

By: Shapleigh

S.B. No. 1862

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Tierra del Este Municipal Utility
3 District; providing authority to impose a tax and issue bonds;
4 granting the power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8127 to read as follows:

8 CHAPTER 8127. TIERRA DEL ESTE MUNICIPAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8127.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a member of the board.

14 (3) "District" means the Tierra del Este Municipal
15 Utility District.

16 Sec. 8127.002. NATURE OF DISTRICT. The district is a
17 municipal utility district in El Paso County created under and
18 essential to accomplish the purposes of Section 59, Article XVI,
19 Texas Constitution.

20 Sec. 8127.003. CONFIRMATION ELECTION REQUIRED. If the
21 creation of the district is not confirmed at a confirmation
22 election held under Section 8127.022 before September 1, 2007:

23 (1) the district is dissolved September 1, 2007,
24 except that:

1 (A) any debts incurred shall be paid;

2 (B) any assets that remain after the payment of
3 debts shall be transferred to El Paso County; and

4 (C) the organization of the district shall be
5 maintained until all debts are paid and remaining assets are
6 transferred; and

7 (2) this chapter expires September 1, 2010.

8 Sec. 8127.004. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act creating this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect:

15 (1) the organization, existence, or validity of the
16 district;

17 (2) the right of the district to impose taxes; or

18 (3) the legality or operation of the district or the
19 board.

20 Sec. 8127.005. APPLICABILITY OF OTHER LAW. Except as
21 otherwise provided by this chapter, Chapters 30, 49, and 54, Water
22 Code, apply to the district.

23 [Sections 8127.006-8127.020 reserved for expansion]

24 SUBCHAPTER A-1. TEMPORARY PROVISIONS

25 Sec. 8127.021. TEMPORARY DIRECTORS. (a) The temporary
26 board consists of:

27 (1) Jack Wilkinson;

- (2) Harold Hahn;
- (3) Sean Henschel;
- (4) John Martin; and
- (5) Roland Correra.

(b) Temporary directors of the district are not required to own land in or be residents of the district.

(c) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Commission on Environmental Quality shall appoint the necessary number of persons to fill all vacancies on the board.

(d) Temporary directors serve until the earlier of:

(1) the date directors are elected under Section 8127.022; or

(2) the date this chapter expires under Section 8127.003.

Sec. 8127.022. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary directors shall hold an election to confirm the creation of the district and to elect five initial directors as provided by Section 49.102, Water Code.

(b) At the confirmation and initial directors' election the board may submit to the voters a proposition to authorize:

- (1) an issuance of bonds;
- (2) a maintenance tax; or
- (3) a tax to fund payments required under a contract.

(c) Section 41.001(a), Election Code, does not apply to a

1 confirmation and initial directors' election held under this
2 section.

3 Sec. 8127.023. INITIAL ELECTED DIRECTORS; TERMS. The
4 directors elected under Section 8127.022 shall draw lots to
5 determine which two shall serve until the first regularly scheduled
6 election of directors under Section 8127.052 and which three shall
7 serve until the second regularly scheduled election of directors.

8 Sec. 8127.024. EXPIRATION OF SUBCHAPTER. This subchapter
9 expires September 1, 2010.

10 [Sections 8127.025-8127.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 8127.051. DIRECTORS; TERMS. (a) The district is
13 governed by a board of five directors.

14 (b) Directors serve staggered four-year terms.

15 Sec. 8127.052. ELECTION OF DIRECTORS. On the uniform
16 election date in May of each even-numbered year, the appropriate
17 number of directors shall be elected.

18 [Sections 8127.053-8127.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8127.101. DEFINITIONS. In this subchapter:

21 (1) "Affordable housing unit" means a residential
22 housing unit with an initial purchase price determined as provided
23 by Section 8127.102.

24 (2) "Average median family income" means the average
25 median family income published by the United States Department of
26 Housing and Urban Development for the applicable year.

27 (3) "Residential housing unit" means housing for sale

1 or sold to individuals or families as their primary place of
2 residence and does not include multi-family housing.

3 (4) "Residential property" means property designated
4 on the district's master plan map for the development of
5 residential housing units.

6 (5) "Standard loan qualifying guidelines" means the
7 loan guidelines of the Federal Housing Administration that require
8 a three percent down payment and a debt-to-income ratio of 40
9 percent, which is adjusted upwards or downwards based on the
10 circumstances of and other debts owed by the borrower.

