

By: Aycock

H.B. No. 4719

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Burnet County Municipal Utility District No. 3; 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 8315 to read as follows:

CHAPTER 8315. BURNET COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8315.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Burnet County Municipal Utility District No. 3.

Sec. 8315.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8315.003. 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. 8315.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8315.003 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 (b) A municipality may not provide consent under Subsection
5 (a) until the municipality and the owner or owners of the territory
6 described by Section 2 of the Act creating this chapter have
7 executed an annexation agreement governing the municipality's
8 eventual annexation of the territory. The municipality may
9 incorporate any of the terms of the annexation agreement into the
10 ordinance or resolution described by Subsection (a).

11 Sec. 8315.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
12 The district is created to serve a public purpose and benefit.

13 (b) The district is created to accomplish the purposes of:
14 (1) a municipal utility district as provided by
15 general law and Section 59, Article XVI, Texas Constitution; and
16 (2) Section 52, Article III, Texas Constitution, that
17 relate to the construction, acquisition, improvement, operation,
18 or maintenance of macadamized, graveled, or paved roads, or
19 improvements, including storm drainage, in aid of those roads.

20 Sec. 8315.006. INITIAL DISTRICT TERRITORY. (a) The
21 district is initially composed of the territory described by
22 Section 2 of the Act creating this chapter.

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

27 (1) organization, existence, or validity;

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

4 (3) right to impose a tax; or

5 (4) legality or operation.

6 [Sections 8315.007-8315.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8315.051. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five elected directors.

10 (b) Except as provided by Section 8315.052, directors serve
11 staggered four-year terms.

12 Sec. 8315.052. TEMPORARY DIRECTORS. (a) On or after the
13 effective date of the Act creating this chapter, the owner or owners
14 of a majority of the assessed value of the real property in the
15 district may submit a petition to the Texas Commission on
16 Environmental Quality requesting that the commission appoint as
17 temporary directors the five persons named in the petition. The
18 commission shall appoint as temporary directors the five persons
19 named in the petition.

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

21 (1) the date permanent directors are elected under
22 Section 8315.003; or

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

25 (c) If permanent directors have not been elected under
26 Section 8315.003 and the terms of the temporary directors have
27 expired, successor temporary directors shall be appointed or

1 reappointed as provided by Subsection (d) to serve terms that
2 expire on the earlier of:

3 (1) the date permanent directors are elected under
4 Section 8315.003; or

5 (2) the fourth anniversary of the date of the
6 appointment or reappointment.

7 (d) If Subsection (c) applies, the owner or owners of a
8 majority of the assessed value of the real property in the district
9 may submit a petition to the Texas Commission on Environmental
10 Quality requesting that the commission appoint as successor
11 temporary directors the five persons named in the petition. The
12 commission shall appoint as successor temporary directors the five
13 persons named in the petition.

14 [Sections 8315.053-8315.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8315.101. GENERAL POWERS AND DUTIES. The district has
17 the powers and duties necessary to accomplish the purposes for
18 which the district is created.

19 Sec. 8315.102. MUNICIPAL UTILITY DISTRICT POWERS AND
20 DUTIES. The district has the powers and duties provided by the
21 general law of this state, including Chapters 49 and 54, Water Code,
22 applicable to municipal utility districts created under Section 59,
23 Article XVI, Texas Constitution.

24 Sec. 8315.103. AUTHORITY FOR ROAD PROJECTS. Under Section
25 52, Article III, Texas Constitution, the district may design,
26 acquire, construct, finance, issue bonds for, improve, operate,
27 maintain, and convey to this state, a county, or a municipality for

1 operation and maintenance macadamized, graveled, or paved roads, or
2 improvements, including storm drainage, in aid of those roads.

3 Sec. 8315.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
4 project must meet all applicable construction standards, zoning and
5 subdivision requirements, and regulations of each municipality in
6 whose corporate limits or extraterritorial jurisdiction the road
7 project is located.

8 (b) If a road project is not located in the corporate limits
9 or extraterritorial jurisdiction of a municipality, the road
10 project must meet all applicable construction standards,
11 subdivision requirements, and regulations of each county in which
12 the road project is located.

