

By: _____

____.B. No. _____

1 A BILL TO BE ENTITLED

2 AN ACT

3 relating to the creation of the Van Alstyne Municipal Utility
4 District No. 2 of Collin County; providing authority to impose a
5 tax and issue bonds; incorporating by reference the limited power
6 of eminent domain granted by general law.

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

8 SECTION 1. Subtitle F, Title 6, Special District Local Laws
9 Code, is amended by adding Chapter 8_____ to read as follows:

10 CHAPTER 8_____ . VAN ALSTYNE MUNICIPAL UTILITY DISTRICT

11 NO. 2 OF COLLIN COUNTY

12 SUBCHAPTER A. GENERAL PROVISIONS

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

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

16 (2) "Director" means a board member.

17 (3) "District" means the Van Alstyne Municipal

1 Utility District 2 of Collin County.

2 Sec. 8 .002. NATURE OF DISTRICT. The district is a
3 municipal utility district created under Section 59, Article XVI,
4 Texas Constitution.

5 Sec. 8 .003. CONFIRMATION AND DIRECTORS' ELECTION
6 REQUIRED. The temporary directors shall hold an election to
7 confirm the creation of the district and to elect five permanent
8 directors as provided by Section 49.102, Water Code.

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

15 Sec. 8 .005. FINDINGS OF PUBLIC PURPOSE AND
16 BENEFIT. (a) The district is created to serve a public purpose
17 and benefit.

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

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

22 (2) Section 52, Article III, Texas Constitution,
23 that relate to the construction, acquisition, improvement,

1 maintenance, or operation of macadamized, graveled, or paved roads,
2 or improvements, including storm drainage, in aid of those roads.

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

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

10 (1) organization, existence, or validity;
11 (2) right to issue any type of bond for the
12 purposes for which the district is created or to pay the principal
13 of and interest on a bond;

14 (3) right to impose a tax; or
15 (4) legality or operation.

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

17 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

22 Sec. 8 .052. TEMPORARY DIRECTORS.

23 (a) On or after the effective date of the Act creating

1 this chapter, the owner or owners of a majority of the assessed
2 value of the real property in the district may submit a petition to
3 the Texas Commission on Environmental Quality requesting that the
4 commission appoint as temporary directors the five persons named in
5 the petition. The commission shall appoint as temporary directors
6 the five persons named in the petition.

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

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

10 (2) the fourth anniversary of the effective date
11 of the Act creating this chapter.

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

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

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

21 (d) If Subsection (c) applies, the owner or owners of
22 a majority of the assessed value of the real property in the
23 district may submit a petition to the commission requesting that

1 the commission appoint as successor temporary directors the five
2 persons named in the petition. The commission shall appoint as
3 successor temporary directors the five persons named in the
4 petition.

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

6 SUBCHAPTER C. POWERS AND DUTIES

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

10 Sec. 8 .102. MUNICIPAL UTILITY DISTRICT POWERS AND
11 DUTIES. The district has the powers and duties provided by the
12 general law of this state, including Chapters 49 and 54, Water
13 Code, applicable to municipal utility districts created under
14 Section 59, Article XVI, Texas Constitution.

15 Sec. 8 .103. AUTHORITY FOR ROAD PROJECTS. Under
16 Section 52, Article III, Texas Constitution, the district may
17 design, acquire, construct, finance, issue bonds for, improve,
18 maintain, operate, and convey to this state, a county, or a
19 municipality for operation and maintenance macadamized, graveled,
20 or paved roads, or improvements, including storm drainage, in aid
21 of those roads.

22 Sec. 8 .104. ROAD STANDARDS AND REQUIREMENTS. (a)
23 A road project must meet all applicable construction standards,

1 subdivision requirements, and regulations of each municipality in
2 whose corporate limits or extraterritorial jurisdiction the road
3 project is located.

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

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

12 Sec. 8 .105. COMPLIANCE WITH MUNICIPAL CONSENT
13 ORDINANCE OR RESOLUTION. The district shall comply with all
14 applicable requirements of any ordinance or resolution that is
15 adopted under Section 54.016 or 54.0165, Water Code, and that
16 consents to the creation of the district or to the inclusion of
17 land in the district.

18 Sec. 8 .106. DIVISION OF DISTRICT. (a) The district
19 may be divided into two or more new districts only if the district:

20 (1) has no outstanding bonded debt; and

21 (2) is not imposing ad valorem taxes.

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

1 powers and duties of the district.

2 (c) Any new district created by the division of the
3 district may not, at the time the new district is created, contain
4 any land outside the area described by Section 2 of the Act
5 creating this chapter.

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

10 (e) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 8 .003 to confirm the district's creation.

13 (f) An order dividing the district shall:

14 (1) name each new district;

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

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

19 (4) provide for the division of assets and
20 liabilities between or among the new districts.

21 (g) On or before the 30th day after the date of
22 adoption of an order dividing the district, the district shall file
23 the order with the Texas Commission on Environmental Quality and

1 record the order in the real property records of each county in
2 which the district is located.

3 (h) Any new district created by the division of the
4 district shall hold a confirmation and directors' election as
5 required by Section 8 .003.

6 (i) Municipal consent to the creation of the district
7 and to the inclusion of land in the district granted under Section
8 8 .004 acts as municipal consent to the creation of any new
9 district created by the division of the district and to the
10 inclusion of land in the new district.

11 (j) Any new district created by the division of the
12 district must hold an election as required by this chapter to
13 obtain voter approval before the district may impose a maintenance
14 tax or issue bonds payable wholly or partly from ad valorem taxes.

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

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

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

21 (2) contract payments described by Section

22 8 .153.

23 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter
2 approval before the district may impose an ad valorem tax or issue
3 bonds payable from ad valorem taxes.

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

8 Sec. 8 .152. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 8 .151, the district
10 may impose an operation and maintenance tax on taxable property in
11 the district in accordance with Section 49.107, Water Code.

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

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

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

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

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 8 .201. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, contract payments, grants, or other district money, or any
6 combination of those sources, to pay for any authorized district
7 purpose.

8 Sec. 8 .202. TAXES FOR BONDS. At the time the
9 district issues bonds payable wholly or partly from ad valorem
10 taxes, the board shall provide for the annual imposition of a
11 continuing direct ad valorem tax, without limit as to rate or
12 amount, while all or part of the bonds are outstanding as required
13 and in the manner provided by Sections 54.601 and 54.602, Water
14 Code.

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

20 SECTION 2. The Van Alstyne Municipal Utility District No. 2
21 of Collin County initially includes all the territory contained in
22 the following area:

23 **SITUATED** in the County of Collin, State of Texas, and being a

1 part of the W. M. Creager Survey, Abstract No. 164, and being all
2 of the 6.120 ac. tract of land (Tract 6) conveyed to Vincent Viola
3 by W. Mark David by Special Warranty Deed dated July 30, 2001 and
4 recorded in Volume 4987, Page 697, Deed Records, Collin County,
5 Texas, and being more particularly described as one tract of land
6 by metes and bounds as follows, to-wit:

7 **BEGINNING** at a point in the West right-of-way line of State
8 Highway No. 5, at the Northeast corner of said Viola Tract 6, at
9 the Southeast corner of the property conveyed to John E. Steffens
10 in Collin County Clerk's File No. 93-0104713;

11 **THENCE** South 21 deg. 08 min. 14 sec. East, with the West
12 right-of-way line of said State Highway No. 5, a distance of 638.77
13 ft. to a point at the most Easterly Southeast corner of said Viola
14 Tract 6, at the Northeast corner of the property conveyed to Tina
15 M. Lieto;

16 **THENCE** South 69 deg. 07 min. 56 sec. West, with the North line
17 of said Lieto tract, a distance of 142.55 ft. to a point at the
18 Northwest corner of said Lieto tract;

19 **THENCE** South 20 deg. 28 min. 53 sec. East, with the West line
20 of said Lieto tract, a distance of 300.17 ft. to a point in the
21 North line of the property conveyed to Tim P. Heffernan in Collin
22 County Clerk's File No. 94-0098977, at the Southwest corner of said
23 Lieto tract, at the most Southerly Southeast corner of said Viola

1 Tract 6;

2 THENCE South 68 deg. 55 min. 52 sec. West, with the North line
3 of said Heffernan tract, a distance of 377.37 ft. to a point in the
4 East line of the property conveyed to Kerry L. Burns in Collin
5 County Clerk's File No. 93-0091969, at the Southwest corner of said
6 Viola Tract 6;

7 THENCE North 01 deg. 35 min. 22 sec. East, with the East line
8 of said Burns tract, a distance of 1,068.04 ft. to a point in the
9 South line of said Steffens tract, at the Northeast corner of said
10 Burns tract, at the Northwest corner of said Viola Tract 6;

11 THENCE South 88 deg. 00 min. 01 sec. East, with the South
12 line of said Steffens tract, a distance of 120.42 ft. to the
13 PLACE OF BEGINNING and containing 6.12 ACRES of land.

14 SITUATED in the County of Collin, State of Texas, and being a
15 part of the W. M. Creager Survey, Abstract No. 164, and being all
16 of the 27.387 ac. tract of land (Tract 7) conveyed to Vincent Viola
17 by W. Mark David by Special Warranty Deed dated July 30, 2001 and
18 recorded in Volume 4987, Page 697, Deed Records, Collin County,
19 Texas, and being more particularly described as one tract of land
20 by metes and bounds as follows, to-wit:

21 BEGINNING at a point in the West right-of-way line of State
22 Highway No. 5, at the Northeast corner of said Viola Tract 7, at
23 the Southeast corner of the property conveyed to Tim P. Heffernan

1 in Collin County Clerk's File No. 94-0098977;

2 **THENCE** South 21 deg. 08 min. 14 sec. East, with the West
3 right-of-way line of said State Highway No. 5, a distance of
4 1,183.89 ft. to a point at the Northeast corner of the property
5 conveyed to M. F. Darehsori in Volume 2264, Page 395, said Collin
6 County Deed Records;

7 **THENCE** North 87 deg. 58 min. 11 sec. West, with the North line
8 of said Darehsori tract, a distance of 131.73 ft. to a point at the
9 Northwest corner of said Darehsori tract;

10 **THENCE** South 02 deg. 01 min. 49 sec. West, with the West line
11 of said Darehsori tract, a distance of 150.00 ft. to a point at the
12 Southwest corner of said Darehsori tract;

13 **THENCE** South 87 deg. 58 min. 11 sec. East, with the South line
14 of said Darehsori tract, a distance of 195.92 ft. to a point in the
15 West right-of-way line of said State Highway No. 5, at the
16 Southeast corner of said Darehsori tract;

17 **THENCE** South 21 deg. 08 min. 14 sec. East, with the West
18 right-of-way line of said State Highway No. 5, a distance of 190.49
19 ft. to a point at the Southeast corner of said Viola Tract 7;

20 **THENCE** North 87 deg. 54 min. 56 sec. West, with the South line
21 of said Viola Tract 7, a distance of 1,216.71 ft. to a point at the
22 Southwest corner of said Viola Tract 7;

23 **THENCE** North 01 deg. 35 min. 22 sec. East, with the West line

1 of said Viola Tract 7, a distance of 1,149.78 ft. to a point at the
2 Northwest corner of said Viola Tract 7, at the Southwest corner of
3 said Heffernan tract;

4 **THENCE** North 69 deg. 05 min. 34 sec. East, with the South
5 line of said Heffernan tract, a distance of 673.94 ft. to the
6 **PLACE OF BEGINNING** and containing **27.39 ACRES** of land.

