

By: Buckingham

S.B. No. 2193

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Matthews Ranch Water Control and Improvement District No. 1 of Blanco County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle X, Title 6, Special District Local Laws Code, is amended by adding Chapter 11015 to read as follows:

CHAPTER 11015. MATTHEWS RANCH WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 1 OF BLANCO COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11015.0101. 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 Matthews Ranch Water Control and Improvement District No. 1 of Blanco County.

Sec. 11015.0102. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 11015.0103. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 11015.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 11015.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 11015.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

11 (1) a water control and improvement district and
12 municipal utility district as provided by general law and Section
13 59, Article XVI, Texas Constitution; and

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

18 Sec. 11015.0106. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes
27 for which the district is created or to pay the principal of and

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 Sec. 11015.0107. CONFLICTS OF LAW. If there is a conflict
5 between Chapter 49 or 54, Water Code, and Chapter 51, Water Code,
6 Chapter 51 prevails.

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 11015.0201. GOVERNING BODY; TERMS. (a) The district
9 is governed by a board of five elected directors.

10 (b) Except as provided by Section 11015.0202, directors
11 serve staggered four-year terms.

12 Sec. 11015.0202. TEMPORARY DIRECTORS. (a) On or after the
13 effective date of the Act enacting this chapter, the owner or owners
14 of a majority of the assessed value of the real property in the
15 district may submit a petition to the commission requesting that
16 the commission appoint as temporary directors the five persons
17 named in the petition. The commission shall appoint as temporary
18 directors the five persons named in the petition.

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

20 (1) the date permanent directors are elected under
21 Section 11015.0103; or

22 (2) the fourth anniversary of the effective date of
23 the Act enacting this chapter.

24 (c) If permanent directors have not been elected under
25 Section 11015.0103 and the terms of the temporary directors have
26 expired, successor temporary directors shall be appointed or
27 reappointed as provided by Subsection (d) to serve terms that

1 expire on the earlier of:

2 (1) the date permanent directors are elected under
3 Section 11015.0103; or

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

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

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 11015.0301. GENERAL POWERS AND DUTIES. (a) The
15 district has the powers and duties necessary to accomplish the
16 purposes for which the district is created.

17 (b) The district has the powers and duties provided by the
18 general law of this state, including Chapters 49 and 51, Water Code,
19 applicable to water control and improvement districts created under
20 Section 59, Article XVI, Texas Constitution, and the powers and
21 duties of a municipal utility district authorized under Chapter 54,
22 Water Code.

23 Sec. 11015.0302. AUTHORITY FOR ROAD PROJECTS. Under
24 Section 52, Article III, Texas Constitution, and if approved at an
25 election held under Section 53.029(c), Water Code, the district may
26 design, acquire, construct, finance, issue bonds for, improve,
27 operate, maintain, and convey to this state, a county, or a

1 municipality for operation and maintenance macadamized, graveled,
2 or paved roads, or improvements, including storm drainage, in aid
3 of those roads inside or outside the district.

4 Sec. 11015.0303. ROAD STANDARDS AND REQUIREMENTS. (a) A
5 road project must meet all applicable construction standards,
6 zoning and subdivision requirements, and regulations of each
7 municipality in whose corporate limits or extraterritorial
8 jurisdiction the road project is located.

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

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

17 Sec. 11015.0304. COMPLIANCE WITH MUNICIPAL CONSENT
18 ORDINANCE OR RESOLUTION. The district shall comply with all
19 applicable requirements of any ordinance or resolution that is
20 adopted under Section 42.042 or 42.0425, Local Government Code, and
21 consents to the creation of the district or to the inclusion of land
22 in the district.

23 Sec. 11015.0305. DIVISION OF DISTRICT. (a) The district
24 may be divided into two or more new districts only if the district:

25 (1) has no outstanding bonded debt; and

26 (2) is not imposing ad valorem taxes.

27 (b) This chapter applies to any new district created by the

1 division of the district, and a new district has all the powers and
2 duties of the district.

3 (c) Any new district created by the division of the district
4 may, at the time the new district is created, contain only land
5 within the area described by Section 2 of the Act enacting this
6 chapter.

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

11 (e) The board may adopt an order dividing the district
12 before or after the date the board holds an election under Section
13 11015.0103 to elect the district's permanent directors.

14 (f) An order dividing the district must:

15 (1) name each new district;

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

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

19 and

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

22 (g) On or before the 30th day after the date of adoption of
23 an order dividing the district, the district shall file the order
24 with the Texas Commission on Environmental Quality and record the
25 order in the real property records of each county in which the
26 district is located.

