

By: Miller of Comal

H.B. No. 4226

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal County Water Improvement District No. 2; 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 9039 to read as follows:

CHAPTER 9039. COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9039.001. 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. 2.

Sec. 9039.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9039.003. 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. 9039.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9039.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has
2 consented by ordinance or resolution to the creation of the
3 district and to the inclusion of land in the district.

4 Sec. 9039.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
5 The district is created to serve a public purpose and benefit.

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

7 (1) a water control and improvement district as
8 provided by general law and Section 59, Article XVI, Texas
9 Constitution; and

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

14 Sec. 9039.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

17 (b) The boundaries and field notes contained in Section 2 of
18 the Act creating this chapter form a closure. A mistake made in the
19 field notes or in copying the field notes in the legislative process
20 does not affect the district's:

21 (1) organization, existence, or validity;

22 (2) right to issue any type of bond for the purposes
23 for which the district is created or to pay the principal of and
24 interest on a bond;

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 9039.007-9039.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 9039.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 9039.052, directors serve
5 staggered four-year terms.

6 Sec. 9039.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act creating this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 temporary directors the five persons named in the petition. The
12 commission shall appoint as temporary directors the five persons
13 named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 9039.003; or

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

19 (c) If permanent directors have not been elected under
20 Section 9039.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 9039.003; or

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

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

8 [Sections 9039.053-9039.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 9039.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 9039.102. WATER CONTROL AND IMPROVEMENT DISTRICT
14 POWERS AND DUTIES. The district has the powers and duties provided
15 by the general law of this state, including Chapters 49 and 51,
16 Water Code, applicable to water control and improvement districts
17 created under Section 59, Article XVI, Texas Constitution.

18 Sec. 9039.103. AUTHORITY FOR ROAD PROJECTS. Under Section
19 52, Article III, Texas Constitution, the district may design,
20 acquire, construct, finance, issue bonds for, improve, operate,
21 maintain, and convey to this state, a county, or a municipality for
22 operation and maintenance macadamized, graveled, or paved roads, or
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 9039.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
25 project must meet all applicable construction standards, zoning and
26 subdivision requirements, and regulations of each municipality in
27 whose corporate limits or extraterritorial jurisdiction the road

1 project is located.

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

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

10 Sec. 9039.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
11 OR RESOLUTION. The district shall comply with all applicable
12 requirements of any ordinance or resolution that is adopted under
13 Section 42.042, Local Government Code, and that consents to the
14 creation of the district or to the inclusion of land in the
15 district.

16 Sec. 9039.106. LIMITATION ON USE OF EMINENT DOMAIN. The
17 district may not exercise the power of eminent domain outside the
18 district to acquire a site or easement for:

- 19 (1) a road project authorized by Section 9039.103; or
20 (2) a recreational facility as defined by Section
21 49.462, Water Code.

22 Sec. 9039.107. DIVISION OF DISTRICT. (a) The district may
23 be divided into two or more new districts only if the district:

- 24 (1) has no outstanding bonded debt; and
25 (2) is not imposing ad valorem taxes.

26 (b) This chapter applies to any new district created by the
27 division of the district, and a new district has all the powers and

1 duties of the district.

2 (c) Any new district created by the division of the district
3 may not, at the time the new district is created, contain any land
4 outside the area described by Section 2 of the Act creating this
5 chapter.

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

10 (e) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 9039.003 to confirm the district's creation.

13 (f) An order dividing the district shall:

14 (1) name each new district;

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

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

18 and

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

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

26 (h) Any new district created by the division of the district
27 shall hold a confirmation and directors' election as required by

1 Section 9039.003.

2 (i) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 9039.004 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in the new district.

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

11 [Sections 9039.108-9039.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 9039.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
14 district may issue, without an election, bonds and other
15 obligations secured by:

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

17 (2) contract payments described by Section 9039.153.

