

**Subject:** Van Alstyne

**From:** Timothy Green

**Date:** March 14, 2019 at 11:57:59 AM CDT

**To:** Bill Bilyeu, Patrick Vedra, Michael Hanschen

**Subject:** FW: Van Alstyne

Bill, attached please find our proposed revisions to the legislation creating Van Alstyne MUD No. 2 incorporating what we think are the requests for the County in our recent meeting. Please review with your Commissioners and Judge and confirm. After your confirmation, we will confirm that these changes are acceptable to the City of Van Alstyne and then insert when the draft legislation comes back from Legislative Counsel. If your proposed changes are not acceptable to the City of Van Alstyne, we will advise you and get it worked out amongst the parties.

**Tim Green**

*Director*

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**PLEASE NOTE:** Effective June 1, 2018, our Houston Office address will now be: 9 Greenway Plaza, Suite 1000, Houston, Texas 77046.

## Mantua Property

- 2,955 acres
  - 944 acres in Anna ETJ/Collin County
  - 2,022 acres in Van Alstyne ETJ
    - 365 acres in Grayson County (also GCMUD #1)
    - 1,646 acres in Collin County (land covered by legislation)
- ETJ Development Agreements with both Anna and Van Alstyne

## Van Alstyne Development Agreement

- Documents the City's consent to the creation of two Municipal Utility Districts to serve the Property.
- Regulates land use by tract by tract (retail, residential, office, hospitality, etc.).
- Establishes development standards related to housing density, building materials and setbacks, parking requirements, roadway design, utilities and landscape.
- Identifies the City of Van Alstyne as the retail water and sewer provider at a rate 20% higher than In-City customers.
- Obligates the Developer or District to construct roadway, drainage, water and sanitary sewer improvements at no cost to the City.
- Intends that the District may contract with the city or itself provide Police/Fire/EMS and solid waste disposal services within its boundaries (to the extent not provided by the City).
- Specifies that the City will approve plats, review plans, issue building permits and inspect improvements in accordance with certain City codes and regulations while collecting related fees.
- Permits the City to effect limited-purpose annexation of commercial property in order to collect Sales and Use Taxes on it.
- Obligates the Developer to set aside a 1.5-acre site for a public safety facility and an 8.0-acre site for an elementary school for Van Alstyne ISD.
- Obligates the Developer to create an Education Foundation for the benefit of Van Alstyne ISD and place deed restrictions on the Property establishing permanent transfer fees on the sale of every home in the amount of ½% of the home price to fund the Foundation.
- Specifies that the Property shall remain in the ETJ and immune to full purpose annexation.

## Developer / Van Alstyne / Collin County Initiatives

- We have platted first phase of development with City of Van Alstyne
- We have presented plans to provide a site for a WWTP to be owned and operated by Van Alstyne and to advance funds for construction of the plant's first phase (\$15m). The plant will have an area and design allowing it to be further expanded in phases.
  - The plant's initial phase will have capacity greater than the Property's first phase demand and serve a basin well beyond the Property. Van Alstyne will use the excess capacity to reduce demand at other facilities or eliminate other infrastructure (lift station) until the time that the Mantua Property grows and needs greater capacity.
  - Van Alstyne would agree in exchange to replace the Mantua Property's needed capacity in future phases
  - Future phase improvements will be funded proportionately by the District and City after the City replaces the capacity that Developer builds on the City's behalf in Phase 1.
- We have presented a funding concept for Van Alstyne to provide Emergency Services (Police/Fire/EMS) and an example funding formula to be governed by Interlocal Agreements between the District and City. We have a meeting on March 4<sup>th</sup> on the detailed calculation.
- We have met with Collin County Engineering on roadway design, construction, maintenance issues and subsequently with TXDOT on Hwy 75 improvements
  - The Development Agreement specifies the roadway sizes and standards.
  - The District's will maintain the roadways within each District
  - Alignments of thoroughfares will be coordinated and approved by the Cities in accordance with their Master Thoroughfare Plans.
  - Some coordination will be required between Developer and both Counties on the improvement of County Line Road.

AN ACT

relating to the creation of the Van Alstyne Municipal Utility District No. 2 of Collin County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose fees, and taxes.

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 \_\_\_\_\_ to read as follows:

CHAPTER \_\_\_\_. VAN ALYSTNE MUNICIPAL UTILITY DISTRICT NO. 2 OF  
COLLIN COUNTY.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. \_\_\_\_. .001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Van Alstyne Municipal Utility  
District No. 2 of Collin County.

Sec. \_\_\_\_\_.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. \_\_\_\_\_.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. (a) The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. \_\_\_\_\_.004. ~~CONSENT OF MUNICIPALITY REQUIRED~~CONDITIONS PRECEDENT TO CONFIRMATION ELECTION.