27 (h) Any new district created by the division of the district

1 shall hold a permanent directors' election as required by Section
2 11015.0103.

3 (i) If the creation of the new district is confirmed, the
4 new district shall provide the election date and results to the
5 commission.

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

11 (k) Municipal consent to the creation of the district and to
12 the inclusion of land in the district granted under Section
13 11015.0104 acts as municipal consent to the creation of any new
14 district created by the division of the district and to the
15 inclusion of land in the new district.

16 Sec. 11015.0306. AUTHORITY TO ESTABLISH DEFINED AREAS OR
17 DESIGNATED PROPERTY. The district may define areas or designate
18 certain property of the district to pay for improvements,
19 facilities, or services that primarily benefit that area or
20 property and do not generally and directly benefit the district as a
21 whole.

22 Sec. 11015.0307. PROCEDURE FOR ELECTION. (a) Before the
23 district may impose an ad valorem tax or issue bonds payable from ad
24 valorem taxes of the defined area or designated property, the board
25 shall hold an election in the defined area or in the designated
26 property only.

27 (b) The board may submit the issues to the voters on the same

1 ballot to be used in another election.

2 Sec. 11015.0308. DECLARING RESULT AND ISSUING ORDER. (a)

3 If a majority of the voters voting at the election approve the
4 proposition or propositions, the board shall declare the results
5 and, by order, shall establish the defined area and describe it by
6 metes and bounds or designate the specific property.

7 (b) A court may not review the board's order except on the
8 ground of fraud, palpable error, or arbitrary and confiscatory
9 abuse of discretion.

10 Sec. 11015.0309. TAXES FOR SERVICES, IMPROVEMENTS, AND
11 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter
12 approval and adoption of the order described by Section 11015.0308,
13 the district may apply separately, differently, equitably, and
14 specifically its taxing power and lien authority to the defined
15 area or designated property to provide money to construct,
16 administer, maintain, and operate services, improvements, and
17 facilities that primarily benefit the defined area or designated
18 property.

19 Sec. 11015.0310. ISSUANCE OF BONDS FOR DEFINED AREA OR
20 DESIGNATED PROPERTY. After the order under Section 11015.0308 is
21 adopted, the district may issue bonds to provide for any land,
22 improvements, facilities, plants, equipment, and appliances for
23 the defined area or designated property.

24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

25 Sec. 11015.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

26 The district may issue, without an election, bonds and other
27 obligations secured by:

- 1 (1) revenue other than ad valorem taxes; or
2 (2) contract payments described by Section
3 11015.0403.

4 (b) The district must hold an election in the manner
5 provided by Chapters 49 and 51, Water Code, to obtain voter approval
6 before the district may impose an ad valorem tax or issue bonds
7 payable from ad valorem taxes.

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

12 Sec. 11015.0402. OPERATION AND MAINTENANCE TAX. (a) If
13 authorized at an election held under Section 11015.0401, the
14 district may impose an operation and maintenance tax on taxable
15 property in the district in accordance with Section 49.107, Water
16 Code.

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

19 Sec. 11015.0403. CONTRACT TAXES. (a) In accordance with
20 Section 49.108, Water Code, the district may impose a tax other than
21 an operation and maintenance tax and use the revenue derived from
22 the tax to make payments under a contract after the provisions of
23 the contract have been approved by a majority of the district voters
24 voting at an election held for that purpose.

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

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 11015.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. The district may issue bonds or other obligations
4 payable wholly or partly from ad valorem taxes, impact fees,
5 revenue, contract payments, grants, or other district money, or any
6 combination of those sources, to pay for any authorized district
7 purpose.

8 Sec. 11015.0502. TAXES FOR BONDS. At the time the district
9 issues bonds payable wholly or partly from ad valorem taxes, the
10 board shall provide for the annual imposition of a continuing
11 direct ad valorem tax, without limit as to rate or amount, while all
12 or part of the bonds are outstanding as required and in the manner
13 provided by Chapter 51, Water Code.

14 Sec. 11015.0503. BONDS FOR ROAD PROJECTS. At the time of
15 issuance, the total principal amount of bonds or other obligations
16 issued or incurred to finance road projects and payable from ad
17 valorem taxes may not exceed one-fourth of the assessed value of the
18 real property in the district.

