

By: Flores

S.B. No. 2577

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Atascosa County Municipal Utility District No. 2; 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7957A to read as follows:

CHAPTER 7957A. ATASCOSA COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7957A.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 Atascosa County Municipal Utility District No. 2.

Sec. 7957A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7957A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1       Sec. 7957A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7957A.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. 7957A.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. 7957A.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. 7957A.0201. GOVERNING BODY; TERMS. (a) The district  
4 is governed by a board of five elected directors.

5           (b) Except as provided by Section 7957A.0202, directors  
6 serve staggered four-year terms.

7           Sec. 7957A.0202. TEMPORARY DIRECTORS. (a) The temporary  
8 board consists of:

9                   (1) Bruce Bartlett;

10                   (2) G. Bailey Woods, Jr.;

11                   (3) Sloan Thomas;

12                   (4) Andrew B. Price; and

13                   (5) Foard Houston.

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

15                   (1) the date permanent directors are elected under  
16 Section 7957A.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 7957A.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 7957A.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. 7957A.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. 7957A.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. 7957A.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. 7957A.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. 7957A.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 Sec. 7957A.0306. DIVISION OF DISTRICT. (a) The district  
17 may be divided into two or more new districts only if the district:

18 (1) has no outstanding bonded debt; and

19 (2) is not imposing ad valorem taxes.

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

23 (c) A new district created by the division of the district  
24 may not, at the time the new district is created, contain any land  
25 outside the area described by Section 2 of the Act enacting this  
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of  
2 the real property in the district, may adopt an order dividing the  
3 district.

4 (e) The board may adopt an order dividing the district  
5 before or after the date the board holds an election under Section  
6 7957A.0103 to confirm the district's creation.

7 (f) An order dividing the district must:

8 (1) name each new district;

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

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

12 and

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

15 (g) On or before the 30th day after the date of adoption of  
16 an order dividing the district, the district shall file the order  
17 with the commission and record the order in the real property  
18 records of each county in which the district is located.

19 (h) Any new district created by the division of the district  
20 shall hold a confirmation and directors' election as required by  
21 Section 7957A.0103.

22 (i) If the creation of the new district is confirmed, the  
23 new district shall provide the election date and results to the  
24 commission.

25 (j) Any new district created by the division of the district  
26 must hold an election as required by this chapter to obtain voter  
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 (k) Municipal consent to the creation of the district and to  
3 the inclusion of land in the district granted under Section  
4 7957A.0104 acts as municipal consent to the creation of any new  
5 district created by the division of the district and to the  
6 inclusion of land in the new district.

7 Sec. 7957A.0307. STRATEGIC PARTNERSHIP AGREEMENT. The  
8 district may negotiate and enter into a written strategic  
9 partnership agreement with a municipality under Section 43.0751,  
10 Local Government Code.

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 7957A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
13 The district may issue, without an election, bonds and other  
14 obligations secured by:

- 15 (1) revenue other than ad valorem taxes; or  
16 (2) contract payments described by Section  
17 7957A.0403.

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

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

26 Sec. 7957A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
27 authorized at an election held under Section 7957A.0401, the

1 district may impose an operation and maintenance tax on taxable  
2 property in the district in accordance with Section 49.107, Water  
3 Code.

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

6 Sec. 7957A.0403. CONTRACT TAXES. (a) In accordance with  
7 Section 49.108, Water Code, the district may impose a tax other than  
8 an operation and maintenance tax and use the revenue derived from  
9 the tax to make payments under a contract after the provisions of  
10 the contract have been approved by a majority of the district voters  
11 voting at an election held for that purpose.

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

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 7957A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
17 OBLIGATIONS. The district may issue bonds or other obligations  
18 payable wholly or partly from ad valorem taxes, impact fees,  
19 revenue, contract payments, grants, or other district money, or any  
20 combination of those sources, to pay for any authorized district  
21 purpose.

22 Sec. 7957A.0502. TAXES FOR BONDS. At the time the district  
23 issues bonds payable wholly or partly from ad valorem taxes, the  
24 board shall provide for the annual imposition of a continuing  
25 direct ad valorem tax, without limit as to rate or amount, while all  
26 or part of the bonds are outstanding as required and in the manner  
27 provided by Sections 54.601 and 54.602, Water Code.



1       Sec. 7957A.0503. BONDS FOR ROAD PROJECTS. At the time of  
2 issuance, the total principal amount of bonds or other obligations  
3 issued or incurred to finance road projects and payable from ad  
4 valorem taxes may not exceed one-fourth of the assessed value of the  
5 real property in the district.

6       SECTION 2. The Atascosa County Municipal Utility District  
7 No. 2 initially includes all the territory contained in the  
8 following area:

9       Being a boundary survey of 0.616 acre, more or less, of land  
10 lying in Atascosa County, Texas, being out of and a part of E.S.  
11 Harper Survey 1202, Abstract No. 366, Atascosa County, Texas. Said  
12 0.616 acre being bounded on the northwest by the fenced  
13 southeasterly margin of F.M. 1470 (Leming Drive); on the northeast  
14 by 11.25 acres, James P. Shone, et ux., Book 857, Page 700 of the  
15 Atascosa County Deed Records; and on the southeast by 4.52 acres  
16 simultaneously surveyed this same day. Said 0.616 acre being more  
17 particularly described by metes and bounds as follows: (The  
18 courses, distances, areas and any coordinates cited herein or shown  
19 on the corresponding survey plat conform to the Texas Coordinate  
20 System, North American Datum 1983, Texas South Central Zone.) (All  
21 corners called for as being set are marked on the ground with 1/2"  
22 diameter rebar with plastic identification caps stamped  
23 "RPLS/6418" attached unless otherwise noted or shown.)