7 SITUATED in the County of Collin, State of Texas, and being a
8 part of the W. M. Creager Survey, Abstract No. 164, being a part of
9 the Hanny Nelson Survey, Abstract No. 431, and being all of the
10 14.381 ac. tract of land (Tract 4) and 20.024 ac. tract of land
11 (Tract 5) both conveyed to Vincent Viola by W. Mark David by
12 Special Warranty Deed dated July 30, 2001 and recorded in Volume
13 4987, Page 697, Deed Records, Collin County, Texas, and being more
14 particularly described as one tract of land by metes and bounds as
15 follows, to-wit:

16 **BEGINNING** at a point in the center of Collin County Road No.
17 290, a public road, in the East-right-of-way line of State Highway
18 No. 5, at the Northwest corner of said Viola Tract 4;

19 **THENCE** South 86 deg. 46 min. 02 sec. East, with the center of
20 said Collin County Road No. 290 and the North line of said Viola
21 Tract 4, a distance of 752.82 ft. to a point at the Northeast
22 corner of said Viola Tract 4, at the Northwest corner of the
23 property conveyed to Rollin G. Andreas in Collin County Clerk's

1 File No. 95-0024818;

2 **THENCE** South 02 deg. 30 min. 46 sec. West, with the West line
3 of said Andreas tract, a distance of 1,162.43 ft. to a point at the
4 Southwest corner of said Andreas tract, at the most Northerly
5 Northwest corner of said Viola Tract 5;

6 **THENCE** South 88 deg. 22 min. 09 sec. East, with the South line
7 of said Andreas tract, passing the Southeast corner of said Andreas
8 tract and the Southwest corner of the property conveyed to Clyde L.
9 Depew in Volume 2709, Page 88, said Collin County Deed Records, and
10 continuing now with the South line of said Depew tract, passing the
11 Southeast corner of said Depew tract and the Southwest corner of
12 the property conveyed to Donald H. Topper in Volume 3139, Page 13,
13 said Collin County Deed Records, and continuing now with the South
14 line of said Topper tract for total distance of 1,305.31 ft. to a
15 point at the Northeast corner of said Viola Tract 5;

16 **THENCE** South 02 deg. 11 min. 51 sec. West, with the East line
17 of said Viola Tract 5, a distance of 661.46 ft. to a point at the
18 Southeast corner of both said Viola Tract 5 and the herein
19 described tract, at a corner of the property conveyed to Osa W.
20 Marshall in Volume 756, Page 823, said Collin County Deed Records;

21 **THENCE** North 87 deg. 53 min. 32 sec. West, with the South line
22 of said Viola Tract 5 and the North line of said Marshall tract, a
23 distance of 1,263.76 ft. to a point in the East right-of-way line

1 of said State Highway No. 5, at the Southwest corner of both said
2 Viola Tract 5 and the herein described tract, at the Northwest
3 corner of said Marshhall tract;

4 **THENCE** North 21 deg. 07 min. 59 sec. West, with the East
5 right-of-way line of said State Highway No. 5 and the West line
6 of said Viola Tract 5, passing the most Westerly Northwest corner
7 of said Viola Tract 5 and the Southwest corner of said Viola
8 Tract 4 and continuing now with the West line of said Viola Tract
9 4 for a total distance of 1,989.19 ft. to the **PLACE OF BEGINNING**
10 and containing **34.40 ACRES** of land.

11 **SITUATED** in the County of Collin, State of Texas, and being a
12 part of the J. C. Burge Survey, Abstract No. 106, and being a part
13 of the 363.943 ac. tract of land (Tract 2) conveyed to Vincent
14 Viola by W. Mark David by Special Warranty Deed dated July 30, 2001
15 and recorded in Volume 4987, Page 697, Deed Records, Collin County,
16 Texas, and being more particularly described as one tract of land
17 by metes and bounds as follows, to-wit:

18 **BEGINNING** at a point at a Southwest corner of said Viola Tract
19 2, at an Ell corner of the property conveyed to Leonard Harlow in
20 Collin County Clerk's File No. 92-0054819, at the most Southerly
21 Southwest corner of the herein described tract;

22 **THENCE** North 00 deg. 42 min. 55 sec. East, with an East line
23 of said Harlow tract, a distance of 1,221.14 ft. to a point at the

1 a Northeast corner of said Harlow tract, at an Ell corner of the
2 herein described tract;

3 **THENCE** South 88 deg. 56 min. 57 sec. West, with a North line
4 of said Harlow tract, a distance of 231.65 ft. to a point at the
5 most Westerly Southwest corner of the herein described tract;

6 **THENCE** North 27 deg. 03 min. 33 sec. West, with an East line
7 of said Harlow tract, a distance of 80.10 ft. to a point in the
8 center of a public road, at the most Westerly Northwest corner of
9 the herein described tract, at a Northeast corner of said Harlow
10 tract;

11 **THENCE** Northeasterly, with the center of said public road, the
12 following calls and distances:

13 North 57 deg. 35 min. 20 sec. East, a distance of 87.86 ft.;

14 North 56 deg. 56 min. 45 sec. East, a distance of 149.91 ft.;

15 North 51 deg. 48 min. 17 sec. East, a distance of 78.22 ft.;

16 North 36 deg. 51 min. 30 sec. East, a distance of 94.21 ft.;

17 North 08 deg. 32 min. 03 sec. East, a distance of 105.61 ft.

18 to a point in the South line of the Mantua Cemetery, at the most
19 Northerly Northwest corner of the herein described tract;

20 **THENCE** South 87 deg. 00 min. 45 sec. East, with the South line
21 of said Mantua Cemetery, passing the Southeast corner of said
22 Mantua Property and the most Southerly Southwest corner of the
23 217.416 ac. tract of land (Tract 3) conveyed to Vincent Viola in

1 said Volume 4987, Page 697, and continuing now with a South line of
2 said Viola Tract 3 for a total distance of 1,046.88 ft. to a point
3 at the Northwest corner of the property conveyed to Virginia R.
4 Bryant in Volume 2867, Page 168, said Collin County Deed Records,
5 at the Northeast corner of the herein described tract;

6 **THENCE** South 02 deg. 45 min. 18 sec. West, with the West line
7 of said Bryant tract, a distance of 1,638.97 ft. to a point at the
8 Southeast corner of the herein described tract, at a Southeast
9 corner of said Viola Tract 2;

10 **THENCE** North 87 deg. 27 min. 35 sec. West, with a North line
11 of said Bryant tract, passing a Northwest corner of said Bryant
12 tract and the most Easterly Northeast corner of said Harlow tract
13 and continuing now with a South line of said Harlow tract for a
14 total distance of 1,048.38 ft. to the **PLACE OF BEGINNING** and
15 containing **41.44 ACRES** of land.

16 **SITUATED** in the County of Collin, State of Texas, and being a
17 part of the J. C. Burge Survey, Abstract No. 106, and being a part
18 of the Eli Witt Survey, Abstract No. 997, and being a part of the
19 363.943 ac. tract of land (Tract 2) conveyed to Vincent Viola by W.
20 Mark David by Special Warranty Deed dated July 30, 2001 and
21 recorded in Volume 4987, Page 697, Deed Records, Collin County,
22 Texas, and being more particularly described as one tract of land
23 by metes and bounds as follows, to-wit:

1 BEGINNING at a point in the center of a public road, in the
2 East right-of-way line of U. S. Highway No. 75, at the Southwest
3 corner of said Viola Tract 2, at the Northwest corner of the
4 property conveyed to Stephen Gaggero in Volume 2929, Page 414, said
5 Collin County Deed Records;

6 THENCE Northerly, with the East right-of-way line of said U.
7 S. Highway No. 75, the following calls and distances:

8 North 08 deg. 39 min. 30 sec. East, a distance of 14.42 ft. to
9 an angle point;

10 North 40 deg. 29 min. 30 sec. West, a distance of 39.23 ft. to
11 an angle point;

12 North 08 deg. 39 min. 30 sec. East, a distance of 66.97 ft. to
13 an angle point;

14 North 11 deg. 31 min. 15 sec. East, a distance of 200.20 ft.
15 to an angle point;

16 North 05 deg. 47 min. 46 sec. East, a distance of 200.20 ft.
17 to an angle point;

18 North 08 deg. 39 min. 30 sec. East, a distance of 999.74 ft.
19 to an angle point;

20 North 05 deg. 47 min. 46 sec. East, a distance of 400.40 ft.
21 to an angle point;

22 North 08 deg. 39 min. 30 sec. East, a distance of 799.79 ft.
23 to an angle point;

1 North 10 deg. 48 min. 22 sec. East, a distance of 800.35 ft.
2 to an angle point;
3 North 08 deg. 39 min. 30 sec. East, a distance of 679.13 ft.
4 to an angle point;
5 North 06 deg. 50 min. 30 sec. East, a distance of 740.09 ft.
6 to an angle point;
7 North 01 deg. 38 min. 37 sec. East, a distance of 739.74 ft.
8 to an angle point;
9 North 07 deg. 51 min. 29 sec. East, a distance of 265.63 ft.
10 to an angle point;
11 North 04 deg. 14 min. 15 sec. East, a distance of 400.40 ft.
12 to an angle point;
13 North 15 deg. 24 min. 41 sec. East, a distance of 206.10 ft.
14 to an angle point;
15 North 40 deg. 02 min. 06 sec. East, a distance of 256.06 ft.
16 to an angle point;
17 North 09 deg. 32 min. 30 sec. East, a distance of 135.82 ft.
18 to an angle point;
19 North 46 deg. 22 min. 30 sec. East, a distance of 42.42 ft. to
20 an angle point;
21 North 02 deg. 41 min. 47 sec. East, a distance of 39.59 ft. to
22 an angle point;
23 North 42 deg. 51 min. 30 sec. West, a distance of 42.42 ft. to

1 an angle point;
2 North 05 deg. 43 min. 30 sec. West, a distance of 166.76 ft.
3 to an angle point;
4 North 33 deg. 37 min. 01 sec. West, a distance of 244.07 ft.
5 to an angle point;
6 North 05 deg. 45 min. 00 sec. West, a distance of 403.01 ft.
7 to an angle point;
8 North 09 deg. 56 min. 05 sec. West, a distance of 203.91 ft.
9 to an angle point;
10 North 01 deg. 22 min. 30 sec. East, a distance of 513.55 ft.
11 to an angle point;
12 North 45 deg. 48 min. 30 sec. East, a distance of 42.85 ft. to
13 an angle point;
14 North 01 deg. 22 min. 30 sec. East, a distance of 26.10 ft. to
15 a point at the intersection of the East right-of-way line of said
16 U. S. Highway No. 75 with the center of a public road from the
17 East, at the Northwest corner of the herein described tract;
18 **THENCE** North 89 deg. 26 min. 08 sec. East, with the center of
19 said public road, a distance of 492.32 ft. to a point at the most
20 Northerly Northeast corner of the herein described tract, at the
21 most Westerly Northwest corner of the property conveyed to Leonard
22 Harlow in Collin County Clerk's File No. 92-0054819;
23 **THENCE** South 00 deg. 05 min. 12 sec. West, with a West line of

