

CHAPTER 991

S.B. No. 1502

AN ACT

relating to the creation, administration, powers, duties, operations, financing, and dissolution of Lakeside Utility and Reclamation District; authorizing the levy of taxes, the issuance of bonds and other obligations, and the exercise of the power of eminent domain.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. CREATION. (a) Pursuant to Article XVI, Section 59, of the Texas Constitution, and subject to a confirmation election under Section 26 of this Act, a district located within the present corporate limits of the City of Lewisville, Texas, in Denton County, is created and shall be known as Lakeside Utility and Reclamation District.

(b) The district is a governmental agency and a body corporate and politic.

SECTION 2. DEFINITIONS. In this Act:

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

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

(3) "District" means Lakeside Utility and Reclamation District.

SECTION 3. LEGISLATIVE FINDINGS. It is hereby found by the legislature that the creation and establishment of the district is essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 4. BOUNDARIES. (a) The district is composed of all of the territory in the following described area:

Description of two tracts of land out of the J.R. Worrall Survey, Abstract No. 1432, the Hugh Harper Survey, Abstract No. 605, the Haynes & Bullion Survey, Abstract No. 626, the Juan Armendaris Survey, Abstract No. 23, the William Cantwell Survey, Abstract No. 290 and the J.W. Chowning Survey, Abstract No. 242; said tracts being a part of that certain tract of land conveyed to Arno Dalby by deed recorded in Volume 655, Page 558, Deed Records, Denton County, Texas and later conveyed to American Container Service, Inc. by deed recorded in Volume 1038, Page 55, Deed Records, Dallas County, Texas; said tracts containing all of that land conveyed to Watson & Taylor Realty Company Land Bankers Corporation, Joint Venture 1985-3, by deed recorded in Volume 1792, Page 731 Deed Records, Denton County, Texas; said tracts of land being situated in the City of Lewisville, Denton County, Texas; and said tracts being more particularly described as follows:

TRACT I

COMMENCING, at the northwest corner of said Arno Dalby tract, said northwest corner being in the north line of said J. R. Worrall Survey, abstract No. 1432 and the south line of the L.N. Sparks Survey, Abstract No. 1214, said point also being in the easterly right-of-way line of the Missouri, Kansas and Texas Railroad (100 foot right-of-way);

THENCE, S 89 degrees 18' 32" E, along said survey line, a distance of 90.49 feet to an 8-inch post found at the *POINT OF BEGINNING*; said point being in a fence and in the south line of a tract of land conveyed to Watson & Taylor Realty Company Land Bankers Joint Venture 1985-3 by deed dated May 31, 1985;

THENCE, S 89 degrees 18' 32" E, along the line of a fence, the north lines of said Worrall and Harper Surveys, the south line of said L.N. Sparks Survey as evidenced by said fence line, and the south line of said Watson & Taylor Land Bankers Joint Venture 1985-3 tract, a distance of 425.22 feet to a ½-inch iron rod found for an angle point;

THENCE, S 88 degrees 45' 58" E, along the line of said fence, said survey lines, and said south line of said Watson & Taylor Land Bankers Joint Venture 1985-3 tract, a distance of 1219.35 feet to a ½-inch iron rod found for an angle point, said point being the southeast corner of said Watson & Taylor Land Bankers Joint Venture tract and the southwest corner of a tract of land conveyed to Watson & Taylor Land Bankers Joint

Venture 1985-3 by deed dated June 28, 1985; said point also being the southeast corner of said L.N. Sparks Survey and the southwest corner of the P. Higgins Survey, Abstract No. 535;

THENCE, S 89 degrees 02' 30" E, along the line of said fence, said survey lines, and said south line of the last referenced said Watson & Taylor Land Bankers Joint Venture 1985-3 tract, a distance of 634.37 feet to a ½-inch iron rod with A. Halff cap found for corner;

THENCE, S 30 degrees 20' 38" E, a distance of 3301.41 feet to a ½-inch iron rod found for corner, said point being in the north line of a private road (70 feet wide) retained by American Container Service, Inc.;

THENCE, N 89 degrees 27' 50" W, with the north line of said private road, a distance of 460.13 feet to a ½-inch iron rod with A. Halff cap found and adjusted for corner, said point being southeast corner of a 15.00 acre tract of land retained by American Container Corporation;

THENCE, N 30 degrees 20' 38" W, with the east line of said 15.00 acre tract, a distance of 1384.22 feet to a ½-inch iron rod with A. Halff cap found and adjusted for corner, said point being the northeast corner of said 15.00 acre tract;

THENCE, N 89 degrees 27' 50" W, with the north line of said 15.00 acre tract, a distance of 550.00 feet to a ½-inch iron rod with A. Halff cap found and adjusted for corner; said point being the northwest corner of said 15.00 acre tract;

THENCE, S 30 degrees 20' 38" E, with the west line of said 15.00 acre tract, a distance of 1384.22 feet to a ½-inch iron rod with cap set for corner; said point being in the north line of said 70-foot private road;