24       BEGINNING at a found broken TxDOT Type I right-of-way  
25 monument at the intersection of F.M. 1470 and an unnamed county  
26 road, marking a deflection point of the herein described tract;

27       THENCE: N 26° 16' 04" E, with the southwesterly margin of F.M.

1 1470 and the herein described tract for a distance of 25.94 feet to  
2 a 3" diameter pipe 3-way fence corner post at a point on the  
3 ostensible common survey line of said Survey 1202 and I. Wautz  
4 Survey 1176, Abstract No. 895, marking a deflection point of said  
5 11.25 acres, and marking the north corner of the herein described  
6 tract, from which a found TxDOT Type I right-of-way monument bears N  
7 15° 48' 34" E at a distance of 24.43 feet;

8       THENCE: S 35° 21' 31" E, generally with the fence, with the  
9 ostensible common survey line of said Survey 1202 and said Survey  
10 1176, and with the common boundary line of said 11.25 acres and the  
11 herein described tract for a distance of 1154.04 feet to a 3"  
12 diameter pipe fence angle post marking a deflection point of said  
13 11.25 acres, marking the west corner of said 4.52 acres, and marking  
14 a deflection point of the herein described tract;

15       THENCE: S 56° 44' 15" E, with the common boundary line of said  
16 4.52 acres and the herein described tract for a distance of 50.89  
17 feet to an unmarked corner marking a deflection point of said 4.52  
18 acres, and marking the east corner of the herein described tract;

19       THENCE: With the southwesterly margin of said unnamed county  
20 road and the herein described tract for the following two (2) calls:

21             1.) N 79° 52' 38" W, for a distance of 59.02 feet to an  
22 unmarked corner marking a deflection point of the herein described  
23 tract;

24             2.) N 35° 21' 31" W, for a distance of 1147.02 feet to  
25 the Place of Beginning and containing 0.616 acre, more or less, of  
26 land within the herein described boundary according to an actual on  
27 the ground survey made by Smyth Surveyors, Inc. and completed on

1 November 30, 2022.

2           Being a boundary survey of 101.73 acres, more or less, of land  
3 lying in Atascosa County, Texas, being out of and a part of N. Mcada  
4 Survey 1198, Abstract No. 566, and also being out of and a part of  
5 that same certain tract called Tract II (328.52 acres) as described  
6 in conveyance document to The J W Gorman Family Partnership, Ltd.,  
7 recorded in Document Number 137428 of the Atascosa County Official  
8 Public Records, Atascosa County, Texas. Said 101.73 acres being  
9 bounded on the southeast by the fenced northwesterly margin of Red  
10 Barn Road; on the northeast and northwest by 404.48 acres  
11 simultaneously surveyed this same day; and on the southwest by a 40'  
12 unnamed county road (unimproved). Said 101.73 acres being more  
13 particularly described by metes and bounds as follows: (The  
14 courses, distances, areas and any coordinates cited herein or shown  
15 on the corresponding survey plat conform to the Texas Coordinate  
16 System, North American Datum 1983, Texas South Central Zone.) (All  
17 corners called for as being set are marked on the ground with 1/2"  
18 diameter rebar with plastic identification caps stamped  
19 "RPLS/6418" attached unless otherwise noted or shown.)

20           BEGINNING at an unmarked corner at a point on the fenced  
21 northwesterly margin of Red Barn Road, at a point on a southeasterly  
22 line of said Tract II, marking an exterior corner of said 404.48  
23 acres, and marking the east corner of the herein described tract,  
24 from which a 4.5" diameter pipe fence angle post marking a  
25 deflection point of said 404.48 acres bears N 18° 36' 23" E at a  
26 distance of 1644.49 feet;

27           THENCE: Crossing into and across Tract II, and generally with

1 the fence for the following thirteen (13) calls:

2 1.) N 72° 35' 23" W, for a distance of 464.92 feet to a  
3 leaning 7" diameter cedar fence angle post marking a deflection  
4 point of the herein described tract;

5 2.) N 24° 16' 53" W, for a distance of 222.53 feet to a 4.5"  
6 diameter pipe 2-way fence corner post marking an interior corner of  
7 the herein described tract;

8 3.) S 66° 54' 13" W, for a distance of 904.65 feet to a 3"  
9 diameter pipe 2-way fence corner post marking a deflection point of  
10 the herein described tract;

11 4.) N 67° 10' 57" W, for a distance of 20.12 feet to a 3"  
12 diameter pipe 3-way fence corner post marking a deflection point of  
13 the herein described tract;

14 5.) S 24° 00' 54" W, for a distance of 183.78 feet to a t-  
15 post fence angle post marking a deflection point of the herein  
16 described tract;

17 6.) S 24° 12' 38" W, for a distance of 641.60 feet to a 3"  
18 diameter pipe fence angle post marking a deflection point of the  
19 herein described tract;

20 7.) S 54° 15' 53" W, for a distance of 625.15 feet to a 3"  
21 diameter pipe 2-way fence corner post marking a deflection point of  
22 the herein described tract;

23 8.) S 02° 26' 22" E, for a distance of 20.35 feet to a 3"  
24 diameter pipe fence angle post marking a deflection point of the  
25 herein described tract;

26 9.) S 18° 20' 46" W, for a distance of 1138.27 feet to a 4.5"  
27 diameter pipe 2-way fence corner post at a point on the ostensible

1 common survey line of said Survey 1198 and said Survey 1199, at a  
2 point in the northeasterly margin of an unnamed county road, and  
3 marking an interior corner of the herein described tract;

