

1-1 By: Aycock (Senate Sponsor - Fraser) H.B. No. 4710
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Clearwater Ranch Municipal Utility
1-9 District No. 1; providing authority to impose a tax and issue bonds;
1-10 granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8353 to read as follows:

1-14 CHAPTER 8353. CLEARWATER RANCH MUNICIPAL UTILITY DISTRICT NO. 1

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8353.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Clearwater Ranch Municipal
1-20 Utility District No. 1.

1-21 Sec. 8353.002. NATURE OF DISTRICT. The district is a
1-22 municipal utility district created under Section 59, Article XVI,
1-23 Texas Constitution.

1-24 Sec. 8353.003. CONFIRMATION AND DIRECTORS' ELECTION
1-25 REQUIRED. (a) The temporary directors shall hold an election to
1-26 confirm the creation of the district and to elect five permanent
1-27 directors as provided by Section 49.102, Water Code.

1-28 (b) If the creation of the district is not confirmed at a
1-29 confirmation election held under this section before December 31,
1-30 2013:

1-31 (1) the district is dissolved December 31, 2013,
1-32 except that:

1-33 (A) any debts incurred shall be paid;

1-34 (B) any assets that remain after the payment of
1-35 debts shall be transferred to Burnet County; and

1-36 (C) the organization of the district shall be
1-37 maintained until all debts are paid and remaining assets are
1-38 transferred; and

1-39 (2) this chapter expires September 1, 2016.

1-40 Sec. 8353.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 8353.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8353.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-47 The district is created to serve a public purpose and benefit.

1-48 (b) The district is created to accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution; and

1-51 (2) Section 52, Article III, Texas Constitution, that
1-52 relate to the construction, acquisition, improvement, operation,
1-53 or maintenance of macadamized, graveled, or paved roads, or
1-54 improvements, including storm drainage, in aid of those roads.

1-55 Sec. 8353.006. INITIAL DISTRICT TERRITORY. (a) The
1-56 district is initially composed of the territory described by
1-57 Section 2 of the Act creating this chapter.

1-58 (b) The boundaries and field notes contained in Section 2 of
1-59 the Act creating this chapter form a closure. A mistake made in the
1-60 field notes or in copying the field notes in the legislative process
1-61 does not affect the district's:

1-62 (1) organization, existence, or validity;

1-63 (2) right to issue any type of bond for the purposes
1-64 for which the district is created or to pay the principal of and

2-1 interest on a bond;
 2-2 (3) right to impose a tax; or
 2-3 (4) legality or operation.
 2-4 [Sections 8353.007-8353.050 reserved for expansion]
 2-5 SUBCHAPTER B. BOARD OF DIRECTORS
 2-6 Sec. 8353.051. GOVERNING BODY; TERMS. (a) The district is
 2-7 governed by a board of five elected directors.
 2-8 (b) Except as provided by Section 8353.052, directors serve
 2-9 staggered four-year terms.
 2-10 Sec. 8353.052. TEMPORARY DIRECTORS. (a) On or after the
 2-11 effective date of the Act creating this chapter, the owner or owners
 2-12 of a majority of the assessed value of the real property in the
 2-13 district may submit a petition to the Texas Commission on
 2-14 Environmental Quality requesting that the commission appoint as
 2-15 temporary directors the five persons named in the petition. The
 2-16 commission shall appoint as temporary directors the five persons
 2-17 named in the petition.
 2-18 (b) Temporary directors serve until the earlier of:
 2-19 (1) the date permanent directors are elected under
 2-20 Section 8353.003; or
 2-21 (2) the fourth anniversary of the effective date of
 2-22 the Act creating this chapter.
 2-23 (c) If permanent directors have not been elected under
 2-24 Section 8353.003 and the terms of the temporary directors have
 2-25 expired, successor temporary directors shall be appointed or
 2-26 reappointed as provided by Subsection (d) to serve terms that
 2-27 expire on the earliest of:
 2-28 (1) the date permanent directors are elected under
 2-29 Section 8353.003;
 2-30 (2) the date the requirements of Section
 2-31 8353.003(b)(1) are fulfilled; or
 2-32 (3) September 1, 2016.
 2-33 (d) If Subsection (c) applies, the owner or owners of a
 2-34 majority of the assessed value of the real property in the district
 2-35 may submit a petition to the Texas Commission on Environmental
 2-36 Quality requesting that the commission appoint as successor
 2-37 temporary directors the five persons named in the petition. The
 2-38 commission shall appoint as successor temporary directors the five
 2-39 persons named in the petition.
 2-40 [Sections 8353.053-8353.100 reserved for expansion]
 2-41 SUBCHAPTER C. POWERS AND DUTIES
 2-42 Sec. 8353.101. GENERAL POWERS AND DUTIES. The district has
 2-43 the powers and duties necessary to accomplish the purposes for
 2-44 which the district is created.
 2-45 Sec. 8353.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-46 DUTIES. The district has the powers and duties provided by the
 2-47 general law of this state, including Chapters 49 and 54, Water Code,
 2-48 applicable to municipal utility districts created under Section 59,
 2-49 Article XVI, Texas Constitution.
 2-50 Sec. 8353.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-51 52, Article III, Texas Constitution, the district may design,
 2-52 acquire, construct, finance, issue bonds for, improve, operate,
 2-53 maintain, and convey to this state, a county, or a municipality for
 2-54 operation and maintenance macadamized, graveled, or paved roads, or
 2-55 improvements, including storm drainage, in aid of those roads.
 2-56 Sec. 8353.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
 2-57 project must meet all applicable construction standards, zoning and
 2-58 subdivision requirements, and regulations of each municipality in
 2-59 whose corporate limits or extraterritorial jurisdiction the road
 2-60 project is located.
 2-61 (b) If a road project is not located in the corporate limits
 2-62 or extraterritorial jurisdiction of a municipality, the road
 2-63 project must meet all applicable construction standards,
 2-64 subdivision requirements, and regulations of each county in which
 2-65 the road project is located.
 2-66 (c) If the state will maintain and operate the road, the
 2-67 Texas Transportation Commission must approve the plans and
 2-68 specifications of the road project.
 2-69 Sec. 8353.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