13 (c) If the state will maintain and operate the road, the
14 Texas Transportation Commission must approve the plans and
15 specifications of the road project.

16 Sec. 8315.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
17 OR RESOLUTION. (a) The district shall comply with all applicable
18 requirements of any ordinance or resolution that is adopted under
19 Section 54.016 or 54.0165, Water Code, and that consents to the
20 creation of the district or to the inclusion of land in the
21 district.

22 (b) In addition to all the rights and remedies provided by
23 other law, if the district violates the terms of an ordinance or
24 resolution described by Subsection (a), the municipality is
25 entitled to injunctive relief or a writ of mandamus issued by a
26 court requiring the district and the district's officials to
27 observe and comply with the terms of the ordinance or resolution.

1 Sec. 8315.106. ANNEXATION OF DISTRICT BY MUNICIPALITY. (a)

2 A municipality may annex all or part of the territory of the
3 district or any new district created by the division of the district
4 only as provided by an annexation agreement described by Section
5 8315.004(b).

6 (b) A municipality is not required to annex any part of the
7 district's territory that is outside the corporate boundaries of
8 the municipality.

9 (c) A municipality is not required to assume control and
10 operation of the district or a new district created by division of
11 the district on annexation of all or part of the territory of the
12 district or new district, but the municipality may assume control
13 and operation of the district or a new district and dissolve the
14 district or new district if:

15 (1) the municipality has annexed all of the territory
16 of the district or new district;

17 (2) the water and wastewater facilities required to
18 serve at least 95 percent of the lots in the district or new
19 district, as set out by a final plat, have been completed; and

20 (3) the municipality has complied with the
21 requirements of Section 43.075, Local Government Code.

22 (d) Notwithstanding Section 54.016(f)(2), Water Code, a
23 contract between a municipality and the district or new district
24 that provides for the allocation of the taxes or revenues of the
25 district and the municipality following the date of inclusion of
26 all or part of the district's territory in the corporate limits of
27 the municipality, may provide that the total annual ad valorem

1 taxes collected by the municipality and the district from taxable
2 property in the district may exceed the city's ad valorem tax on the
3 property.

4 Sec. 8315.107. LIMITATION ON CREATION OF OTHER MUNICIPAL
5 UTILITY DISTRICTS. Before December 31, 2011, the Texas Commission
6 on Environmental Quality may not grant a petition under Chapter 54,
7 Water Code, to create a municipal utility district if the district
8 contains any territory described by Section 2 of the Act creating
9 this chapter.

10 Sec. 8315.108. LIMITATION ON ANNEXATION OF LAND BY
11 DISTRICT. (a) The district or any new district created by the
12 division of the district may not annex land unless:

13 (1) the owner or owners of the land have provided
14 written consent to the annexation; and

15 (2) the land is adjacent to the district or new
16 district.

17 (b) The district must complete an annexation authorized by
18 this section not later than the first anniversary of the date the
19 district or new district receives written consent from the owner or
20 owners of the land.

21 (c) An owner of land may revoke the owner's consent to
22 annexation before the annexation is completed by notifying the
23 district or new district in writing that the consent is revoked.

24 (d) For purposes of this section, a petition by an owner of
25 land for annexation to the district that meets the requirements of
26 Chapter 49, Water Code, satisfies the requirement of written
27 consent under Subsection (a).

1 Sec. 8315.109. 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 8315.103; or
5 (2) a recreational facility as defined by Section
6 49.462, Water Code.

7 Sec. 8315.110. 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
23 before or after the date the board holds an election under Section
24 8315.003 to confirm the district's creation.

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 8315.003. A new district that is not confirmed is subject
18 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 8315.004 acts as municipal consent to the creation of any new
22 district created by the division of the district and to the
23 inclusion of 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 8315.111-8315.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8315.151. 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 8315.153.