THENCE, N 89 degrees 27' 50" W, with the north line of said private road, a distance of 772.23 feet to a ½-inch iron rod with cap set for corner, said point being in an east line of said 70-foot private road;

THENCE, N 35 degrees 06' 50" W, with the east line of said private road, parallel to and 70 feet northeast of said east right-of-way of the Missouri, Kansas and Texas Railroad, a distance of 1326.40 feet to a ½-inch iron rod with cap set for an angle, said point being the beginning of a curve to the left, whose center bears S 54 degrees 53' 10" W, a distance of 12,059.20 feet from said point;

THENCE, in a northwesterly direction, continuing with said east line of the 70-foot private road and parallel to and 70 feet northeast of said east line of the Missouri, Kansas and Texas Railroad, with said curve to the left, through a central angle of 03 degrees 31' 15", an arc distance of 741.05 feet to a ½-inch iron rod with cap set at the end of said curve;

THENCE, N 38 degrees 38' 05" W, continuing with the east line of said private road and parallel and 70-foot northeast of said east line of the Missouri, Kansas and Texas Railroad, a distance of 1532.04 feet to the *POINT OF BEGINNING*;

CONTAINING, 5,004,512 square feet, or 114.8878 acres of land, more or less.

TRACT II

BEGINNING, at a 2-inch iron pipe found in said northeast right-of-way line of the Missouri, Kansas and Texas Railroad, said point being the northwest corner of a tract of land conveyed to J. Grady Brown by deed recorded in Volume 787, Page 433, Deed Records, Denton County, Texas; said point also being the southwest corner of said Arno Dalby tract;

THENCE, N. 35 degrees 06' 50" W, with said northeast right-of-way line of Missouri, Kansas and Texas Railroad, a distance of 3089.38 feet to a ½-inch iron rod with a A. Halff cap found and adjusted for corner; said iron rod being the southwest corner of a tract of land conveyed to the City of Lewisville by deed recorded in Volume 705, Page 115, Deed Records, Denton County, Texas;

THENCE, departing from said northeasterly line of the Missouri, Kansas and Texas Railroad, with the boundaries of the said City of Lewisville tract, the following three courses and distances:

S 89 degrees 54' 02" E, passing at 298.97 feet a ½-inch iron rod with A. Half cap found and adjusted, in all a distance of 347.11 feet to a point for corner;

N 00 degrees 05' 58" E, a distance of 500.00 feet to a ½-inch iron rod with A. Half cap found and adjusted for corner;

N 89 degrees 54' 02" W, a distance of 700.00 feet to a ½-inch iron rod with A. Half cap found and adjusted for corner; said point being in said northeast right-of-way line of said Missouri, Kansas and Texas Railroad;

THENCE, N 35 degrees 06' 50" W, with said northeast line of the Missouri, Kansas and Texas Railroad, a distance of 711.73 feet to a ½-inch iron rod with A. Half cap found and adjusted for corner, said point being in the south line of a private road (70 feet wide) retained by American Container Service, Inc.;

THENCE, S 89 degrees 27' 50" E, with the south line of said private road, a distance of 1860.16 feet to a ½-inch iron rod with A. Half cap found and adjusted for corner;

THENCE, S 30 degrees 20' 38" E, at 478.50 feet passing a ½-inch iron rod with A. Half cap in all a distance of 778.48 feet to an angle point;

THENCE, S 48 degrees 57' 19" E, a distance of 2,324.33 feet to a ½-inch iron rod with a A. Half cap found; said point being the beginning of a curve to the left, whose center bears N 41 degrees 02' 41" E, a distance of 175.00 feet from said point;

THENCE, in a southeasterly direction with said curve to the left, through a central angle of 65 degrees 06' 38", an arc distance of 198.87 feet to a ½-inch iron rod with A. Half cap found and adjusted at the end of said curve;

THENCE, N 65 degrees 56' 03" E, at 300.03 feet passing a ½-inch iron rod with A. Half cap, in all a distance of 391.66 feet to a point in the center of the Elm Fork of the Trinity River; said point being in the west line of a tract of land conveyed to Donald and Phillip Huffines by deed recorded in Volume 505, Page 347, Deed Records, Denton County, Texas;

THENCE, in a southerly direction with the center of the Elm Fork of the Trinity River and the west line of said Huffines tract, the following three courses and distances;

S 17 degrees 14' 13" E, a distance of 175.83 feet;

S 36 degrees 09' 13" E, a distance of 277.40 feet;

S 42 degrees 42' 40" E, a distance of 134.90 feet; said point being the northeast corner of said J. Grady Brown tract;

THENCE, S 65 degrees 56' 33" W, departing the Elm Fork of the Trinity River, with the north line of said J. Grady Brown tract, at 72.54 feet passing a 2-inch iron pipe found, in all a distance of 2539.70 feet to the *POINT OF BEGINNING*;

CONTAINING, 6,866,905 square feet, or 157.6425 acres of land, more or less.