3-1 OR RESOLUTION. The district shall comply with all applicable
3-2 requirements of any ordinance or resolution that is adopted under
3-3 Section 54.016 or 54.0165, Water Code, and that consents to the
3-4 creation of the district or to the inclusion of land in the
3-5 district.

3-6 Sec. 8353.106. LIMITATION ON USE OF EMINENT DOMAIN. The
3-7 district may not exercise the power of eminent domain outside the
3-8 district to acquire a site or easement for:

- 3-9 (1) a road project authorized by Section 8353.103; or
- 3-10 (2) a recreational facility as defined by Section
- 3-11 49.462, Water Code.

3-12 Sec. 8353.107. DIVISION OF DISTRICT. (a) The district may
3-13 be divided into two or more new districts only if the district:

- 3-14 (1) has no outstanding bonded debt; and
- 3-15 (2) is not imposing ad valorem taxes.

3-16 (b) This chapter applies to any new district created by the
3-17 division of the district, and a new district has all the powers and
3-18 duties of the district.

3-19 (c) Any new district created by the division of the district
3-20 may not, at the time the new district is created, contain any land
3-21 outside the area described by Section 2 of the Act creating this
3-22 chapter.

3-23 (d) The board, on its own motion or on receipt of a petition
3-24 signed by the owner or owners of a majority of the assessed value of
3-25 the real property in the district, may adopt an order dividing the
3-26 district.

3-27 (e) The board may adopt an order dividing the district only
3-28 after the date on which the creation of the district is confirmed at
3-29 an election under Section 8353.003.

3-30 (f) An order dividing the district shall:

- 3-31 (1) name each new district;
- 3-32 (2) include the metes and bounds description of the
- 3-33 territory of each new district;
- 3-34 (3) appoint temporary directors for each new district
- 3-35 or provide that the owner or owners of a majority of the assessed
- 3-36 value of the real property in each new district may submit a
- 3-37 petition to the Texas Commission on Environmental Quality
- 3-38 requesting that the commission appoint as temporary directors the
- 3-39 five persons named in the petition; and

3-40 (4) provide for the division of assets and liabilities
3-41 between or among the new districts.

3-42 (g) On or before the 30th day after the date of adoption of
3-43 an order dividing the district, the district shall file the order
3-44 with the Texas Commission on Environmental Quality and record the
3-45 order in the real property records of each county in which the
3-46 district is located.

3-47 (h) Any new district created by the division of the district
3-48 shall hold a confirmation and directors' election as required by
3-49 Section 8353.003(a). A new district that is not confirmed is
3-50 subject to dissolution under general law.

3-51 (i) Municipal consent to the creation of the district and to
3-52 the inclusion of land in the district granted under Section
3-53 8353.004 acts as municipal consent to the creation of any new
3-54 district created by division of the district and to the inclusion of
3-55 land in the new district.

3-56 (j) Any new district created by the division of the district
3-57 must hold an election as required by this chapter to obtain voter
3-58 approval before the district may impose a maintenance tax or issue
3-59 bonds payable wholly or partly from ad valorem taxes.

3-60 [Sections 8353.108-8353.150 reserved for expansion]

3-61 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-62 Sec. 8353.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-63 district may issue, without an election, bonds and other
3-64 obligations secured by:

- 3-65 (1) revenue other than ad valorem taxes; or
- 3-66 (2) contract payments described by Section 8353.153.

3-67 (b) The district must hold an election in the manner
3-68 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-69 before the district may impose an ad valorem tax or issue bonds

4-1 payable from ad valorem taxes.

4-2 (c) The district may not issue bonds payable from ad valorem
 4-3 taxes to finance a road project unless the issuance is approved by a
 4-4 vote of a two-thirds majority of the district voters voting at an
 4-5 election held for that purpose.

4-6 Sec. 8353.152. OPERATION AND MAINTENANCE TAX. (a) If
 4-7 authorized at an election held under Section 8353.151, the district
 4-8 may impose an operation and maintenance tax on taxable property in
 4-9 the district in accordance with Section 49.107, Water Code.

4-10 (b) The board shall determine the tax rate. The rate may not
 4-11 exceed the rate approved at the election.

4-12 Sec. 8353.153. CONTRACT TAXES. (a) In accordance with
 4-13 Section 49.108, Water Code, the district may impose a tax other than
 4-14 an operation and maintenance tax and use the revenue derived from
 4-15 the tax to make payments under a contract after the provisions of
 4-16 the contract have been approved by a majority of the district voters
 4-17 voting at an election held for that purpose.

4-18 (b) A contract approved by the district voters may contain a
 4-19 provision stating that the contract may be modified or amended by
 4-20 the board without further voter approval.