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. 8315.152. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election held under Section 8315.151, 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. 8315.153. 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 8315.154-8315.200 reserved for expansion]

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8315.201. 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. 8315.202. 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. 8315.203. 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 Burnet County Municipal Utility District No.
24 3 initially includes all the territory contained in the following
25 area:

26 TRACT NO. 1

27 BEING 144.14 acres of land out of the Arthur Luckey Survey No. 23

1 Abstract No. 530 in Burnet County, Texas and being comprised of part
2 of that 147 acre tract conveyed to Troy Ben Fox in Vol. 1294 at Page
3 957 of the OFFICIAL PUBLIC RECORDS of Burnet County, Texas and part
4 of that 36.65 acre tract conveyed to Troy Ben Fox in Vol. 1294 at
5 Page 957 of the OFFICIAL PUBLIC RECORDS of Burnet County, Texas and
6 including Lot Nos. 18 through 30 in CIRCLE B ESTATES, Section 1, a
7 subdivision of record in Vol. 2 at Page 90 of the PLAT RECORDS of
8 Burnet County, Texas, said 144.14 acres being more particularly
9 described as follows:

10 BEGINNING at a reentrant corner of said 36.65 acre tract and the
11 Southwest corner of that 184.31 acre tract described in Release of
12 Lien to Troy Ben Fox as recorded in Vol. 1273 at Page 888 of the
13 OFFICIAL PUBLIC RECORDS of Burnet County, Texas for a Northwesterly
14 corner hereof;

15 THENCE N 64° 01' 47" E along the common boundary of said 184.31 acre
16 tract 2625.76 ft., to the Southeast corner of said 184.31 acre tract
17 and a westerly corner of that 131.606 acre tract described in Deed
18 to the City of Granite Shoals as recorded in Document No. 0803603 of
19 the OFFICIAL PUBLIC RECORDS of Burnet County, Texas in the easterly
20 boundary of said 147 acre tract, for the North corner hereof;

21 THENCE along the common boundary of said 147 acre tract and the City
22 of Granite Shoals tract; S 08° 37' 15" E 879.62 ft.; and S 29° 58' 45"
23 E 1827.53 ft. to the East corner of said 147 acre tract in the
24 northwesterly right-of-way line of Phillips Ranch Road, for the
25 East corner hereof;

26 THENCE along the common boundary of said 147 acre tract and said
27 Phillips Ranch Road in three (3) courses and distances as follows:

1 1) S 74° 08' 10" W 904.01 ft;
2 2) S 54° 20' 00" W 252.94 ft; and
3 3) S 26° 15' 29" W 595.49 ft., to the South corner of said 147
4 acre tract and the northeasterly corner of SHERWOOD SHORES, Green
5 Castle Section a subdivision of record in Vol. 1 at Page 100 of the
6 PLAT RECORDS of Burnet County, Texas, for the South corner hereof;
7 THENCE N 59° 56' 30" W along the common boundary of said 147 acre
8 tract and said Green Castle Section 700.31 ft., to the Southeast
9 corner of that 0.180 acre tract described in Deed to Alan Kirby as
10 recorded in Vol. 902 at Page 35 of the OFFICIAL PUBLIC RECORDS of
11 Burnet County, Texas;
12 THENCE along the common boundary of said 147 acre tract and said
13 0.180 acre tract in four (4) courses and distances as follows:
14 1) N 28° 05' 31" E 24.1 ft.;
15 2) N 57° 43' 29" W 79.85 ft.;
16 3) N 59° 59' 29" W 207.39 ft.; and
17 4) S 53° 57' 31" W 29.60 ft., to a point in the northerly
18 boundary of said Green Castle Section;
19 THENCE N 59° 56' 30" W along the common southerly boundary of said
20 147 acre tract and then said 36.65 acre tract and the northerly
21 boundary of said Green Castle Section at 651.16 ft., pass the common
22 southerly corner of said 147 acre tract and said 36.65 acre tract
23 and at 800.20 ft., in all to a southwesterly corner of said 36.65
24 acre tract in the easterly line of Tempe Drive in said CIRCLE B
25 ESTATES, Section 1, for a southwesterly corner hereof;
26 THENCE with the westerly boundary of said 36.65 acre tract and the
27 easterly line of said Tempe Drive in twelve (12) courses and

1 distances as follows:

2 1) N 30° 03' 30" E 25.00 ft.;

3 2) along a curve to the left of radius 25.00 ft., central
4 angle 90° 00', arc distance 39.28 ft., and a long chord bearing N 14°
5 56' 30" W 35.36 ft.;

6 3) N 59° 56' 30" W 204.21 ft.;

