(2) hold an indigency hearing;
(3) accept a plea;
(4) sign a judgment;
(5) set the amount of a bond; and
(6) perform other functions under Article 15.17, Code of Criminal Procedure.

SECTION 2. 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, 2009.

Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 1077
H.B. No. 4752

AN ACT
relating to the creation of the Prosper Management District No. 1; providing authority to impose a tax and issue bonds.

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 3886 to read as follows:

CHAPTER 3886. PROSPER MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3886.001. DEFINITIONS. In this chapter:
(1) “Board” means the district’s board of directors.
(2) “Director” means a board member.
(3) “District” means the Prosper Management District No. 1.
(4) “Improvement project” means any program or project authorized by Section 3886.103, inside or outside the district.
(5) “Town” means the Town of Prosper, Texas.

Sec. 3886.002. NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52–a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3886.003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose 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 district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52–a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

1) further the public purposes of developing and diversifying the economy of the state;
2) eliminate unemployment and underemployment; and
(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, employees, potential 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; and

(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.

(f) 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.

(g) 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.

(h) This chapter and the creation of the district may not be interpreted to relieve the town, Collin County, or Denton County from providing the level of services provided as of the effective date of the Act creating this chapter to the area in the district. The district is created to supplement and not to supplant the town and county services provided in the district.

Sec. 3886.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating 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. 3886.005. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the district is eligible to be included in:

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

(2) a tax abatement reinvestment zone created by the town under Chapter 312, Tax Code; or

(3) an enterprise zone created by the town under Chapter 2303, Government Code.

(b) If the town creates a tax increment reinvestment zone, tax abatement reinvestment zone, or enterprise zone under Subsection (a), the town and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for the purposes described by Section 380.002(b), Local Government Code, for money granted to a corporation under that section, including the right to pledge the money as security for any bonds issued by the district for an improvement project.

[Sections 3886.006-3886.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3886.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms, with the terms of two or three directors expiring on June 1 of each odd-numbered year.
(c) The governing body of the town, by a majority vote, shall appoint one member of the board.

(d) The board shall recommend to the governing body of the town persons to serve in the other four positions. The board shall recommend to the governing body of the town the appropriate number of successor directors before the terms of directors appointed under this subsection expire. After reviewing the recommendations, the governing body shall approve or disapprove the directors recommended by the board. If the governing body is not satisfied with the recommendations submitted by the board, the board, on the request of the governing body, shall submit additional recommendations.

(e) Board members may serve successive terms.

(f) If any provision of Subsection (c), (d), or (e) is found to be invalid, the Texas Commission on Environmental Quality shall appoint the board from recommendations submitted by the preceding board.

Sec. 3886.052. ELIGIBILITY. Except for a director appointed as provided by Section 3886.051(c) or 3886.056(a), to be eligible to serve as a director a person must own land in the district. Section 49.052, Water Code, applies to the district.

Sec. 3886.053. VACANCY. (a) The remaining directors shall fill a vacancy on the board by appointing a person who is eligible under Section 3886.052.

(b) If there are fewer than three directors, the governing body of the town shall appoint the necessary number of directors to fill all board vacancies.

Sec. 3886.054. DIRECTOR'S OATH AND AFFIRMATION. A director's oath and affirmation of office shall be filed with the district, and the district shall retain the oath and affirmation in the district records.

Sec. 3886.055. OFFICERS. The board shall elect from among the directors a chair, a vice chair, and a secretary.

Sec. 3886.056. INITIAL DIRECTORS. (a) The governing body of the town shall appoint one initial director not later than the 90th day after the effective date of the Act creating the district.

(b) On or after the effective date of the Act creating the district, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the governing body of the town requesting that the governing body appoint as additional initial directors the four persons named in the petition.

(c) If a petition described by Subsection (b) is not submitted to the governing body of the town not later than the 30th day after the effective date of the Act creating the district, the governing body shall appoint as initial directors four additional persons eligible under Section 3886.052.

(d) The four initial directors named in the petition described by Subsection (b) or appointed under Subsection (c) shall draw lots to determine which two directors shall serve two-year terms and which two directors shall serve four-year terms. The director appointed by the town under Subsection (a) shall serve a four-year term.

(e) This section expires September 1, 2013.