TRACT III

Description of a 579.6123 acre tract of land out of the A.G. King Survey, Abstract No. 698, the V.R. Sutton Survey, Abstract No. 1153, the John Bartram Survey, Abstract No. 53, the J.H. Havens Survey, Abstract No. 541, the L.N. Sparks Survey, Abstract No. 1214, the P. Higgins Survey, Abstract No. 526, and the P. Higgins Survey, Abstract No. 535; Denton County, Texas; said 579.6123 acre tract of land being situated in the City of Lewisville, and being more particularly described as follows:

BEGINNING, at ½-inch iron rod with cap set at a 12-inch fence post in the south right-of-way line of State Highway 121 (200 foot right-of-way), said point being the northwest corner of a tract of land conveyed to Connell Development Company, Trustee, by deed recorded in Volume 1216, Page 642, Deed Records, Denton County, Texas; said point being also the northeast corner of a tract of land conveyed to T. M. Walters by deed recorded in Volume 1181, Page 645, Deed Records, Denton County, Texas; said point

being in the east line of said J. Bartram Survey, Abstract No. 53, and in the west line of the R.H. Barksdale Survey, Abstract No. 46;

THENCE, S 00 degrees 21' 17" W, with the west line of said Connell Development Company, Trustee tract, with said common survey line, and with the line of a fence a distance of 1300.05 feet to a ½-inch iron rod found for corner; said point being the southeast corner of said Bartram Survey, Abstract No. 53 and the southwest corner of the R.H. Barksdale Survey, Abstract No. 46; said point being also in the north line of the P. Higgins Survey, Abstract No. 526;

THENCE, S 89 degrees 20' 58" E, a distance of 182.91 feet to a point in the centerline of the Elm Fork of the Trinity River; said point being the northwest corner of a tract of land conveyed to F.W. Duwe, by deed recorded in Volume 309, Page 244, Deed Records, Denton County, Texas;

THENCE, Southerly, with the meanders of the centerline of the Elm Fork of the Trinity River, said meanders being called the west line of said Duwe Tract, the following twelve courses and distances:

S 31 degrees 08' 28" W, a distance of 482.88 feet;

THENCE, S 18 degrees 45' 00" W, a distance of 240.70 feet;
THENCE, S 05 degrees 09' 00" W, a distance of 226.90 feet;
THENCE, S 15 degrees 41' 00" E, a distance of 671.80 feet;
THENCE, S 29 degrees 25' 15" E, a distance of 425.65 feet;
THENCE, S 28 degrees 35' 00" E, a distance of 615.90 feet;
THENCE, S 07 degrees 04' 00" E, a distance of 248.70 feet;
THENCE, S 15 degrees 44' 00" W, a distance of 202.70 feet;
THENCE, S 52 degrees 02' 00" W, a distance of 589.20 feet;
THENCE, S 61 degrees 14' 00" W, a distance of 197.90 feet;
THENCE, S 18 degrees 15' 00" W, a distance of 215.70 feet;
THENCE, S 13 degrees 25' 00" E, a distance of 193.40 feet to a point in the north line of a tract of land conveyed to T.C. and J.E. Tips, by deed recorded in Volume 595, Page 210, Deed Records, Denton County, Texas;

THENCE, Easterly and southerly, continuing with said meanders of the center line of the Elm Fork of the Trinity River, with a northern and eastern line of said Tips tract, said meanders being called the southerly and western lines of said Duwe tract, the following twelve course and distances:

S 11 degrees 54' 00" E, a distance of 89.80 feet;

THENCE, S 57 degrees 33' 00" E, a distance of 250.90 feet;
THENCE, S 82 degrees 28' 00" E, a distance of 336.90 feet;
THENCE, N 62 degrees 30' 00" E, a distance of 600.20 feet;
THENCE, S 87 degrees 03' 00" E, a distance of 180.50 feet;
THENCE, S 44 degrees 15' 00" E, a distance of 239.01 feet;
THENCE, S 23 degrees 46' 00" W, a distance of 410.30 feet;
THENCE, S 30 degrees 10' 00" W, a distance of 306.40 feet;
THENCE, S 45 degrees 20' 00" W, a distance of 161.20 feet;
THENCE, S 30 degrees 10' 00" W, a distance of 353.70 feet;
THENCE, S 12 degrees 03' 00" W, a distance of 311.90 feet;
THENCE, S 19 degrees 57' 18" E, a distance of 123.58 feet to a point at the southeast corner of said Tips tract, said point being also the southwest corner of said Duwe tract and the northeast corner of a tract of land conveyed to American Container Service, Inc., by deed recorded in Volume 1038, Page 55, Deed Records, Denton County, Texas; said point being also the northwest corner of a tract of land conveyed to S. P. Lesley, by deed

recorded in Volume 745, Page 7, Deed Records, Denton County, Texas: said point being in the south line of said P. Higgins Survey, Abstract No. 526 and in the north line of the H. Harper Survey, Abstract No. 605;

