

COATS | ROSE

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December 22, 2008

VIA FEDERAL EXPRESS

Honorable Keith Self
County Judge
Honorable County Commissioners
Commissioners Court of Collin County, Texas
210 S. McDonald St. Suite 626
McKinney, Texas 75069


Re: Legislation Creating Sienna Ranch Municipal Utility District No. 1 of Collin County, Texas

Dear Judge Self and members of Commissioners Court:

Enclosed please find a copy of the legislation, together with notice of intent to introduce the referenced legislation, proposing to create Sienna Ranch Municipal Utility District No. 1 of Collin County, Texas (the "District"). The proposed District is not located within the corporate boundaries or extraterritorial jurisdiction of any city, however, the landowners are negotiating to annex all of the land within the proposed District into the City of Nevada pursuant to the terms of a Development Agreement. In addition, the landowners and Mayor Schell of the City of Nevada have met with Representative Laubenberg and Commissioner Hoagland to discuss the project.

By this correspondence, we formally give you notice of our intent to offer the referenced legislation in the form of a bill to be filed in the presently pending 81st Legislature of the State of Texas. Please feel free to contact the undersigned should you have any questions or comments.

Very truly yours,



Julianne B. Kugle

Enclosures

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NOTICE OF INTENT TO INTRODUCE A BILL

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 81st Legislature of the State of Texas at its regular session in Austin, Texas for the introduction of a bill, the substance of the contemplated law being as follows:

An act relating to the creation, administration, powers, duties, operation, and financing of the Sienna Ranch Municipal Utility District No. 1 of Collin County.

The Act proposes to create a conservation and reclamation district to be known as the Sienna Ranch Municipal Utility District No. 1 of Collin County, being approximately 753.78 acres in Collin County, Texas located adjacent to and south of Farm-to-Market Road No. 1778 west of State Highway 70 and north and south of Collin County Road 543, subject to approval at a confirmation election.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.

By: _____

____.B. No. _____

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Sienna Ranch Municipal Utility District No. 1 of Collin County; providing authority to impose a tax and issue bonds; incorporating by reference the limited power of eminent domain granted by general law.

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_____ . SIENNA RANCH MUNICIPAL UTILITY DISTRICT

NO. 1 OF COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8 .001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Sienna Ranch Municipal Utility District No. 1 of Collin 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

1 confirm the creation of the district and to elect five permanent
2 directors as provided by Section 49.102, Water Code.

3 Sec. 8 .004. CONSENT OF MUNICIPALITY REQUIRED. The
4 temporary directors may not hold an election under Section 8 .003
5 until each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has consented
7 by ordinance or resolution to the creation of the district and to
8 the inclusion of land in the district.

9 Sec. 8 .005. FINDINGS OF PUBLIC PURPOSE AND
10 BENEFIT. (a) The district is created to serve a public purpose
11 and benefit.

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

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

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

20 Sec. 8 .006. INITIAL DISTRICT TERRITORY. (a) The
21 district is initially composed of the territory described by
22 Section 2 of the Act creating this chapter.

23 (b) The boundaries and field notes contained in
24 Section 2 of the Act creating this chapter form a closure. A
25 mistake made in the field notes or in copying the field notes in

1 the legislative process does not affect the district's:

2 (1) organization, existence, or validity;

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

6 (3) right to impose a tax; or

7 (4) legality or operation.

8 [Sections 8 .007-8 .050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8 .051. GOVERNING BODY; TERMS. (a) The
11 district is governed by a board of five elected directors.

12 (b) Except as provided by Section 8 .052, directors
13 serve staggered four-year terms.

14 Sec. 8 .052. TEMPORARY DIRECTORS. (a) On or
15 after the effective date of the Act creating this chapter, the
16 owner or owners of a majority of the assessed value of the real
17 property in the district may submit a petition to the Texas
18 Commission on Environmental Quality requesting that the commission
19 appoint as temporary directors the five persons named in the
20 petition. The commission shall appoint as temporary directors the
21 five persons named in the petition.

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

23 (1) the date permanent directors are elected
24 under Section 8 .003; or

25 (2) the fourth anniversary of the effective date

1 of the Act creating this chapter.

2 (c) If permanent directors have not been elected under
3 Section 8 .003 and the terms of the temporary directors have
4 expired, successor temporary directors shall be appointed or
5 reappointed as provided by Subsection (d) to serve terms that
6 expire on the earlier of:

7 (1) the date permanent directors are elected
8 under Section 8 .003; or

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

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

18 [Sections 8 .053-8 .100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8 .101. GENERAL POWERS AND DUTIES. The
21 district has the powers and duties necessary to accomplish the
22 purposes for which the district is created.

23 Sec. 8 .102. MUNICIPAL UTILITY DISTRICT POWERS AND
24 DUTIES. The district has the powers and duties provided by the
25 general law of this state, including Chapters 49 and 54, Water

1 Code, applicable to municipal utility districts created under
2 Section 59, Article XVI, Texas Constitution.

3 Sec. 8 .103. AUTHORITY FOR ROAD PROJECTS. Under
4 Section 52, Article III, Texas Constitution, the district may
5 construct, acquire, improve, maintain, or operate macadamized,
6 graveled, or paved roads, or improvements, including storm
7 drainage, in aid of those roads.

8 Sec. 8 .104. ROAD STANDARDS AND REQUIREMENTS. (a)
9 A road project must meet all applicable construction standards,
10 zoning and subdivision requirements, and regulations of each
11 municipality in whose corporate limits or extraterritorial
12 jurisdiction the road project is located.

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

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

21 Sec. 8 .105. COMPLIANCE WITH MUNICIPAL CONSENT
22 ORDINANCE OR RESOLUTION. The district shall comply with all
23 applicable requirements of any ordinance or resolution that is
24 adopted under Section 54.016 or 54.0165, Water Code, and that
25 consents to the creation of the district or to the inclusion of

1 land in the district.

2 Sec. 8. .106. EFFECT OF ANNEXATION BY CITY OF NEVADA. (a)

3 If the City of Nevada annexes all or a part of the district
4 into its corporate limits, Sections 43.075(c), (d) and (e), Local
5 Government Code, shall not apply, and the district shall not be
6 dissolved.

7 (b) Section 54.016(f), Water Code, shall not apply to the
8 district.

9 [Sections 8 .107-8 .150 reserved for expansion]

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 8 .151. ELECTIONS REGARDING TAXES OR BONDS.

12 (a) The district may issue, without an election, bonds and other
13 obligations secured by:

14 (1) revenue other than ad valorem taxes; or

15 (2) contract payments described by Section

16 8 .153.

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

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

25 Sec. 8 .152. OPERATION AND MAINTENANCE TAX. (a) If

1 authorized at an election held under Section 8 .151, the district
2 may impose an operation and maintenance tax on taxable property in
3 the district in accordance with Section 49.107, Water Code.

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

6 Sec. 8 .153. CONTRACT TAXES. (a) In accordance
7 with Section 49.108, Water Code, the district may impose a tax
8 other than an operation and maintenance tax and use the revenue
9 derived from the tax to make payments under a contract after the
10 provisions of the contract have been approved by a majority of the
11 district voters voting at an election held for that purpose.

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

15 [Sections 8 .154-8 .200 reserved for expansion]

16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

17 Sec. 8 .201. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. The district may issue bonds or other obligations
19 payable wholly or partly from ad valorem taxes, impact fees,
20 revenue, contract payments, grants, or other district money, or any
21 combination of those sources, to pay for any authorized district
22 purpose.

23 Sec. 8 .202. TAXES FOR BONDS. At the time the
24 district issues bonds payable wholly or partly from ad valorem
25 taxes, the board shall provide for the annual imposition of a

1 continuing direct ad valorem tax, without limit as to rate or
2 amount, while all or part of the bonds are outstanding as required
3 and in the manner provided by Sections 54.601 and 54.602, Water
4 Code.

5 Sec. 8 .203. BONDS FOR ROAD PROJECTS. At the time
6 of issuance, the total principal amount of bonds or other
7 obligations issued or incurred to finance road projects and payable
8 from ad valorem taxes may not exceed one-fourth of the assessed
9 value of the real property in the district.

