

1-1 By: Fallon S.B. No. 2530
1-2 (In the Senate - Filed April 4, 2019; April 8, 2019, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 26, 2019, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 April 26, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR S.B. No. 2530 By: Fallon

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of the Van Alstyne Municipal Utility
1-20 District No. 2 of Collin County; granting a limited power of eminent
1-21 domain; providing authority to issue bonds; providing authority to
1-22 impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-25 Code, is amended by adding Chapter 8048 to read as follows:

1-26 CHAPTER 8048. VAN ALSTYNE MUNICIPAL UTILITY DISTRICT NO. 2 OF
1-27 COLLIN COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8048.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Van Alstyne Municipal Utility
1-35 District No. 2 of Collin County.

1-36 Sec. 8048.0102. NATURE OF DISTRICT. The district is a
1-37 municipal utility district created under Section 59, Article XVI,
1-38 Texas Constitution.

1-39 Sec. 8048.0103. CONFIRMATION AND DIRECTOR ELECTION
1-40 REQUIRED. The temporary directors shall hold an election to
1-41 confirm the creation of the district and to elect five permanent
1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 8048.0104. CONDITIONS PRECEDENT TO CONFIRMATION
1-44 ELECTION. (a) The temporary directors may not hold an election
1-45 under Section 8048.0103 until:

1-46 (1) each municipality in whose corporate limits or
1-47 extraterritorial jurisdiction the district is located has
1-48 consented by ordinance or resolution to the creation of the
1-49 district and to the inclusion of land in the district; and

1-50 (2) the district has entered into a contract with a
1-51 municipality, Collin County, or another entity:

1-52 (A) for adequate supplemental police, fire,
1-53 emergency, and animal control services for the district; and

1-54 (B) that is approved by the Commissioners Court
1-55 of Collin County under Subsection (c).

1-56 (b) A contract under Subsection (a) may include a provision
1-57 that the contract takes effect only on the approval of the
1-58 Commissioners Court of Collin County and the voters in the district
1-59 voting in an election held for that purpose.

1-60 (c) The Commissioners Court of Collin County shall review a

2-1 contract under Subsection (a) and evaluate the supplemental police,
2-2 fire, emergency, and animal control services provided in the
2-3 contract. If the commissioners court determines that the contract
2-4 provides adequate services, the commissioners court shall adopt a
2-5 resolution stating that the contract has met the requirements of
2-6 Subsection (a).

2-7 Sec. 8048.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

2-8 (a) The district is created to serve a public purpose and benefit.

2-9 (b) The district is created to accomplish the purposes of:

2-10 (1) a municipal utility district as provided by
2-11 general law and Section 59, Article XVI, Texas Constitution; and

2-12 (2) Section 52, Article III, Texas Constitution, that
2-13 relate to the construction, acquisition, improvement, operation,
2-14 or maintenance of macadamized, graveled, or paved roads, or
2-15 improvements, including storm drainage, in aid of those roads.

2-16 Sec. 8048.0106. INITIAL DISTRICT TERRITORY. (a) The
2-17 district is initially composed of the territory described by
2-18 Section 2 of the Act enacting this chapter.

2-19 (b) The boundaries and field notes contained in Section 2 of
2-20 the Act enacting this chapter form a closure. A mistake made in the
2-21 field notes or in copying the field notes in the legislative process
2-22 does not affect the district's:

2-23 (1) organization, existence, or validity;

2-24 (2) right to issue any type of bond for the purposes
2-25 for which the district is created or to pay the principal of and
2-26 interest on a bond;

2-27 (3) right to impose a tax; or

2-28 (4) legality or operation.

2-29 SUBCHAPTER B. BOARD OF DIRECTORS

2-30 Sec. 8048.0201. GOVERNING BODY; TERMS. (a) The district
2-31 is governed by a board of five elected directors.

2-32 (b) Except as provided by Section 8048.0202, directors
2-33 serve staggered four-year terms.

2-34 Sec. 8048.0202. TEMPORARY DIRECTORS. (a) On or after
2-35 September 1, 2019, the owner or owners of a majority of the assessed
2-36 value of the real property in the district may submit a petition to
2-37 the commission requesting that the commission appoint as temporary
2-38 directors the five persons named in the petition. The commission
2-39 shall appoint as temporary directors the five persons named in the
2-40 petition.

2-41 (b) Temporary directors serve until the earlier of:

2-42 (1) the date permanent directors are elected under
2-43 Section 8048.0103; or

2-44 (2) September 1, 2023.

2-45 (c) If permanent directors have not been elected under
2-46 Section 8048.0103 and the terms of the temporary directors have
2-47 expired, successor temporary directors shall be appointed or
2-48 reappointed as provided by Subsection (d) to serve terms that
2-49 expire on the earlier of:

2-50 (1) the date permanent directors are elected under
2-51 Section 8048.0103; or

2-52 (2) the fourth anniversary of the date of the
2-53 appointment or reappointment.

2-54 (d) If Subsection (c) applies, the owner or owners of a
2-55 majority of the assessed value of the real property in the district
2-56 may submit a petition to the commission requesting that the
2-57 commission appoint as successor temporary directors the five
2-58 persons named in the petition. The commission shall appoint as
2-59 successor temporary directors the five persons named in the
2-60 petition.

2-61 SUBCHAPTER C. POWERS AND DUTIES

2-62 Sec. 8048.0301. GENERAL POWERS AND DUTIES. The district
2-63 has the powers and duties necessary to accomplish the purposes for
2-64 which the district is created.

2-65 Sec. 8048.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-66 DUTIES. The district has the powers and duties provided by the
2-67 general law of this state, including Chapters 49 and 54, Water Code,
2-68 applicable to municipal utility districts created under Section 59,
2-69 Article XVI, Texas Constitution.

3-1 Sec. 8048.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
3-2 52, Article III, Texas Constitution, the district may design,
3-3 acquire, construct, finance, issue bonds for, improve, operate,
3-4 maintain, and convey to this state, a county, or a municipality for
3-5 operation and maintenance macadamized, graveled, or paved roads, or
3-6 improvements, including storm drainage, in aid of those roads.

3-7 Sec. 8048.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
3-8 road project must meet all applicable construction standards,
3-9 zoning and subdivision requirements, and regulations of each
3-10 municipality in whose corporate limits or extraterritorial
3-11 jurisdiction the road project is located.

3-12 (b) If a road project is not located in the corporate limits
3-13 or extraterritorial jurisdiction of a municipality, the road
3-14 project must meet all applicable construction standards,
3-15 subdivision requirements, and regulations of each county in which
3-16 the road project is located.

3-17 (c) If the state will maintain and operate the road, the
3-18 Texas Transportation Commission must approve the plans and
3-19 specifications of the road project.

3-20 (d) The district shall maintain all roads that the district
3-21 constructs except for roads constructed by the district that
3-22 another governmental entity agrees to maintain.

3-23 Sec. 8048.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-24 ORDINANCE OR RESOLUTION. The district shall comply with all
3-25 applicable requirements of any ordinance or resolution that is
3-26 adopted under Section 54.016 or 54.0165, Water Code, and that
3-27 consents to the creation of the district or to the inclusion of land
3-28 in the district.

3-29 Sec. 8048.0306. DIVISION OF DISTRICT. (a) The district
3-30 may be divided into two or more new districts only if:

- 3-31 (1) the district has no outstanding bonded debt;
 - 3-32 (2) the district is not imposing ad valorem taxes; and
 - 3-33 (3) the City of Van Alstyne by ordinance or resolution
- 3-34 has consented to the division of the district.

3-35 (b) This chapter applies to any new district created by the
3-36 division of the district, and a new district has all the powers and
3-37 duties of the district.

3-38 (c) Any new district created by the division of the district
3-39 may not, at the time the new district is created, contain any land
3-40 outside the area described by Section 2 of the Act enacting this
3-41 chapter.

