate centerline of McKinney Bridge Road, and
with the northwesterly line of said Venable Parcel Two, 14.586 acre
tract, and the southeasterly line of said 119.83 acre tract, the
following courses and distances:

North 67°10'55" East, a distance of 1377.39 feet to a 1/2 inch iron
rod found for corner;

North 36°16'40" East, a distance of 261.33 feet to a 1/2 inch iron
rod with yellow plastic cap stamped "THROUGH CAP" found for corner;

North 49°01'29" East, passing at a distance of 270.75 feet a 1/2 inch
iron rod found, and continuing for a total distance of 273.58 feet
to the most northerly corner of said Venable Parcel Two, 14.586 acre
tract, and the most easterly southeast corner of said 119.83 acre
tract, said corner being in the west line of the aforesaid Scenic
Acres;

THENCE South 00°22'24" West, along the east line of said Venable
Parcel Two, 14.586 acre tract, and the west line of said Scenic
Acres, a distance of 714.48 feet to the northwest corner of Lot 17
of said Scenic Acres;

THENCE South 89°37'31" East, along the north line of said Lot 17, a
distance of 206.82 feet to the most northerly northeast corner of
said Lot 17, said corner being in a 60 foot radius cul-de-sac
right-of-way line of Scenic Drive and being at the beginning of a
non-tangent curve to the left;
THENCE, southeasterly along said cul-de-sac right-of-way line and with said non-tangent curve to the left having a central angle of 165°08'50", a radius of 60.00 feet, a chord bearing of South 82°18'25" East, a chord distance of 118.99 feet, passing at an arc length of 72.26 feet the most easterly northeast corner of said Lot 17 and the most westerly northwest corner of Lot 16 of said Scenic Acres, and continuing for a total arc length of 172.94 feet to the most easterly northwest corner of said Lot 16, being in the south right-of-way line of Scenic Drive (a 60 foot wide right-of-way);

THENCE North 74°55'19" East, along the south right-of-way line of said Scenic Drive, a distance of 18.10 feet to the northeast corner of said Lot 16;

THENCE South 05°05'59" West, along the east line of said Lot 16, a distance of 422.16 feet to the southeast corner of said Lot 16, said corner being in the south line of said Scenic Acres and the north line of said Venable Exhibit "A-1" Third Tract;

THENCE South 89°37'50" East, along the south line of said Scenic Acres and the north lines of said Venable Exhibit "A-1" Third Tract and Second Tract, a distance of 667.01 feet to a 1/2 inch iron rod found for the southeast corner of said Scenic Acres and the southwest corner of a called 39.04 acre tract of land conveyed to Pete Kenny, by deed recorded in Instrument No. 2010-28786, O.R.D.C.T.;

THENCE North 89°55'56" East, along the north lines of said Venable Exhibit "A-1" Second Tract and Seventeenth Tract, and the south line of said 39.04 acre tract, a distance of 958.70 feet to a wood corner post found for the southeast corner of said 39.04 acre tract.
and an ell corner of said Venable Exhibit "A-1" Seventeenth Tract;
THENCE North 00°47'57" West, along the east line of said 39.04 acre tract and the west lines of said Venable Exhibit "A-1" Seventeenth Tract and Venable Exhibit "A-7" First Tract, a distance of 1748.72 feet to a 1/2 inch iron rod found for the northeast corner of said 39.04 acre tract and the southeast corner of said Venable Parcel One, Tract I, 7.000 acre tract;
THENCE South 89°17'34" West, along the south line of said Venable Parcel One, Tract I, and the north line of said 39.04 acre tract, a distance of 72.46 feet to a 1/2 inch iron rod found for the southwest corner of said Venable Parcel One, Tract I, and the southeast corner of a called 7.000 acre tract of land conveyed to Ronald G. Johnson and Wife, Hester L. Johnson, by deed recorded in Volume 1191, Page 694, D.R.D.C.T.;
THENCE North 52°27'48" West, along the southwesterly line of said Venable Parcel One, Tract I and the northeasterly line of said Johnson 7.000 acre tract, a distance of 989.37 feet to the northwest corner of said Venable Parcel One, Tract I, the southwest corner of said Venable Parcel One, Tract II, 0.228 acre tract, the northeast corner of said Johnson 7.000 acre tract, and the southeast corner of a called 0.110 acre tract of land conveyed to Ronald G. Johnson et ux, Hester L. Johnson, by deed recorded in Volume 1197, Page 860, D.R.D.C.T.;
THENCE North 04°02'10" West, along the west line of said Venable Parcel One, Tract II and the east line of said 0.110 acre tract, a distance of 104.40 feet to the northwest corner of said Venable Parcel One, Tract II and the northeast corner of said 0.110 acre
tract, said point being in the approximate centerline of McKinney Bridge Road;

THENCE with the approximate centerline of said McKinney Bridge Road, and along the northwesterly line of said Venable Parcel One, Tract II the following courses and distances:

North 39°51'20" East, a distance of 56.10 feet to a point for corner;
North 20°28'10" East, a distance of 132.92 feet to the northeast corner of said Venable Parcel One, Tract II, said corner being in the west line of a called 103.4117 acre tract of land conveyed to E E Ranches of Texas, Inc., by deed recorded in Volume 2256, Page 840, R.P.R.D.C.T.;

THENCE South 00°18'17" East, along the east line of said Venable Parcel One, Tract II and the west line of said 103.4117 acre tract, a distance of 266.23 feet to the southeast corner of said Venable Parcel One, Tract II and the most westerly southwest corner of said 103.4117 acre tract, said point being in the north line of said Venable Parcel One, Tract I;