4 10.) S 70° 45' 38" E, with the ostensible common survey line  
5 of said Survey 1198 and said Survey 1199, and with the northeasterly  
6 margin of an unnamed county road for a distance of 563.24 feet to a  
7 5" diameter cedar fence angle post marking a deflection point of the  
8 herein described tract;

9 11.) S 70° 57' 07" E, with the ostensible common survey line  
10 of said Survey 1198 and said Survey 1199, and with the northeasterly  
11 margin of an unnamed county road for a distance of 593.07 feet to a  
12 t-post fence angle post marking a deflection point of the herein  
13 described tract;

14 12.) S 70° 48' 28" E, with the ostensible common survey line  
15 of said Survey 1198 and said Survey 1199, and with the northeasterly  
16 margin of an unnamed county road for a distance of 498.03 feet to a  
17 2.5" diameter pipe fence angle post marking a deflection point of  
18 the herein described tract;

19 13.) S 71° 01' 04" E, with the ostensible common survey line  
20 of said Survey 1198 and said Survey 1199, and with the northeasterly  
21 margin of an unnamed county road for a distance of 62.86 feet to a  
22 4.5" diameter pipe fence angle post at the intersection of Red Barn  
23 Road and an unnamed county road, and marking a deflection point of  
24 the herein described tract;

25 THENCE: Generally with the fenced margin of Red Barn Road and  
26 the herein described tract for the following two (2) calls:

27 1.) N 64° 53' 53" E, for a distance of 36.73 feet to a 4.5"

1 diameter pipe fence angle post marking a deflection point of the  
2 herein described tract;

3 2.) N 18° 36' 23" E, for a distance of 2924.62 feet to the  
4 Place of Beginning and containing 101.73 acres, more or less, of  
5 land within the herein described boundary, according to an actual  
6 on the ground survey made by Smyth Surveyors, Inc. and completed on  
7 October 19, 2022.

8 Being a boundary survey of 404.48 acres, more or less, of land  
9 lying in Atascosa County, Texas, being out of and parts of N. Mcada  
10 Survey 1198, Abstract No. 566, I. Wautz Survey 1175, Abstract  
11 No. 896, M. Moritz Survey 1292, Abstract No. 586, G. Hectorne  
12 Survey 1199, Abstract No. 370, and W. Morrow Survey 1200, Abstract  
13 No. 589, being out of and a part of John T. Horton Ranch, recorded  
14 in Slide 25-A of the Atascosa County New Plat Cabinet, and also  
15 being comprised of a composite of those same certain tracts called  
16 Tract II (328.52 acres), Tract IV (remainder of 184.3 acres), and  
17 Tract V (101.87 acres) as described in conveyance document to The J  
18 W Gorman Family Partnership, Ltd., recorded in Document Number  
19 137428 of the Atascosa County Official Public Records, Atascosa  
20 County, Texas. Said 404.48 acres being bounded on the northwest by  
21 the following: 1.) fenced southeasterly margin of F.M. 1470 (Leming  
22 Drive), 2.) 26.73 acres, Maurilio Gonzales, Jr., PID: 16584 of the  
23 Atascosa County Appraisal District, 3.) 81.60 acres, James P.  
24 Shone, et ux., Book 707, Page 93 of the Atascosa County Deed  
25 Records, and 4.) 11.25 acres, James P. Shone, et ux., Book 857, Page  
26 700 of the Atascosa County Deed Records; on the southeast by the  
27 fenced northwesterly margin of Red Barn Road; and on the southwest

1 by the following: 1.) 100 acres, Carolyn Daniel, Document Number  
2 143664 of the Atascosa County Official Public Records, and 2.)  
3 311.94 acres simultaneously surveyed this same day. Said 404.48  
4 acres being more particularly described by metes and bounds as  
5 follows: (The courses, distances, areas and any coordinates cited  
6 herein or shown on the corresponding survey plat conform to the  
7 Texas Coordinate System, North American Datum 1983, Texas South  
8 Central Zone.) (All corners called for as being set are marked on  
9 the ground with 1/2" diameter rebar with plastic identification  
10 caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

11 BEGINNING at a found TxDOT Type II right-of-way monument at a  
12 point on the southeasterly margin of F.M. 1470, and marking the  
13 north corner of the herein described tract;

14 THENCE: S 46° 38' 59" E, generally with the fence, and with the  
15 southeasterly margin of F.M. 1470 and the herein described tract  
16 for a distance of 60.45 feet to a found TxDOT Type II right- of-way  
17 monument at the intersection of F.M. 1470 and Red Barn Road, and  
18 marking an exterior corner of the herein described tract;

19 THENCE: Generally with the fenced margin of Red Barn Road and  
20 the herein described tract for the following four (4) calls:

21 1.) S 18° 25' 10" W, passing the ostensible common survey  
22 line of said Survey 1175 and said Survey 1292 for a distance of  
23 939.25 feet to a 4.5" diameter pipe fence angle post marking a  
24 deflection point of the herein described tract;

25 2.) S 19° 27' 20" E, passing the ostensible common survey  
26 line of said Survey 1175 and said Survey 1198, continuing on the  
27 same course for a distance of 194.92 feet to a 4.5" diameter pipe

1 fence angle post marking a deflection point of the herein described  
2 tract;

3 3.) S 18° 36' 23" W, for a distance of 1644.49 feet to an  
4 unmarked corner marking an exterior corner of the herein described  
5 tract;

6 THENCE: Crossing into and across Tract II, and generally with  
7 the fence for the following thirteen (13) calls:

8 14.) N 72° 35' 23" W, for a distance of 464.92 feet to a  
9 leaning 7" diameter cedar fence angle post marking a deflection  
10 point of the herein described tract;