(a) The temporary directors may not hold an election under Section \_\_\_\_\_.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

(b) The temporary directors may not hold an election under Section \_\_\_\_\_.003 until:

(i) the district has entered into one or more contracts providing for adequate supplemental police, fire, emergency services and animal control inside the boundaries of the district. Such contracts may be with the city, Collin County or any other entity that provides such services. Such contracts may be written to take effect upon approval of such contract by the Commission, confirmation of the district and approval of the contract by the voters in the district; and

(ii) the Collin County Commissioners Court has reviewed such contracts and adopted a resolution confirming the adequacy of such supplemental services.

Sec. \_\_\_\_ .005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

The district is created to serve a public purpose and benefit.

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

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

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

Sec. \_\_\_\_ .006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

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

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Except as provided by Section \_\_\_\_ .052, directors serve staggered four-year terms.

Sec. \_\_\_\_ .052. TEMPORARY DIRECTORS. (a) On or after September 1, 2019, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section \_\_\_\_ .003; or

(2) September 1, 2023.

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

(1) the date permanent directors are elected under Section \_\_\_\_ .003; or

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

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

#### SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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



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

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

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

(d) The district shall maintain all roads constructed by it, unless another governmental entity agrees to maintain such roads.

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

Sec. 106. BUILDING PERMITS. Notwithstanding any other law, the city shall have the exclusive authority to issue all building permits for residential, commercial, multi-family and governmental buildings inside the boundaries of the district. Such permit fees shall be equal to the fees charged for the same

class of buildings inside the corporate limits of the city.

Sec. \_\_\_\_\_ 107. ANIMAL CONTROL ORDINANCE. The district shall have the authority to enforce within the boundaries of the district the then current animal control ordinance adopted by the city and to contract with the city to enforce such ordinance in the same manner as it is enforced inside the corporate limits of the city.

Sec. \_\_\_\_\_.~~106.~~108. LIMITATION ON USE OF EMINENT DOMAIN.

(a) The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section ~~8311.103~~  
.103; or

(2) a recreational facility as defined in Section 49.462, Water Code.

(b) The district may not exercise the power of eminent domain in the corporate limits of the City of Van Alstyne unless the city has consented by ordinance or resolution to that exercise of eminent domain authority.

Sec. \_\_\_\_\_.~~107.~~109. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt;

(2) is not imposing ad valorem taxes; and

(3) the City of Van Alstyne has consented by ordinance or resolution to the division of the district.

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

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

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

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

(f) An order dividing the district shall:

(1) name each new district;

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

(3) appoint temporary directors for each new district;

and

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

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Commission and record the order in the real property

records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section \_\_\_\_\_.003. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i) Subject to Subsection (a), municipal consent to the creation of the district and to the inclusion of land in the district granted under Section ~~8311.004~~\_\_\_\_\_.004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

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

Sec. \_\_\_\_\_.~~108.110.~~ LIMITATION ON ANNEXATION. The district may not annex any territory outside the area described by Section 2 of the Act creating this chapter unless the City of Van Alstyne has consented by ordinance or resolution to the annexation.

#### SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. \_\_\_\_\_.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other

obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section \_\_\_\_\_.153.

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

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

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

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

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

(b) A contract approved by the district voters may contain

a provision stating that the contract may be modified or amended by the board without further voter approval.

#### SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

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

**TRACT 1 - 1,271.51 acres of land**

**BEING** a tract of land situated in the David Arnspiger Survey,

Abstract No. 15, the J. W. Curtis Survey, Abstract No. 1077, the E. T. Berry Survey, Abstract No. 41, the Nelson H. Haney Survey, Abstract No. 431, the W. P. Burns Survey, Abstract No. 100, the Jonas Whitaker Survey, Abstract No. 981 and the John Batterton Survey, Abstract No. 94, Collin County, Texas, and being a portion of a called "Tract F" described in a Special Warranty Deed to Risland Mantua LLC, recorded in Instrument No 20180625000783630 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at the easterly, northeast corner of said "Tract F", same being intersection of the centerline of County Line Road (Grayson County), County Road 290 (Collin County), a public use right of way, with the westerly right of way line of U. S. Highway 75, a variable width right of way, as described in a deed to the State of Texas, recorded in Volume 652, Page 135 of the Deed Records of Collin County, Texas;

**THENCE** in a southerly direction, along the easterly line of said "Tract F" and the westerly right of way line of said U. S. Highway 75 as described in Volume 652, Page 135 and as described in a Judgement to the State of Texas, County Court at Law No. 6, Case No. 006-00545-2016, recorded in Instrument No. 20170920001260310 of the Official Public Records of Collin County, Texas, the following:

South 01°56'15" West, a distance of 27.95 feet to a point for corner;

