

By: Miller of Comal

H.B. No. 4225

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal County Water Improvement District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9038 to read as follows:

CHAPTER 9038. COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9038.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Comal County Water Improvement District No. 1.

Sec. 9038.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9038.003. CONFIRMATION AND DIRECTORS' 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.

Sec. 9038.004. CONSENT OF MUNICIPALITY AND DEVELOPMENT AGREEMENT REQUIRED. (a) The temporary directors may not hold an election under Section 9038.003 until each municipality in whose

1 corporate limits or extraterritorial jurisdiction the district is
2 located has:

3 (1) consented by ordinance or resolution to the
4 creation of the district and to the inclusion of land in the
5 district; and

6 (2) entered into a development agreement under Section
7 212.172, Local Government Code, with the retail public utility
8 owned by the municipality that addresses water and wastewater
9 issues and with the owners of land in the district that addresses
10 relevant issues, including:

11 (A) the provision of services other than water or
12 wastewater services to land in the district, including emergency
13 services and solid waste collection;

14 (B) traffic and roadway impacts caused by the
15 creation of the district;

16 (C) the amount of debt to be issued by the
17 district or any new district created by the division of the
18 district;

19 (D) a plan for dividing the district, including
20 the number, location, and size of any new districts created by the
21 division of the district;

22 (E) fire flow; and

23 (F) a prohibition against a retail public
24 utility, as defined by Section 13.002, Water Code, other than the
25 retail public utility owned by the municipality, from providing
26 retail water or wastewater service to the property in the district
27 or a new district created by the division of the district.

1 (b) The development agreement may not contain a provision
2 prohibited by Section 212.174, Local Government Code, in relation
3 to the provision of utility service.

4 (c) A confirmation election held in violation of this
5 section is void.

6 Sec. 9038.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
7 The district is created to serve a public purpose and benefit.

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

9 (1) a water control and improvement district as
10 provided by general law and Section 59, Article XVI, Texas
11 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. 9038.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act creating this chapter.

19 (b) The boundaries and field notes contained in Section 2 of
20 the Act creating 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 [Sections 9038.007-9038.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 9038.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 9038.052, directors serve
7 staggered four-year terms.

8 Sec. 9038.052. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Donnie Shaw;

11 (2) Bob Shemwell;

12 (3) Joe Dawson;

13 (4) Dick Nevitt; and

14 (5) Robert Whitley.

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

16 (1) the date permanent directors are elected under
17 Section 9038.003; or

18 (2) the fourth anniversary of the effective date of
19 the Act creating this chapter.

20 (c) If permanent directors have not been elected under
21 Section 9038.003 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 9038.003; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 [Sections 9038.053-9038.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 9038.101. GENERAL POWERS AND DUTIES. The district has
12 the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 9038.102. WATER CONTROL AND IMPROVEMENT DISTRICT
15 POWERS AND DUTIES. The district has the powers and duties provided
16 by the general law of this state, including Chapters 49 and 51,
17 Water Code, applicable to water control and improvement districts
18 created under Section 59, Article XVI, Texas Constitution, and
19 including powers relating to sanitary sewer.

20 Sec. 9038.103. AUTHORITY FOR ROAD PROJECTS. Under Section
21 52, Article III, Texas Constitution, the district may design,
22 acquire, construct, finance, issue bonds for, improve, operate,
23 maintain, and convey to this state, a county, or a municipality for
24 operation and maintenance macadamized, graveled, or paved roads, or
25 improvements, including storm drainage, in aid of those roads.

26 Sec. 9038.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
27 project must meet all applicable construction standards, zoning and

1 subdivision requirements, and regulations of each municipality in
2 whose corporate limits or extraterritorial jurisdiction the road
3 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. 9038.105. WATER AND WASTEWATER INFRASTRUCTURE. (a)
13 The district may not construct a water or wastewater facility
14 unless any municipality in whose corporate limits or
15 extraterritorial jurisdiction the facility is located at the time
16 of construction has approved the plans and specifications of the
17 facility.

18 (b) On completion of a water or wastewater facility
19 described in a development agreement between the district and a
20 municipality, the district shall convey the facility to the
21 municipality or to the retail public utility owned by the
22 municipality, free of all liens, claims, or encumbrances, in the
23 form and manner acceptable to the municipality or retail public
24 utility.