1 said Harlow tract, a distance of 1,603.33 ft. to a point at the
2 centerline intersection of said public road with the center of
3 Mantua Road, a public road, at the most Westerly Southwest corner
4 of said Harlow tract;

5 **THENCE** South 88 deg. 26 min. 29 sec. East, with the center of
6 said Mantua Road and with a South line of said Harlow tract, a
7 distance of 759.59 ft. to a point at an Ell corner of said Harlow
8 tract;

9 **THENCE** South 02 deg. 15 min. 21 sec. West, with a West line of
10 said Harlow tract, passing the most Southerly Southwest corner of
11 said Harlow tract and the Northwest corner of the property conveyed
12 to R. E. Lindsey in Volume 986, Page 629, said Collin County Deed
13 Records, and continuing now with the West line of said R. E.
14 Lindsey tract for a total distance of 2,235.00 ft. to a point in
15 the North line of the property conveyed to Arlie E. Lindsey in
16 Volume 989, Page 400, said Collin County Deed Records, at the
17 Southwest corner of said R. E. Lindsey tract, at the most Easterly
18 Southeast corner of the herein described tract;

19 **THENCE** North 85 deg. 49 min. 25 sec. West, with the North line
20 of said Arlie E. Lindsey tract, a distance of 774.86 ft. to a point
21 at the Northwest corner of said Arlie E. Lindsey tract;

22 **THENCE** South 00 deg. 29 min. 03 sec. West, with the West line
23 of said Arlie E. Lindsey tract, passing the Southwest corner of

1 said Arlie E. Lindsey tract and the Northwest corner of the
2 property conveyed to Leonard Harlow in Volume 2408, Page 323, said
3 Collin County Deed Records, and continuing now with the West line
4 of said Harlow tract for a total distance of 4,656.81 ft. to a
5 point at the most Southerly Southeast corner of said Viola Tract 2
6 and the herein described tract, at the Northeast corner of said
7 Gaggero tract;

8 **THENCE** North 89 deg. 50 min. 05 sec. West, with the North line
9 of said Gaggero tract, entering the pavement of a public road, and
10 continuing now with the center of said road for a total distance of
11 748.48 ft. to an angle point;

12 **THENCE** North 89 deg. 27 min. 33 sec. West, continuing with the
13 center of said public road and the North line of said Gaggero
14 tract, a distance of 448.56 ft. to the **PLACE OF BEGINNING** and
15 containing **177.70 ACRES** of land.

16 **SITUATED** in the County of Collin, State of Texas, and being a
17 part of the Hanny Nelson Survey, Abstract No. 431, and being a part
18 of the J. C. Burge Survey, Abstract No. 106, and being a part of
19 the W. M. Creager Survey, Abstract No. 164, and being a part of the
20 363.943 ac. tract of land (Tract 2) and all of the 217.416 ac.
21 tract of land (Tract 3), both conveyed to Vincent Viola by W. Mark
22 David by Special Warranty Deed dated July 30, 2001 and recorded in
23 Volume 4987, Page 697, Deed Records, Collin County, Texas, and

1 being more particularly described as one tract of land by metes and
2 bounds as follows, to-wit:

3 **BEGINNING** at a point in East right-of-way line of U. S.
4 Highway No. 75, in the center of Collin County Road No. 290, at the
5 most Northerly Northwest corner of said Viola Tract 2;

6 **THENCE** South 87 deg. 47 min. 57 sec. East, with the center of
7 said Collin County Road No. 290, a distance of 677.09 ft. to a
8 point at the Northeast corner of said Viola Tract 2, at the
9 Northwest corner of said Viola Tract 3;

10 **THENCE** South 88 deg. 25 min. 32 sec. East, continuing with the
11 center of said Collin County Road No. 290, a distance of 447.93 ft.
12 to a point at the Northwest corner of the property conveyed to Jim
13 Lawrence in Volume 1498, Page 563, said Collin County Deed Records;

14 **THENCE** South 01 deg. 54 min. 14 sec. West, with the West line
15 of said Lawrence tract, a distance of 599.97 ft. to a point at the
16 Southwest corner of said Lawrence tract;

17 **THENCE** South 88 deg. 12 min. 30 sec. East, with the South line
18 of said Lawrence tract, a distance of 579.90 ft. to a point at the
19 Southeast corner of said Lawrence tract;

20 **THENCE** North 01 deg. 58 min. 08 sec. East, with the East line
21 of said Lawrence tract, a distance of 602.17 ft. to a point in the
22 center of said Collin County Road No. 290, at the Northeast corner
23 of said Lawrence tract;

1 THENCE South 88 deg. 25 min. 32 sec. East, with the center of
2 said Collin County Road No. 290, passing the most Westerly
3 Southwest corner of the property conveyed to Tucker B. McDonald in
4 Collin County Clerk's File No. 94-0053961, and continuing now with
5 a South line of said McDonald tract for a total distance of 815.54
6 ft. to a point at a Northeast corner of said Viola Tract 3, at an
7 Ell corner of said McDonald tract;

8 THENCE South 01 deg. 55 min. 23 sec. West, with a West line of
9 said McDonald tract, a distance of 144.12 ft. to a point at the
10 Southwest corner of said McDonald tract;

11 THENCE South 88 deg. 09 min. 09 sec. East, with a South line
12 of said McDonald tract, passing the Southeast corner of said
13 McDonald tract and a Southwest corner of the property conveyed to
14 Forrest W. Moore in Volume 1799, Page 804, said Collin County Deed
15 Records, and continuing now with a South line of said Moore tract
16 for a total distance of 1,372.74 ft. to a point in West right-of-
17 way line of State Highway No. 5, at the Northeast corner of both
18 said Viola Tract 3 and the herein described tract;

19 THENCE South 21 deg. 08 min. 14 sec. East, with the West
20 right-of-way line of said State Highway No. 5, a distance of
21 1,357.58 ft. to a point at the most Easterly Southeast corner of
22 both said Viola Tract 3 and the herein described tract, at the
23 Northeast corner of the property conveyed to John E. Steffens in

1 Collin County Clerk's File No. 93-0104713;

2 THENCE North 87 deg. 57 min. 15 sec. West, with the North line
3 of said Steffens tract, a distance of 701.67 ft. to a point at the
4 Northwest corner of said Steffens tract;

5 THENCE South 00 deg. 32 min. 52 sec. East, with the West line
6 of said Steffens tract, a distance of 185.54 ft. to a point in the
7 North line of the property conveyed to Ann Marie Forlenza in Collin
8 County Clerk's File No. 96-0016528, at the Southwest corner of said
9 Steffens tract;

10 THENCE North 88 deg. 15 min. 56 sec. West, with the North line
11 of said Forlenza tract, passing the Northwest corner of said
12 Forlenza tract and the Northeast corner of Anna 103, an Addition to
13 Collin County, Texas, as recorded in the Collin County Plat
14 Records, a distance of 219.14 ft. to an angle point in the North
15 line of said Anna 103 Addition;

16 THENCE North 88 deg. 54 min. 31 sec. West, continuing with the
17 North line of said Anna 103 Addition, a distance of 802.35 ft. to a
18 point at the Northwest corner of said Anna 103 Addition;

19 THENCE South 02 deg. 22 min. 42 sec. West, with the West line
20 of said Anna 103 Addition, a distance of 2,263.74 ft. to a point at
21 the Northeast corner of the property conveyed to Ronald Larue in
22 Volume 1697, Page 57, said Collin County Deed Records;

23 THENCE North 83 deg. 28 min. 52 sec. West, with the North line

1 of said Larue tract, a distance of 386.62 ft. to a point at the
2 Northwest corner of said Larue tract;

3 **THENCE** South 02 deg. 22 min. 41 sec. West, with the West line
4 of said Larue tract, a distance of 335.53 ft. to a point in the
5 North line of the property conveyed to Virginia R. Bryant in Volume
6 2867, Page 168, said Collin County Deed Records, at the Southwest
7 corner of said Larue tract;

8 **THENCE** North 86 deg. 56 min. 09 sec. West, with the North line
9 of said Bryant tract, a distance of 474.85 ft. to a point at the
10 Northwest corner of said Bryant tract;

11 **THENCE** North 87 deg. 00 min. 45 sec. West, a distance of
12 597.94 ft. to a point at the Southeast corner of the Mantua
13 Cemetery;

14 **THENCE** North 01 deg. 35 min. 32 sec. East, with the East line
15 of said Mantua Cemetery, a distance of 372.22 ft. to a point at the
16 Northeast corner of said Mantua Cemetery;

17 **THENCE** South 54 deg. 09 min. 25 sec. West, with the North line
18 of said Mantua Cemetery, a distance of 319.95 ft. to an angle
19 point;

20 **THENCE** North 40 deg. 29 min. 38 sec. West, continuing with the
21 North line of said Mantua Cemetery, a distance of 134.58 ft. to an
22 angle point;

23 **THENCE** South 81 deg. 54 min. 46 sec. West, continuing with the

1 North line of said Mantua Cemetery, a distance of 60.47 ft. to an
2 angle point;

3 THENCE South 20 deg. 08 min. 34 sec. West, continuing with the
4 North line of said Mantua Cemetery, a distance of 155.17 ft. to an
5 angle point;

6 THENCE South 69 deg. 37 min. 57 sec. West, continuing with the
7 North line of said Mantua Cemetery, a distance of 17.16 ft. to a
8 point in the center of a public road, at the Northwest corner of
9 said Mantua Cemetery;

10 THENCE South 03 deg. 13 min. 52 sec. West, with the West line
11 of said Mantua Cemetery, a distance of 102.46 ft. to a point at the
12 Southwest corner of said Mantua Cemetery;

13 THENCE South 87 deg. 00 min. 45 sec. East, with the South line
14 of said Mantua Cemetery, a distance of 23.27 ft. to a point in the
15 center of said public road;

16 THENCE South 08 deg. 32 min. 03 sec. West, with the center of
17 said public road, a distance of 105.61 ft. to an angle point;

18 THENCE South 36 deg. 51 min. 30 sec. West, continuing with the
19 center of said public road, a distance of 94.21 ft. to an angle
20 point;

21 THENCE South 51 deg. 48 min. 17 sec. West, continuing with the
22 center of said public road, a distance of 78.22 ft. to an angle
23 point;

1 THENCE South 56 deg. 56 min. 45 sec. West, continuing with the
2 center of said public road, a distance of 149.91 ft. to an angle
3 point;

4 THENCE South 57 deg. 35 min. 20 sec. West, continuing with the
5 center of said public road, a distance of 87.86 ft. to a point at
6 the most Northerly Northeast corner of the property conveyed to
7 Leonard Harlow in Collin County Clerk's File No. 92-0054819;

8 THENCE South 72 deg. 58 min. 34 sec. West, with a North line
9 of said Harlow tract, a distance of 246.79 ft. to a point at the
10 most Northerly Northwest corner of said Harlow tract;

11 THENCE South 01 deg. 36 min. 58 sec. West, with a West line of
12 said Harlow tract, a distance of 398.78 ft. to an angle point;