4-21 [Sections 8353.154-8353.200 reserved for expansion]

4-22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-23 Sec. 8353.201. AUTHORITY TO ISSUE BONDS AND OTHER
 4-24 OBLIGATIONS. The district may issue bonds or other obligations
 4-25 payable wholly or partly from ad valorem taxes, impact fees,
 4-26 revenue, contract payments, grants, or other district money, or any
 4-27 combination of those sources, to pay for any authorized district
 4-28 purpose.

4-29 Sec. 8353.202. TAXES FOR BONDS. At the time the district
 4-30 issues bonds payable wholly or partly from ad valorem taxes, the
 4-31 board shall provide for the annual imposition of a continuing
 4-32 direct ad valorem tax, without limit as to rate or amount, while all
 4-33 or part of the bonds are outstanding as required and in the manner
 4-34 provided by Sections 54.601 and 54.602, Water Code.

4-35 Sec. 8353.203. BONDS FOR ROAD PROJECTS. At the time of
 4-36 issuance, the total principal amount of bonds or other obligations
 4-37 issued or incurred to finance road projects and payable from ad
 4-38 valorem taxes may not exceed one-fourth of the assessed value of the
 4-39 real property in the district.

4-40 SECTION 2. The Clearwater Ranch Municipal Utility District
 4-41 No. 1 initially includes all the territory contained in the
 4-42 following area: 1800.01 Acres of land, consisting of the 870.04
 4-43 acre tract described below as "TRACT 1", the 66.05 acre tract
 4-44 described below as "TRACT 2", the 90.12 acre tract described below
 4-45 as "TRACT 3" and 773.80 acre tract described below as "TRACT 4":

4-46 TRACT 1: Being 870.04 acres out of the Spring Creek IRR. Co.
 4-47 Survey No. 22, A-1050, the S.F.I.W. Co. Survey No. 1, A-843, the
 4-48 Johannes Braumholz Survey No. 954, A-109, the Jephtha Boyce Survey
 4-49 No. 47, A-114, the R.R. Robarts Survey No. 963, A-765, the John
 4-50 Hasseldanz Survey No. 959, A-430, and the Wayne Barton Survey No. 3,
 4-51 A-112; Being a portion of a called 21,304.716 acre tract as
 4-52 described in a Special Warranty Deed to Oakhurst Properties, L.P.
 4-53 of record in Instrument File Number 700684, Real Property Records
 4-54 of Burnet County, Texas; Said 21,304.716 acre tract being
 4-55 referenced in the Correction Special Warranty Deed to Oakhurst
 4-56 Properties, L.P. of record in Instrument File Number 0800010, Real
 4-57 Property Records of Burnet County, Texas; and being more
 4-58 particularly described by metes and bounds as follows:

4-59 BEGINNING at a point in a west line of the said 21,304.716
 4-60 acre tract, for the POINT OF BEGINNING of the tract described
 4-61 herein;

4-62 THENCE with a west and south line of the said 21,304.716 acre
 4-63 tract, the following twenty-three (23) courses and distances:

- 4-64 1. N 01° 44' 33" W a distance of 39.44 feet to a point of curvature,
- 4-65 2. with the arc of a curve to the right having a radius of 1195.10
- 4-66 feet, an arc distance of 81.65 feet, and a chord of which bears S 84°
- 4-67 40' 47" E a distance of 81.63 feet to a point,
- 4-68 3. N 01° 07' 46" W a distance of 1928.52 feet to a point,
- 4-69 4. S 88° 18' 02" W a distance of 1966.50 feet to a point,

