

By: Zaffirini

S.B. No. 2608

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Martindale Municipal Utility District No. 1 of Caldwell County, Texas; 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 7989A to read as follows:

CHAPTER 7989A. MARTINDALE MUNICIPAL UTILITY DISTRICT NO. 1 OF CALDWELL COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7989A.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 Martindale Municipal Utility District No. 1 of Caldwell County, Texas.

Sec. 7989A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7989A.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

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7989A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 7989A.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 as required by
8 applicable law.

9 Sec. 7989A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

12 (1) a municipal utility district as provided by
13 general law and Section 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. 7989A.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 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 7989A.0201. GOVERNING BODY; TERMS. (a) The district
6 is governed by a board of five elected directors.

7 (b) Except as provided by Section 7989A.0202, directors
8 serve staggered four-year terms.

9 Sec. 7989A.0202. TEMPORARY DIRECTORS. (a) The temporary
10 board consists of:

11 (1) Carson Vaughn;

12 (2) Jarrod Tyler Karonika;

13 (3) Randall Lavender;

14 (4) Jeffrey Grier; and

15 (5) Josue Limon.

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

17 (1) the date permanent directors are elected under
18 Section 7989A.0103; or

19 (2) the fourth anniversary of the effective date of
20 the Act enacting this chapter.

21 (c) If permanent directors have not been elected under
22 Section 7989A.0103 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 7989A.0103; or

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

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 7989A.0301. GENERAL POWERS AND DUTIES. The district
12 has the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 7989A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 7989A.0303. AUTHORITY FOR ROAD PROJECTS. Under
20 Section 52, Article III, Texas Constitution, the district may
21 design, acquire, construct, finance, issue bonds for, improve,
22 operate, maintain, and convey to this state, a county, or a
23 municipality for operation and maintenance macadamized, graveled,
24 or paved roads, or improvements, including storm drainage, in aid
25 of those roads.

26 Sec. 7989A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
27 road project must meet all applicable construction standards,

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

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

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

12 Sec. 7989A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
13 ORDINANCE OR RESOLUTION. The district shall comply with all
14 applicable requirements of any ordinance or resolution that is
15 adopted under Section 54.016 or 54.0165, Water Code, and that
16 consents to the creation of the district or to the inclusion of land
17 in the district.

18 Sec. 7989A.0306. DIVISION OF DISTRICT. (a) The board, on
19 its own motion or on receipt of a petition signed by the owner or
20 owners of a majority of the assessed value of the real property in
21 the district, may adopt an order dividing the district.

22 (b) An order dividing a district may create one or more new
23 districts and may provide for the continuation of the district.

24 (c) An order dividing the district shall:

25 (1) name any new district;

26 (2) include the metes and bounds description of the
27 territory of each of the districts;

1 (3) appoint temporary directors for any new district;

2 and

3 (4) provide for the division of assets and liabilities
4 between the districts.

5 (d) The board may adopt an order dividing the district
6 before or after the date the board holds an election to confirm the
7 district's creation.

8 (e) The district may be divided only if the district:

9 (1) has never issued any bonds; and

10 (2) is not imposing ad valorem taxes.

11 (f) A new district created by the division of the district
12 may not, at the time the new district is created, contain any land
13 outside the area described by Section 2 of the Act enacting this
14 chapter.

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

22 (i) A new district created by the division of the district
23 shall hold a confirmation and directors' election.

24 (j) If the creation of the new district is confirmed, the
25 new district shall provide the election date and results to the
26 commission.

27 (k) A new district created by the division of the district

1 must hold an election as required by this chapter to obtain voter
2 approval before the district may impose a maintenance tax or issue
3 bonds payable wholly or partly from ad valorem taxes.

4 (1) The district may continue to rely on confirmation,
5 directors', bond, or tax elections held prior to the division.

6 (m) Municipal consent to the creation of the district and to
7 the inclusion of land in the district acts as municipal consent to
8 the creation of any new district created by the division of the
9 district and to the inclusion of land in the new district.

10 Sec. 7989A.0307. STRATEGIC PARTNERSHIP AGREEMENT. The
11 district may negotiate and enter into a written strategic
12 partnership agreement under Section 43.0751, Local Government
13 Code, with a municipality in whose extraterritorial jurisdiction
14 the district is located.