13 THENCE South 21 deg. 05 min. 34 sec. West, with a North line
14 of said Harlow tract, a distance of 82.04 ft. to a point at an Ell
15 corner of said Harlow tract;

16
17 THENCE North 87 deg. 34 min. 30 sec. West, continuing with a
18 North line of said Harlow tract, entering the centerline of said
19 public road and continuing for a distance of 233.21 ft. to a point
20 at the most Westerly Northwest corner of said Harlow tract;

21 THENCE South 89 deg. 26 min. 08 sec. West, with the center of
22 said public road, a distance of 492.32 ft. to a point at the
23 intersection of the center of said public road with the East right-

1 of-way line of said U. S. Highway No. 75;
2 THENCE Northerly, with the East right-of-way line of U. S.
3 Highway No. 75, the following calls and distances:
4 North 01 deg. 22 min. 30 sec. East, a distance of 26.10 ft. to
5 an angle point;
6 North 44 deg. 23 min. 30 sec. West, a distance of 41.84 ft. to
7 an angle point;
8 North 01 deg. 22 min. 30 sec. East, a distance of 774.10 ft.
9 to an angle point;
10 North 04 deg. 20 min. 30 sec. West, a distance of 200.95 ft.
11 to an angle point;
12 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
13 to an angle point;
14 North 04 deg. 14 min. 15 sec. East, a distance of 200.20 ft.
15 to an angle point;
16 North 07 deg. 05 min. 08 sec. East, a distance of 200.95 ft.
17 to an angle point;
18 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
19 to an angle point;
20 North 04 deg. 20 min. 08 sec. West, a distance of 200.95 ft.
21 to an angle point;
22 North 00 deg. 03 min. 25 sec. West, a distance of 400.02 ft.
23 to an angle point;

1 North 09 deg. 54 min. 21 sec. East, a distance of 202.18 ft.
2 to an angle point;
3 North 07 deg. 09 min. 20 sec. West, a distance of 202.18 ft.
4 to an angle point;
5 North 00 deg. 32 min. 03 sec. West, a distance of 600.18 ft.
6 to an angle point;
7 North 04 deg. 57 min. 05 sec. East, a distance of 400.68 ft.
8 to an angle point;
9 North 07 deg. 05 min. 08 sec. East, a distance of 401.89 ft.
10 to an angle point;
11 North 01 deg. 22 min. 31 sec. East, a distance of 159.31 ft.
12 to a point at the beginning of a curve;
13 Northerly, with a curve to the left having a radius of
14 11,681.11 ft. and a central angle of 02 deg. 16 min. 07 sec. (chord
15 bears North 00 deg. 14 min. 28 sec. East, 462.48 ft.), an arc
16 distance of 462.51 ft. to a point at the end of said curve;
17 North 49 deg. 37 min. 30 sec. East, a distance of 43.80 ft. to
18 an angle point;
19 South 88 deg. 06 min. 30 sec. East, a distance of 479.87 ft.
20 to an angle point;
21 North 24 deg. 52 min. 30 sec. East, a distance of 179.23 ft.
22 to an angle point;
23 North 01 deg. 41 min. 57 sec. East, a distance of 18.13 ft.

1 to the **PLACE OF BEGINNING** and containing **362.23 ACRES** of land.

2 **SITUATED** in the County of Collin, State of Texas, and being a
3 part of the following Surveys: the Jonas Whitaker Survey, Abstract
4 No. 981, the P. Burns Survey, Abstract No. 100, and the J.
5 Batterman Survey, Abstract No. 94, the Zach Roberts Survey,
6 Abstract No. 760, and the Henry Smith Survey, Abstract No. 822, and
7 being a part of the 1232.837 ac. tract of land conveyed to Vincent
8 Viola by W. Mark David by Special Warranty Deed dated July 30, 2001
9 and recorded in Volume 4987, Page 726, Deed Records, Collin County,
10 Texas, and being all of the 22.597 ac. tract of land (Tract 2)
11 conveyed to Vincent J. Viola by Don S. Flesher by Warranty Deed
12 dated September 10, 2004 and recorded in Volume 5766, Page 6210,
13 said Collin County Deed Records, and being all of the 57.24 ac.
14 tract of land conveyed to Vincent J. Viola by Jack R. Shirley,
15 Trustee of the Shirley Living Trust by Warranty Deed with Vendor's
16 Lien dated February 26, 2004 and recorded in Volume 5616, Page
17 5706, said Collin County Deed Records, and being more particularly
18 described as one tract of land by metes and bounds as follows, to-
19 wit:

20 **BEGINNING** at a 1/2 inch rebar found at the Southwest corner of
21 said Viola 57.24 ac., at the most Southerly Southeast corner of the
22 133.814 ac. tract of land conveyed to Vincent J. Viola in Volume
23 5642, Page 1395, said Collin County Deed Records;

1 THENCE North 00 deg. 16 min. 20 sec. East, with the West line
2 of said Viola 57.24 ac., a distance of 1,686.94 ft. to a 1/2 inch
3 rebar found at the Northwest corner of said Viola 57.24 ac., at an
4 Ell corner of said Viola 133.814 ac.;

5 THENCE North 89 deg. 26 min. 03 sec. East, with the North line
6 of said Viola 57.24 ac., entering the pavement of Collin County
7 Road No. 290 and continuing now with the center of said Collin
8 County Road No. 290 for a total distance of 772.79 ft. to a 1/2
9 inch rebar found at the most Easterly Southeast corner of said
10 Viola 133.814 ac., at the Northeast corner of said;

11 THENCE South 00 deg. 15 min. 47 sec. East, with the East line
12 of said Viola 57.24 ac., a distance of 190.12 ft. to a point in the
13 center of a creek;

14 THENCE Southerly, with the center of a creek, maintaining the
15 East line of said Viola 57.24 ac., the following calls and
16 distances:

17 South 79 deg. 06 min. 47 sec. East, a distance of 36.06 ft.;

18 South 49 deg. 26 min. 47 sec. East, a distance of 135.00 ft.;

19 North 85 deg. 33 min. 13 sec. East, a distance of 98.00 ft.;

20 South 39 deg. 36 min. 47 sec. East, a distance of 85.00 ft.;

21 South 79 deg. 46 min. 47 sec. East, a distance of 83.00 ft.;

22 South 41 deg. 03 min. 47 sec. East, a distance of 39.00 ft.;

23 South 69 deg. 26 min. 47 sec. East, a distance of 38.00 ft.;

1 North 63 deg. 33 min. 13 sec. East, a distance of 62.00 ft.;
2 North 69 deg. 01 min. 13 sec. East, a distance of 131.30 ft.;
3 South 60 deg. 26 min. 47 sec. East, a distance of 100.00 ft.;
4 South 55 deg. 26 min. 47 sec. East, a distance of 100.00 ft.;
5 North 69 deg. 33 min. 13 sec. East, a distance of 40.00 ft.;
6 South 73 deg. 26 min. 47 sec. East, a distance of 25.00 ft.;
7 South 24 deg. 26 min. 47 sec. East, a distance of 67.30 ft.;
8 South 79 deg. 26 min. 47 sec. East, a distance of 25.00 ft.;
9 South 59 deg. 26 min. 47 sec. East, a distance of 50.00 ft.;
10 South 85 deg. 26 min. 47 sec. East, a distance of 27.00 ft.;
11 South 56 deg. 59 min. 47 sec. East, a distance of 27.30 ft.;
12 South 08 deg. 52 min. 47 sec. East, a distance of 71.20 ft.;
13 South 81 deg. 12 min. 13 sec. West, a distance of 33.40 ft.;
14 South 06 deg. 27 min. 47 sec. East, a distance of 118.00 ft.;
15 South 11 deg. 37 min. 47 sec. East, a distance of 36.70 ft.;
16 South 59 deg. 18 min. 13 sec. West, a distance of 79.60 ft.;
17 North 85 deg. 26 min. 47 sec. West, a distance of 56.00 ft.;
18 South 04 deg. 33 min. 13 sec. West, a distance of 22.00 ft.;
19 South 57 deg. 45 min. 47 sec. East, a distance of 68.90 ft.;
20 South 80 deg. 16 min. 13 sec. West, a distance of 56.70 ft.;
21 South 19 deg. 24 min. 47 sec. East, a distance of 39.40 ft.;
22 North 80 deg. 06 min. 47 sec. West, a distance of 80.30 ft.;
23 South 09 deg. 02 min. 13 sec. West, a distance of 63.40 ft.;

1 South 07 deg. 15 min. 47 sec. East, a distance of 69.40 ft.;
2 South 35 deg. 13 min. 47 sec. East, a distance of 52.00 ft.;
3 South 83 deg. 32 min. 13 sec. West, a distance of 59.60 ft.;
4 South 20 deg. 33 min. 13 sec. West, a distance of 73.00 ft.;
5 South 37 deg. 03 min. 47 sec. East, a distance of 47.00 ft.;
6 North 53 deg. 01 min. 13 sec. East, a distance of 94.80 ft.;
7 South 85 deg. 26 min. 47 sec. East, a distance of 18.70 ft.;
8 South 42 deg. 14 min. 13 sec. West, a distance of 36.10 ft.;
9 South 05 deg. 06 min. 47 sec. East, a distance of 93.90 ft.;
10 South 03 deg. 45 min. 47 sec. East, a distance of 143.20 ft.;
11 South 51 deg. 56 min. 13 sec. West, a distance of 33.30 ft.;
12 South 12 deg. 51 min. 13 sec. West, a distance of 50.20 ft.;
13 South 29 deg. 57 min. 47 sec. East, a distance of 69.80 ft.;
14 South 01 deg. 15 min. 47 sec. East, a distance of 68.50 ft.;
15 South 62 deg. 19 min. 47 sec. East, a distance of 35.90 ft.;
16 South 47 deg. 33 min. 13 sec. West, a distance of 60.10 ft.;
17 South 38 deg. 38 min. 13 sec. West, a distance of 41.00 ft.;
18 South 13 deg. 43 min. 13 sec. West, a distance of 28.30 ft. to
19 a point in the South line of said Burns Survey, in the North line
20 of said Roberts Survey, at the Southeast corner of said Viola 57.24
21 ac.;
22 **THENCE** North 87 deg. 53 min. 41 sec. East, with the South line
23 of said Burns Survey and the North line of said Roberts Survey, a

1 distance of 1,044.91 ft. to a point;

2 THENCE North 05 deg. 00 min. 01 sec. West, a distance of
3 601.89 ft. to a point;

4 THENCE North 33 deg. 30 min. 28 sec. East, a distance of
5 476.03 ft. to a point;

6 THENCE North 58 deg. 43 min. 50 sec. East, a distance of
7 352.20 ft. to a point;

8 THENCE North 61 deg. 29 min. 44 sec. East, a distance of
9 423.81 ft. to a point in the East line of said Burns Survey, in the
10 West line of said Whitaker Survey;

11 THENCE North 00 deg. 41 min. 31 sec. West, with the East line
12 of said Burns Survey and the West line of said Whitaker Survey, a
13 distance of 1,495.74 ft. to a point in the center of said Collin
14 County Road No. 290;