25 Sec. 9038.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
26 OR RESOLUTION AND DEVELOPMENT AGREEMENT. (a) The district shall
27 comply with all applicable requirements of any ordinance or

1 resolution that is adopted under Section 42.042, Local Government
2 Code, and that consents to the creation of the district or to the
3 inclusion of land in the district.

4 (b) Notwithstanding other law, a municipality may place a
5 condition or restriction on the creation of the district or
6 inclusion of land in the district that is:

7 (1) expressly permitted by Sections 54.016(e) and (i),
8 Water Code; or

9 (2) contained in the development agreement entered
10 into under Section 212.172, Local Government Code, and this
11 chapter.

12 Sec. 9038.107. LIMITATION ON USE OF EMINENT DOMAIN. The
13 district may not exercise the power of eminent domain outside the
14 district to acquire a site or easement for:

15 (1) a road project authorized by Section 9038.103; or
16 (2) a recreational facility as defined by Section
17 49.462, Water Code.

18 Sec. 9038.108. DIVISION OF DISTRICT. (a) The district may
19 be divided into two or more new districts only if the district:

20 (1) has no outstanding bonded debt; and
21 (2) is not imposing ad valorem taxes.

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

25 (c) Any new district created by the division of the district
26 may not, at the time the new district is created, contain any land
27 outside the area described by Section 2 of the Act creating this

1 chapter.

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

6 (e) The board may adopt an order dividing the district
7 before or after the date the board holds an election under Section
8 9038.003 to confirm the district's creation.

9 (f) An order dividing the district shall:

10 (1) name each new district;

11 (2) include the metes and bounds description of the
12 territory of each new district;

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

14 and

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

17 (g) On or before the 30th day after the date of adoption of
18 an order dividing the district, the district shall file the order
19 with the Texas Commission on Environmental Quality and record the
20 order in the real property records of each county in which the
21 district is located.

22 (h) Any new district created by the division of the district
23 shall hold a confirmation and directors' election as required by
24 Section 9038.003.

25 (i) Municipal consent to the creation of the district and to
26 the inclusion of land in the district granted under Section
27 9038.004 acts as municipal consent to the creation of any new

1 district created by the division of the district and to the
2 inclusion of land in the new district.

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

7 Sec. 9038.109. LIMITATION ON ANNEXATION OF LAND BY
8 DISTRICT. The district or any new district created by the division
9 of the district may not annex land outside the area described by
10 Section 2 of the Act creating this chapter without the consent of
11 each municipality in whose corporate limits or extraterritorial
12 jurisdiction any of the land in the area described by Section 2 of
13 the Act creating this chapter is located.

14 Sec. 9038.110. MUNICIPAL ANNEXATION ADJACENT TO DISTRICT.
15 For the purposes of Section 43.021(2), Local Government Code, or
16 other law, including a municipal charter or ordinance relating to
17 annexation, an area adjacent to the district or any new district
18 created by the division of the district is considered adjacent to a
19 municipality in whose corporate limits or extraterritorial
20 jurisdiction any of the land in the area described by Section 2 of
21 the Act creating this chapter is located.

22 [Sections 9038.111-9038.150 reserved for expansion]

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 9038.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
25 district may issue, without an election, bonds and other
26 obligations secured by:

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

1 (2) contract payments described by Section 9038.153.

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

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

10 Sec. 9038.152. OPERATION AND MAINTENANCE TAX. (a) If
11 authorized at an election held under Section 9038.151, the district
12 may impose an operation and maintenance tax on taxable property in
13 the district in accordance with Section 49.107, Water Code.

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

16 Sec. 9038.153. CONTRACT TAXES. (a) In accordance with
17 Section 49.108, Water Code, the district may impose a tax other than
18 an operation and maintenance tax and use the revenue derived from
19 the tax to make payments under a contract after the provisions of
20 the contract have been approved by a majority of the district voters
21 voting at an election held for that purpose.

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

25 [Sections 9038.154-9038.200 reserved for expansion]

26 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

27 Sec. 9038.201. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS. The district may issue bonds or other obligations
2 payable wholly or partly from ad valorem taxes, impact fees,
3 revenue, contract payments, grants, or other district money, or any
4 combination of those sources, to pay for any authorized district
5 purpose.