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 7989A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
17 The district may issue, without an election, bonds and other
18 obligations secured by:

19 (1) revenue other than ad valorem taxes; or

20 (2) contract payments described by Section
21 7989A.0403.

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

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 7989A.0402. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 7989A.0401, the
5 district may impose an operation and maintenance tax on taxable
6 property in the district in accordance with Section 49.107, Water
7 Code.

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

10 Sec. 7989A.0403. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

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

19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

20 Sec. 7989A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
21 OBLIGATIONS. The district may issue bonds or other obligations
22 payable wholly or partly from ad valorem taxes, impact fees,
23 revenue, contract payments, grants, or other district money, or any
24 combination of those sources, to pay for any authorized district
25 purpose.

26 Sec. 7989A.0502. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

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

5 Sec. 7989A.0503. BONDS FOR ROAD PROJECTS. At the time of
6 issuance, the total principal amount of bonds or other obligations
7 issued or incurred to finance road projects and payable from ad
8 valorem taxes may not exceed one-fourth of the assessed value of the
9 real property in the district.

10 SECTION 2. The Martindale Municipal Utility District No. 1
11 of Caldwell County, Texas, initially includes all the territory
12 contained in the following area:

13 Being a 297.008 acre tract of land lying in the Stephen B.
14 Morrison Survey No. 2, Abstract No. 19, Caldwell County, Texas,
15 said 297.008 acre tract being a portion of a 441 acre tract of land
16 described in a Deed of Distribution to Herbert Richard Conrads,
17 dated May 10, 1993, and recorded in Volume 90, Page 891, Official
18 Public Records of Caldwell County, Texas; said 297.008 acre tract
19 being more particularly described as follows:

20 BEGINNING: at a point at the intersection of the northeast
21 right-of-way line of San Marcos Highway - Highway 80 (varying width
22 right-of-way) and a southeast line of the aforementioned 441 acre
23 tract, for the most easterly east corner of a 6.702 acre tract of
24 land, same being the San Marcos Highway right-of-way, to the State
25 of Texas as described and recorded in Volume 144, Page 518, Deed
26 Records of Caldwell County, Texas, the west corner of a 168.42 acre
27 tract of land as described and recorded in Volume 500, Page 70,

1 Official Public Records of Caldwell County, Texas, and a south
2 corner of the herein described 297.008 acre tract, from which a 1/2"
3 iron rod with plastic cap stamped "CHAPARREL BOUNDARY" found bears
4 N48°29'05"E, a distance of 0.73 feet;

5 THENCE: leaving a southeast line of the aforementioned 441
6 acre tract, along the northeast right-of-way line of the
7 aforementioned San Marcos Highway and the northeast line of the
8 aforementioned 6.702 acre tract, the following nine (9) courses and
9 distances,

10 N59°29'04"W, a distance of 145.81 feet (Record -
11 N59°06"W) to a TxDOT Type I concrete monument found for an interior
12 corner of the herein described 297.008 acre tract,

13 S29°59'59"W, a distance of 40.00 feet (Record - S30°54"W
14 ~ 40.00') to a 1/2" iron rod with yellow plastic cap stamped
15 "CHAPARRAL" found for a south corner of the herein described
16 297.008 acre tract,

17 N59°48'32"W, a distance of 499.87 feet (Record - N59°06"W
18 ~ 500.00) to a 1/2" iron rod with yellow plastic cap stamped
19 "CHAPARRAL" found for a west corner of the herein described 297.008
20 acre tract,

21 N29°56'29"E, a distance of 25.00 feet (Record - N30°54"E
22 ~ 25.00') to a broken TxDOT Type I concrete monument found for an
23 interior corner of the herein described 297.008 acre tract,

24 N59°48'38"W, a distance of 800.15 feet (Record - N59°06"W
25 ~ 800.00) to a point for an interior corner of the herein described
26 297.008 acre tract, from which a TxDOT Type I concrete monument
27 found bears S07°44'41"W, a distance of 0.62 feet,

1 S30°10'51"W, a distance of 35.00 feet (Record - S30°54"W
2 ~ 35.00') to a point for a south corner of the herein described
3 297.008 acre tract, from which a broken TxDOT Type I concrete
4 monument found bears S51°34'34"W, a distance of 1.31 feet,

