

By: Aycock

H.B. No. 4710

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Clearwater Ranch Municipal Utility 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8353 to read as follows:

CHAPTER 8353. CLEARWATER RANCH MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8353.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Clearwater Ranch Municipal Utility District No. 1.

Sec. 8353.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8353.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. (a) 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.

(b) If the creation of the district is not confirmed at a confirmation election held under this section before December 31, 2013:

1 (1) the district is dissolved December 31, 2013,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Burnet County; and

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

9 (2) this chapter expires September 1, 2016.

10 Sec. 8353.004. CONSENT OF MUNICIPALITY REQUIRED. The
11 temporary directors may not hold an election under Section 8353.003
12 until each municipality in whose corporate limits or
13 extraterritorial jurisdiction the district is located has
14 consented by ordinance or resolution to the creation of the
15 district and to the inclusion of land in the district.

16 Sec. 8353.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
17 The district is created to serve a public purpose and benefit.

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

19 (1) a municipal utility district as provided by
20 general law and Section 59, Article XVI, Texas Constitution; and

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

25 Sec. 8353.006. INITIAL DISTRICT TERRITORY. (a) The
26 district is initially composed of the territory described by
27 Section 2 of the Act creating this chapter.

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

5 (1) organization, existence, or validity;

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

9 (3) right to impose a tax; or

10 (4) legality or operation.

11 [Sections 8353.007-8353.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8353.051. GOVERNING BODY; TERMS. (a) The district is
14 governed by a board of five elected directors.

15 (b) Except as provided by Section 8353.052, directors serve
16 staggered four-year terms.

17 Sec. 8353.052. TEMPORARY DIRECTORS. (a) On or after the
18 effective date of the Act creating this chapter, the owner or owners
19 of a majority of the assessed value of the real property in the
20 district may submit a petition to the Texas Commission on
21 Environmental Quality requesting that the commission appoint as
22 temporary directors the five persons named in the petition. The
23 commission shall appoint as temporary directors the five persons
24 named in the petition.

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

26 (1) the date permanent directors are elected under
27 Section 8353.003; or

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

3 (c) If permanent directors have not been elected under
4 Section 8353.003 and the terms of the temporary directors have
5 expired, successor temporary directors shall be appointed or
6 reappointed as provided by Subsection (d) to serve terms that
7 expire on the earliest of:

8 (1) the date permanent directors are elected under
9 Section 8353.003;

10 (2) the date the requirements of Section
11 8353.003(b)(1) are fulfilled; or

12 (3) September 1, 2016.

13 (d) If Subsection (c) applies, the owner or owners of a
14 majority of the assessed value of the real property in the district
15 may submit a petition to the Texas Commission on Environmental
16 Quality requesting that the commission appoint as successor
17 temporary directors the five persons named in the petition. The
18 commission shall appoint as successor temporary directors the five
19 persons named in the petition.

20 [Sections 8353.053-8353.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8353.101. GENERAL POWERS AND DUTIES. The district has
23 the powers and duties necessary to accomplish the purposes for
24 which the district is created.

25 Sec. 8353.102. MUNICIPAL UTILITY DISTRICT POWERS AND
26 DUTIES. The district has the powers and duties provided by the
27 general law of this state, including Chapters 49 and 54, Water Code,

1 applicable to municipal utility districts created under Section 59,
2 Article XVI, Texas Constitution.

3 Sec. 8353.103. AUTHORITY FOR ROAD PROJECTS. Under Section
4 52, Article III, Texas Constitution, the district may design,
5 acquire, construct, finance, issue bonds for, improve, operate,
6 maintain, and convey to this state, a county, or a municipality for
7 operation and maintenance macadamized, graveled, or paved roads, or
8 improvements, including storm drainage, in aid of those roads.

9 Sec. 8353.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
10 project must meet all applicable construction standards, zoning and
11 subdivision requirements, and regulations of each municipality in
12 whose corporate limits or extraterritorial jurisdiction the road
13 project is located.

14 (b) If a road project is not located in the corporate limits
15 or extraterritorial jurisdiction of a municipality, the road
16 project must meet all applicable construction standards,
17 subdivision requirements, and regulations of each county in which
18 the road project is located.

19 (c) If the state will maintain and operate the road, the
20 Texas Transportation Commission must approve the plans and
21 specifications of the road project.

22 Sec. 8353.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
23 OR RESOLUTION. The district shall comply with all applicable
24 requirements of any ordinance or resolution that is adopted under
25 Section 54.016 or 54.0165, Water Code, and that consents to the
26 creation of the district or to the inclusion of land in the
27 district.