11 Sec. 8127.102. DETERMINATION OF INITIAL PURCHASE PRICE.

12 (a) For a purchaser of documented low or very low income, the
13 initial purchase price of an affordable housing unit must be not
14 more than the maximum purchase price that a person of low or very
15 low income, as determined by the United States Department of
16 Housing and Urban Development, for the El Paso Standard
17 Metropolitan Area, would be able to pay under standard loan
18 qualifying guidelines.

19 (b) Except as provided by Subsection (a), the initial
20 purchase price of an affordable housing unit must be not more than
21 the maximum purchase price that a purchaser with an annual income
22 equal to the average median family income for the City of El Paso
23 for a low income family of four would be able to pay under standard
24 loan qualifying guidelines if:

25 (1) the purchaser makes a three percent down payment;

26 (2) the purchaser has good credit and no other fixed
27 debt obligations;

1 (3) the loan is for 30 years at an interest rate equal
2 to the interest rate for similar Federal Housing Administration
3 loans on January 1 of that calendar year; and

4 (4) the debt-to-income ratio determined under
5 standard loan qualifying guidelines is not more than 40 percent.

6 Sec. 8127.103. DETERMINATION OF MAXIMUM MONTHLY MORTGAGE
7 LOAN PAYMENT. To determine the maximum monthly mortgage loan
8 payment that a borrower may have and still meet the required
9 debt-to-income ratio of the standard loan qualifying guidelines,
10 the amounts to be paid by the borrower for tax and insurance escrows
11 and mortgage insurance premiums are included in addition to the
12 payment for principal and interest on the loan.

13 Sec. 8127.104. ZONING AUTHORITY. The district has the
14 zoning authority granted to a municipality under Chapter 211, Local
15 Government Code.

16 Sec. 8127.105. AFFORDABLE HOUSING REQUIREMENTS. The
17 district shall exercise the authority granted to the district under
18 Section 8127.104 to ensure that:

19 (1) a minimum of five percent of all residential
20 housing units in the district are affordable housing units;

21 (2) in each housing sector in the district at least 2.5
22 percent of the residential housing units are allocated for
23 affordable housing; and

24 (3) affordable housing units are located in not less
25 than two platted subdivisions within each housing sector.

26 Sec. 8127.106. DEVELOPMENT AND SALE OF AFFORDABLE HOUSING.

27 (a) The district shall require property designated for affordable

1 housing to be developed and made available for sale concurrently
2 with other residential property in the district.

3 (b) The district shall reject any requested purchase of
4 property within a housing sector in which the affordable housing
5 units required under Section 8127.105 are not completed.

6 Sec. 8127.107. COMPLIANCE WITH MUNICIPAL ORDINANCES. The
7 district is subject to the requirements of municipal ordinances of
8 the City of El Paso that apply to areas within the extraterritorial
9 jurisdiction of the City of El Paso.

10 [Sections 8127.108-8127.150 reserved for expansion]

11 SUBCHAPTER D. DIVISION OF DISTRICT TO MULTIPLE DISTRICTS

12 Sec. 8127.151. DIVISION OF DISTRICT; REQUIREMENTS. (a)
13 Subject to the approval of the City of El Paso, at any time before
14 the district issues indebtedness secured by taxes or net revenues,
15 the district, including any annexed territory, may be divided into
16 two or more new districts.

17 (b) A new district created by division of the district must
18 be at least 100 acres.

19 (c) The board by resolution may declare an intent to divide
20 the district. The resolution must:

21 (1) set the terms of the division, including a plan for
22 the payment or performance of any outstanding district obligations;
23 and

24 (2) contain a metes and bounds description for each
25 new district.

26 Sec. 8127.152. DISTRICT DIVISION BY ELECTION. (a) The
27 board shall hold an election in the district to determine whether

1 the district should be divided as proposed under Section 8127.151.

2 (b) The board shall give notice of the election not later
3 than the 20th day before the date of the election. The notice must
4 state:

5 (1) the date and location of the election; and

6 (2) the proposition to be voted on.

7 (c) If a majority of the votes are cast in favor of the
8 division, the district is divided.

9 (d) If less than a majority of the votes are cast in favor of
10 the division, the district may not be divided.

11 Sec. 8127.153. NOTICE OF DIVISION. Not later than the 30th
12 day after the date of a division under this subchapter, the district
13 shall provide written notice of the plan for division to:

14 (1) the Texas Commission on Environmental Quality;

15 (2) the attorney general;

16 (3) the commissioners court of each county in which a
17 new district is located; and

18 (4) each municipality having extraterritorial
19 jurisdiction over territory in a new district.