- 5-1 5. N 01° 58' 03" W a distance of 5180.83 feet to a point,
- 5-2 6. N 88° 00' 26" E a distance of 1161.15 feet to a point,
- 5-3 7. N 87° 18' 58" E a distance of 347.82 feet to a point,
- 5-4 8. N 87° 18' 56" E a distance of 1018.61 feet to a point,
- 5-5 9. N 88° 14' 21" E a distance of 1485.39 feet to a point,
- 5-6 10. S 77° 25' 44" E a distance of 204.78 feet to a point,
- 5-7 11. S 61° 02' 57" E a distance of 196.93 feet to a point,
- 5-8 12. N 85° 47' 32" E a distance of 162.77 feet to a point,
- 5-9 13. S 61° 28' 56" E a distance of 182.89 feet to a point,
- 5-10 14. S 03° 38' 40" E a distance of 387.97 feet to a point,
- 5-11 15. S 29° 50' 10" E a distance of 372.55 feet to a point,
- 5-12 16. S 56° 06' 57" E a distance of 129.92 feet to a point,
- 5-13 17. S 37° 58' 22" E a distance of 101.04 feet to a point,
- 5-14 18. N 75° 28' 05" E a distance of 140.83 feet to a point,
- 5-15 19. S 89° 37' 37" E a distance of 132.69 feet to a point,
- 5-16 20. N 31° 26' 53" E a distance of 516.63 feet to a point,
- 5-17 21. S 52° 36' 15" E a distance of 72.31 feet to a point,
- 5-18 22. S 53° 20' 10" E a distance of 374.14 feet to a point, and
- 5-19 23. S 53° 16' 09" E a distance of 467.48 feet to a point;
- 5-20 THENCE crossing the said 21,304.716 acre tract, the following
- 5-21 fifteen (15) courses and distances:
- 5-22 1. S 37° 03' 44" E a distance of 2152.43 feet to a point of
- 5-23 curvature,
- 5-24 2. with the arc of a curve to the right having a radius of 965.00
- 5-25 feet, an arc distance of 168.13 feet, and a chord of which bears S
- 5-26 45° 56' 37" W a distance of 167.91 feet to a point,
- 5-27 3. S 50° 56' 05" W a distance of 150.90 feet to a point of
- 5-28 curvature,
- 5-29 4. with the arc of a curve to the right having a radius of 965.00
- 5-30 feet, an arc distance of 148.69 feet, and a chord of which bears S
- 5-31 55° 20' 57" W a distance of 148.55 feet to a point,
- 5-32 5. S 59° 45' 48" W a distance of 175.46 feet to a point of
- 5-33 curvature,
- 5-34 6. with the arc of a curve to the left having a radius of 965.00
- 5-35 feet, an arc distance of 449.47 feet, and a chord of which bears S
- 5-36 46° 25' 12" W a distance of 445.42 feet to a point,
- 5-37 7. S 33° 04' 36" W a distance of 149.14 feet to a point of
- 5-38 curvature,
- 5-39 8. with the arc of a curve to the left having a radius of 650.00
- 5-40 feet, an arc distance of 467.73 feet, and a chord of which bears S
- 5-41 12° 27' 43" W a distance of 457.71 feet to a point,
- 5-42 9. S 08° 09' 10" E a distance of 77.76 feet to a point of curvature,
- 5-43 10. with the arc of a curve to the right having a radius of 450.00
- 5-44 feet, an arc distance of 344.33 feet, and a chord of which bears S
- 5-45 13° 46' 06" W a distance of 335.99 feet to a point,
- 5-46 11. S 35° 41' 21" W a distance of 329.62 feet to a point of
- 5-47 curvature,
- 5-48 12. with the arc of a curve to the right having a radius of 965.00
- 5-49 feet, an arc distance of 614.74 feet, and a chord of which bears S
- 5-50 53° 56' 20" W a distance of 604.40 feet to a point,
- 5-51 13. S 72° 11' 19" W a distance of 223.39 feet to a point of
- 5-52 curvature,
- 5-53 14. with the arc of a curve to the left having a radius of 965.00
- 5-54 feet, an arc distance of 346.22 feet, and a chord of which bears S
- 5-55 61° 54' 38" W a distance of 344.37 feet to a point, and
- 5-56 15. S 51° 37' 56" W a distance of 1645.00 feet to a point;
- 5-57 THENCE with an interior line of the said 21,304.716 acre
- 5-58 tract, the following eight (8) courses and distances:
- 5-59 1. N 30° 34' 16" W a distance of 335.31 feet to a point,
- 5-60 2. N 37° 38' 09" W a distance of 269.46 feet to a point,
- 5-61 3. N 74° 23' 51" W a distance of 65.84 feet to a point,
- 5-62 4. S 37° 28' 46" E a distance of 108.89. feet to a point,
- 5-63 5. S 16° 44' 16" E a distance of 311.64. feet to a point,
- 5-64 6. S 27° 58' 37" E a distance of 456.02. feet to a point,
- 5-65 7. S 15° 58' 33" E a distance of 662.26. feet to a point, and
- 5-66 8. S 12° 09' 46" W a distance of 112.03. feet to a point;
- 5-67 THENCE crossing the said 21,304.716 acre tract, the following
- 5-68 six (6) courses and distances:
- 5-69 1. with the arc of a curve to the left having a radius of 11,273.10