5 N59°49'09"W, a distance of 245.20 feet (Record - N59°06"W
6 ~ 245.20) to a point for a point of curvature of a curve to the left,
7 from which a broken TxDOT Type I concrete monument found, bears
8 S25°54'37"W, a distance of 1.33 feet,

9 an arc length of 514.45 (Record - 510.00') with said
10 curve to the left having a radius of 5,779.58 feet, a delta of
11 5°06'00" (Record - 5°06'), and a chord which bears N62°22'09"W, a
12 distance of 514.28 to a TxDOT Type I concrete monument found for a
13 point of tangency, and

14 N64°55'09"W, a distance of 45.76 feet (Record - N64°12"W)
15 to a 1/2" iron rod found in a northwest line of said 441 acre tract
16 for the most northerly north corner of said 6.702 acre tract, the
17 south corner of an 86.44 acre tract of land described as "Tract 3"
18 and recorded in Volume 523, Page 710, Official Public Records of
19 Caldwell County, Texas, and the west corner of the herein described
20 297.008 acre tract;

21 THENCE: leaving the northeast right-of-way line of the
22 aforementioned San Marcos Highway, along a northwest line of the
23 aforementioned 411 acre tract and the southeast line of the
24 aforementioned 86.44 acre tract, N48°33'10"E, a distance of 695.34
25 feet (Record - N48°19'39"E ~ 693.02') to a 1" iron pipe found for the
26 northeast corner of said 86.44 acre tract, the south corner of a
27 24.34 acre tract of land as described and recorded in Volume 399,

1 Page 459, Deed Records of Caldwell County, Texas, and an angle point
2 of the herein described 297.008 acre tract;

3 THENCE: continuing along a northwest line of the
4 aforementioned 441 acre tract, the southeast line of the
5 aforementioned 24.34 acre tract, and the southeast line of an
6 18.7578 acre tract of land as described and recorded in Volume 458,
7 Page 376, Official Public Records of Real Property of Caldwell
8 County, Texas, N48°40'45"E, a distance of 1,974.74 feet (Record -
9 N50°E) to a 1/2" iron rod found for the northeast corner of said
10 18.7578 acre tract, the south corner of a 126.322 acre tract of land
11 described as "Tract 2" and recorded in Document Number 2017001147,
12 Official Public Records of Caldwell County, Texas, and an angle
13 point of the herein described 297.008 acre tract;

14 THENCE: continuing along a northwest line of the
15 aforementioned 441 acre tract and the southeast line of the
16 aforementioned 126.322 acre tract, N48°36'18"E, a distance of
17 1,784.11 feet (Record - N48°36'18"E ~ 1,784.10') to a 1/2" iron rod
18 found for the northeast corner of said 126.322 acre tract, the south
19 corner of a 126.932 acre tract of land described as "Tract 1" and
20 recorded in Document Number 2017001147, Official Public Records of
21 Caldwell County, Texas, and an angle point of the herein described
22 297.008 acre tract;

23 THENCE: continuing along a northwest line of the
24 aforementioned 441 acre tract and the southeast line of the
25 aforementioned 126.932 acre tract, N48°36'06"E, a distance of
26 1,781.08 feet (Record - N50°00'00"E ~ 1,781.08') to a 1/2" iron rod
27 with yellow plastic cap stamped "CHAPARRAL" found for the northeast

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1 corner of said 126.932 acre tract, a south corner of a 2,717.59 acre
2 tract of land as described and recorded in Document Number
3 2020003860, Official Public Records of Caldwell County, Texas, and
4 an angle point of the herein described 297.008 acre tract;

5 THENCE: continuing along a northwest line of the
6 aforementioned 441 acre tract and a southeast line of the
7 aforementioned 2,717.59 acre tract, N48°27'27"E, a distance of
8 311.34 feet (Record - N48°38'22"E ~ 311.05') to a rock found for the
9 north corner of said 411 acre tract, an interior corner of said
10 2,717.59 acre tract, and the north corner of the herein described
11 297.008 acre tract;

12 THENCE: along the northeast line of the aforementioned 441
13 acre tract and a southwest line of the aforementioned 2,717.59 acre
14 tract, S41°23'14"E, a distance of 2,097.22 feet (Record -
15 S41°23'14"E ~ 755 varas (2,097.22')) to a 1/2" iron rod with plastic
16 cap stamped "MMES RPLS 6490" found for the most northerly east
17 corner of said 411 acre tract, the most westerly north corner of the
18 aforementioned 168.42 acre tract, and the east corner of the herein
19 described 297.008 acre tract;

20 THENCE: along a southeast line of the aforementioned 411 acre
21 tract and the northwest line of the aforementioned 168.42 acre
22 tract, S48°28'40"W, a distance of 5,763.12 feet (Record - S50°W) to
23 the PLACE OF BEGINNING and containing 297.008 acres of land.

