

1 AN ACT

2 relating to the creation of the Wildwood Municipal Utility
3 District; granting a limited power of eminent domain; providing
4 authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7946A to read as follows:

9 CHAPTER 7946A. WILDWOOD MUNICIPAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7946A.0101. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Wildwood Municipal Utility
17 District.

18 Sec. 7946A.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7946A.0103. CONFIRMATION AND DIRECTOR ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 7946A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7946A.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7946A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16 Sec. 7946A.0106. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7946A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7946A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7946A.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Byron Frankland;

10 (2) Billy Wayne (Trey) Newby III;

11 (3) John Azar;

12 (4) Fred Nagel; and

13 (5) Suzan Leigh Randall.

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

15 (1) the date permanent directors are elected under
16 Section 7946A.0103; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 7946A.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7946A.0103; or

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

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7946A.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7946A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7946A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7946A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

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

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

10 Sec. 7946A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 7946A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
18 The district may issue, without an election, bonds and other
19 obligations secured by:

- 20 (1) revenue other than ad valorem taxes; or
21 (2) contract payments described by Section
22 7946A.0403.

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

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a
2 vote of a two-thirds majority of the district voters voting at an
3 election held for that purpose.

4 Sec. 7946A.0402. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 7946A.0401, the
6 district may impose an operation and maintenance tax on taxable
7 property in the district in accordance with Section 49.107, Water
8 Code.

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

11 Sec. 7946A.0403. CONTRACT TAXES. (a) In accordance with
12 Section 49.108, Water Code, the district may impose a tax other than
13 an operation and maintenance tax and use the revenue derived from
14 the tax to make payments under a contract after the provisions of
15 the contract have been approved by a majority of the district voters
16 voting at an election held for that purpose.

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

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 7946A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
22 OBLIGATIONS. The district may issue bonds or other obligations
23 payable wholly or partly from ad valorem taxes, impact fees,
24 revenue, contract payments, grants, or other district money, or any
25 combination of those sources, to pay for any authorized district
26 purpose.

27 Sec. 7946A.0502. TAXES FOR BONDS. At the time the district

1 issues bonds payable wholly or partly from ad valorem taxes, the
2 board shall provide for the annual imposition of a continuing
3 direct ad valorem tax, without limit as to rate or amount, while all
4 or part of the bonds are outstanding as required and in the manner
5 provided by Sections 54.601 and 54.602, Water Code.

6 Sec. 7946A.0503. BONDS FOR ROAD PROJECTS. At the time of
7 issuance, the total principal amount of bonds or other obligations
8 issued or incurred to finance road projects and payable from ad
9 valorem taxes may not exceed one-fourth of the assessed value of the
10 real property in the district.

11 SECTION 2. The Wildwood Municipal Utility District
12 initially includes all the territory contained in the following
13 area:

14 DESCRIPTION OF APPROXIMATELY 418.30 ACRES OF LAND IN THE JOSE
15 ANTONIO NAVARRO GRANT, ABSTRACT NO. 53, BASTROP COUNTY, TEXAS;
16 BEING ALL OF A CERTAIN CALLED 121.72 ACRE TRACT DESCRIBED IN THE
17 SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF
18 RECORD IN DOCUMENT NO. 201413308, OFFICIAL PUBLIC RECORDS OF
19 BASTROP COUNTY, TEXAS, ALL OF A CERTAIN CALLED 168.95 ACRE TRACT
20 DESIGNATED AS TRACT 4 AND DESCRIBED IN THE SPECIAL WARRANTY DEED TO
21 HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO.
22 201413307, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A
23 PORTION OF A CERTAIN CALLED 1.98 ACRE TRACT DESIGNATED AS TRACT 1
24 AND DESCRIBED IN THE SAID SPECIAL WARRANTY DEED TO HAL BERDOLL AND
25 WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201413307, OFFICIAL
26 PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A CERTAIN
27 CALLED 67.83 ACRE TRACT DESIGNATED AS TRACT 2 AND DESCRIBED IN THE