6-1 feet, an arc distance of 517.85 feet, and a chord of which bears N
6-2 77° 16' 44" W a distance of 517.80 feet to a point of compound
6-3 curvature,
6-4 2. with the arc of a curve to the left having a radius of 6956.95
6-5 feet, an arc distance of 288.93 feet, and a chord of which bears N
6-6 79° 47' 04" W a distance of 288.91 feet to a point of compound
6-7 curvature,
6-8 3. with the arc of a curve to the left having a radius of 966.42
6-9 feet, an arc distance of 285.74 feet, and a chord of which bears N
6-10 89° 26' 41" W a distance of 284.70 feet to a point,
6-11 4. S 82° 59' 52" W a distance of 342.99. feet to a point of
6-12 curvature,
6-13 5. with the arc of a curve to the right having a radius of 1318.17
6-14 feet, an arc distance of 411.62 feet, and a chord of which bears N
6-15 84° 06' 10" W a distance of 409.95 feet to a point of reverse
6-16 curvature, and
6-17 6. with the arc of a curve to the left having a radius of 1611.43
6-18 feet, an arc distance of 293.69 feet, and a chord of which bears N
6-19 80° 22' 41" W a distance of 293.29 feet to the POINT OF BEGINNING,
6-20 containing 870.04 acres of land; and
6-21 TRACT 2: Being 66.05 acres of land out of the Wayne Barton
6-22 Survey No. 3, A-112, the William J. Asher Survey No. 693, A-11, and
6-23 the John Hasseldanz Survey No. 959, A-430; being a portion of a
6-24 called 21,304.716 acre tract as described in a Special Warranty
6-25 Deed to Oakhurst Properties, L.P. of record in Instrument File
6-26 Number 700684, Real Property Records of Burnet County, Texas; said
6-27 21,304.716 acre tract being referenced in the Correction Special
6-28 Warranty Deed to Oakhurst Properties, L.P. of record in Instrument
6-29 File Number 0800010, Real Property Records of Burnet County, Texas;
6-30 and being more particularly described by metes and bounds as
6-31 follows:
6-32 BEGINNING at a point in an interior line of the said
6-33 21,304.716 acre tract, for the POINT OF BEGINNING of the tract
6-34 described herein;
6-35 THENCE with an interior line and a western line of the said
6-36 21,304.716 acre tract, the following thirty-six (36) courses and
6-37 distances:
6-38 1. S 12° 09' 46" W a distance of 513.70 feet to a point,
6-39 2. S 35° 53' 28" W a distance of 151.96 feet to a point,
6-40 3. S 55° 57' 49" W a distance of 109.21 feet to a point,
6-41 4. S 75° 26' 52" W a distance of 76.39 feet to a point,
6-42 5. N 89° 01' 42" W a distance of 107.23 feet to a point,
6-43 6. N 34° 15' 53" W a distance of 49.61 feet to a point,
6-44 7. N 39° 31' 17" W a distance of 109.25 feet to a point,
6-45 8. N 30° 02' 27" W a distance of 67.75 feet to a point,
6-46 9. S 85° 18' 47" W a distance of 41.19 feet to a point,
6-47 10. S 19° 00' 18" W a distance of 96.93 feet to a point,
6-48 11. S 03° 44' 34" W a distance of 116.52 feet to a point,
6-49 12. S 42° 53' 24" W a distance of 81.73 feet to a point,
6-50 13. S 71° 05' 19" W a distance of 222.63 feet to a point,
6-51 14. N 42° 48' 59" W a distance of 145.65 feet to a point,
6-52 15. S 21° 10' 17" W a distance of 197.97 feet to a point,
6-53 16. S 50° 10' 36" W a distance of 91.96 feet to a point,
6-54 17. S 73° 37' 59" W a distance of 88.80 feet to a point,
6-55 18. N 72° 05' 19" W a distance of 46.97 feet to a point,
6-56 19. N 46° 48' 36" W a distance of 30.88 feet to a point,
6-57 20. N 02° 01' 21" W a distance of 271.67 feet to a point,
6-58 21. S 71° 36' 05" W a distance of 211.06 feet to a point,
6-59 22. S 41° 56' 24" W a distance of 315.57 feet to a point,
6-60 23. S 59° 44' 22" W a distance of 407.41 feet to a point,
6-61 24. S 55° 04' 35" W a distance of 393.64 feet to a point,
6-62 25. S 77° 58' 46" W a distance of 216.79 feet to a point,
6-63 26. S 89° 37' 43" W a distance of 96.28 feet to a point,
6-64 27. N 41° 44' 38" W a distance of 161.69 feet to a point,
6-65 28. S 52° 50' 27" W a distance of 116.54 feet to a point;
6-66 29. N 74° 17' 39" W a distance of 94.22 feet to a point,
6-67 30. N 01° 35' 16" W a distance of 219.50 feet to a point,
6-68 31. N 27° 33' 48" W a distance of 187.71 feet to a point,
6-69 32. N 07° 28' 09" E a distance of 381.09 feet to a point,

7-1 33. N 19° 36' 07" E a distance of 69.77 feet to a point,
 7-2 34. N 21° 21' 37" E a distance of 89.13 feet to a point,
 7-3 35. N 87° 32' 13" E a distance of 933.07 feet to a point, and
 7-4 36. N 01° 44' 33" W a distance of 685.02 feet to a point of
 7-5 curvature;
 7-6 THENCE crossing the said 21,304.716 acre tract, the following
 7-7 six (6) courses and distances:
 7-8 1. with the arc of a curve to the right having a radius of 1611.43
 7-9 feet, an arc distance of 293.69 feet, and a chord of which bears S
 7-10 80° 22' 41" E a distance of 293.29 feet to a point of reverse
 7-11 curvature,
 7-12 2. with the arc of a curve to the left having a radius of 1318.17
 7-13 feet, an arc distance of 411.62 feet, and a chord of which bears S
 7-14 84° 06' 10" E a distance of 409.95 feet to a point,
 7-15 3. N 82° 59' 52" E a distance of 342.99 feet to a point of
 7-16 curvature,
 7-17 4. with the arc of a curve to the right having a radius of 966.42
 7-18 feet, an arc distance of 285.74 feet, and a chord of which bears S
 7-19 89° 26' 41" E a distance of 284.70 feet to a point of compound
 7-20 curvature,
 7-21 5. with the arc of a curve to the right having a radius of 6956.95
 7-22 feet, an arc distance of 288.93 feet, and a chord of which bears S
 7-23 79° 47' 04" E a distance of 288.91 feet to a point of compound
 7-24 curvature,
 7-25 6. with the arc of a curve to the right having a radius of
 7-26 11,273.10 feet, an arc distance of 517.85 feet, and a chord of which
 7-27 bears S 77° 16' 44" E a distance of 517.80 feet to the POINT OF
 7-28 BEGINNING, containing 66.05 acres of land; and
 7-29 TRACT 3: Being 90.12 acres of land out of the Wayne Barton
 7-30 Survey No. 3, A-112, the William J. Asher Survey No. 693, A-11, and
 7-31 the John Hasseldanz Survey No. 959, A-430; being a portion of a
 7-32 called 21,304.716 acre tract as described in a Special Warranty
 7-33 Deed to Oakhurst Properties, L.P. of record in Instrument File
 7-34 Number 700684, Real Property Records of Burnet County, Texas; said
 7-35 21,304.716 acre tract being referenced in the Correction Special
 7-36 Warranty Deed to Oakhurst Properties, L.P. of record in Instrument
 7-37 File Number 0800010, Real Property Records of Burnet County, Texas;
 7-38 and being more particularly described by metes and bounds as
 7-39 follows:
 7-40 BEGINNING at a point in an interior line of the said
 7-41 21,304.716 acre tract, for the POINT OF BEGINNING of the tract
 7-42 described herein;
 7-43 THENCE crossing the said 21,304.716 acre tract, the following
 7-44 eight (8) courses and distances:
 7-45 1. with the arc of a curve to the right having a radius of
 7-46 11,273.10 feet, an arc distance of 128.50 feet, and a chord of which
 7-47 bears S 73° 54' 15" E a distance of 128.50 feet to a point of reverse
 7-48 curvature,
 7-49 2. with the arc of a curve to the left having a radius of 1,317.71
 7-50 feet, an arc distance of 255.48 feet, and a chord of which bears S
 7-51 79° 07' 55" E a distance of 255.08 feet to a point of reverse
 7-52 curvature,
 7-53 3. with the arc of a curve to the right having a radius of 607.59
 7-54 feet, an arc distance of 502.31 feet, and a chord of which bears S
 7-55 61° 00' 09" E a distance of 488.13 feet to a point of compound
 7-56 curvature,
 7-57 4. with the arc of a curve to the right having a radius of 400.80
 7-58 feet, an arc distance of 429.83 feet, and a chord of which bears S
 7-59 06° 35' 46" E a distance of 409.53 feet to a point of compound
 7-60 curvature,
 7-61 5. with the arc of a curve to the right having a radius of 1133.46
 7-62 feet, an arc distance of 441.33 feet, and a chord of which bears S
 7-63 35° 16' 52" W a distance of 438.55 feet to a point of reverse
 7-64 curvature,
 7-65 6. with the arc of a curve to the left having a radius of 1264.26
 7-66 feet, an arc distance of 415.88 feet, and a chord of which bears S
 7-67 37° 00' 42" W a distance of 414.01 feet to a point of compound
 7-68 curvature,
 7-69 7. with the arc of a curve to the left having a radius of 600.99