South 31°48'34" East, a distance of 136.71 feet to a point for corner;

South 00°20'20" West, a distance of 282.10 feet to a point for corner;

South 21°16'14" East, a distance of 345.94 feet to a point for corner;

South 35°44'18" East, a distance of 435.88 feet to a point for corner;

South 23°01'57" East, a distance of 258.20 feet to a point for corner;

South 10°16'02" East, a distance of 203.48 feet to a point for corner;

South 00°22'01" East, a distance of 100.01 feet to a point

for corner;

South 04°13'45" West, a distance of 501.15 feet to a point for corner;

South 13°22'12" West, a distance of 314.40 feet to a point for corner;

South 11°23'58" East, a distance of 136.88 feet to a point for corner;

South 06°35'34" East, a distance of 563.79 feet to a point for corner;

South 00°20'20" West, a distance of 800.00 feet to a point for corner;

South 14°56'27" West, a distance of 325.62 feet to a point for corner;

South 19°18'41" East, a distance of 244.11 feet to a point for corner;

South 00°20'20" West, a distance of 597.91 feet to the intersection of the easterly line of said "Tract F" and the westerly right of way line of said U. S. Highway 75 with the northerly line of a 2-feet wide annexation strip as described in City of Van Alstyne Ordinance No. 270, same being in the pavement of County Road 290, an apparent public use right of way;

**THENCE** in a westerly direction, departing the easterly line of said "Tract F", the westerly right of way line of said U. S. Highway 75, and along the northerly line of said 2-feet wide annexation strip, the following:

South 89°09'27" West, a distance of 334.80 feet to a point for corner;

South 86°18'11" West, a distance of 141.19 feet to a point for corner;

North 87°33'06" West, a distance of 63.18 feet to a point for corner;

North 72°05'15" West, a distance of 97.33 feet to a point for corner;

North 67°26'05" West, a distance of 118.45 feet to a point



for corner;

North 69°40'24" West, a distance of 136.90 feet to a point for corner;

North 75°13'37" West, a distance of 120.69 feet to a point for corner;

South 69°36'45" West, a distance of 94.83 feet to a point for corner;

South 37°58'13" West, a distance of 104.23 feet to a point for corner;

South 32°02'27" West, a distance of 165.44 feet to a point for corner;

South 35°08'30" West, a distance of 345.19 feet to a point for corner;

South 53°44'03" West, a distance of 92.34 feet to a point for corner;

North 86°32'19" West, a distance of 86.38 feet to a point for corner;

North 69°30'37" West, a distance of 290.71 feet to a point for corner;

North 67°28'08" West, a distance of 91.80 feet to a point for corner;

North 63°20'45" West, a distance of 251.28 feet to a point for corner;

North 78°34'42" West, a distance of 83.74 feet to a point for corner;

North 88°26'42" West, a distance of 210.85 feet to a point for corner;

North 86°41'25" West, a distance of 533.07 feet to a point for corner;

South 84°40'25" West, a distance of 88.23 feet to a point for corner;

South 72°26'49" West, a distance of 73.70 feet to a point for corner;

South 68°43'25" West, a distance of 74.14 feet to a point for corner;

South 57°55'19" West, a distance of 70.52 feet to a point for corner;

South 49°43'49" West, a distance of 167.97 feet to a point for corner;

South 51°47'35" West, a distance of 616.21 feet to a point for corner;

South 47°26'25" West, a distance of 75.86 feet to the intersection of the northerly line of said 2-feet wide annexation strip with a southerly line of said "Tract F";

**THENCE** North 02°05'49" West, departing the northerly line of said 2-feet wide annexation strip and along a southerly line of said "Tract F", a distance of 293.77 feet to an ell corner;

**THENCE** South 89°38'09" West, continuing along a southerly line of said "Tract F", a distance of 547.77 feet to a point for corner;

**THENCE** South 03°03'17" West, continuing along a southerly line of said "Tract F", a distance of 877.15 feet to the intersection of the northerly line of said 2-feet wide annexation strip with a southerly line of said "Tract F";

**THENCE** South 37°21'58" West, departing the southerly line of said "Tract F" and along the northerly line of said 2-feet wide annexation strip, a distance of 145.41 feet to a point for corner;

**THENCE** South 34°06'43" West, continuing along the northerly line of said 2-feet wide annexation strip, a distance of 423.39 feet to a point for corner;

**THENCE** North 88°30'45" West, continuing along the northerly line of said 2-feet wide annexation strip, a distance of 424.19 feet to the intersection of the northerly line of said 2-feet wide annexation strip with a westerly line of said "Tract F";

**THENCE** in a northerly direction, departing said 2-feet wide annexation strip and along a westerly line of said "Tract F", the following:

North 03°57'58" East, a distance of 84.40 feet to a point

for corner;