7 4) along a curve to the right of radius 72.26 ft., central
8 angle 54° 27' 45", arc distance 68.69 ft., and a long chord bearing N
9 32° 42' 45" W 66.13 ft.;

10 5) N 05° 29' 00" W 144.06 ft.;

11 6) along a curve to the left of radius 1342.06, central
12 angle 05° 13' 00", arc distance 122.19 ft., and a long chord bearing
13 N 08° 05' 30" W 122.15 ft.;

14 7) N 10° 42' 00" W 184.66 ft.;

15 8) along a curve to the left of radius 259.41 ft., central
16 angle 28° 43' 00", arc distance 112.65 ft., and a long chord bearing
17 N 25° 03' 30" W 128.66 ft.;

18 9) N 39° 25; 00" W 229.20 ft.;

19 10) along a curve to the right of radius 424.18 ft., central
20 angle 15° 12' 58", arc distance 112.65 ft., and a long chord bearing
21 N 31° 48' 30" W 112.32 ft.;

22 11) N 24° 12' 00" W 116.34 ft., and

23 12) along a curve to the right of radius 89.81 ft., central
24 angle 47° 04', arc distance 73.78, and a long chord bearing N 00° 40'
25 00" W 71.72 ft., to the termination of Tempe Drive;

26 THENCE continuing with the common boundary of said 36.65 acre
27 tract: N 31° 08' 12" E 29.13 ft.; and N 36° 21' 47" E 97.54 ft., to the

1 Place of BEGINNING hereof and containing 144.14 acres of land.

2 TRACT NO. 2

3 BEING 184.31 acres of land in Burnet County, Texas comprised of
4 approximately 22.76 acres out of the John Harvey Survey No. 24,
5 Abstract No. 400 and 161.55 acres out of the Arthur Luckey Survey
6 No. 23, Abstract No. 530 and being comprised of portions of the
7 following deeded tracts:

8 1) TRACT NO. ONE of 338.19 acres conveyed from H.A. Barnett,
9 et ux to C.A. Barnett as recorded in Vol. 135 at Page 644 et seq. of
10 the DEED RECORDS of Burnet County, Texas;

11 2) TRACT NO. THREE of 15.75 acres conveyed from H.A.
12 Barnett, et ux to C.A. Barnett as recorded in Vol. 135 at Page 644 et
13 seq. of the DEED RECORDS of Burnet County, Texas;

14 3) 550 acres conveyed from J.T. Stevens to Chester Barnett as
15 recorded in Vol. 119 at Page 393 of the DEED RECORDS of Burnet
16 County, Texas;

17 and also including all of CIRCLE B ESTATES, Section Two, a
18 subdivision of record in Vol. 2 at Page 92 of the PLAT RECORDS of
19 Burnet County, Texas, save and except Lot Nos. 1 through 4 and Lot
20 Nos. 13 through 16, and further being comprised of 179.85 acres of
21 land above the 825 foot elevation contour and inundated by the water
22 of Lake Lyndon B. Johnson, said 184.31 acres being more
23 particularly described as follows:

24 BEGINNING at a 24 inch Post Oak at a reentrant corner of said TRACT
25 NO. ONE, the Southeast corner of said 550 acre tract, and a westerly
26 corner of that certain 136.50 acre described in Deed to Capital
27 Marble and Granite Co., Inc. as recorded in Vol. 284 at Page 503 of

1 the DEED RECORDS of Burnet County, Texas, for the Southeast corner
2 hereof;

3 THENCE along the southerly line hereof in six (6) courses and
4 distances as follows:

5 1) S 64° 01' 47" W 2625.76 ft., an iron pin set;

6 2) N 50° 25' 24" W 267.33 ft., an iron pin set at a chainlink
7 fence;

8 3) N 5° 43' 05" W 37.41 ft., a pipe fence corner post;

9 4) S 84° 17' 06" W 73.79 ft., a pipe fence corner post;

10 5) S 4° 37' 12" E 46.38 ft., a pipe fence corner post; and

11 6) S 84° 31' 27" W at 153.54 ft., an iron pin set at the
12 approximate 825 foot elevation contour and at 283.54 ft., in all to
13 the Southwest corner hereof, inundated by the waters of Lake Lyndon
14 B. Johnson;