11 15.) N 24° 16' 53" W, for a distance of 222.53 feet to a 4.5"  
12 diameter pipe 2-way fence corner post marking an interior corner of  
13 the herein described tract;

14 16.) S 66° 54' 13" W, for a distance of 904.65 feet to a 3"  
15 diameter pipe 2-way fence corner post marking a deflection point of  
16 the herein described tract;

17 17.) N 67° 10' 57" W, for a distance of 20.12 feet to a 3"  
18 diameter pipe 3-way fence corner post marking a deflection point of  
19 the herein described tract;

20 18.) S 24° 00' 54" W, for a distance of 183.78 feet to a t-  
21 post fence angle post marking a deflection point of the herein  
22 described tract;

23 19.) S 24° 12' 38" W, for a distance of 641.60 feet to a 3"  
24 diameter pipe fence angle post marking a deflection point of the  
25 herein described tract;

26 20.) S 54° 15' 53" W, for a distance of 625.15 feet to a 3"  
27 diameter pipe 2-way fence corner post marking a deflection point of



1 the herein described tract;

2 21.) S 02° 26' 22" E, for a distance of 20.35 feet to a 3"  
3 diameter pipe fence angle post marking a deflection point of the  
4 herein described tract;

5 22.) S 18° 20' 46" W, for a distance of 1138.27 feet to a 4.5"  
6 diameter pipe 2-way fence corner post at a point on the ostensible  
7 common survey line of said Survey 1198 and said Survey 1199, at a  
8 point in the northeasterly margin of an unnamed county road, and  
9 marking an interior corner of the herein described tract;

10 23.) S 70° 45' 38" E, with the ostensible common survey line  
11 of said Survey 1198 and said Survey 1199, and with the northeasterly  
12 margin of an unnamed county road for a distance of 563.24 feet to a  
13 5" diameter cedar fence angle post marking a deflection point of the  
14 herein described tract;

15 24.) S 70° 57' 07" E, with the ostensible common survey line  
16 of said Survey 1198 and said Survey 1199, and with the northeasterly  
17 margin of an unnamed county road for a distance of 593.07 feet to a  
18 t-post fence angle post marking a deflection point of the herein  
19 described tract;

20 25.) S 70° 48' 28" E, with the ostensible common survey line  
21 of said Survey 1198 and said Survey 1199, and with the northeasterly  
22 margin of an unnamed county road for a distance of 498.03 feet to a  
23 2.5" diameter pipe fence angle post marking a deflection point of  
24 the herein described tract;

25 26.) S 71° 01' 04" E, with the ostensible common survey line  
26 of said Survey 1198 and said Survey 1199, and with the northeasterly  
27 margin of an unnamed county road for a distance of 62.86 feet to a

1 4.5" diameter pipe fence angle post at the intersection of Red Barn  
2 Road and an unnamed county road, and marking a deflection point of  
3 the herein described tract;

4       THENCE: Generally with the fenced margin of Red Barn Road and  
5 the herein described tract for the following three (3) calls:

6       3.) S 10° 11' 13" W, with the southeasterly margin of said  
7 unnamed county road and the herein described tract for a distance of  
8 40.83 feet to a 4.5" diameter pipe fence angle post at the  
9 intersection of Red Barn Road and an unnamed county road, and  
10 marking a deflection point of the herein described tract;

11       4.) S 18° 05' 52" E, for a distance of 63.42 feet to a 4.5"  
12 diameter pipe fence angle post marking a deflection point of the  
13 herein described tract;

14       5.) S 19° 15' 01" W, passing the ostensible common survey  
15 line of said Survey 1199 and said Survey 1200, continuing on the  
16 same course for a distance of 2557.83 feet to a leaning 9" diameter  
17 creosote fence angle post marking the east corner of said 100 acres,  
18 and marking the south corner of the herein described tract;

19       THENCE: Generally with the fence, and with the common  
20 boundary lines of said 100 acres and the herein described tract for  
21 the following four (4) calls:

22       1.) N 70° 50' 51" W, for a distance of 951.03 feet to a 4.5"  
23 diameter pipe 3-way fence corner post marking an interior corner of  
24 said 100 acres, and marking an exterior corner of the herein  
25 described tract;

26       2.) N 19° 24' 09" E, for a distance of 331.50 feet to an  
27 unmarked corner marking an exterior corner of said 100 acres, and

1 marking an interior corner of the herein described tract;

2 3.) N 43° 41' 40" W, at 52.90 feet passing a 3" diameter pipe  
3 3-way fence corner post, continuing on the same course for a total  
4 distance of 635.25 feet to a 3" diameter pipe fence angle post  
5 marking a deflection point of said 100 acres, and marking a  
6 deflection point of the herein described tract;

7 4.) N 53° 40' 55" W, for a distance of 154.71 feet to a 3"  
8 diameter pipe 2-way fence corner post marking the north corner of  
9 said 100 acres, marking the east corner of said 311.94 acres, and  
10 marking a deflection point of the herein described tract;

11 THENCE: N 56° 44' 15" W, crossing into and across said Tract V  
12 and said Tract IV, and with the common boundary line of said 311.94  
13 acres, crossing the ostensible common survey line of said Survey  
14 1199 and said Survey 1200, continuing on the same course, crossing  
15 the ostensible common survey line of said Survey 1176 and said  
16 Survey 1199, continuing on the same course for a distance of 2768.17  
17 feet to a 3" diameter pipe fence angle post marking a deflection  
18 point of said 11.25 acres, marking a deflection point of said 311.94  
19 acres, and marking the west corner of the herein described tract;

20 THENCE: Generally with the fence, and with the common  
21 boundary lines of said 11.25 acres and the herein described tract  
22 for the following two (2) calls:

23 1.) S 79° 52' 38" E, for a distance of 79.02 feet to a 3"  
24 diameter pipe fence angle post, marking the south corner of said  
25 11.25 acres, and marking an interior corner of the herein described  
26 tract;

27 2.) N 53° 53' 08" E, for a distance of 296.62 feet to a found

1 leaning 1/2" diameter rebar marking the common corner of said 11.25  
2 acres and said 81.60 acres, and marking a deflection point of the  
3 herein described tract;

4       THENCE: Generally with the fence, and with the common  
5 boundary line of said 81.60 acres and the herein described tract for  
6 the following four (4) calls:

7       1.) N 53° 51' 54" E, for a distance of 1255.14 feet to a 4.5"  
8 diameter pipe 3-way fence corner post at a point on the ostensible  
9 common survey line of said Survey 1198 and said Survey 1199, marking  
10 an exterior corner of said 81.60 acres, and marking an interior  
11 corner of the herein described tract;

12       2.) N 70° 48' 28" W, with the ostensible common survey line  
13 of said Survey 1198 and said Survey 1199 for a distance of 12.11  
14 feet to a 4.5" diameter pipe 2-way fence corner post marking the  
15 ostensible common survey corner of said Survey 1198 and said Survey  
16 1199, at a point on the ostensible southeasterly survey line of said  
17 Survey 1176, marking an interior corner of said 81.60 acres, and  
18 marking an exterior corner of the herein described tract;

19       3.) N 55° 07' 54" E, with the ostensible common survey line  
20 of said Survey 1176 and said Survey 1198 for a distance of 625.25  
21 feet to a 3" diameter pipe 2-way fence corner post marking the  
22 ostensible common survey corner of said Survey 1176 and said Survey  
23 1175, marking an exterior corner of said 81.60 acres, and marking an  
24 interior corner of the herein described tract;

25       4.) N 35° 15' 11" W, with the ostensible common survey line  
26 of said Survey 1175 and said Survey 1176 for a distance of 532.31  
27 feet to a 3" diameter pipe 3-way fence corner post marking the south

1 corner of said 26.73 acres, and marking an interior corner of the  
2 herein described tract;

3       THENCE: Generally with the fence, and with the common  
4 boundary line of said 26.73 acres and the herein described tract for  
5 the following two (2) calls:

6       1.) N 54° 27' 18" E, for a distance of 564.53 feet to a 3"  
7 diameter pipe 3-way fence corner post marking the east corner of  
8 said 26.73 acres, and marking an interior corner of the herein  
9 described tract;

10       2.) N 07° 14' 52" W, at 1318.99 feet passing a 4.5" diameter  
11 pipe 3-way fence corner post, continuing on the same course for a  
12 total distance of 1320.13 feet to an unmarked corner at a point on  
13 the southeasterly margin of F.M. 1470, marking the north corner of  
14 said 26.73 acres, and marking an exterior corner of the herein  
15 described tract;

16       THENCE: N 65° 54' 29" E, with the fenced southeasterly margin  
17 of F.M. 1470 and the herein described tract, at 251.24 feet passing  
18 a found TxDOT Type II right-of-way monument, continuing on the same  
19 course, at 2250.89 feet passing a found TxDOT Type II right- of-way  
20 monument, continuing on the same course, at 3750.75 feet passing a  
21 found TxDOT Type II right-of-way monument, continuing on the same  
22 course for a total distance of 4773.87 feet to the Place of  
23 Beginning and containing 404.48 acres, more or less, of land within  
24 the herein described boundary, of which approximately 4.52 acres  
25 lie within an unnamed county road (40' R.O.W.), of which  
26 approximately 2.17 acres lie within Old Pleasanton & Benton Road  
27 (60' R.O.W., platted, and unimproved), and of which approximately

1 4.59 acres lie within enclosure fence (record title unknown),  
2 according to an actual on the ground survey made by Smyth Surveyors,  
3 Inc. and completed on September 28, 2022.

4 Being a boundary survey of 4.52 acres, more or less, of land  
5 lying in Atascosa County, Texas, and being out of and a part of G.  
6 Hectorne Survey 1199, Abstract No. 370, Atascosa County, Texas.  
7 Said 4.52 acres being bounded on the northeast by Tract II (328.52  
8 acres), The J W Gorman Family Partnership, Ltd., Document Number  
9 137428 of the Atascosa County Official Public Records; on the  
10 northwest by the following: 1.) 81.60 acres, James P. Shone, et ux.,  
11 Book 707, Page 93 of the Atascosa County Deed Records, and 2.) 11.25  
12 acres, James P. Shone, et ux., Book 857, Page 700 of the Atascosa  
13 County Deed Records; on the southwest by 0.616 acre simultaneously  
14 surveyed this same day; on the south by Tract IV (184.3 acres) The J  
15 W Gorman Family Partnership, Ltd., Document Number 137428 of the  
16 Atascosa County Official Public Records; and on the southeast by  
17 the fenced northwesterly margin of Red Barn Road. Said 4.52 acres  
18 being more particularly described by metes and bounds as follows:  
19 (The courses, distances, areas and any coordinates cited herein or  
20 shown on the corresponding survey plat conform to the Texas  
21 Coordinate System, North American Datum 1983, Texas South Central  
22 Zone.) (All corners called for as being set are marked on the ground  
23 with 1/2" diameter rebar with plastic identification caps stamped  
24 "RPLS/6418" attached unless otherwise noted or shown.)