North 36°14'06" West, a distance of 93.77 feet to a point for corner;

North 24°31'06" West, a distance of 55.00 feet to a point for corner;

North 53°31'06" West, a distance of 42.00 feet to a point for corner;

North 27°51'06" West, a distance of 29.70 feet to a point for corner;

North 71°01'06" West, a distance of 25.40 feet to a point for corner;

North 32°11'06" West, a distance of 27.30 feet to a point for corner;

North 06°51'28" West, a distance of 61.40 feet to a point for corner;

North 14°41'54" East, a distance of 29.40 feet to a point for corner;

North 32°16'06" West, a distance of 22.00 feet to a point for corner;

North 80°26'06" West, a distance of 16.10 feet to a point for corner;

North 00°16'06" West, a distance of 50.00 feet to a point for corner;

North 30°42'54" East, a distance of 24.60 feet to a point for corner;

North 01°28'54" East, a distance of 26.40 feet to a point for corner;

North 33°25'54" East, a distance of 43.20 feet to a point for corner;

North 14°11'06" West, a distance of 54.70 feet to a point for corner;

North 00°31'06" West, a distance of 82.20 feet to a point for corner;

North 20°31'06" West, a distance of 80.00 feet to a point for corner;

North 41°06'06" West, a distance of 37.60 feet to a point for corner;

North 16°43'54" East, a distance of 43.20 feet to a point for corner;

North 57°28'54" East, a distance of 36.10 feet to a point for corner;

North 29°31'06" West, a distance of 44.00 feet to a point for corner;

North 57°31'06" West, a distance of 21.00 feet to a point for corner;

North 22°18'06" West, a distance of 51.60 feet to a point for corner;

South 47°08'54" West, a distance of 24.00 feet to a point for corner;

North 45°11'06" West, a distance of 30.40 feet to a point for corner;

North 86°31'06" West, a distance of 26.00 feet to a point for corner;

North 44°31'06" West, a distance of 26.50 feet to a point for corner;

North 86°31'06" West, a distance of 42.70 feet to a point for corner;

North 28°11'06" West, a distance of 75.00 feet to a point for corner;

North 14°31'06" West, a distance of 25.30 feet to a point for corner;

North 35°31'06" West, a distance of 25.90 feet to a point for corner;

North 19°39'06" West, a distance of 78.20 feet to a point for corner;

North 67°28'54" East, a distance of 22.40 feet to a point for corner;

North 45°39'54" East, a distance of 36.00 feet to a point for corner;

North 45°31'06" West, a distance of 78.70 feet to a point for corner;

North 38°40'06" West, a distance of 22.43 feet to a point for corner;

South 80°27'54" West, a distance of 53.20 feet to a point for corner;

North 17°21'12" West, a distance of 60.42 feet to an ell corner in said "Tract F";

**THENCE** South 88°16'17" West, along a northerly line of said "Tract F", a distance of 293.83 feet to an ell corner;

**THENCE** South 01°21'23" East, along an easterly line of said "Tract F", a distance of 1,086.14 feet to the intersection of the northerly line of said 2-feet wide annexation strip with said easterly line of "Tract F";

**THENCE** South 88°19'59" West, departing said "Tract F" and along the northerly line of said 2-feet wide annexation strip, a distance of 773.86 feet to an ell corner of said 2-feet wide annexation strip;

**THENCE** South 00°49'37" East, along the westerly line of said 2-feet wide annexation strip, a distance of 1,687.20 feet to an ell corner of said 2-feet wide annexation strip;

**THENCE** South 89°17'51" West, along the northerly line of said 2-feet wide annexation strip, a distance of 797.13 feet to a point for corner on the westerly line of said "Tract F";

**THENCE** South 89°27'13" West, continuing along the northerly line of said 2-feet wide annexation strip, a distance of 936.49 feet to a point for corner;

**THENCE** South 01°09'08" East, continuing along the northerly line of said 2-feet wide annexation strip, a distance of 5.80 feet to a point for corner;

**THENCE** South 89°14'26" West, continuing along the northerly line

of said 2-foot wide annexation strip a distance of 117.27 feet to the intersection of the northerly line of said 2-foot wide annexation strip with the westerly line of said "Tract F";

**THENCE** in a northerly direction, along the westerly line of said "Tract F" the following

North 0°59'53" West, a distance of 2,705.86 feet to a point for corner;

South 88°58'07" West, a distance of 676.32 feet to a point for corner;

North 0°56'51" West, a distance of 382.39 feet to a point for corner;

North 0°46'36" West, a distance of 2,496.45 feet to the westerly, northwest corner of said "Tract F";

**THENCE** North 88°38'49" East, along a northerly line of said "Tract F" and along the centerline of County Road 222, an apparent public use right of way, a distance of 671.98 feet to a point for corner;

**THENCE** South 89°25'55" East, continuing along a northerly line of said "Tract F" and said County Road 222, a distance of 2.82 feet to a point for corner, same being the intersection of the centerline of County Road 222 with the centerline of County Road 291, an apparent public use right of way;

**THENCE** North 01°06'23" West, departing said County Road 222, along said County Road 291, and along the westerly line of said "Tract F", a distance of 2,439.00 feet to a point for corner;

**THENCE** South 69°25'12" East, departing said County Road 291 and continuing along the westerly line of said "Tract F", a distance of 359.65 feet to a point for corner;

**THENCE** North 29°41'27" East, continuing along the westerly line of said "Tract F", a distance of 628.14 feet to a point for corner;

**THENCE** North 01°30'10" West, continuing along the westerly line of said "Tract F", a distance of 109.62 feet to a point for corner on the common line of Collin County and Grayson County;

**THENCE** South 89°03'58" East, departing the westerly line of said "Tract F" and along the common line of Collin County and Grayson

County, a distance of 5,554.68 feet to a point for corner on an easterly line of said "Tract F";

**THENCE** South 5°33'38" West, departing the common line of Collin County and Grayson County, and along an easterly line of said "Tract F", a distance of 259.52 feet to a point for corner in aforesaid County Line Road (Grayson County), County Road 290 (Collin County);

**THENCE** in an easterly direction, along said County Line Road (Grayson County), County Road 290 (Collin County), and along the northerly line of said "Tract F", the following:

South 3°19'56" East, a distance of 87.99 feet to a point for corner;

North 86°47'27" East, a distance of 1017.31 feet to a point for corner;

North 63°35'34" East, a distance of 50.29 feet to a point for corner;

North 61°55'02" East, a distance of 73.73 feet to a point for corner;

North 16°03'52" East, a distance of 167.50 feet to a point for corner;

North 61°54'04" East, a distance of 7.34 feet to a point for corner;

North 65°40'53" East, a distance of 113.40 feet to a point for corner;

South 89°03'21" East, a distance of 823.88 feet to the **POINT OF BEGINNING** and containing 1300.62 gross acres of land, **SAVE AND EXCEPT** the following described tract.

**BEING** a tract of land situated in the E. T. Berry Survey, Abstract No. 41 and the Jonas Whitaker Survey, Abstract No. 981, Collin County, Texas, and being all of a called 4.78-acre tract of land, described in a General Warranty Deed to Paul T. Adams and Ruth E. Adams, recorded in Instrument No. 20060724001039710 of the Official Public Records of Collin County, Texas, all of a called 1.405-acre tract of land, described in a General Warranty Deed to John P. Adams and Sharon B. Adams, recorded in Instrument No. 20070504000605760 of the Official Public Records of Collin

County, Texas, all of a called 3.40-acre tract of land, described in a General Warranty Deed to John P. Adams and Sharon B. Adams, recorded in Instrument No. 20060724001039700 of the Official Public Records of Collin County, Texas, all of a 10.43-acre tract of land, described in a Deed to D. E. Billups, recorded in Volume 793, Page 437 of the Deed Records of Collin County, Texas and being all of a called 9.01-acre tract of land, described in a Warranty Deed to D. E. Billups and wife, Linda Billups, recorded in Volume 827, Page 559 of the Deed Records of Collin County, Texas, same also being all of the "Exception Tract 1" as described in said Special Warranty Deed to Risland Mantua LLC, recorded in Instrument No 20180625000783630 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at the southwest corner of said 4.78-acre tract and said "Exception Tract 1", same being in the pavement of County Road 290, an apparent public use right of way;

**THENCE** North 01°20'28" West, along the westerly line of said 4.78-acre tract, along the westerly line of said 1.405-acre tract and along the westerly line of said "Exception Tract 1", and with said County Road 290, a distance of 234.86 feet to a point for corner;

**THENCE** North 01°15'26" West, continuing along the westerly line of said "Exception Tract 1", the westerly line of said 1.405-acre tract, the westerly line of said 10.43-acre tract, the westerly line of said 9.01-acre tract, and continuing with said County Road 290, a distance of 612.61 feet to the northwest corner of said 9.01-acre tract and said "Exception Tract 1";

**THENCE** North 88°36'59" East, departing said County Road 290, along the northerly line of said 9.01-acre tract and said "Exception Tract 1", a distance of 1,418.85 feet to the northeast corner of said 9.01-acre tract and said "Exception Tract 1";

**THENCE** in a southerly direction, along the easterly line of said "Exception Tract 1", the easterly line of said 9.01-acre tract, the easterly line of said 10.43-acre tract, the easterly line of said 3.40-acre tract and the easterly line of said 4.78-acre tract, the following:

South 23°09'54" East, a distance of 106.69 feet to a point for corner;

South 35°28'12" West, a distance of 123.56 feet to a point for corner;



South 56°03'11" East, a distance of 127.51 feet to a point for corner;

South 11°18'27" East, a distance of 309.39 feet to a point for corner;

South 02°01'32" West, a distance of 272.47 feet to the southeast corner of said 4.78-acre tract and said "Exception Tract 1";

**THENCE** South 88°39'09" West, along the southerly line of said 4.78-acre tract and said "Exception Tract 1", a distance of 1,527.00 feet to the **POINT OF BEGINNING** and containing 29.11 acres of land, more or less.

**LEAVING** a net acreage of 1,271.51 acres of land, more or less.

#### **TRACT 2 - 341.75 acres of land**

**BEING** a tract of land situated in the Nelson H. Haney Survey, Abstract No. 431, the William Creager Survey, Abstract No. 164 and the J. C. Burge Survey, Abstract No. 106, Collin County, Texas and being a portion of a called "Tract B" described in a Special Warranty Deed to Risland Mantua LLC, recorded in Instrument No 20180625000783630 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at the northeast corner of said "Tract B", same being the intersection of the centerline County Road 375, an apparent public use right of way, with the westerly right of way line of State Highway 5, a called 100' wide right of way;

**THENCE** South 22°09'37" East, along the easterly line of said "Tract B" and the westerly right of way line of said State Highway 5, a distance of 1,354.52 feet to the easterly, southeast corner of said "Tract B";

**THENCE** North 88°59'49" West, departing the westerly right of way line of said State Highway 5 and along a southerly line of said "Tract B", a distance of 702.08 feet to an ell corner of said "Tract B";

**THENCE** South 1°32'38" East, along an easterly line of said "Tract B", a distance of 185.54 feet to an ell corner of said "Tract B";

**THENCE** North 89°00'00" West, along a southerly line of said "Tract B", a distance of 219.71 feet to a point for corner;

**THENCE** South 89°59'24" West, continuing along a southerly line of said "Tract B", a distance of 798.30 feet to an ell corner of said "Tract B";

**THENCE** South 1°38'52" West, along an easterly line of said "Tract B", a distance of 543.47 feet to a point for corner;

**THENCE** South 1°19'13" West, continuing along an easterly line of said "Tract B", a distance of 331.59 feet to a point for corner;

**THENCE** South 1°22'55" West, continuing along an easterly line of said "Tract B", a distance of 247.59 feet to a point for corner;

**THENCE** South 1°18'23" West, continuing along an easterly line of said "Tract B", a distance of 570.27 feet to a point for corner;

**THENCE** South 1°23'08" West, continuing along an easterly line of said "Tract B", a distance of 571.26 feet to a southeast corner of said "Tract B";

**THENCE** North 84°30'54" West, along a southerly line of said "Tract B", a distance of 386.90 feet to a point for corner;

**THENCE** South 11°50'57" West, along an easterly line of said "Tract B", a distance of 52.44 feet to a point for corner;

**THENCE** South 0°05'35" East, continuing along an easterly line of said "Tract B", a distance of 284.57 feet to a corner in the pavement of County Road 373, an apparent public use right of way, same being the intersection of the easterly line of said "Tract B" with the northerly line of a 2-feet wide annexation strip as described in City of Van Alstyne Ordinance No. 270;

**THENCE** North 87°48'55" West, departing the easterly in of said "Tract B", and along the northerly line of said 2-feet wide annexation strip, a distance of 472.24 feet to a point for corner;

**THENCE** North 87°48'54" West, continuing along the northerly line of said 2-feet wide annexation strip, a distance of 597.96 feet to the intersection of the northerly line of said 2-feet wide annexation strip with the easterly line of a tract of land described in an Affidavit of Dedication for Cemetery Purposes for the Mantua Cemetery, recorded in Instrument No. 20090526000633620 of the Official Public Records of Collin County, Texas, same

being a common line with said "Tract B";

**THENCE** departing County Road 373 and the northerly line of said 2-foot wide annexation strip, along the common line of said Mantua Cemetery and said "Tract B", the following:

North 00°47'23" East, a distance of 371.22 feet to a point for corner;

South 53°21'16" West, a distance of 319.95 feet to a point for corner;

North 41°17'47" West, a distance of 134.58 feet to a point for corner;

South 81°06'37" West, a distance of 60.47 feet to a point for corner;

South 19°20'25" West, a distance of 155.17 feet to a point for corner;

South 68°49'48" West, a distance of 18.71 feet to a point for corner;

South 02°06'41" West, a distance of 101.84 feet to a point for corner;

South 87°48'54" East, a distance of 147.88 feet to the intersection of said common line with the northerly line of aforesaid 2-foot wide annexation strip, same being in aforesaid County Road 373;

**THENCE** in a southwesterly direction, departing the common line of said Mantua Cemetery and said "Tract B", along the northerly line of said 2-foot wide annexation strip, the following:

South 80°29'29" West, a distance of 51.80 feet to a point for corner;

South 60°58'19" West, a distance of 50.36 feet to a point for corner;

South 32°39'33" West, a distance of 160.17 feet to a point for corner;

South 43°41'37" West, a distance of 37.86 feet to a point for corner;

South 52°05'18" West, a distance of 72.16 feet to a point for corner;

South 55°28'50" West, a distance of 143.01 feet to a point for corner;

South 59°09'35" West, a distance of 80.15 feet to a point for corner;

South 71°54'54" West, a distance of 246.70 feet to a point for corner;

South 67°56'04" West, a distance of 788.92 feet to the intersection of the northerly line of said 2-feet wide annexation strip with the westerly line of said "Tract B", same also being on the easterly right of way line of U. S. Highway 75, a variable width right of way as described in a Judgement to the State of Texas, County Court at Law No. 6, Case No. 006-00600-2016, recorded in Instrument No. 20170920001260330 of the Official Public Records of Collin County, Texas;

**THENCE** in a northerly direction, along the westerly line of said "Tract B" and the easterly right of way line of said U. S. Highway 75, the following:

North 02°17'51" East, a distance of 146.91 feet to a point for corner;

North 09°18'58" West, a distance of 202.71 feet to a point for corner;

North 15°15'20" East, a distance of 303.59 feet to a point for corner;

North 09°10'44" West, a distance of 56.09 feet to a point for corner;

North 08°41'44" West, a distance of 355.90 feet to a point for corner;

North 05°06'07" East, a distance of 301.04 feet to a point for corner;

North 00°20'17" East, a distance of 200.00 feet to a point for corner;

North 02°14'18" West, a distance of 400.40 feet to a point for corner;

North 09°41'14" East, a distance of 497.44 feet to a point for corner;

North 09°31'31" West, a distance of 618.15 feet to a point for corner;

North 00°46'46" East, a distance of 318.78 feet to a point for corner;

North 13°42'42" East, a distance of 342.51 feet to a point for corner;

North 32°46'23" East, a distance of 801.70 feet to a point for corner;

North 00°20'17" East, a distance of 320.11 feet to a point for corner;

North 23°37'43" East, a distance of 167.95 feet to a point for corner;

North 00°32'03" East, a distance of 17.68 feet to the northwest corner of said "Tract B", same being the intersection of the easterly right of way line of said U. S. Highway 75 with the centerline of the pavement of aforesaid County Road 375;

**THENCE** South 89°01'02" East, departing the easterly right of way line of said U. S. Highway 75, along the northerly line of said "Tract B" and generally along said County Road 375, a distance of 677.50 feet to a point for corner;

**THENCE** South 89°27'22" East, continuing along the northerly line of said "Tract B" and said County Road 375, a distance of 448.35 feet to a point for corner;

**THENCE** South 00°53'32" West, departing said County Road 375 and along a westerly line of said "Tract B", a distance of 600.26 feet to an ell corner of said "Tract B";

**THENCE** South 89°17'03" East, along a northerly line of said "Tract B", a distance of 579.52 feet to an ell corner;

**THENCE** North 00°57'01" East, along an easterly line of said "Tract B", a distance of 602.00 feet to a corner in aforesaid County Road 375;

**THENCE** South 89°27'21" East, continuing along the northerly line of said "Tract B" and said County Road 375 for part of the way, a distance of 815.46 feet to a point for corner;

**THENCE** South 00°53'34" West, continuing along the northerly line of said "Tract B", a distance of 150.64 feet to a corner in said County Road 375;

**THENCE** South 89°21'13" East, continuing along the northerly line of said "Tract B" and said County Road 375, a distance of 1,375.24 feet to the **POINT OF BEGINNING** and containing 341.75 acres of land, more or less.

### **TRACT 3 - 34.40 acres of land**

**BEING** a tract of land situated in the Nelson H. Haney Survey, Abstract No. 431 and the William Creager Survey, Abstract No. 164, Collin County, Texas and being all of a called "Tract C" described in a Special Warranty Deed to Risland Mantua LLC, recorded in Instrument No 20180625000783630 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at the northwest corner of said "Tract C", same being the intersection of the centerline County Road 375, an apparent public use right of way, with the easterly line of the Dallas Area Rapid Transit right of way as described in a Correction Deed, recorded in Volume 5443, Page 5532 of the Deed Records of Collin County, Texas;

**THENCE** South 87°38'28" East, along the northerly line of said "Tract C" and with said County Road 375 for part of the way, a distance of 754.24 feet to the northerly, northeast corner of said "Tract C";