10 SECTION 2. The Sienna Ranch Municipal Utility District No. 1
11 of Collin County initially includes all the territory contained in
12 the following area:

13 PARCEL 1

14 BEING a tract of land situated in the Denton Helmstettler
15 Survey, Abstract No. 378, the Roger Willis Survey, Abstract No.
16 748, and the Willis Roberts Survey, Abstract No. 790, Collin
17 County, Texas, the subject tract being a portion of that 1473.835
18 acre tract of land conveyed to Commercial Capital Investments, Inc.
19 by Resolution Trust Corporation according to the Special Warranty
20 Deed recorded in Collin County Clerk File number 94-0058780 of the
21 Land Records Of Collin County Texas (LRCCT), the subject tract
22 further being portions of three subdivision Final Plats filed in
23 said Land Records of Collin County Texas, those being Lake Hills,
24 Phase 1 recorded in Cabinet J, Page 134, Park Meadows Phase 1
25 recorded in Cabinet J, Page 137, and Sommerset Estates, Revised

1 Phase 1 recorded in Cabinet J, Page 313, said three subdivisions
2 being included within the above mentioned Commercial Capital
3 Investments, Inc. 1473.835 acre tract, the subject total tract
4 being more particularly described as follows;

5 BEGINNING at a point on the south line of Farm-To-Market Road
6 Number 1778, said south line being the same south line of that 15
7 feet wide strip of land dedicated by the above mentioned Park
8 Meadows Phase 1 Final Plat (Cab. J, Pg. 137), said Beginning point
9 further being the Northeast corner of Lot 4 of said Park Meadows
10 Phase 1 Final Plat and northwest corner of a tract of land conveyed
11 to Walt C. HSU according to the Warranty Deed recorded in Volume
12 3201, Page 795 (LRCCT), a 1/2" iron pin with a red cap stamped
13 Tipton Engineering, Inc. set at corner;

14 THENCE, along the easterly line of the previously mentioned
15 Park Meadows Phase 1 addition line and along the westerly lines of
16 the following tracts; three tracts of land of land conveyed to Walt
17 C. HSU according to two Warranty Deeds recorded in Volume 3201,
18 Page 795 and Volume 3201, Page 797 (LRCCT), and a tract of land
19 conveyed to Phillip Chen recorded in Volume 3584, Page 166 (LRCCT)
20 the following:

21 S 00° 48' 47" E, a distance of 571.95 feet to a 60d nail found
22 at corner;

23 S 00° 38' 46" E, a distance of 354.47 feet to a 60d nail found
24 at corner;

25 S 00° 50' 29" E, a distance of 489.70 feet to an iron pin

1 found at corner;

2 S 00° 46' 54" E, a distance of 299.68 feet to a 60d nail found
3 at corner;

4 S 01° 19' 27" E, a distance of 524.53 feet to an iron pin
5 found at an ell corner of said Commercial Capital Investments, Inc.
6 tract, said corner further being the southwest corner of said
7 Phillip Chen tract;

8 THENCE, along a north line of said Park Meadows Phase 1 and
9 the south lines of said Phillip Chen tract, a tract conveyed to
10 Charles Sitzes according to the deed recorded in Volume, 5746, Page
11 4572, (LRCCT), a tract conveyed to John A. Whitson according to the
12 deed recorded in County Clerk File number 93-0046157 (LRCCT), and a
13 tract conveyed to Jesus Canales according to the deed recorded in
14 Volume 4987, Page 1808 (LRCCT) the following;

15 South 89° 02' 27" E, a distance of 658.56 feet to an iron
16 pin found at corner;

17 South 89° 07' 19" E, a distance of 2108.54 feet to another ell
18 corner of said Commercial Capital Investments, Inc. tract and
19 westerly line of Price Creek Estates, an addition to Collin County
20 according to the Final Plat recorded in Cabinet I, Page 517
21 (LRCCT), a 1/2" iron pin next to a fence corner post found at
22 corner;

23 THENCE, S 00° 04' 47" E, along the easterly line of said Park
24 Meadows Phase 1 and a westerly line of said Price Creek Estates, a
25 distance of 156.97 feet to an ell corner for both said Final Plats,

1 Price Creek Estates and Park Meadows Phase 1, said point also being
2 on the northerly line of Dearborn Acres Phase 1, an addition to
3 Collin County according to the Final Plat recorded in Cabinet J,
4 Page 145 (LRCCT);

5 THENCE, with the center of Price Creek and along the common
6 line between said additions, Dearborn Acres Phase 1 and Park
7 Meadows Phase 1 the following;

8 S 83° 21' 39" W, a distance of 30.84 feet; S 71° 03' 54"
9 W, a distance of 28.06 feet;

10 S 44° 28' 19" W, a distance of 52.54 feet; S 22° 28' 07"
11 W, a distance of 69.53 feet;

12 S 60° 04' 07" W, a distance of 43.37 feet; N 86° 00' 18"
13 W, a distance of 25.10 feet;

14 S 66° 13' 16" W, a distance of 140.26 feet; S 43° 31' 15"
15 W, a distance of 49.79 feet;

16 S 65° 26' 13" W, a distance of 131.00 feet; S 36° 26' 54"
17 W, a distance of 60.05 feet;

18 S 72° 04' 37" W, a distance of 111.47 feet; S 85° 25' 43"
19 W, a distance of 212.81 feet;

20 S 85° 44' 44" W, a distance of 211.15 feet; S 69° 09' 30
21 " W, a distance of 143.03 feet;

22 S 68° 17' 17" W, a distance of 67.74 feet; N 83° 10' 43"
23 W, a distance of 61.36 feet;

24 S 58° 50' 34" W, a distance of 164.79 feet; S 52° 22' 44"
25 W, a distance of 44.73 feet;

1 S 62° 21' 17" W, a distance of 49.51 feet; S 86° 31' 51" W,
2 a distance of 41.24 feet;
3 S 63° 55' 53" W, a distance of 128.94 feet; S 60° 49' 53" W
4 a distance of 131.62 feet;
5 S 56° 28' 41" W, a distance of 127.19 feet; S 63° 10' 56"
6 W, a distance of 52.78 feet;
7 S 80° 45' 54" W, a distance of 50.46 feet; S 72° 01' 10" W, a
8 distance of 126.88 feet to a point on the northerly line of the
9 previously mentioned Lake Hills Phase 1 addition;
10 THENCE, along a creek and along the northerly and easterly
11 line of said Lake Hills Phase 1 and the southwesterly and westerly
12 line of said Dearborn Acres Phase 1 the following;
13 S 20° 07' 18" E, a distance of 35.15 feet; N 71° 06' 50" E,
14 a distance of 42.23 feet;
15 S 40° 32' 52" E, a distance of 24.72 feet; S 78° 01' 18" E,
16 a distance of 109.13 feet;
17 S 58° 24' 56" E, a distance of 71.87 feet; N 70° 21' 55" E,
18 a distance of 51.93 feet;
19 S 58° 47' 28" E, a distance of 82.38 feet; S 87° 13' 03" E,
20 a distance of 36.21 feet;
21 S 39° 30' 42" E, a distance of 38.80 feet; S 84° 53' 40" E,
22 a distance of 32.75 feet;
23 S 50° 38' 42" E, a distance of 137.16 feet; S 81° 23' 41" E, a
24 distance of feet 61.43 feet;
25 S 55° 18' 27" E., a distance of 59.33 feet: S 38° 02' 26"

1 E, a distance of 77.63 feet;
2 S 53° 46' 10" E, a distance of 61.86 feet; S 29° 19' 27" E,
3 a distance of 63.87 feet;
4 S 62° 43' 45" E, a distance of 15.41 feet; S 75° 09' 51" E,
5 a distance of 75.61 feet;
6 N 51° 34' 08" E, a distance of 46.71 feet; S 61° 49' 18" E,
7 a distance of 29.41 feet;
8 S 16° 04' 27" E, a distance of 27.49 feet, S 75° 25' 16" E,
9 a distance of 92.21 feet;
10 S 65° 45' 26" E, a distance of 135.63 feet; S 58° 05' 24"
11 E, a distance of 108.92 feet;
12 S 56° 13' 03" E, a distance of 86.50 feet; S 67° 13' 21" E,
13 a distance of 87.18 feet;
14 S 65° 25' 12" E, a distance of 34.56 feet; S 03° 53' 51" E,
15 a distance of 95.72 feet;
16 S 52° 16' 17" E, a distance of 69.15 feet; S 06° 27' 15" E,
17 a distance of 67.59 feet;
18 S 28° 12' 59" E, a distance of 94.16 feet; S 07° 03' 34" E, a
19 distance of 105.29 feet to an iron pin found at corner.
20 S 14° 12' 13" W, a distance of 566.46 feet to an iron pin
21 found at corner;
22 S 00° 36' 58" W, a distance of 435.57 feet to a point on the
23 north line of Farm-To-Market Road No. 543, said point being the
24 southeast corner of Lot 12 of said Lake Hills Phase 1 and the
25 southwest corner of Lot 1 of Dearborn Acres Phase 1 to a 1/2" iron

1 pin with a red cap stamped Tipton Engineering, Inc. set at corner;