20 Sec. 8127.154. DISTRICT NAMES FOLLOWING DIVISION. The
21 resulting new districts are assigned consecutive letters to be
22 appended to the name of the original district.

23 Sec. 8127.155. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
24 Not later than the 90th day after the date of an election in favor of
25 the division of the district, the board shall:

26 (1) appoint itself as the board of one of the new
27 districts; and

1 (2) appoint five directors for each of the other new
2 districts.

3 (b) A director appointed under Subsection (a)(1) serves the
4 term to which that director was elected in the original district. A
5 director appointed under Subsection (a)(2):

6 (1) serves until the election for directors under
7 Subsection (c); and

8 (2) is not required to own land in or reside in the
9 district for which the director is appointed.

10 (c) On the uniform election date in May of the first
11 even-numbered year after the year in which the directors are
12 appointed, an election shall be held to elect five directors in each
13 district for which directors were appointed under Subsection
14 (a)(2). Of the five directors elected in each district, the three
15 directors receiving the greatest number of votes shall serve until
16 the second regularly scheduled election of directors under
17 Subsection (d), and the remaining two directors shall serve until
18 the first regularly scheduled election of directors.

19 (d) Except as provided by Subsection (c), directors serve
20 staggered four-year terms. On the uniform election date in May of
21 each even-numbered year, the appropriate number of directors shall
22 be elected.

23 Sec. 8127.156. CONTINUING POWERS AND OBLIGATIONS OF NEW
24 DISTRICTS. (a) Each new district may incur and pay debts and has
25 all powers of the original district created by this chapter.

26 (b) If the district is divided as provided by this
27 subchapter, the current obligations and any bond authorizations of

1 the district are not impaired. Debts shall be paid by revenues or
2 by taxes or assessments imposed on real property in the district as
3 if the district had not been divided or by contributions from each
4 new district as stated in the terms set by the board in the plan for
5 division.

6 (c) Any other district obligation shall be divided pro rata
7 among the new districts on an acreage basis or on other terms that
8 are satisfactory to the new districts.

9 Sec. 8127.157. CONTRACT AUTHORITY OF NEW DISTRICTS. The
10 new districts may contract with each other for:

11 (1) water and wastewater services; or

12 (2) any other matter the boards of the new districts
13 consider appropriate.

14 Sec. 8127.158. BOND ISSUANCE BY NEW DISTRICT. A new
15 district may issue bonds payable wholly or partly from ad valorem
16 taxes on the approval of a majority of the residents voting in an
17 election called and held for that purpose.

18 Sec. 8127.159. MAINTENANCE TAX APPROVAL FOR NEW DISTRICT.
19 A new district may impose a maintenance tax on the approval of a
20 majority of the residents voting in an election called and held for
21 that purpose.

22 SECTION 2. BOUNDARIES. The Tierra del Este Municipal
23 Utility District initially includes the territory contained within
24 the following area:

25 Description of a parcel of land being a portion of Section 37, Block
26 79, Township 2, Texas and Pacific Railroad Surveys El Paso County,
27 Texas and being more particularly described by metes and bounds as

1 follows:

2 Tract One:

3 Description of a parcel of land being a portion of Section 37, Block
4 79, Township 2, Texas and Pacific Railroad Surveys El Paso County,
5 Texas and being more particularly described by metes and bounds as
6 follows:

7 The "TRUE POINT OF BEGINNING" being a found 2" pipe with brass cap
8 marked sect 37, 38, 47, 48;

9 Thence North 00°35'06" West between the common line of sections 37
10 and 38 a distance of 5236.86 feet to a found 2" pipe for the common
11 corner of sections 35,36,37 & 38;

12 Thence North 89°58'06" East with the common line between section 37
13 and Hillcrest Estates a distance of 5313.88 feet to a found 2" pipe
14 for the common corner of sections 36,37, 7 & 18;

15 Thence South 00°35'30" East along the line between sections 37 and
16 18 a distance of 4736.94 feet to a set 1/2" rebar with cap marked TX
17 5152 on the northerly boundary line of Jobe Concrete Products Inc.
18 property in Book 3084, Page 133, Deed records of El Paso County,
19 Texas;

20 Thence along said boundary line South 89°58'09" West (S 89°56'40" W
21 Book 3084, Page 133) a distance of 500.00 feet to a point on the
22 westerly line of said Jobe Concrete Products property from which a
23 found 1/2" rebar with cap marked TX 4680 bears N 08°42'03" W- 0.67';

24 Thence along said boundary line South 00°35'30" East (S 00°29'44" E
25 Book 3084, Page 133) a distance of 500.00 feet to a set 1/2" rebar
26 with cap marked TX 5152 on the line between sections 37 and 48;

27 Thence South 89°58'09" West along the line between sections 37 and

1 48 a distance of 4814.48 feet to the "TRUE POINT OF BEGINNING" and
2 containing 633.12 acres of land more or less.