8-1 feet, an arc distance of 556.00 feet, and a chord of which bears S
8-2 01° 05' 04" W a distance of 536.39 feet to a point of compound
8-3 curvature, and
8-4 8. with the arc of a curve to the left having a radius of 798.92
8-5 feet, an arc distance of 408.33 feet, and a chord of which bears S
8-6 40° 03' 39" E a distance of 403.90 feet to a point;
8-7 THENCE with a south line and an interior line of the said
8-8 21,304.716 acre tract, the following forty-two (42) courses and
8-9 distances:

8-10 1. N 89° 58' 50" W a distance of 65.58 feet to a point,
8-11 2. S 88° 43' 19" W a distance of 1966.32 feet to a point,
8-12 3. S 00° 00' 47" E a distance of 540.91 feet to a point,
8-13 4. S 88° 03' 31" W a distance of 1510.53 feet to a point,
8-14 5. N 46° 29' 55" E a distance of 637.86 feet to a point,
8-15 6. N 64° 44' 13" E a distance of 258.92 feet to a point,
8-16 7. N 53° 23' 17" E a distance of 117.03 feet to a point,
8-17 8. S 83° 34' 48" E a distance of 54.02 feet to a point,
8-18 9. S 04° 19' 09" E a distance of 111.22 feet to a point,
8-19 10. S 08° 41' 40" W a distance of 38.84 feet to a point,
8-20 11. S 22° 43' 53" E a distance of 41.31 feet to a point,
8-21 12. N 62° 49' 16" E a distance of 54.63 feet to a point,
8-22 13. N 60° 31' 18" E a distance of 85.09 feet to a point,
8-23 14. N 39° 17' 25" E a distance of 85.64 feet to a point,
8-24 15. N 14° 38' 43" E a distance of 93.63 feet to a point,
8-25 16. N 26° 48' 58" E a distance of 124.75 feet to a point,
8-26 17. N 32° 00' 31" E a distance of 172.29 feet to a point,
8-27 18. N 28° 39' 34" E a distance of 210.95 feet to a point,
8-28 19. N 25° 06' 51" E a distance of 155.56 feet to a point,
8-29 20. N 38° 53' 57" E a distance of 127.37 feet to a point,
8-30 21. N 68° 58' 39" E a distance of 69.29 feet to a point,
8-31 22. S 56° 59' 22" E a distance of 56.19 feet to a point,
8-32 23. S 41° 45' 07" E a distance of 82.01 feet to a point,
8-33 24. N 70° 48' 34" E a distance of 15.71 feet to a point,
8-34 25. N 00° 12' 58" W a distance of 81.42 feet to a point,
8-35 26. N 09° 59' 31" W a distance of 133.73 feet to a point,
8-36 27. N 19° 57' 24" E a distance of 84.69 feet to a point,
8-37 28. N 74° 15' 02" E a distance of 132.60 feet to a point,
8-38 29. N 39° 30' 32" E a distance of 104.75 feet to a point,
8-39 30. N 62° 08' 58" E a distance of 257.83 feet to a point,
8-40 31. N 81° 48' 22" E a distance of 106.37 feet to a point,
8-41 32. N 35° 49' 44" E a distance of 51.40 feet to a point,
8-42 33. N 72° 52' 40" E a distance of 129.23 feet to a point,
8-43 34. N 65° 44' 31" E a distance of 104.43 feet to a point,
8-44 35. N 74° 22' 24" E a distance of 60.64 feet to a point,
8-45 36. N 48° 58' 40" E a distance of 166.27 feet to a point,
8-46 37. N 37° 23' 34" E a distance of 140.36 feet to a point,
8-47 38. N 23° 42' 41" E a distance of 304.57 feet to a point,
8-48 39. N 33° 22' 43" E a distance of 75.08 feet to a point,
8-49 40. N 19° 04' 34" E a distance of 313.98 feet to a point,
8-50 41. N 16° 59' 38" W a distance of 64.83 feet to a point, and
8-51 42. N 20° 11' 16" E a distance of 23.09 feet to the POINT OF
8-52 BEGINNING, containing 90.12 acres of land; and