15 THENCE with a westerly line hereof inundated by the waters of said
16 lake in five (5) courses and distances as follows:

17 1) N 0° 37' 31" E 306.77 ft.;

18 2) N 78° 48' 13" E 410.00 ft.;

19 3) N 6° 03' 13" E 485.97 ft.;

20 4) N 69° 08' 09" E 310.54 ft.; and

21 5) S 79° 54' 20" E 147.01 ft., and inundated reentrant corner
22 hereof;

23 THENCE N 26° 52' 30" E at 30.00 ft., pass the South corner of Lot No.
24 88, SHADY ACRES, a subdivision of record in Vol. 1 at Page 28 of the
25 PLAT RECORDS of Burnet County, Texas, at 43.26 ft., pass a concrete
26 monument found, and at 261.01 ft., in all to a concrete monument
27 found at a reentrant corner of said Lot No. 88;

1 THENCE continuing along the southerly line of said Lot 88 in two (2)
2 courses and distances as follows:

3 1) N 69° 45' 75" E 146.54 ft., an iron pin found at a 9 inch
4 Elm; and

5 2) N 81° 03' 24" E 38.86 ft., to a concrete monument found at
6 the Southeast corner of said Lot No. 88;

7 THENCE along the easterly line of said SHADY ACRES and then SHADY
8 ACRES, Section Two, a subdivision of record in Vol. 1 at Page 56 of
9 the PLAT RECORDS of Burnet County, Texas in twelve (12) courses and
10 distances as follows:

11 1) N 12° 41' 33" W 334.00 ft., a concrete monument found;

12 2) N 24° 48' 33" W 375.38 ft., a concrete monument found at
13 the Northeast corner of a 40 foot roadway and a northeasterly corner
14 of said SHADY ACRES;

15 3) S 75° 10' 08" W 96.26 ft., to an 60d nail found at the
16 Southeast corner of Lot no. 89, SHADY ACRES, Section Two;

17 4) N 27° 23' 01" W at 110.50 ft., pass a point in the
18 perimeter of a 30 foot radius culdesac at the termination of Todd
19 Drive, a public street in said CIRCLE B ESTATES, Section Two, and at
20 270.42 ft., in all an iron pin found;

21 5) N 34° 25' 51" W 128.63 ft., an iron pin found;

22 6) N 41° 10' 52" W 377.21 ft., a pipe fence corner post;

23 7) N 20° 02' 43" W 91.96 ft., an iron pin found;

24 8) N 14° 13' 29" W 85.58 ft., an iron pin found;

25 9) N 1° 03' 27" W 379.67 ft., an iron pin found;

26 10) N 11° 30' 04" E 369.04 ft., an iron pin found;

27 11) N 33° 49' 55" E 82.45 ft., an iron pin found; and

1 12) N 19° 43' 12" E 347.82 ft., to an iron pin found at the
2 Northeast corner of Lot no. 109 in said SHADY ACRES, Section Two,
3 and in the perimeter of a 30 foot radius culdesac at the termination
4 of James Drive, a public street, in said CIRCLE B ESTATES, Section
5 Two, for a reentrant corner hereof;

6 THENCE N 86° 18' 42" W 155.34 ft., to an iron pin found at the
7 Northwest corner of said Lot NO. 109 in the easterly line of Burnet
8 County Road No. 131;

9 THENCE along the easterly line of said County Road in three (3)
10 courses and distances as follows:

11 1) N 25° 14' 30" E 103.58 ft., an iron pin found;

12 2) N 27° 34' 55" E 273.34 ft., a concrete monument found; and

13 3) N 35° 44' 20" E 402.55 ft., to an iron pin set at the North
14 corner of Lot No. 6 in said CIRCLE B ESTATES, Section Two, in the
15 southerly right-of-way line of F. M. Highway No. 1431, for the North
16 corner hereof;

17 THENCE along said highway, right-of-way in three (3) courses and
18 distances as follows:

19 1) S 51° 29' 45" E 339.66 ft., a highway monument;

20 2) S 57° 12' 18" E 100.49 ft., a highway monument; and

21 3) S 51° 30' 39" E 324.83 ft., an iron pin found at the North
22 corner of Lot No. 4 in said CIRCLE B ESTATES, for a westerly
23 Northeast corner hereof;