2 THENCE, along the said County Road No. 543 north line the
3 following;

4 N 89° 24' 42" W, a distance of 2415.58 feet to a 1/2" iron pin
5 with a red cap stamped Tipton Engineering, Inc. set at corner;

6 Around a tangent curve to the right having a central angle of
7 08° 50' 44", a radius of 1849.86 feet and a chord of N 84° 59' 20"
8 W - 285.31 feet, an arc distance of 285.59 feet to a 1/2" iron pin
9 with a red cap stamped Tipton Engineering, Inc. set at corner;

10 N 80° 33' 58" W, a distance of 278.01 feet to a point on an
11 easterly line of a tract of land conveyed to the United States of
12 America for Lake Lavon, said point further being on the westerly
13 line of said Lake Hills Phase 1, and located at the southwest
14 corner of Lot 1 of said Lake Hills Phase 1, a 1/2" iron pin with a
15 red cap stamped Tipton Engineering, Inc. set at corner, from which
16 a 5/8" iron pin found bears S 73° 23' 20" E, a distance of 0.82
17 feet;

18 THENCE, N 29° 00' 04" E, along the said Lake Hills Phase 1
19 westerly line and easterly line of said United States of America
20 property, a distance of 899.16 feet to an ell corner of said United
21 States of America property and Lake Hills Phase 1 westerly line, a
22 concrete Government marker found at corner;

23 THENCE, N 57° 11' 26" W, along a northerly line of said United
24 States of America property and southerly line of Lot 14 of Lake
25 Hills Phase 1 and southerly line of the previously mentioned Park

1 Meadows Phase 1, a distance of 519.49 feet to a concrete Government
2 marker found at corner;

3 THENCE, S 89° 16' 26" W, continuing along the northerly line
4 of said USA property and along the said Park Meadows Phase 1
5 southerly line and a southerly line of the previously mentioned
6 Somerset Estates Revised Phase 1, a distance of 349.84 feet to an
7 ell corner of said USA property and Somerset Estates Revised Phase
8 1, a concrete Government marker found at corner;

9 THENCE, along a westerly line of said United States of America
10 property and easterly line of said Somerset Estates Revised Phase
11 1 the following;

12 S 42° 57' 42" W, a distance of 779.67 feet to a concrete
13 Government marker found at corner;

14 S 70° 13' 25" W, a distance of 429.81 feet to a concrete
15 Government marker found at corner;

16 S 47° 45' 34" W, a distance of 423.23 feet to a point on the
17 northerly line of said Farm-To-Market Road No. 543 as dedicated by
18 the said Final Plat of Somerset Estates Revised Phase 1, a 1/2"
19 iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

20 THENCE, along said Farm-To-Market Road No. 543 northerly line
21 the following;

22 N 87° 26' 57" W, a distance of 437.75 feet to a 1/2" iron pin
23 with a red cap stamped Tipton Eng, Inc. set at corner;

24 N 86° 45' 05" W, a distance of 328.51 feet to a 1/2" iron pin
25 found at corner;

1 N 89° 58' 53" W, a distance of 99.89 feet to the southwest
2 corner of Lot 1 of said Somerset Estates Revised Phase 1, said
3 corner further being on the east line of Rocky Road, a 50 feet wide
4 Right-Of-Way easement, a 1/2" iron pin with a red cap stamped
5 Tipton Eng, Inc. set at corner;

6 THENCE, N 01° 02' 52" E, along the west line of said Somerset
7 Estates Revised Phase 1 and said Rocky Road east line, a distance
8 of 1107.07 feet to an ell corner of said Somerset Estates Revised
9 Phase 1, said corner further being the southwest corner of a tract
10 of land conveyed to Teri L. Beckmeyer by the General Warranty Deed
11 recorded in 94-0033501 (LRCCT), a 5/8" iron pin found at corner;

12 THENCE, S 88° 17' 44" E, along the south line of said Teri L.
13 Beckmeyer tract and north line of Lot 2 of said Somerset Estates
14 Revised Phase 1, a distance of 593.43 feet to an ell corner of said
15 Somerset Estates Revised Phase 1, a 1/2" iron pin with a red cap
16 stamped Tipton Eng, Inc. set at corner;

17 THENCE, along a west line of said Somerset Estates Revised
18 Phase 1 and the east line of said Teri, L. Beckmeyer, and the east
19 lines of the following tracts, a tract conveyed to Harry E. Shibler
20 and Teri. L. Beckmeyer according to the Warranty Deed with Vendor's
21 Lien recorded in County Clerk File Number 94-0056623 (LRCCT), two
22 tracts conveyed to John Clentis Simpson, Sr. according to the
23 Special Warranty Deed recorded in Volume 5936, Page 4879 (LRCCT),
24 and that tract conveyed to Carol Chamberlain and Allen Chamberlain
25 according to the Warranty Deed With Vendor's Lien recorded in

1 Volume 4704, Page 1799 the following;

2 N 00° 47' 24" W, a distance of 296.21 feet to a 1/2" iron

3 pin found at corner;

4 N 01° 08' 33" W, a distance of 240.54 feet to a 1/2" iron

5 pin found at corner;

6 N 00° 36' 15" W, a distance of 195.04 feet to a 1/2" iron

7 pin found at corner;

8 N 01° 29' 49" W, a distance of 193.39 feet to a 1/2" iron

9 pin found at corner;

10 N 00° 42' 09" W, a distance of 467.62 feet to an ell corner of

11 said Sommerset Estates Revised Phase 1, said corner being on a

12 south line of a tract of land conveyed to JoAnne Gambrell Airhart

13 and Tom Patterson Airhart, according to the Warranty Deed With

14 Vendor's Lien recorded in Volume 4510, Page 1852 (LRCCT), a 1/2"

15 iron pin found at corner;

16 THENCE, S 89° 17' 05" E, along the south line of said JoAnne

17 Gambrell Airhart and Tom Patterson Airhart tract part of the way,

18 along the south line of a tract of land owned by Karen Webb Bennet

19 Ind Exec according to the deed recorded in Volume 1769, Page 435

20 (LRCCT) and along a north line of said Sommerset Estates Revised

21 Phase 1, a distance of 1660.39 feet to an ell corner of said

22 Sommerset Estates Revised Phase 1 and southeast corner of said

23 Karen Webb Bennet Ind Exec tract, a 1/2" iron pin found 3.7 feet

24 east of a fence corner post at corner;

25 THENCE, along the a west line of said Sommerset Estates

1 Revised Phase 1 addition and along the east lines of said Karen
2 Webb Bennet Ind Exec tract, that tract conveyed to Altis L. Powell
3 Et Ux according to the deed recorded in Volume 377, Page 119
4 (LRCCT), the following;

5 N 01° 02' 36" E, a distance of 1376.06 feet to a 60d nail
6 found at corner;

7 N 00° 50' 16" E, a distance of 547.97 feet to a 1/2" iron
8 pin found at corner;

9 N 00° 48' 18" E, a distance of 340.88 feet to the southwest
10 corner of Lot 1 of said Park Meadows Phase 1, a 1/2" iron pin with
11 a red cap stamped Tipton Engineering, Inc. set at corner;

12 THENCE, S 89° 35' 45" E, along the south line of said Lot 1 of
13 Park Meadows Phase 1, a distance of 80.60 feet to a 1/2" iron pin
14 with a red cap stamped Tipton Engineering, Inc. set at corner;

15 THENCE, N 86° 52' 56" E, continuing along the said Lot 1 of
16 Park Meadows Phase 1 south line, a distance of 137.15 feet to the
17 southeast corner of said Lot 1 of Park Meadows Phase 1, a 1/2" iron
18 pin with a red cap stamped Tipton Engineering, Inc. set at corner;

19 THENCE, N 00° 04' 54" W, along the east line of said Lot 1 of
20 Park Meadows Phase 1, a distance of 414.78 feet to a point on the
21 previously mentioned south line of Farm-To-Market Road No. 1778, a
22 1/2" iron pin with a red cap stamped Tipton Engineering, Inc. set
23 at corner;

24 THENCE, N 86° 24' 17" E, along the said Farm-To-Market Road
25 Number 1778 southerly line, a distance of 811.78 feet to the Place

1 of Beginning with the subject tract containing 15,226,847 Square
2 Feet or 349.5603 acres of land.