19 SECTION 2. The Matthews Ranch Water Control and Improvement
20 District No. 1 of Blanco County initially includes all the
21 territory contained in the following area:

22 Being all of that certain 745.87 acre tract of land described in
23 Volume 171, Page 912 et seq. of the Official Public Records of said
24 County and all of that certain 55.82 acre tract of land described in
25 Volume 173, Page 242 et seq. of the said Official Public Records;
26 said 801.73 acre tract being more particularly described as
27 follows:

1 BEGINNING at a 3/8 inch iron rod found at the base of a fence post at
2 the northerly northeast corner of the said 745.87 acre tract, being
3 on the south line of that certain 881.7 acre tract described in
4 Volume 62, Page 434 et seq. of the Deed Records of said County and
5 being at the northwest corner of that certain tract described in
6 Volume 98, Page 604 et seq. of the said Deed Records, for the
7 northerly northeast corner hereof;

8 THENCE with the north line of the said 745.87 acre tract, S 88° 38'
9 58" W, a distance of 3390.70 feet along a fence line to a 3/8 inch
10 iron rod found at the base of a fence post at the northwest corner
11 thereof, being at the southwest corner of the said 881.7 acre tract
12 and being on the east line of that certain 990.36 acre tract
13 described in Volume 71, Page 308 et seq. of the said Deed Records,
14 for the northerly northwest corner hereof;

15 THENCE with the westerly line of the said 745.87 acre tract, as
16 fenced, the following four (4) courses:

17 1. S 00° 40' 25" E, a distance of 1881.93 feet to a 3/8 inch
18 iron rod found at the base of a fence post at the southeast corner of
19 the said 990.36 acre tract,

20 2. S 88° 01' 06" W, a distance of 452.73 feet to a 3/8 inch
21 iron rod found at the base of a fence post at the northeast corner of
22 that certain 1332.28 acre tract described in Volume 169, Page 746
23 et seq. of the Official Public Records of said County,

24 3. S 01° 08' 57" E, a distance of 4321.19 feet to a 3/8 inch
25 iron rod found at the base of a fence post at the westerly southwest
26 corner of the said 745.87 acre tract, being at the northwest corner
27 of the said 55.82 acre tract, and

1 4. S 01° 07' 44" E, a distance of 1491.94 feet to a 3/8 inch
2 iron rod found at the southwest corner of the said 55.82 acre tract,
3 being at the northwest corner of that certain 86.67 acre tract
4 described in Volume 173, Page 245 et seq. of the said Official
5 Public Records, for the southwest corner hereof;

6 THENCE with the south line of the said 55.82 acre tract and north
7 line of the said 86.67 acre tract, S 88° 06' 16" E, a distance of
8 2400.94 feet to a 5/8 inch iron rod found at the southwest corner of
9 the said 55.82 acre tract and northeast corner of the said 86.67
10 acre tract, being at a southerly southwest corner of the said 745.87
11 acre tract and at a westerly corner of that certain 153.233 acre
12 tract described in Volume 108, Page 40 et seq. of the Deed Records
13 of said County, for a southerly corner hereof;

14 THENCE with the southerly line of the said 745.87acre tract, as
15 fenced, the following four (4) courses:

16 1. N 46° 34' 07" E, a distance of 690.01 feet to a 4-1/2 inch
17 iron pipe found,

18 2. S 47° 25' 43" E, a distance of 2755.11 feet to a 5/8 inch
19 iron rod found at the base of a fence post,

20 3. N 88° 58' 06" E, a distance of 146.36 feet to a 5/8 inch
21 iron rod found at the base of a fence post at the northeast corner of
22 the said 153.233 acre tract and northwest corner of that certain
23 186.0 acre tract described in Volume 84, Page 296 et seq. of the
24 said Deed Records, and

25 4. N 88° 40' 10" E, a distance of 26.28 feet to a 60d nail
26 found on the centerline of Blanco County Road 202 at the southeast
27 corner of the said 745.87 acre tract, being at the southwest corner

1 of that certain 82.18 acre tract described in said Volume 171, Page
2 912 et seq., for the southeast corner hereof;

3 THENCE with the lower east line of the said 745.87 acre tract and
4 said centerline of Blanco County Road 202, the following two (2)
5 courses:

6 1. N 12° 42' 36" E, a distance of 62.29 feet to a PK nail set,
7 and

8 2. N 50° 44' 45" E, a distance of 74.44 feet to a PK nail set
9 at a southeasterly corner of the said 745.87 acre tract, being on
10 the southerly line of that certain 89.95 acre tract described in
11 Volume 174, Page 912 et seq. of the said Official Public Records,
12 for a southeasterly corner hereof;

13 THENCE departing from the said centerline of Blanco County Road 202
14 with the lower east line of the said 745.87 acre tract, the
15 following four (4) courses:

16 1. N 40° 26' 05" W, a distance of 48.85 feet to a 2-7/8 inch
17 iron pipe found,