24 THENCE S 32° 02' W 523.55 ft., in all to an iron pin set at a fence
25 corner post at the west corner of Lot No. 13 in said CIRCLE B
26 ESTATES, Section Two, in the northerly line of said James Drive, for
27 a reentrant corner hereof;

1 THENCE S 63° 18' 00" E along the northerly line of said James Drive
2 506.47 ft., to an iron pin set at the South corner of Lot No. 16 in
3 said CIRCLE B ESTATES, Section Two, in the westerly line of said
4 Todd Drive for a reentrant corner hereof;

5 THENCE along the westerly line of said Todd Drive in seven (7)
6 courses and distances as follows:

7 1) along a curve to the left of radius 19.16 ft., central
8 angle 93° 21' 50", and a long chord bearing N 70° 01' 00" E 27.88 ft.;

9 2) along a curve to the right of radius 69.99 ft., central
10 angle S 4° 17' 55", and a long chord bearing N 50° 24' E 63.87 ft.;

11 3) N 77° 35' E 102.58 ft.;

12 4) along a curve to the left of radius 262.34 ft., central
13 angle 15° 50' 34', and a long chord bearing N 69° 40' 10" E 72.31 ft.;

14 5) N 61° 44' E 21.39 ft.;

15 6) along a curve to the left of radius 169.57 ft., central
16 angle 23° 14', and a long chord bearing N 50° 07' E 68.29 ft.; and

17 7) N 38° 30' E 102.43 ft., to an iron pin found at the
18 Northwest corner of said Todd Drive in the southerly right-of-way
19 line of said F. M. Hwy. No. 1431, for an easterly Northwest corner
20 hereof;

21 THENCE along said highway right-of-way line in five (5) courses and
22 distances as follows;

23 1) S 51° 29' 21" E 366.76 ft., a highway monument;

24 2) S 45° 38' 38" E 100.56 ft., a highway monument;

25 3) S 51° 46' 37" E 100.52 ft., a highway monument;

26 4) S 57° 22' 16" E 100.17 ft., a highway monument; and

27 5) S 51° 30' E 1012.14 ft., to a survey monument found at the

1 North corner of that certain 2.00 acre tract described in Deed to
2 Pedernales Electric Coop., Inc. as recorded in vol. 186 at page 404
3 of the DEED RECORDS of Burnet County, Texas;

4 THENCE around the perimeter of said 2.00 acre tract in three (3)
5 courses and distances as follows:

6 1) S 38° 30' 07" W 295.01 ft., a survey monument found;

7 2) S 51° 29' 36" E 295.03 ft., a survey monument found; and

8 3) N 38° 32' 21" E 295.14 ft., to a survey monument found at
9 the East Corner of said 2.00 acre tract in the southerly
10 right-of-way line of said highway;

11 THENCE S 51° 28' 42" E along said highway right-of-way line 77.92
12 ft., to an iron pin found at the North corner of said 136.50 acre
13 tract for the East corner hereof;

14 THENCE along the westerly line of said 136.50 acre tract S 18° 02'
15 30" W 318.72 ft., to an iron pin found; and at S 30° 49' 45" W 1146.09
16 ft., to the Place of BEGINNING hereof and containing 184.31 acres of
17 land.

18 TRACT NO. 3

19 BEING 64.86 acres, more or less, of land in Burnet County, Texas,
20 and being comprised of 40.78 acres out of the F.L. Smith Survey No.
21 23 and 0.64 acres out of the J.R. Phillips Survey No. 1264, and
22 being out of and part of that certain "TRACT NO. TWO (2)", 372.49
23 acres, conveyed from H.A. Barnett to C.A. Barnett by Deed recorded
24 in Vol. 135 at Page 644 et seq., of the Deed Records of Burnet
25 County, Texas, and being situated adjacent to and South of F.M.
26 Highway No. 1431 and adjacent to and East of Sherwood Drive and
27 being more particularly described by metes and bounds as follows:

1 BEGINNING at an iron pin in the fenced easterly line of said "TRACT
2 NO. TWO (2)", and the westerly line of SHERWOOD SHORES, Prairie
3 Creek Section, as plat of said subdivision is recorded in Vol. 1,
4 Page 164 of the Plat Records of Burnet County, Texas, for the
5 Southeast corner hereof, whence the Southeast corner of said F. L.
6 Smith Survey No. 51 bears S 30° 43' W 517.49 ft.;

7 THENCE N 77° 16' W 2656.08 ft., to an iron pin set for the Southwest
8 corner hereof;

9 THENCE N 7° 05' 15" E 537.05 ft., to an iron pin set for a reentrant
10 corner hereof;

11 THENCE N 49° 12' 15" W 433.83 ft., to an iron pin set in the westerly
12 line of said "TRACT NO. TWO (2)" and the easterly line of that
13 certain 6.53 acre tract conveyed from H. A. Barnett to Wendall Lee
14 Phillips by Deed as recorded in Vol. 131 at Page 515, et seq., of
15 Deed Records of Burnet County, Texas, and known as Sherwood Drive,
16 for a northerly Southwest corner hereof;

17 THENCE N 40° 12' 45" E with said common boundary, 309.26 ft., to an
18 iron pin in the southerly line of F. M. Highway No. 1431 at the
19 common northerly corner of said "TRACT NO. TWO (2)" and said 6.53
20 acre tract, for the Northwest corner hereof;

21 THENCE with the southerly right-of-way line of said highway in
22 three (3) courses and distances as follows:

23 1) along a curve to the left of radius 2919.66 ft., central
24 angle 4° 39' and long chord bearing S 74° 49' E 236.7211., to an iron
25 pin;

26 2) S 77° 10' E 1592.78 ft., a concrete right-of-way monument,
27 and

1 BEGINNING at an iron spike set in the center of the old
2 Fredricksburg to Burnet Road at the Northwest corner of that
3 certain 11.52 acre tract described in Deed to Southern Pacific
4 Railroad Co., as recorded in Vol. 145 at Page 270 of the DEED
5 RECORDS of Burnet County, Texas, for the North corner hereof,
6 whence the Northwest corner of the J. C. Hoffman Survey No. 1009,
7 Abstract No. 417 in the easterly line of said Luckey Survey bears S
8 $53^{\circ} 02' 52''$ E 4386.3 ft., and the North corner of said 550 acre tract
9 and of said 11.52 acre tract bears N $58^{\circ} 42' 03''$ E 153.22 ft.;

10 THENCE along the westerly line of said 11.52 acre tract, parallel
11 with and 75 feet West of the East line of said 550 acre tract and the
12 West line of that certain tract described in Trustee's Deed to
13 Johnnie Kay Barnett Peril as recorded in Vol. 564 at Page 256 of the
14 REAL PROPERTY RECORDS of Burnet County, Texas, in six (6) courses
15 and distances as follows:

- 16 1) S $29^{\circ} 23' 40''$ W 433.02 ft.;
- 17 2) S $29^{\circ} 31' 25''$ W 984.51 ft.;
- 18 3) S $30^{\circ} 09' 24''$ W 517.72 ft.;
- 19 4) S $29^{\circ} 13' 09''$ W 1454.44 ft.;
- 20 5) S $31^{\circ} 37' 15''$ W 252.77 ft.; and
- 21 6) S $29^{\circ} 31' 25''$ W 109.10 ft.; to an iron pin set at a
22 partition fence corner post, for the Southwest corner hereof,
23 whence an iron spike found at a 14 inch Post Oak in the East line of
24 said 550 acre tract and the West line of said Peril tract bears N.
25 $64^{\circ} 22' 10''$ E 131.27 ft.;

26 THENCE along a partition fence and the southerly line hereof in six
27 (6) courses and distances as follows:

1 et seq. of DEED RECORDS of Burnet County, Texas, said 226.134 acres
2 being more particularly described by metes and bounds is follows:

3 BEGINNING at a 4 inch iron pipe fence corner post in the easterly
4 line of said Luckey Survey at the Northwest corner of the J. C.
5 Hoffman Survey No. 1009 and Southwest corner of the Ed McMillen
6 Survey No. 1010 and further being at a Northeast corner of that
7 certain 375.94 acre tract, Exhibit B, East Tract described in
8 Partition Deed between Johnnie Barnett Peril and Nona Barnett Fox,
9 as recorded in Vol. 342 at Page 476 of DEED RECORDS of Burnet
10 County, Texas, and the Northwest corner of that certain 536.7 acre
11 tract described in Correction Deed from Max Flinchbaugh to W. E.
12 Riggs, as recorded in Vol. 191 at Page 264 of DEED RECORDS of Burnet
13 County, Texas, and the South corner of said TRACT NO. 2, for the
14 South corner hereof;