25 BEGINNING at a 4.5" diameter pipe fence angle post at a point  
26 on the ostensible common survey line of said Survey 1199 and N.  
27 Mcada Survey 1198, Abstract No. 566, at the intersection of Red

1 Barn Road and an unnamed county road, and marking an exterior corner  
2 of the herein described tract;

3       THENCE: S 10° 11' 13" W, with the southeasterly margin of said  
4 unnamed county road and the herein described tract for a distance of  
5 40.83 feet to a 4.5" diameter pipe fence angle post at the  
6 intersection of Red Barn Road and an unnamed county road, and  
7 marking an exterior corner of the herein described tract;

8       THENCE: With the southerly margin of said unnamed county road  
9 and said 184.3 acres for the following five (5) calls:

10       1.) N 70° 52' 16" W, for a distance of 1715.73 feet to an  
11 unmarked corner marking a deflection point of the herein described  
12 tract;

13       2.) N 71° 28' 14" W, for a distance of 1614.73 feet to an  
14 unmarked corner marking an interior corner of the herein described  
15 tract;

16       3.) S 53° 51' 54" W, for a distance of 1234.46 feet to an  
17 unmarked corner marking a deflection point of the herein described  
18 tract;

19       4.) S 53° 53' 08" W, for a distance of 286.02 feet to an  
20 unmarked corner marking an exterior corner of the herein described  
21 tract;

22       5.) N 79° 52' 38" W, for a distance of 68.45 feet to an  
23 unmarked corner marking the east corner of said 0.616 acre, and  
24 marking a deflection point of the herein described tract;

25       THENCE: N 56° 44' 15" W, with the common boundary line of said  
26 0.616 acre and the herein described tract for a distance of 50.89  
27 feet to a 3" diameter pipe fence angle post marking a deflection

1 point of said 11.25 acres, marking a deflection point of said 0.616  
2 acre, and marking the west corner of the herein described tract;

3       THENCE: Generally with the fence, and with the common  
4 boundary lines of said 11.25 acres and the herein described tract  
5 for the following two (2) calls:

6       3.) S 79° 52' 38" E, for a distance of 79.02 feet to a 3"  
7 diameter pipe fence angle post, marking the south corner of said  
8 11.25 acres, and marking an interior corner of the herein described  
9 tract;

10       4.) N 53° 53' 08" E, for a distance of 296.62 feet to a found  
11 leaning 1/2" diameter rebar marking the common corner of said 11.25  
12 acres and said 81.60 acres, and marking a deflection point of the  
13 herein described tract;

14       THENCE: N 53° 51' 54" E, generally with the fence, and with the  
15 common boundary line of said 81.60 acres and the herein described  
16 tract for a distance of 1255.14 feet to a 4.5" diameter pipe 3-way  
17 fence corner post at a point on the ostensible common survey line of  
18 said Survey 1198 and said Survey 1199, marking an exterior corner of  
19 said 81.60 acres, at a point on a southwesterly line of said 328.52  
20 acres, and marking the north corner of the herein described tract;

21       THENCE: With the ostensible common survey line of said Survey  
22 1198 and said Survey 1199, and with the common boundary lines of  
23 said 328.52 acres and the herein described tract for the following  
24 two (2) calls:

25       3.) S 71° 28' 14" E, for a distance of 1635.61 feet to an  
26 unmarked corner marking a deflection point of the herein described  
27 tract;



1           4.) S 70° 52' 56" E for a distance of 1709.60 feet to the  
2 Place of Beginning and containing 4.52 acres, more or less, of land  
3 within the herein described boundary according to an actual on the  
4 ground survey made by Smyth Surveyors, Inc. and completed on  
5 November 30, 2022.

6           Being a boundary survey of 311.94 acres, more or less, of land  
7 lying in Atascosa County, Texas, being out of and parts of G.  
8 Hectorne Survey 1199, Abstract No. 370, W. Morrow Survey 1200,  
9 Abstract No. 589, C. Horton Survey 1201, Abstract No. 380, and E.S.  
10 Harper Survey 1202, Abstract No. 366, being out of and a part of  
11 John T. Horton Ranch, recorded in Slide 25-A of the Atascosa County  
12 New Plat Cabinet, and also being comprised of a composite of those  
13 same certain tracts called Tract III (146.374 acres), Tract IV  
14 (remainder of 184.3 acres), Tract V (101.87 acres), and Tract VI  
15 (57.46 acres) as described in conveyance document to The J W Gorman  
16 Family Partnership, Ltd., recorded in Document Number 137428 of the  
17 Atascosa County Official Public Records, Atascosa County, Texas.  
18 Said 311.94 acres being bounded on the northwest by the fenced  
19 southeasterly margin of F.M. 1470 (Leming Drive); on the northeast  
20 by 11.25 acres, James P. Shone, et ux., Book 857, Page 700 of the  
21 Atascosa County Deed Records; on the southeast by 100 acres,  
22 Carolyn Daniel, Document Number 143664 of the Atascosa County  
23 Official Public Records; and on the southwest by the fenced  
24 northeasterly margin of Strawberry City Road. Said 311.94 acres  
25 being more particularly described by metes and bounds as follows:  
26 (The courses, distances, areas and any coordinates cited herein or  
27 shown on the corresponding survey plat conform to the Texas

1 Coordinate System, North American Datum 1983, Texas South Central  
2 Zone.) (All corners called for as being set are marked on the ground  
3 with 1/2" diameter rebar with plastic identification caps stamped  
4 "RPLS/6418" attached unless otherwise noted or shown.)