24 Being an 168.524 acre tract of land lying in the S. B.
25 Morrison League, Abstract No. 19, Caldwell County, Texas, said
26 168.524 acre tract being the same 168.42 acre tract of land as
27 described in a Warranty Deed to Lawson Colwell and Gretchen Ann

1 Schmid, as Trustees of the Lawson Colwell Living Trust, dated June
2 18, 2007, and recorded in Volume 500, Page 70, Official Public
3 Records of Caldwell County, Texas; said 168.524 acre tract being
4 more particularly described as follows:

5 BEGINNING: at a point found at the intersection of the
6 existing northeast right-of-way line of San Marcos Highway -
7 Highway 80 (varying width right-of-way) and a southeast line of a
8 remaining portion of 441 acre tract of land as described and
9 recorded in Volume 90, Page 891, Official Public Records of Real
10 Property of Caldwell County, Texas, for a west corner of the herein
11 described 168.524 acre tract, from which a 1/2" iron rod with
12 plastic cap found bears N48°29'05"E, a distance of 0.73 feet;

13 THENCE: leaving the existing northeast right-of-way line of
14 the aforementioned San Marcos Highway, along the a southeast line
15 of the aforementioned 441 acre tract, N48°28'40"E, a distance of
16 5,763.12 feet (Record - N49°32'30"E ~ 1,958.09') feet (Record -
17 N49°50'04"E ~ 1,412.78') (Record - N49°42'26"E ~ 2,388.57') to a 1/2"
18 iron rod with plastic cap stamped "MMES RPLS 6490" set in a south
19 line of a 2,717.59 acre tract of land as described and recorded in
20 Document #2020003860, Official Public Records of Caldwell County,
21 Texas, for the most westerly north corner of the aforementioned
22 168.42 acre tract, the east corner of said 441 acre tract, and the
23 most westerly north corner of the herein described 168.524 acre
24 tract, from which a rock found for an interior corner of said
25 2,717.59 acre tract and the north corner of said 441 acre tract
26 bears N41°23'14"W, 2,097.22 feet (Record - N40°W~755 varas
27 (2,097.22'));

1 THENCE: along a northeast line of the aforementioned 168.42
2 acre tract and a southwest line of the aforementioned 2,717.59 acre
3 tract, S42°36'01"E, a distance of 55.19 feet (Record - S41°48'14"E ~
4 56.85') to a fence corner post found with washer stamped "PROTECH"
5 for an interior corner of said 168.42 acre tract, a south corner of
6 said 2,717.59 acre tract, and an interior corner of the herein
7 described 168.524 acre tract;

8 THENCE: along a northwest line of the aforementioned 168.42
9 acre, N64°34'26"E, a distance of 13.67 feet (Record - N60°35'24"E ~
10 13.82') to a fence corner post found with washer stamped "PROTECH"
11 for a north corner of said 168.42 acre tract, the west corner of an
12 abandoned roadway, and a north corner of the herein described
13 168.524 acre tract;

14 THENCE: along a northeast line of the aforementioned 168.42
15 acre tract and the southwest line of the aforementioned abandoned
16 roadway, S41°38'26"E, a distance of 1,268.41 feet (Record -
17 S40°06'26"E ~ 1.265.75') to a 3-inch diameter metal fence corner
18 post found, for the northeast corner of said 168.42 acre tract and
19 the north corner of 55.29 acre tract of land as described and
20 recorded in Volume 415, Page 667, Official Public Records of Real
21 Property of Caldwell County, Texas, and the east corner of the
22 herein described 168.524 acre tract;

23 THENCE: along the southeast line of the aforementioned 168.42
24 acre tract, the northwest line of the aforementioned 55.29 acre
25 tract, the northwest line of a 18.76 acre "Tract 1" tract of land
26 and the northwest line of a 21.44 acre "Tract 2" tract of land as
27 described and recorded in Document #2015006288, Official Public