3-42 (d) The board, on its own motion or on receipt of a petition
3-43 signed by the owner or owners of a majority of the assessed value of
3-44 the real property in the district, may adopt an order dividing the
3-45 district.

3-46 (e) The board may adopt an order dividing the district
3-47 before or after the date the board holds an election under Section
3-48 8048.0103 to confirm the district's creation.

3-49 (f) An order dividing the district shall:

- 3-50 (1) name each new district;
- 3-51 (2) include the metes and bounds description of the
- 3-52 territory of each new district;
- 3-53 (3) appoint temporary directors for each new district;

3-54 and
3-55 (4) provide for the division of assets and liabilities
3-56 between or among the new districts.

3-57 (g) On or before the 30th day after the date of adoption of
3-58 an order dividing the district, the district shall file the order
3-59 with the commission and record the order in the real property
3-60 records of each county in which the district is located.

3-61 (h) Any new district created by the division of the district
3-62 shall hold a confirmation and directors' election as required by
3-63 Section 8048.0103. If the voters of a new district do not confirm
3-64 the creation of the new district, the assets, obligations,
3-65 territory, and governance of the new district revert to the
3-66 original district.

3-67 (i) Municipal consent to the creation of the district and to
3-68 the inclusion of land in the district granted under Section
3-69 8048.0104 acts as municipal consent to the creation of any new

4-1 district created by the division of the district and to the
4-2 inclusion of land in the new district.

4-3 (j) Any new district created by the division of the district
4-4 must hold an election as required by this chapter to obtain voter
4-5 approval before the district may impose a maintenance tax or issue
4-6 bonds payable wholly or partly from ad valorem taxes.

4-7 Sec. 8048.0307. LIMITATION ON ANNEXATION. The district may
4-8 not annex territory outside the area described by Section 2 of the
4-9 Act enacting this chapter unless the City of Van Alstyne by
4-10 ordinance or resolution has consented to the annexation.

4-11 Sec. 8048.0308. ANIMAL CONTROL ORDINANCE. The district may
4-12 adopt an animal control ordinance and enforce the ordinance inside
4-13 the district.

4-14 Sec. 8048.0309. LIMITATION ON USE OF EMINENT DOMAIN.
4-15 (a) The district may not exercise the power of eminent domain
4-16 outside the district to acquire a site or easement for:

- 4-17 (1) a road project authorized by Section 8048.0303; or
- 4-18 (2) a recreational facility as defined by Section
4-19 49.462, Water Code.

4-20 (b) The district may not exercise the power of eminent
4-21 domain in the corporate limits of the City of Van Alstyne unless the
4-22 city by ordinance or resolution has consented to the exercise of
4-23 eminent domain authority.

4-24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4-25 Sec. 8048.0401. ELECTIONS REGARDING TAXES OR BONDS.

4-26 (a) The district may issue, without an election, bonds and other
4-27 obligations secured by:

- 4-28 (1) revenue other than ad valorem taxes; or
- 4-29 (2) contract payments described by Section 8048.0403.

4-30 (b) The district must hold an election in the manner
4-31 provided by Chapters 49 and 54, Water Code, to obtain voter approval
4-32 before the district may impose an ad valorem tax or issue bonds
4-33 payable from ad valorem taxes.

4-34 (c) The district may not issue bonds payable from ad valorem
4-35 taxes to finance a road project unless the issuance is approved by a
4-36 vote of a two-thirds majority of the district voters voting at an
4-37 election held for that purpose.

4-38 Sec. 8048.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-39 authorized at an election held under Section 8048.0401, the
4-40 district may impose an operation and maintenance tax on taxable
4-41 property in the district in accordance with Section 49.107, Water
4-42 Code.

4-43 (b) The board shall determine the tax rate. The rate may not
4-44 exceed the rate approved at the election.

4-45 Sec. 8048.0403. CONTRACT TAXES. (a) In accordance with
4-46 Section 49.108, Water Code, the district may impose a tax other than
4-47 an operation and maintenance tax and use the revenue derived from
4-48 the tax to make payments under a contract after the provisions of
4-49 the contract have been approved by a majority of the district voters
4-50 voting at an election held for that purpose.

4-51 (b) A contract approved by the district voters may contain a
4-52 provision stating that the contract may be modified or amended by
4-53 the board without further voter approval.

4-54 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-55 Sec. 8048.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-56 OBLIGATIONS. The district may issue bonds or other obligations
4-57 payable wholly or partly from ad valorem taxes, impact fees,
4-58 revenue, contract payments, grants, or other district money, or any
4-59 combination of those sources, to pay for any authorized district
4-60 purpose.

4-61 Sec. 8048.0502. TAXES FOR BONDS. At the time the district
4-62 issues bonds payable wholly or partly from ad valorem taxes, the
4-63 board shall provide for the annual imposition of a continuing
4-64 direct ad valorem tax, without limit as to rate or amount, while all
4-65 or part of the bonds are outstanding as required and in the manner
4-66 provided by Sections 54.601 and 54.602, Water Code.

4-67 Sec. 8048.0503. BONDS FOR ROAD PROJECTS. At the time of
4-68 issuance, the total principal amount of bonds or other obligations
4-69 issued or incurred to finance road projects and payable from ad

5-1 valorem taxes may not exceed one-fourth of the assessed value of the
5-2 real property in the district.

5-3 SUBCHAPTER F. MUNICIPAL PERMITTING AUTHORITY IN DISTRICT

5-4 Sec. 8048.0601. MUNICIPAL AUTHORITY. (a) Notwithstanding
5-5 any other law, a municipality has exclusive authority in the
5-6 district to:

5-7 (1) issue building permits and certificates of
5-8 occupancy;

5-9 (2) enforce the municipality's building codes;

5-10 (3) enforce the municipality's health regulations
5-11 regarding food establishments, public swimming pools, and standing
5-12 water; and

5-13 (4) perform an inspection necessary to accomplish the
5-14 purposes of this subsection.

5-15 (b) A fee for a permit or certificate issued by a
5-16 municipality for use in the district may not exceed the fees charged
5-17 for the same permit or certificate issued for use in the corporate
5-18 limits of the municipality.

5-19 SECTION 2. The Van Alstyne County Municipal Utility
5-20 District No. 2 of Collin County initially includes all the
5-21 territory contained in the following area:

5-22 TRACT 1: 1,216.48 ACRES

5-23 SITUATED in the County of Collin, State of Texas, and being a
5-24 part of the David Arnspiger Survey, Abstract No. 15, the E. T. Berry
5-25 Survey, Abstract No. 41, the J. W. Curtis Survey, Abstract
5-26 No. 1077, the Jonas Whitaker Survey, Abstract No. 981, the W. P.
5-27 Burns Survey, Abstract No. 100, and the J. Batterton Survey,
5-28 Abstract No. 94, and being a part of the 1232.837 ac. tract of land
5-29 conveyed to Vincent Viola by W. Mark David by Special Warranty Deed
5-30 dated July 30, 2001 and recorded in Volume 4987, Page 726, Deed
5-31 Records, Collin County, Texas, and being all of the 64.749 ac. tract
5-32 of land (Tract 3) conveyed to Vincent J. Viola by Don S. Flesher by
5-33 Warranty Deed dated September 10, 2004 and recorded in Volume 5766,
5-34 Page 6210, said Collin County Deed Records and being all of the
5-35 133.814 ac. tract of land conveyed to Vincent J. Viola by Mary Jane
5-36 Kinsey by Warranty Deed with Vendor's Lien dated March 31, 2004 and
5-37 recorded in Volume 5642, Page 1395, said Collin County Deed
5-38 Records, and being all of the 377.45 ac. tract of land conveyed to
5-39 Vincent J. Viola by Thornton Farm Partnership, Ltd. by Special
5-40 Warranty Deed with Vendor's Lien dated September 22, 2005 and
5-41 recorded in Volume 6010, Page 3310, said Collin County Deed
5-42 Records, and being all of the 61.61 ac. tract of land conveyed to
5-43 Vincent J. Viola by Jack R. Shirley, Trustee of the Shirley Living
5-44 Trust by Warranty Deed with Vendor's Lien dated February 26, 2004
5-45 and recorded in Volume 5616, Page 5706, said Collin County Deed
5-46 Records, and being more particularly described as one tract of land
5-47 by metes and bounds as follows, to-wit:

5-48 BEGINNING at a 1/2 inch rebar set at the Southwest corner of
5-49 said Viola 133.814 ac., at the Southeast corner of the 40 ac. tract
5-50 of land conveyed to James R. Thornton in Volume 724, Page 884, said
5-51 Collin County Deed Records;

5-52 THENCE North 00 deg. 10 min. 11 sec. East, with the West line
5-53 of said Viola 133.814 ac. and the East line of said Thornton 40 ac.,
5-54 a distance of 2,705.48 ft. to a point in the South line of the 77.17
5-55 ac. tract of land (Tract A) conveyed to MJW Partners, L. P. in
5-56 Volume 4458, Page 1303, said Collin County Deed Records, at the
5-57 Northwest corner of said Viola 133.814 ac., at the Northeast corner
5-58 of said Thornton 40 ac.;

5-59 THENCE North 88 deg. 39 min. 20 sec. East, with the South line
5-60 of said MJW Partners 77.17 ac. and the North line of said Viola
5-61 133.814 ac., a distance of 479.16 ft. to a point at the Southeast
5-62 corner of said MJW Partners 77.17 ac., at the most Southerly
5-63 Southwest corner of said 377.45 ac.;

5-64 THENCE North 00 deg. 31 min. 02 sec. East, with the West line
5-65 of said 377.45 ac. and the East line of said MJW Partners 77.17 ac.,
5-66 a distance of 450.50 ft. to an angle point;

5-67 THENCE North 00 deg. 51 min. 11 sec. East, continuing with the
5-68 West line of said 377.45 ac. and the East line of said MJW Partners
5-69 77.17 ac., a distance of 856.69 ft. to an angle point;

6-1 THENCE North 00 deg. 38 min. 27 sec. East, continuing with the
6-2 West line of said 377.45 ac. and the East line of said MJW Partners
6-3 77.17 ac., a distance of 1,265.62 ft. to a point at the most
6-4 Easterly Northeast comer of said MJW Partners 77.17 ac.;

6-5 THENCE North 89 deg. 34 min. 48 sec. West, with a North line
6-6 of said MJW Partners 77.17 ac. and a South line of said 377.45 ac., a
6-7 distance of 78.26 ft. to a point for an Ell corner of said 377.45
6-8 ac.;

6-9 THENCE North 00 deg. 49 min. 48 sec. West, with an East line
6-10 of said MJW Partners 77.17 ac. and a West line of said 377.45 ac.,
6-11 passing a Northeast corner of said MJW Partners 77.17 ac. and the
6-12 Southeast comer of the 2.46 ac. tract of land (Tract B) conveyed to
6-13 MJW Partners, L.B. in said Volume 4458, Page 1303, and continuing
6-14 now with the East line of said MJW Partners 2.46 ac. for a total
6-15 distance of 264.00 ft. to a point at the Northeast comer of said MJW
6-16 Properties 2.46 ac.;

6-17 THENCE North 89 deg. 34 min. 48 sec. West, with the North line
6-18 of said MJW Partners 2.46 ac. and a South line of said 377.45 ac., a
6-19 distance of 424.33 ft. to a point at the most Westerly Southwest
6-20 corner of said 377.45 ac., at the Northwest corner of said MJW
6-21 Partners 2.46 ac.;

6-22 THENCE North 00 deg. 03 min. 15 sec. West, entering the
6-23 pavement of Collin County Road No, 222, passing the most Easterly
6-24 Southeast comer of the 12.5 ac. tract of land (First Tract) conveyed
6-25 to Julie Elizabeth Fifer Hilbun in Volume 4753, Page 394, said
6-26 Collin County Deed Records, being the intersection of the center of
6-27 said Collin County Road No. 222 with the center of Collin County
6-28 Road No. 291 and continuing now with the center of said Collin
6-29 County Road No. 291, passing the Northeast comer of said Hilbun
6-30 12.5 ac. and the most Easterly Southeast comer of the 89.74 ac.
6-31 tract of land conveyed to Lee Brock and Michael Adams in
6-32 Volume 4971, Page 3703, said Collin County Deed Records, a
6-33 Northeast corner of said Batterton Survey, the Southeast comer of
6-34 said Whitaker Survey, and continuing now with the East line of both
6-35 said Whitaker Survey and said Brock & Adams 89.74 ac. and the West
6-36 line of said Arnspiger Survey, passing the Northeast comer of said
6-37 Brock & Adams 89.74 ac. and the Southeast corner of the 113.35 ac.
6-38 tract of land conveyed to Claude T. Dowell and Betty M. Dowell in
6-39 Collin County Clerk File No. 96-0003539, and continuing now with
6-40 the East line of said Dowell 113.35 ac. for a total distance of
6-41 2,879.39 ft. to a PK nail at the Northwest corner of said 6.29 ac.,
6-42 at the Southwest comer of the 5.00 ac. tract of land conveyed to
6-43 Wood Family Trust in Volume 3910, Page 772, said Grayson County
6-44 Official Public Records, at the most Westerly Northwest comer of
6-45 the herein described tract;

6-46 THENCE South 88 deg. 53 min. 10 sec. East, with the South line
6-47 of said Wood Family Trust 5.00 ac., a distance of 573.19 ft. to a
6-48 point at the Southeast comer of said Wood Family Trust 5.00 ac., at
6-49 an Ell comer of said 6.29 ac.;

6-50 THENCE North 00 deg. 03 min. 10 sec. West, with the East line
6-51 of said Wood Family Trust 5.00 ac., a distance of 126.09 ft. to a
6-52 point for corner on the common line of Collin County and Grayson
6-53 County;

6-54 THENCE South 87°59'17" East, departing the East line of said
6-55 Wood Family Trust 5.00 ac., with the common line of said Collin
6-56 County and Grayson County, a distance of 5,627.71 feet to a point in
6-57 the center of a creek;

6-58 THENCE South 06 deg. 38 min. 18 sec. West, departing the
6-59 common line of said Collin County and Grayson County, and with the
6-60 center of said creek, a distance of 259.52 ft. to a point for
6-61 corner;

6-62 THENCE South 02 deg. 15 min. 16 sec. East, continuing with the
6-63 center of said creek, a distance of 87.99 ft. to a point in the
6-64 center of County Road No. 290;

6-65 THENCE North 87 deg. 49 min. 46 sec. East, with the center of
6-66 said County Road No. 290, a distance of 1,121.68 ft. to a point at
6-67 an Ell comer;

6-68 THENCE North 17 deg. 08 min. 05 sec. East, continuing with the
6-69 center of said County Road No. 290, distance of 274.78 ft. to a