5 BEGINNING at a 3" diameter pipe 2-way fence corner post  
6 marking the north corner of said 100 acres, and marking the east  
7 corner of the herein described tract;

8 THENCE: S 18° 52' 45" W, generally with the fence, passing the  
9 ostensible common survey line of said Survey 1200 and said Survey  
10 1201, continuing on the same course for a distance of 3122.32 feet  
11 to a 3" diameter pipe 3-way fence corner post marking the west  
12 corner of said 100 acres, and marking the south corner of the herein  
13 described tract;

14 THENCE: Generally with the fenced northeasterly margin of  
15 Strawberry City Road and the herein described tract for the  
16 following three (3) calls:

17 1.) N 71° 46' 34" W, for a distance of 1069.95 feet to a 3"  
18 diameter pipe fence angle post marking a deflection point of the  
19 herein described tract;

20 2.) N 71° 35' 54" W, for a distance of 405.81 feet to a 3"  
21 diameter pipe fence angle post marking a deflection point of the  
22 herein described tract;

23 3.) N 70° 56' 03" W, for a distance of 2171.57 feet to a found  
24 leaning TxDOT Type I right-of-way monument at the intersection of  
25 Strawberry City Road and F.M. 1470, and marking a deflection point  
26 of the herein described tract;

27 THENCE: Generally with the fenced southeasterly margin of

1 F.M. 1470 and the herein described tract for the following four (4)  
2 calls:

3 1.) N 26° 01' 40" W, for a distance of 106.32 feet to a found  
4 TxDOT Type II right-of-way monument at a point on the ostensible  
5 common survey line of said Survey 1200 and said Survey 1201, and  
6 marking the west corner of the herein described tract;

7 2.) N 19° 25' 08" E, with the ostensible common survey line  
8 of said Survey 1200 and said Survey 1201, passing the ostensible  
9 common survey corner of said Survey 1200 and said Survey 1201,  
10 continuing on the same course, at 2898.84 feet passing a found TxDOT  
11 Type II right-of-way monument, continuing on the same course,  
12 passing the ostensible common survey line of said Survey 1200 and  
13 said Survey 1202, continuing on the same course for a total distance  
14 of 4363.12 feet to a found TxDOT Type II right-of-way monument  
15 marking a deflection point of the herein described tract;

16 3.) N 83° 05' 12" E, for a distance of 66.64 feet to a found  
17 broken TxDOT Type I right-of-way monument marking a deflection  
18 point of the herein described tract;

19 4.) N 26° 16' 04" E, for a distance of 25.94 feet to a 3"  
20 diameter pipe 3-way fence corner post at a point on the ostensible  
21 common survey line of said Survey 1202 and I. Wautz Survey 1176,  
22 Abstract No. 895, marking a deflection point of said 11.25 acres,  
23 and marking the north corner of the herein described tract;

24 THENCE: S 35° 21' 31" E, generally with the fence, with the  
25 ostensible common survey line of said Survey 1202 and said Survey  
26 1176, and with the common boundary lines of said 11.25 acres and the  
27 herein described tract for a distance of 1154.04 feet to a 3"

1 diameter pipe fence angle post marking a deflection point of said  
2 11.25 acres, and marking a deflection point of the herein described  
3 tract;

4       THENCE: S 56° 44' 15" E, crossing into and across said Tract IV  
5 and said Tract V, crossing the ostensible common survey line of said  
6 Survey 1176 and said Survey 1199, continuing on the same course,  
7 crossing the ostensible common survey line of said Survey 1199 and  
8 said Survey 1200, continuing on the same course for a distance of  
9 2768.17 feet to the Place of Beginning and containing 311.94 acres,  
10 more or less, of land within the herein described boundary, of which  
11 approximately 0.61 acre lie within an unnamed county road (40'  
12 R.O.W.), and of which approximately 2.76 acres lie within Old  
13 Pleasanton & Benton Road (60' R.O.W., platted, and unimproved),  
14 according to an actual on the ground survey made by Smyth Surveyors,  
15 Inc. and completed on September 20, 2022.

16       Being a boundary survey of 399.52 acres, more or less, of land  
17 lying in Atascosa County, Texas, being out of and parts of S.  
18 Arreola Survey 1120, Abstract No. 37, S. Arreola Survey 1119,  
19 Abstract No. 36, I. Wautz Survey 1175, Abstract No. 896, and M.  
20 Moritz Survey 1292, Abstract No. 586, and also being that same  
21 certain tract called Tract I (400.01 acres) as described in  
22 conveyance document to The J W Gorman Family Partnership, Ltd.,  
23 recorded in Document Number 137428 of the Atascosa County Official  
24 Public Records, Atascosa County, Texas. Said 399.52 acres being  
25 bounded on the southeast by the fenced northwesterly margin of F.M.  
26 1470 (Leming Drive); on the west by 48.24 acres, Maurilio and Diane  
27 Gonzales, Document Number 152961 of the Atascosa County Official

1 Public Records; on the northwest by the following: 1.) 101.21  
2 acres, Maurilio and Diane Gonzales, Jr., Document Number 152953 of  
3 the Atascosa County Official Public Records, 2.) 94.42 acres,  
4 Maurilio and Diane Gonzales, Document Number 152956 of the Atascosa  
5 County Official Public Records, and 3.) 100.00 acres, David L.  
6 Domsch, Volume 173, Page 690 of the Atascosa Official Public  
7 Records; and on the northeast by the fenced margin of Red Barn Road.  
8 Said 399.52 acres being more particularly described by metes and  
9 bounds as follows: (The courses, distances, areas and any  
10 coordinates cited herein or shown on the corresponding survey plat  
11 conform to the Texas Coordinate System, North American Datum 1983,  
12 Texas South Central Zone.) (All corners called for as being set are  
13 marked on the ground with 1/2" diameter rebar with plastic  
14 identification caps stamped "RPLS/6418" attached unless otherwise  
15 noted or shown.)