1 SAID SPECIAL WARRANTY DEED TO HAL BERDOLL AND WIFE, LISA BERDOLL OF
2 RECORD IN DOCUMENT NO. 201413307, OFFICIAL PUBLIC RECORDS OF
3 BASTROP COUNTY, TEXAS, ALL OF A CERTAIN CALLED 0.64 ACRE TRACT
4 DESCRIBED IN EXHIBIT A-1, AND A PORTION OF A CERTAIN CALLED 1.21
5 ACRE TRACT DESCRIBED IN EXHIBIT A-2, IN THE DEED WITHOUT WARRANTY TO
6 HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO.
7 201413309, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, ALL OF
8 A CERTAIN CALLED 62.586 ACRE TRACT DESCRIBED IN EXHIBIT A-2, IN THE
9 GENERAL WARRANTY DEED TO BERDOLL INVESTMENTS LP OF RECORD IN
10 DOCUMENT NO. 201312598, OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY,
11 TEXAS, ALL OF A CERTAIN CALLED 24.012 ACRE TRACT DESIGNATED AS TRACT
12 2 AND DESCRIBED IN EXHIBIT B, IN THE GENERAL WARRANTY DEED TO HAL
13 BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201510944,
14 OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A
15 CERTAIN CALLED 6.177 ACRE TRACT DESIGNATED AS TRACT 1 AND DESCRIBED
16 IN EXHIBIT A, IN THE SAID GENERAL WARRANTY DEED TO HAL BERDOLL AND
17 WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO. 201510944, OFFICIAL
18 PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, A PORTION OF A CERTAIN
19 CALLED 0.306 ACRE TRACT DESCRIBED IN THE SPECIAL WARRANTY DEED TO
20 HAL BERDOLL AND WIFE, LISA BERDOLL OF RECORD IN DOCUMENT NO.
21 201111355, DOCUMENT NO. 201701630, AND DOCUMENT NO. 201701631,
22 OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS; SAID 418.30 ACRES
23 OF LAND, BEING COMPRISED OF TRACT 1 - 449.03 ACRES, AND TRACT 2 -
24 5.563 ACRES, SAVE AND EXCEPT TRACT 3 - 35.66 ACRES, AND SAVE AND
25 EXCEPT TRACT 4 - 0.637, AS SURVEYED BY LANDDEV CONSULTING, LLC,
26 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

27 TRACT 1 - 449.03 Acres

1 BEGINNING at a bolt found in the south right-of-way line of
2 State Highway 71, a variable-width right-of-way, at the northeast
3 corner of the said 62.586 acre tract, same being the northwest
4 corner of Lot 1, JW Subdivision, a subdivision according to the plat
5 or map of record in Cabinet 7, Page 68-A, Plat Records of Bastrop
6 County, Texas, for the northeast corner of the tract described
7 herein;

8 THENCE with the east line of the said 62.586 acre tract, and
9 the west line of said Lot 1, JW Subdivision, with an east line of the
10 tract described herein, the following two (2) courses and
11 distances:

12 1. S 28°22'06" W, a distance of 604.12 feet to a calculated
13 angle point at the southwest corner of said Lot 1, JW Subdivision,
14 for an angle point in an east line of the tract described herein,
15 and

16 2. S 27°42'48" W, at a distance of 2,184.16 feet, passing a
17 1/2-inch iron rod and continuing for a total distance of 2,185.28
18 feet to an axle found in the north line of a certain called 1,443.0
19 acre tract designated as Second Tract and described in the deed to
20 John W. Caldwell, Jr. of record in Document No. 201816538, Official
21 Public Records of Bastrop County, Texas, for the easterly southeast
22 corner of the tract described herein;

23 THENCE with a south line of the said 62.586 acre tract, the
24 south line of the said 67.83 acre tract, and the south line of the
25 said 0.64 acre tract, with the north line of the said 1,443.0 acre
26 tract, with a south line of the tract described herein, the
27 following four (4) courses and distances:

1 1. N 62°30'36" W, a distance of 578.60 feet to a 1/2-inch
2 iron rod found at an angle point,

3 2. N 62°05'35" W, a distance of 422.69 feet to a 1-inch
4 square iron rod found at an angle point,

5 3. N 62°07'59" W, a distance of 1,883.16 feet to a 5/8-inch
6 iron rod with a red illegible plastic cap found at a point-on-line,
7 and

8 4. N 62°07'59" W, a distance of 27.48 feet to a 3-inch metal
9 fence post found in the east line of the said 168.95 acre tract, at
10 the southwest corner of the said 0.64 acre tract, for a re-entrant
11 corner of the tract described herein,

12 THENCE with the east line of the said 168.95 acre tract, and
13 the east line of the said 121.72 acre tract, with the west line of
14 the said 1,443.0 acre tract, with an east line of the tract
15 described herein, the following three (3) courses and distances:

16 1. S 27°33'16" W, a distance of 1,350.13 feet to a 1/2-inch
17 iron rod found at an angle point,

18 2. S 27°33'46" W, a distance of 2,962.00 feet to a leaning
19 1/2-inch iron rod found at the southeast corner of the said 168.95
20 acre tract and the northeast corner of the said 121.72 acre tract,
21 and

22 3. S 27°20'28" W, a distance of 2,815.27 feet to a 1-inch
23 iron pipe found in the north line of a certain called 769.524 acre
24 tract designated as Tract 2 and described in the deed to Carr Family
25 Partnership, LTD. of record in Volume 736, page 233, Official
26 Public Records of Bastrop County, Texas, at the southeast corner of
27 the said 121.72 acre tract, for the southerly southeast corner of

1 the tract described herein;

2 THENCE N 62°35'22" W, with the north line of the said 769.524
3 acre tract, with the south line of the said 121.72 acre tract, with
4 a south line of the tract described herein, a distance of 1,884.51
5 feet to a 1/2-inch iron rod found in the east line of a certain
6 called 951.10 acre tract described in the deed to Carr Family
7 partnership, LTD. of record in Document No. 956, Page 441, Deed
8 Records of Bastrop County, Texas, at the southwest corner of the
9 said 121.72 acre tract, for the southwest corner of the tract
10 described herein;

11 THENCE N 27°17'56" E, leaving the north line of the said
12 769.524 acre tract, with the east line of the said 951.10 acre
13 tract, with the west line of the said 121.72 acre tract, with the
14 west line of the tract described herein, a distance of 2,809.87 feet
15 to a calculated point for the northwest corner of the said 121.72
16 acre tract and the southwest corner of the said 168.95 acre tract,
17 for an angle point in the west line of the tract described herein;

18 THENCE with the west and north lines of the said 168.95 acre
19 tract, with the west and north lines of the tract described herein,
20 the following four (4) courses and distances:

21 1. N 27°21'42" E, with the east line of the said 951.10 acre
22 tract, a distance of 3,164.61 feet to a 1/2-inch iron pipe found at
23 the westerly northwest corner of the said 168.95 acre tract and the
24 southwest corner of a certain called 48.634 acre tract described in
25 the deed to Clarence L. Vinklarek et. Ux. of record in Volume 217,
26 Page 208, Deed Records of Bastrop County, Texas,

27 2. S 62°34'59" E, with the south line of the said 48.634 acre

1 tract, a distance of 1,225.65 feet to a 1/2-inch iron pipe found at
2 a re-entrant corner,

3 3. N 27°27'06" E, a distance of 2,050.44 feet to a 1/2-inch
4 iron rod found at the northerly northwest corner of the said 168.95
5 acre tract, same being the southwest corner of a certain called
6 6.667 acre tract described in the gift deed to Katie Frerich
7 Karnstadt of record in Document No. 201406127, Official Public
8 Records of Bastrop County, Texas, and

9 4. S 62°32'13" E, with the south line of the said 6.667 acre
10 tract, and the south line of a certain called 3.707 acre tract
11 described in the deed to Robert Frerich and Tamara Frerich of record
12 in Document No. 200112158, Official Public Records of Bastrop
13 County, Texas, a distance of 670.10 feet to a 1/2-inch iron pipe
14 found at the northeast corner of the said 168.95 acre tract, and the
15 southeast corner of the said 3.707 acre tract, same being the
16 southwest corner of the said 1.21 acre tract, for a re-entrant
17 corner of the tract described herein;

18 THENCE N 27°31'42" E, with the west line of the said 1.21 acre
19 tract, and the east line of the said 3.707 acre tract, with the west
20 line of the tract described herein, a distance of 1,629.03 feet to a
21 calculated point for the northwest corner of the said 1.21 acre
22 tract, for a northwest corner of the tract described herein;

23 THENCE S 78°22'38" E, a distance of 31.12 feet to a bent 1-inch
24 iron pipe found at the northeast corner of the said 1.21 acre tract
25 and the northwest corner of the said 1.98 acre tract, for a
26 northwest corner of the tract described herein;