3 PARCEL 2

4 BEING a tract of land situated in the Silvester Williams
5 Survey, Abstract No. 955 and Willis Roberts Survey, Abstract No.
6 790, Collin County, Texas, the subject tract being a portion of
7 that 1473.835 acre tract of land conveyed to Commercial Capital
8 Investments, Inc. by Resolution Trust Corporation according to the
9 Special Warranty Deed recorded in Collin County Clerk File number
10 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the
11 subject tract being more particularly described as follows;

12 BEGINNING at a point on the southerly line of County Road No.
13 543 and at the southwest corner of that tract of land conveyed to
14 Collin County (for road purposes) according to the Deed recorded in
15 County Clerk File Number 99-0040895 (LRCCT), said beginning point
16 being on the west line of said Commercial Capital Investments, Inc.
17 1473.835 acre tract and further being S 01° 04' 17" W, a distance
18 of 61.64 feet from the intersection of the north line of County
19 Road No. 543 and the east line of Rocky Road as shown on the Final
20 Plat of Somerset Estates, an addition to Collin County according
21 to said Final Plat recorded in Cabinet J, Page 313 (LRCCT), a 1/2"
22 iron pin found at corner;

23 THENCE, along the said County Road No. 543 southerly line the
24 following;

25 S 88° 52' 45" E, a distance of 169.88 feet to a 1/2" iron

1 pin found at corner;

2 S 84° 33' 39" E, a distance of 606.25 feet to a point on an
3 easterly line of said Commercial Capital Investments, Inc. 1473.835
4 acre tract and northwesterly line of a tract of land conveyed to
5 the United States Of America, a 1/2" iron pin found at corner;

6 THENCE, S 47° 45' 34" W, along the said Commercial Capital
7 Investments, Inc. 1473.835 acre tract southeasterly line and United
8 States of America tract northwesterly line, a distance of 1750.27
9 feet to a US Government marker in concrete found at corner;

10 THENCE, along a southerly and westerly line of said
11 Commercial Capital Investments, Inc. 1473.835 acres tract and a
12 northerly and easterly line of said United States of America tract
13 the following;

14 N 46° 24' 25" W, a distance of 265.29 feet to a US Government
15 marker in concrete found at corner;

16 N 12° 08' 44" E, a distance of 594.70 feet to a US Government
17 marker in concrete found at corner;

18 THENCE, S 84° 49' 00" E, along a northerly line of said
19 Commercial Capital Investments, Inc. 1473.835 acres tract and part
20 of the way along a southerly line of a United States of America
21 tract and south line of a tract of land conveyed to J. B. Justice
22 according to the deed recorded in Volume 645, Page 055 (LRCCT), a
23 distance of 581.99 feet to the southeast corner of said J. B.
24 Justice tract and an ell corner of said Commercial Capital
25 Investments, Inc. 1473.835 acres tract, a US Government marker in

1 concrete found at corner;

2 THENCE, N 01° 04' 08" E, along a west line of said Commercial
3 Capital Investments, Inc. 1473.835 acres tract and east line of
4 said J. B. Justice tract, a distance of 525.75 feet to the Place of
5 Beginning with the subject tract containing 654,044 Square Feet or
6 15.0148 Acres of Land.

7 PARCEL 3

8 BEING a tract of land situated in the Roger Willis Survey,
9 Abstract No. 748, and the Silvester Williams Survey, Abstract No.
10 955 Collin County, Texas, the subject tract being a portion of that
11 1473.835 acre tract of land conveyed to Commercial Capital
12 Investments, Inc. by Resolution Trust Corporation according to the
13 Special Warranty Deed recorded in Collin County Clerk File number
14 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the
15 subject tract further being a portion of Shalimar Acres, an
16 addition to Collin County Texas according to the Final Plat
17 recorded in Cabinet J, Page 136, (LRCCT), land in said plat being
18 included in the above mentioned Commercial Capital Investments,
19 Inc. 1473.835 acre tract, the subject tract being more particularly
20 described as follows;

21 BEGINNING at the intersection of the southerly line of County
22 Road No. 543 and the west line of County Road No. 544, said point
23 further being located at the northeast corner of Lot 1 of said
24 Shalimar Acres, a 1/2" iron pin with a red cap stamped Tipton Eng,
25 Inc. set at corner;

1 THENCE, S 00° 07' 23" W, along the said County Road No. 544
2 west line, a distance of 2065.10 feet to the southeast corner of
3 Lot 16, of Shalimar Acres, said corner being located on the north
4 line of a tract of land conveyed to the United States Of America, a
5 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at
6 corner, from which a US Government marker in concrete found bears N
7 73° 18' 15" E, a distance of 9.85 feet;

8 THENCE, along the southerly and westerly line of said Shalimar
9 Acres and a northerly and easterly line of said United States of
10 America tract the following;

11 S 73° 18' 15" W, a distance of 493.72 feet to a US Government
12 marker in concrete found at corner;

13 N 67° 31' 55" W, a distance of 619.64 feet to a US Government
14 marker in concrete found at corner;

15 S 89° 05' 23" W, a distance of 570.02 feet to a US Government
16 marker in concrete found at corner;

17 N 36° 58' 31" E, a distance of 919.31 feet to a US Government
18 marker in concrete found at corner;

19 N 26° 55' 54" E, a distance of 499.80 feet to a US Government
20 marker in concrete found at corner;

21 N 64° 31' 34" E, a distance of 464.89 feet to a US Government
22 marker in concrete found at corner;

23 N 29° 01' 25" E, a distance of 699.51 feet to a point on the
24 previously mentioned County Road No. 543 south line, said point
25 further being the northwest corner of the previously mentioned Lot

1 1 of Shalimar Acres, a US Government marker in concrete found at
2 corner;

3 THENCE, S 81° 18' 52" E, along said County Road No. 543 south
4 line, a distance of 82.46 feet to the Place Of Beginning with the
5 subject tract containing 1,820,913 Square Feet or 41.8024 acres of
6 land.

7 PARCEL 4

8 BEING a tract of land situated in the Roger Willis Survey,
9 Abstract No. 748, Collin County, Texas, the subject tract being a
10 portion of that 1473.835 acre tract of land conveyed to Commercial
11 Capital Investments, Inc. by Resolution Trust Corporation according
12 to the Special Warranty Deed recorded in Collin County Clerk File
13 number 94-0058780 of the Land Records Of Collin County Texas
14 (LRCCT), the subject tract further being a portion of Shalimar
15 Acres, an addition to Collin County Texas according to the Final
16 Plat recorded in Cabinet J, Page 136, (LRCCT), land in said plat
17 being included in the above mentioned Commercial Capital
18 Investments, Inc. 1473.835 acre tract, the subject tract being more
19 particularly described as follows;

20 BEGINNING at the intersection of the southerly line of County
21 Road No. 543 and the east line of County Road No. 544 as dedicated
22 by said Shalimar Acres Final Plat, said Beginning Point further
23 being located at the northwest corner of Lot 2 of said Shalimar
24 Acres, a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set
25 at corner;

1 THENCE, S 80° 33' 58" E, along the southerly line of said
2 County Road No. 543 a distance of 177.59 feet to a 1/2" iron pin
3 with a red cap stamped Tipton Eng, Inc. set at corner;

4 THENCE, continuing along said County Road No, 543 southerly
5 and around a tangent curve to the left having a central angle of
6 08° 34' 08", a radius of 1969.86 feet, and a chord of S 84° 51' 02"
7 E with a distance of 294.33 feet, an arc distance of 294.60 feet to
8 the northeast corner of Lot 4 of said Shalimar Acres and the
9 southwest corner of a tract of land conveyed to Collin County for
10 right-of-way according to the Deed recorded in County Clerk File
11 No. 2000-0070885 (LRCCT), a 1/2" iron pin found at corner;

12 THENCE, S 00° 36' 54" E, along the east line of said Shalimar
13 Acres and a west line of a tract of land conveyed to John Lindsley
14 McCraw, Jr. and Marjorie Elizabeth Gantt according to the Warranty
15 Deed recorded in Volume 627, page 69 (LRCCT), a distance of 313.35
16 feet to an ell corner of said Shalimar Acres and John Lindsley
17 McCraw, Jr. and Marjorie Elizabeth Gantt tract, a US Government
18 marker in concrete found at corner);

19 THENCE, S 88° 28' 08" W, along a south line of said Shalimar
20 Acres and a north line of said John Lindsley McCraw, Jr. and
21 Marjorie Elizabeth Gantt tract, a distance of 472.68 feet to a
22 point on the previously mentioned County Road No, 544, said point
23 further being the southwest corner of Lot 2 of said Shalimar Acres,
24 a 1/2" iron pin with a red cap stamped Tipton Eng, Inc. set at
25 corner;

1 THENCE, N 00° 07' 23" E, along said County Road No, 544 east
2 line, a distance of 381.49 feet to the Place Of Beginning with the
3 subject tract containing 160,368 Square Feet or 3.6815 Acres of
4 land.