6 Sec. 9038.202. TAXES FOR BONDS. At the time the district
7 issues bonds payable wholly or partly from ad valorem taxes, the
8 board shall provide for the annual imposition of a continuing
9 direct ad valorem tax, without limit as to rate or amount, while all
10 or part of the bonds are outstanding as required and in the manner
11 provided by Section 51.433, Water Code.

12 Sec. 9038.203. BONDS FOR ROAD PROJECTS. At the time of
13 issuance, the total principal amount of bonds or other obligations
14 issued or incurred to finance road projects and payable from ad
15 valorem taxes may not exceed one-fourth of the assessed value of the
16 real property in the district.

17 SECTION 2. The Comal County Water Improvement District No.
18 1 initially includes all the territory contained in the following
19 area:

20 Being a 2445 acre tract of land describing a political
21 subdivision lying in the J.M Veramendi Survey No. 1, Abstract 2, and
22 the J.M. Veramendi Survey No. 2, Abstract 3, Comal County, Texas,
23 same being a portion of a 2086 acre tract of land described as
24 "FIRST TRACT" and all of a 694 acre tract of land described as
25 "FOURTH TRACT" and recorded in Document No. 9906001224, Official
26 Records of Comal County, Texas, same also being a portion of River
27 Road and being more particularly described by metes and bounds as

1 follows:

2 BEGINNING at a point in the north right-of-way line of Loop
3 337 at the southwest corner of a 17.089 acre tract as recorded in
4 Comal County as Document No. 200706020677 for a corner of the herein
5 described 2445 acre tract, the PLACE OF BEGINNING;

6 THENCE along the aforementioned right-of-way line of Loop 337
7 the following five courses:

8 S 60° 46' 29" W a distance of 101.13 feet to a point;

9 S 54° 22' 29" W a distance of 391.10 feet to a point;

10 S 53° 29' 29" W a distance of 4077.20 feet to a point of
11 curvature;

12 A distance of 449.60 feet with an arc of a curve to the left
13 having a radius of 2412.00 feet, a central angle of 10° 40'
14 48", and a chord that bears S 48° 09' 05" W a distance of
15 448.95 feet to a point;

16 S 42° 30' 29" W a distance of 2.23 feet to a point in the
17 southwest line of the J.M. Veramendi Survey No. 2 for the
18 south corner of the herein described 2445 acre tract;

19 THENCE leaving the aforementioned right-of-way line of Loop
20 337 along the southwest line of the aforementioned J.M. Veramendi
21 Survey No. 2, N 37° 31' 44" W a distance of 6360.32 feet to a point
22 for an angle point of the herein described 2445 acre tract;

23 THENCE leaving the aforementioned southwest line of the J.M.
24 Veramendi Survey No. 2, N 38° 57' 51" W a distance of 787.42 feet to a
25 point for the northwest corner of the herein described 2445 acre
26 tract.

27 THENCE N 52° 44' 09" E a distance of 8757.60 feet to a point in

1 the west right-of-way line of Hueco Springs Loop;

2 THENCE along the aforementioned west right-of-way line of
3 Hueco Springs Loop and the west right-of-way line of River Road the
4 following two courses:

5 S 86° 32' 16" E a distance of 201.43 feet to a point of
6 curvature;

7 A distance of 344.47 feet with the arc of a curve to the right
8 having a radius of 400.00 feet, a central angle of 49° 20' 30",
9 and a chord bearing S 61° 52' 01" E a distance of 333.92 feet
10 to a point;

11 THENCE leaving the aforementioned west right-of-way line of
12 River Road and crossing said road, N 52° 48' 14" E a distance of
13 64.75 feet to a point on the east right-of-way line of said River
14 Road;

15 THENCE continuing along the aforementioned east right-of-way
16 line of River Road the following five courses:

17 N 03° 20' 51" W a distance of 73.11 feet to a point;

18 N 32° 12' 23" E a distance of 293.67 feet to a point;

19 N 28° 16' 58" E a distance of 202.11 feet to a point of
20 curvature;

21 A distance of 290.48 feet with the arc of a curve to the left
22 having a radius of 450.00 feet, a central angle of 36° 59' 07",
23 and a chord bearing N 09° 47' 24" E a distance of 285.46 feet
24 to a point of tangency;