7-1 point in the South line of said Grayson County, in the North line of
7-2 said Collin County;
7-3 THENCE South 88 deg. 01 min. 11 sec. East, continuing with the
7-4 center of said County Road No. 290, a distance of 918.91 ft. to a
7-5 point in the West right-of-way line of U. S. Highway No. 75;
7-6 THENCE Southerly, with the West right-of-way line of said U.
7-7 S. Highway No. 75, the following calls and distances:
7-8 South 02 deg. 54 min. 36 sec. West, a distance of 27.94 ft. to
7-9 an angle point;
7-10 South 30 deg. 46 min. 30 sec. East, a distance of 183.31 ft.
7-11 to an angle point;
7-12 South 88 deg. 06 min. 30 sec. East, a distance of 449.88 ft.
7-13 to an angle point;
7-14 South 44 deg. 01 min. 30 sec. East, a distance of 59.33 ft. to
7-15 a point at the beginning of a curve;
7-16 Southerly, with a non-tangent curve to the right having a
7-17 radius of 11,236.22 ft. and a central angle of 02 deg. 19 min.
7-18 08 sec. (chord bears South 00 deg. 12 min. 56 sec. West,
7-19 454.72 ft.), an arc distance of 454,76 ft. to an angle point;
7-20 South 02 deg. 36 min. 16 sec. East, a distance of 360.12 ft.
7-21 to an angle point;
7-22 South 00 deg. 25 min. 13 sec. West, a distance of 599.93 ft.
7-23 to an angle point;
7-24 South 01 deg. 22 min. 30 sec. West, a distance of 199.95 ft.
7-25 to an angle point;
7-26 South 04 deg. 42 min. 49 sec. West, a distance of 600.86 ft.
7-27 to an angle point;
7-28 South 07 deg. 09 min. 20 sec. East, a distance of 202.18 ft.;
7-29 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
7-30 to an angle point;
7-31 South 01 deg. 22 min. 30 sec. West, a distance of 999.74 ft.
7-32 to an angle point;
7-33 South 10 deg. 21 min. 51 sec. West, a distance of 195.80 ft.
7-34 to an angle point;
7-35 South 07 deg. 03 min. 08 sec. East, a distance of 208.75 ft.
7-36 to an angle point;
7-37 South 00 deg. 03 min. 25 sec. East, a distance of 400.02 ft.
7-38 to an angle point;
7-39 South 07 deg. 33 min. 03 sec. West, a distance of 185.86 ft.
7-40 to an angle point;
7-41 South 45 deg. 36 min. 30 sec. West, a distance of 42.98 ft. to
7-42 an angle point;
7-43 South 01 deg. 22 min. 30 sec. West, a distance of 24.40 ft. to
7-44 a point in the center of County Road No. 372;
7-45 THENCE Westerly, with the center of said County Road No. 372,
7-46 the following calls and distances:
7-47 South 89 deg. 42 min. 59 sec. West, a distance of 353.70 ft.;
7-48 South 86 deg. 10 min. 45 sec. West, a distance of 143.79 ft.;
7-49 North 87 deg. 30 min. 14 sec. West, a distance of 53.25 ft.;
7-50 North 74 deg. 09 min. 11 sec. West, a distance of 54.65 ft.;
7-51 North 66 deg. 03 min. 55 sec. West, a distance of 186.27 ft.;
7-52 North 69 deg. 12 min. 09 sec. West, a distance of 184.29 ft.;
7-53 North 86 deg. 57 min. 36 sec. West, a distance of 96.84 ft.;
7-54 South 48 deg. 48 min. 29 sec. West, a distance of 93.49 ft.;
7-55 South 33 deg. 28 min. 27 sec. West, a distance of 305.00 ft.;
7-56 South 37 deg. 10 min. 57 sec. West, a distance of 265.16 ft.;
7-57 South 55 deg. 13 min. 57 sec. West, a distance of 89.72 ft.;
7-58 North 83 deg. 28 min. 02 sec. West, a distance of 100.14 ft.;
7-59 North 68 deg. 03 min. 52 sec. West, a distance of 396.07 ft.;
7-60 North 60 deg. 49 min. 08 sec. West, a distance of 186.54 ft.;
7-61 North 67 deg. 57 min. 27 sec. West, a distance of 71.26 ft.;
7-62 North 89 deg. 56 min. 56 sec. West, a distance of 69.12 ft.;
7-63 South 75 deg. 45 min. 15 sec. West, a distance of 103.51 ft.;
7-64 South 83 deg. 05 min. 09 sec. West, a distance of 72.42 ft.;
7-65 North 85 deg. 18 min. 09 sec. West, a distance of 68.25 ft.;
7-66 North 81 deg. 39 min. 08 sec. West, a distance of 527.44 ft.;
7-67 South 82 deg. 17 min. 34 sec. West, a distance of 143.98 ft.;
7-68 South 60 deg. 43 min. 16 sec. West, a distance of 129.67 ft.
7-69 to the intersection of the center of said County Road No. 372

8-1 with the center of said County Road No. 290;

8-2 THENCE South 51 deg. 14 min. 09 sec. West, with the center of

8-3 said County Road No. 290, a distance of 159.23 ft. to an angle

8-4 point;

8-5 THENCE South 52 deg. 34 min. 25 sec. West, continuing with the

8-6 center of said County Road No. 290, a distance of 692.22 ft. to a

8-7 point at the Southeast corner of the property conveyed to Tristian

8-8 D. Pfeffer in Volume 3064, Page 593, said Collin County Deed

8-9 Records;

8-10 THENCE North 01 deg. 04 min. 20 sec. West, with the East line

8-11 of said Pfeffer tract, a distance of 295.17 ft. to a point at the

8-12 Northeast corner of said Pfeffer tract;

8-13 THENCE North 89 deg. 16 min. 11 sec. West, with the North line

8-14 of said Pfeffer tract, passing the Northwest corner of said Pfeffer

8-15 tract and the Northeast corner of the property conveyed to Michael

8-16 Ray Ashley, and continuing now with the North line of said Ashley

8-17 tract for a total distance of 547.91 ft. to a point at the Northwest

8-18 corner of said Ashley tract;

8-19 THENCE South 04 deg. 31 min. 06 sec. West, with the West line

8-20 of said Ashley tract, passing the Southwest corner of said Ashley

8-21 tract and continuing for a total distance of 872.74 ft. to a point

8-22 in the center of said County Road No. 290;

8-23 THENCE South 34 deg. 58 min. 46 sec. West, with the center of

8-24 said County Road No. 290, a distance of 568.84 ft. to an angle

8-25 point;

8-26 THENCE North 87 deg. 43 min. 32 sec. West, continuing with the

8-27 center of said County Road No. 290, a distance of 425.02 ft. to a

8-28 point at the intersection of the center of said County Road No. 290

8-29 with the center of a creek, at the Southeast corner of the 18.632 ac.

8-30 tract of land conveyed to Stephen V. Jones and Kristi S. Jones in

8-31 Volume 4140, Page 3149, said Collin County Deed Records;

8-32 THENCE Northerly, with the center of a creek, maintaining the

8-33 East line of said Jones 18.632 ac., the following the calls and

8-34 distances:

8-35 North 04 deg. 31 min. 06 sec. East, a distance of 86.50 ft.;

8-36 North 35 deg. 11 min. 54 sec. West, a distance of 93.77 ft.;

8-37 North 23 deg. 28 min. 54 sec. West, a distance of 55.00 ft.;

8-38 North 52 deg. 28 min. 54 sec. West, a distance of 42.00 ft.;

8-39 North 26 deg. 48 min. 54 sec. West, a distance of 29.70 ft.;

8-40 North 69 deg. 58 min. 54 sec. West, a distance of 25.40 ft.;

8-41 North 31 deg. 08 min. 54 sec. West, a distance of 27.30 ft.;

8-42 North 05 deg. 49 min. 16 sec. West, a distance of 61.40 ft.;

8-43 North 15 deg. 44 min. 06 sec. East, a distance of 29.40 ft.;

8-44 North 31 deg. 13 min. 54 sec. West, a distance of 22.00 ft.;

8-45 North 79 deg. 23 min. 54 sec. West, a distance of 16.10 ft.;

8-46 North 00 deg. 46 min. 06 sec. East, a distance of 50.00 ft.;

8-47 North 31 deg. 45 min. 06 sec. East, a distance of 24.60 ft.;