15 THENCE North 51 deg. 14 min. 09 sec. East, with the center of
16 said Collin County Road No. 290, a distance of 159.23 ft. to a
17 point at the intersection of said Collin County Road No. 290 with
18 Collin County Road No. 372;

19 THENCE Easterly, with the center of said Collin County Road
20 No. 372, the following calls and distances:

21 North 60 deg. 43 min. 16 sec. East, a distance of 129.67 ft.;

22 North 82 deg. 17 min. 34 sec. East, a distance of 143.98 ft.;

23 South 81 deg. 39 min. 08 sec. East, a distance of 527.44 ft.;

1 South 85 deg. 18 min. 09 sec. East, a distance of 68.25 ft.;
2 North 83 deg. 05 min. 09 sec. East, a distance of 72.42 ft.;
3 North 75 deg. 45 min. 15 sec. East, a distance of 103.51 ft.;
4 South 89 deg. 56 min. 56 sec. East, a distance of 69.12 ft.;
5 South 67 deg. 57 min. 27 sec. East, a distance of 71.26 ft.;
6 South 60 deg. 49 min. 08 sec. East, a distance of 186.54 ft.;
7 South 68 deg. 03 min. 52 sec. East, a distance of 396.07 ft.;
8 South 83 deg. 28 min. 02 sec. East, a distance of 100.14 ft.;
9 North 55 deg. 13 min. 57 sec. East, a distance of 89.72 ft.;
10 North 37 deg. 10 min. 57 sec. East, a distance of 265.16 ft.;
11 North 33 deg. 28 min. 27 sec. East, a distance of 305.00 ft.;
12 North 48 deg. 48 min. 29 sec. East, a distance of 93.49 ft.;
13 South 86 deg. 57 min. 36 sec. East, a distance of 96.84 ft.;
14 South 69 deg. 12 min. 09 sec. East, a distance of 184.29 ft.;
15 South 66 deg. 03 min. 55 sec. East, a distance of 186.27 ft.;
16 South 74 deg. 09 min. 11 sec. East, a distance of 54.65 ft.;
17
18 South 87 deg. 30 min. 14 sec. East, a distance of 53.25 ft.;
19 North 86 deg. 10 min. 45 sec. East, a distance of 143.79 ft.;
20 North 89 deg. 42 min. 59 sec. East, a distance of 353.70 ft.
21 to a point at the intersection of the centerline of said Collin
22 County Road No. 372 with the West right-of-way line of U. S.
23 Highway No. 75;

1 **THENCE** Southerly, with the West right-of-way line of said U.
2 S. Highway No. 75, the following calls and distances:
3 South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft.;
4 South 44 deg. 11 min. 30 sec. East, a distance of 41.99 ft.;
5 South 01 deg. 22 min. 30 sec. West, a distance of 106.12 ft.;
6 South 07 deg. 05 min. 08 sec. West, a distance of 200.95 ft.;
7 South 09 deg. 54 min. 21 sec. West, a distance of 202.18 ft.;
8 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
9 South 04 deg. 14 min. 15 sec. West, a distance of 400.39 ft.;
10 South 27 deg. 51 min. 36 sec. West, a distance of 428.42 ft.;
11 North 87 deg. 12 min. 30 sec. West, a distance of 26.99 ft.;
12 South 02 deg. 47 min. 30 sec. West, a distance of 99.97 ft.;
13 South 87 deg. 12 min. 30 sec. East, a distance of 76.98 ft.;
14 South 18 deg. 26 min. 30 sec. East, a distance of 334.99 ft.;
15 South 04 deg. 20 min. 08 sec. East, a distance of 200.95 ft.;
16 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
17 South 02 deg. 19 min. 27 sec. East, a distance of 464.85 ft.;
18 South 03 deg. 11 min. 45 sec. West, a distance of 716.58 ft.;
19 South 06 deg. 50 min. 15 sec. West, a distance of 716.60 ft.;
20 South 09 deg. 51 min. 13 sec. West, a distance of 479.28 ft.;
21 South 08 deg. 39 min. 30 sec. West, a distance of 199.95 ft.;
22 South 05 deg. 47 min. 46 sec. West, a distance of 200.20 ft.;
23 South 08 deg. 39 min. 30 sec. West, a distance of 357.82 ft.;

1 North 88 deg. 16 min. 26 sec. West, a distance of 63.63 ft.;
2 South 01 deg. 55 min. 30 sec. West, a distance of 287.46 ft.;
3 North 89 deg. 33 min. 30 sec. West, a distance of 67.70 ft.;
4 South 00 deg. 26 min. 30 sec. West, a distance of 69.98 ft.;
5 South 89 deg. 33 min. 30 sec. East, a distance of 39.99 ft.;
6 South 44 deg. 07 min. 30 sec. East, a distance of 58.87 ft.;
7 South 08 deg. 39 min. 30 sec. West, a distance of 2,558.67
8 ft.;

9 South 49 deg. 30 min. 30 sec. West, a distance of 45.38 ft.;
10 South 08 deg. 39 min. 30 sec. West, a distance of 15.84 ft. to
11 a point at the Southeast corner of the herein described tract, at
12 the Northeast corner of the property conveyed to LMB Corporation in
13 Volume 2600, Page 302, said Collin County Deed Records;

14 **THENCE** North 89 deg. 48 min. 50 sec. West, with the North line
15 of said LMB Corporation tract, a distance of 641.87 ft. to an angle
16 point;

17 **THENCE** South 89 deg. 39 min. 22 sec. West, continuing with the
18 North line of said LMB Corporation tract, a distance of 375.17 ft.
19 to a point at the Northwest corner of said LMB Corporation tract,
20 at the Southeast corner of the property conveyed to William A.
21 Taylor in Collin County Clerk's File No. 96-0003487;

22 **THENCE** North 00 deg. 11 min. 27 sec. West, with the East line
23 of said Taylor tract, passing the Northeast corner of said Taylor

1 tract, passing the Southeast corner of Lot 1 of the unrecorded plat
2 of Hurricane Creek Estates, a distance of 2,021.62 ft. to a point
3 at the Northeast corner of said Lot 1;

4 **THENCE** South 81 deg. 47 min. 32 sec. West, with the North line
5 of said Lot 1, a distance of 212.49 ft. to a point at the Northwest
6 corner of said Lot 1, at the Northeast corner of Lot 2, said
7 Hurricane Creek Estates;

8 **THENCE** South 81 deg. 59 min. 05 sec. West, with the North line
9 of said Lot 2, a distance of 212.39 ft. to a point at the Northwest
10 corner of said Lot 2, at the Northeast corner of Lot 3, said
11 Hurricane Creek Estates;

12 **THENCE** South 80 deg. 54 min. 23 sec. West, with the North line
13 of said Lot 3, a distance of 215.41 ft. to a point at the Northwest
14 corner of said Lot 3, at the Northeast corner of Lot 4, said
15 Hurricane Creek Estates;

16 **THENCE** South 81 deg. 15 min. 20 sec. West, with the North line
17 of said Lot 4, a distance of 212.27 ft. to a point at the Northwest
18 corner of said Lot 4, at the Northeast corner of Lot 5, said
19 Hurricane Creek Estates;

20 **THENCE** South 81 deg. 25 min. 52 sec. West, with the North line
21 of said Lot 5, a distance of 219.67 ft. to a point in the East line
22 of Lot 7, said Hurricane Creek Estates, at the Northwest corner of
23 said Lot 5;

1 THENCE North 00 deg. 19 min. 42 sec. East, with the East line
2 of said Lot 7, a distance of 95.63 ft. to a point at the Northeast
3 corner of said Lot 7, at the Southeast corner of Lot 8, said
4 Hurricane Creek Estates;

5 THENCE North 01 deg. 59 min. 02 sec. East, with the East line
6 of said Lot 8, a distance of 242.11 ft. to a point at the Northeast
7 corner of said Lot 8, at the Southeast corner of Lot 9, said
8 Hurricane Creek Estates;

9 THENCE North 01 deg. 26 min. 32 sec. East, with the East line
10 of said Lot 9, passing the Northeast corner of said Lot 9 and the
11 Southeast corner of Lot 10, said Hurricane Creek Estates and
12 continuing now with the East line of said Lot 10 for a total
13 distance of 264.53 ft. to an angle point;

14 THENCE North 02 deg. 07 min. 27 sec. East, continuing with the
15 East line of said Lot 10, a distance of 76.53 ft. to an angle
16 point;

17 THENCE North 05 deg. 53 min. 45 sec. East, continuing with the
18 East line of said Lot 10, a distance of 99.39 ft. to a point at the
19 Northeast corner of said Lot 10;

20 THENCE North 89 deg. 09 min. 36 sec. West, with the North line
21 of said Lot 10, a distance of 50.81 ft. to a point at a corner of
22 the Grayson/Collin Recreation property;

23 THENCE Northerly, Westerly, then Southerly, in a general

1 counter-clockwise direction, with the boundary of said
2 Grayson/Collin Recreation property, the following calls and
3 distances

4 North 18 deg. 40 min. 53 sec. East, a distance of 782.69 ft.
5 to an angle point;

6 North 24 deg. 01 min. 40 sec. East, a distance of 425.00 ft.
7 to an angle point;

8 North 21 deg. 12 min. 27 sec. West, a distance of 763.11 ft.
9 to an angle point;

10 North 11 deg. 25 min. 16 sec. West, a distance of 689.57 ft.
11 to an angle point;

12 North 36 deg. 46 min. 51 sec. East, a distance of 668.72 ft.
13 to an angle point;

14 North 04 deg. 15 min. 15 sec. East, a distance of 278.77 ft.
15 to an angle point;

16 South 59 deg. 28 min. 23 sec. East, a distance of 753.01 ft.
17 to an angle point;

18 South 37 deg. 01 min. 31 sec. East, a distance of 416.57 ft.
19 to an angle point;

20 South 26 deg. 08 min. 22 sec. East, a distance of 391.77 ft.
21 to an angle point;

22 North 72 deg. 04 min. 24 sec. East, a distance of 174.68 ft.
23 to an angle point;

1 North 69 deg. 06 min. 40 sec. East, a distance of 280.00 ft.
2 to an angle point;
3 North 17 deg. 17 min. 12 sec. East, a distance of 627.74 ft.
4 to an angle point;
5 North 42 deg. 52 min. 58 sec. West, a distance of 1,121.60 ft.
6 to an angle point;
7 North 65 deg. 20 min. 30 sec. West, a distance of 1,304.60 ft.
8 to an angle point;
9 South 34 deg. 34 min. 30 sec. West, a distance of 226.70 ft.
10 to an angle point;
11 South 73 deg. 06 min. 30 sec. East, a distance of 245.50 ft.
12 to an angle point;
13 South 18 deg. 33 min. 30 sec. West, a distance of 193.00 ft.
14 to an angle point;
15 North 33 deg. 37 min. 30 sec. West, a distance of 217.30 ft.
16 to an angle point;
17 South 86 deg. 13 min. 51 sec. West, a distance of 373.95 ft.
18 to an angle point;
19 South 13 deg. 46 min. 30 sec. West, a distance of 179.10 ft.
20 to an angle point;
21 South 66 deg. 50 min. 30 sec. West, a distance of 239.90 ft.
22 to an angle point;
23 South 04 deg. 40 min. 30 sec. East, a distance of 345.00 ft.