3 NOTE: Bearings Basis is True North for a Transverse Mercator
4 Surface Projection as determined by GPS Methods based on a set 1/2"
5 rebar with cap marked TX 5152 Latitude:31°47'01.296"N Longitude:
6 106°14'58.705W.

7 Tract Two:

8 The parcel of land herein described is all of Tract 5, Section 38,
9 Block 79, Township 2, Texas & Pacific Railway Company Surveys, El
10 Paso County, Texas, and is more particularly described by metes and
11 bounds as follows:

12 COMMENCING at a T-Bar with EPNG brass found on the common boundary
13 line between Sections 38 and 39, Block 79, Township 2, Texas &
14 Pacific Railway Company Surveys, from which a 2" iron pipe in
15 concrete found at the common corner of Sections 38, 39, 46 and 47,
16 Block 79, Township 2, Texas & Pacific Railway Company Surveys bears
17 South 00°30'31" East, a distance of 299.90 feet, said point being
18 the POINT OF BEGINNING of this description;

19 THENCE, N 00°30'31" W, along said common boundary line, a distance
20 of 3173.84 feet to a found T-Bar with EPNG brass cap on the
21 southerly right-of-way line of Zaragosa Road [F.M. 659 (deed dated
22 March 10, 1936, recorded in Book 606, Page 507, Deed Records, El
23 Paso County, Texas)];

24 THENCE, N 42°33'48" E, along said boundary line, a distance of
25 1149.66 feet to a set 5/8" rebar with cap marked "RPLS 4178";

26 THENCE, S 40°37'29" E, a distance of 4703.80 feet to a found T-Bar
27 with EPNG brass cap;

1 THENCE, S 00°28'20" E, a distance of 465.30 feet to a found T-Bar
2 with EPNG brass cap;

3 THENCE, N 89°46'32" W, a distance of 3815.98 feet to the POINT OF
4 BEGINNING of this description.

5 Said parcel of land contains 221.032 acres (9,628,155 square feet)
6 of land more or less.

7 Tract Three:

8 The parcel of land herein described is all of Tract 4, Section 38,
9 Block 79, Township 2, Texas & Pacific Railway Company Surveys, El
10 Paso County, Texas, and is more particularly described by metes and
11 bounds as follows:

12 COMMENCING at a brass cap in concrete found at the common corner of
13 Sections 35, 36, 37 and 38, Section 38, Block 79, Township 2, Texas
14 & Pacific Railway Company Surveys, from which a 2" iron pipe in
15 concrete found at the common corner of Sections 34, 35, 38 and 39,
16 Section 38, Block 79, Township 2, Texas & Pacific Railway Company
17 Surveys bears North 89°58'13" West, a distance of 5312.88 feet, said
18 point being the POINT OF BEGINNING of this description;

19 THENCE, South 00°32'27" East, along the common boundary line between
20 Sections 37 and 38, a distance of 4894.09 feet to a found T-Bar;