8-48 North 02 deg. 31 min. 06 sec. East, a distance of 26.40 ft.;

8-49 North 34 deg. 28 min. 06 sec. East, a distance of 43.20 ft.;

8-50 North 13 deg. 08 min. 54 sec. West, a distance of 54.70 ft.;

8-51 North 00 deg. 31 min. 06 sec. East, a distance of 82.20 ft.;

8-52 North 19 deg. 28 min. 54 sec. West, a distance of 80.00 ft.;

8-53 North 40 deg. 03 min. 54 sec. West, a distance of 37.60 ft.;

8-54 North 17 deg. 46 min. 06 sec. East, a distance of 43.20 ft.;

8-55 North 58 deg. 31 min. 06 sec. East, a distance of 36.10 ft.;

8-56 North 28 deg. 28 min. 54 sec. West, a distance of 44.00 ft.;

8-57 North 56 deg. 28 min. 54 sec. West, a distance of 21.00 ft.;

8-58 North 21 deg. 15 min. 54 sec. West, a distance of 51.60 ft.;

8-59 South 48 deg. 11 min. 06 sec. West, a distance of 24.00 ft.;

8-60 North 44 deg. 08 min. 54 sec. West, a distance of 30.40 ft.;

8-61 North 85 deg. 28 min. 54 sec. West, a distance of 26.00 ft.;

8-62 North 43 deg. 28 min. 54 sec. West, a distance of 26.50 ft.;

8-63 North 85 deg. 28 min. 54 sec. West, a distance of 42.70 ft.;

8-64 North 27 deg. 08 min. 54 sec. West, a distance of 75.00 ft.;

8-65 North 13 deg. 28 min. 54 sec. West, a distance of 25.30 ft.;

8-66 North 34 deg. 28 min. 54 sec. West, a distance of 25.90 ft.;

8-67 North 18 deg. 36 min. 54 sec. West, a distance of 78.20 ft.;

8-68 North 68 deg. 31 min. 06 sec. East, a distance of 22.40 ft.;

8-69 North 46 deg. 42 min. 06 sec. East, a distance of 36.00 ft.;

9-1 North 44 deg. 28 min. 54 sec. West, a distance of 78.70 ft.;
 9-2 North 37 deg. 37 min. 54 sec. West, a distance of 22.43 ft.;
 9-3 South 81 deg. 30 min. 06 sec. West, a distance of 53.20 ft.;
 9-4 North 16 deg. 18 min. 59 sec. West, a distance of 60.42 ft. to
 9-5 a point at the Northeast comer of said Jones 18.632 ac.;
 9-6 THENCE South 89 deg. 18 min. 29 sec. West, with the North line
 9-7 of said Jones 18.632 ac., a distance of 293.17 ft. to a point at the
 9-8 Northwest comer of said Jones 18.632 ac.;
 9-9 THENCE South 00 deg. 19 min. 05 sec. East, with the West line
 9-10 of said Jones 18.632 ac., a distance of 62.47 ft. to a 1/2 inch rebar
 9-11 found at the Northwest base of a 48 inch tree at a fence comer, at
 9-12 the Northeast comer of said Viola 133.814 ac.;
 9-13 THENCE South 00 deg. 24 min. 08 sec. East, continuing with the
 9-14 West line of said Jones 18.632 ac., a distance of 1,026.81 ft. to a
 9-15 1/2 inch rebar found in the center of said County Road No. 290, at
 9-16 the Southwest comer of said Jones 18.632 ac.;
 9-17 THENCE South 89 deg. 26 min. 03 sec. West, with the center of
 9-18 said County Road No. 290, a distance of 772.79 ft. to a 1/2 inch
 9-19 rebar found at an Ell comer of said Viola 133.814 ac.;
 9-20 THENCE South 00 deg. 16 min. 20 sec. West, continuing with the
 9-21 center of said County Road No. 290, a distance of 1,686.94 ft. to a
 9-22 1/2 inch rebar found at the most Southerly Southeast corner of said
 9-23 Viola 133.814 ac.;
 9-24 THENCE North 89 deg. 36 min. 49 sec. West, continuing with the
 9-25 center of said County Road No. 290 and with the South line of said
 9-26 Viola 133.814 ac., a distance of 798.24 ft. to a 1/2 inch rebar
 9-27 found at the Northeast corner of the 10.669 ac. tract of land
 9-28 conveyed to Delmore A. Church and Joyce church in Volume 702, Page
 9-29 585, said Collin County Deed Records;
 9-30 THENCE North 89 deg. 29 min. 33 sec. West, continuing with the
 9-31 center of said County Road No. 290 and with the North line of said
 9-32 Church 10.669 ac., a distance of 935.50 ft. to a point at the
 9-33 Northwest comer of said Church 10.669 ac.;
 9-34 THENCE South 00 deg. 17 min. 31 sec. East, with the West line
 9-35 of said Church 10.669 ac., a distance of 5.80 ft. to a point at the
 9-36 Northeast corner of the 103 ac. tract of land conveyed to James
 9-37 Robert Thornton in Volume 1596, Page 467 and Volume 1599; Page 451,
 9-38 said Collin County Deed Records;
 9-39 THENCE North 89 deg. 44 min. 24 sec. West; with the center of
 9-40 Collin County Road No. 11.01, a public road, and with the North line
 9-41 of said Thornton 103 ac., a distance of 118.58 ft. to the PLACE OF
 9-42 BEGINNING and containing 1,245.57 ACRES of land.
 9-43 LESS AND EXCEPT the tract described below.
 9-44 SITUATED in the County of Collin, State of Texas, and being a
 9-45 part of the Jonas Whitaker Survey, Abstract No. 981, being a part of
 9-46 the E.T. Berry Survey, Abstract No. 41, and being all of the
 9-47 property conveyed to D. E. Billups, lying in the E.T. Berry Survey,
 9-48 and being all of the property conveyed to Geraldine Billups in
 9-49 Volume 4831, Page 862, Collin County Deed Records, and being all of
 9-50 the property conveyed to John Adams and Paul Adams in County Clerks
 9-51 File No. 94-0083801, and being more particularly described as one
 9-52 tract of land by metes and bounds as follows, to-wit:
 9-53 BEGINNING at a point in the center of County Road No. 290, at
 9-54 the Southwest comer of both said John & Paul Adams tract and the
 9-55 herein described exception tract;
 9-56 THENCE North 00 degrees 17 minutes 41 seconds West, with the
 9-57 center of said County Road No. 290, a distance of 234.95 feet to a
 9-58 point at the intersection of the center of said County Road No. 290
 9-59 and County Road No. 222, at an angle point in the West line of the
 9-60 herein described exception tract;
 9-61 THENCE North 00 degrees 13 minutes 11 seconds West,
 9-62 continuing with the center of said County Road No. 290, passing the
 9-63 Northwest comer of said John & Paul Adams tract, and the Southwest
 9-64 comer of said Geraldine Billups tract, passing the Northwest comer
 9-65 of said Geraldine Billups tract and the Southwest corner of said D.
 9-66 E. Billups tract and continuing now with the West line of said D. E.
 9-67 Billups tract for a total distance of 612.61 feet to a point at the
 9-68 Northwest comer of both said D. E. Billups tract and the herein
 9-69 described exception tract;