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1 Records of Caldwell County Texas, the northwest line of a 42.464
2 acre tract of land as described and recorded in Volume 3, Page 113,
3 Deed Records of Caldwell County, Texas, and the northwest line of a
4 16.602 acre tract of land as described and recorded in Document
5 #2015002213, Official Public Records of Real Property of Caldwell
6 County, Texas the following six (6) courses and distances:

7 S48°39'40"W, a distance of 391.45 feet (Record - S49°50'21"W ~
8 391.38') to a 2-inch diameter metal fence corner post found for an
9 angle point of the herein described 168.524 acre tract,

10 S48°24'28"W, a distance of 423.75 feet (Record - S49°45'57"W
11 ~423.51') to a 2-inch diameter metal fence corner post found for an
12 angle point of the herein described 168.524 acre tract,

13 S48°23'57"W, a distance of 497.23 feet (Record - S49°49'38"W ~
14 497.45') to a 3-inch diameter metal fence corner post found for an
15 angle point of the herein described 168.524 acre tract,

16 S49°06'01"W, a distance of 632.02 feet (Record - S50°16'45"W ~
17 632.36') to a 2-inch diameter metal fence corner post found for an
18 angle point of the herein described 168.524 acre tract,

19 S49°04'22"W, a distance of 1,071.61 feet (Record - S50°17'34W
20 ~ 683.86' and S50°31'44"W ~ 401.67') to a point in fence for an angle
21 point of the herein described 168.524 acre tract, and

22 S48°33'16"W. a distance of 2,363.51 feet (Record - S49°50'56"W
23 ~ 2,347.82') to a point, lying in the existing northeast
24 right-of-way line of the aforementioned San Marcos Highway, for a
25 point of curvature of a curve to the left, the south corner of said
26 168.42 acre tract, and the south corner of the herein described
27 168.524 acre tract, from which a 3/8" iron rod found bears

1 N48°33'16"E, 1.63 feet;

2 Being an 133.368 acre tract of land lying in the Stephen B.
3 Morrison Survey No. 2, Abstract No. 19, Caldwell County, Texas,
4 said 133.368 acre tract being a portion of a 441 acre tract of land
5 as described in a Deed of Distribution to Herbert Richard Conrads,
6 dated May 10, 1993, and recorded in Volume 90, Page 891, Official
7 Public Records of Real Property of Caldwell County, Texas; said
8 133.368 acre tract being more particularly described as follows:

9 BEGINNING: at a 1/2" iron rod with yellow plastic cap stamped
10 "FENSTERMAKER 10028501" found at the intersection of the southwest
11 right-of-way line of San Marcos Highway - Highway 80 (varying width
12 right-of-way) and a southeast line of the aforementioned 441 acre
13 tract, for the most easterly south corner of a 6.702 acre tract of
14 land, same being the San Marcos Highway right-of-way, to the State
15 of Texas, recorded in Volume 144, Page 518, Deed Records of Caldwell
16 County, Texas, and the most northerly east corner of the herein
17 described 133.368 acre tract;

18 THENCE: along a southeast line of the aforementioned 441 acre
19 tract, S48°31'55"W (Record - S50°W), passing a point for the north
20 corner of a 54.52 acre tract of land as described and recorded in
21 Document Number 135033, Official Public Records of Caldwell County,
22 Texas, at a distance of 42.06 feet, also passing a 5/8" iron rod
23 with aluminum cap (not legible) found for the most northerly west
24 corner of said 54.52 acre tract and the north corner of a 40 acre
25 tract of land as described and recorded in Volume 275, Page 888,
26 Official Public Records of Caldwell County, Texas, at a distance of
27 207.11, also passing 1/2" iron rod with yellow cap stamped

1 "FENSTERMAKER 10028501" found for reference to the centerline of
2 Morrison Creek at a distance of 1,792.94 feet, a total distance of
3 1,905.02 feet to a point in the centerline of said Morrison Creek
4 and an interior corner of the herein described 133.368 acre tract;

5 THENCE: along the centerline of the aforementioned Morrison
6 Creek, a northeast line of the aforementioned 441 acre tract, and
7 the southwest line of the aforementioned 40 acre tract, the
8 following twenty-two (22) courses and distances,