THENCE North 85°40'16" East, along the north line of said Venable Parcel One, Tract I and a south line of said 103.4117 acre tract, a distance of 774.60 feet to a concrete monument found for the northeast corner of said Venable Parcel One, Tract I and an ell corner of said 103.4117 acre tract;

THENCE South 00°41'49" East, along the east line of said Venable Parcel One, Tract I and a west line of said 103.4117 acre tract, a distance of 427.62 feet to the northwest corner of said Venable Exhibit "A-7" First Tract and the most southerly southwest corner of said 103.4117 acre tract;
THENCE North 89°37'44" East, along the north line of said Venable Exhibit "A-7" First Tract and the south line of said 103.4117 acre tract, passing at a distance of 25.00 a concrete monument found, and continuing for a total distance of 1995.90 feet to a concrete monument found for the northeast corner of said Venable Exhibit "A-7" First Tract and the southeast corner of said 103.4117 acre tract, said corner being in the west line of said Venable Exhibit "A-7" Second Tract;

THENCE North 00°17'05" East, along the west line of said Venable Exhibit "A-7" Second Tract and the east line of said 103.4117 acre tract, a distance of 788.98 feet to a wood corner post found for the northwest corner of said Venable Exhibit "A-7" Second Tract and an ell corner of said 103.4117 acre tract;

THENCE South 89°29'26" East, along the north line of said Venable Exhibit "A-7" Second Tract and a south line of said 103.4117 acre tract, passing at a distance of 99.73 feet a wood corner post found for the most easterly southeast corner of said 103.4117 acre tract and the southwest corner of a called 51.9010 acre tract of land conveyed to Helen K. McGraw, by deed recorded in County Clerk's File No. 94-R0085683, D.R.D.C.T., and continuing along said north line and the south line of said 51.9010 acre tract, for a total distance of 1357.89 feet to a 1/2 inch iron rod found for the northeast corner of said Venable Exhibit "A-7" Second Tract, the northwest corner of said Venable Exhibit "A-1" Ninth Tract, the southeast corner of said 51.9010 acre tract, and the southwest corner of Lot 28 of Yellow Rose Estates Subdivision, an addition to Denton County, Texas according to the plat recorded in Cabinet L, Page 177,
THENCE South 88°46'23" East, along the north line of said Venable
Exhibit "A-1" Ninth Tract and the south line of said Yellow Rose
Estates Subdivision, a distance of 1323.42 feet to a 1/2 inch iron
rod found for the northeast corner of said Venable Exhibit "A-1"
Ninth Tract and the northwest corner of Lot 10 of St. John's Place,
an addition to Denton County, Texas according to the plat recorded

THENCE South 00°48'05" West, along the east line of said Venable
Exhibit "A-1" Ninth Tract and the west line of said St. John's
Place, a distance of 1315.38 feet to a 1/2 inch iron rod found for
the southeast corner of said Venable Exhibit "A-1" Ninth Tract, the
northeast corner of said Venable Exhibit "A-1" Tenth Tract, the
northwest corner of said Venable Exhibit "A-1" Twenty-Fifth Tract,
and the southwest corner of Lot 9 of said St. John's Place;

THENCE South 88°50'34" East, along the north line of said Venable
Exhibit "A-1" Twenty-Fifth Tract and the south line of said St.
John's Place, a distance of 978.68 feet to metal corner post found
for the southeast corner of Lot 8 of said St. John's Place, and the
southwest corner of a called 129.223 acre tract of land conveyed to
Texas Motor Speedway, Inc. d/b/a Texas International Raceways, by
deed recorded in County Clerk's File No. 96-R0079309, D.R.D.C.T.;

THENCE South 88°46'04" East, along the north lines of said Venable
Exhibit "A-1" Twenty-Fifth Tract and Twenty-Sixth Tract and the
south line of said 129.223 acre tract, a distance of 1653.96 feet to
a metal corner post found for the northeast corner of said Venable
Exhibit "A-1" Twenty-Sixth Tract and the southeast corner of said
129.223 acre tract, said corner being in the west line of a called
71.114 acre tract of land, File No. F0072.00, conveyed to The Rudman
Partnership, by deed recorded in Volume 2844, Page 42,
R.P.R.D.C.T.;
THENCE South 01°46'53" West, along the east line of said Venable
Exhibit "A-1" Twenty-Sixth Tract and the west line of said 71.114
acre tract, passing at a distance of 789.91 feet a 1/2 inch iron rod
found for the southwest corner of said 71.114 acre tract and the
northwest corner of a called 61.36 acre tract of land conveyed to
Michelle Lynette Roberts, by deed recorded in Instrument No.
2008-40245, O.R.D.C.T., and continuing along said east line and the
west line of said 61.36 acre tract, for a total distance of 1296.74
feet to a wood corner post found for the southeast corner of said
Venable Exhibit "A-1" Twenty-Sixth Tract and the most westerly
southwest corner of said 61.36 acre tract, said corner being in the
north line of said Venable Exhibit "A-2" Third Tract;
THENCE along the north line of said Venable Exhibit "A-2" Third
Tract and the south line of said 61.36 acre tract, the following
courses and distances:
North 89°02'25" East, a distance of 1193.53 feet to a wood corner
post found for corner;
South 03°32'32" West, a distance of 565.50 feet to a wood corner post
found for corner;
South 85°40'05" East, passing at a distance of 1460.68 feet a wood
corner post found for the most northerly northeast corner of said
Venable Exhibit "A-2" Third Tract, the northwest corner of said
Venable Exhibit "A-3", 24 acre tract, the most southerly southeast
corner of said 61.36 acre tract, and the most westerly southwest
corner of a called 18.78 acre tract of land conveyed to Zandra Bean,
by deed recorded in Volume 4229, Page 2901, R.P.R.D.C.T., and
continuing along the south line of said 18.78 acre tract for a total
distance of 1552.99 feet to a wood corner post found for and ell
corner of said 18.78 acre tract;
THENCE South 02°38'27" West, along a west line of said 18.78 acre
tract, a distance of 210.21 feet to a wood corner post found for the
most southerly southwest corner of said 18.78 acre tract;
THENCE South 87°34'17" East, along the south line of said 18.78 acre
tract, a distance of 925.13 feet to a 5/8 inch iron rod found for the
southeast corner of said 18.78 acre tract, said corner being in the
west line of said Venable 10.69 acre tract, and being in the
approximate centerline of Massey Road;
THENCE North 04°51'52" East, with the approximate centerline of said
Massey Road, and along the west line of said Venable 10.69 acre
tract and east line of said 18.78 acre tract, a distance of 228.51
feet to the northwest corner of said Venable 10.69 acre tract, from
which a 1/2 inch iron rod found bears North 87°55'27" West a distance
of 6.38 feet;
THENCE South 87°55'27" East, along the north line of said Venable
10.69 acre tract, passing at a distance of 24.76 feet a 1/2 inch
iron rod found in the east line of said Massey Road, and continuing
for a total distance of 526.66 feet to the POINT OF BEGINNING and
containing 2521.094 acres or 109,818,863 square feet of land, more
or less.
SAVE AND EXCEPT THE FOLLOWING TRACTS A, B, and C:
TRACT A


BEGINNING at a 1/2 inch iron rod with yellow plastic cap stamped "H & N 1849" found for the northwest corner of said 27.20 acre Patricia Ann Harmon Brockett tract, called Tract 2, and the southwest corner of the above mentioned 27.20 acre tract of land conveyed to Venable Roaylt, Ltd., by deed recorded in Volume 5076, Page 822, R.P.R.D.C.T. and to Venable Estate, Ltd., by deed recorded in
Instrument No. 2004-101157, O.R.D.C.T., said corner being in the east line of the above mentioned Venable Exhibit "A-1" Twenty-First Tract;

THENCE North 89° 20' 09" East, a distance of 1045.44 feet to a 1/2 inch iron rod with yellow plastic cap stamped "H & N 1849" found for the southeast corner of said Venable 27.20 acre tract, said corner being in the west line of said 26.23 acre Patricia Ann Harmon Brockett tract, called Tract 3;

THENCE North 0° 38' 15" West, along the east line of said Venable 27.20 acre tract and the west line of said 26.23 acre tract, a distance of 1112.40 feet to the northeast corner of said Venable 27.20 acre tract and northwest corner of said 26.23 acre tract, said corner being in the south line of the above mentioned Venable Exhibit "A-8", 54.089 acre tract, being the same as the above mentioned Venable 54.08 acre tract recorded in Volume 4867, Page 3255, R.P.R.D.C.T.;

THENCE South 88° 18' 52" East, along the south line of said Venable Exhibit "A-8", 54.089 acre tract and the north line of said 26.23 acre tract, a distance of 907.17 feet to the southeast corner of said Venable Exhibit "A-8", 54.089 acre tract and the northeast corner of said 26.23 acre tract, said corner being in the west line of the above mentioned Venable Exhibit "A-2" Second Tract;

THENCE South 0° 33' 39" West, along the west line of said Venable Exhibit "A-2" Second Tract and the east line of said 26.23 acre tract, a distance of 1151.30 feet to a wood corner post found for the southwest corner of said Venable Exhibit "A-2" Second Tract and the northwest corner of said Harmon 29.553 acre tract;
THENCE South 88°23'05" East, along the south line of said Venable Exhibit "A-2" Second Tract and the north line of said 29.553 acre tract, a distance of 555.23 feet to a 1/2 inch iron rod found for the most westerly northeast corner of said 29.553 acre tract and the northwest corner of said Pierce 3.00 acre tract;

THENCE South 88°18'08" East, continuing along the south line of said Venable Exhibit "A-2" Second Tract and the north line of said Pierce 3.00 acre tract, a distance of 626.29 feet to a 1/2 inch iron rod found for the northeast corner of said Pierce 3.00 acre tract and the northwest corner of said Wilson 1.269 acre tract;

THENCE South 88°04'56" East, continuing along the south line of said Venable Exhibit "A-2" Second Tract and the north lines of said Wilson 1.269 acre tract and said Black Rock Water Supply Corporation 0.254 acre tract, a distance of 365.79 feet to a wood corner post found for the northeast corner of said Black Rock Water Supply Corporation 0.254 acre tract and the northwest corner of the above mentioned Venable Exhibit "A-6" 70 acre tract;

THENCE South 01°20'17" West, along the west line of said Venable Exhibit "A-6" 70 acre tract and the east lines of said Black Rock Water Supply Corporation 0.254 acre tract, said Harmon 29.553 acre tract, and said Pierce 0.724 acre tract, passing at a distance of 1388.97 feet a 1/2 inch iron rod found in the north line of Richter Road for the southeast corner of said Pierce 0.724 acre tract, and continuing along said west line for a total distance of 1413.97 feet to the southwest corner of said Venable Exhibit "A-6" 70 acre tract, said corner being in the north line of the above mentioned Venable Exhibit "A-1" Twenty-Fourth Tract;
THENCE North 88°16′47″ West, along the north line of said Venable Exhibit "A-1" Twenty-Fourth Tract, a distance of 1403.72 feet to the most southerly southeast corner of said Lewis 2.116 acre tract, from which a 1/2 inch iron rod found in the north line of Richter Road bears North 00°28′03″ East a distance of 25.01 feet;

THENCE North 88°01′16″ West, continuing along the north line of said Venable Exhibit "A-1" Twenty-Fourth Tract and the south lines of said Lewis 2.116 acre tract, said Johnson 0.5 acre tract, and said Johnson 27.20 acre tract, a distance of 2024.03 feet to a wood corner post found for the southwest corner of said Johnson 27.20 acre tract, the northwest corner of said Venable Exhibit "A-1" Twenty-Fourth Tract, the northeast corner of the above mentioned Venable Exhibit "A-1" Eighth Tract, and the southeast corner of said Venable Exhibit "A-1" Twenty-First Tract;

THENCE North 00°39′41″ West, along the east line of said Venable Exhibit "A-1" Twenty-First Tract and the west lines of said Johnson 27.20 acre tract and said 27.20 acre Patricia Ann Harmon Brockett tract, a distance of 1401.57 feet to the POINT OF BEGINNING and containing 135.931 acres or 5,921,167 square feet of land, more or less.

TRACT B

Being a tract of land situated in the George Smith Survey, Abstract No. 1219, Denton County, Texas, and being described as a 210 foot by 210 foot tract of land conveyed to Faith Assembly Church by deed recorded in Instrument No. 2004-26872, O.R.D.C.T., and being more particularly described as follows:

BEGINNING at the northeast corner of said Church tract, from which a
wood corner post found bears South 89°52'15" East a distance of 130.00 feet;

THENCE South 00°07'45" West, along the east line of said Church tract, passing at a distance of 203.40 feet a wood corner post found in the north line of Black Jack Road, and continuing along said east line for a total distance of 210.00 feet to the southeast corner of said Church tract;

THENCE North 89°52'15" West, along the south line of said Church tract, a distance of 210.00 feet to the southwest corner of said Church tract, said corner being in the approximate centerline of Harmon Road;

THENCE North 00°07'45" East, with the approximate centerline of Harmon Road and along the west line of said Church tract, a distance of 210.00 feet to the northwest corner of said Church tract;

THENCE South 89°52'15" East, along the north line of said Church tract, a distance of 210.00 feet to the POINT OF BEGINNING and containing 1.012 acres or 44,100 square feet of land, more or less.

TRACT C

Being a tract of land situated in the J. Moses Survey, Abstract No. 894, Denton County, Texas, and being all of a called 2 acre tract of land, conveyed to Trustees of Wilson Cemetery by deed recorded in Volume 57, Page 402, D.R.D.C.T., and being more particularly described as follows:

BEGINNING at a chain link fence corner post found for the northwest corner of said Cemetery tract and the southwest corner of the above mentioned Venable Exhibit "A-1" Twenty-Second Tract, said corner being in the east line of the above mentioned Venable Exhibit "A-1"
Fourteenth Tract;
THENCE North 89°39'39" East, along the north line of said Cemetery tract and the south line of said Venable Exhibit "A-1" Twenty-Second Tract; passing at a distance of 288.86 feet a chain link fence corner post found and continuing for a total distance of 305.55 feet to the northeast corner of said Cemetery tract, the southwest corner of the above mentioned Venable Exhibit "A-1" Twenty-First Tract, and the northwest corner of the above mentioned Exhibit "A-1" Eighth Tract;
THENCE South 00°20'21" East, along the east line of said Cemetery tract and the west line of said Venable Exhibit "A-1" Eighth Tract, a distance of 285.28 feet to the southeast corner of said Cemetery tract and the most easterly northeast corner of said Venable Exhibit "A-1" Fourteenth Tract; a distance of 305.55 feet to the southwest corner of said Cemetery tract and an ell corner of said Venable Exhibit "A-1" Fourteenth Tract, from which a chain link fence corner post found bears North 30°04'24" East a distance of 9.80 feet;
THENCE North 00°20'21" West, along the west line of said Cemetery tract and the east line of said Venable Exhibit "A-1" Fourteenth Tract, a distance of 285.28 feet to the POINT OF BEGINNING and containing 2.001 acres or 87,168 square feet of land, more or less.

VENABLE PROPERTY DESCRIPTION

TRACT 2

Being a tract of land situated in the T. Chambers Survey, Abstract
No. 223, Denton County, Texas, and being all the following tracts of
land conveyed to Venable Royalty, Ltd.; a called 4.37 acre tract of
land by deed recorded in Instrument No. 2003-193459 of the Official
Records of Denton County, Texas, and all of a called 4.35 acre tract
of land by deed recorded in Volume 4952, Page 1406 of the Real
Property Records of Denton County, Texas, and being more
particularly described as follows:

BEGINNING at a wood corner post found for the northwest corner of
said 4.35 acre tract and the southwest corner of a called 2.726 acre
tract of land conveyed to Dennard's Farm Supply Incorporated by
deed recorded in Instrument No. 2009-52074 of the Official Records
of Denton County, Texas, said corner being in the east line of the
Texas and Pacific Railway Company right-of-way (80 foot wide
right-of-way);

THENCE South 87°59'39" East, along the north line of said 4.35 acre
tract and the south line of said 2.726 acre tract, a distance of
307.30 feet to the northeast corner of said 4.35 acre tract and the
southeast corner of said 2.726 acre tract, said corner being in the
west right-of-way line of State Highway 377 (a 120 foot wide
right-of-way), from which a metal corner post found bears North
87°59'39" West a distance of 1.44 feet, said point also being at the
beginning of a non-tangent curve to the right;

THENCE along the west right-of-way line of State Highway 377, the
following courses and distances:

Southwesterly, along said non-tangent curve to the right having a
central angle of 02°03'24"", a radius of 5669.58 feet, a chord
bearing of South 03°44'56" West, a chord distance of 203.52 feet,
passing at an arc length of 203.12 feet a wood highway marker found for the southeast corner of said 4.35 acre tract and being at the intersection of the west right-of-way line of State Highway 377 with the northwesterly right-of-way line of Farm to Market 3524 (a 80 foot wide right-of-way), and continuing for a total an arc length of 203.53 feet to the end of said curve; 

South 04°46'38" West, passing at a distance of 570.19 feet the northeast corner of said 4.37 acre tract, from which a 60d nail found bears South 85°13'22" East a distance of 1.33 feet, and continuing for a total distance of 1120.24 feet to the southeast corner of said 4.37 acre tract, from which a 1/2 inch iron rod found bears North 88°16'01" West a distance of 1.06 feet; 

THENCE North 88°16'01" West, along the south line of said 4.37 acre tract, a distance of 387.22 feet to the southwest corner of said 4.37 acre tract, said corner being in the east line of said Texas and Pacific Railway Company right-of-way, from which a 1/2 inch iron rod found bears North 88°16'01" West a distance of 1.30 feet, said point also being at the beginning of a non-tangent curve to the left; 

THENCE along the west lines of said 4.35 acre tract and said 4.37 acre tract and the east line of said Texas and Pacific Railway Company right-of-way, the following courses and distances: 

Northeasterly along said non-tangent curve to the left having a central angle of 03°06'33", a radius of 5779.58 feet, a chord bearing of North 09°14'29" East, a chord distance of 313.59 feet, and an arc length of 313.63 feet to the end of said curve; 

North 07°41'12" East, passing at a distance of 91.78 feet the
northwest corner of said 4.37 acre tract in the southeasterly line
of said Farm to Market 3524, and passing at a distance of 204.92
feet a 1/2 inch iron rod with red plastic cap stamped "ALLIANCE"
found for the most southerly corner of said 4.35 acre tract in the
northwesterly right-of-way line of said Farm to Market 3524, and
continuing for a total distance of 1018.10 feet to the POINT OF
BEGINNING and containing 10.487 acres or 456,819 square feet of
land, more or less.

This document was prepared under 22 TAC §663.21, does not reflect
the results of an on the ground survey, and is not to be used to
convey or establish interests in real property except those rights
and interests implied or established by the creation or
reconfiguration of the boundary of the political subdivision for
which it was prepared.

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

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

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

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

SECTION 4. This Act takes effect September 1, 2013.
THE ORDER:

Approval of a Legislative Policy Statement for the 83rd Legislative Session relating to the creation of Highway 380 Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes; specifically stating Denton County’s support for the House Bill proposed by Rep. Pat Fallon for the Comanche MMD, and any appropriate action.

Motion by ____________

Seconded by

Count Judge

Yes

Abstain

No

Absent

Commissioner Pct No 1

Hugh Coleman

Yes

Abstain

No

Absent

Commissioner Pct No 2

Ron Marchant

Yes

Abstain

No

Absent

Commissioner Pct No 3

Bobbie J. Mitchell

Yes

Abstain

No

Absent

Commissioner Pct No 4

Andy Eads

Yes

Abstain

No

Absent

Motion Carried

Other Action: Pulled from Consent ___ No Action ___ Postponed ___

BY ORDER OF THE COMMISSIONERS COURT: ATTEST:

Cynthia Mitchell, County Clerk
and Ex-Officio Clerk of the Commissioners Court of
Denton County, Texas

Presiding Officer

APPROVED AS TO FORM:

Assistant District Attorney

BY:
Deputy County Clerk
LEGISLATIVE POLICY STATEMENT

DENTON COUNTY COMMISSIONERS COURT

83RD LEGISLATIVE SESSION

SUBJECT: proposed Comanche MMD legislation

DATE: March 26, 2013

DENTON COUNTY SUPPORTS PROPOSED COMANCHE MMD LEGISLATION which relates to the creation of Highway 380 Municipal Management District No. 1; providing authority to issue bonds; and providing authority to impose assessments, fees, or taxes.

__________________________________________
MARY HORN, County Judge

__________________________________________
HUGH COLEMAN, Commissioner Precinct #1

__________________________________________
RON MARCHANT, Commissioner Precinct #2

__________________________________________
BOBBIE J. MITCHELL, Commissioner Precinct #3

__________________________________________
ANDY EADS, Commissioner Precinct #4
Hello all,

I apologize for the way you are receiving this, but please bear with me. The PDF was the updated version that Aubrey edited. The “New Board of Directors Section” attachment was to replace the older version and was in legislative council. Legislative Council told me the language was confusing so they have recommended to replace the temporary directors section in “New Board of Directors Section” with that of the “Water Code Section 49.102” attachment. Sorry once again for the inconvenience, but please let me know if you have any questions.

Best Regards,

Sean Danielson
Legislative Director
Representative Pat Fallon
512-463-0694
A BILL TO BE ENTITLED

AN ACT

relating to the creation of Highway 380 Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3920 to read as follows:

CHAPTER 3920. HIGHWAY 380 MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3920.001. DEFINITIONS. In this chapter:

(1) "Board" means the district’s board of directors.
(2) "City" means the Town of Little Elm.
(3) "County" means Denton County.
(4) "Director" means a board member.
(5) "District" means the Highway 380 Municipal Management District No. 1.

Sec. 3920.002. NATURE OF DISTRICT. The Highway 380 Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3920.003. 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. By creating the district and in authorizing the city, the
county, and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

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

(c) This chapter and the creation of the district may not be interpreted to relieve the city or the county from providing the level of services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city or county services provided in the district.

Sec. 3920.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

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

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

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

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

(d) The district will:

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

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

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

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

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

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

Sec. 3920.005. INITIAL DISTRICT TERRITORY. (a) The 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. 3920.006. 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;
2. a tax abatement reinvestment zone created under Chapter 312, Tax Code;
3. an enterprise zone created under Chapter 2303, Government Code; or
4. an industrial district created under Chapter 42, Local Government Code.

Sec. 3920.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3920.008. 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. 3920.051. GOVERNING BODY; TERMS. The district is governed by a board of five voting directors who serve staggered terms of four years, with two or three directors' terms expiring June 1 of each odd-numbered year.

Sec. 3920.052. APPOINTMENT OF VOTING DIRECTORS. The Texas Commission on Environmental Quality shall appoint voting directors from persons recommended by the board.

Sec. 3920.053. NONVOTING DIRECTORS. The board may appoint nonvoting directors to serve at the pleasure of the voting directors.

Sec. 3920.054. QUORUM. For purposes of determining the requirements for a quorum of the board, the following are not counted:

1. a board position vacant for any reason, including death, resignation, or disqualification;
2. a director who is abstaining from participation in a vote because of a conflict of interest; or
3. a nonvoting director.

Sec. 3920.055. COMPENSATION. A director is entitled to receive fees of office and reimbursement for actual expenses as provided by Section 49.060, Water Code. Sections 375.069 and 375.070, Local Government Code, do not apply to the board.

Sec. 3920.056. INITIAL VOTING DIRECTORS. (a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal...
roll for the county may submit a petition to the Texas Commission on
Environmental Quality requesting that the commission appoint as
initial voting directors the five persons named in the petition.
The commission shall appoint the five persons named in the petition
as initial directors by position.

(b) Of the initial directors, the terms of directors
appointed for positions one through three expire June 1, 2015, and
the terms of directors appointed for positions four and five expire
June 1, 2017.

(c) Section 3920.052 does not apply to this section.
(d) This section expires September 1, 2017.

SUBCHAPTER C. POWERS AND DUTIES
Sec. 3920.101. GENERAL POWERS AND DUTIES. The district has
the powers and duties necessary to accomplish the purposes for
which the district is created.

Sec. 3920.102. IMPROVEMENT PROJECTS AND SERVICES. The
district may provide, design, construct, acquire, improve,
relocate, operate, maintain, or finance an improvement project or
service using any money available to the district, or contract with
a governmental or private entity to provide, design, construct,
acquire, improve, relocate, operate, maintain, or finance an
improvement project or service authorized under this chapter or
Chapter 375, Local Government Code.

Sec. 3920.103. DEVELOPMENT CORPORATION POWERS. The
district, using money available to the district, may exercise the
powers given to a development corporation under Chapter 505, Local
Government Code, including the power to own, operate, acquire,
construct, lease, improve, or maintain a project under that chapter.

Sec. 3920.104. 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. 3920.105. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

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

Sec. 3920.106. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement
services in the district for a fee.

Sec. 3920.107. 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. 3920.108. ECONOMIC DEVELOPMENT. (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. 3920.109. 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. 3920.110. ANNEXATION OF LAND. The district may annex
land as provided by Subchapter J, Chapter 49, Water Code.

Sec. 3920.111. NO EMINENT DOMAIN POWER. The district may
not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3920.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
board by resolution shall establish the number of directors' signat
ures and the procedure required for a disbursement or transfer of district money.

Sec. 3920.152. MONEY USED FOR IMPROVEMENTS OR SERVICES.
The district may acquire, construct, finance, operate, or maintain
any improvement or service authorized under this chapter or Chapter
375, Local Government Code, using any money available to the
district.

Sec. 3920.153. 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. 3920.154. 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.

Sec. 3920.155. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to a tax authorized or approved by the voters of the district or a required payment for a service provided by the district, including water and sewer services.

Sec. 3920.156. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of district taxes or assessments on property in the zones.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3920.201. CONSENT OF CITY REQUIRED. The district may not impose a tax or issue a bond until the city has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 3920.202. ELECTIONS REGARDING TAXES AND BONDS. (a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3920.204.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

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

Sec. 3920.203. OPERATION AND MAINTENANCE TAX. (a) If
authorized by a majority of the district voters voting at an
election held in accordance with Section 3920.202, the district may
impose an operation and maintenance tax on taxable property in the
district in accordance with Section 49.107, Water Code, for any
district purpose, including to:

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

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

(c) Section 49.107(h), Water Code, does not apply to the
district.

Sec. 3920.204. CONTRACT TAXES. (a) In accordance with
Section 49.108, Water Code, the district may impose a tax other than
an operation and maintenance tax and use the revenue derived from
the tax to make payments under a contract after the provisions of
the contract have been approved by a majority of the district voters
voting at an election held for that purpose.

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

Sec. 3920.205. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
determined by the board. Section 375.205, Local Government Code,
(b) The district may issue bonds, notes, or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources of money, to pay for any authorized district purpose.

(c) The limitation on the outstanding principal amount of bonds, notes, and other obligations provided by Section 49.4645, Water Code, does not apply to the district.

Sec. 3920.206. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

SECTION 2. The Highway 380 Municipal Management District No. 1 initially includes all territory contained in the following area:

TRACT 1

WHEREAS, The Rudman Partnership is the owner of a tract of land situated in the THOMAS NAVO SURVEY, ABSTRACT NO. 964 and the WILLIAM LUMPKIN LEAGUE AND LABOR SURVEY, ABSTRACT NO. 730, in Denton County, Texas, said tract being a portion of a called 645.238 acre tract of land described as File No. F0030.00 and a portion of a
called 52.360 acre tract of land described as File No. F0031.00 in a
deed to The Rudman Partnership, recorded in Volume 2844, Page 42,
Real Property Records, Denton County, Texas, and being more
particularly described as follows:
BEGINNING at a point in the approximate center of Fish Trap
Road (a partially dedicated public road) for an interior ell corner
of said 645.238 acre tract and the northwest corner of a tract of
land described in a deed to CHS Savannah, L.P. recorded in Document
No. 2006-40724 of said Real Property Records;

THENCE South 01 degree 33 minutes 02 seconds West, along the
common line of said 645.238 acre tract and CHS Savannah Tract,
passing the most southerly southeast corner of said 645.238 acre
tract and the northeast corner of said 52.360 acre tract at 3,401.50
feet and continuing for a total distance of 3,839.27 feet to a point
for corner, said point being in a northerly boundary line of the
Town of Little Elm as described in Exhibit A, Tract 3 of Town
Ordinance No. 809;

THENCE North 56 degrees 04 minutes 01 seconds West, along
said northerly boundary line, a distance of 2,542.41 feet to a point
for corner, said point being in the east boundary line of Lot 1,
Block A, Navo Middle School Addition, an addition to Denton County
according to the plat thereof recorded in Cabinet W, Page 436 of
said Real Property Records;

THENCE North 01 degree 35 minutes 07 seconds East, along the
east line of said addition, a distance of 1,343.95 feet to the
northeast corner of said addition;

THENCE North 88 degrees 08 minutes 38 seconds West, along the
north line of said addition, a distance of 1,216.05 feet to the southeast corner of a 1.168 acre right-of-way dedication for Navo Road to Denton County recorded in said Document No. 2006-24266;

THENCE North 01 degrees 34 minutes 31 seconds East, along the east line of said dedication, a distance of 1,082.41 feet to the northeast corner of said dedication;

THENCE South 89 degrees 57 minutes 07 seconds West, along the north line of said dedication, a distance of 46.93 feet to a point in the approximate center of Navo Road;

THENCE North 01 degree 35 minutes 07 seconds East, along the approximate center of said Navo Road, a distance of 34.30 feet to a point in the approximate center of Fish Trap Road and the south line of a tract of land described in a deed to Dallas Lyndhurst, Ltd. recorded in Document No. 97-090639 of said Real Property Records;

THENCE South 88 degrees 38 minutes 53 seconds East, along the approximate center of said Fish Trap Road and the south line of said Lyndhurst tract, a distance of 1,158.00 feet to the southeast corner of said Lyndhurst tract;

THENCE North 01 degree 30 minutes 07 seconds East, along the east line of said Lyndhurst tract, a distance of 1,330.60 feet to the northeast corner of said Lyndhurst tract;

THENCE North 88 degrees 26 minutes 11 seconds West, along the north line of said Lyndhurst tract, a distance of 844.57 feet to the most southerly southeast corner of a called 16.78 acre tract of land described as Tract 11-113 in a deed to the United States of America, recorded in Volume 2822, Page 802 of said Real Property Records;

THENCE along the east line of said 16.78 acre tract, the
following courses and distances:

North 57 degrees 27 minutes 26 seconds East, a distance of 117.61 feet to a point for corner;

North 33 degrees 06 minutes 22 seconds East, a distance of 328.27 feet to a point for corner;

North 11 degrees 04 minutes 26 seconds East, a distance of 284.12 feet to a point for corner;

North 15 degrees 07 minutes 37 seconds West, a distance of 328.22 feet to a point for corner;

North 21 degrees 29 minutes 01 seconds West, a distance of 67.72 feet to a point on the south boundary of a called 239.673 acre tract of land described in a deed to Gene McCutchin, recorded in Volume 927, Page 689 of said Real Property Records for the northwest corner of said 16.78 acre tract;

THENCE South 88 degrees 43 minutes 53 seconds East, along the common boundary between said 645.238 acre tract and said 239.673 acre tract, a distance of 3,910.67 feet to a point for corner, said point being approximately 350.00 feet west of the approximate center of Byran Road;

THENCE over and across said 645.238 acre tract, the following courses and distances:

South 01 degree 28 minutes 00 seconds West, a distance of 2,341.34 feet to a point in the approximate center of said Fish Trap Road and the north line of said CHS Savannah Tract;

THENCE North 88 degrees 38 minutes 53 seconds West, along the north line of said CHS Savannah tract, a distance of 1,013.17 feet to the POINT OF BEGINNING and containing 376.078 acres of land, more
TRACT 2

WHEREAS, The Rudman Partnership is the owner of a tract of land situated in the THOMAS NAVO SURVEY, ABSTRACT NO. 964 and the WILLIAM LUMPKEN LEAGUE AND LABOR SURVEY, ABSTRACT NO. 730, in Denton County, Texas, said tract being a portion of a called 645.238 acre tract of land described as File No. F0030.00 and a portion of a called 52.360 acre tract of land described as File No. F0031.00 in a deed to The Rudman Partnership, recorded in Volume 2844, Page 42, Real Property Records, Denton County, Texas, and being more particularly described as follows:

COMMENCING at a point in the approximate center of Fish Trap Road (a partially dedicated public road) for an interior ell corner of said 645.238 acre tract and the northwest corner of a tract of land described in a deed to CHS Savannah, L.P. recorded in Document No. 2006-40724 of said Real Property Records;

THENCE South 01 degree 33 minutes 02 seconds West, along the common line of said 645.238 acre tract and CHS Savannah Tract, passing the most southerly southeast corner of said 645.238 acre tract and the northeast corner of said 52.360 acre tract at 3,401.50 feet and continuing for a total distance of 3,839.27 feet to THE POINT OF BEGINNING, said point being in a northerly boundary line of the Town of Little Elm as described in Exhibit A, Tract 3 of Town Ordinance No. 809;

THENCE South 01 degree 33 minutes 02 seconds West, continuing along said common line, a distance of 258.19 to a point being on the north right-of-way of U.S. Highway 380 (a variable width
right-of-way) for the southeast corner of said 52.360 acre tract;

THENCE North 87 degrees 42 minutes 53 seconds West, along
said north right-of-way and the south line of said 52.360 acre
tract, a distance of 3,322.62 feet to a point on the southeast end
of a highway right-of-way flare for corner;

THENCE North 43 degrees 42 minutes 31 seconds West, along
said right-of-way flare, a distance of 138.39 feet to a point in the
approximate center of Navo Road (a partially dedicated public road)
for corner;

THENCE North 01 degree 54 minutes 19 seconds East, along the
approximate center of said Navo Road, passing the northwest corner
of said 52.360 acre tract and the southwest corner of said 645.238
acre tract at 544.12 feet and continuing for a total distance of
1,656.01 feet to the southwest corner of a 0.450 acre right-of-way
dedication for Navo Road to Denton County, recorded as Document No.
2006-24266 of said Real Property Records;

THENCE along the south and east lines of said right-of-way
dedication, the following courses and distances:

  South 88 degrees 25 minutes 29 seconds East, a distance
  of 51.70 feet to a point for corner;

  North 01 degree 33 minutes 20 seconds East, a distance
  of 12.20 feet to a point for corner;

  North 00 degrees 41 minutes 13 seconds West, a distance
  of 127.90 feet to a point for corner;

  North 01 degree 34 minutes 35 seconds East, a distance
  of 258.84 feet to a point on the southwest line of Lot 1, Block A,
Navo Middle School Addition, an addition to Denton County according
to the plat thereof recorded in Cabinet W, Page 436 of said Real
Property Records;

THENCE South 59 degrees 28 minutes 01 second East, along the
southwest line of said addition, a distance of 1,390.62 feet to a
point for corner;

THENCE North 01 degree 35 minutes 07 seconds East, along the
east boundary of said addition, a distance of 98.82 feet to a point
in said northerly boundary line of the Town of Little Elm for
corner;

THENCE South 56 degrees 04 minutes 01 seconds East, along
said northerly boundary line of the Town of Little Elm a distance of
2,542.41 feet to the POINT OF BEGINNING and containing 98.489 acres
of land, more or less.

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

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

(c) The Texas Commission on Environmental Quality has filed
its recommendations relating to this Act with the governor,
lieutenant governor, and speaker of the house of representatives
within the required time.
(d) The general law relating to consent by political subdivisions to the creation of districts with conservation, reclamation, and road powers and the inclusion of land in those districts has been complied with.

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.
SUBCHAPTER B. BOARD OF DIRECTORS

Sec. .051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section .004, directors serve staggered four-year terms, with two or three directors' terms expiring June 1 of each odd-numbered year.

(c) Of the initial directors, the terms of directors elected for positions 1 through 3 expire June 1, 2015, and the terms of directors elected for positions 4 and 5 expire June 1, 2017.

Sec. .052. TEMPORARY DIRECTORS. (a) The owner or owners of a majority of the assessed value of the real property in the district shall submit a petition to the city requesting that the city appoint as temporary directors the five persons named in the petition. The city shall appoint as temporary directors the five persons named in the petition.

(b) The temporary directors shall hold an election to elect five permanent directors as provided by Section 49.102, Water Code, subject to Section .005.

(c) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section .052(b); or

(2) the expiration of terms of office in Section .051(c).
(d) If permanent directors have not been elected under Section .052(b) and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (e) to serve terms that expire on the earlier of:

1. the date permanent directors are elected under Section .052(b); or
2. the fourth anniversary of the date of the appointment or reappointment.

(e) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the city requesting that the city appoint as successor temporary directors the five persons named in the petition. The city shall appoint as successor temporary directors the five persons named in the petition.

[Sections .053- .100 reserved for expansion]
Sec. 49.102. CONFIRMATION AND DIRECTOR ELECTION. (a) Before issuing any bonds or other obligations, an election shall be held within the boundaries of the proposed district to determine if the proposed district shall be established and, if the directors of the district are required by law to be elected, to elect permanent directors.

(b) Notice of a confirmation or director election shall state the day and place or places for holding the election, the propositions to be voted on, and the number of directors to be voted on.

(c) The ballots for a confirmation election shall be printed to provide for voting "For District" and "Against District." Ballots for a directors election shall provide the names of the persons appointed by the governing body who qualified and are serving as temporary directors at the time the election is called. The ballots shall also have blank places after the names of the temporary directors in which a voter may write the names of other persons for directors.

(d) Immediately after the confirmation and director election, the presiding judge shall take returns of the results to the temporary board. The temporary board shall canvass the returns and declare the results at the earliest practicable time.

(e) If a majority of the votes cast in the election favor the creation of the district, then the temporary board shall declare that the district is created and enter the result in its minutes. If a majority of the votes cast in the election are against the creation of the district, the temporary board shall declare that the district was defeated and enter the result in its minutes. A copy of the order shall be filed with the commission.

(f) The order canvassing the results of the confirmation election shall contain a description of the district's boundaries and shall be filed with the executive director and in the deed records of the county or counties in which the district is located.
(g) The temporary board shall also declare the persons receiving the highest number of votes for directors to have been elected as permanent directors.

(h) Unless otherwise agreed, the directors shall decide the initial terms of office by lot, with a simple majority of directors serving until the second succeeding directors election and the remaining directors serving until the next directors election.

(i) A district, at an election required under Subsection (a), may submit to the qualified voters of the district the proposition of whether a plan as authorized by Section 49.351 should be implemented or entered into by the district.

(j) The provisions of this section shall not be applicable to any district exercising the powers of Chapter 375, Local Government Code, or any district created by a special Act of the legislature that does not require a confirmation election.