8-53 TRACT 4: Being 773.80 acres of land out of the Johannes
8-54 Braunholz Survey No. 954, A-109, the L.R. Parks Survey No. 2,
8-55 A-1140, the S.F.I.W. Co. Survey No. 3, A-845, the T. & N.O. RR. Co.
8-56 Survey No. 17, A-916, the John Hasseldanz Survey No. 959, A-430, the
8-57 Wayne Barton Survey No. 3, A-112, and the William Asher Survey No.
8-58 693, A-11; Being a portion of a called 21,304.716 acre tract as
8-59 described in the Special Warranty Deed to Oakhurst Properties, L.P.
8-60 of record in Instrument File Number 700684, Real Property Records
8-61 of Burnet County, Texas; Said 21,304.716 acre tract being reference
8-62 din the Correction Special Warranty Deed to Oakhurst Properties,
8-63 L.P. of record in Instrument File Number 0800010, Real Property
8-64 Records of Burnet County, Texas; and being more particularly
8-65 described by metes and bounds as follows:

8-66 BEGINNING at a point at an interior corner of the said
8-67 21,304.716 acre tract, for the POINT OF BEGINNING of the tract
8-68 described herein;
8-69 THENCE with a south and east line of the said 21,304.716 acre

9-1 tract, the following seven (7) courses and distances:
9-2 1. S 89° 38' 19" W a distance of 2318.51 feet to a point,
9-3 2. S 00° 43' 57" E a distance of 2482.65 feet to a point,
9-4 3. S 25° 55' 39" E a distance of 2196.15 feet to a point,
9-5 4. S 89° 26' 42" W a distance of 1914.11 feet to a point,
9-6 5. S 89° 08' 43" W a distance of 748.04 feet to a point,
9-7 6. S 87° 55' 45" W a distance of 1130.14 feet to a point, and
9-8 7. N 89° 58' 50" W a distance of 73.15 feet to a point of curvature;
9-9 THENCE crossing the said 21,304.716 acre tract, the following
9-10 eight (8) courses and distances:
9-11 1. with the arc of a curve to the right having a radius of 798.92
9-12 feet, an arc distance of 408.33 feet, and a chord of which bears N
9-13 40° 03' 39" W a distance of 403.90 feet to a point of compound
9-14 curvature,
9-15 2. with the arc of a curve to the right having a radius of 600.99
9-16 feet, an arc distance of 556.00 feet, and a chord of which bears N
9-17 01° 05' 04" E a distance of 536.39 feet to a point of compound
9-18 curvature,
9-19 3. with the arc of a curve to the right having a radius of 1264.26
9-20 feet, an arc distance of 415.88 feet, and a chord of which bears N
9-21 37° 00' 42" E a distance of 414.01 feet to a point of reverse
9-22 curvature,
9-23 4. with the arc of a curve to the left having a radius of 1133.46
9-24 feet, an arc distance of 441.33 feet, and a chord of which bears N
9-25 35° 16' 52" E a distance of 438.55 feet to a point of compound
9-26 curvature,
9-27 5. with the arc of a curve to the left having a radius of 400.80
9-28 feet, an arc distance of 429.83 feet, and a chord of which bears N
9-29 06° 35' 46" W a distance of 409.53 feet to a point of compound
9-30 curvature,
9-31 6. with the arc of a curve to the left having a radius of 607.59
9-32 feet, an arc distance of 502.31 feet, and a chord of which bears N
9-33 61° 00' 09" W a distance of 488.13 feet to a point of reverse
9-34 curvature,
9-35 7. with the arc of a curve to the right having a radius of 1,317.71
9-36 feet, an arc distance of 255.48 feet, and a chord of which bears N
9-37 79° 07' 55" W a distance of 255.08 feet to a point of reverse
9-38 curvature, and
9-39 8. with the arc of a curve to the left having a radius of 11,273.10
9-40 feet, an arc distance of 128.50 feet, and a chord of which bears N
9-41 73° 54' 15" W a distance of 128.50 feet to a point;
9-42 THENCE with an interior line of the said 21,304.716 acre
9-43 tract, the following five (5) courses and distances:
9-44 1. N 20° 11' 16" E a distance of 27.57 feet to a point,
9-45 2. N 87° 16' 17" E a distance of 158.53 feet to a point,
9-46 3. N 72° 08' 03" E a distance of 80.32 feet to a point,
9-47 4. N 59° 29' 17" W a distance of 155.40 feet to a point, and
9-48 5. N 30° 34' 16" W a distance of 1120.38 feet to a point
9-49 THENCE crossing the said 21,304.716 acre tract, the following
9-50 fifteen (15) courses and distances:
9-51 1. N 51° 37' 56" E a distance of 1645.00 feet to a point of
9-52 curvature,
9-53 2. with the arc of a curve to the right having a radius of 965.00
9-54 feet, an arc distance of 346.22 feet, and a chord of which bears N
9-55 61° 54' 38" E a distance of 344.37 feet to a point,
9-56 3. N 72° 11' 19" E a distance of 223.39 feet to a point of
9-57 curvature,
9-58 4. with the arc of a curve to the left having a radius of 965.00
9-59 feet, an arc distance of 614.74 feet, and a chord of which bears N
9-60 53° 56' 20" E a distance of 604.40 feet to a point,
9-61 5. N 35° 41' 21" E a distance of 329.62 feet to a point of
9-62 curvature,
9-63 6. with the arc of a curve to the left having a radius of 450.00
9-64 feet, an arc distance of 344.33 feet, and a chord of which bears N
9-65 13° 46' 06" E a distance of 335.99 feet to a point,
9-66 7. N 08° 09' 10" W a distance of 77.77 feet to a point of curvature,
9-67 8. with the arc of a curve to the right having a radius of 650.00
9-68 feet, an arc distance of 467.73 feet, and a chord of which bears N
9-69 12° 27' 43" E a distance of 457.71 feet to a point,