9 S00°53'25"W a distance of 21.26 feet to a point for an angle
10 point of the herein described 133.368 acre tract,

11 S21°04'32"E, a distance of 36.87 feet to a point for an angle
12 point of the herein described 133.368 acre tract,

13 S17°15'03"E, a distance of 96.31 feet to a point for an angle
14 point of the herein described 133.368 acre tract,

15 S07°41'41"E, a distance of 48.19 feet to a point for an angle
16 point of the herein described 133.368 acre tract,

17 S04°52'24"W, a distance of 44.12 feet to a point for an angle
18 point of the herein described 133.368 acre tract,

19 S24°28'00"W, a distance of 50.20 feet to a point for an angle
20 point of the herein described 133.368 acre tract,

21 S53°10'53"W, a distance of 33.12 feet to a point for an angle
22 point of the herein described 133.368 acre tract,

23 S64°41'55"W, a distance of 39.10 feet to a point for an angle
24 point of the herein described 133.368 acre tract,

25 S81°19'50"W, a distance of 30.45 feet to a point for an angle
26 point of the herein described 133.368 acre tract,

27 S50°22'34"W, a distance of 48.44 feet to a point for an angle

1 point of the herein described 133.368 acre tract,
2 S64°10'49"W, a distance of 51.50 feet to a point for an angle
3 point of the herein described 133.368 acre tract,
4 S80°30'20"W, a distance of 83.42 feet to a point for an angle
5 point of the herein described 133.368 acre tract,
6 S60°40'09"W, a distance of 21.15 feet to a point for an angle
7 point of the herein described 133.368 acre tract,
8 S03°58'32"E, a distance of 38.09 feet to a point for an angle
9 point of the herein described 133.368 acre tract,
10 S14°39'02"W, a distance of 41.21 feet to a point for an angle
11 point of the herein described 133.368 acre tract,
12 S09°39'06"E, a distance of 23.28 feet to a point for an angle
13 point of the herein described 133.368 acre tract,
14 S26°38'10"E, a distance of 51.18 feet to a point for an angle
15 point of the herein described 133.368 acre tract,
16 S13°00'17"E, a distance of 83.32 feet to a point for an angle
17 point of the herein described 133.368 acre tract,
18 S25°51'11"E, a distance of 100.46 feet to a point for an angle
19 point of the herein described 133.368 acre tract,
20 S36°01'22"E, a distance of 91.17 feet to a point for an angle
21 point of the herein described 133.368 acre tract,
22 S40°12'01"E, a distance of 113.87 feet to a point for an angle
23 point of the herein described 133.368 acre tract, and
24 S43°59'42"E, a distance of 196.24 feet to a point for most
25 southerly east corner of said 441 acre tract, the south corner of
26 said 40 acre tract, the most southerly west corner of the
27 aforementioned 54.52 acre tract, the north corner of 2.0 acre tract

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1 of land as described and recorded in Document Number 2016-003354,
2 Official Public Records of Caldwell County, Texas, and the most
3 southerly east corner of the herein described 133.368 acre tract;

4 THENCE: leaving the centerline of the aforementioned
5 Morrison Creek, along a southeast line of the aforementioned 441
6 acre tract and the northwest line of the aforementioned 2.0 acre
7 tract, S47°51'47"W, passing a 1/2" iron rod with plastic cap stamped
8 "MMES RPLS 6490" set for a point of reference of the centerline of
9 Morrison Creek at a distance of 20.00 feet, a total distance of
10 191.94 feet (Record - S50°W ~ 194.44') to a 3/4" iron rod found in
11 the limits of S.E. River Road (variable width right-of-way) for the
12 south corner of said 441 acre tract and the south corner of the
13 herein described 133.368 acre tract;

14 THENCE: along the southwest lines of the aforementioned 441
15 acre tract, and within the limits of the aforementioned S.E. River
16 Road, the following five (5) courses and distances,

17 N69°38'13"W, a distance of 139.15 feet (Record - N67°30"W ~ 60
18 varas (166.67')) to a 3/4" iron rod leaning found for an angle point
19 of the herein described 133.368 acre tract,

20 N85°43'19"W, a distance of 376.67 feet (Record - N84°W ~ 136.5
21 varas (379.17')) to a MAG nail with washer stamped "MMES RPLS 6490"
22 set for an angle point of the herein described 133.368 acre tract,