THENCE, N 88 degrees 31' 31" W, with the south line of said Tips tract and the north line of said American Container Service, Inc. tract, and with the south line of said Higgins Survey, Abstract No. 526, and the north line of said H. Harper Survey, Abstract No. 605, as defined by the line of a fence, a distance of 1042.00 feet to a ½-inch iron rod found for an angle point; said point being the southwest corner of said Tips tract;

THENCE, N 89 degrees 02' 30" W, continuing with the north line of said American Container Service, Inc. tract, and with the south line of said P. Higgins Survey, Abstract No. 526, and the south line of said P. Higgins Survey, Abstract No. 535, and the north line of said H. Harper Survey, Abstract No. 605, as defined by the line of a fence, a distance of 996.63 feet to a ½-inch iron rod found for an angle point; said point being the southwest corner of said P. Higgins Survey, Abstract No. 535, and the southeast corner of said L.N. Sparks Survey, Abstract No. 1214;

THENCE, N 88 degrees 45' 58" W, continuing with the north line of said American Container Service, Inc. tract, and with the south line of said L.N. Sparks Survey, Abstract No. 1214, and the north lines of said H. Harper Survey, Abstract No. 605, and the J.R. Worrall Survey, Abstract No. 1432, as defined by the line of a fence, a distance of 1219.35 feet to a ½-inch iron rod found for an angle point;

THENCE, N 89 degrees 18' 32" W, continuing with the north line of said American Container Service, Inc. tract, and with the south line of said L.N. Sparks Survey, Abstract No. 12145, and the north line of said J.R. Worrall Survey, Abstract No. 1432, as defined by the line of a fence, at a distance of 442.91 feet passing a found ½-inch iron rod, in all, a distance of 451.08 feet to a ½-inch iron rod with cap set for corner, said point being in the east right-of-way line of the Missouri, Kansas and Texas Railroad (200 foot right-of-way) at this point;

THENCE, N 38 degrees 38' 05" W, with said east right-of-way line of the MKT Railroad, a distance of 1576.30 feet to a ½-inch iron rod with cap set for corner at an offset in the railroad right-of-way line; said point being in the west line of said L.N. Sparks Survey, Abstract No. 1214, and the east line of said J.H. Havens Survey, Abstract No. 541;

THENCE, S 00 degrees 38' 43" W, along the offset in the MKT Railroad right-of-way, with said common survey line, a distance of 78.98 feet to a ½-inch iron rod with cap set for corner; said point being in the offset east right-of-way line of the MKT Railroad (100 foot right-of-way at this point);

THENCE, N 38 degrees 38' 05" W, with said east right-of-way line of the MKT Railroad, a distance of 586.70 feet to a ½-inch iron rod with cap set at the beginning of a curve to the right the center of which bears N 51 degrees 21' 55" E, a distance of 5,680.00 feet from said point;

THENCE, continuing northwesterly with said east right-of-way line of the MKT Railroad, and with said curve to the right through a central angle of 03 degrees 52' 19", an arc distance of 383.84 feet to a ½-inch iron rod with cap set for corner; said point being at the southwest corner of a tract of land conveyed to J.R. Martin, Jr. by deed recorded in Volume 1106, Page 238, Deed Records, Denton County, Texas;

THENCE, N 79 degrees 59' 27" E, with the south line of said J. R. Martin, Jr. tract and with the south line of a tract of land conveyed to J. R. Martin, Jr. by Deed Recorded in Volume 997, Page 865, Deed Records, Denton County, Texas, along the line of a fence, a distance of 327.46 feet to a ½-inch iron rod with cap set for corner;

THENCE, N 01 degrees 03' 53" W, with the east line of said J.R. Martin, Jr. tracts along the line of a fence, a distance of 547.83 feet to a ½-inch iron rod found for corner; said point being the northeast corner of the first mentioned J.R. Martin, Jr. tract, said point being in the south line of a tract of land conveyed to Industrial Catering Inc., Profit Sharing Trust, by deed recorded in Volume 909, Page 828, Deed Records, Denton County, Texas;

THENCE, N 89 degrees 12' 40" E, with a south line of said Industrial Catering, Inc. tract, along the line of a fence, a distance of 292.90 feet to a ½-inch iron rod found for corner; said point being the westernmost southeast corner of said Industrial Catering, Inc. tract;

THENCE, N 01 degree 52' 07" E, with an east line of said Industrial Catering, Inc. tract, along the line of a fence, a distance of 279.02 feet to a ½-inch iron rod with cap set for corner; said point being a reentrant corner of said Industrial Catering, Inc. tract;

THENCE, S 89 degrees 55' 28" E, with a south line of said Industrial Catering, Inc., tract, along the line of a fence, a distance of 1050.85 feet to a ½-inch iron rod found for corner; said point being the easternmost southeast corner of said Industrial Catering, Inc. tract;

THENCE, N 00 degrees 04' 23" W, with the east line of said Industrial Catering, Inc. tract, along the line of a fence, a distance of 1281.68 feet to a ½-inch iron rod with cap set for corner in the physical centerline of a 40 foot public road, as defined by fences, said point being the northeast corner of said Industrial Catering, Inc. tract;