10-1 THENCE North 89 degrees 37 minutes 36 seconds East, with the
 10-2 North line of said D. E. Billups tract, a distance of 1,418.49 feet
 10-3 to a point at the Northeast comer of both said D. E. Billups tract
 10-4 and the herein described exception tract;
 10-5 THENCE Southerly, with the East line of said D. E. Billups
 10-6 tract, said Geraldine Billups tract and said John & Paul Adams
 10-7 tract, the following calls and distances:
 10-8 South 22 degrees 07 minutes 54 seconds East, a distance of
 10-9 107.40 feet to an angle point;
 10-10 South 36 degrees 30 minutes 12 seconds West, a distance of
 10-11 123.56 feet to an angle point;
 10-12 South 55 degrees 01 minutes 11 seconds East, a distance of
 10-13 127.51 feet to an angle point;
 10-14 South 09 degrees 13 minutes 07 seconds East, a distance of
 10-15 307.63 feet to an angle point;
 10-16 South 00 degrees 53 minutes 06 seconds West, a distance of
 10-17 272.87 feet to a point atthe Southeast corner of both said
 10-18 John & Paul Adams tract and the herein described exception
 10-19 tract;
 10-20 THENCE South 89 degrees 41 minutes 09 seconds West, with the
 10-21 South line of said John & Paul Adams tract, a distance of 1,531.42
 10-22 feet to the PLACE OF BEGINNING and containing 29.09 ACRES of land
 10-23 less and excepted from the above described 1,245.57 ac. tract and
 10-24 leaving a NET ACREAGE of 1,216.48 ACRES of land, all of which lies
 10-25 entirely within the Extraterritorial Jurisdiction of the City of
 10-26 Van Alstyne, as established by the "Boundary Line Settlement
 10-27 Agreement" dated September 12, 2006, to be filed in the Official
 10-28 Public Records of Collin County, Texas.
 10-29 TRACT 2: 362.23 ACRES
 10-30 SITUATED in the County of Collin, State of Texas, and being a
 10-31 part of the Hanny Nelson Survey, Abstract No. 431, and being a part
 10-32 of the J.C. Burge Survey, Abstract No. 106, and being a part of the
 10-33 W. M. Creager Survey, Abstract No. 164, and being a part of the
 10-34 363.943 ac. tract of land (Tract 2) and all of the 217.416 ac. tract
 10-35 of land (Tract 3), both conveyed to Vincent Viola by W. Mark David
 10-36 by Special Warranty Deed dated July 30, 2001 and recorded in Volume
 10-37 4987, Page 697, Deed Records, Collin County, Texas, and being more
 10-38 particularly described as one tract of land by metes and bounds as
 10-39 follows, to-wit:
 10-40 BEGINNING at a point in East right-of-way line of U. S.
 10-41 Highway No. 75, in the center of Collin County Road No. 290, at the
 10-42 most Northerly Northwest comer of said Viola Tract 2;
 10-43 THENCE South 87 deg. 47 min. 57 sec. East, with the center of
 10-44 said Collin County Road No. 290, a distance of 677.09 ft. to a point
 10-45 at the Northeast comer of said Viola Tract 2, at the Northwest comer
 10-46 of said Viola Tract 3;
 10-47 THENCE South 88 deg. 25 min. 32 sec. East, continuing with the
 10-48 center of said Collin County Road No. 290, a distance of 447.93 ft.
 10-49 to a point at the Northwest comer of the property conveyed to Jim
 10-50 Lawrence in Volume 1498, Page 563, said Collin County Deed Records;
 10-51 THENCE South 01 deg. 54 min. 14 sec. West, with the West line
 10-52 of said Lawrence tract, a distance of 599.97 ft. to a point at the
 10-53 Southwest comer of said Lawrence tract;
 10-54 THENCE South 88 deg. 12 min. 30 sec. East, with the South line
 10-55 of said Lawrence tract, a distance of 579.90 ft. to a point at the
 10-56 Southeast comer of said Lawrence tract;
 10-57 THENCE North 01 deg. 58 min. 08 sec. East, with the East line
 10-58 of said Lawrence tract, a distance of 602.17 ft. to a point in the
 10-59 center of said Collin County Road No. 290, at Northeast corner of
 10-60 said Lawrence tract;
 10-61 THENCE South 88 deg. 25 min. 32 sec. East, with the center of
 10-62 said Collin County Road No. 290, passing the most Westerly
 10-63 Southwest corner of the property conveyed to Tucker B. McDonald in
 10-64 Collin County Clerk's File No. 94-9053991, and continuing now with
 10-65 a South line of said McDonald tract for a total distance of 815.54
 10-66 ft. to a point at a Northeast comer of said Viola Tract 3, at an Ell
 10-67 comer of said McDonald tract;
 10-68 THENCE South 01 deg. 55 min. 23 sec. West, with a West line of
 10-69 said McDonald tract, a distance of 144.12 ft. to a point at the

11-1 Southwest corner of said McDonald tract;
 11-2 THENCE South 88 deg. 09 min. 09 sec. East, with a South line
 11-3 of said McDonald tract, passing the Southeast comer of said
 11-4 McDonald tract and a Southwest comer of the property conveyed to
 11-5 Forrest W. Moore in Volume 1799, Page 804, said Collin County Deed
 11-6 Records, and continuing now with a South line of said Moore tract
 11-7 for a total distance of 1,372.74 ft. to a point in West right-of-way
 11-8 line of State Highway No. 5, at the Northeast comer of both said
 11-9 Viola Tract 3 and the herein described tract;
 11-10 THENCE South 21 deg. 08 min. 14 sec. East, with the West
 11-11 right-of-way line of said State Highway No. 5, a distance of
 11-12 1,357.58 ft. to a point at the most Easterly Southeast corner of
 11-13 both said Viola Tract 3. and the herein described tract, at the
 11-14 Northeast corner of the property conveyed to John E. Steffens in
 11-15 Collin County Clerk's File No. 93-0104713;
 11-16 THENCE North 87 deg. 57 min. 15 sec. West, with the North line
 11-17 of said Steffens tract, a distance of 701.67 ft. to a point at the
 11-18 Northwest corner of said Steffens tract;
 11-19 THENCE South 00 deg. 32 min. 52 sec. East, with the West line
 11-20 of said Steffens tract, a distance of 185.54 ft. to a point in the
 11-21 North line of the property conveyed to Ann Marie Forlenza in Collin
 11-22 County Clerk ' s File No. 96-0016528, at the Southwest corner of
 11-23 said Steffens tract;
 11-24 THENCE North 88 deg. 15 min. 56 sec. West, with the North line
 11-25 of said Forlenza tract, passing the Northwest corner of said
 11-26 Forlenza tract and the Northeast corner of Anna 103, an Addition to
 11-27 Collin County, Texas, s recorded in the Collin County Plat Records,
 11-28 a distance of 219.14 ft. to an angle point in the North line of said
 11-29 Anna 103 Addition;
 11-30 THENCE North 88 deg. 54 min. 31 sec. West, continuing with the
 11-31 North line of said Anna 103 Addition, a distance of 802.35 ft. to a
 11-32 point at the Northwest corner of said Anna 103 Addition;
 11-33 THENCE South 02 deg. 22 min. 42 sec. West, with the West line
 11-34 of said Anna 103 Addition, a distance of 2,263.74 ft. to a point at
 11-35 the Northeast corner of the property conveyed to Ronald Larue in
 11-36 Volume 1697, Page 57, said Collin County Deed Records;
 11-37 THENCE North 83 deg. 28 min. 52 sec. West, with the North line
 11-38 of said Larue tract, a distance of 386.62 ft. to a-point at the
 11-39 Northwest corner of said Larue tract;
 11-40 THENCE South 02 deg. 22 min. 41 sec. West, with the West line
 11-41 of said Larue tract, a distance of 335.53 ft. to a point in the North
 11-42 line of the property conveyed to Virginia R. Bryant in Volume 2867,
 11-43 Page 168, said Collin County Deed Records, at the Southwest comer of
 11-44 said Larue tract;
 11-45 THENCE North 86 deg. 56 min. 09 sec. West, with the North line
 11-46 of said Bryant tract, a distance of 474.85 ft. to a point at the
 11-47 Northwest comer said Bryant tract;
 11-48 THENCE North 87 deg. 00 min. 45 sec. West, a distance of
 11-49 597.94 ft. to a point at the Southe:ist corner of the Mantua
 11-50 Cemetery;
 11-51 THENCE North 01 deg. 35 min.. 32 sec. East , with the East
 11-52 line of said Mantua Cemetery, a distance of 372.22 ft. to a point at
 11-53 the Northeast comer of said Mantua Cemetery;
 11-54 THENCE South 54 deg. 09 min. 25 sec. West, with the North line
 11-55 of said Mantua Cemetery, a distance of 319.95 ft. to an angle point;
 11-56 THENCE North 40 deg. 29 min. 38 sec. West, continuing with the
 11-57 North line of said Mantua Cemetery, a distance of 134.58 ft. to an
 11-58 angle point;
 11-59 THENCE South 81 deg. 54 min. 46 sec. West, continuing with the
 11-60 North line of said Mantua Cemetery, a distance of 60.47 ft. to an
 11-61 angle point;
 11-62 THENCE South 20 deg. 08 min. 34 sec. West, continuing with the
 11-63 North line of said Mantua Cemetery, a distance of 155.17 ft. to an
 11-64 angle point;
 11-65 THENCE South 69 deg. 37 min. 57 sec. West, continuing with the
 11-66 North line of said Mantua Cemetery, a distance of 17.16 ft. to a
 11-67 point in the center of a public road, at the Northwest comer of said
 11-68 Mantua Cemetery;
 11-69 THENCE South 03 deg. 13 min. 52 sec. West, with the West line