23 N76°13'19"W, a distance of 1,294.19 feet (Record - N74°30'W ~
24 469 varas (1,302.78')) to a 60D nail found for an angle point of the
25 herein described 133.368 acre tract,

26 N70°01'56"W, a distance of 572.17 feet (Record - N68°30'W ~ 208
27 varas (577.16')) to a MAG nail with washer stamped "MMES RPLS 6490"

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1 set for an angle point of the herein described 133.368 acre tract,
2 and

3 N41°01'56"W, a distance of 151.30 feet (Record - N39°30'W ~ 55
4 varas (152.78')) to a 1/2" iron rod found for the most southerly
5 west corner of said 441 acre tract, the south corner of a 1.0466
6 acre tract of land described and recorded in Volume 335, Page 922,
7 Official Public Records of Caldwell County, Texas, and the most
8 southerly west corner of the herein described 133.368 acre tract;

9 THENCE: leaving the aforementioned S.E. River Road, along a
10 northwest line of the aforementioned 441 acre tract and the
11 southwest line of the aforementioned 1.0466 acre tract,
12 N49°29'46"E, a distance of 400.02 feet (Record - N50°E) to a 60D nail
13 found for the northeast corner of said 1.0466 acre tract and an
14 angle point of the herein described 133.368 acre tract;

15 THENCE: continuing along a northwest line of the
16 aforementioned 441 acre tract, the southeast line of a 0.7904 of an
17 acre tract of land described and recorded in Volume 561, Page 583,
18 Official Public Records of Caldwell County, Texas, the southeast
19 line of a 40 acre tract of land described as "Tract 1 - Tract 5" and
20 recorded in Volume 101, Page 433, Official Public Records of
21 Caldwell County, Texas, the southeast line of a 1/3 of an acre tract
22 of land described and recorded in Volume 277, Page 548, Deed Records
23 of Caldwell County, Texas, the southeast line of a 1/3 acre tract of
24 land as described and recorded in Volume 277, Page 548, Deed Records
25 of Caldwell County, Texas, and the southeast line of a 2.0 acre
26 tract of land described and recorded in Volume 92, Page 634, Deed
27 Records of Caldwell County, Texas, N49°12'28"E (Record - N50°E),

1 passing a 1/2" iron rod with plastic cap stamped "MMES RPLS 6490"
2 set for a point of reference of the centerline of Hemphill Creek at
3 a distance of 1,786.98 feet, a total distance of 1,813.63 feet to a
4 point in the centerline of said Hemphill Creek, for an interior
5 corner of said 441 acre tract, the east corner of said 2.0 acre
6 tract, and an interior corner of the herein described 133.368 acre
7 tract;

8 THENCE: along the southwest lines of the aforementioned 441
9 acre tract, the northeast line of the aforementioned 2.0 acre
10 tract, the northeast lines of the aforementioned 40 acre tract, and
11 the centerline of aforementioned Hemphill Creek the following
12 fifteen (15) courses and distances,

13 N76°05'27"W, a distance of 19.82 feet to a point for an angle
14 point of the herein described 133.368 acre tract,

15 N85°59'21"W, a distance of 35.03 feet to a point for an angle
16 point of the herein described 133.368 acre tract,

17 N73°49'55"W, a distance of 27.15 feet to a point for an angle
18 point of the herein described 133.368 acre tract,

19 N61°01'47"W, a distance of 44.86 feet to a point for an angle
20 point of the herein described 133.368 acre tract,

21 N44°28'47"W, a distance of 98.19 feet to a point for an angle
22 point of the herein described 133.368 acre tract,

23 N33°28'48"W, a distance of 42.01 feet to a point for an angle
24 point of the herein described 133.368 acre tract,

25 N17°36'42"W, a distance of 70.02 feet to a point for an angle
26 point of the herein described 133.368 acre tract,

27 N00°24'46"E, a distance of 41.36 feet to a point for an angle

1 point of the herein described 133.368 acre tract,
2 N11°57'46"W, a distance of 70.04 feet to a point for an angle
3 point of the herein described 133.368 acre tract,
4 N43°00'52"W, a distance of 29.10 feet to a point for an angle
5 point of the herein described 133.368 acre tract,
6 N87°46'17"W, a distance of 29.31 feet to a point for an angle
7 point of the herein described 133.368 acre tract,
8 S82°58'32"W, a distance of 34.18 feet to a point for an angle
9 point of the herein described 133.368 acre tract,
10 S72°52'38"W, a distance of 70.24 feet to a point for an angle
11 point of the herein described 133.368 acre tract,
12 S80°59'30"W, a distance of 113.36 feet to a point for an angle
13 point of the herein described 133.368 acre tract, and
14 S89°34'24"W, a distance of 58.00 feet to a point for the south
15 corner of a 8.05 acre tract of land as described and recorded in
16 Volume 582, Page 205, Official Public Records of Caldwell County,
17 Texas, and the most northerly west corner of the herein described
18 133.368 acre tract;