1 to an angle point;
2 North 27 deg. 41 min. 30 sec. West, a distance of 321.88 ft.
3 to an angle point;
4 South 58 deg. 53 min. 30 sec. West, a distance of 257.60 ft.
5 to an angle point;
6 South 20 deg. 16 min. 30 sec. West, a distance of 293.60 ft.
7 to an angle point;
8 South 43 deg. 07 min. 30 sec. West, a distance of 284.60 ft.
9 to an angle point;
10 South 03 deg. 01 min. 30 sec. West, a distance of 401.00 ft.
11 to an angle point;
12 South 31 deg. 50 min. 30 sec. East, a distance of 423.30 ft.
13 to an angle point;
14 South 12 deg. 55 min. 30 sec. West, a distance of 265.80 ft.
15 to an angle point;
16 South 56 deg. 17 min. 30 sec. East, a distance of 201.10 ft.
17 to an angle point;
18 South 86 deg. 04 min. 30 sec. West, a distance of 180.00 ft.
19 to an angle point;
20 North 40 deg. 50 min. 30 sec. West, a distance of 110.00 ft.
21 to an angle point;
22 South 24 deg. 44 min. 30 sec. West, a distance of 835.00 ft.
23 to an angle point;

1 South 64 deg. 11 min. 38 sec. West, a distance of 349.91 ft.
2 to an angle point;
3 South 14 deg. 28 min. 55 sec. West, a distance of 515.06 ft.
4 to an angle point;
5 South 21 deg. 50 min. 44 sec. East, a distance of 349.41 ft.
6 to an angle point;
7 South 05 deg. 39 min. 19 sec. East, a distance of 54.96 ft. to
8 an angle point;
9 South 42 deg. 41 min. 35 sec. West, a distance of 96.87 ft. to
10 an angle point;
11 South 51 deg. 33 min. 12 sec. West, a distance of 179.82 ft.
12 to an angle point;
13 South 25 deg. 48 min. 14 sec. West, a distance of 42.35 ft. to
14 an angle point;
15 South 02 deg. 40 min. 03 sec. East, a distance of 25.22 ft. to
16 an angle point;
17 South 22 deg. 38 min. 08 sec. West, a distance of 249.01 ft.
18 to an angle point;
19 South 34 deg. 03 min. 38 sec. West, a distance of 77.99 ft. to
20 a point at the Southwest corner of said Grayson/Collin Recreation
21 tract;
22 **THENCE** North 81 deg. 58 min. 14 sec. East, with the South line
23 of said Grayson/Collin Recreation tract, a distance of 900.71 ft.

1 to a point at the most Northerly corner of Lot 15, said Hurricane
2 Creek Estates;

3 **THENCE** South 00 deg. 27 min. 53 sec. East, with the West line
4 of said Lot 15, a distance of 235.00 ft. to an angle point;

5 **THENCE** South 00 deg. 13 min. 57 sec. West, continuing with the
6 West line of said Lot 15, a distance of 100.01 ft. to a point at
7 the Southwest corner of said Lot 15, at the Northwest corner of Lot
8 16, said Hurricane Creek Estates;

9 **THENCE** South 00 deg. 30 min. 26 sec. East, with the West line
10 of said Lot 16, a distance of 230.00 ft. to a point at the
11 Southwest corner of said Lot 16, at the Northwest corner of Lot 17,
12 said Hurricane Creek Estates;

13 **THENCE** South 01 deg. 28 min. 30 sec. East, with the West line
14 of said Lot 17, a distance of 240.00 ft. to a point at the
15 Southwest corner of said Lot 17, at the Northwest corner of Lot 18,
16 said Hurricane Creek Estates;

17 **THENCE** South 01 deg. 54 min. 38 sec. East, with the West line
18 of said Lot 18, a distance of 193.60 ft. to a point at the
19 Southwest corner of said Lot 18, at the Northwest corner of Lot 19,
20 said Hurricane Creek Estates, at the Northeast corner of the
21 property conveyed to Jan Sherley Miller in Volume 2460, Page 561,
22 said Collin County Deed Records;

23 **THENCE** North 89 deg. 56 min. 05 sec. West, with the North line

1 of said Miller tract, a distance of 1,209.04 ft. to a point in the
2 center of a creek, at the Northwest corner of said Miller tract, at
3 the Southeast corner of the property conveyed to Donna Hillard in
4 Volume 851, Page 696, said Collin County Deed Records;

5 **THENCE** Northwesterly, with the center of a creek, the
6 following calls and distances:

7 North 20 deg. 22 min. 51 sec. East, a distance of 30.14 ft.;

8 North 29 deg. 43 min. 41 sec. East, a distance of 155.14 ft.;

9 North 08 deg. 56 min. 31 sec. West, a distance of 123.54 ft.;

10 North 29 deg. 41 min. 16 sec. East, a distance of 204.80 ft.;

11 North 60 deg. 08 min. 26 sec. East, a distance of 80.90 ft.;

12 North 45 deg. 03 min. 12 sec. West, passing the Northeast
13 corner of said Hillard tract and the Southeast corner of the
14 property conveyed to Jay P. Janis and Irene C. Janis in Collin
15 County Clerk's File No. 96-0030276, and continuing now with the
16 East line of said Janis tract for a total distance of 203.24 ft.;

17 North 82 deg. 39 min. 55 sec. West, a distance of 81.98 ft.;

18 North 26 deg. 47 min. 37 sec. West, a distance of 47.05 ft.;

19 North 28 deg. 35 min. 21 sec. East, a distance of 84.19 ft.;

20 North 79 deg. 52 min. 58 sec. West, a distance of 66.26 ft.;

21 North 10 deg. 50 min. 01 sec. West, a distance of 95.50 ft.;

22 North 38 deg. 57 min. 39 sec. East, a distance of 45.95 ft.;

23 North 70 deg. 01 min. 02 sec. West, a distance of 152.19 ft.;

1 North 66 deg. 26 min. 50 sec. East, a distance of 51.17 ft.;
2 North 11 deg. 58 min. 11 sec. West, a distance of 55.24 ft.;
3 North 31 deg. 10 min. 44 sec. East, a distance of 64.46 ft.;
4 North 83 deg. 13 min. 49 sec. West, a distance of 149.39 ft.;
5 North 33 deg. 40 min. 07 sec. West, a distance of 67.07 ft.;
6 North 80 deg. 33 min. 11 sec. West, a distance of 152.82 ft.;
7 North 11 deg. 46 min. 48 sec. West, a distance of 72.67 ft.;
8 North 62 deg. 21 min. 40 sec. West, a distance of 38.22 ft.;
9 South 66 deg. 38 min. 15 sec. West, a distance of 45.73 ft.;
10 North 68 deg. 10 min. 52 sec. West, a distance of 164.80 ft.;
11 North 33 deg. 42 min. 58 sec. West, a distance of 125.18 ft.;
12 North 50 deg. 10 min. 42 sec. West, a distance of 49.62 ft.;
13 North 65 deg. 46 min. 56 sec. West, a distance of 57.86 ft.;
14 North 44 deg. 01 min. 48 sec. West, a distance of 158.21 ft.;
15 South 70 deg. 58 min. 55 sec. West, a distance of 138.86 ft.;
16 North 63 deg. 09 min. 09 sec. West, a distance of 59.10 ft.;
17 North 19 deg. 21 min. 22 sec. West, a distance of 34.81 ft.;
18 North 84 deg. 48 min. 57 sec. West, a distance of 105.80 ft.;
19 North 17 deg. 57 min. 58 sec. West, a distance of 97.97 ft. to
20 a point at the Northeast corner of said Janis tract;
21 **THENCE** South 89 deg. 31 min. 41 sec. West, with the North line
22 of said Janis tract, a distance of 2,002.52 ft. to a point in the
23 center of said Collin County Road No. 290, at the Northwest corner

1 of said Janis property;

2 **THENCE** North 00 deg. 15 min. 09 sec. West, with the center of
3 said Collin County Road No. 290, a distance of 1,130.45 ft. to a
4 1/2 inch rebar found at the Southwest corner of the 10.669 ac.
5 tract of land conveyed to Delmore A. M. Church and Joyce Church in
6 Volume 702, Page 585, said Collin County Deed Records;

7 **THENCE** South 87 deg. 27 min. 45 sec. East, with a South line
8 of said Church 10.669 ac., a distance of 354.05 ft. to a point at
9 the most Southerly Southeast corner of said Church 10.669 ac.;

10 **THENCE** North 00 deg. 30 min. 51 sec. West, with an East line
11 of said Church 10.669 ac., a distance of 628.57 ft. to a point at
12 an Ell corner of said Church 10.669 ac.;

13 **THENCE** North 87 deg. 35 min. 55 sec. East, with a South line
14 of said Church 10.669 ac., a distance of 587.36 ft. to a point at
15 the most Easterly Southeast corner of said Church 10.669 ac.;

16 **THENCE** North 00 deg. 11 min. 10 sec. West, with an East line
17 of said Church 10.669 ac., a distance of 251.67 ft. to a 1/2 inch
18 rebar found in the center of said Collin County Road No. 290, in
19 the South line of said Viola 133.814 ac., at the Northeast corner
20 of said Church 10.669 ac.;

21 **THENCE** South 89 deg. 36 min. 45 sec. East, with the center
22 of said Collin County Road No. 290 and the South line of said
23 Viola 133.814 ac., a distance of 798.20 ft. to the **PLACE OF**

1 BEGINNING and containing 710.13 ACRES of land.

2 SITUATED in the County of Collin, State of Texas, and being a
3 part of the following Surveys in Collin County: the David Arnspiger
4 Survey, Abstract No. 15, the E. T. Berry Survey, Abstract No. 40,
5 the J. W. Curtis Survey, Abstract No. 1077, the Jonas Whitaker
6 Survey, Abstract No. 981, the P. Burns Survey, Abstract No. 100,
7 and the J. Batterman Survey, Abstract No. 94, and being a part of
8 the 1,232.837 ac. tract of land conveyed to Vincent Viola by W.
9 Mark David by Special Warranty Deed dated July 30, 2001 and
10 recorded in Volume 4987, Page 726, Deed Records, Collin County,
11 Texas, and being all of the 64.749 ac. tract of land (Tract 3)
12 conveyed to Vincent J. Viola by Don S. Flesher by Warranty Deed
13 dated September 10, 2004 and recorded in Volume 5766, Page 6210,
14 said Collin County Deed Records, and being all of the 133.814 ac.
15 tract of land conveyed to Vincent J. Viola by Mary Jane Kinsey by
16 Warranty Deed with Vendor's Lien dated March 31, 2004 and recorded
17 in Volume 5642, Page 1395, said Collin County Deed Records, and
18 being all of the 377.45 ac. tract of land conveyed to Vincent J.
19 Viola by Thornton Farm Partnership, Ltd. by Special Warranty Deed
20 with Vendor's Lien dated September 22, 2005 and recorded in Volume
21 6010, Page 3310, said Collin County Deed Records, and being all of
22 the 61.61 ac. tract of land conveyed to Vincent J. Viola by Jack R.
23 Shirley, Trustee of the Shirley Living Trust by Warranty Deed with