[Sections 3886.057-3886.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3886.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3886.102. MUNICIPAL MANAGEMENT DISTRICT POWERS AND DUTIES. (a) The district has the powers and duties provided by the general laws of this state, including Chapter 375, Local Government Code, as applicable to municipal management districts created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(b) The district shall make available a district water or wastewater facility to each person who holds a certificate of convenience and necessity under Chapter 13, Water Code, for land in the district.
(c) The district may not provide retail water or wastewater services.

Sec. 3886.103. IMPROVEMENT PROJECTS. (a) Subject to Sections 3886.102(b) and (c), the district may provide, or it may enter into contracts with a governmental or private entity to provide, the following types of improvement projects located in the district or activities in support of or incidental to those projects:

(1) a supply and distribution facility or system to provide potable and town-approved nonpotable water to the residents and businesses of the district, including a wastewater collection facility;

(2) a paved road, street, or turnpike, inside and outside the district, to the extent authorized by Section 52, Article III, Texas Constitution;

(3) the planning, design, construction, improvement, and maintenance of:
   (A) landscaping;
   (B) highway right-of-way or transit corridor beautification and improvement;
   (C) lighting, banners, and signs;
   (D) a street or sidewalk;
   (E) a hiking and cycling path or trail;
   (F) a pedestrian walkway, skywalk, crosswalk, or tunnel;
   (G) a park, lake, garden, recreational facility, sports facility, open space, scenic area, or related exhibit or preserve;
   (H) a fountain, plaza, or pedestrian mall; or
   (I) a drainage or storm-water detention improvement;

(4) protection and improvement of the quality of storm water that flows through the district;

(5) the planning, design, construction, improvement, maintenance, and operation of:
   (A) a water or sewer facility; or
   (B) an off-street parking facility or heliport;

(6) the planning and acquisition of:
   (A) public art and sculpture and related exhibits and facilities; or
   (B) an educational and cultural exhibit or facility;

(7) the planning, design, construction, acquisition, lease, rental, improvement, maintenance, installation, and management of and provision of furnishings for a facility for:
   (A) a conference, convention, or exhibition;
   (B) a manufacturer, consumer, or trade show;
   (C) a civic, community, or institutional event; or
   (D) an exhibit, display, attraction, special event, or seasonal or cultural celebration or holiday;

(8) the removal, razing, demolition, or clearing of land or improvements in connection with improvement projects;

(9) the acquisition and improvement of land or other property for the mitigation of the environmental effects of an improvement project;

(10) the acquisition of property or an interest in property in connection with an authorized improvement project;

(11) a special or supplemental service for the improvement and promotion of the district or an area adjacent to the district or for the protection of public health and safety in or adjacent to the district, including:
   (A) advertising;
   (B) promotion;
   (C) tourism;
   (D) health and sanitation;
(E) public safety;
(F) security;
(G) fire protection or emergency medical services;
(H) business recruitment;
(I) development;
(J) elimination of traffic congestion; and
(K) recreational, educational, or cultural improvements, enhancements, and services;
or
(12) any similar public improvement, facility, or service.

(b) Subject to Section 3886.104, the district may not undertake an improvement project under this section unless the board determines the project to be necessary to accomplish a public purpose of the district.

(c) An improvement project must comply with any applicable town requirements, including codes and ordinances and any planned development ordinance applicable to land in the district.

(d) The district may not provide, conduct, or authorize an improvement project on the town streets, highways, rights-of-way, or easements without the consent of the governing body of the town.

(e) Subject to an agreement between the district and the town, the town may:
(1) by ordinance, order, or resolution require that title to all or any portion of an improvement project vest in the town; or
(2) by ordinance, order, resolution, or other directive, authorize the district to own, encumber, maintain, and operate an improvement project, subject to the right of the town to order a conveyance of the improvement project to the town on a date determined by the town, provided, however, that if an improvement project is conveyed to the town, the improvement project will continue to be used to serve land in the district.

(f) The district shall immediately comply with any town ordinance, order, or resolution adopted under Subsection (e).

(g) For the purposes of this section, planning, design, construction, improvement, and maintenance of a lake includes work done for drainage, reclamation, or recreation.

Sec. 3886.104. PROJECT DEVELOPMENT AGREEMENT REQUIRED. Before the district may issue bonds, impose taxes, or borrow money, the district and the town must negotiate and execute a mutually approved and accepted interlocal project development agreement regarding the district's development plans and rules for:
(1) the development and operation of the district; and
(2) the financing of improvement projects.