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

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

26 Sec. 9039.152. OPERATION AND MAINTENANCE TAX. (a) If
27 authorized at an election held under Section 9039.151, the district

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

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

5 Sec. 9039.153. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 [Sections 9039.154-9039.200 reserved for expansion]

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 9039.201. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, contract payments, grants, or other district money, or any
20 combination of those sources, to pay for any authorized district
21 purpose.

22 Sec. 9039.202. TAXES FOR BONDS. At the time the district
23 issues bonds payable wholly or partly from ad valorem taxes, the
24 board shall provide for the annual imposition of a continuing
25 direct ad valorem tax, without limit as to rate or amount, while all
26 or part of the bonds are outstanding as required and in the manner
27 provided by Section 51.433, Water Code.

1 Sec. 9039.203. BONDS FOR ROAD PROJECTS. At the time of
2 issuance, the total principal amount of bonds or other obligations
3 issued or incurred to finance road projects and payable from ad
4 valorem taxes may not exceed one-fourth of the assessed value of the
5 real property in the district.

6 SECTION 2. The Comal County Water Improvement District No.
7 2 initially includes all the territory contained in the following
8 area:

9 Being 2040 acres tract of land describing a political
10 subdivision in Comal County, Texas, comprising a portion of the
11 Vicente Salinas Survey No. 393, Abstract 519, a portion of the
12 Phillip Engleback Survey No. 388, Abstract 139, a portion of the
13 Joseph Thompson Survey No. 751, Abstract 615, a portion of the SA &
14 MG Railroad Company Survey No. 593, Abstract 579, all of the Jacob
15 Heidrich Survey No. 638, Abstract 242, a portion of the Gottlieb
16 Kempin Survey No. 634, Abstract 322, a portion of the Joseph
17 Thompson Survey No. 750, Abstract 607, a portion of the Gustav
18 Brecher Survey No. 639, Abstract 159, a portion of the G. Ulrich
19 Survey, Abstract 634, a portion of the SA & MG Railroad Company
20 Survey No. 592, Abstract 576, a portion of the D. Pfuesser Survey
21 No. 496, Abstract 465, a portion of the G. Pfeuffer Survey No. 495,
22 Abstract 464, and a portion of the Francisco Rodriguez Survey No.
23 99, Abstract 484, Comal County, Texas, same being a portion of a
24 520.882 acre tract described in Document #9606007621, Official
25 Records, Comal County, Texas, a portion of a 1441.153 acre tract
26 described as "FIRST TRACT" in Volume 795, Page 833, recorded in
27 Comal County, Texas, all of a 3.068 acre tract described in Document

1 #9606002717, Official Records, Comal County, Texas, all of a 4.62
2 acre tract described in Volume 795, Page 899, recorded in Comal
3 County, Texas, all of a 70.103 acre tract described as "SECOND
4 TRACT" in Volume 795, Page 833, recorded in Comal County, Texas, and
5 all of a 16.715 acre tract described as "THIRD TRACT" in Volume 795,
6 Page 899, recorded in Comal County, Texas, and including a portion
7 of F.M. 482, more particularly described by metes and bounds as
8 follows:

9 BEGINNING at a point in the northwest right-of-way line of
10 the Union Pacific Railroad, said point being also the south corner
11 of the aforementioned 16.715 acre tract;

12 THENCE along the southwest line of the aforementioned 16.715
13 acre tract, N 38° 19' 53" W a distance of 728.60 to a point in the
14 southeast right-of-way line of the aforementioned F.M. 482;

15 THENCE crossing said F.M. 482, N 38° 19' 53" W a distance of
16 58.89 feet to a point in the northwest right-of-way line of said
17 F.M. 482 for a corner of the herein described 2040 acre tract;

18 THENCE along the aforementioned northwest right-of-way line
19 of F.M. 482, S 38° 48' 47" W a distance of 315.41 feet to a point for
20 a corner of the herein described 2040 acre tract;

21 THENCE leaving the aforementioned northwest right-of-way
22 line of F.M. 482 along the southwest line of the aforementioned
23 70.103 acre tract the following six courses:

24 N 36° 49' 58" W a distance of 173.13 feet to a point;

25 N 27° 18' 53" W a distance of 191.27 feet to a point;

26 N 29° 48' 15" W a distance of 568.37 feet to a point;

27 N 29° 33' 14" W a distance of 542.19 feet to a point;

1 N 29° 42' 14" W a distance of 1073.71 feet to a point;

2 N 29° 44' 32" W a distance of 289.13 feet to a point in the
3 southeast right-of-way line of the Union Pacific Railroad;

4 THENCE leaving the aforementioned southeast right-of-way
5 line of the Union Pacific Railroad and crossing said right-of-way,
6 N 33° 52' 36" W a distance of 95.61 feet to a point in the northwest
7 right-of-way line of said right-of-way;

8 THENCE leaving the aforementioned northwest right-of-way
9 line of Union Pacific Railroad along a southwest line of the
10 aforementioned 1441.153 acre tract the following thirteen courses:

11 N 29° 53' 25" W a distance of 1697.53 feet to a point;

12 N 30° 21' 49" W a distance of 2519.32 feet to a point;

13 N 30° 37' 56" W a distance of 2062.52 feet to a point;

14 N 30° 18' 19" W a distance of 421.53 feet to a point for a
15 corner of the herein described 2040 acre tract;

16 N 25° 16' 50" W a distance of 30.81 feet to a point;

17 N 30° 14' 39" W a distance of 23.87 feet to a point for a
18 re-entrant corner of the herein described 2040 acre tract;

19 S 57° 53' 34" W a distance of 465.11 feet to a point for a
20 corner of the herein described 2040 acre tract;

21 N 33° 09' 15" W a distance of 587.57 feet to a point for a
22 corner of the herein described 2040 acre tract;

23 N 76° 43' 30" W a distance of 820.61 feet to a point for a
24 corner of the herein described 2040 acre tract;

25 N 31° 15' 16" W a distance of 416.84 feet to a point;

26 N 31° 30' 02" W a distance of 1271.43 feet to a point;

27 N 31° 22' 46" W a distance of 1333.52 feet to a point;

1 N 31° 23' 29" W a distance of 2227.66 feet to a point for a
2 corner of the herein described 2040 acre tract;
3 THENCE continuing along the line of the aforementioned 1441.153
4 acre tract the following sixteen courses:
5 S 60° 52' 50" W a distance of 497.70 feet to a point;
6 S 59° 01' 28" W a distance of 1115.95 feet to a point;
7 S 59° 02' 57" W a distance of 914.41 feet to a point;
8 S 59° 03' 01" W a distance of 1114.41 feet to a point;
9 S 57° 23' 13" W a distance of 32.92 feet to a point for a corner
10 of the herein described 2040 acre tract;
11 N 30° 56' 02" W a distance of 465.31 feet to a point for a
12 corner of the herein described 2040 acre tract;
13 N 33° 31' 12" E a distance of 6.26 feet to a point for a corner
14 of the herein described 2040 acre tract;
15 N 79° 04' 59" E a distance of 199.49 to a point for a
16 re-entrant corner of the herein described 2040 acre tract;
17 N 20° 21' 39" W a distance of 1136.74 to a point;
18 N 19° 38' 37" W a distance of 1581.04 to a point for a corner of
19 the herein described 2040 acre tract;
20 N 53° 11' 57" E a distance of 959.99 to a point;
21 N 51° 15' 55" E a distance of 168.17 to a point;
22 N 53° 10' 13" E a distance of 370.06 to a point for a
23 re-entrant corner of the herein described 2040 acre tract;
24 N 40° 42' 50" W a distance of 1092.82 to a point for a corner of
25 the herein described 2040 acre tract;
26 N 52° 20' 54" E a distance of 1809.14 to a point;
27 N 51° 51' 39" E a distance of 2017.89 to a point for a north

1 corner of the aforementioned 1441.153 acre tract and a west
2 corner of the aforementioned 520.882 acre tract;