25 N 08° 42' 09" W a distance of 323.51 feet to a point for the
26 northernmost corner of the herein described 2445 acre tract;

27 THENCE leaving the east right-of-way line of aforementioned

1 River Road, N 52° 41' 09" E a distance of 2775.35 feet to a point on
2 the Guadalupe River;

3 THENCE along the Guadalupe River the following twenty-nine
4 courses:

5 S 73° 21' 29" E a distance of 99.49 feet to a point;
6 S 67° 02' 29" E a distance of 262.24 feet to a point;
7 S 59° 02' 29" E a distance of 195.70 feet to a point;
8 S 67° 22' 29" E a distance of 283.64 feet to a point;
9 S 69° 24' 29" E a distance of 184.28 feet to a point;
10 S 79° 18' 29" E a distance of 541.48 feet to a point;
11 S 82° 18' 29" E a distance of 262.44 feet to a point;
12 N 87° 03' 31" E a distance of 185.33 feet to a point;
13 S 89° 01' 29" E a distance of 258.74 feet to a point;
14 N 82° 26' 31" E a distance of 234.79 feet to a point;
15 N 87° 13' 31" E a distance of 210.43 feet to a point;
16 N 86° 06' 31" E a distance of 248.84 feet to a point;
17 N 88° 29' 31" E a distance of 97.51 feet to a point;
18 N 87° 15' 31" E a distance of 293.24 feet to a point;
19 S 81°00' 23" E a distance of 536.80 feet to a point;
20 S 53° 20' 34" E a distance of 546.25 feet to a point;
21 S 26° 51' 29" E a distance of 299.44 feet to a point;
22 S 00° 03' 29" E a distance of 386.26 feet to a point;
23 S 12° 01' 31" W a distance of 482.97 feet to a point;
24 S 01° 18' 29" E a distance of 746.61 feet to a point;
25 S 14° 32' 29" E a distance of 499.47 feet to a point;
26 S 29° 01' 29" E a distance of 610.79 feet to a point;
27 S 69° 20' 29" E a distance of 539.78 feet to a point;

1 N 88° 50' 31" E a distance of 313.71 feet to a point;
2 N 89° 38' 31" E a distance of 328.55 feet to a point;
3 N 87° 22' 31" E a distance of 181.63 feet to a point;
4 N 77° 54' 31" E a distance of 269.04 feet to a point;
5 N 62° 05' 31" E a distance of 199.13 feet to a point;
6 N 72° 05' 31" E a distance of 245.29 feet to a point;
7 N 66° 41' 31" E a distance of 220.09 feet to a point for the
8 easternmost corner of the herein described 2445 acre tract;
9 THENCE leaving the Guadalupe River, S 52° 06' 17" W a distance
10 of 587.77 feet to a point on the high bluff of said river;
11 THENCE along the aforementioned high bluff of the Guadalupe
12 River, S 85° 06' 17" W a distance of 175.33 feet to a point on a fence
13 line;
14 THENCE along aforementioned fence, S 07° 06' 17" W a distance
15 of 135.02 feet to a point;
16 THENCE along the aforementioned fence the following 7
17 courses:
18 S 52° 48' 17" W a distance of 771.62 feet to a point;
19 S 57° 07' 17" W a distance of 516.98 feet to a point;
20 S 52° 10' 17" W a distance of 1029.25 feet to a point;
21 S 60° 35' 17" W a distance of 72.71 feet to a point;
22 S 47° 20' 17" W a distance of 764.86 feet to a point;
23 S 51° 58' 17" W a distance of 848.33 feet to a point;
24 S 50° 15' 17" W a distance of 324.45 feet to a point;
25 THENCE S 53° 31' 17" W passing at 278.25 feet the east
26 right-of-way line of the aforementioned River Road, and continuing
27 for a total distance of 333.82 feet to a point on the west

1 right-of-way line of said road;

2 THENCE with the west right-of-way line of aforementioned
3 River Road the following two courses

4 S 34° 53' 06" E a distance of 0.49 feet to a point;

5 S 34° 53' 23" E a distance of 1503.31 feet to a point;

6 THENCE leaving the west right-of-way line of the
7 aforementioned River Road, S 49° 59' 06" W a distance of 598.74 feet
8 to a point;