27 THENCE S 77°54'08" E, with the north line of the said 1.98 acre

1 tract, with a north line of the tract described herein, a distance
2 of 363.53 feet to a 1-1/2-inch iron pipe found at the northeast
3 corner of the said 1.98 acre tract, same being the northerly
4 northwest corner of a certain tract designated as Tract Two and
5 described in the deed to Lina Sue West of record in Document
6 No. 20190184, Official Public Records of Bastrop County, Texas, for
7 a northeast corner of the tract described herein;

8 THENCE with an east and south line of the said 1.98 acre
9 tract, with a west and north line of the said Second Tract, with an
10 east and south line of the tract described herein, the following two
11 (2) courses and distances:

12 1. S 26°56'38" W, a distance of 241.66 feet to a calculated
13 point for the southeast corner of the said 1.98 acre tract, and

14 2. N 79°19'42" W, a distance of 366.39 feet to a bent 1-inch
15 iron pipe found in the east line of the said 1.21 acre tract, at the
16 southwest corner of the said 1.98 acre tract, for a re-entrant
17 corner of the tract described herein;

18 THENCE S 27°21'26" W, with the west line of the said Second
19 Tract, with the east line of the said 1.21 acre tract, with the west
20 line of the tract described herein, a distance of 812.51 feet to a
21 5/8-inch iron rod found at the southwest corner of the said Second
22 Tract, and the westerly northwest corner of the said 67.83 acre
23 tract for a re-entrant corner of the tract described herein;

24 THENCE with the south and east line of the said Second Tract,
25 with a north and west line of the said 67.83 acre tract, with a north
26 and west line of the tract described herein, the following two (2)
27 courses and distances:

1 1. S 62°08'29" E, a distance of 1,149.03 feet to an 8-inch
2 fence post found at the southeast corner of the said Second Tract
3 and a re-entrant corner of the said 67.83 acre tract, and

4 2. N 28°26'14" E, a distance of 1,440.02 feet to a calculated
5 point for the northeast corner of the said Second Tract, and a
6 northwest corner of the said 67.83 acre tract, for a northwest
7 corner of the tract described herein;

8 THENCE with the south right-of-way line of said State Highway
9 71, with the north line of the said 67.83 acre tract, with the north
10 line of the said 24.012 acre tract, and with the north line of the
11 said 62.586 acre tract, with the north line of the tract described
12 herein, the following six (6) courses and distances:

13 1. S 76°31'21" E, a distance of 22.68 feet to a fence post
14 found at an angle point,

15 2. S 79°43'49" E, a distance of 101.07 feet to a Texas
16 Department of Transportation (TxDOT) Type-I concrete monument
17 found at a point-of-curvature,

18 3. With the arc of a curve to the right, having a radius of
19 2,755.03 feet, an arc distance of 189.73 feet, and a chord which
20 bears S 78°28'39" E, a distance of 189.70 feet to a calculated
21 non-tangent end of curve,

22 4. S 53°05'32" E, a distance of 454.67 feet to a Texas
23 Department of Transportation (TxDOT) Type-I concrete monument
24 found at an angle point,

25 5. S 55°16'20" E, a distance of 69.16 feet to a calculated
26 angle point, and

27 6. S 54°07'31" E, a distance of 918.17 feet to the POINT OF

1 BEGINNING and containing 449.03 acres of land, more or less.

2 TRACT 2 - 5.563 Acres

3 BEGINNING at a Texas Department of Transportation (TxDOT)
4 Type-II concrete monument found in the south right-of-way line of
5 State Highway 71, a variable-width right-of-way, in the north line
6 of the said 6.177 acre tract, at the northeast corner of a certain
7 called 0.9152 acre tract designated as Parcel 26 and described in
8 the deed to the State of Texas of record in Document No. 202005708,
9 Official Public Records of Bastrop County, Texas, for a northwest
10 corner an POINT OF BEGINNING of the tract described herein;

11 THENCE S 59°57'55" E, a distance of 722.58 feet to a
12 calculated point for the east corner of the said 6.177 acre tract,
13 for the east corner of the tract described herein;

14 THENCE with the north line of the vacated portion of State
15 Highway 71, with the south line of the said 6.177 acre tract, and
16 with the south line of the said 0.306 acre tract, with the south
17 line of the tract described herein, the following three (3) courses
18 and distances:

19 1. N 80°14'31" W, at a distance of 906.31 feet, passing a
20 Texas Department of Transportation (TxDOT) Type-I concrete
21 monument found at a point-on-line, and continuing for a total
22 distance of 1,060.87 feet to a Texas Department of Transportation
23 (TxDOT) Type-I concrete monument found at a point-of-curvature,