3 THENCE along the west line of the aforementioned 520.882 acre tract
4 the following nine courses and distances:

5 N 41° 27' 49 E a distance of 423.79 to a point for a re-entrant
6 corner of the herein described 2040 acre tract;

7 N 40° 11' 18 W a distance of 706.65 to a point for a corner of
8 the herein described 2040 acre tract;

9 N 07° 15' 48 E a distance of 439.57 to a point;

10 N 15° 08' 12 E a distance of 352.85 to a point;

11 N 03° 18' 42 W a distance of 161.89 to a point;

12 N 05° 05' 26 W a distance of 135.58 to a point;

13 N 02° 13' 02 E a distance of 40.64 to a point;

14 N 05° 37' 31 E a distance of 521.62 to a point;

15 N 20° 22' 27 E a distance of 95.14 to a point in the south
16 right-of-way line of F.M. 1863 for a northwest corner of the
17 herein described tract;

18 THENCE with the aforementioned south line of F.M. 1863 the
19 following 8 courses:

20 N 51° 29' 50" E a distance of 175.09 to a point;

21 N 57° 58' 53" E a distance of 136.67 to a point of curvature;

22 A distance of 596.10 feet with the arc of a curve to the right
23 having a radius of 3564.00 feet, a central angle of 9° 34' 59",
24 and a chord that bears N 62° 46' 23" E a distance of 595.41
25 feet to a point of tangency;

26 N 67° 33' 52" E a distance of 335.48 to a point of curvature;

27 A distance of 562.48 feet with the arc of a curve to the right

1 having a radius of 1106.28 feet, a central angle of 29° 07'
2 54", and a chord bearing N 82° 07' 49" E a distance of 556.44
3 feet to a point of tangency;

4 S 83° 18' 14" E a distance of 362.86 to a point;

5 S 86° 38' 26" E a distance of 345.46 to a point;

6 N 89° 51' 46" E a distance of 759.89 to a point for the
7 northeast corner of the herein described 2040 acre tract;

8 THENCE leaving the aforementioned south line of F.M. 1863 and
9 crossing the aforementioned 520.882 acre tract the following 5
10 courses:

11 S 04° 10' 58" W a distance of 832.87 to a point of curvature;

12 A distance of 1011.26 feet with the arc of a curve to the left
13 having a radius of 1950 feet, a central angle of 29° 42' 48",
14 and a chord bearing S 10° 40' 26" E a distance of 999.97 feet
15 to a point of tangency;

16 S 25° 31' 50" E a distance of 403.22 to a point of curvature;

17 A distance of 1319.83 feet with the arc of a curve to the
18 right having radius of 1840 feet, a central angle of 41° 05'
19 54", and a chord bearing S 04° 58' 53" E a distance of 1291.72
20 feet to a point of tangency;

21 S 15° 34' 04" W a distance of 1199.41 to a point;

22 THENCE S 37° 26' 09" E a distance of 1838.77 to a point for a corner
23 of the herein described 2040 acre tract;

24 THENCE along the north line of the aforementioned 3.068 acre tract
25 the following 4 courses:

26 N 52° 30' 49" E a distance of 2294.03 to a point;

27 N 56° 29' 27" E a distance of 253.16 to a point;

1 N 60° 06' 52" E a distance of 1753.03 to a point;
2 N 23° 59' 42" E a distance of 57.02 to a point in the southwest
3 line of Krueger Canyon Road for a corner of the herein
4 described 2040 acre tract;

5 THENCE leaving the north line of the aforementioned 3.068 acre
6 tract along the southwest line of Krueger Canyon Road the following
7 two courses:

8 S 42° 27' 33" E a distance of 59.64 feet to a point;
9 S 56° 34' 29" E a distance of 51.14 to a point for a corner of
10 the herein described 2040 acre tract;

11 THENCE leaving aforementioned southwest line of Krueger Canyon Road
12 along the southeast line of a 4.62 acre tract as described in Volume
13 795, Page 899, recorded in Comal County, Texas, the following three
14 courses:

15 S 60° 08' 27" W a distance of 1964.80 to a point;
16 S 52° 24' 31" W a distance of 2406.31 to a point;
17 S 73° 01' 33" W a distance of 154.97 to a point;

18 THENCE leaving the southeast line of the aforementioned 4.62 acre
19 tract along the line of the herein described 2040 acre tract, S 56°
20 25' 06" W a distance of 638.95 to a point for a corner of the herein
21 described 2040 acre tract;

22 THENCE along the southwest line of a of a 13.86 acre tract described
23 in Volume 795, Page 899, recorded in Comal County, Texas, the
24 following three courses:

25 S 31° 15' 27" E a distance of 74.53 to a point;
26 S 41° 39' 34" E a distance of 2866.81 to a point;
27 S 30° 05' 38" E a distance of 3464.80 to a point for a corner of

1 the herein described 2040 acre tract;
2 THENCE leaving the southwest line of the aforementioned 13.86 acre
3 tract along the northeast line of the aforementioned 1441.153 acre
4 tract, being also a northeast line of the herein described tract,
5 the following ten courses:

6 S 58° 40' 39" W a distance of 325.39 to a point for a
7 re-entrant corner of the herein described 2040 acre tract;
8 S 30° 11' 33" E a distance of 1726.02 to a point;
9 S 30° 44' 44" E a distance of 898.77 to a point;
10 S 30° 15' 26" E a distance of 302.94 to a point;
11 S 30° 57' 47" E a distance of 381.87 to a point;
12 S 29° 33' 10" E a distance of 521.64 to a point;
13 S 29° 58' 58" E a distance of 1068.26 to a point;
14 S 29° 22' 09" E a distance of 598.91 to a point;
15 S 29° 04' 59" E a distance of 520.93 to a point;
16 S 30° 08' 30" E a distance of 668.29 to a point in the
17 northwest right-of-way line of the Union Pacific Railroad,
18 formerly the Missouri-Pacific Railroad, formerly the
19 International and Great Northern Railroad, for a corner of
20 the herein described 2040 acre tract;
21 THENCE leaving the aforementioned northeast line of the 1441.153
22 acre tract along the aforementioned northwest right-of-way line of
23 the Union Pacific Railroad, S 56° 53' 04" W a distance of 1454.77
24 feet to a point;
25 THENCE leaving the aforementioned northwest right-of-way line of
26 the Union Pacific Railroad and crossing said right-of-way, S 28° 08'
27 08" E a distance of 92.87 feet to a point in the southeast

1 right-of-way line of said Union Pacific Railroad;
2 THENCE leaving the aforementioned southeast right-of-way line of
3 Union Pacific Railroad along the northeast line of the
4 aforementioned 70.103 acre tract the following three courses:
5 S 29° 29' 54" E a distance of 1394.17 feet to a point;
6 S 30° 02' 49" E a distance of 844.61 feet to a point;
7 S 38° 42' 20" E a distance of 242.41 feet to a point in the
8 northwest right-of-way line of F.M. 482;
9 THENCE leaving the aforementioned northwest right-of-way line F.M.
10 482 and crossing said road, S 41° 35' 33" E a distance of 54.99 to a
11 point in the southeast right-of-way line of F.M. 482;
12 THENCE leaving the aforementioned southeast right-of-way line of
13 F.M. 482 along the northeast line of the aforementioned 16.715 acre
14 tract, S 35° 44' 45" E a distance of 873.43 to a point in the
15 aforementioned northwest right-of-way line of the Union Pacific
16 Railroad for a corner of the herein described 2040 acre tract;
17 THENCE along the southeast line of the aforementioned 16.715 acre
18 tract, being the same as the aforementioned right-of-way line of
19 the Union Pacific Railroad, S 49° 09' 42" W a distance of 882.41 to
20 the PLACE OF BEGINNING, and containing 2040 acres of land, more or
21 less.

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

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

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

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

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