Sec. 3886.105. GENERAL POWERS REGARDING CONTRACTS. (a) The district may:
(1) contract with any person to accomplish any district purpose, including a contract for:
(A) the payment, repayment, or reimbursement of costs incurred by that person on behalf of the district, including all or part of the costs of any improvement project and interest on the reimbursed cost; or
(B) the use, occupancy, lease, rental, operation, maintenance, or management of all or part of a proposed or existing improvement project; and
(2) apply for and contract with any person to receive, administer, and perform a duty or obligation of the district under a federal, state, local, or private gift, grant, loan, conveyance, transfer, bequest, or other financial assistance arrangement relating to the investigation, planning, analysis, study, design, acquisition, construction, improvement, completion, implementation, or operation by the district or others of a proposed or existing improvement project.
(b) A contract the district enters into to carry out a purpose of this chapter may be on any terms and for any period the board determines, including a negotiable or nonnegotiable note or warrant payable to the town, Collin County, Denton County, or any other person.

(c) Any person may contract with the district to carry out the purposes of this chapter without further statutory or other authorization.

(d) The governing body of the town must approve a contract payable from ad valorem taxes for a period longer than one year.

Sec. 3886.106. RULES; ENFORCEMENT. (a) The district may adopt rules:

(1) to administer or operate the district;

(2) for the use, enjoyment, availability, protection, security, and maintenance of the district’s property and facilities; or

(3) to provide for public safety and security in the district.

(b) The district may enforce its rules by injunctive relief.

(c) To the extent a district rule conflicts with a town rule, order, or regulation, the town rule, order, or regulation controls.

Sec. 3886.107. NAME CHANGE. The board by resolution may change the district’s name. The board shall give written notice of the change to the town.

Sec. 3886.108. ADDING OR REMOVING TERRITORY. The board may add or remove territory under Subchapter J, Chapter 49, Water Code, and Section 54.016, Water Code, except that:

(1) the addition or removal of the territory must be approved by:

(A) the governing body of the town; and

(B) the owners of the territory being added or removed;

(2) a reference to a tax in Subchapter J, Chapter 49, Water Code, or Section 54.016, Water Code, means an ad valorem tax; and

(3) territory may not be removed from the district if bonds or other obligations of the district payable wholly or partly from ad valorem taxes on the territory are outstanding.

Sec. 3886.109. ECONOMIC DEVELOPMENT. The district may create economic development programs and exercise the economic development powers that Chapter 1509, Government Code, provides for a municipality.

Sec. 3886.110. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

Sec. 3886.111. TERMS OF EMPLOYMENT; COMPENSATION. The board may employ and establish the terms of employment and compensation of an executive director or general manager and any other district employees the board considers necessary.

[Sections 3886.112-3886.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3886.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from any source other than ad valorem taxes.

(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. 3886.152. BORROWING MONEY. The district may borrow money for a district purpose by issuing or executing bonds, notes, credit agreements, or other obligations of any kind found by the board to be necessary or appropriate for a district purpose. A note, bond,
credit agreement, or other obligation must be secured by and payable from ad valorem taxes, assessments, or any other district revenue.

Sec. 3886.153. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 3886.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) Except as provided by Subsection (c), the district may impose the tax for operation and maintenance purposes, including for:

(1) planning, constructing, acquiring, maintaining, repairing, and operating all improvement projects, including land, plants, works, facilities, improvements, appliances, and equipment of the district; and

(2) paying costs of services, engineering and legal fees, and organization and administrative expenses.

(c) The district may not impose an operation and maintenance tax unless the maximum rate of the tax is approved by the governing body of the town and a majority of the voters of the district voting at an election held for that purpose. If the maximum tax rate is approved, the board may impose the tax at any rate that does not exceed the approved rate.

(d) An operation and maintenance tax election may be held at the same time and in conjunction with any other district election. The election may be called by a separate election order or as part of any other election order.

Sec. 3886.154. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may make payments under a contract from taxes other than operation and maintenance taxes 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 3886.155–3886.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 3886.201. 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, sales and use taxes, revenue from a zone created under Chapter 311 or 312, Tax Code, or Chapter 2303, Government Code, other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 3886.202. TAXES FOR BONDS. (a) At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of an ad valorem tax, without limit as to rate or amount, as required by Section 54.601, Water Code.