1 Sec. 8353.106. LIMITATION ON USE OF EMINENT DOMAIN. The
2 district may not exercise the power of eminent domain outside the
3 district to acquire a site or easement for:

- 4 (1) a road project authorized by Section 8353.103; or
5 (2) a recreational facility as defined by Section
6 49.462, Water Code.

7 Sec. 8353.107. DIVISION OF DISTRICT. (a) The district may
8 be divided into two or more new districts only if the district:

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

11 (b) This chapter applies to any new district created by the
12 division of the district, and a new district has all the powers and
13 duties of the district.

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

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

22 (e) The board may adopt an order dividing the district only
23 after the date on which the creation of the district is confirmed at
24 an election under Section 8353.003.

25 (f) An order dividing the district shall:

- 26 (1) name each new district;
27 (2) include the metes and bounds description of the

1 territory of each new district;

2 (3) appoint temporary directors for each new district
3 or provide that the owner or owners of a majority of the assessed
4 value of the real property in each new district may submit a
5 petition to the Texas Commission on Environmental Quality
6 requesting that the commission appoint as temporary directors the
7 five persons named in the petition; and

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

10 (g) On or before the 30th day after the date of adoption of
11 an order dividing the district, the district shall file the order
12 with the Texas Commission on Environmental Quality and record the
13 order in the real property records of each county in which the
14 district is located.

15 (h) Any new district created by the division of the district
16 shall hold a confirmation and directors' election as required by
17 Section 8353.003(a). A new district that is not confirmed is
18 subject to dissolution under general law.

19 (i) Municipal consent to the creation of the district and to
20 the inclusion of land in the district granted under Section
21 8353.004 acts as municipal consent to the creation of any new
22 district created by division of the district and to the inclusion of
23 land in the new district.

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

1 [Sections 8353.108-8353.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8353.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
4 district may issue, without an election, bonds and other
5 obligations secured by:

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

7 (2) contract payments described by Section 8353.153.

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

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

16 Sec. 8353.152. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election held under Section 8353.151, the district
18 may impose an operation and maintenance tax on taxable property in
19 the district in accordance with Section 49.107, Water Code.

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

22 Sec. 8353.153. CONTRACT TAXES. (a) In accordance with
23 Section 49.108, Water Code, the district may impose a tax other than
24 an operation and maintenance tax and use the revenue derived from
25 the tax to make payments under a contract after the provisions of
26 the contract have been approved by a majority of the district voters
27 voting at an election held for that purpose.

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

4 [Sections 8353.154-8353.200 reserved for expansion]

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8353.201. AUTHORITY TO ISSUE BONDS AND OTHER
7 OBLIGATIONS. The district may issue bonds or other obligations
8 payable wholly or partly from ad valorem taxes, impact fees,
9 revenue, contract payments, grants, or other district money, or any
10 combination of those sources, to pay for any authorized district
11 purpose.

12 Sec. 8353.202. TAXES FOR BONDS. At the time the district
13 issues bonds payable wholly or partly from ad valorem taxes, the
14 board shall provide for the annual imposition of a continuing
15 direct ad valorem tax, without limit as to rate or amount, while all
16 or part of the bonds are outstanding as required and in the manner
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 8353.203. BONDS FOR ROAD PROJECTS. At the time of
19 issuance, the total principal amount of bonds or other obligations
20 issued or incurred to finance road projects and payable from ad
21 valorem taxes may not exceed one-fourth of the assessed value of the
22 real property in the district.

23 SECTION 2. The Clearwater Ranch Municipal Utility District
24 No. 1 initially includes all the territory contained in the
25 following area: 1800.01 Acres of land, consisting of the 870.04
26 acre tract described below as "TRACT 1", the 66.05 acre tract
27 described below as "TRACT 2", the 90.12 acre tract described below

1 as "TRACT 3" and 773.80 acre tract described below as "TRACT 4":

2 TRACT 1: Being 870.04 acres out of the Spring Creek IRR. Co.
3 Survey No. 22, A-1050, the S.F.I.W. Co. Survey No. 1, A-843, the
4 Johannes Braumholz Survey No. 954, A-109, the Jephtha Boyce Survey
5 No. 47, A-114, the R.R. Robarts Survey No. 963, A-765, the John
6 Hasseldanz Survey No. 959, A-430, and the Wayne Barton Survey No. 3,
7 A-112; Being a portion of a called 21,304.716 acre tract as
8 described in a Special Warranty Deed to Oakhurst Properties, L.P.
9 of record in Instrument File Number 700684, Real Property Records
10 of Burnet County, Texas; Said 21,304.716 acre tract being
11 referenced in the Correction Special Warranty Deed to Oakhurst
12 Properties, L.P. of record in Instrument File Number 0800010, Real
13 Property Records of Burnet County, Texas; and being more
14 particularly described by metes and bounds as follows:

15 BEGINNING at a point in a west line of the said 21,304.716
16 acre tract, for the POINT OF BEGINNING of the tract described
17 herein;

18 THENCE with a west and south line of the said 21,304.716 acre
19 tract, the following twenty-three (23) courses and distances:

- 20 1. N 01° 44' 33" W a distance of 39.44 feet to a point of curvature,
- 21 2. with the arc of a curve to the right having a radius of 1195.10
22 feet, an arc distance of 81.65 feet, and a chord of which bears S 84°
23 40' 47" E a distance of 81.63 feet to a point,
- 24 3. N 01° 07' 46" W a distance of 1928.52 feet to a point,
- 25 4. S 88° 18' 02" W a distance of 1966.50 feet to a point,
- 26 5. N 01° 58' 03" W a distance of 5180.83 feet to a point,
- 27 6. N 88° 00' 26" E a distance of 1161.15 feet to a point,

- 1 7. N 87° 18' 58" E a distance of 347.82 feet to a point,
- 2 8. N 87° 18' 56" E a distance of 1018.61 feet to a point,
- 3 9. N 88° 14' 21" E a distance of 1485.39 feet to a point,
- 4 10. S 77° 25' 44" E a distance of 204.78 feet to a point,
- 5 11. S 61° 02' 57" E a distance of 196.93 feet to a point,
- 6 12. N 85° 47' 32" E a distance of 162.77 feet to a point,
- 7 13. S 61° 28' 56" E a distance of 182.89 feet to a point,
- 8 14. S 03° 38' 40" E a distance of 387.97 feet to a point,
- 9 15. S 29° 50' 10" E a distance of 372.55 feet to a point,
- 10 16. S 56° 06' 57" E a distance of 129.92 feet to a point,
- 11 17. S 37° 58' 22" E a distance of 101.04 feet to a point,
- 12 18. N 75° 28' 05" E a distance of 140.83 feet to a point,
- 13 19. S 89° 37' 37" E a distance of 132.69 feet to a point,
- 14 20. N 31° 26' 53" E a distance of 516.63 feet to a point,
- 15 21. S 52° 36' 15" E a distance of 72.31 feet to a point,
- 16 22. S 53° 20' 10" E a distance of 374.14 feet to a point, and
- 17 23. S 53° 16' 09" E a distance of 467.48 feet to a point;

18 THENCE crossing the said 21,304.716 acre tract, the following
19 fifteen (15) courses and distances:

- 20 1. S 37° 03' 44" E a distance of 2152.43 feet to a point of
21 curvature,
- 22 2. with the arc of a curve to the right having a radius of 965.00
23 feet, an arc distance of 168.13 feet, and a chord of which bears S
24 45° 56' 37" W a distance of 167.91 feet to a point,
- 25 3. S 50° 56' 05" W a distance of 150.90 feet to a point of
26 curvature,
- 27 4. with the arc of a curve to the right having a radius of 965.00

- 1 feet, an arc distance of 148.69 feet, and a chord of which bears S
- 2 $55^{\circ} 20' 57''$ W a distance of 148.55 feet to a point,
- 3 5. S $59^{\circ} 45' 48''$ W a distance of 175.46 feet to a point of
- 4 curvature,
- 5 6. with the arc of a curve to the left having a radius of 965.00
- 6 feet, an arc distance of 449.47 feet, and a chord of which bears S
- 7 $46^{\circ} 25' 12''$ W a distance of 445.42 feet to a point,
- 8 7. S $33^{\circ} 04' 36''$ W a distance of 149.14 feet to a point of
- 9 curvature,
- 10 8. with the arc of a curve to the left having a radius of 650.00
- 11 feet, an arc distance of 467.73 feet, and a chord of which bears S
- 12 $12^{\circ} 27' 43''$ W a distance of 457.71 feet to a point,
- 13 9. S $08^{\circ} 09' 10''$ E a distance of 77.76 feet to a point of curvature,
- 14 10. with the arc of a curve to the right having a radius of 450.00
- 15 feet, an arc distance of 344.33 feet, and a chord of which bears S
- 16 $13^{\circ} 46' 06''$ W a distance of 335.99 feet to a point,
- 17 11. S $35^{\circ} 41' 21''$ W a distance of 329.62 feet to a point of
- 18 curvature,
- 19 12. with the arc of a curve to the right having a radius of 965.00
- 20 feet, an arc distance of 614.74 feet, and a chord of which bears S
- 21 $53^{\circ} 56' 20''$ W a distance of 604.40 feet to a point,
- 22 13. S $72^{\circ} 11' 19''$ W a distance of 223.39 feet to a point of
- 23 curvature,
- 24 14. with the arc of a curve to the left having a radius of 965.00
- 25 feet, an arc distance of 346.22 feet, and a chord of which bears S
- 26 $61^{\circ} 54' 38''$ W a distance of 344.37 feet to a point, and
- 27 15. S $51^{\circ} 37' 56''$ W a distance of 1645.00 feet to a point;

1 THENCE with an interior line of the said 21,304.716 acre
2 tract, the following eight (8) courses and distances:

- 3 1. N 30° 34' 16" W a distance of 335.31 feet to a point,
- 4 2. N 37° 38' 09" W a distance of 269.46 feet to a point,
- 5 3. N 74° 23' 51" W a distance of 65.84 feet to a point,
- 6 4. S 37° 28' 46" E a distance of 108.89. feet to a point,
- 7 5. S 16° 44' 16" E a distance of 311.64. feet to a point,
- 8 6. S 27° 58' 37" E a distance of 456.02. feet to a point,
- 9 7. S 15° 58' 33" E a distance of 662.26. feet to a point, and
- 10 8. S 12° 09' 46" W a distance of 112.03. feet to a point;

11 THENCE crossing the said 21,304.716 acre tract, the following
12 six (6) courses and distances:

- 13 1. with the arc of a curve to the left having a radius of 11,273.10
14 feet, an arc distance of 517.85 feet, and a chord of which bears N
15 77° 16' 44" W a distance of 517.80 feet to a point of compound
16 curvature,
- 17 2. with the arc of a curve to the left having a radius of 6956.95
18 feet, an arc distance of 288.93 feet, and a chord of which bears N
19 79° 47' 04" W a distance of 288.91 feet to a point of compound
20 curvature,
- 21 3. with the arc of a curve to the left having a radius of 966.42
22 feet, an arc distance of 285.74 feet, and a chord of which bears N
23 89° 26' 41" W a distance of 284.70 feet to a point,
- 24 4. S 82° 59' 52" W a distance of 342.99. feet to a point of
25 curvature,
- 26 5. with the arc of a curve to the right having a radius of 1318.17
27 feet, an arc distance of 411.62 feet, and a chord of which bears N

1 84° 06' 10" W a distance of 409.95 feet to a point of reverse
2 curvature, and

3 6. with the arc of a curve to the left having a radius of 1611.43
4 feet, an arc distance of 293.69 feet, and a chord of which bears N
5 80° 22' 41" W a distance of 293.29 feet to the POINT OF BEGINNING,
6 containing 870.04 acres of land; and

7 TRACT 2: Being 66.05 acres of land out of the Wayne Barton
8 Survey No. 3, A-112, the William J. Asher Survey No. 693, A-11, and
9 the John Hasseldanz Survey No. 959, A-430; being a portion of a
10 called 21,304.716 acre tract as described in a Special Warranty
11 Deed to Oakhurst Properties, L.P. of record in Instrument File
12 Number 700684, Real Property Records of Burnet County, Texas; said
13 21,304.716 acre tract being referenced in the Correction Special
14 Warranty Deed to Oakhurst Properties, L.P. of record in Instrument
15 File Number 0800010, Real Property Records of Burnet County, Texas;
16 and being more particularly described by metes and bounds as
17 follows:

18 BEGINNING at a point in an interior line of the said
19 21,304.716 acre tract, for the POINT OF BEGINNING of the tract
20 described herein;

21 THENCE with an interior line and a western line of the said
22 21,304.716 acre tract, the following thirty-six (36) courses and
23 distances:

24 1. S 12° 09' 46" W a distance of 513.70 feet to a point,

25 2. S 35° 53' 28" W a distance of 151.96 feet to a point,

26 3. S 55° 57' 49" W a distance of 109.21 feet to a point,

27 4. S 75° 26' 52" W a distance of 76.39 feet to a point,

- 1 5. N 89° 01' 42" W a distance of 107.23 feet to a point,
- 2 6. N 34° 15' 53" W a distance of 49.61 feet to a point,
- 3 7. N 39° 31' 17" W a distance of 109.25 feet to a point,
- 4 8. N 30° 02' 27" W a distance of 67.75 feet to a point,
- 5 9. S 85° 18' 47" W a distance of 41.19 feet to a point,
- 6 10. S 19° 00' 18" W a distance of 96.93 feet to a point,
- 7 11. S 03° 44' 34" W a distance of 116.52 feet to a point,
- 8 12. S 42° 53' 24" W a distance of 81.73 feet to a point,
- 9 13. S 71° 05' 19" W a distance of 222.63 feet to a point,
- 10 14. N 42° 48' 59" W a distance of 145.65 feet to a point,
- 11 15. S 21° 10' 17" W a distance of 197.97 feet to a point,
- 12 16. S 50° 10' 36" W a distance of 91.96 feet to a point,
- 13 17. S 73° 37' 59" W a distance of 88.80 feet to a point,
- 14 18. N 72° 05' 19" W a distance of 46.97 feet to a point,
- 15 19. N 46° 48' 36" W a distance of 30.88 feet to a point,
- 16 20. N 02° 01' 21" W a distance of 271.67 feet to a point,
- 17 21. S 71° 36' 05" W a distance of 211.06 feet to a point,
- 18 22. S 41° 56' 24" W a distance of 315.57 feet to a point,
- 19 23. S 59° 44' 22" W a distance of 407.41 feet to a point,
- 20 24. S 55° 04' 35" W a distance of 393.64 feet to a point,
- 21 25. S 77° 58' 46" W a distance of 216.79 feet to a point,
- 22 26. S 89° 37' 43" W a distance of 96.28 feet to a point,
- 23 27. N 41° 44' 38" W a distance of 161.69 feet to a point,
- 24 28. S 52° 50' 27" W a distance of 116.54 feet to a point;
- 25 29. N 74° 17' 39" W a distance of 94.22 feet to a point,
- 26 30. N 01° 35' 16" W a distance of 219.50 feet to a point,
- 27 31. N 27° 33' 48" W a distance of 187.71 feet to a point,

- 1 32. N 07° 28' 09" E a distance of 381.09 feet to a point,
- 2 33. N 19° 36' 07" E a distance of 69.77 feet to a point,
- 3 34. N 21° 21' 37" E a distance of 89.13 feet to a point,
- 4 35. N 87° 32' 13" E a distance of 933.07 feet to a point, and
- 5 36. N 01° 44' 33" W a distance of 685.02 feet to a point of
- 6 curvature;

7 THENCE crossing the said 21,304.716 acre tract, the following
8 six (6) courses and distances:

- 9 1. with the arc of a curve to the right having a radius of 1611.43
10 feet, an arc distance of 293.69 feet, and a chord of which bears S
11 80° 22' 41" E a distance of 293.29 feet to a point of reverse
12 curvature,
- 13 2. with the arc of a curve to the left having a radius of 1318.17
14 feet, an arc distance of 411.62 feet, and a chord of which bears S
15 84° 06' 10" E a distance of 409.95 feet to a point,
- 16 3. N 82° 59' 52" E a distance of 342.99 feet to a point of
17 curvature,
- 18 4. with the arc of a curve to the right having a radius of 966.42
19 feet, an arc distance of 285.74 feet, and a chord of which bears S
20 89° 26' 41" E a distance of 284.70 feet to a point of compound
21 curvature,
- 22 5. with the arc of a curve to the right having a radius of 6956.95
23 feet, an arc distance of 288.93 feet, and a chord of which bears S
24 79° 47' 04" E a distance of 288.91 feet to a point of compound
25 curvature,
- 26 6. with the arc of a curve to the right having a radius of
27 11,273.10 feet, an arc distance of 517.85 feet, and a chord of which

1 bears S 77° 16' 44" E a distance of 517.80 feet to the POINT OF
2 BEGINNING, containing 66.05 acres of land; and

3 TRACT 3: Being 90.12 acres of land out of the Wayne Barton
4 Survey No. 3, A-112, the William J. Asher Survey No. 693, A-11, and
5 the John Hasseldanz Survey No. 959, A-430; being a portion of a
6 called 21,304.716 acre tract as described in a Special Warranty
7 Deed to Oakhurst Properties, L.P. of record in Instrument File
8 Number 700684, Real Property Records of Burnet County, Texas; said
9 21,304.716 acre tract being referenced in the Correction Special
10 Warranty Deed to Oakhurst Properties, L.P. of record in Instrument
11 File Number 0800010, Real Property Records of Burnet County, Texas;
12 and being more particularly described by metes and bounds as
13 follows:

14 BEGINNING at a point in an interior line of the said
15 21,304.716 acre tract, for the POINT OF BEGINNING of the tract
16 described herein;

17 THENCE crossing the said 21,304.716 acre tract, the following
18 eight (8) courses and distances:

19 1. with the arc of a curve to the right having a radius of
20 11,273.10 feet, an arc distance of 128.50 feet, and a chord of which
21 bears S 73° 54' 15" E a distance of 128.50 feet to a point of reverse
22 curvature,