THENCE, N 76 degrees 12' 05" W, with the physical centerline of said 40 foot public road, at a distance of 803.2 feet passing the northernmost northwest corner of said Industrial Catering, Inc. tract, in all, a distance of 1065.30 feet to a ½-inch iron rod with cap set for corner; said point being the northeast corner of a tract of land conveyed to Woodlake Homes, by deed recorded in Volume 1349, Page 939, Deed Records, Denton County, Texas; said point being also the southeast corner of a tract of land conveyed to Robert C. Dahl, by deed recorded in Volume 939, Page 279, Deed Records, Denton County, Texas, said point being in said common line between the J. H. Havens Survey, Abstract No. 541 and the L.N. Sparks Survey, Abstract No. 1214;

THENCE, N 00 degrees 14' 10" E, with the east line of said Robert C. Dahl tract, and with said common survey line, as defined by the line of a fence, a distance of 971.83 feet to a ½-inch iron rod found for corner; said point being the northeast corner of said Robert C. Dahl tract; said point being also the northeast corner of said J. H. Havens Survey, Abstract No. 541, and the northwest corner of said L. N. Sparks Survey, Abstract No. 1214; said point being also the southeast corner of said A.G. King Survey, Abstract 698, and the southwest corner of said V.R. Sutton Survey, Abstract No. 1153;

THENCE, N 88 degrees 40' 46" W, with the north line of said Robert E. Dahl tract, and the common survey line between said J.H. Haven Survey, Abstract No. 541 and said A.G. King Survey, Abstract No. 698, as defined by the line of a fence, a distance of 335.64 feet to a ½-inch iron rod found for an angle point; said point being the northwest corner of said Robert C. Dahl tract, said point being also the northeast corner of a tract of land conveyed to Jackson Concrete, Inc. by deed recorded in Volume 956, Page 592, Deed Records, Denton County, Texas;

THENCE, S 89 degrees 55' 23" W, with the north line of said Jackson Concrete, Inc. tract, and continuing with said common survey line, a distance of 257.83 feet to a crosscut in concrete set adjacent to the east wall of a one story metal building;

THENCE, N 01 degree 30' 14" E, with said east wall of said one story metal building, a distance of 11.43 feet to a ½-inch iron rod with cap set for corner; said point being the northeast corner of said one story metal building;

THENCE, N 88 degrees 29' 46" W, with the north wall of said one story metal building, a distance of 59.50 feet to a ½-inch iron rod set with cap set for corner at the northwest corner of said one story metal building;

THENCE, S 01 degree 55' 23" W, with the west wall of said one story metal building, a distance of 13.07 feet to a crosscut in concrete set for corner; said point being in the north line of said Jackson Concrete, Inc. tract, and being in said common survey line;

THENCE, S 89 degrees 55' 23" W, continuing with the north line of said Jackson Concrete, Inc. tract, and continuing with said common survey line, a distance of 106.12 feet to a crosscut in concrete set for corner;

THENCE, N 00 degrees 24' 12" W, with an east line of said Jackson Concrete, Inc. tract, along the line of a fence, a distance of 561.88 feet to a concrete monument found in said south right-of-way line of State Highway 121, (200 feet right-of-way) said point being in a

curve to the right the center of which bears S 12 degrees 04' 01" E, a distance of 5381.80 feet from said point;

THENCE, in an easterly direction with said south right-of-way line of State Highway 121, and with said curve to the right through a central angle of 03 degrees 42' 01", an arc distance of 347.57 feet to a ½ inch iron rod with cap set at the end of said curve;

THENCE, N 81 degrees 38' 00" E, with said south right-of-way line of State Highway 121, a distance of 1199.78 feet to a ½-inch iron rod with cap set for corner; said point being the northwest corner of a tract of land conveyed to Paul Cotton, et ux, by deed recorded in Volume 1361, Page 723, Deed Records, Denton County, Texas;

THENCE, S 02 degrees 13' 54" E, with the west line of said Paul Cotton tract, along the line of a fence, a distance of 419.60 feet to a ½-inch iron rod with cap set for corner; said point being a distance of 417.2 feet perpendicular to said south right-of-way line of State Highway 121;

THENCE, N 81 degrees 38' 00" E, parallel to and 417.2 feet south of said south right-of-way line of State Highway 121, along the line of a fence, a distance of 183.95 feet to P. K. Nail set for corner; said point being in the west line of a tract of land conveyed to Clarence Malone by deed recorded in Volume 582, Page 591, Deed Records, Denton County, Texas;

THENCE, S 02 degrees 42' 30" W, with said west line of said Clarence Malone tract, along the line of a fence, a distance of 51.22 feet to ⅝-inch iron rod found for corner; said point the being southwest corner of said Clarence Malone tract;

THENCE, N 77 degrees 05' 16" E, with the south line of said Clarence Malone tract, along the line of a fence, a distance of 84.62 feet to a ½-inch iron rod found for corner; said point being the southwest corner of said Clarence Malone tract;