21 THENCE, North 89°46'48" West, a distance of 839.84 feet to a found
22 T-Bar with EPNG brass cap;

23 THENCE, North 00°33'24" West, a distance of 599.67 feet to a found
24 T-Bar with EPNG brass cap;

25 THENCE, North 89°46'48" West, a distance of 659.70 feet to a set 5/8"
26 rebar with cap marked "RPLS 4178";

27 THENCE, South 00°33'24" East, a distance of 77.62 feet to a found

1 T-Bar with EPNG brass cap;
2 THENCE, North 40°37'15" West, a distance of 4623.41 feet to a 5/8"
3 rebar with cap marked "RPLS 4178" set on the southerly right-of-way
4 line of Zaragosa Road [F.M. 659 (deed dated March 10, 1936, recorded
5 in Book 606, Page 507, Deed Records, El Paso County, Texas)];
6 THENCE, North 42°33'48" East, along said right-of-way line, a
7 distance of 1165.83 feet to a chiseled "X" set on the common
8 boundary line between Sections 35 and 38;
9 THENCE, South 89°58'13" East, along said boundary line, a distance
10 of 3679.91 feet to the POINT OF BEGINNING of this description.
11 Said parcel of land contains 330.029 acres (14,376,082 square feet)
12 of land more or less.
13 Tract Four:
14 The parcel of land herein described is all of Tract 6, Section 38,
15 Block 79, Township 2, Texas & Pacific Railway Company Surveys, El
16 Paso County, Texas, and is more particularly described by metes and
17 bounds as follows:
18 COMMENCING at a 2" iron pipe in concrete found at the common corner
19 of Sections 38, 39, 46 and 47, Section 38, Block 79, Township 2,
20 Texas & Pacific Railway Company Surveys, from which a 2" iron pipe
21 in concrete found at the common corner of Sections 34, 35, 38 and
22 39, Section 38, Block 79, Township 2, Texas & Pacific Railway
23 Company Surveys bears North 00°30'31" West, a distance of 5235.75
24 feet, said point being the POINT OF BEGINNING of this description;
25 THENCE, North 00°30'31" West, along the common boundary line between
26 Sections 38 and 39, a distance of 239.93 feet to a found T-Bar with
27 EPNG brass cap;

1 THENCE, South 89°46'19" East, a distance of 5315.88 feet to a found
2 T-Bar with EPNG brass cap on the common boundary line between
3 Sections 37 and 38;

4 THENCE, South 00°32'27" East, a distance of 222.61 feet to a brass
5 cap in concrete found at the common corner of Sections 37, 38, 47
6 and 48, Block 79, Township 2, Texas & Pacific Railway Company
7 Surveys;

8 THENCE, North 89°57'31" West, along the common boundary line between
9 Sections 38 and 47, a distance of 5315.81 feet to the POINT OF
10 BEGINNING of this description.

11 Said parcel of land contains 28.221 acres (1,229,299 square feet)
12 of land more or less.

13 Tract Five:

14 Description of a parcel of land being a portion of Section 39, Block
15 79, Township 2, Texas and Pacific Railroad Company Surveys El Paso
16 County, Texas and being more particularly described by metes and
17 bounds as follows:

18 The "TRUE POINT OF BEGINNING" being a found 1/2" rebar with cap
19 marked TX 5152 set for the common corner of sections 38, 39, 46 and
20 47, Block 79, TSP 2, T & P RR. Surveys from this point a 2" pipe
21 found for the common corner of sections 34, 35, 38 and 39 bears
22 North 00°33'11" West a distance of 5235.75 feet, Thence from said
23 1/2" rebar South 89°57'37" West with the common line between
24 sections 39 and 46 a distance of 2542.84 feet to a set 1/2" rebar
25 with cap marked TX 5152;

26 Thence leaving said boundary line North 42°31'34" East a distance of
27 3722.85 feet to a set 1/2" rebar with cap marked TX 5152 on the line

1 between sections 38 and 39;

2 Thence along said boundary line South 00°33'11" East a distance of
3 2741.99 feet to the "TRUE POINT OF BEGINNING" and containing 80.029
4 acres of land more or less.

5 NOTE: Bearings Basis is True North for a Transverse Mercator
6 Surface Projection as determined by GPS Methods based on a set 1/2"
7 rebar with cap marked TX 5152 Latitude:31°47'01.296"N Longitude:
8 106°14'58.705W Height: 3928.22sft.

9 Tract Six:

10 Description of a parcel of land being Tract 2A, Section 46, Block
11 79, Township 2, Texas and Pacific Railroad Company Surveys, El Paso
12 County, Texas and being more particularly described by metes and
13 bounds as follows:

14 Commencing for reference at a found 2" pipe at the Northeasterly
15 corner of Section 46, Block 79, Township 2, Texas and Pacific
16 Railroad Company Surveys; Thence along the Easterly boundary line
17 of said Section 46 South 00 33'12" East a distance 524.76 feet to a
18 set 1/2" rebar with cap marked Tx 5152 for the "TRUE POINT OF
19 BEGINNING";

20 Thence continuing along the Easterly boundary line of said Section
21 46, South 00°33'12" East a distance of 1048.28 feet to a set 1/2"
22 rebar with cap marked Tx 5152 on the Southerly boundary line of
23 Tract 2A, Section 46, Block 79, Township 2, Texas and Pacific
24 Railroad Company Surveys;