15 THENCE N 45° 25' 09" W with the fenced Northeasterly line of said
16 East Tract 4190.96 ft., to a 1 inch iron pipe found at a corner post
17 in the fenced Southeasterly line of the old Fredericksburg-Burnet
18 Road, at the Northwest corner of said East Tract, for the West
19 corner hereof, whence an iron pin at a westerly corner of said East
20 Tract, and the North corner of that certain West Tract described in
21 said Partition Deed bears S 61° 27' 08" W 69.91 ft.;

22 THENCE said fenced road line in four (4) courses and distances as
23 follows:

24 1) N 51° 01' 23" E 1328.25 ft., an iron pin set at a fence
25 post;

26 2) N 55° 03' 05" E 578.24 ft., an iron pin set at a fence
27 post;

1 Ed McMillen Survey No. 1010 and further being the Northwest corner
2 of that certain 536.7 acre tract described in Correction Deed from
3 Max Flinchbaugh to W. E. Riggs, as recorded in Vol. 191 at Page 264
4 of DEED RECORDS of Burnet County, Texas, and the Southeast corner of
5 that certain 355.0 acre tract conveyed from H. A. Barnett to Mark
6 Barnett, by Deed as recorded in Vol. 135 at Page 640-644 of DEED
7 RECORDS of Burnet County, Texas, for the Northeast corner hereof;
8 THENCE S 29° 41' 44" W with the common boundary of said Luckey Survey
9 and said Hoffman Survey, at 152.5 ft., a 4 inch iron pipe fence
10 post, at 326.18 ft., a 4 inch iron pipe fence post, and at 759.04
11 ft., in all a 4 inch iron pipe fence post, for a corner hereof;
12 THENCE with the fenced common boundary of said 1939 acre tract and
13 said 536.7 acre tract in four (4) courses and distances as follows:
14 1) S 7° 37' 08" W 1917.55 ft., 4 inch iron pipe post;
15 2) S 7° 42' 25" W 1513.78 ft., an iron spike;
16 3) S 7° 33' 51" W 953.01 ft., an iron pin; and
17 4) S 7° 37' 54" W at 339.11 ft., an iron pin and at 340.00
18 ft., in all the Southeast corner hereof in the northerly
19 right-of-way line of F.M. Highway No. 1431;
20 THENCE with said highway right-of-way in two (2) courses and
21 distances as follows:
22 1) N 79° 08' 48" W at 1387.71 ft., a concrete right-of-way
23 monument, and at 2480.87 ft., in all the beginning of a curve to the
24 right, and
25 2) along said curve to the right of radius 2835.71 ft.,
26 central angle 2° 37' 02" and long chord bearing N 77° 50' 17" W 129.52
27 ft., to an iron pin at the Southeast corner of an adjoining 375.94

1 acre tract, for the Southwest corner hereof;

2 THENCE N 17° 37' 23" E 6910.76 ft. to an iron pin at the Northeast
3 corner of said adjoining 375.94 acre tract, for a reentrant corner
4 hereof;

5 THENCE N 45° 25' 09" W 1520.68 ft., to an iron pin in the fenced
6 Southeast line of the old Fredericksburg-Barnet Road, at the North
7 corner of said adjoining 375.94 acre tract, for a westerly corner
8 hereof;

9 THENCE N 61° 27' 08" E with said road 69.91 ft., to a 1 inch iron pipe
10 found at the West corner of said 355.00 acre tract, for the
11 Northwest corner hereof;

12 THENCE S 45° 25' 09" E with the fenced Southwesterly line of said
13 355.00 acre tract, 4190.96 ft., to the Place of BEGINNING hereof and
14 containing 375.94 acres of land.

15 SAID TRACTS CONTAIN 1,068 ACRES OF LAND, MORE OR LESS.

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

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

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

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

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