1 Vendor's Lien dated February 26, 2004 and recorded in Volume 5616,
2 Page 5706, said Collin County Deed Records, and being more
3 particularly described as one tract of land by metes and bounds as
4 follows, to-wit:

5 **BEGINNING** at a point in the West right-of-way line of U. S.
6 Highway No. 75, at a Northeast corner of said Viola 1,232.837 ac.;

7 **THENCE** Southerly, with the West right-of-way line of said U.
8 S. Highway No. 75, the following calls and distances:

9 South 02 deg. 54 min. 48 sec. West, a distance of 27.97 ft. to
10 an angle point;

11 South 30 deg. 46 min. 30 sec. East, a distance of 183.31 ft.
12 to an angle point;

13 South 88 deg. 06 min. 30 sec. East, a distance of 449.88 ft.
14 to an angle point;

15 South 44 deg. 01 min. 30 sec. East, a distance of 59.33 ft. to
16 a point at the beginning of a curve;

17 Southerly, with a non-tangent curve to the right having a
18 radius of 11,236.22 ft. and a central angle of 02 deg. 19 min. 08
19 sec. (chord bears South 00 deg. 12 min. 56 sec. West, 454.72 ft.),
20 an arc distance of 454.76 ft. to an angle point;

21 South 02 deg. 36 min. 16 sec. East, a distance of 360.12 ft.
22 to an angle point;

23 South 00 deg. 25 min. 13 sec. West, a distance of 599.93 ft.

1 to an angle point;
2 South 01 deg. 22 min. 30 sec. West, a distance of 199.95 ft.
3 to an angle point;
4 South 04 deg. 42 min. 49 sec. West, a distance of 600.86 ft.
5 to an angle point;
6 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
7 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
8 to an angle point;
9 South 01 deg. 22 min. 30 sec. West, a distance of 999.74 ft.
10 to an angle point;
11 South 10 deg. 21 min. 51 sec. West, a distance of 195.80 ft.
12 to an angle point;
13 South 07 deg. 03 min. 08 sec. East, a distance of 208.75 ft.
14 to an angle point;
15 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
16 to an angle point;
17 South 07 deg. 33 min. 03 sec. West, a distance of 185.86 ft.
18 to an angle point;
19 South 45 deg. 36 min. 30 sec. West, a distance of 42.98 ft. to
20 an angle point;
21 South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft. to
22 a point in the center of County Road No. 372, at the Southeast of
23 the herein described tract;

1 THENCE Westerly, with the center of said County Road No. 372,
2 the following calls and distances:

3 South 89 deg. 42 min. 59 sec. West, a distance of 353.70 ft.;

4 South 86 deg. 10 min. 45 sec. West, a distance of 143.79 ft.;

5 North 87 deg. 30 min. 14 sec. West, a distance of 53.25 ft.;

6 North 74 deg. 09 min. 11 sec. West, a distance of 54.65 ft.;

7 North 66 deg. 03 min. 55 sec. West, a distance of 186.27 ft.;

8 North 69 deg. 12 min. 09 sec. West, a distance of 184.29 ft.;

9 North 86 deg. 57 min. 36 sec. West, a distance of 96.84 ft.;

10 South 48 deg. 48 min. 29 sec. West, a distance of 93.49 ft.;

11 South 33 deg. 28 min. 27 sec. West, a distance of 305.00 ft.;

12 South 37 deg. 10 min. 57 sec. West, a distance of 265.16 ft.;

13 South 55 deg. 13 min. 57 sec. West, a distance of 89.72 ft.;

14 North 83 deg. 28 min. 02 sec. West, a distance of 100.14 ft.;

15 North 68 deg. 03 min. 52 sec. West, a distance of 396.07 ft.;

16 North 60 deg. 49 min. 08 sec. West, a distance of 186.54 ft.;

17 North 67 deg. 57 min. 27 sec. West, a distance of 71.26 ft.;

18 North 89 deg. 56 min. 56 sec. West, a distance of 69.12 ft.;

19 South 75 deg. 45 min. 15 sec. West, a distance of 103.51 ft.;

20 South 83 deg. 05 min. 09 sec. West, a distance of 72.42 ft.;

21 North 85 deg. 18 min. 09 sec. West, a distance of 68.25 ft.;

22 North 81 deg. 39 min. 08 sec. West, a distance of 527.44 ft.;

23 South 82 deg. 17 min. 34 sec. West, a distance of 143.98 ft.;

1 South 60 deg. 43 min. 16 sec. West, a distance of 129.67 ft.
2 to the intersection of the center of said County Road No. 372 with
3 the center of said County Road No. 290;

4 **THENCE** South 51 deg. 14 min. 09 sec. West, with the center of
5 said County Road No. 290, a distance of 159.23 ft. to an angle
6 point;

7 **THENCE** South 52 deg. 34 min. 25 sec. West, continuing with the
8 center of said County Road No. 290, a distance of 692.22 ft. to a
9 point at the Southeast corner of the property conveyed to Tristian
10 D. Pfeffer in Volume 3064, Page 593, said Collin County Deed
11 Records;

12 **THENCE** North 01 deg. 04 min. 20 sec. West, with the East line
13 of said Pfeffer tract, a distance of 295.17 ft. to a point at the
14 Northeast corner of said Pfeffer tract;

15 **THENCE** North 89 deg. 16 min. 11 sec. West, with the North line
16 of said Pfeffer tract, passing the Northwest corner of said Pfeffer
17 tract and the Northeast corner of the property conveyed to Michael
18 Ray Ashley, and continuing now with the North line of said Ashley
19 tract for a total distance of 547.91 ft. to a point at the
20 Northwest corner of said Ashley tract;

21 **THENCE** South 04 deg. 31 min. 06 sec. West, with the West line
22 of said Ashley tract, passing the Southwest corner of said Ashley
23 tract and continuing for a total distance of 872.74 ft. to a point

1 in the center of said County Road No. 290;

2 THENCE South 34 deg. 58 min. 46 sec. West, with the center of
3 said County Road No. 290, a distance of 568.84 ft. to an angle
4 point;

5 THENCE North 87 deg. 43 min. 32 sec. West, continuing with the
6 center of said County Road No. 290, a distance of 425.02 ft. to a
7 point at the intersection of the center of said County Road No. 290
8 with the center of a creek, at the Southeast corner of the 18.632
9 ac. tract of land conveyed to Stephen V. Jones and Kristi S. Jones
10 in Volume 4140, Page 3149, said Collin County Deed Records;

11 THENCE Northerly, with the center of a creek, maintaining the
12 East line of said Jones 18.632 ac., the following the calls and
13 distances:

14 North 04 deg. 31 min. 06 sec. East, a distance of 86.50 ft.;

15 North 35 deg. 11 min. 54 sec. West, a distance of 93.77 ft.;

16 North 23 deg. 28 min. 54 sec. West, a distance of 55.00 ft.;

17 North 52 deg. 28 min. 54 sec. West, a distance of 42.00 ft.;

18 North 26 deg. 48 min. 54 sec. West, a distance of 29.70 ft.;

19 North 69 deg. 58 min. 54 sec. West, a distance of 25.40 ft.;

20 North 31 deg. 08 min. 54 sec. West, a distance of 27.30 ft.;

21 North 05 deg. 49 min. 16 sec. West, a distance of 61.40 ft.;

22 North 15 deg. 44 min. 06 sec. East, a distance of 29.40 ft.;

23 North 31 deg. 13 min. 54 sec. West, a distance of 22.00 ft.;

1 North 79 deg. 23 min. 54 sec. West, a distance of 16.10 ft.;
2 North 00 deg. 46 min. 06 sec. East, a distance of 50.00 ft.;
3 North 31 deg. 45 min. 06 sec. East, a distance of 24.60 ft.;
4 North 02 deg. 31 min. 06 sec. East, a distance of 26.40 ft.;
5 North 34 deg. 28 min. 06 sec. East, a distance of 43.20 ft.;
6 North 13 deg. 08 min. 54 sec. West, a distance of 54.70 ft.;
7 North 00 deg. 31 min. 06 sec. East, a distance of 82.20 ft.;
8 North 19 deg. 28 min. 54 sec. West, a distance of 80.00 ft.;
9 North 40 deg. 03 min. 54 sec. West, a distance of 37.60 ft.;
10 North 17 deg. 46 min. 06 sec. East, a distance of 43.20 ft.;
11 North 58 deg. 31 min. 06 sec. East, a distance of 36.10 ft.;
12 North 28 deg. 28 min. 54 sec. West, a distance of 44.00 ft.;
13 North 56 deg. 28 min. 54 sec. West, a distance of 21.00 ft.;
14 North 21 deg. 15 min. 54 sec. West, a distance of 51.60 ft.;
15 South 48 deg. 11 min. 06 sec. West, a distance of 24.00 ft.;
16 North 44 deg. 08 min. 54 sec. West, a distance of 30.40 ft.;
17 North 85 deg. 28 min. 54 sec. West, a distance of 26.00 ft.;
18 North 43 deg. 28 min. 54 sec. West, a distance of 26.50 ft.;
19 North 85 deg. 28 min. 54 sec. West, a distance of 42.70 ft.;
20 North 27 deg. 08 min. 54 sec. West, a distance of 75.00 ft.;
21 North 13 deg. 28 min. 54 sec. West, a distance of 25.30 ft.;
22 North 34 deg. 28 min. 54 sec. West, a distance of 25.90 ft.;
23 North 18 deg. 36 min. 54 sec. West, a distance of 78.20 ft.;

1 North 68 deg. 31 min. 06 sec. East, a distance of 22.40 ft.;
2 North 46 deg. 42 min. 06 sec. East, a distance of 36.00 ft.;
3 North 44 deg. 28 min. 54 sec. West, a distance of 78.70 ft.;
4 North 37 deg. 37 min. 54 sec. West, a distance of 22.43 ft.;
5 South 81 deg. 30 min. 06 sec. West, a distance of 53.20 ft.;
6 North 16 deg. 18 min. 59 sec. West, a distance of 60.42 ft. to
7 a point at the Northeast corner of said Jones 18.632 ac.;

8 **THENCE** South 89 deg. 18 min. 29 sec. West, with the North
9 line of said Jones 18.632 ac., a distance of 293.17 ft. to a point
10 at the Northwest corner of said Jones 18.632 ac.;

11 **THENCE** South 00 deg. 19 min. 05 sec. East, with the West line
12 of said Jones 18.632 ac., a distance of 62.47 ft. to a 1/2 inch
13 rebar found at the Northwest base of a 48 inch tree at a fence
14 corner, at the Northeast corner of said Viola 133.814 ac.;

15 **THENCE** South 00 deg. 24 min. 08 sec. East, continuing with the
16 West line of said Jones 18.632 ac., a distance of 1,026.81 ft. to a
17 1/2 inch rebar found in the center of said County Road No. 290, at
18 the Southwest corner of said Jones 18.632 ac.,;

19 **THENCE** South 89 deg. 26 min. 03 sec. West, with the center of
20 said County Road No. 290, a distance of 772.79 ft. to a 1/2 inch
21 rebar found at an Ell corner of said Viola 133.814 ac.;

22 **THENCE** South 00 deg. 16 min. 20 sec. West, continuing with the
23 center of said County Road No. 290, a distance of 1,686.94 ft. to a