(b) The board shall annually impose the tax while all or part of the bonds are outstanding. Sections 54.601 and 54.602, Water Code, govern the amount and rate of the tax.

(c) The district annually shall impose the tax on all taxable property in the district in an amount sufficient to:

(1) pay the interest on the bonds or other obligations as the interest becomes due;

(2) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date; and

(3) pay the expenses of imposing the tax.

(d) The district may not issue bonds or other obligations that are secured by and payable from ad valorem taxes unless the bonds and the imposition of taxes are approved by:

(1) a majority of the district voters voting at an election for that purpose; and

(2) the governing body of the town.

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(e) The district shall hold an election required by this section in the manner provided by Chapter 34, Water Code.

Sec. 3886.203. BOND ISSUANCE PLAN REQUIRED BEFORE ISSUING BONDS. The district may not issue bonds until the governing body of the town approves a bond issuance plan authorizing and prescribing the limitations on the issuance of the bonds.

Sec. 3886.204. BOND MATURITY. Bonds must mature not more than 40 years from their date of issuance.

Sec. 3886.205. 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 may not exceed one-fourth of the assessed value of the real property in the district.

[Sections 3886.206-3886.250 reserved for expansion]

SUBCHAPTER F. DISSOLUTION

Sec. 3886.251. DISSOLUTION BY TOWN ORDINANCE. (a) The town by ordinance may dissolve the district.

(b) The town may not dissolve the district until the district’s outstanding indebtedness or contractual obligations that are payable from ad valorem taxes have been repaid or discharged.

(c) The town may not dissolve the district until the agreement under Section 3886.104 has been executed and the district’s performance under the agreement has been fulfilled, including any right or obligation the district has to reimburse a developer or owner for the costs of improvement projects.

(d) The town may not dissolve the district before December 31, 2016.

Sec. 3886.252. COLLECTION OF ASSESSMENTS AND OTHER REVENUE. (a) If the dissolved district has bonds or other obligations outstanding secured by and payable from assessments or other revenue, other than ad valorem taxes, the town shall succeed to the rights and obligations of the district regarding enforcement and collection of the assessments or other revenue.

(b) The town shall have and exercise all district powers to enforce and collect the assessments or other revenue to pay:

(1) the bonds or other obligations when due and payable according to their terms; or

(2) special revenue or assessment bonds or other obligations issued by the town to refund the outstanding bonds or obligations.

Sec. 3886.253. ASSUMPTION OF ASSETS AND LIABILITIES. (a) After the town dissolves the district, the town assumes the obligations of the district, including any bonds or other indebtedness payable from assessments or other district revenue.

(b) If the town dissolves the district, the board shall transfer ownership of all district property to the town.

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

BEING a tract of land out of the C. SMITH SURVEY, Abstract No. 1681, the J. BATES SURVEY, Abstract No. 1620, the L. SALING SURVEY, Abstract No. 1675, the H.P. SALING SURVEY, Abstract No. 1628, the M.E.P. & P.R.R. SURVEY, Abstract No. 1476, the P. BARNES SURVEY, Abstract No. 79, the B. HADGES SURVEY, Abstract No. 593, the A.B. JAMISON SURVEY, Abstract No. 672, and the J. MORTON SURVEY, Abstract No. 793, in Denton County, Texas, and being part of the tract of land described in deed to Mahard 2003 Partnership, L.P. recorded in Denton County Clerk's File No. 2004-0014698 of the Real Property Records of Denton County, Texas, being all of the tracts of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas, being all of the tracts of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1332, Page 176 of the Real Property Records of Denton County, Texas, being all of the tracts of land described in deed to Forest City Prosper, L.P.
recorded in Denton County Clerk's File No. 2007-144196 and 2008-9958 of the Real Property Records of Denton County, Texas, being all of the tracts of land described in deed to Richard J. Bontke and Nathan P. Bontke recorded in Denton County Clerk's File No. 2007-144901 and 2009-10359 of the Real Property Records of Denton County, Texas, and being more particularly described as follows:

BEGINNING at a TXDOT monument found in the north right-of-way line of U.S. Highway No. 380, said monument being the northeast corner of a tract of land described in deed to the State of Texas recorded in Volume 4769, Page 1768 of the Real Property Records of Denton County, Texas;