23 2. with the arc of a curve to the left having a radius of 1,317.71
24 feet, an arc distance of 255.48 feet, and a chord of which bears S
25 79° 07' 55" E a distance of 255.08 feet to a point of reverse
26 curvature,

27 3. with the arc of a curve to the right having a radius of 607.59

1 feet, an arc distance of 502.31 feet, and a chord of which bears S
2 61° 00' 09" E a distance of 488.13 feet to a point of compound
3 curvature,

4 4. with the arc of a curve to the right having a radius of 400.80
5 feet, an arc distance of 429.83 feet, and a chord of which bears S
6 06° 35' 46" E a distance of 409.53 feet to a point of compound
7 curvature,

8 5. with the arc of a curve to the right having a radius of 1133.46
9 feet, an arc distance of 441.33 feet, and a chord of which bears S
10 35° 16' 52" W a distance of 438.55 feet to a point of reverse
11 curvature,

12 6. with the arc of a curve to the left having a radius of 1264.26
13 feet, an arc distance of 415.88 feet, and a chord of which bears S
14 37° 00' 42" W a distance of 414.01 feet to a point of compound
15 curvature,

16 7. with the arc of a curve to the left having a radius of 600.99
17 feet, an arc distance of 556.00 feet, and a chord of which bears S
18 01° 05' 04" W a distance of 536.39 feet to a point of compound
19 curvature, and

20 8. with the arc of a curve to the left having a radius of 798.92
21 feet, an arc distance of 408.33 feet, and a chord of which bears S
22 40° 03' 39" E a distance of 403.90 feet to a point;

23 THENCE with a south line and an interior line of the said
24 21,304.716 acre tract, the following forty-two (42) courses and
25 distances:

26 1. N 89° 58' 50" W a distance of 65.58 feet to a point,

27 2. S 88° 43' 19" W a distance of 1966.32 feet to a point,

- 1 3. S 00° 00' 47" E a distance of 540.91 feet to a point,
- 2 4. S 88° 03' 31" W a distance of 1510.53 feet to a point,
- 3 5. N 46° 29' 55" E a distance of 637.86 feet to a point,
- 4 6. N 64° 44' 13" E a distance of 258.92 feet to a point,
- 5 7. N 53° 23' 17" E a distance of 117.03 feet to a point,
- 6 8. S 83° 34' 48" E a distance of 54.02 feet to a point,
- 7 9. S 04° 19' 09" E a distance of 111.22 feet to a point,
- 8 10. S 08° 41' 40" W a distance of 38.84 feet to a point,
- 9 11. S 22° 43' 53" E a distance of 41.31 feet to a point,
- 10 12. N 62° 49' 16" E a distance of 54.63 feet to a point,
- 11 13. N 60° 31' 18" E a distance of 85.09 feet to a point,
- 12 14. N 39° 17' 25" E a distance of 85.64 feet to a point,
- 13 15. N 14° 38' 43" E a distance of 93.63 feet to a point,
- 14 16. N 26° 48' 58" E a distance of 124.75 feet to a point,
- 15 17. N 32° 00' 31" E a distance of 172.29 feet to a point,
- 16 18. N 28° 39' 34" E a distance of 210.95 feet to a point,
- 17 19. N 25° 06' 51" E a distance of 155.56 feet to a point,
- 18 20. N 38° 53' 57" E a distance of 127.37 feet to a point,
- 19 21. N 68° 58' 39" E a distance of 69.29 feet to a point,
- 20 22. S 56° 59' 22" E a distance of 56.19 feet to a point,
- 21 23. S 41° 45' 07" E a distance of 82.01 feet to a point,
- 22 24. N 70° 48' 34" E a distance of 15.71 feet to a point,
- 23 25. N 00° 12' 58" W a distance of 81.42 feet to a point,
- 24 26. N 09° 59' 31" W a distance of 133.73 feet to a point,
- 25 27. N 19° 57' 24" E a distance of 84.69 feet to a point,
- 26 28. N 74° 15' 02" E a distance of 132.60 feet to a point,
- 27 29. N 39° 30' 32" E a distance of 104.75 feet to a point,