1 1/2 inch rebar found at the most Southerly Southeast corner of said
2 Viola 133.814 ac.;

3 **THENCE** North 89 deg. 36 min. 49 sec. West, continuing with the
4 center of said County Road No. 290 and with the South line of said
5 Viola 133.814 ac., a distance of 798.24 ft. to a 1/2 inch rebar
6 found at the Northeast corner of the 10.669 ac. tract of land
7 conveyed to Delmore A. M. Church and Joyce Church in Volume 702,
8 Page 585, said Collin County Deed Records;

9 **THENCE** North 89 deg. 29 min. 33 sec. West, continuing with the
10 center of said County Road No. 290 and with the North line of said
11 Church 10.669 ac., a distance of 935.50 ft. to a point at the
12 Northwest corner of said Church 10.669 ac.;

13 **THENCE** South 00 deg. 17 min. 31 sec. East, with the West line
14 of said Church 10.669 ac., a distance of 5.80 ft. to a point at the
15 Northeast corner of the 103 ac. tract of land conveyed to James
16 Robert Thornton in Volume 1596, Page 467 and Volume 1599, Page 451,
17 said Collin County Deed Records;

18 **THENCE** North 89 deg. 44 min. 24 sec. West, with the center of
19 Collin County Road No. 1101, a public road, and with the North line
20 of said Thornton 103 ac., a distance of 118.58 ft. to a 1/2 inch
21 rebar set at the Southwest corner of said Viola 133.814 ac., at the
22 Southeast corner of the 40 ac. tract of land conveyed to James R.
23 Thornton in Volume 724, Page 884, said Collin County Deed Records;

1 THENCE North 00 deg. 10 min. 11 sec. East, with the West line
2 of said Viola 133.814 ac. and the East line of said Thornton 40
3 ac., a distance of 2,705.48 ft. to a point in the South line of the
4 77.17 ac. tract of land (Tract A) conveyed to MJW Partners, L. P.
5 in Volume 4458, Page 1303, said Collin County Deed Records, at the
6 Northwest corner of said Viola 133.814 ac., at the Northeast corner
7 of said Thornton 40 ac.;

8 THENCE North 88 deg. 39 min. 20 sec. East, with the South line
9 of said MJW Partners 77.17 ac. and the North line of said Viola
10 133.814 ac., a distance of 479.16 ft. to a point at the Southeast
11 corner of said MJW Partners 77.17 ac., at the most Southerly
12 Southwest corner of said 377.45 ac.;

13 THENCE North 00 deg. 31 min. 02 sec. East, with the West line
14 of said 377.45 ac. and the East line of said MJW Partners 77.17
15 ac., a distance of 450.50 ft. to an angle point;

16 THENCE North 00 deg. 51 min. 11 sec. East, continuing with the
17 West line of said 377.45 ac. and the East line of said MJW Partners
18 77.17 ac., a distance of 856.69 ft. to an angle point;

19 THENCE North 00 deg. 38 min. 27 sec. East, continuing with the
20 West line of said 377.45 ac. and the East line of said MJW Partners
21 77.17 ac., a distance of 1,265.62 ft. to a point at the most
22 Easterly Northeast corner of said MJW Partners 77.17 ac.;

23 THENCE North 89 deg. 34 min. 48 sec. West, with a North line

1 of said MJW Partners 77.17 ac. and a South line of said 377.45 ac.,
2 a distance of 78.26 ft. to a point for an Ell corner of said 377.45
3 ac.;

4 **THENCE** North 00 deg. 49 min. 48 sec. West, with an East line
5 of said MJW Partners 77.17 ac. and a West line of said 377.45 ac.,
6 passing a Northeast corner of said MJW Partners 77.17 ac. and the
7 Southeast corner of the 2.46 ac. tract of land (Tract B) conveyed
8 to MJW Partners, L.B. in said Volume 4458, Page 1303, and
9 continuing now with the East line of said MJW Partners 2.46 ac. for
10 a total distance of 264.00 ft. to a point at the Northeast corner
11 of said MJW Properties 2.46 ac.;

12 **THENCE** North 89 deg. 34 min. 48 sec. West, with the North line
13 of said MJW Partners 2.46 ac. and a South line of said 377.45 ac.,
14 a distance of 424.33 ft. to a point at the most Westerly Southwest
15 corner of said 377.45 ac., at the Northwest corner of said MJW
16 Partners 2.46 ac.;

17 **THENCE** North 00 deg. 03 min. 15 sec. West, entering the
18 pavement of Collin County Road No. 222, passing the most Easterly
19 Southeast corner of the 12.5 ac. tract of land (First Tract)
20 conveyed to Julie Elizabeth Fifer Hilbun in Volume 4753, Page 394,
21 said Collin County Deed Records, being the intersection of the
22 center of said Collin County Road No. 222 with the center of Collin
23 County Road No. 291 and continuing now with the center of said

1 Collin County Road No. 291, passing the Northeast corner of said
2 Hilbun 12.5 ac. and the most Easterly Southeast corner of the 89.74
3 ac. tract of land conveyed to Lee Brock and Michael Adams in Volume
4 4971, Page 3703, said Collin County Deed Records, a Northeast
5 corner of said Batterton Survey, the Southeast corner of said
6 Whitaker Survey, and continuing now with the East line of both said
7 Whitaker Survey and said Brock & Adams 89.74 ac. and the West line
8 of said Arnspiger Survey, passing the Northeast corner of said
9 Brock & Adams 89.74 ac. and the Southeast corner of the 113.35 ac.
10 tract of land conveyed to Claude T. Dowell and Betty M. Dowell in
11 Collin County Clerk File No. 96-0003539, and continuing now with
12 the East line of said Dowell 113.35 ac. for a total distance of
13 2,879.39 ft. to a PK nail at the Northwest corner of said 6.29 ac.,
14 at the Southwest corner of the 5.00 ac. tract of land conveyed to
15 Wood Family Trust in Volume 3910, Page 772, said Grayson County
16 Official Public Records, at the most Westerly Northwest corner of
17 the herein described tract;

18 **THENCE** South 88 deg. 53 min. 10 sec. East, with the South line
19 of said Wood Family Trust 5.00 ac., a distance of 573.19 ft. to a
20 point at the Southeast corner of said Wood Family Trust 5.00 ac.,
21 at an Ell corner of said 6.29 ac.;

22 **THENCE** North 00 deg. 03 min. 10 sec. West, with the East line
23 of said Wood Family Trust 5.00 ac., a distance of 123.02 ft. to a

1 point in the North line said Collin County, the South line of
2 Grayson County, at the most Northerly Northwest corner of the
3 herein described tract;

4 THENCE South 88 deg. 01 min. 11 sec. East, with the North line
5 of said Collin County and the South line of said Grayson County,
6 over and across said Viola 377.45 ac., crossing an East line of
7 said Viola 377.45 ac. and a West line of said Viola 1,232.837 ac.
8 and continuing now over and across said Viola 1,232.837 ac. for a
9 total distance of 5,627.60 ft. to a point;

10 THENCE South 06 deg. 38 min. 18 sec. West, a distance of
11 259.52 ft.;

12 THENCE South 02 deg. 15 min. 16 sec. East, a distance of 87.99
13 ft. to a point in the center of County Road No. 290;

14 THENCE North 87 deg. 49 min. 46 sec. East, with the center of
15 said County Road No. 290, a distance of 1,121.68 ft. to a point at
16 an Ell corner;

17 THENCE North 17 deg. 08 min. 05 sec. East, continuing with the
18 center of said County Road No. 290, a distance of 274.78 ft. to a
19 point in the South line of said Grayson County, in the North line
20 of said Collin County;

21 THENCE South 88 deg. 01 min. 11 sec. East, continuing with the
22 center of said County Road No. 290, a distance of 918.91 ft. to the

23 PLACE OF BEGINNING and containing 1,245.36 ACRES of land;

1 LESS AND EXCEPT the tract described below.

2 SITUATED in the County of Collin, State of Texas, and being a
3 part of the Jonas Whitaker Survey, Abstract No. 981, being a part
4 of the E. T. Berry Survey, Abstract No. 41, and being all of the
5 property conveyed to D. E. Billups, lying in the E. T. Berry
6 Survey, and being all of the property conveyed to Geraldine Billups
7 in Volume 4831, Page 862, Collin County Deed Records, and being all
8 of the property conveyed to John Adams and Paul Adams in County
9 Clerks File No. 94-0083801, and being more particularly described
10 as one tract of land by metes and bounds as follows, to-wit:

11 BEGINNING at a point in the center of County Road No. 290, at
12 the Southwest corner of both said John & Paul Adams tract and the
13 herein described exception tract;

14 THENCE North 00 degrees 17 minutes 41 seconds West, with the
15 center of said County Road No. 290, a distance of 234.95 feet to a
16 point at the intersection of the center of said County Road No. 290
17 and County Road No. 222, at an angle point in the West line of the
18 herein described exception tract;

19 THENCE North 00 degrees 13 minutes 11 seconds West, continuing
20 with the center of said County Road No. 290, passing the Northwest
21 corner of said John & Paul Adams tract, and the Southwest corner of
22 said Geraldine Billups tract, passing the Northwest corner of said
23 Geraldine Billups tract and the Southwest corner of said D. E.

1 Billups tract and continuing now with the West line of said D. E.
2 Billups tract for a total distance of 612.61 feet to a point at the
3 Northwest corner of both said D. E. Billups tract and the herein
4 described exception tract;

5 THENCE North 89 degrees 37 minutes 36 seconds East, with the
6 North line of said D. E. Billups tract, a distance of 1,418.49 feet
7 to a point at the Northeast corner of both said D. E. Billups tract
8 and the herein described exception tract;

9 THENCE Southerly, with the East line of said D. E. Billups
10 tract, said Geraldine Billups tract and said John & Paul Adams
11 tract, the following calls and distances:

12 South 22 degrees 07 minutes 54 seconds East, a distance of
13 107.40 feet to a angle point;

14 South 36 degrees 30 minutes 12 seconds West, a distance of
15 123.56 feet to a angle point;

16 South 55 degrees 01 minutes 11 seconds East, a distance of
17 127.51 feet to a angle point;

18 South 09 degrees 13 minutes 07 seconds East, a distance of
19 307.63 feet to a angle point;

20 South 00 degrees 53 minutes 06 seconds West, a distance of
21 272.87 feet to a point at the Southeast corner of both said John &
22 Paul Adams tract and the herein described exception tract;

23 THENCE South 89 degrees 41 minutes 10 seconds West, with the

1 South line of said John & Paul Adams tract, a distance of 1,531.43
2 feet to the **PLACE OF BEGINNING** and containing **29.09 ACRES** of land
3 less and excepted from the above described 1,245.36 ac. tract and
4 leaving a **NET ACREAGE** of **1,216.27 ACRES** of land.

5 SECTION 3. (a) The legal notice of the intention to introduce
6 this Act, setting forth the general substance of this Act, has been
7 published as provided by law, and the notice and a copy of this Act
8 have been furnished to all persons, agencies, officials, or
9 entities to which they are required to be furnished under Section
10 59, Article XVI, Texas Constitution, and Chapter 313, Government
11 Code.

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

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

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

23 SECTION 4. This Act takes effect immediately if it receives a

1 vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.