24 2. With the arc of a curve to the right, having a radius of
25 1,504.75 feet, an arc distance of 214.68 feet, and a chord which
26 bears N 77°15'23" W, a distance of 214.50 feet to a calculated point
27 for the southeast corner of the said 0.306 acre tract, for a point

1 of compound-curvature in the south line of the tract described
2 herein, and

3 3. With the arc of a curve to the right, having a radius of
4 1,858.52 feet, an arc distance of 30.16 feet, and a chord which
5 bears N 72°08'53" W, a distance of 30.16 feet to a calculated point
6 in the east line of a certain called 3.707 acre tract described in
7 the deed to Robert Frerich and Tamara Frerich of record in Document
8 No. 200112158, Official Public Records of Bastrop County, Texas,
9 for the southwest corner of the said 0.306 acre tract, for the
10 southwest corner of the tract described herein;

11 THENCE N 27°36'14" E, with the west line of the said 0.306 acre
12 tract and the east line of the said 3.707 acre tract, with the west
13 line of the tract described herein, a distance of 371.91 feet to an
14 iron rod with a 2-inch aluminum cap stamped "TxDOT" found at the
15 southwest corner of the said 0.9152 acre tract, for the westerly
16 northwest corner of the tract described herein;

17 THENCE leaving the west line of the said 3.707 acre tract,
18 crossing the said 0.306 acre tract and the said 6.177 acre tract,
19 with the south and east lines of the said 0.9152 acre tract, with
20 the north and west lines of the tract described herein, the
21 following five (5) courses and distances:

22 1. S 59°59'51" E, a distance of 122.61 feet to a Texas
23 Department of Transportation (TxDOT) Type-II concrete monument
24 found at an angle point,

25 2. S 52°51'00" E, a distance of 201.55 feet to a Texas
26 Department of Transportation (TxDOT) Type-II concrete monument
27 found at an angle point,

1 3. S 68°35'00" E, a distance of 101.08 feet to a Texas
2 Department of Transportation (TxDOT) Type-II concrete monument
3 found at an angle point,

4 4. S 59°56'27" E, a distance of 100.02 feet to a Texas
5 Department of Transportation (TxDOT) Type-II concrete monument
6 found at an angle point, and

7 5. N 30°04'14" E, a distance of 75.98 feet to the POINT OF
8 BEGINNING and containing 5.563 acres of land, more or less.

9 TRACT 3 - SAVE AND EXCEPT 35.66 Acres

10 BEGINNING at a 5/8-inch iron rod found at the westerly
11 northwest corner of the said 67.83 acre tract, in the west line of
12 the said 1.21 acre tract, same being the southwest corner of a
13 certain tract designated as Tract Two and described in the deed to
14 Lina Sue West of record in Document No. 20190184, Official Public
15 Records of Bastrop County, Texas, for the northwest corner and
16 POINT OF BEGINNING of the tract described herein;

17 THENCE S 62°08'29" E, with the south line of the said Second
18 Tract, with a north line of the said 67.83 acre tract, a distance of
19 581.20 feet to a calculated point for the northeast corner of the
20 tract described herein;

21 THENCE leaving the south line of the said Second Tract,
22 crossing the said 67.83 acre tract, with the east line of the tract
23 described herein, the following two (2) courses and distances:

24 1. S 05°37'30" E, a distance of 1,151.62 feet to a calculated
25 angle point, and

26 2. S 01°52'30" E, a distance of 587.94 feet to a calculated
27 point in the north line of a certain called 1,443.0 acre tract

1 designated as Second Tract and described in the deed to John W.
2 Caldwell, Jr. of record in Document No. 201816538, Official Public
3 Records of Bastrop County, Texas, in the south line of the said
4 67.83 acre tract, for the southeast corner of the tract described
5 herein;

6 THENCE N 62°07'59" W, with the north line of the said 1,443.0
7 acre tract, with the south line of the said 67.83 acre tract, with
8 the south line of the tract described herein, a distance of 1,501.62
9 feet to a 5/8-inch iron rod with a red illegible plastic cap found
10 at the southwest corner of the said 67.83 acre tract and the
11 northwest corner of the said 1,443.0 acre tract, same being the
12 southeast corner of the said 0.64 acre tract, for the southwest
13 corner of the tract described herein;

14 THENCE with the west line of the said 67.83 acre tract, with
15 the east line of the said 0.64 acre tract, and with the east line of
16 the said 1.21 acre tract, the following two (2) courses and
17 distances:

18 1. N 27°39'37" E, a distance of 897.17 feet to a 1/2-inch
19 iron pipe found at the northeast corner of the said 0.64 acre tract
20 and the southeast corner of the said 1.21 acre tract, and

21 2. N 27°31'04" E, a distance of 573.66 feet to the POINT OF
22 BEGINNING and containing 35.66 acres of land, more or less.