18 2. N 90° 00' 00" W, a distance of 136.99 feet to a 2-7/8 inch
19 iron pipe found,

20 3. N 26° 54' 46" E, a distance of 2779.27 feet to a 3/8 inch
21 iron rod set, and

22 4. N 10° 38' 07" E, a distance of 316.20 feet to an 8 inch
23 diameter Cedar post found at the most easterly northeast corner of
24 the said 745.87 acre tract, being at the southwest corner of that
25 certain 153.94 acre tract described in Volume 149, Page 679 et seq.
26 of the said Deed Records and being at the southeast corner of that
27 certain tract described in Volume 141, Page 52 et seq. of the said

1 Deed Records, for the most easterly northeast corner hereof;
2 THENCE with an easterly north line of the said 745.87 acre tract, S
3 89° 03' 35" W, a distance of 1520.80 feet along a fence line to a
4 2-7/8 inch diameter iron pipe fence post found at a reentrant corner
5 thereof, being at a southwest corner of the said tract in Volume
6 141, Page 52 et seq., for a reentrant corner hereof;
7 THENCE with a lower east line of the said 745.87 acre tract, N 01°
8 10' 48" E, a distance of 1222.95 feet along a fence line to a 2-7/8
9 inch iron pipe fence post found at a northeast corner thereof, being
10 a reentrant corner of the said tract in Volume 141, Page 52 et seq.,
11 for a northeast corner hereof;
12 THENCE with a lower north line of the said 745.87 acre tract, N 89°
13 44' 58" W, a distance of 1054.68 feet along a fence line to a 3/8
14 inch iron rod found at the base of a fence post at a reentrant corner
15 thereof, being at the westerly southwest corner of the said tract in
16 Volume 141, Page 52 et seq., for a reentrant corner hereof;
17 THENCE with the upper east line of the said 745.87 acre tract, as
18 fenced, the following two (2) courses:
19 1. N 01° 33' 44" W, a distance of 2185.92 feet to a 10 inch
20 diameter Cedar post found at the northwest corner of the said tract
21 in Volume 141, Page 52 et seq., being at the southwest corner of the
22 said tract described in Volume 98, Page 604 et seq., and
23 2. N 00° 08' 53" W, a distance of 2933.48 feet to the POINT OF
24 BEGINNING, containing 801.73 acres of land, more or less.
25 BEGINNING at a 5/8 inch iron rod found at the northeast corner of
26 the said 86.67 acre tract, being at a southerly corner of that
27 certain 745.87 acre tract described in Volume 171, Page 912 et seq.

1 of the said Official Public Records and being at a westerly corner
2 of that certain 153.2233 acre tract described in Volume 108, Page 41
3 et seq. of the Deed Records of said County, for the northeast corner
4 hereof;

5 THENCE with the east line of the said 86.67 acre tract, as fenced,
6 the following nine (9) courses:

- 7 1. S 22° 55' 39" E, a distance of 249.50 feet to a 4-1/2 inch
8 diameter iron pipe fence post found,
- 9 2. S 20° 09' 25" E, a distance of 52.02 feet to a 4-1/2 inch
10 diameter iron pipe fence post found,
- 11 3. S 22° 38' 55" E, a distance of 85.81 feet to a 4-1/2 inch
12 diameter iron pipe fence post found,
- 13 4. S 14° 18' 46" W, a distance of 170.20 feet to a 4-1/2 inch
14 diameter iron pipe fence post found,
- 15 5. S 16° 42' 28" W, a distance of 309.70 feet to a 5/8 inch
16 iron rod found at a fence post,
- 17 6. S 40° 16' 31" W, a distance of 279.85 feet to a 5/8 inch
18 iron rod found at a fence post, and
- 19 7. S 57° 23' 37" W, a distance of 214.03 feet to a 4-1/2 inch
20 diameter iron pipe fence post found at the southwest corner of the
21 said 153.233 acre tract and northeast corner of that certain 446.8
22 acre tract described in Volume 108, Page 40 et seq. of the said Deed
23 Records,
- 24 8. S 56° 50' 18" W, a distance of 1250.73 feet to a 4-1/2 inch
25 diameter iron pipe fence post found, and
- 26 9. S 70° 07' 05" W, a distance of 90.35 feet to a 4-1/2 inch
27 diameter iron pipe fence post found at the southerly southeast

1 corner of the said 86.67 acre tract, for the southerly southeast
2 corner hereof;

3 THENCE with the south line of the said 86.67 acre tract, as fenced,
4 the following two (2) courses:

5 1. N 70° 46' 14" W, a distance of 288.82 feet to a 4-1/2 inch
6 diameter iron pipe fence post found, and