12-1 of said Mantua Cemetery, a distance of 102.46 ft. to a point at the
12-2 Southwest corner of said Mantua Cemetery;
12-3 THENCE South 87 deg. 00 min. 45 sec. East, with the South line
12-4 of said Mantua Cemetery, a distance of 23.27 ft. to a point in the
12-5 center of said public road;
12-6 THENCE South 08 deg. 32 min. 03 sec. West, with the center of
12-7 said public road, a distance of 105.61 ft. to an angle point;
12-8 THENCE South 36 deg. 51 min. 30 sec. West, continuing with the
12-9 center of said public road, a distance of 94.21 ft. to an angle
12-10 point;
12-11 THENCE South 51 deg. 48 min. 17 sec. West, continuing with the
12-12 center of said public road, a distance of 78.22 ft. to an angle
12-13 point;
12-14 THENCE South 56 deg. 56 min. 45 sec. West, continuing with the
12-15 center of said public road, a distance of 149.91 ft. to an angle
12-16 point;
12-17 THENCE South 57 deg. 35 min. 20 sec. West, continuing with the
12-18 center of said public road, a distance of 87.86 ft. to a point at the
12-19 most Northerly Northeast corner of the property conveyed to Leonard
12-20 Harlow in Collin County Clerk's File No. 92-0054819;
12-21 THENCE South 72 deg. 58 min. 34 sec. West, with a North line
12-22 of said Harlow tract, a distance of 246.79 ft. to a point at the most
12-23 Northerly Northwest corner of said Harlow tract;
12-24 THENCE South 01 deg. 36 min. 58 sec. West, with a West line of
12-25 said Harlow tract, a distance of 398.78 ft. to an angle point;
12-26 THENCE South 21 deg. 05 min. 34 sec. West, with a North line
12-27 of said Harlow tract, a distance of 82.04 ft. to a point at an Ell
12-28 corner of said Harlow tract;
12-29 THENCE North 87 deg. 34 min. 30 sec. West, continuing with a
12-30 North line of said Harlow tract, entering the centerline of said
12-31 public road and continuing for a distance of 233.21 ft. to a point
12-32 at the most Westerly Northwest corner of said Harlow tract;
12-33 THENCE South 89 deg. 26 min. 08 sec. West, with the center of
12-34 said public road, a distance of 492.32 ft. to a point at the
12-35 intersection of the center of said public road with the East
12-36 right-of-way line of said U. S. Highway No. 75;
12-37 THENCE Northerly, with the East right-of-way line of U. S.
12-38 Highway No. 75, the following calls and distances:
12-39 North 01 deg. 22 min. 30 sec. East, a distance of 26.10 ft to
12-40 an angle point;
12-41 North 44 deg. 23 min. 30 sec. West, a distance of 41.84 ft. to
12-42 an angle point;
12-43 North 01 deg. 22 min. 30 sec. East, a distance of 774.10 ft.
12-44 to an angle point;
12-45 North 04 deg. 20 min. 30 sec. West, a distance of 200.95 ft.
12-46 to an angle point;
12-47 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
12-48 to an angle point;
12-49 North 04 deg. 14 min. 15 sec. East, a distance of 200.20 ft.
12-50 to an angle point;
12-51 North 07 deg. 05 min. 08 sec. East, a distance of 200.95 ft.
12-52 to an angle point;
12-53 North 01 deg. 22 min. 30 sec. East, a distance of 199.95 ft.
12-54 to an angle point;
12-55 North 04 deg. 20 min. 08 sec. West, a distance of 200.95 ft.
12-56 to an angle point;
12-57 North 00 deg. 03 min. 25 sec. West, a distance of 400.02 ft.
12-58 to an angle point;
12-59 North 09 deg. 54 min. 21 sec. East, a distance of 202.18 ft.
12-60 to an angle point;
12-61 North 07 deg. 09 min. 20 sec. West, a distance of 202.18 ft.
12-62 to an angle point;
12-63 North 00 deg. 32 min. 03 sec. West, a distance of 600.18 ft.
12-64 to an angle point;
12-65 North 04 deg. 57 min. 05 sec. East, a distance of 400.68 ft.
12-66 to an angle point;
12-67 North 07 deg. 05 min. 08 sec. East, a distance of 401.89 ft.
12-68 to an angle point;
12-69 North 01 deg. 22 min. 31 sec. East, a distance of 159.31 ft.