16 BEGINNING at an unmarked corner at a point on the  
17 northwesterly margin of F.M. 1470, marking the southeast corner of  
18 said 48.24 acres, and marking the south corner of the herein  
19 described tract, from which a found TxDOT Type I right-of-way  
20 monument bears S 65° 54' 36" W at a distance of 1453.64 feet;

21 THENCE: N 07° 18' 28" W, with the common boundary line of said  
22 48.24 acres and the herein described tract, at 0.35 feet passing a  
23 4.5" diameter pipe 3-way fence corner post, continuing on the same  
24 course and now generally with the fence for a total distance of  
25 1240.29 feet to a 3" diameter pipe 3-way fence corner post at a  
26 point on the ostensible common survey line of said Survey 1175 and  
27 S. Arreola Survey 1119, Abstract No. 36, marking a deflection point

1 of said 48.24 acres, marking the south corner of said 101.21 acres,  
2 and marking an exterior corner of the herein described tract;

3       THENCE: N 54° 01' 39" E, generally with the fence, with the  
4 ostensible common survey line of said Survey 1175 and said Survey  
5 1119, and with the common boundary line of said 101.21 acres and the  
6 herein described tract, passing the common corner of said 101.21  
7 acres and said 94.42 acres, continuing on the same course and now  
8 with the common boundary line of said 94.42 acres and the herein  
9 described tract for a distance of 2591.83 feet to a 11" diameter  
10 creosote 2-way fence corner post marking the ostensible common  
11 survey corner of said Survey 1175 and said Survey 1119, at a point  
12 on the ostensible southwesterly survey line of said Survey 1120,  
13 marking the east corner of said 94.42 acres, and marking an interior  
14 corner of the herein described tract;

15       THENCE: N 36° 08' 32" W, generally with the diverging fence,  
16 with the ostensible common survey line of said Survey 1119 and said  
17 Survey 1120, and with the common boundary line of said 94.42 acres  
18 and the herein described tract for a distance of 2093.55 feet to a  
19 found 5/8" diameter rebar with a plastic cap marked "JOHN  
20 HOWARD/RPLS 4611" marking the south corner of said 100.00 acres,  
21 and marking an exterior corner of the herein described tract;

22       THENCE: N 55° 00' 19" E, with the common boundary line of said  
23 100.00 acres and the herein described tract for a distance of  
24 3594.33 feet to a found 5/8" diameter rebar with a plastic cap  
25 marked "JOHN HOWARD/RPLS 4611" at a point on the southwesterly  
26 margin of Red Barn Road, marking the east corner of said 100.00  
27 acres, and marking the north corner of the herein described tract;

1           THENCE: S 35° 14' 40" E, generally with the converging fence,  
2 and with the southwesterly margin of Red Barn Road and the herein  
3 described tract for a distance of 1793.52 feet to a 9" diameter  
4 creosote fence angle post marking a deflection point of the herein  
5 described tract;

6           THENCE: Generally with the fenced margin of Red Barn Road and  
7 the herein described tract for the following four (4) calls:

8           4.) S 34° 53' 17" E, for a distance of 764.74 feet to a 9"  
9 diameter creosote fence angle post marking a deflection point of  
10 the herein described tract;

11          5.) S 13° 30' 50" E, passing the ostensible common survey  
12 line of said Survey 1120 and said Survey 1292, continuing on the  
13 same course for a distance of 221.66 feet to an 8" diameter creosote  
14 fence angle post marking a deflection point of the herein described  
15 tract;

16          6.) S 15° 45' 50" W, for a distance of 584.06 feet to an 8"  
17 diameter creosote fence angle post marking a deflection point of  
18 the herein described tract;

19          7.) S 18° 08' 23" W, for a distance of 1666.51 feet to a found  
20 TxDOT Type II right-of-way monument at the intersection of Red Barn  
21 Road and F.M. 1470, and marking a deflection point of the herein  
22 described tract;

23           THENCE: With the fenced northwesterly margin of F.M. 1470 and  
24 the herein described tract for the following two (2) calls:

25          1.) S 41° 45' 44" W, for a distance of 91.46 feet to an  
26 unmarked corner marking a deflection point of the herein described  
27 tract, from which point a 4.5" diameter pipe fence angle post bears

1 N 53° 54' 38" W at a distance of 2.48 feet;

2       2.) S 65° 54' 36" W, passing the ostensible common survey  
3 line of said Survey 1292 and said Survey 1175, continuing on the  
4 same course, at 1137.84 feet passing a found TxDOT Type II  
5 right-of-way monument, continuing on the same course, at 2637.64  
6 feet passing a found TxDOT Type II right-of-way monument,  
7 continuing on the same course, at 3121.06 feet passing a found TxDOT  
8 Type II right-of-way monument, continuing on the same course, at  
9 4637.23 feet passing 1.12 feet to the right of a found TxDOT Type II  
10 right-of-way monument, continuing on the same course, for a total  
11 distance of 4858.45 feet to the Place of Beginning and containing  
12 399.52 acres, more or less, of land within the herein described  
13 boundary, according to an actual on the ground survey made by D. G.  
14 Smyth & Co., Inc. and completed on August 26, 2022.

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

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

25       (c) The Texas Commission on Environmental Quality has filed  
26 its recommendations relating to this Act with the governor, the  
27 lieutenant governor, and the speaker of the house of



1 representatives within the required time.

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

6 SECTION 4. (a) If this Act does not receive a two-thirds  
7 vote of all the members elected to each house, Subchapter C, Chapter  
8 7957A, Special District Local Laws Code, as added by Section 1 of  
9 this Act, is amended by adding Section 7957A.0308 to read as  
10 follows:

11 Sec. 7957A.0308. NO EMINENT DOMAIN POWER. The district may  
12 not exercise the power of eminent domain.

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

16 SECTION 5. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2023.