5 PARCEL 5

6 BEING a tract of land situated in the Roger Willis Survey,
7 Abstract No. 748, and the Silvester Williams Survey, Abstract No.
8 955 Collin County, Texas, the subject tract being a portion of that
9 1473.835 acre tract of land conveyed to Commercial Capital
10 Investments, Inc. by Resolution Trust Corporation according to the
11 Special Warranty Deed recorded in Collin County Clerk File number
12 94-0058780 of the Land Records Of Collin County Texas (LRCCT), the
13 subject tract being more particularly described as follows;

14 COMMENCING at the intersection of the southerly line of County
15 Road No. 543 and the west line of County Road No. 544 as dedicated
16 by said Shalimar Acres Final Plat, said point further being located
17 at the northeast corner of Lot 1 of said Shalimar Acres, a 1/2"
18 iron pin with a red cap stamped Tipton Eng, Inc. set at corner;

19 THENCE, N 81° 19' 37" W, along the said County Road No. 543
20 south line, a distance of 82.52 feet to the Place Of Beginning of
21 the here-in described tract of land and northwest corner of said
22 Lot 1 of Shalimar Acres, said corner further being located at an
23 ell corner of a tract of land conveyed to the United States Of
24 America, a US Government marker in concrete found at corner;

25 THENCE, leaving the addition line of said Shalimar Acres and

1 along a common line between that Commercial Capital Investments,
2 Inc. 1473.835 acres tract and the previously mentioned United
3 States of America tract the following;

4 N 89° 15' 55" W, a distance of 473.20 feet to a 1/2" iron
5 pin found at corner;

6 N 00° 45' 29" E, a distance of 92.19 feet to a 1/2" iron pin
7 found at corner;

8 THENCE, continuing along the previously mentioned common
9 property lines and along the approximate centerline of said County
10 Road No. 543 the following;

11 N 88° 56' 29" E, a distance of 107.30 feet to a 1/2" iron pin
12 found at corner;

13 S 84° 41' 46" E, a distance of 286.48 feet;

14 S 81° 15' 53" E, a distance of 112.04 feet;

15 THENCE, S 33° 09' 52" E, leaving said County Road No. 543
16 north line and along a portion of that County Road No. 543 right-
17 of-way dedication by said Shalimar Acres, a distance of 69.05 feet;

18 THENCE, N 89° 06' 54" W, continuing along said County Road No.
19 543 right-of-way dedication by said Shalimar Acres, a distance of
20 69.12 feet to the Place Of Beginning with the subject tract
21 containing 42,403 Square Feet or 0.9734 acres of land.

22 PARCEL 6

23 BEING a tract of land situated in the Thomas Toby Survey,
24 Abstract No. 925 in the Sylvester William Survey, Abstract No. 955,
25 Collin County, Texas being all of a called 16.105 acre tract of

1 land conveyed by Angela Olivo Ramos to WYA Lake Lavon Ltd., a Texas
2 limited partnership, according to the General Warranty Deed with
3 Vendor's Lien recorded in County Clerk's File Number
4 20071126001578660 of the Land Records of Collin County, Texas
5 (LRCCT), the subject tract being more particularly described as
6 follows;

7 BEGINNING at a 1/2" iron pin found with a red cap in the
8 easterly right-of-way of State Highway No. 78 same being the
9 southwest corner of the subject tract and the northwest corner of a
10 tract of land conveyed to W.B. Montgomery;

11 THENCE, N 15° 54' 36" W, along the easterly line of said State
12 Highway No. 78, a distance of 453.48 feet to a 1/2" iron pin with a
13 red cap stamped Tipton Eng. Inc. set at corner, from which a wood
14 right-of-way monument bears S 16° 24' 09" E, a distance of 63.19
15 feet;

16 THENCE, continuing along the easterly line of said State
17 Highway No. 78 and around a curve to the right having a central
18 angle of 04° 27' 04", a radius of 1382.93 feet, a chord of N 13°
19 41' 04" W - 107.37 feet, an arc distance of 107.39 feet to a 1/2"
20 iron pin with a red cap stamped Tipton Eng. Inc. set at corner;

21 THENCE, N 89° 45' 00" E, along the south line of a tract of
22 land conveyed to Angela Olivo Ramos, according to the Warranty Deed
23 recorded in County Clerk File Number 20060208000171830 (LRCCT), a
24 distance of 1364.23 feet to the northeast corner of the subject
25 tract and a point in the west line of a called 23.764 acres tract

1 of land conveyed by Billy G. Roan and wife, Merle Ann Roan to WYA
2 Lake Lavon Ltd., a Texas limited partnership according to the
3 Special Warranty Deed with Vendor's Lien recorded in County Clerk
4 File Number 20080111000045480 (LRCCT), a 1/2" iron pin with a red
5 cap stamped Tipton Eng. Inc set at corner from which a 5/8" iron
6 pin found with a red cap stamped "Clark" bears N 00° 09' 30" W, a
7 distance of 515.87 feet;

8 THENCE, S 00° 15' 00" E, along the east line of said 16.105
9 acres WYA Lake Lavon Ltd., tract and west line of said WYA Lake
10 Lavon Ltd. 23.764 acres tract, a distance of 547.75 feet to a 1/2"
11 iron pin found at corner;

12 THENCE, N 89° 05' 05" W, along the south line of said WYA Lake
13 Lavon Ltd. 16.105 acres tract and the north line of said WYA Lake
14 Lavon Ltd. 23.764 acres tract, a distance of 205.28 feet to a
15 common northerly corner of said WYA Lake Lavon Ltd. 23.764 acres
16 tract and an 18.8098 acres tract of land conveyed by JDI Investors,
17 LP to WYA Lake Lavon Ltd., a Texas limited partnership according to
18 according to the Special Warranty Deed with Vendor's Lien recorded
19 in CC# 20080702000812420 (LRCCT), a 1/2" iron pin found with a red
20 cap stamped "Clark" found 1 foot NW of a fence corner post at
21 corner;

22 THENCE, S 89° 53' 31" W, along the north line of said WYA Lake
23 Lavon Ltd 18.8098 acres tract of land and the south line of the
24 subject WYA Lake Lavon Ltd. 16.105 acres tract of land, passing a
25 1/2" iron pin found at the northeast corner of said Montgomery

1 Tract at a distance of 592.68 feet and continuing along the north
2 line of said Montgomery Tract for a total distance of 1011.65 feet
3 to the PLACE OF BEGINNING with the subject tract containing 701,534
4 square feet or 16.105 acres of land.

5 PARCEL 7

6 BEING a tract of land situated in the Sylvester William
7 Survey, Abstract No. 955, Collin County, Texas and being all of a
8 called 23.764 acres tract of land conveyed by Billy G. Roan and
9 wife, Merle Ann Roan to WYA Lake Lavon Ltd., a Texas limited
10 partnership according to the Special Warranty Deed with Vendor's
11 Lien recorded in County Clerk File Number 20080111000045480
12 (LRCCT), the subject tract being more particularly described as
13 follows;

14 BEGINNING at a 5/8" iron pin with a red cap stamped " Clark"
15 found for corner at the intersection of the South right-of-way of
16 County Road 543, the west boundary line of said 23.764 acres tract
17 and the east boundary line of a 1.001 acre tract owned by Dario M.
18 Castillo according to the warranty deed recorded in Volume 5734,
19 Page 2748 (LRCCT), said beginning point further being located at
20 the southwest corner of a 0.4622 acre tract described in conveyance
21 from Bill G. Roan to County of Collin, dated May 24, 2000 and
22 recorded in Volume 4677, Page 1545 (LRCCT), said beginning point
23 further being 1303.91 feet easterly, along said County Road 543
24 south line, from the point of intersection of the south line of
25 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width

1 ROW and the east line of State Highway Number 78;

2 THENCE with the south right-of-way of County Road 543 and the
3 south boundary line of said 0.4622 acre tract the following;

4 S 89° 25' 22" E, a distance of 30.49 feet to a 1/2" iron rod
5 found for corner;

6 N 89° 06' 30" E, a distance of 430.67 feet to the northeast
7 corner of the said subject 23.764 acres tract, said point further
8 being located on the west line of a 15.23 acres tract conveyed by
9 Emma Nowlin, et al to the United States of America dated September
10 21, 1972, recorded in Volume 837, Page 367 (LRCCT), a 1/2" iron rod
11 found at corner;

12 THENCE, S 30° 07' 59" E, a distance of 531.40 feet to a
13 concrete corporation monument found for corner and 1.2 feet north
14 of a fence corner, said corner being an interior corner of the
15 United States of America 15.23 acres tract;

16 THENCE, along the east line of said WYA Lake Lavon Ltd. 23.764
17 acres tract and the west line of said United States of America
18 tract the following;

19 S 57° 08' 27" W, a distance of 564.72 feet to a concrete
20 corporation monument found near a fence corner at corner,

21 S 30° 05' 11" E, a distance of 310.04 feet to a concrete
22 corporation monument found at corner;

23 S 06° 02' 06" W, passing a concrete corporation monument found
24 at a distance of 499.80 feet and continuing to make a total
25 distance of 899.52 feet to the most southerly southeast corner of

1 said WYA Lake Lavon Ltd. 23.764 acres tract, a concrete corporation
2 monument found at corner;

3 THENCE, S 77° 58' 17" W, along the south line of said WYA Lake
4 Lavon Ltd. 23.764 acres tract and the north line of said United
5 States of America 15.23 acres tract, a distance of 530.53 feet to
6 the southwest corner of the subject WYA Lake Lavon Ltd. 23.764
7 acres tract and the southeast corner of that 18.8098 acres tract of
8 land conveyed by JDI Investors, LP to WYA Lake Lavon Ltd., a Texas
9 limited partnership according to according to the Special Warranty
10 Deed with Vendor's Lien recorded in CC# 20080702000812420 (LRCCT),
11 a 1/2" iron pin with a red cap stamped "Wisdom" found at corner,
12 from which a fence corner post bears S 04° 44" 01" E, a distance of
13 5.32 feet and a metal pole of a power line bears S 59° 34' 51" E, a
14 distance of 70.91 feet;

15 THENCE N 00° 12' 05" E, along the east line of said WYA Lake
16 Lavon Ltd. 18.8098 acres tract and the west line of said WYA Lake
17 Lavon Ltd. 23.764 acres tract and generally along or near a barbed
18 wire fence, a distance of 972.68 to a point on the south line of a
19 16.105 acre tract of land conveyed by Angela Olivo Ramos to WYA
20 Lake Lavon Ltd., a Texas limited partnership, according to the
21 General Warranty Deed with Vendor's Lien recorded in County Clerk's
22 File Number 20071126001578660 of the Land Records of Collin County,
23 Texas (LRCCT), a 1/2" iron pin with a red cap stamped "Clark" found
24 1 foot NW of a fence corner post at corner;

25 THENCE, S 89° 05' 05" E, along the north line of the subject

1 WYA Lake Lavon Ltd. 23.764 acres tract and the south line of said
2 WYA Lake Lavon Ltd. 16.105 acres tract, a distance of 205.28 feet
3 to a 1/2" iron pin found at corner;

4 THENCE, N 00° 15' 00" W, along the subject WYA Lake Lavon Ltd.
5 23.764 acres tract west line and east lines of the said WYA Lake
6 Lavon Ltd. 16.105 acres tract and that 16.1066 acres tract of land
7 owned by Angela Olivo Ramos, according to the warranty deed
8 recorded in County Clerk's File Number 20060208000171830 (LRCCT), a
9 distance of 970.04 feet to a 1/2" iron pin with a cap stamped
10 Stovall & Associates found at corner;

11 THENCE, N 00° 03' 27" E, along the east line of said Dario M.
12 Castillo 1.001 acre tract and the west line of the subject WYA Lake
13 Lavon Ltd. 23.764 acres tract, a distance of 93.64 feet to the
14 Place of Beginning with the subject tract containing 1,035,320
15 Square Feet or 23.7677 acres of land.

16 PARCEL 8

17 BEING a tract of land situated in the Thomas Toby Survey,
18 Abstract No. 925 and the Sylvester William Survey, Abstract No.
19 955, Collin County, Texas, the subject tract being all of that
20 18.8098 acres tract of land conveyed by JDI Investors, LP to WYA
21 Lake Lavon Ltd., a Texas limited partnership according to according
22 to the Special Warranty Deed with Vendor's Lien recorded in CC#
23 20080702000812420 of the Land Records of Collin County, Texas
24 (LRCCT), the subject tract being more particularly described as
25 follows;

1 COMMENCING at the point intersection of the south line of
2 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width
3 ROW at this point and the east line of State Highway Number 78,
4 said point being the most northerly northwest corner of a tract of
5 land conveyed to Alfred Olivo according to the warranty deed
6 recorded in County Clerk's File Number 20060208000171820 (LRCCT), a
7 1/2" iron pin with a red cap stamped "Boundary Solutions" found at
8 corner, from which a 1/2" iron pin found bears N 31° 40' 42" W, a
9 distance of 176.28 feet;

10 THENCE, along the said State Highway Number 78 easterly line
11 the following;

12 S 45° 09' 02" W, a distance of 131.71 feet;

13 S 00° 36' 13" E, a distance of 184.23 feet;

14 Around a non-tangent curve to the left having a central angle
15 of 15° 42' 46", a radius of 1382.39 feet and a chord of S 08°
16 03' 17" E - 377.92 feet, an arc distance of 379.10 feet;

17 S 15° 54' 36" E, a distance of 453.48 feet to the southwest
18 corner of a 16.105 acres tract of land conveyed to WYA Lake Lavon
19 Ltd., according to the according to the General Warranty Deed With
20 Vendor's Lien recorded in CC# 20071126001578660 (LRCCT);

21 THENCE, N, 89° 53' 31" E, along the south line of said WYA
22 Lake Lavon Ltd., 16.105 acres tract, a distance of 418.96 feet to
23 the PLACE OF BEGINNING of the herein described tract, said
24 Beginning Point being the most northerly northwest corner of the
25 subject WYA Lake Lavon Ltd., 18.8098 acres tract and the northeast

1 corner of a tract of land conveyed to Willie B. Montgomery
2 according to the deed recorded in Volume 463, Page 496 (LRCCT), a
3 1/2" iron pin with a red cap stamped "Wisdom" found at corner;

4 THENCE, N 89° 53' 31" E, along the south line of said WYA Lake
5 Lavon Ltd., 16.105 acres tract and the north line of said WYA Lake
6 Lavon Ltd., 18.8098 acres tract, a distance of 592.69 feet to the
7 northeast corner of said WYA Lake Lavon Ltd., 18.8098 acres tract,
8 said corner also being located at an angle point of a 23.764 acre
9 tract of land conveyed to WYA Lake Lavon Ltd., a Texas limited
10 partnership, according to the Warranty Deed With Vendor's Lien
11 recorded in CC# 20080111000045480 (LRCCT), a 1/2" iron pin with a
12 red cap stamped "Clark" found 1 foot NW of a fence corner post at
13 corner;

14 THENCE, S 00° 11' 58" W, along the east line of said WYA Lake
15 Lavon Ltd., 18.8098 acres tract and west line of said WYA Lake
16 Lavon Ltd., 23.764 acres tract, and generally along or near a
17 barbed wire fence, a distance of 972.52 feet to the southeast
18 corner of said WYA Lake Lavon Ltd., 18.8098 acres tract, a 1/2"
19 iron pin with a red cap stamped "Wisdom" found at corner, from
20 which a fence corner post bears S 04° 44' 01" E, a distance of 5.32
21 feet and a metal pole of a power line bears S 59° 34' 51" E, a
22 distance of 70.91 feet;

23 THENCE, S 89° 52' 50" W, along the south line of said WYA Lake
24 Lavon Ltd., 18.8098 acres tract and the north line of a tract of
25 land conveyed to the Untied States Of America according to the

1 Condemnation document recorded in Volume 714, page 825 (LRCCT), and
2 proceeding approximately 5.3 feet to 6 feet northerly of a barbed
3 wire fence, a distance of 811.92 feet to a concrete Government
4 marker stamped 1918-1-1 found at corner, from which a fence corner
5 post bears S 02° 51' 19" E, a distance of 6.1 feet;

6 THENCE, N 04° 36' 49" W, a long the westerly line of said WYA
7 Lake Lavon Ltd., 18.8098 acres tract and an easterly line of a
8 tract of land conveyed to the United States Of America and
9 identified as Tract 1918-1 according to the Condemnation document
10 recorded in Volume 755, Page 612 (LRCCT), a distance of 460.09 feet
11 to a concrete Government marker stamped 1918-1-2 found at corner,

12 THENCE, S 88° 38' 36" W, along a south line of said WYA Lake
13 Lavon Ltd., 18.8098 acres tract and the north line of said United
14 States Of America north line (755, Page 612), a distance of 49.97
15 feet to a concrete Government marker stamped 1918-1-3 found at
16 corner,

17 THENCE, along said State Highway No. 78 easterly line and the
18 westerly line of said WYA Lake Lavon Ltd., 18.8098 acres tract the
19 following;

20 Around a non-tangent curve to the left having a central angle
21 of 13° 07' 52", a radius of 1373.25 feet and a chord of N 09° 20'
22 40" W - 314.03 feet, an arc distance of 314.72 feet to a 1/2" iron
23 pin with a red cap stamped Tipton Engineering, Inc. set at corner;

24 N 15° 54' 36" W, a distance of 89.62 feet to a 1/2" iron pin
25 with a red cap stamped Tipton Engineering, Inc. set at corner, from

1 which a Highway Department wood monument found bears N 24° 06' E, a
2 distance of 0.28 foot and a 1/2" iron pin with a red cap stamped
3 "Wisdom" found bears S 15° 54' 36" E, a distance of 10.13 feet;

4 THENCE, N 89° 53' 31" E, along the south line of the
5 previously mentioned Willie B. Montgomery tract and a north line of
6 said WYA Lake Lavon Ltd., 18.8098 acres tract, a distance of 383.16
7 feet to a 1/2" iron pin with a red cap stamped Tipton Engineering,
8 Inc. set at corner, from which a 60d nail found in top of 3 feet
9 tall power pole bears S 07' 17' 23" E, a distance of 9.94 feet;

10 THENCE, N 00° 57' 15" E. along a west line of said WYA Lake
11 Lavon Ltd., 18.8098 acres tract and the east line of said Willie B.
12 Montgomery tract, a distance of 118.97 feet to the Place Of
13 Beginning with the subject tract containing 819,355 Square Feet or
14 18.8098 Acres of Land.

15 PARCEL 9

16 BEING a tract of land situated in the Thomas Toby Survey,
17 Abstract No. 925 and the Sylvester William Survey, Abstract No.
18 955, Collin County, Texas, the subject tract being all of that
19 tract of land conveyed to Alfred Olivo, according to the warranty
20 deed recorded in County Clerk's File Number 20060208000171830 of
21 the Land Records of Collin County, Texas (LRCCT), the subject tract
22 being more particularly described as follows;

23 BEGINNING at the point intersection of the south line of
24 County Road No. 543 (Vol. 4837, Page 725 LRCCT), a variable width
25 ROW and the east line of State Highway Number 78, said point being

1 the northwest corner of said Alfred Olivo subject tract, a 1/2"
2 iron pin with a red cap stamped "Boundary Solutions" found at
3 corner, from which a 1/2" iron pin found bears N 31° 40' 42" W, a
4 distance of 176.28 feet;

5 THENCE, along the said County Road No. 543 south line the
6 following;

7 S 89° 21' 07" E (deed = S 89° 24' 48" E), a distance of
8 225.74 feet to a 5/8" iron pin with a red cap found at corner;

9 S 88° 24' 19" E (deed = S 88° 23' 30" E), a distance of
10 742.45 feet to the most northerly northeast corner of said Alfred
11 Olivo tract and northwest corner of a tract of land owned by Dario
12 M. Castillo according to the warranty deed recorded in Volume 5734,
13 Page 2748 (LRCCT), a 1/2" iron pin with a red cap stamped Tipton
14 Eng., Inc. set at corner, from which a 5/8" iron pin with a red cap
15 stamped " Clark" found bears N 71° 03' 30" W, a distance of 284.97
16 feet;

17 THENCE, S 00° 47' 36" W, along an east line of said Alfred
18 Olivo tract and west line of said Dario M. Castillo tract, a
19 distance of 91.56 feet to a 1/2" iron pin with a cap stamped
20 Stovall & Associates found at corner;

21 THENCE, S 89° 18' 46" E (deed = S 89° 19' 33" E), along a
22 north line of said Alfred Olivo tract and south line of said Dario
23 M. Castillo tract, a distance of 331.89 feet to the most easterly
24 northeast corner of said Alfred Olivo tract, said corner further
25 being located at a point on the west line of a tract of land

1 conveyed by Billy G. Roan and wife, Merle Ann Roan to WYA Lake
2 Lavon Ltd., a Texas limited partnership according to the Special
3 Warranty Deed with Vendor's Lien recorded in County Clerk File
4 Number 20080111000045480 (LRCCT), a 1/2" iron pin with a cap
5 stamped Stovall & Associates found at corner;

6 THENCE, S 00° 15' 00" E, along the east line of said Alfred
7 Olivo tract and said WYA Lake Lavon Ltd., 23.764 acres tract west
8 line, a distance of 422.28 feet to the southeast corner of said
9 Alfred Olivo tract, a 1/2" iron pin with a red cap stamped Tipton
10 Eng. Inc. found at corner;

11 THENCE, S 89° 45' 00" W, along the south line of said Alfred
12 Olivo tract and the north line of a tract of land conveyed by
13 Angela Olivo Ramos to WYA Lake Lavon Ltd., a Texas limited
14 partnership, according to the General Warranty Deed with Vendor's
15 Lien recorded in County Clerk's File Number 20071126001578660
16 (LRCCT), a distance of 1364.23 feet to the southwest corner of said
17 Alfred Olivo tract and a point on the east line of said State
18 Highway No. 78, a 1/2" iron pin with a red cap stamped Tipton Eng.
19 Inc. found at corner, from which a 5/8" iron pin with a yellow cap
20 stamped RPLS 3949 bears S 39° 23' 34" W, a distance of 161.44 feet;

21 THENCE, along the west line of said Alfred Olivo tract and
22 the east line of said State Highway No. 78 the following,

23 Around a non-tangent curve to the right having a central angle
24 of 11° 15' 42", a radius of 1382.39 feet and a chord of N 05° 49'
25 42" W - 271.28 feet, an arc distance of 271.72 feet to a 1/2" iron

1 pin with a red cap stamped "Boundary Solutions" found at corner;
2 N 00° 36' 13" W (deed = N 00° 11' 36" W - 184.40 feet), a
3 distance of 184.23 feet to a wood monument found at corner, from
4 which the corner of an old house bears N 89° 36' 11" E - 61.68 feet
5 and another wood monument across State Highway No, 78 bears N 78°
6 09' 24" W, a distance of 224.39 feet;

7 N 45° 09' 02" E (deed = N 44° 48' 24" E - 130.44 feet), a
8 distance of 131.71 feet to the PLACE OF BEGINNING with the subject
9 tract containing 701,603 square feet or 16.1066 acres of land.

10 PARCEL 10

11 BEING a tract of land situated in the Roger Willis Survey,
12 Abstract No. 748, Collin County, Texas, the subject tract being a
13 portion of that 1473.835 acre tract of land conveyed to Commercial
14 Capital Investments, Inc. by Resolution Trust Corporation according
15 to the Special Warranty Deed recorded in Collin County Clerk File
16 number 94-0058780 of the Land Records Of Collin County Texas
17 (LRCCT), the subject tract further being a portion of Wenners Park,
18 an addition to Collin County Texas according to the Final Plat
19 recorded in Cabinet J, Page 136, (LRCCT), which is included in the
20 above mentioned Commercial Capital Investments, Inc. 1473.835 acre
21 tract, the subject tract being more particularly described as
22 follows;

23 BEGINNING at a point on the south line of County Road No. 543
24 (a 120' ROW), said point being located at the Northwest corner of
25 Lot 1 of said Wenners Park and the southeast corner of that tract

1 of land conveyed to the County Of Collin for road purposes
2 according to the Deed recorded in County Clerk File No. 2000-
3 0070885 (LRCCT), said Beginning Point further being at the
4 northeast corner of a tract of land owned by John Lindsley McCraw
5 and Marjorie Elizabeth McCraw according to the Warranty deed
6 recorded in Volume 627, Page 69 (LRCCT), a 1/2" iron pin with a red
7 cap stamped Tipton Eng, Inc. set at corner;

8 THENCE, along the said County Road No. 543 southerly line the
9 following;

10 S 89° 24' 06" E, a distance of 890.66 feet to a 1/2" iron pin
11 with a red cap stamped Tipton Eng, Inc. set at corner;

12 Around a tangent curve to the left having a central angle of
13 14° 46' 02", a radius of 1249.86 feet, and a chord of N 83° 12' 53"
14 E-321.24 feet, an arc distance of 322.13 feet to a 1/2" iron pin
15 with a red cap stamped Tipton Eng, Inc. set at corner;

16 N 75° 49' 52" E, a distance of 216.93 feet to a 1/2" iron pin
17 with a red cap stamped Tipton Eng, Inc. set at corner;

18 Around a tangent curve to the right having a central angle of
19 14° 22' 13", a radius of 1129.86 feet, and a chord of N 83° 00' 59"
20 E-282.64 feet, an arc distance of 283.38 feet to a 1/2" iron pin
21 with a red cap stamped Tipton Eng, Inc. set at corner;

22 S 89° 47' 55" E, a distance of 817.15 feet to the northeast
23 corner of Lot 12 of said Widders Park and the southwest corner of a
24 tract of land conveyed to the County Of Collin for road purposes
25 according to the Deed recorded in County Clerk File No. 99-0115447

1 (LRCCT), a 1/2" iron pin found at corner;