7 2. N 71° 25' 20" W, a distance of 651.41 feet to a 3/8 inch
8 iron rod found at the southwest corner of the said 86.67 acre tract,
9 for the southwest corner hereof;

10 THENCE with the west line of the said 86.67 acre tract, N 01° 09' 49"
11 W, a distance of 1640.18 feet to a 3/8 inch iron rod found at the
12 northwest corner thereof, being at the southwest corner of the said
13 55.82 acre tract, for the northwest corner hereof;

14 THENCE with the north line of the said 86.67 acre tract and south
15 line of the said 55.82 acre tract, S 88° 06' 16" E, a distance of
16 2400.94 feet to the POINT OF BEGINNING, containing 86.69 acres of
17 land, more or less.

18 BEGINNING at an iron pipe fence post found at the southwest corner
19 of said Tract 3, being at a reentrant corner of that certain 745.87
20 acre tract described in Volume 172, Page 1 et seq. of the said
21 Official Public Records, for the southwest corner hereof;

22 THENCE with the south line of said Tract 3, N 89° 23' 29" E, a
23 distance of 1267.45 feet to a 3/8 inch iron rod set for the
24 southerly southwest corner of a 141.98 acre tract this day surveyed
25 and the southeast corner hereof;

26 THENCE departing from said south line and passing over and across
27 said Tract 3 and Tract 2 with the general course of an existing

1 fence line, the following twelve (12) courses:

- 2 1. N 18° 38' 15" W, a distance of 418.56 feet to an iron pipe
- 3 fence post found,
- 4 2. N 66° 45' 42" E, a distance of 62.33 feet to an iron pipe
- 5 fence post found,
- 6 3. N 06° 41' 05" W, a distance of 128.36 feet to an iron pipe
- 7 fence post found,
- 8 4. N 87° 55' 15" W, a distance of 1001.89 feet to an iron pipe
- 9 fence post found,
- 10 5. N 01° 33' 43" E, a distance of 512.41 feet to an iron pipe
- 11 fence post found,
- 12 6. N 89° 38' 26" W, a distance of 621.05 feet to an iron pipe
- 13 fence post found,
- 14 7. N 70° 37' 36" E, a distance of 18.44 feet to an iron pipe
- 15 fence post found,
- 16 8. N 07° 01' 56" W, a distance of 822.37 feet to an iron pipe
- 17 fence post found,
- 18 9. N 76° 11' 49" W, a distance of 1181.91 feet to an iron pipe
- 19 fence post found,
- 20 10. N 06° 51' 58" E, a distance of 617.55 feet to an iron pipe
- 21 fence post found,
- 22 11. S 77° 48' 22" E, a distance of 325.37 feet to an iron pipe
- 23 fence post found, and
- 24 12 N 00 ° 27' 02" W, a distance of 663.37 feet to a 60d nail
- 25 found at the base of a fence post at the southwest corner of said
- 26 Tract 1, being at the southeast corner of that certain 39.77 acre
- 27 tract described in Volume 158, Page 510 et seq. of the said Official

1 Public Records, for a reentrant corner of the said 222.24 acre tract
2 and the northeast corner hereof;

3 THENCE with the north line of said Tract 2 and south line of the said
4 39.77 acre tract, S 89° 34' 42" W, a distance of 1033.67 feet along
5 an existing fence line to a 10 inch diameter Cedar post found at the
6 northwest corner of said Tract 2, being at the southwest corner of
7 the said 39.77 acre tract and being on the east line of the said
8 745.87 acre tract, for the northwest corner hereof;

9 THENCE with the west line of said Tract 2 and continuing with the
10 west line of said Tract 3, same being the east line of the said
11 745.87 acre tract, and generally along an existing fence line, the
12 following three (3) courses:

13 1. S 01° 12' 33" E, a distance of 2186.06 feet to a 1/2 inch
14 iron rod found at the base of a fence post,

15 2. S 89° 23' 36" E, a distance of 1055.19 feet to a 3/8 inch
16 iron rod found at the base of a fence post, and

17 3. S 01° 32' 33" E, a distance of 1222.74 feet to the POINT OF
18 BEGINNING, containing 80.26 acres of land, more or less.

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

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

1 Environmental Quality.

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

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

10 SECTION 4. (a) If this Act does not receive a two-thirds
11 vote of all the members elected to each house, Subchapter C, Chapter
12 11015, Special District Local Laws Code, as added by Section 1 of
13 this Act, is amended by adding Section 11015.0311 to read as
14 follows:

15 Sec. 11015.0311. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

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

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