THENCE, N 06 degrees 48' 39" E, with the east line of said Clarence Malone tract, along the line of a fence, a distance of 45.13 feet to a P.K. Nail set for corner; said point being a distance 417.2 feet perpendicular to said south right-of-way line of State Highway 121;

THENCE, N 81 degrees 38' 00" E, parallel to and 417.2 feet south of said south right-of-way line of State Highway 121, along the line of a fence, a distance of 1146.23 feet to a ½-inch iron rod found at angle point; said point being southwest corner of a tract of land conveyed to Herman Boeck, by deed recorded in Volume 945, Page 51, Deed Records, Denton County, Texas;

THENCE, S 87 degrees 14' 12" E, with the south line of said Herman Boeck tract, along the line of a fence, a distance of 435.29 feet to a ½-inch iron rod found for corner; said point being the southeast corner of said Herman Boeck tract;

THENCE, N 01 degree 05' 35" E, with the east line of said Herman Boeck tract, along the line of a fence, a distance of 508.14 feet to a ½ inch iron rod with cap set for corner in said south right-of-way line of State Highway 121; said point being the northeast corner of said Herman Boeck tract;

THENCE, N 81 degrees 38' 00" E, with said south right-of-way line of State Highway 121, along the line of a fence, a distance of 1406.03 feet to the *POINT OF BEGINNING*:
CONTAINING, 25,247,911 sq. ft. or 579.6123 acres of land.

(b) It is hereby found and determined by the legislature that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the deed records or in the legislative process or otherwise a mistake is made in the field notes, such mistake shall in no way affect the organization, existence, and validity of the district or the right and power of the district to issue bonds, notes, or other obligations for the purposes for which the district is created or to pay the principal of and interest thereon or the authority of the district to levy and collect taxes, or the validity of any contracts, agreements, or obligations of the district, or in any other manner affect the legality of the operations or proceedings of the district or its board.

SECTION 5. FINDING OF BENEFIT. It is hereby found and determined by the legislature that all of the land and other property included in the above-described boundaries of the district will be benefited by the improvements, works, and projects that

are to be accomplished by the district pursuant to the powers conferred on the district by this Act, and that the district is created to serve a public use and benefit.

SECTION 6. GENERAL POWERS AND DUTIES. Subject to the specific provisions of this Act, the district has the rights, powers, privileges, authority, and functions granted, conferred, contemplated, and described in Article XVI, Section 59, of the Texas Constitution, including the rights, powers, duties, privileges, authority, and functions conferred by the general laws of the State of Texas applicable to municipal utility districts operating under Chapter 54, Water Code, the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), and Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), together with the additional rights, powers, duties, privileges, authority, and functions enumerated, described, expressed, or implied by this Act. If any general law is in conflict or inconsistent with this Act, this Act shall prevail.

SECTION 7. SPECIFIC POWERS AND DUTIES. (a) The district has the additional rights, powers, privileges, authority, and functions provided by this section.

(b) The district may plan, lay out, purchase, construct, acquire, own, operate, maintain, repair, and improve, inside or outside its boundaries, any works, improvements, facilities, plants, equipment, and appliances, including any administrative properties and facilities, any permits, franchise, licenses, or contract or property rights, and any levees, drains, waterways, lakes, reservoirs, channels, conduits, sewers, dams, stormwater detention facilities, or other similar facilities and improvements, whether for municipal, industrial, agricultural, recreational, or flood control purposes, that are necessary, helpful, or incidental to the exercise of any right, power, privilege, authority, or function provided by this Act.

(c) The district may acquire any land, easements, rights-of-way, or other property or improvements within the district which is needed to carry out the powers, purposes, and functions of the district, as herein described and contemplated; provided, however, that the power of eminent domain shall be exercised in the manner and with the privileges, rights, and immunities available under the laws of the state, including specifically the Property Code; and provided further that the district shall not exercise such right of eminent domain for the purpose of acquiring any land, easements, rights-of-way, or other property or improvements outside the boundaries of the district, nor shall it exercise the right of eminent domain against the property owned by the city or any agency or instrumentality thereof.

(d) The district is hereby vested with and shall have and may exercise the following additional rights, powers, privileges, authorities, and functions: the district is authorized to provide for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes or works, facilities, or improvements in aid thereof, within the boundaries of the district, to the fullest extent authorized and contemplated by the provisions of Article III, Section 52, of the Texas Constitution, and subject to the provisions of this Act to issue, sell, and deliver the bonds, notes, or other obligations of the district for such purposes.

(e) Upon the completion of the construction of the facilities and improvements specified in Subsections (b), (c), and (d) of this section, or portions thereof, the district will convey to the city those facilities and improvements which the applicable ordinances of the city, including the city's subdivision ordinance, require to be conveyed to the city.

SECTION 8. BOARD OF DIRECTORS. (a) The district shall be governed by a board of five directors.