13-1 to a point at the beginning of a curve;
13-2 Northerly, with a curve to the left having a radius of
13-3 11,681.11 ft. and a central angle of 02 deg. 16 min. 07 sec.
13-4 (chord bears North 00 deg. 14 min. 28. sec. East, 462.48 ft.),
13-5 an arc distance of 462.51 ft. to a point at the end of said
13-6 curve;
13-7 North 49 deg. 37 min. 30 sec. East, a distance of 43.80 ft. to
13-8 an angle point;
13-9 South 88 deg. 06 min. 30 sec. East, a distance of 479.87 ft.
13-10 to an angle point;
13-11 North 24 deg. 52 min. 30 sec. East, a distance of 179.23 ft.
13-12 to an angle point;
13-13 North 01 deg. 34 min. 28 sec. East, a distance of 18.13 ft. to
13-14 the PLACE OF BEGINNING and containing 362.23 ACRES of land,
13-15 all of which lies entirely within the Extraterritorial.
13-16 Jurisdiction of the City of Van Alstyne, as established by
13-17 the "Boundary Line Settlement Agreement" dated September 12,
13-18 2006, to be filed in the Official Public Records of Collin
13-19 County, Texas.
13-20 TRACT 3: 34.40 ACRES
13-21 SITUATED in the County of Collin, State of Texas, and being a
13-22 part of the W. M. Creager Survey, Abstract No. 164, being a part of
13-23 the Hanny Nelson Survey, Abstract No. 431, and being all of the
13-24 14.381 ac. tract of land (Tract 4) and 20.024 ac. tract of land
13-25 (Tract 5) both conveyed to Vincent Viola by W. Mark David by Special
13-26 Warranty Deed dated July 30, 2001 and recorded in Volume 4987, Page
13-27 697, Deed Records, Collin County, Texas, and being more
13-28 particularly described as one tract of land by metes and bounds as
13-29 follows, o-wit:
13-30 BEGINNING at a point in the center of Collin County Road
13-31 No. 290, a public road, in the East-right-of-way line of State
13-32 Highway No. 5, at the Northwest comer of said Viola Tract 4;
13-33 THENCE South 86 deg. 46 min. 04 sec. East, with the center of
13-34 said Collin County Road No. 290 and the North line of said Viola
13-35 Tract 4, a distance of 752.83 ft. to a point at the Northeast comer
13-36 of said Viola Tract 4, at the Northwest comer of the property
13-37 conveyed to Rollin G. Andreas in Collin County Clerk's File
13-38 No. 95-0024818;
13-39 THENCE South 02 deg. 30 min. 46 sec. West, with the West line
13-40 of said Andreas tract, a distance of 1,162.43 ft. to a point at the
13-41 Southwest comer of said Andreas tract, at the most Northerly
13-42 Northwest corner of said Viola Tract 5;
13-43 THENCE South 88 deg. 22 min. 09 sec. East, with the South line
13-44 of said Andreas tract, passing the Southeast comer of said Andreas
13-45 tract and the Southwest comer of the property conveyed to Clyde L.
13-46 Depew in Volume 2709, Page 88, said Collin County Deed Records, and
13-47 continuing now with the South line of said Depew tract, passing the
13-48 Southeast corner of said Depew tract and the Southwest corner of the
13-49 property conveyed to Donald H. Topper in Volume 3139, Page 13, said
13-50 Collin County Deed Records, and continuing now with the South line
13-51 of said Topper tract for total distance of 1,305.31 ft. to a point
13-52 at the Northeast comer of said Viola Tract 5;
13-53 THENCE South 02 deg. 11 min. 51 sec. West, with the East line
13-54 of said Viola Tract 5, a distance of 661.46 ft. to a point at the
13-55 Southeast corner of both said Viola Tract 5 and the herein described
13-56 tract, at a comer of the property conveyed to Osa W. Marshhall in
13-57 Volume 756, Page 823, said Collin County Deed Records;
13-58 THENCE North 87 deg. 53 min. 32 sec. West, with the South line
13-59 of said Viola Tract 5 and the North line of said Marshhall tract, a
13-60 distance of 1,263.76 ft. to a point in the East right- of-way line
13-61 of said State Highway No. 5, at the Southwest comer of both said
13-62 Viola Tract 5 and the herein described tract, at the Northwest comer
13-63 of said Marshhall tract;
13-64 THENCE North 21 deg. 07 min. 59 sec. West, with the East
13-65 right-of-way line of said State Highway No. 5 and the West line of
13-66 said Viola Tract 5, passing the most Westerly Northwest corner of
13-67 said Viola Tract 5 and the Southwest comer of said Viola Tract 4 and
13-68 continuing now with the West line of said Viola Tract 4 for a total
13-69 distance of 1,989.19 ft. to the PLACE OF BEGINNING and containing

14-1 34.40 ACRES of land, all of which lies entirely within the
 14-2 Extraterritorial Jurisdiction of the City of Van Alstyne, as
 14-3 established by the "Boundary Line Settlement Agreement" dated
 14-4 September 12, 2006, to be filed in the Official Public Records of
 14-5 Collin County, Texas.

14-6 TRACT 4: 6.12 ACRES

14-7 SITUATED in the County of Collin, State of Texas, and being a
 14-8 part of the W. M. Creager Survey, Abstract No. 164, and being all of
 14-9 the 6.120 ac. tract of land (Tract 6) conveyed to Vincent Viola by
 14-10 W. Mark David by Special Warranty Deed dated July 30, 2001 and
 14-11 recorded in Volume 4987, Page 697, Deed Records, Collin County,
 14-12 Texas, and being more particularly described as one tract of land by
 14-13 metes and bounds as follows, to-wit:

14-14 BEGINNING at a point in the West right-of-way line of State
 14-15 Highway No. 5, at the Northeast corner of said Viola Tract 6, at the
 14-16 Southeast corner of the property conveyed to John E. Steffens in
 14-17 Collin County Clerk's File No. 93-0104713;

14-18 THENCE South 21 deg. 08 min. 14 sec. East, with the West
 14-19 right-of-way line of said State Highway No. 5, a distance of 638.77
 14-20 ft. to a point at the most Easterly Southeast corner of said Viola
 14-21 Tract 6, at the Northeast corner of the property conveyed to Tina M.
 14-22 Lieto;

14-23 THENCE South 69 deg. 07 min .56 sec. West, with the North line
 14-24 of said Lieto tract, a distance of 142.55 ft. to a point at the
 14-25 Northwest corner of said Lieto tract;

14-26 THENCE South 20 deg. 28 min. 53. sec. East, with the West line
 14-27 of said Lieto tract, a distance of 300.17 ft. to a point in the North
 14-28 line of the property conveyed to Tim P. Heffernan in Collin County
 14-29 Clerk's File No. 94-0098977, at the Southwest corner of said Lieto
 14-30 tract, at the most Southerly Southeast corner of said Viola Tract 6;

14-31 THENCE South 68 deg. 55.min. 52 sec. West, with the North line
 14-32 of said Heffernan tract , a distance of 377.37 ft. to a point in the
 14-33 East line of the property conveyed to Kerry L. Burns in Collin
 14-34 County Clerk's File No. 93-00. 91969, at the Southwest corner of
 14-35 said Viola Tract 6;

14-36 THENCE North 01 deg. 35 min. 22 sec. East, with the East line
 14-37 of said Burns tract, a distance of 1,068.04 ft. to a point in the
 14-38 South line of said Steffens tract, at the Northeast corner of said
 14-39 Bums tract, at the Northwest corner of said Viola Tract 6;

14-40 THENCE South 88 deg. 00 min. 11 sec. East, with the South line
 14-41 of said Steffens tract, a distance of 120.41 ft. to the PLACE OF
 14-42 BEGINNING and containing 6.12 ACRES of land , all of which lies
 14-43 entirely within the Extraterritorial Jurisdiction of the City of
 14-44 Van Alstyne, as established by the "Boundary Line Settlement
 14-45 Agreement" dated September 12, 2006, to be filed in the Official
 14-46 Public Records of Collin County, Texas.

14-47 TRACT 5: 27.39 ACRES

14-48 SITUATED in the County of Collin, State of Texas, and being a
 14-49 part of the W. M. Creager Survey, Abstract No. 164, and being all of
 14-50 the 27.387 ac. tract of land (Tract 7) conveyed to Vincent Viola by
 14-51 W. Mark David by Special Warranty Deed dated July 30, 2001 and
 14-52 recorded in Volume 4987, Page 697, Deed Records, Collin County,
 14-53 Texas, and being more particularly described as one tract of land by
 14-54 metes and bounds as follows, to-wit:

14-55 BEGINNING at a point in the West right-of-way line of State
 14-56 Highway No. 5, at the Northeast corner of said Viola Tract 7, at the
 14-57 Southeast corner of the property conveyed to Tim P. Heffernan in
 14-58 Collin County Clerk's File No. 94-0098977;

14-59 THENCE South 21 deg. 08 min. 14 sec. East, with the West
 14-60 right-of-way line of said State Highway No. 5, a distance of
 14-61 1,183.89 ft. to a point at the Northeast corner of the property
 14-62 conveyed to M. F. Darehsori in Volume 2264, Page 395, said Collin
 14-63 County Deed Records;

14-64 THENCE North 87 deg. 58 min. 11 sec. West, with the North line
 14-65 of said Darehsori tract, a distance of 131.73 ft. to a point at the
 14-66 Northwest corner of said Darehsori tract;

14-67 THENCE South 02 deg. 01 min. 49 sec. West, with the West line
 14-68 of said Darehsori tract, a distance of 150.00 ft. to a point at the
 14-69 Southwest corner of said Drehsori tract;