9 THENCE S 36° 32' 54" E a distance of 654.05 feet to a point on
10 the north right-of-way line of the aforementioned Loop 337;

11 THENCE along the north right-of-way line of the
12 aforementioned Loop 337 the following seven courses:

13 S 79° 28' 29" W a distance of 48.36 feet to a point;

14 S 73° 45' 29" W a distance of 201.00 feet to a point;

15 S 79° 28' 29" W a distance of 700.00 feet to a point;

16 S 76° 36' 29" W a distance of 200.30 feet to a point;

17 S 79° 28' 29" W a distance of 1258.30 feet to a point of
18 curvature;

19 A distance of 1204.36 feet with the arc of a curve to the left
20 having a radius of 5839.60 feet, a central angle of 11° 49'
21 00", and a chord bearing S 73° 33' 59" W a distance of 1202.22
22 feet to a point of tangency;

23 S 67° 39' 29" W a distance of 516.41 feet to a point in a return
24 on the south line of a 17.089 acre tract as shown on a survey
25 plat by CDS/Muery Services dated April 23, 2007, recorded in
26 Comal County as document no. 200706020677;

27 THENCE along the east line of the aforementioned 17.089 acre

1 tract the following eight courses:

2 A distance of 78.08 feet with the arc of a curve to the left
3 having a radius of 50.00 feet, a central angle of $89^{\circ} 28' 37''$,
4 and a chord bearing $N 22^{\circ} 08' 13'' E$ a distance of 70.39 feet to
5 a point of tangency;

6 $N 22^{\circ} 36' 07'' W$ a distance of 149.65 feet to a point;

7 $N 32^{\circ} 49' 27'' W$ a distance of 61.98 feet to a point;

8 $N 22^{\circ} 36' 07'' W$ a distance of 43.27 feet to a point of
9 curvature;

10 A distance of 37.80 feet with the arc of a curve to the right
11 having a radius of 616.00 feet, a central angle of $3^{\circ} 30' 56''$,
12 and a chord bearing $N 20^{\circ} 50' 38'' W$ a distance of 37.79 feet to
13 a point;

14 $N 06^{\circ} 24' 59'' W$ a distance of 65.66 feet to a point;

15 A distance of 109.40 feet with the arc of a curve to the right
16 having a radius of 605.00 feet, a central angle of $10^{\circ} 21' 40''$,
17 and a chord bearing $N 07^{\circ} 49' 38'' W$ a distance of 109.28 feet
18 to a point of tangency;

19 North $02^{\circ} 38' 48''$ West a distance of 107.03 feet to a point of
20 curvature;

21 THENCE along the north line of the aforementioned 17.089 acre
22 tract:

23 A distance of 39.28 feet with the arc of a curve to the left
24 having a radius of 25.00 feet, a central angle of $90^{\circ} 00' 00''$,
25 and a chord bearing $N 47^{\circ} 38' 48'' W$ a distance of 35.36 feet to
26 a point of tangency;

27 $S 87^{\circ} 21' 12'' W$ a distance of 667.49 feet to a point of

1 curvature;

2 A distance of 768.90 feet with the arc of a curve to the left
3 having a radius of 926.14 feet, a central angle of 47° 34' 06",
4 and a chord bearing S 63° 34' 09" W ad distance of 747.01 feet
5 to a point;

6 THENCE along the west line of the aforementioned 17.089 acre
7 tract, S 35° 39' 49" E a distance of 480.06 feet to a point;

8 THENCE leaving the west line of the aforementioned 17.089
9 acre, the following three courses:

10 S 54° 19' 09" W a distance of 147.99 feet to a point;

11 S 35° 27' 43" E a distance of 115.07 feet to a point;

12 N 54° 19' 09" E a distance of 148.39 feet to a point in the west
13 line of the aforementioned 17.089 acre tract;

14 THENCE along the west line of the aforementioned 17.089 acre
15 tract, S 35° 39' 49" E a distance of 310.55 feet the PLACE OF
16 BEGINNING, and containing 2,445 acres of land, more or less.

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

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

8 SECTION 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.