(b) On the effective date of this Act, the following persons shall be the initial directors of the district:

- (1) George S. Watson
- (2) A. Starke Taylor III
- (3) Lionel J. Nowotny
- (4) R. Michael Berry
- (5) John W. Trombello

(c) The initial directors shall qualify to serve as directors before assuming the office of director by taking the oath of office, executing a bond, and furnishing evidence that they are resident citizens of the state and at least 18 years of age.

(d) If a vacancy occurs in the office of director, the remaining directors shall appoint a person to fill the vacancy until the next directors' election. If that position is not regularly scheduled to be filled at that election, the person elected to fill the position shall serve only for the remainder of the unexpired term. However, if the number of qualified directors by reason of vacancies is less than three, the city council of the city, on petition of any landowner in the district, shall appoint the necessary number of directors to fill all vacancies on the board.

(e) The initial directors shall serve until the third Saturday in May, 1988. The two directors who receive the fewest number of votes at the directors' election held on the third Saturday in May, 1988, shall serve until the first regular directors' election thereafter and until the directors elected at that first regular directors' election are elected and have qualified for office. The three remaining directors shall serve until the second regular directors' election held after the third Saturday in May, 1988, and until the directors elected at the second regular directors' election are elected and have qualified for office.

(f) After the directors' election held on the third Saturday in May, 1988, a regular directors' election shall be held on the third Saturday in May in each even-numbered year to elect the appropriate number of directors.

(g) Except for the initial directors and the two directors who receive the fewest number of votes at the directors' election held on the third Saturday in May, 1988, directors shall serve for staggered four-year terms.

SECTION 9. BOARD PROCEDURES. (a) The board shall establish the bylaws of the district.

(b) A majority of the members of the board constitute a quorum for the transaction of business of the district, and approval of at least a majority of the members of the board is necessary for approval of any matter before the board.

(c) The board shall provide the method of execution for all contracts, the signing of checks, and the handling of any other matters approved by the board, as shown in the official minutes of the district. After each election and at any other time the board considers appropriate, the board shall reorganize and elect new officers.

(d) The board may designate one or more assistant secretaries and an assistant treasurer, who are not required to be members of the board. The secretary of the board or one of the assistant secretaries shall be responsible for keeping the minutes of the meetings of the board and all official records of the board and may certify as to the accuracy or authenticity of any actions, proceedings, minutes, or records of the board or of the district.

SECTION 10. COMPENSATION. Each member of the board is entitled to receive compensation in an amount up to \$50 for each meeting of the board as determined by the board, not to exceed \$250 per month, and directors may be reimbursed for actual expenses incurred on behalf of the district or in the discharge of their duties.

SECTION 11. MEETINGS OF BOARD. The board shall hold regular, special, or emergency meetings at those times and on those dates the board determines.

SECTION 12. DISTRICT OFFICE; MEETING PLACE. The board shall designate one or more offices of the district and one or more meeting places of the board, either inside or outside the district. Any meeting place of the district is hereby declared a public place for matters pertaining to the district's business.

SECTION 13. TAX COLLECTOR. (a) The board shall appoint a person as tax collector for the district and may appoint deputies considered necessary.

(b) Each person appointed shall qualify by executing a bond in the amount of \$10,000 payable to the district, approved by the board, and conditioned on the faithful performance of his duties.

(c) Compensation for the tax collector and his deputies shall be set by the board.

SECTION 14. DISTRICT FUNDS. (a) The treasurer of the district shall have funds of the district deposited, invested, and reinvested in the district's depository bank or other banks or savings associations selected by the authorized investment officers of the district.

(b) To the extent that deposited or invested funds of the district are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, the funds shall be secured in the manner provided by law for the security of funds of counties of the state.

(c) Funds of the district also may be invested and reinvested at the direction of the board or any other authorized representative or investment officer of the district in direct or indirect obligations of the United States, including obligations of agencies and corporations which are guaranteed by the United States, the state, or any county, city, school district, or other political subdivision of the state, or may be placed in certificates of deposit of state or national banks or savings and loan associations within the state, if those funds are secured in the manner provided for the security of funds of counties of the state or may be invested or reinvested in investment agreements with any financial institution the unsecured debt of which is rated in either of the two highest letter rating categories by a nationally recognized securities rating agency, in other obligations which are rated "A" or higher by a nationally recognized rating agency, or in any other investment which is an authorized investment for counties of the state.

SECTION 15. DISTRICT ELECTIONS. (a) Elections required to be held by the district shall be called and the results canvassed by the board.

(b) Unless otherwise provided by this Act, elections shall be held in accordance with the Election Code as the same may from time to time be amended.

(c) An election held by the district for any purpose may be held separately or may be held at the same time as elections for other purposes including any director or maintenance tax election that may be held on the same day as a bond election or any other election. An election held at the same time as elections for other purposes may be called by the board in a single election order and the results canvassed in a single order.

SECTION 16. ADDITION AND EXCLUSION OF LAND. The board may exclude land from the district and may add land to the district in the manner provided for municipal utility districts operating under Chapter 54, Water Code; provided, however, that no land may be added to the district without the consent of the owner of the land proposed to be added and the consent of the city.