2 THENCE, along or westerly of the west line of a tract of land
3 conveyed to Boyce Creek Estates Partnership, according to the
4 Warranty Deed recorded in County Clerk File No. 20071205001626340
5 (LRCCT) and the east line of said Wenners Park the following;

6 S 00° 48' 53" W, a distance of 913.39 feet to a 1/2" iron pin
7 found at corner;

8 S 01° 05' 39" W, a distance of 117.27 feet to a 1/2" iron pin
9 with a red cap stamped Tipton Eng, Inc. set at corner;

10 S 00° 24' 39" E, a distance of 1169.17 feet to a 1/2" iron pin
11 found at corner;

12 S 01° 16' 49" E, a distance of 426.06 feet to the southeast
13 corner of said Wenners Park, said corner being located on the north
14 line of a tract of land conveyed to Thomas A. Adcox according to
15 the Warranty Deed recorded in County Clerk File No. 93-0055843
16 (LRCCT), a 1" iron pipe found at corner from which a fence corner
17 post found bears N 58° 58' 10" E - 1.72 feet;

18 THENCE, N 88° 15' 15" W, a distance of 234.65 feet along the
19 south line of said Wenners Park and south of the found north line
20 of a tract of land conveyed to Thomas A. Adcox according to the
21 Warranty Deed recorded in County Clerk File No. 93-0055843 (LRCCT)
22 to a 5/8" iron pin found at corner;

23 THENCE, N 88° 28' 43" W, continuing along the Wenners Park
24 south line along the north line of a tract of land conveyed to
25 Ronald D. Townsend according to the Warranty Deed With vendor's

1 Lien recorded in County Clerk File No. 95.0095541 (LRCCT), a
2 distance of 138.01 feet to the northwest corner of said Ronald D.
3 Townsend tract;

4 THENCE, continuing along the Wenners Park south line and along
5 or north of the north line of a tract of land conveyed to Arapaho
6 East, Inc. according to the Warranty Deed With Vendor's Lien
7 recorded in County Clerk File No. 2007125000110590 the following;

8 N 87° 28' 53" W, a distance of 106.30 feet to a 1/2" iron pin
9 found at corner;

10 N 89° 09' 24" W, a distance of 660.91 feet;

11 N 89° 15' 04" W, a distance of 329.10 feet to a 1/2" iron pin
12 with a red cap stamped Tipton Eng, Inc. set at corner;

13 S 89° 19' 08" W, a distance of 200.98 feet to a point being
14 the northwest corner of said Arapaho East, Inc. tract and the
15 northeast corner of a tract of land conveyed to John Yeager
16 according to the Warranty Deed recorded in County Clerk File No.
17 95-0018001 (LRCCT), from said point a 1/2" iron pin with a yellow
18 cap stamped R.S.C.I. RPLS 5034 bears N 46° 38' 55" E- 3.09 feet;

19 THENCE, S 89° 49' 14" W, continuing along said Wenners Park
20 south line, and the north line of said John Yeager tract, a
21 distance of 831.17 feet to a common property corner being the
22 southwest corner of said Wenners Park, a northwesterly corner of
23 said John Yeager tract, and at a corner of a tract of land conveyed
24 to the United States Of America, no monument found at corner.

25 THENCE, along the west line of said Wenners Park, and part of

1 the way along an east line of said United States of America, and on
2 or near the east line of said John Lindsley McCraw and Marjorie
3 Elizabeth McCraw tract the following;

4 N 01° 20' 52" W, a distance of 63.19 feet to a US Government
5 monument in concrete found at corner;

6 N 00° 05' 48" E, a distance of 350.50 feet to a 1/2" iron pin
7 found at corner;

8 N 00° 00' 20" W, a distance of 428.47 feet to a 1/2" iron pin
9 found at corner;

10 N 01° 04' 04" W, a distance of 564.64 feet to a 1/2" iron pin
11 with a red cap stamped Tipton Eng, Inc. set at corner;

12 N 00° 25' 45" W, a distance of 1081.22 feet to the Place of
13 Beginning with the subject tract containing 6,354,268 Square Feet
14 or 145.8739 acres of land.

15 PARCEL 11

16 BEING a tract of land situated in the Roger Willis Survey,
17 Abstract No. 748 and the James Osgood Survey, Abstract No. 673, in
18 Collin County, Texas, the subject tract being all of that 122.085
19 acre tract of land conveyed to Boyce Creek Estates Partnership, a
20 Texas General Partnership according to the Warranty deed recorded
21 in County Clerk File Number 20071205001626340 (LRCCT), the subject
22 tract being more particularly described as follows;

23 BEGINNING at a point on the south line of County Road No. 543
24 (a 120' ROW), said point being located at the Northeast corner of
25 Lot 12 of Widders Park, an addition to Collin County Texas

1 according to the Final Plat recorded in Cabinet J, Page 136,
2 (LRCCT), said point further being the northwest corner of said
3 Boyce Creek Estates Partnership 122.085 acre tract, a 1/2" iron pin
4 found next to a fence corner post at corner,

5 THENCE, N 89° 42' 04" E, along the south line of said County
6 Road Number 543, a distance of 645.18 feet to the northwest corner
7 of a remaining tract of land conveyed to Commercial Capital
8 Investments, Inc. according to the deed recorded in County Clerk
9 File Number 94-0058780 (LRCCT), a 1/2" iron pin found at corner;

10 THENCE, S 00° 17' 56" E, along the west line of said
11 Commercial Capital Investments, Inc. tract, a distance of 116.02
12 feet;

13 THENCE, N 89° 51' 51" E, along the south line of said
14 Commercial Capital Investments, Inc. tract, a distance of 450.80
15 feet;

16 THENCE, N 00° 17' 56" W, along the east line of said
17 Commercial Capital Investments, Inc. tract, a distance of 117.32
18 feet to a point on the said County Road Number 543 south line, a
19 1/2" iron pin found at corner;

20 THENCE, N 89° 42' 04" E, along said County Road Number 543
21 south line, a distance of 943.24 feet to the northeast corner of
22 said Boyce Creek Estates Partnership tract, said point further
23 being the northwest corner of a 11.430 acre tract of land conveyed
24 to Raymond and Mary Estrello as recorded in Volume 1268, Page 498
25 (LRCCT);

1 THENCE, S 00° 13' 19" E, along the west line of said 11.430
2 acre tract, a distance of 449.65 feet to a 1/2" iron pin found at
3 corner;

4 THENCE, S 00° 05' 23" W, along a fence, a distance of 1068.33
5 feet to the existing southwest corner of a 2.600 acre tract of land
6 conveyed to Ray Estrello according to the deed recorded in Collin
7 County Clerk File Number 96-0033461 (LRCCT);

8 THENCE, S 00° 01' 45" E, along a fence, a distance of 350.10
9 feet to the southwest corner of an 8.00 acre tract of land conveyed
10 to Keenan and Janice Lusk according to the deed recorded in Collin
11 County Clerk File Number 96-0010294 (LRCCT), a 3/8" iron pin found
12 at corner;

13 THENCE, S 00° 03' 28" E, along a fence, a distance of 750.92
14 feet to the southeast corner of said Boyce Creek Estates
15 Partnership tract and the southwest corner of a 14.500 acre tract
16 of land conveyed to Rick and Terry Rabon according to the deed
17 recorded Collin County Clerk File Number 96-0055479 (LRCCT);

18 THENCE, along the south line of said Boyce Creek Estates
19 Partnership tract the following;

20 S 88° 49' 18" W, a distance of 322.40 feet to a 3/8" iron pin
21 found at corner;

22 S 89° 32' 40" W, a distance of 641.39 feet;

23 S 89° 42' 16" W, a distance of 1073.83 feet to the southwest
24 corner of said Boyce Creek Estates Partnership tract, a 1" iron
25 pipe found at corner, said corner further being the southeast

1 corner of the previously mentioned Wenners Park addition;

2 THENCE, along the west line of said Boyce Creek Estates
3 Partnership tract the following;

4 N 00° 42' 50" W, passing 4.2 feet east of an angle point of
5 said Wenners Park at a distance of 426.03 feet and continuing to
6 make a total distance of 837.78 feet;

7 N 00° 38' 25" W, a distance of 519.80 feet;

8 N 00° 36' 47" E, passing 4.2 feet east of a 1/2" iron pin with
9 a red cap stamped Tipton Eng., Inc. found at corner at a distance
10 of 237.57 feet and passing 3.2 feet east of a 1/2" iron pin found
11 at a distance of 354.83 feet and continuing to make a total
12 distance of 1268.21 feet to the Place of Beginning with the subject
13 tract containing 5,317,920 Square Feet or 122.0827 acres of land.

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

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

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

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

7 SECTION 4. This Act takes effect immediately if it receives a
8 vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.