10-1 9. N 33° 04' 36" E a distance of 149.14 feet to a point of
 10-2 curvature,
 10-3 10. with the arc of a curve to the right having a radius of 965.00
 10-4 feet, an arc distance of 449.47 feet, and a chord of which bears N
 10-5 46° 25' 12" E a distance of 445.42 feet to a point,
 10-6 11. N 59° 45' 48" E a distance of 175.46 feet to a point of
 10-7 curvature,
 10-8 12. with the arc of a curve to the left having a radius of 965.00
 10-9 feet, an arc distance of 148.69 feet, and a chord of which bears N
 10-10 55° 20' 57" E a distance of 148.55 feet to a point,
 10-11 13. N 50° 56' 05" E a distance of 150.90 feet to a point of
 10-12 curvature,
 10-13 14. with the arc of a curve to the left having a radius of 965.00
 10-14 feet, an arc distance of 168.13 feet, and a chord of which bears N
 10-15 45° 56' 37" E a distance of 167.91 feet to a point, and
 10-16 15. N 37° 03' 44" W a distance of 2152.43 feet to a point;
 10-17 THENCE with an interior line of the said 21,304.716 acre
 10-18 tract, the following five (5) courses and distances:
 10-19 1. N 29° 22' 42" E a distance of 208.41 feet to a point,
 10-20 2. N 51° 02' 36" E a distance of 151.27 feet to a point,
 10-21 3. N 64° 33' 37" E a distance of 148.51 feet to a point,
 10-22 4. N 28° 41' 14" E a distance of 592.04 feet to a point, and
 10-23 5. N 27° 35' 39" E a distance of 118.08 feet to a point;
 10-24 THENCE crossing the said 21,304.716 acre tract, the following
 10-25 fifteen (15) courses and distances:
 10-26 1. S 66° 36' 52" E a distance of 457.43 feet to a point,
 10-27 2. S 33° 30' 06" E a distance of 451.35 feet to a point,
 10-28 3. S 59° 30' 16" E a distance of 376.53 feet to a point,
 10-29 4. N 64° 15' 36" E a distance of 471.65 feet to a point,
 10-30 5. S 63° 39' 20" E a distance of 611.38 feet to a point,
 10-31 6. N 73° 46' 08" E a distance of 240.54 feet to a point,
 10-32 7. S 56° 55' 21" E a distance of 408.57 feet to a point,
 10-33 8. N 80° 47' 34" E a distance of 478.13 feet to a point,
 10-34 9. S 81° 22' 28" E a distance of 416.69 feet to a point,
 10-35 10. S 30° 06' 52" E a distance of 966.78 feet to a point,
 10-36 11. S 78° 06' 19" E a distance of 1843.43 feet to a point,
 10-37 12. S 38° 32' 40" E a distance of 311.43 feet to a point,
 10-38 13. S 62° 59' 05" W a distance of 673.48 feet to a point of
 10-39 curvature,
 10-40 14. with the arc of a curve to the right having a radius of 4000.00
 10-41 feet, an arc distance of 2117.86 feet, and a chord of which bears S
 10-42 78° 09' 10" W a distance of 2093.21 feet to a point, and
 10-43 15. S 00° 39' 29" E a distance of 1891.59 feet to the POINT OF
 10-44 BEGINNING, and containing 773.80 acres of land.

10-45 SECTION 3. (a) The legal notice of the intention to
 10-46 introduce this Act, setting forth the general substance of this
 10-47 Act, has been published as provided by law, and the notice and a
 10-48 copy of this Act have been furnished to all persons, agencies,
 10-49 officials, or entities to which they are required to be furnished
 10-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 10-51 Government Code.

10-52 (b) The governor, one of the required recipients, has
 10-53 submitted the notice and Act to the Texas Commission on
 10-54 Environmental Quality.

10-55 (c) The Texas Commission on Environmental Quality has filed
 10-56 its recommendations relating to this Act with the governor, the
 10-57 lieutenant governor, and the speaker of the house of
 10-58 representatives within the required time.

10-59 (d) All requirements of the constitution and laws of this
 10-60 state and the rules and procedures of the legislature with respect
 10-61 to the notice, introduction, and passage of this Act are fulfilled
 10-62 and accomplished.

10-63 SECTION 4. This Act takes effect immediately if it receives
 10-64 a vote of two-thirds of all the members elected to each house, as
 10-65 provided by Section 39, Article III, Texas Constitution. If this
 10-66 Act does not receive the vote necessary for immediate effect, this
 10-67 Act takes effect September 1, 2009.