THENCE with said north right-of-way line, the following courses and distances to wit:
South 88°35'51" West, a distance of 3483.13 feet to a TXDOT monument found;
North 46°16'16" West, a distance of 113.97 feet to a point in the west line of Good Hope Road (no dedication recordation found);
South 88°35'51" West, a distance of 2062.12 feet to a 5/8" iron rod set for corner;
South 88°50'58" West, a distance of 100.00 feet to a 5/8" iron rod set for corner;
North 45°50'38" West, a distance of 111.42 feet to a pk nail set in the centerline of Gee Road (no dedication recordation found);
THENCE with said centerline, North 00°01'02" West, a distance of 1114.87 feet to a pk nail set;
THENCE with the easterly most north line of a 106.26 acre tract of land described in deed to Judy Gee recorded in Volume 3130, Page 794 of the Real Property Records of Denton County, Texas, part of the way, South 89°33'35" West, a distance of 1098.63 feet to a fence corner found;
THENCE along a fence, North 12°40'03" East, a distance of 2150.51 feet to a fence corner found for the northwest corner of a 5.34 acre tract of land described in deed to Mahard Egg Farm, Inc. recorded in Volume 1936, Page 145 of the Real Property Records of Denton County, Texas;
THENCE the following courses and distances to wit:
North 88°30'03" West, a distance of 451.90 feet to a 5/8" iron rod set for corner;
North 59°57'10" West, a distance of 66.21 feet to a 5/8" iron rod set for corner;
North 27°15'28" West, a distance of 207.89 feet to a 5/8" iron rod set for corner;
South 79°58'04" West, a distance of 116.69 feet to a 5/8" iron rod set for corner;
South 17°11'21" West, a distance of 12.96 feet to a 5/8" iron rod set for corner;
North 65°16'52" West, a distance of 66.04 feet to a 5/8" iron rod set for the northerly most corner of said 106.26 acre tract;
THENCE with the west lines of said 106.26 acre tract, the following courses and distances to wit:
South 31°55'38" West, a distance of 494.24 feet to a 5/8" iron rod set for corner;
South 57°52'02" East, a distance of 601.93 feet to a Corp of Engineers monument found;
South 31°24'02" West, a distance of 1854.30 feet to a Corp of Engineers monument found;
South 31°27'22" West, a distance of 302.61 feet to a 5/8" iron rod set for the northeast corner of a 0.78 acre tract of land described in deed to the City of Irving recorded in Volume 4871, Page 5128 of the Real Property Records of Denton County, Texas;
THENCE the lines of said 0.78 acre tract, the following courses and distances to wit:
North 73°29'41" West, a distance of 241.29 feet to a 1/2" iron rod found for corner;
South 21°58'41" West, a distance of 181.00 feet to a 5/8" iron rod set for corner;
South 73°29'27" East, a distance of 67.00 feet to a 5/8" iron rod set for corner;
North 22°20'38" East, a distance of 41.52 feet to a 5/8" iron rod set for corner;

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South 75°57'16" East, a distance of 152.12 feet to a 1/2" iron rod found in the west line of said 106.26 acre tract;

THENCE with said west line and along a fence part of the way, South 31°27'22" West, a distance of 877.59 feet to a 5/8" iron rod set for corner in the north right-of-way line of said U.S. Highway No. 380

THENCE with said north right-of-way line, North 88°48'55" West, a distance of 587.44 feet to a 5/8" iron rod set for the southeast corner of a 61.2 acre tract of land described in deed to M. Taylor Hansel recorded in Denton County Clerk's File No. 94-R0091793 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said Hansel tract, the following courses and distances to wit:

North 08°56'01" East, a distance of 240.78 feet to a 5/8" iron rod set for corner;
North 55°59'01" East, a distance of 132.20 feet to a 5/8" iron rod set for corner;
South 20°18'01" West, a distance of 155.70 feet to a 5/8" iron rod set for corner;
South 80°49'59" East, a distance of 88.40 feet to a 5/8" iron rod set for corner;
North 45°13'01" East, a distance of 261.10 feet to a 5/8" iron rod set for corner;
South 62°15'59" East, a distance of 216.20 feet to a 5/8" iron rod set for corner;
North 15°04'01" East, a distance of 184.70 feet to a 5/8" iron rod set for corner;
North 56°01'01" East, a distance of 183.40 feet to a 5/8" iron rod set for corner;
North 18°07'01" East, a distance of 197.90 feet to a 5/8" iron rod set for corner;
North 73°19'59" West, a distance of 688.80 feet to a Corp of Engineers monument found for the southeast corner of a 107.57 acre tract of land described in deed to Fish Trap Properties, Ltd., recorded in Volume 4626, Page 2922 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said 107.57 acre tract, the following courses and distances to wit:

North 29°02'03" East, a distance of 67.81 feet to a 5/8" iron rod set for corner;
North 22°04'26" East, a distance of 710.31 feet to a Corp of Engineers monument found;
North 33°00'31" East, a distance of 221.33 feet to a Corp of Engineers monument found;
North 58°30'15" West, a distance of 249.63 feet to a Corp of Engineers monument found for the southeast corner of a 43.07 acre tract of land described in deed to Billy Jeter recorded in Volume 2125, Page 729 of the Real Property Records of Denton County, Texas;

THENCE with the east lines of said 43.07 acre tract, the following courses and distances to wit:

North 07°55'24" East, a distance of 669.72 feet to a 5/8" iron rod set for corner;
South 75°24'16" East, a distance of 402.59 feet to a Corp of Engineers monument found;
North 19°28'37" West, a distance of 739.75 feet to a Corp of Engineers monument found;
North 35°34'01" East, a distance of 531.05 feet to a Corp of Engineers monument found;
North 02°04'22" West, a distance of 172.83 feet to a fence post found in the south line of a 57.55 acre tract of land described in deed to G&S Landscaping recorded in Volume 5114, Page 1398 of the Real Property Records of Denton County, Texas;

THENCE with said south line, South 77°28'43" East, a distance of 553.04 feet to a Corp of Engineers monument found;

THENCE with the east line of said 57.55 acre tract and the east line of two tracts of land described in deed to Mary Weber recorded in Denton County Clerk's File No. 94-R0031655 of the Real Property Records of Denton County, Texas, the following courses and distances to wit:

North 01°07'34" East, a distance of 278.92 feet to a 5/8" iron rod found;
North 01°04'49" East, a distance of 30.01 feet to the Centerline of Fishtrap Road (no dedication recordation found) for corner;
THENCE along said centerline, the following courses and distances to wit:
South 88°36'42" East, a distance of 398.70 feet to a point for corner;
South 86°31'27" East, a distance of 681.51 feet to a point for corner;
South 84°57'13" East, a distance of 292.72 feet to a point for corner;
South 86°02'50" East, a distance of 1675.46 feet to a point for corner;
South 87°19'45" East, a distance of 207.56 feet to a point for corner;
North 89°20'49" East, a distance of 1052.20 feet to a point for corner in the centerline of Fishtrap Road and the northwest corner of a tract of land described in deed to Judy Reeves;
THENCE with the west line of said Reeves tract, South 00°08'13" East, a distance of 231.70 feet to a 5/8" iron rod set for corner;
THENCE with the south line of said Reeves tract, North 89°14'55" East, a distance of 940.90 feet to a 5/8" iron rod set for corner;
THENCE with the east line of said Reeves tract, North 00°40'52" West, a distance of 234.76 point in the centerline of said Fish Trap Road;
THENCE along the centerline of said Fish Trap Road, North 89°04'04" East, a distance of 2699.77 feet to a point for corner in the centerline of Fields Road;
THENCE along said centerline, the following courses and distances to wit:
South 00°06'17" East, a distance of 1284.05 feet to a 5/8" iron rod set for corner;
South 00°06'37" West, a distance of 1042.41 feet to a 5/8" iron rod set for corner;
THENCE leaving the centerline of said Fields Road, South 89°11'26" West, a distance of 21.20 feet to a 5/8" iron rod set in the west line of said Field Road;
THENCE with said west line, the following courses and distances to wit:
South 00°00'27" West, a distance of 1396.62 feet to a fence corner;
South 41°23'46" West, a distance of 87.55 feet to the POINT OF BEGINNING and containing 674.916 acres of land.

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, 2009.
Passed by the House on May 15, 2009: Yeas 144, Nays 0, 1 present, not voting; passed by the Senate on May 27, 2009: Yeas 31, Nays 0.
Approved June 19, 2009.
Effective September 1, 2009.

CHAPTER 1078
H.B. No. 4755
AN ACT
relating to the creation of the Guadalupe County Development and Management District; providing authority to impose an assessment, impose a tax, and issue bonds.
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