19 THENCE: leaving the centerline of the aforementioned
20 Hemphill Creek, along the southeast line of the aforementioned 8.05
21 acre tract, N48°31'37"E (Record - N50°E), passing a 1/2" iron found
22 for a reference point to the centerline of said Hemphill Creek at a
23 distance of 57.28 feet, a total distance of 1,447.28 feet to a point
24 in the south right-of-way line of the aforementioned San Marcos
25 Highway for a point of curvature of a curve to the right, the east
26 corner of said 8.05 acre tract, and the most northerly north corner
27 of the herein described 133.368 acre tract, from which a 1/2" iron

1 rod found bears $N48^{\circ}31'37''E$, a distance of 0.53 feet;

2 THENCE: along the southwest right-of-way line of the
3 aforementioned San Marcos Highway, an arc length of 312.50 feet
4 with said curve to the right, having a radius of 5,679.58 feet
5 (Record - 5,679.58'), a delta angle of $03^{\circ}09'09''$, and a chord which
6 bears $S61^{\circ}23'44''E$, a distance of 312.46 feet to a point for a point
7 of tangency of the herein described 133.368 acre tract, from which a
8 broken TxDOT Type I concrete monument found, bears $N26^{\circ}54'38''E$, a
9 distance of 1.34 feet;

10 THENCE: continuing along the southwest right-of-way line of
11 the aforementioned San Marcos Highway the following six (6) courses
12 and distances,

13 $S59^{\circ}49'09''E$, a distance of 245.09 feet (Record - $S59^{\circ}06'E$ ~
14 245.20') to a point for an east corner of the herein described
15 133.368 acre tract, from which a bent 1" iron bar found, bears
16 $N59^{\circ}31'55''E$, a distance of 1.01 feet,

17 $S30^{\circ}13'40''W$, a distance of 10.00 feet (Record - $S30^{\circ}54'W$ ~
18 10.00') to a 1/2" iron rod with plastic cap stamped "MMES RPLS 6490"
19 set for an interior corner of the herein described 133.368 acre
20 tract,

21 $S59^{\circ}49'09''E$, a distance of 200.12 feet (Record - $S59^{\circ}06'E$ ~
22 200.00') to a point for an east corner of the herein described
23 133.368 acre tract, from which a leaning TxDOT Type I concrete
24 monument found, bears $N45^{\circ}05'43''E$, a distance of 0.86 feet,

25 $S30^{\circ}10'51''W$, a distance of 30.00 feet (Record - $S30^{\circ}54'W$ ~
26 30.00') to a 1/2" iron rod with plastic cap stamped "MMES RPLS 6490"
27 set for an interior corner of the herein described 133.368 acre

1 tract,

2 S59°48'27"E, a distance of 599.98 feet (Record - S59°06'E ~
3 600.00') to a TxDOT Type I concrete monument found for an interior
4 corner of the herein described 133.368 acre tract, and

5 N30°14'05"E, a distance of 30.00 feet (Record - N30°54'E ~
6 30.00') to a point for a north corner of the herein described
7 133.368 acre tract, from which a broken TxDOT Type I concrete
8 monument found, bears N79°45'24"W, a distance of 1.19 feet;

9 THENCE: continuing along the southwest right-of-way line of
10 the aforementioned San Marcos Highway, S59°42'51"E, a distance of
11 591.16 feet (Record - S59°06'E) to the PLACE OF BEGINNING and
12 containing 133.368 acres of land.

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. (a) If this Act does not receive a two-thirds
5 vote of all the members elected to each house, Subchapter C, Chapter
6 7989A, Special District Local Laws Code, as added by Section 1 of
7 this Act, is amended by adding Section 7989A.0308 to read as
8 follows:

9 Sec. 7989A.0308. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

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

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