- 1 30. N 62° 08' 58" E a distance of 257.83 feet to a point,
- 2 31. N 81° 48' 22" E a distance of 106.37 feet to a point,
- 3 32. N 35° 49' 44" E a distance of 51.40 feet to a point,
- 4 33. N 72° 52' 40" E a distance of 129.23 feet to a point,
- 5 34. N 65° 44' 31" E a distance of 104.43 feet to a point,
- 6 35. N 74° 22' 24" E a distance of 60.64 feet to a point,
- 7 36. N 48° 58' 40" E a distance of 166.27 feet to a point,
- 8 37. N 37° 23' 34" E a distance of 140.36 feet to a point,
- 9 38. N 23° 42' 41" E a distance of 304.57 feet to a point,
- 10 39. N 33° 22' 43" E a distance of 75.08 feet to a point,
- 11 40. N 19° 04' 34" E a distance of 313.98 feet to a point,
- 12 41. N 16° 59' 38" W a distance of 64.83 feet to a point, and
- 13 42. N 20° 11' 16" E a distance of 23.09 feet to the POINT OF
- 14 BEGINNING, containing 90.12 acres of land; and

15 TRACT 4: Being 773.80 acres of land out of the Johannes
16 Braunholz Survey No. 954, A-109, the L.R. Parks Survey No. 2,
17 A-1140, the S.F.I.W. Co. Survey No. 3, A-845, the T. & N.O. RR. Co.
18 Survey No. 17, A-916, the John Hasseldanz Survey No. 959, A-430, the
19 Wayne Barton Survey No. 3, A-112, and the William Asher Survey No.
20 693, A-11; Being a portion of a called 21,304.716 acre tract as
21 described in the Special Warranty Deed to Oakhurst Properties, L.P.
22 of record in Instrument File Number 700684, Real Property Records
23 of Burnet County, Texas; Said 21,304.716 acre tract being reference
24 din the Correction Special Warranty Deed to Oakhurst Properties,
25 L.P. of record in Instrument File Number 0800010, Real Property
26 Records of Burnet County, Texas; and being more particularly
27 described by metes and bounds as follows:

1 BEGINNING at a point at an interior corner of the said
2 21,304.716 acre tract, for the POINT OF BEGINNING of the tract
3 described herein;

4 THENCE with a south and east line of the said 21,304.716 acre
5 tract, the following seven (7) courses and distances:

- 6 1. S 89° 38' 19" W a distance of 2318.51 feet to a point,
- 7 2. S 00° 43' 57" E a distance of 2482.65 feet to a point,
- 8 3. S 25° 55' 39" E a distance of 2196.15 feet to a point,
- 9 4. S 89° 26' 42" W a distance of 1914.11 feet to a point,
- 10 5. S 89° 08' 43" W a distance of 748.04 feet to a point,
- 11 6. S 87° 55' 45" W a distance of 1130.14 feet to a point, and
- 12 7. N 89° 58' 50" W a distance of 73.15 feet to a point of curvature;

13 THENCE crossing the said 21,304.716 acre tract, the following
14 eight (8) courses and distances:

- 15 1. with the arc of a curve to the right having a radius of 798.92
16 feet, an arc distance of 408.33 feet, and a chord of which bears N
17 40° 03' 39" W a distance of 403.90 feet to a point of compound
18 curvature,
- 19 2. with the arc of a curve to the right having a radius of 600.99
20 feet, an arc distance of 556.00 feet, and a chord of which bears N
21 01° 05' 04" E a distance of 536.39 feet to a point of compound
22 curvature,
- 23 3. with the arc of a curve to the right having a radius of 1264.26
24 feet, an arc distance of 415.88 feet, and a chord of which bears N
25 37° 00' 42" E a distance of 414.01 feet to a point of reverse
26 curvature,
- 27 4. with the arc of a curve to the left having a radius of 1133.46

1 feet, an arc distance of 441.33 feet, and a chord of which bears N
2 35° 16' 52" E a distance of 438.55 feet to a point of compound
3 curvature,

4 5. with the arc of a curve to the left having a radius of 400.80
5 feet, an arc distance of 429.83 feet, and a chord of which bears N
6 06° 35' 46" W a distance of 409.53 feet to a point of compound
7 curvature,

8 6. with the arc of a curve to the left having a radius of 607.59
9 feet, an arc distance of 502.31 feet, and a chord of which bears N
10 61° 00' 09" W a distance of 488.13 feet to a point of reverse
11 curvature,

12 7. with the arc of a curve to the right having a radius of 1,317.71
13 feet, an arc distance of 255.48 feet, and a chord of which bears N
14 79° 07' 55" W a distance of 255.08 feet to a point of reverse
15 curvature, and

16 8. with the arc of a curve to the left having a radius of 11,273.10
17 feet, an arc distance of 128.50 feet, and a chord of which bears N
18 73° 54' 15" W a distance of 128.50 feet to a point;