**THENCE** South 01°27'56" West, along an easterly line of said "Tract C", a distance of 1,162.79 feet to an ell corner of said "Tract C";

**THENCE** South 89°16'15" East, a northerly line of said "Tract C", a distance of 934.92 feet to a point for corner;

**THENCE** South 89°48'36" East, continuing along a northerly line of said "Tract C", a distance of 370.40 feet to the easterly, northeast corner of said "Tract C";

**THENCE** South 01°07'57" West, along the easterly line of said the

easterly, northeast corner of said "Tract C", a distance of 661.53 feet to the southeast corner of said the easterly, northeast corner of said "Tract C";

**THENCE** North 88°56'12" West, along the southerly line of said the easterly, northeast corner of said "Tract C", a distance of 1,264.27 feet to the southwest corner of said the easterly, northeast corner of said "Tract C", same being on the easterly line of aforesaid Dallas Area Rapid Transit right of way;

**THENCE** North 22°10'47" West, along the westerly line of said "Tract C" and the easterly line of said Dallas Area Rapid Transit right of way, a distance of 1,991.91 feet to the **POINT OF BEGINNING** and containing 34.40 acres of land, more or less.

#### **TRACT 4 - 6.12 acres of land**

**BEING** a tract of land situated in the William Creager Survey, Abstract No. 164, Collin County, Texas and being all of a called "Tract D" described in a Special Warranty Deed to Risland Mantua LLC, recorded in Instrument No 20180625000783630 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at the northeast corner of said "Tract D", same being on the westerly right of way line of State Highway 5, a called 100' wide right of way;

**THENCE** South 22°10'13" East, along the easterly line of said "Tract D" and the westerly right of way line of said State Highway 5, a distance of 638.80 feet to the easterly, southeast corner of said "Tract D";

**THENCE** South 68°03'51" West, departing the westerly right of way line of said State Highway 5, along a southerly line of said "Tract D", a distance of 142.37 feet to an ell corner;

**THENCE** South 21°29'49" East, along an easterly line of said "Tract D", a distance of 300.26 feet to the southerly, southeast corner of said "Tract D";

**THENCE** South 67°51'20" West, along the southerly line of said "Tract D", a distance of 377.74 feet to the southwest corner of said "Tract D";

**THENCE** North 00°34'02" East, along the westerly line of said "Tract D", a distance of 1,068.43 feet to the northwest corner of said "Tract D";

**THENCE** South 89°06'40" East, along the northerly line of said "Tract D", a distance of 120.29 feet to the **POINT OF BEGINNING** and containing 6.12 acres of land, more or less.

**TRACT 5 - 27.89 acres of land**

**BEING** a tract of land situated in the William Creager Survey, Abstract No. 164, Collin County, Texas and being a portion of a called "Tract E" described in a Special Warranty Deed to Risland Mantua LLC, recorded in Instrument No 20180625000783630 of the Official Public Records of Collin County, Texas, and being more particularly described as follows:

**BEGINNING** at a corner in the pavement of County Road 373, an apparent public use right of way, same being the intersection of the westerly line of said "Tract E" with the northerly line of a 2-foot wide annexation strip as described in City of Van Alstyne Ordinance No. 270;

**THENCE** North 00°19'34" East, departing said County Road 373 and said 2-foot wide annexation strip, along the westerly line of said "Tract E", a distance of 1,147.64 feet to the northwest corner of said "Tract E";

**THENCE** North 68°04'31" East, along the northerly line of said "Tract E", a distance of 675.15 feet to the northeast corner of said "Tract E", same being on the westerly right of way line of State Highway 5, a variable width right of way;

**THENCE** South 22°11'20" East, along the easterly line of said "Tract E" and the westerly right of way line of said State Highway 5, a distance of 1,536.48 feet to a corner in the pavement of aforesaid County Road 373, same being the intersection of the easterly line of said "Tract E" and the westerly right of way line of said State Highway 5 with the northerly line of aforesaid 2-foot wide annexation strip;

**THENCE** North 88°54'53" West, departing the easterly line of said "Tract E" and along the northerly line of said 2-foot wide annexation strip, a distance of 1,213.34 feet to the **POINT OF BEGINNING** and containing 27.89 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a



copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

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

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

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

SECTION 4. (a) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter \_\_\_\_, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section \_\_\_\_ to read as follows:

(b) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. This Act takes effect September 1, 2019.



Document comparison by Workshare 9.5 on Thursday, March 14, 2019 11:29:37 AM

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Description	Van Alstyne MUD No. 2 - draft bill
Document 2 ID	netdocuments://4825-4390-9765/3
Description	Van Alstyne MUD No. 2 - draft bill
Rendering set	Standard

Legend:	
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Padding cell	

Statistics:	
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Moved to	0
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