SECTION 17. GENERAL FISCAL PROVISIONS. The board may expend funds, borrow money, issue bond anticipation notes and tax anticipation notes, levy and collect maintenance taxes, and carry out all acts and exercise all powers provided by Subchapter E, Chapter 54, Water Code, and Article III, Section 52, of the Texas Constitution, and issue short-term obligations in accordance with Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), except that notwithstanding the provisions of that Act, the district may pledge ad valorem taxes in support of such short-term obligations. No bonds for the purposes described in Subsection (d) of Section 7 of this Act shall be issued by the district except upon a vote of a two-thirds majority of the resident, qualified electors of the district voting thereon; and provided further that bonds, notes, or other obligations of the district issued or incurred for the purposes described in Subsection (d) of Section 7 of this Act may not exceed one-fourth of the assessed valuation of the real property of the district.

SECTION 18. BONDS. The board may issue and sell bonds in the name of the district as provided by Subchapter F, Chapter 54, Water Code, this Act, and the general laws of this state.

SECTION 19. USE OF MAINTENANCE TAX. The board may use and pledge the proceeds received from all or any designated portion of the district's maintenance taxes for any lawful purpose, other than the payment of the principal of or interest on bonds. Bonds shall be paid from taxes levied separately to the extent that those bonds are required to be paid from taxes. Maintenance taxes shall be levied only to maintain the facilities, if any, which are owned and operated by the district. In the event that the

district has conveyed all or a portion of its facilities to the city, the district shall not levy a maintenance tax to provide funds for the maintenance of the facilities or portions thereof conveyed to the city.

SECTION 20. AD VALOREM TAXES. The ad valorem plan of taxation shall be used by the district, and Subchapter G, Chapter 54, Water Code, and Title 1, Tax Code, shall apply to all matters relating to the levy, assessment, and collection of both current and delinquent taxes of the district. The district shall only levy ad valorem taxes on property located within the boundaries of the district.

SECTION 21. DISTRICT CONTRACTS. (a) Contracts for the purchase or construction of materials, machinery, and all things to constitute the works, improvements, facilities, equipment, and appliances of the district shall be advertised, let, and awarded as provided by Section 54.220, Water Code.

(b) After a contract has been awarded and the district determines that additional work is needed or that the character or type of the work or facilities should be changed, the board may authorize change orders to the contract on terms the board may approve, provided the change does not increase the total cost of the contract by more than 25 percent.

(c) If the estimated amount of a proposed construction contract is more than \$5,000, but less than \$25,000, or the duration of the contract is more than two years, informal competitive bids or proposals shall be asked from at least three bidders.

(d) Contracts shall be written and shall be awarded to the lowest and best bidder.

SECTION 22. CONTRACTS WITH UNITED STATES, STATE, AND CITY. (a) The district may enter into contracts with the United States and its agencies, the state and its agencies, the city and any other public agency or entity, individuals or corporations, or any other entity for the operation and maintenance or the construction of any facility or improvement authorized by this Act.

(b) Any contract obligating the district to make payments in whole or in part from ad valorem taxes is subject to approval at an election held under the same procedures required for the issuance of bonds payable from ad valorem taxes.

SECTION 23. WATER AND SEWER CONTRACTS. The district may enter into, execute, perform, and carry out contracts it may consider appropriate under Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes).

SECTION 24. DISSOLUTION OF DISTRICT. The city may abolish and dissolve the district and assume the assets, properties, bonds, and other obligations of the district in the manner provided by Chapter 128, Acts of the 50th Legislature, Regular Session, 1947 (Article 1182c-1, Vernon's Texas Civil Statutes), specifically Section 2a thereof.

SECTION 25. REGULATORY AUTHORITY. (a) The district may adopt rules and regulations for the district but may not adopt rules or regulations that conflict or are inconsistent with any ordinance of general application in the city.

(b) The district may not adopt or enforce any rule or regulation relating to the city's streets or roads or to any waterworks or sewer facilities constructed by the district and conveyed to the city.

(c) This Act does not exempt the district or any land situated within the district from the terms and provisions of any applicable ordinances, codes, resolutions, platting and zoning requirements, rules, or regulations of the city.

SECTION 26. CONFIRMATION AND DIRECTORS' ELECTION. An election shall be called and held to confirm establishment of the district and to elect five permanent directors as provided by Chapter 54, Water Code.

SECTION 27. NOTICE. The legislature specifically finds and declares that the requirements of Article XVI, Section 59(d) and Section 59(e), of the Texas Constitution, to the extent applicable, have been met and accomplished in due course, time, and order and that all notice required to be given relating to this Act has been given, that all approvals required to be obtained pursuant thereto have been obtained, and that the legislature has the authority and power to enact this Act.

SECTION 28. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 15, 1987, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 29, 1987, by the following vote: Yeas 29, Nays 0. Passed the House, with amendment, on May 30, 1987, by the following vote: Yeas 135, Nays 2, one present not voting.

Approved June 19, 1987.

Effective June 19, 1987.