19 THENCE with an interior line of the said 21,304.716 acre
20 tract, the following five (5) courses and distances:

- 21 1. N 20° 11' 16" E a distance of 27.57 feet to a point,
- 22 2. N 87° 16' 17" E a distance of 158.53 feet to a point,
- 23 3. N 72° 08' 03" E a distance of 80.32 feet to a point,
- 24 4. N 59° 29' 17" W a distance of 155.40 feet to a point, and
- 25 5. N 30° 34' 16" W a distance of 1120.38 feet to a point

26 THENCE crossing the said 21,304.716 acre tract, the following
27 fifteen (15) courses and distances:

- 1 1. N 51° 37' 56" E a distance of 1645.00 feet to a point of
2 curvature,
- 3 2. with the arc of a curve to the right having a radius of 965.00
4 feet, an arc distance of 346.22 feet, and a chord of which bears N
5 61° 54' 38" E a distance of 344.37 feet to a point,
- 6 3. N 72° 11' 19" E a distance of 223.39 feet to a point of
7 curvature,
- 8 4. with the arc of a curve to the left having a radius of 965.00
9 feet, an arc distance of 614.74 feet, and a chord of which bears N
10 53° 56' 20" E a distance of 604.40 feet to a point,
- 11 5. N 35° 41' 21" E a distance of 329.62 feet to a point of
12 curvature,
- 13 6. with the arc of a curve to the left having a radius of 450.00
14 feet, an arc distance of 344.33 feet, and a chord of which bears N
15 13° 46' 06" E a distance of 335.99 feet to a point,
- 16 7. N 08° 09' 10"W a distance of 77.77 feet to a point of curvature,
- 17 8. with the arc of a curve to the right having a radius of 650.00
18 feet, an arc distance of 467.73 feet, and a chord of which bears N
19 12° 27' 43" E a distance of 457.71 feet to a point,
- 20 9. N 33° 04' 36" E a distance of 149.14 feet to a point of
21 curvature,
- 22 10. with the arc of a curve to the right having a radius of 965.00
23 feet, an arc distance of 449.47 feet, and a chord of which bears N
24 46° 25' 12" E a distance of 445.42 feet to a point,
- 25 11. N 59° 45' 48" E a distance of 175.46 feet to a point of
26 curvature,
- 27 12. with the arc of a curve to the left having a radius of 965.00

1 feet, an arc distance of 148.69 feet, and a chord of which bears N
2 55° 20' 57" E a distance of 148.55 feet to a point,

3 13. N 50° 56' 05" E a distance of 150.90 feet to a point of
4 curvature,

5 14. with the arc of a curve to the left having a radius of 965.00
6 feet, an arc distance of 168.13 feet, and a chord of which bears N
7 45° 56' 37" E a distance of 167.91 feet to a point, and

8 15. N 37° 03' 44" W a distance of 2152.43 feet to a point;

9 THENCE with an interior line of the said 21,304.716 acre
10 tract, the following five (5) courses and distances:

11 1. N 29° 22' 42" E a distance of 208.41 feet to a point,

12 2. N 51° 02' 36" E a distance of 151.27 feet to a point,

13 3. N 64° 33' 37" E a distance of 148.51 feet to a point,

14 4. N 28° 41' 14" E a distance of 592.04 feet to a point, and

15 5. N 27° 35' 39" E a distance of 118.08 feet to a point;

16 THENCE crossing the said 21,304.716 acre tract, the following
17 fifteen (15) courses and distances:

18 1. S 66° 36' 52" E a distance of 457.43 feet to a point,

19 2. S 33° 30' 06" E a distance of 451.35 feet to a point,

20 3. S 59° 30' 16" E a distance of 376.53 feet to a point,

21 4. N 64° 15' 36" E a distance of 471.65 feet to a point,

22 5. S 63° 39' 20" E a distance of 611.38 feet to a point,

23 6. N 73° 46' 08" E a distance of 240.54 feet to a point,

24 7. S 56° 55' 21" E a distance of 408.57 feet to a point,

25 8. N 80° 47' 34" E a distance of 478.13 feet to a point,

26 9. S 81° 22' 28" E a distance of 416.69 feet to a point,

27 10. S 30° 06' 52" E a distance of 966.78 feet to a point,

- 1 11. S 78° 06' 19" E a distance of 1843.43 feet to a point,
2 12. S 38° 32' 40" E a distance of 311.43 feet to a point,
3 13. S 62° 59' 05" W a distance of 673.48 feet to a point of
4 curvature,
5 14. with the arc of a curve to the right having a radius of 4000.00
6 feet, an arc distance of 2117.86 feet, and a chord of which bears S
7 78° 09' 10" W a distance of 2093.21 feet to a point, and
8 15. S 00° 39' 29" E a distance of 1891.59 feet to the POINT OF
9 BEGINNING, and containing 773.80 acres of land.

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

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

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

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

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