25 Thence along said boundary line the following 3 courses:

26 1. North 90°00'00" West a distance of 4422.30 feet to a set
27 1/2" rebar with cap marked Tx 5152;

1 2. 185.59 feet along the arc of a curve to the right whose
2 radius is 250.00 feet, whose interior angle is 42°32'00, whose
3 chord bears North 68°44'00" West a distance of 181.35 feet to a set
4 1/2" rebar with cap marked Tx 5152;

5 3. North 47°28'00" West a distance of 20.86 feet (20.00 feet
6 volume 780, page 1233 Deed Records of El Paso County, Texas) to a
7 set 1/2" rebar with cap marked Tx 5152 on the Southeasterly
8 right-of-way line of Zaragosa Road (100' R.O.W.);

9 Thence along said right-of-way line North 42°33'05" East a distance
10 of 1314.51 feet (North 42 32'00" East - 1314.91 feet volume 780,
11 page 1233, Deed Records of El Paso County, Texas) to a set 1/2"
12 rebar with cap marked Tx 5152 on the Northerly boundary line of said
13 Tract 2A;

14 Thence along said boundary line South 90°00'00" East a distance of
15 3707.61 feet to the "TRUE POINT OF BEGINNING" and containing in all
16 4,388,551.33 square feet or 100.75 acres of land more or less.

17 NOTE: Bearings based on found 2" pipes at Northeast and Southeast
18 corners of Section 46, Block 79, Township 2, Texas and Pacific
19 Railroad Company Surveys with bearing of South 00 33'12" East as per
20 Deed in volume 780, page 1233, Deed Records of El Paso County,
21 Texas.

22 Tract Seven:

23 Description of a parcel of land being a portion of Section 47, Block
24 79, Township 2, Texas and Pacific Railroad Surveys El Paso County,
25 Texas and being more particularly described by metes and bounds as
26 follows:

27 The "TRUE POINT OF BEGINNING" being a found 2" pipe with brass cap

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1 marked sect 37,38,47,48, Thence South 00°34'52" East with the common
2 line between sections 47 and 48 a distance of 4734.76 feet to a
3 found 1/2" rebar with cap marked TX 4680 on the northerly boundary
4 line of property to Jobe Concrete Products Inc. recorded in book
5 3084, page 133, deed records of El Paso County, Texas;

6 Thence along said boundary line South 89°59'32" West (S 89°55'06" W
7 book 3084, page 133) a distance of 500.00 feet to a point on the
8 westerly boundary line of said Jobe Concrete Products property from
9 which a found 1/2" rebar with cap marked TX 4680 bears N 61°14'07" E
10 - 0.18';

11 Thence along said boundary line South 00°34'52" East (S00°29'10"E
12 book 3084, page 133) a distance of 500.00 feet to a point on the line
13 between sections 47 and 2 from which a found 1/2" rebar with cap
14 marked TX 4680 bears S 08°02'47" W- 0.18';

15 Thence South 89°59'32" West along the line between section 47 and 2 a
16 distance of 4716.17 feet to a set 1/2" rebar with cap marked TX 5152
17 on the easterly boundary line of an 100 foot El Paso Electric
18 Company easement in book 3848, page 1070, Deed records of El Paso
19 County, Texas;

20 Thence along said boundary line North 00 34'37" West (N 00°35'50" W
21 Book 3848, Page 1070) a distance of 2853.01 feet to a set 1/2" rebar
22 with cap marked TX 5152 on the northerly line of said El Paso
23 Electric Company Easement;

24 Thence along said line North 89 58'26" West (N 89°59'39" W Book 3848,
25 page 1070) a distance of 100.01 feet to a set 1/2" rebar with cap
26 marked TX 5152 on the line between sections 46 and 47;

27 Thence North 00 34'37" West with the common line between sections 46

1 and 47 a distance of 2382.12 feet to a set 1/2" rebar with cap marked
2 TX 5152 for the common corner of section 38,39,46 & 47;
3 Thence North 89°59'49" East (N 89°57'31" E Book 3661, Page 718) along
4 the line between section 38 and 47 a distance of 5315.81 feet to the
5 "TRUE POINT OF BEGINNING" and containing 626.55 acres of land more
6 or less.

7 NOTE: Bearings Basis is True North for a Transverse Mercator
8 Surface Projection as determined by GPS Methods based on a set 1/2"
9 rebar with cap marked TX 5152 Latitude:31°47'01.296"N Longitude:
10 106°14'58.705W.

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

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

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

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. This Act takes effect September 1, 2005.