23 TRACT 4 - SAVE AND EXCEPT 0.637 Acres

24 COMMENCING at a 5/8-inch iron rod found at the westerly
25 northwest corner of the said 67.83 acre tract, in the west line of
26 the said 1.21 acre tract, same being the southwest corner of a
27 certain tract designated as Tract Two and described in the deed to

1 Lina Sue West of record in Document No. 20190184, Official Public
2 Records of Bastrop County, Texas;

3 THENCE N 27°21'26" E, with the west line of the said Tract Two,
4 with the east line of the said 1.21 acre tract, a distance of 33.58
5 feet to the southeast corner and POINT OF BEGINNING of the tract
6 described herein;

7 THENCE N 62°53'25" W, leaving the west line of the said Tract
8 Two, crossing the said 1.21 acre tract, with the south line of the
9 tract described herein, a distance of 34.50 feet to a calculated
10 point in the west line of the said 1.21 acre tract, and the east line
11 of a certain called 3.707 acre tract described in the deed to Robert
12 Frerich and Tamara Frerich of record in Document No. 200112158,
13 Official Public Records of Bastrop County, Texas for the southwest
14 corner of the tract described herein;

15 THENCE N 27°31'42" E, with the west line of the said 1.21 acre
16 tract, with the east line of the said 3.707 acre tract, with the
17 west line of the tract described herein, a distance of 848.65 feet
18 to a calculated point, for the northwest corner of the tract
19 described herein;

20 THENCE S 09°12'05" E, leaving the east line of the said 3.707
21 acre tract, crossing the said 1.21 acre tract, with the north line
22 of the tract described herein, a distance of 53.40 feet to a
23 calculated point in the east line of the said 1.21 acre tract and
24 the west line of the said 1.98 acre tract, for a point-on-line in
25 the north line of the tract described herein;

26 THENCE S 09°12'05" E, leaving the east line of the said 1.21
27 acre tract, crossing the said 1.98 acre tract, with the north line

1 of the tract described herein, a distance of 27.22 feet to a
2 calculated point in the south line of the said 1.98 acre tract, and
3 the north line of the said Tract Two, for an angle point of the tract
4 described herein;

5 THENCE N 79°19'42" W, with the south line of the said 1.98 acre
6 tract, with the north line of the said Tract Two, with a south line
7 of the tract described herein, a distance of 16.76 feet to a bent
8 1-inch iron pipe found in the east line of the said 1.21 acre tract,
9 at the southwest corner of the said 1.98 acre tract, and the
10 westerly northwest corner of the said Tract Two, for a re-entrant
11 corner of the tract described herein;

12 THENCE S 27°21'26" W, with the west line of said Tract Two,
13 with the east line of the said 1.21 acre tract, with the east line of
14 the tract described herein, a distance of 778.93 feet to the POINT
15 OF BEGINNING and containing 0.637 acres of land, more or less.

16 FOR A TOTAL AREA OF 418.30 ACRES BEING ALL OF TRACT 1 AND
17 TRACT 2, SAVE AND EXCEPT TRACT 3 AND TRACT 4 DESCRIBED HEREIN.

18 Bearing Basis: Texas Coordinate System, Central Zone (4203),
19 NAD 83(2011), Grid.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 4. (a) If this Act does not receive a two-thirds
12 vote of all the members elected to each house, Subchapter C, Chapter
13 7946A, Special District Local Laws Code, as added by Section 1 of
14 this Act, is amended by adding Section 7946A.0306 to read as
15 follows:

16 Sec. 7946A.0306. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

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

21 SECTION 5. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I certify that H.B. No. 4645 was passed by the House on May 14, 2021, by the following vote: Yeas 105, Nays 40, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4645 on May 28, 2021, by the following vote: Yeas 98, Nays 41, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 4645 was passed by the Senate, with amendments, on May 26, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor