

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 the 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 ____ to read as follows:

CHAPTER ____ . BURNET COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. ____ .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. ____ .002. NATURE OF DISTRICT. The district is a municipal utility district in Burnet County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. ____ .003. FINDING OF PUBLIC USE AND BENEFIT. The district is created to serve a public use and benefit.

Sec. ____ .004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section ____ .023 before September 1, 2013:

(1) the district is dissolved September 1, 2013,

1 except that the district shall:

2 (A) pay any debts incurred;

3 (B) transfer to Burnet County any assets that
4 remain after the payment of debts; and

5 (C) maintain the organization of the district
6 until all debts are paid and remaining assets are transferred; and

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

8 Sec. ____ .005. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act creating this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect:

15 (1) the organization, existence, or validity of the
16 district;

17 (2) the right of the district to impose taxes; or

18 (3) the legality or operation of the board.

19 [Sections ____ .006-____ .020 reserved for expansion]

20 SUBCHAPTER A-1. TEMPORARY PROVISIONS

21 Sec. ____ .021. TEMPORARY DIRECTORS. (a) The temporary
22 board consists of:

23 (1)

24 (2)

25 (3)

26 (4)

27 (5)

1 (b) If a temporary director fails to qualify for office, the
2 temporary directors who have qualified shall appoint a person to
3 fill the vacancy. If at any time there are fewer than three
4 qualified temporary directors, the Texas Commission on
5 Environmental Quality shall appoint the necessary number of persons
6 to fill all vacancies on the board.

7 (c) Temporary directors serve until the earlier of:

8 (1) the date directors are elected under Section
9 ____.023; or

10 (2) the date this chapter expires under Section
11 ____.004.

12 Sec. ____ .022. ORGANIZATIONAL MEETING OF TEMPORARY
13 DIRECTORS. As soon as practicable after all the temporary
14 directors have qualified under Section 49.055, Water Code, the
15 temporary directors shall convene the organizational meeting of
16 the district at a location in the district agreeable to a majority
17 of the directors. If a location cannot be agreed upon, the
18 organizational meeting shall be at the Burnet County Courthouse.

19 Sec. ____ .023. CONFIRMATION AND INITIAL DIRECTORS'
20 ELECTION. The temporary directors shall hold an election to
21 confirm the creation of the district and to elect five directors as
22 provided by Section 49.102, Water Code.

23 Sec. ____ .024. INITIAL ELECTED DIRECTORS; TERMS. The
24 directors elected under Section ____ .023 shall draw lots to
25 determine which two shall serve until the first regularly scheduled
26 election of directors and which three shall serve until the second
27 regularly scheduled election of directors.

1 Sec. _____.025. EXPIRATION OF SUBCHAPTER. This subchapter
2 expires September 1, 2014.

3 [Sections _____.026-_____.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. _____.051. DIRECTORS; TERMS. (a) The district is
6 governed by a board of five directors.

7 (b) Directors serve staggered four-year terms.

8 [Sections _____.052-_____.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. _____.101. MUNICIPAL UTILITY DISTRICT POWERS AND
11 DUTIES. The district has the powers and duties provided by the
12 general law of this state, including Chapters 49 and 54, Water Code,
13 applicable to municipal utility districts created under Section 59,
14 Article XVI, Texas Constitution.

15 Sec. _____.102. ANNEXATION. The district or any new
16 district formed by the division of the district may not annex the
17 property of a landowner before obtaining written consent from the
18 landowner. The annexation of the property must be completed by the
19 district not later than one year after the district's receipt of the
20 landowner's written consent. A landowner may revoke the
21 landowner's consent to annexation before annexation by notifying
22 the district in writing that the consent is revoked. A landowner's
23 petition for annexation that meets the requirements of Chapter 49
24 or 54, Water Code, shall be considered as the landowner's written
25 consent for the purposes of this section.

26 Sec. _____.103. ROAD PROJECTS. (a) The district may
27 construct, acquire, improve, maintain, or operate macadamized,

1 graveled, or paved roads, or improvements in aid of those roads in
2 the district.

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

11 (c) The district may not undertake a road project unless
12 each municipality in whose corporate limits or extraterritorial
13 jurisdiction the district is located consents by resolution. If
14 the district is not located in the corporate limits or
15 extraterritorial jurisdiction of a municipality, the district may
16 not undertake a road project unless each county in which the
17 district is located consents by resolution.

18 Sec. ____ .104. ROAD CONTRACTS. The district may contract
19 for a road project in the manner provided by Subchapter I, Chapter
20 49, Water Code.

21 [Sections ____ .105-____ .150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. ____ .151. TAX TO REPAY BONDS. The district may impose
24 a tax to pay the principal of and interest on bonds issued under
25 Section ____ .201.

26 [Sections ____ .152-____ .200 reserved for expansion]

SUBCHAPTER E. BONDS

1 Sec. _____.201. AUTHORITY TO ISSUE BONDS AND OTHER
2 OBLIGATIONS. (a) The district may issue bonds or other
3 obligations as provided by Chapters 49 and 54, Water Code, and to
4 finance the construction, maintenance, or operation of projects
5 under Sections _____.101 and _____.103.
6

7 (b) The district may not issue bonds or other obligations
8 secured wholly or partly by ad valorem taxation to finance projects
9 authorized by Section _____.103 unless the issuance is approved by a
10 vote of a two-thirds majority of district voters voting at an
11 election called for that purpose.

12 (c) Bonds or other obligations issued or incurred to finance
13 projects authorized by Section _____.103 may not exceed one-fourth
14 of the assessed value of the real property in the district.

15 [Sections _____.202-_____.250 reserved for expansion]

16 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

17 Sec. _____.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At
18 any time before the district issues indebtedness secured by taxes
19 or net revenue, the district may be divided into two or more new
20 districts.

21 (b) A new district created by division of the district must
22 be at least 100 acres.

23 (c) The board may consider a proposal to divide the district
24 on:

- 25 (1) a petition of a landowner in the district; or
- 26 (2) a motion by the board.

27 (d) If the board decides to divide the district, the board

1 shall:

2 (1) set the terms of the division, including names for
3 the new districts and a plan for the payment or performance of any
4 outstanding district obligations; and

5 (2) prepare a metes and bounds description for each
6 proposed district. (e) After its creation, a new district may annex
7 property in accordance with this chapter.

8 Sec. _____.252. ELECTION FOR DIVISION OF DISTRICT. (a)
9 After the board has complied with Section _____.251(d), the board
10 shall hold an election in the district to determine whether the
11 district should be divided as proposed.

12 (b) The board shall give notice of the election in the same
13 manner required for other district elections prescribed by the
14 Water Code and Election Code.

15 (c) If a majority of the votes cast are in favor of the
16 division:

17 (1) the district is divided; and

18 (2) not later than the 30th day after the date of the
19 election, the district shall provide written notice of the division
20 to:

21 (A) the Texas Commission on Environmental
22 Quality;

23 (B) the attorney general;

24 (C) the commissioners court of each county in
25 which a new district is located; and

26 (D) any municipality having extraterritorial
27 jurisdiction over territory in each new district.

1 (d) If a majority of the votes cast are not in favor of the
2 division, the district may not be divided.

3 Sec. _____.253. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
4 Not later than the 90th day after the date of an election in favor of
5 the division of the district, the board shall:

6 (1) appoint itself as the board of one of the new
7 districts; and

8 (2) appoint five directors for each of the other new
9 districts.

10 (b) Directors appointed under Subsection (a)(1) serve the
11 staggered terms to which they were elected in the original
12 district. Directors appointed under Subsection (a)(2) serve until
13 the election for directors under Subsection (c).

14 (c) On the uniform election date in May of the first
15 even-numbered year after the year in which the directors are
16 appointed, the appointed board shall hold an election to elect five
17 directors in each district for which directors were appointed under
18 Subsection (a)(2). The elected directors shall draw lots to
19 determine which two shall serve until the next regularly scheduled
20 election of directors and which three shall serve until the second
21 regularly scheduled election of directors.

22 Sec. _____.254. CONTINUING POWERS AND OBLIGATIONS OF NEW
23 DISTRICTS. (a) Each new district may incur and pay debts and has
24 all powers of the original district created by this chapter.

25 (b) If the district is divided as provided by this
26 subchapter, the current obligations and any bond authorizations of
27 the district are not impaired. Debts shall be paid by revenue or by

1 taxes or assessments imposed on real property in the district as if
2 the district had not been divided or by contributions from each new
3 district as stated in the terms set by the board under Section
4 _____ .251(d).

5 (c) Any other district obligation is divided pro rata among
6 the new districts on an acreage basis or on other terms that are
7 satisfactory to the new districts.

8 Sec. _____ .255. CONTRACT AUTHORITY OF NEW DISTRICTS. The
9 new districts may contract with each other for:

- 10 (1) water and wastewater services; or
11 (2) any other matter the boards of the new districts
12 consider appropriate.

13 SECTION 2. The Burnet County Municipal Utility District No.
14 3 initially includes all the territory contained in the following
15 described area:

16 TRACT NO. 1
17 BEING 144.14 acres of land out of the Arthur Luckey Survey No. 23
18 Abstract No. 530 in Burnet County, Texas and being comprised of part
19 of that 147 acre tract conveyed to Troy Ben Fox in Vol. 1294 at Page
20 957 of the OFFICIAL PUBLIC RECORDS of Burnet County, Texas and part
21 of that 36.65 acre tract conveyed to Troy Ben Fox in Vol. 1294 at
22 Page 957 of the OFFICIAL PUBLIC RECORDS of Burnet County, Texas and
23 including Lot Nos. 18 through 30 in CIRCLE B ESTATES, Section 1, a
24 subdivision of record in Vol. 2 at Page 90 of the PLAT RECORDS of
25 Burnet County, Texas, said 144.14 acres being more particularly
26 described as follows:

27 BEGINNING at a reentrant corner of said 36.65 acre tract and the

1 Southwest corner of that 184.31 acre tract described in Release of
2 Lien to Troy Ben Fox as recorded in Vol. 1273 at Page 888 of the
3 OFFICIAL PUBLIC RECORDS of Burnet County, Texas for a Northwesterly
4 corner hereof;

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

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

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

- 18 1) S 74° 08' 10" W 904.01 ft;
19 2) S 54° 20' 00" W 252.94 ft; and
20 3) S 26° 15' 29" W 595.49 ft., to the South corner of said 147
21 acre tract and the northeasterly corner of SHERWOOD SHORES, Green
22 Castle Section a subdivision of record in Vol. 1 at Page 100 of the
23 PLAT RECORDS of Burnet County, Texas, for the South corner hereof;

24 THENCE N 59° 56' 30" W along the common boundary of said 147 acre
25 tract and said Green Castle Section 700.31 ft., to the Southeast
26 corner of that 0.180 acre tract described in Deed to Alan Kirby as
27 recorded in Vol. 902 at Page 35 of the OFFICIAL PUBLIC RECORDS of

1 Burnet County, Texas;

2 THENCE along the common boundary of said 147 acre tract and said
3 0.180 acre tract in four (4) courses and distances as follows:

- 4 1) N 28° 05' 31" E 24.1 ft.;
- 5 2) N 57° 43' 29" W 79.85 ft.;
- 6 3) N 59° 59' 29" W 207.39 ft.; and
- 7 4) S 53° 57' 31" W 29.60 ft., to a point in the northerly
8 boundary of said Green Castle Section;

9 THENCE N 59° 56' 30" W along the common southerly boundary of said
10 147 acre tract and then said 36.65 acre tract and the northerly
11 boundary of said Green Castle Section at 651.16 ft., pass the common
12 southerly corner of said 147 acre tract and said 36.65 acre tract
13 and at 800.20 ft., in all to a southwesterly corner of said 36.65
14 acre tract in the easterly line of Tempe Drive in said CIRCLE B
15 ESTATES, Section 1, for a southwesterly corner hereof;

16 THENCE with the westerly boundary of said 36.65 acre tract and the
17 easterly line of said Tempe Drive in twelve (12) courses and
18 distances as follows:

- 19 1) N 30° 03' 30" E 25.00 ft.;
- 20 2) along a curve to the left of radius 25.00 ft., central
21 angle 90° 00', arc distance 39.28 ft., and a long chord bearing N 14°
22 56' 30" W 35.36 ft.;
- 23 3) N 59° 56' 30" W 204.21 ft.;
- 24 4) along a curve to the right of radius 72.26 ft., central
25 angle 54° 27' 45", arc distance 68.69 ft., and a long chord bearing N
26 32° 42' 45" W 66.13 ft.;
- 27 5) N 05° 29' 00" W 144.06 ft.;

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

4 3) 550 acres conveyed from J.T. Stevens to Chester Barnett as
5 recorded in Vol. 119 at Page 393 of the DEED RECORDS of Burnet
6 County, Texas;

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

14 BEGINNING at a 24 inch Post Oak at a reentrant corner of said TRACT
15 NO. ONE, the Southeast corner of said 550 acre tract, and a westerly
16 corner of that certain 136.50 acre described in Deed to Capital
17 Marble and Granite Co., Inc. as recorded in Vol. 284 at Page 503 of
18 the DEED RECORDS of Burnet County, Texas, for the Southeast corner
19 hereof;

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

- 22 1) S 64° 01' 47" W 2625.76 ft., an iron pin set;
- 23 2) N 50° 25' 24" W 267.33 ft., an iron pin set at a chainlink
24 fence;
- 25 3) N 5° 43' 05" W 37.41 ft., a pipe fence corner post;
- 26 4) S 84° 17' 06" W 73.79 ft., a pipe fence corner post;
- 27 5) S 4° 37' 12" E 46.38 ft., a pipe fence corner post; and

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

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

7 1) N 0° 37' 31" E 306.77 ft.;

8 2) N 78° 48' 13" E 410.00 ft.;

9 3) N 6° 03' 13" E 485.97 ft.;

10 4) N 69° 08' 09" E 310.54 ft.; and

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

13 THENCE N 26° 52' 30" E at 30.00 ft., pass the South corner of Lot No.
14 88, SHADY ACRES, a subdivision of record in Vol. 1 at Page 28 of the
15 PLAT RECORDS of Burnet County, Texas, at 43.26 ft., pass a concrete
16 monument found, and at 261.01 ft., in all to a concrete monument
17 found at a reentrant corner of said Lot No. 88;

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

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

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

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

- 1 1) N 12° 41' 33" W 334.00 ft., a concrete monument found;
- 2 2) N 24° 48' 33" W 375.38 ft., a concrete monument found at
- 3 the Northeast corner of a 40 foot roadway and a northeasterly corner
- 4 of said SHADY ACRES;
- 5 3) S 75° 10' 08" W 96.26 ft., to an 60d nail found at the
- 6 Southeast corner of Lot no. 89, SHADY ACRES, Section Two;
- 7 4) N 27° 23' 01" W at 110.50 ft., pass a point in the
- 8 perimeter of a 30 foot radius culdesac at the termination of Todd
- 9 Drive, a public street in said CIRCLE B ESTATES, Section Two, and at
- 10 270.42 ft., in all an iron pin found;
- 11 5) N 34° 25' 51" W 128.63 ft., an iron pin found;
- 12 6) N 41° 10' 52" W 377.21 ft., a pipe fence corner post;
- 13 7) N 20° 02' 43" W 91.96 ft., an iron pin found;
- 14 8) N 14° 13' 29" W 85.58 ft., an iron pin found;
- 15 9) N 1° 03' 27" W 379.67 ft., an iron pin found;
- 16 10) N 11° 30' 04" E 369.04 ft., an iron pin found;
- 17 11) N 33° 49' 55" E 82.45 ft., an iron pin found; and
- 18 12) N 19° 43' 12" E 347.82 ft., to an iron pin found at the
- 19 Northeast corner of Lot no. 109 in said SHADY ACRES, Section Two,
- 20 and in the perimeter of a 30 foot radius culdesac at the termination
- 21 of James Drive, a public street, in said CIRCLE B ESTATES, Section
- 22 Two, for a reentrant corner hereof;
- 23 THENCE N 86° 18' 42" W 155.34 ft., to an iron pin found at the
- 24 Northwest corner of said Lot NO. 109 in the easterly line of Burnet
- 25 County Road No. 131;
- 26 THENCE along the easterly line of said County Road in three (3)
- 27 courses and distances as follows:

1 1) N 25° 14' 30" E 103.58 ft., an iron pin found;
2 2) N 27° 34' 55" E 273.34 ft., a concrete monument found; and
3 3) N 35° 44' 20" E 402.55 ft., to an iron pin set at the North
4 corner of Lot No. 6 in said CIRCLE B ESTATES, Section Two, in the
5 southerly right-of-way line of F. M. Highway No. 1431, for the North
6 corner hereof;

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

9 1) S 51° 29' 45" E 339.66 ft., a highway monument;
10 2) S 57° 12' 18" E 100.49 ft., a highway monument; and
11 3) S 51° 30' 39" E 324.83 ft., an iron pin found at the North
12 corner of Lot No. 4 in said CIRCLE B ESTATES, for a westerly
13 Northeast corner hereof;

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

18 THENCE S 63° 18' 00" E along the northerly line of said James Drive
19 506.47 ft., to an iron pin set at the South corner of Lot No. 16 in
20 said CIRCLE B ESTATES, Section Two, in the westerly line of said
21 Todd Drive for a reentrant corner hereof;

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

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

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

1 3) N 77° 35' E 102.58 ft.;

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

4 5) N 61° 44' E 21.39 ft.;

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

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

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

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

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

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

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

17 5) S 51° 30' E 1012.14 ft., to a survey monument found at the
18 North corner of that certain 2.00 acre tract described in Deed to
19 Pedernales Electric Coop., Inc. as recorded in vol. 186 at page 404
20 of the DEED RECORDS of Burnet County, Texas;

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

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

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

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

H.B. No. 4719

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

4 THENCE along the westerly line of said 136.50 acre tract S 18° 02'
5 30" W 318.72 ft., to an iron pin found; and at S 30° 49' 45" W 1146.09
6 ft., to the Place of BEGINNING hereof and containing 184.31 acres of
7 land.

8 TRACT NO. 3

9 BEING 64.86 acres, more or less, of land in Burnet County, Texas,
10 and being comprised of 40.78 acres out of the F.L. Smith Survey No.
11 23 and 0.64 acres out of the J.R. Phillips Survey No. 1264, and
12 being out of and part of that certain "TRACT NO. TWO (2)", 372.49
13 acres, conveyed from H.A. Barnett to C.A. Barnett by Deed recorded
14 in Vol. 135 at Page 644 et seq., of the Deed Records of Burnet
15 County, Texas, and being situated adjacent to and South of F.M.
16 Highway No. 1431 and adjacent to and East of Sherwood Drive and
17 being more particularly described by metes and bounds as follows:

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

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

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

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

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

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

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

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

18 3) S 77° 16' E 869.0 ft., to an iron pin at the Northwest
19 corner of that certain 0.688 acre tract conveyed from Chester A.
20 Barnett to J. W. Thompson Construction Co. by Deed as recorded in
21 Vol. 178 at Page 245 et seq., of the Deed Records of Burnet County,
22 Texas, for a westerly Northeast corner hereof;

23 THENCE S 12° 44' W 300.0 ft., to an iron pin and Southeast corner of
24 said Thompson Tract, for reentrant corner hereof;

25 THENCE S 77° 16' E at 100.0 ft., the Southeast corner of said Thompson
26 Tract and at 483.22 ft., in all an iron pin in the easterly line of
27 said "TRACT NO. TWO (2)" at the Southeast corner of that certain

H.B. No. 4719

1 0.647 acre tract conveyed from Chester A. Barnett to C. S. Williams
2 by Deed as recorded in Vol. 191 at Page 484 of Deed Records of Burnet
3 County, Texas, for the Northeast corner thereof;
4 THENCE with the fenced easterly line of said "TRACT NO. TWO (2)" in
5 two (2) courses as follows:

6 1) S 31° 28' W at 180.0ft., an iron pin at the Northwest
7 corner of said Prairie Creek Section of SHERWOOD SHORES, and at
8 380.47 ft., in all a fence corner post, and

9 2) S 30° 43' W 357.13 ft., to the place of BEGINNING hereof
10 and containing 64.86 acres of land.

11 TRACT NO. 4

12 BEING 72.68 acres of land out of the Arthur Luckey Survey No. 23,
13 Abstract No. 530 in Burnet County, Texas and being out of that
14 certain 550 acre tract described in Deed from J. T. Stevens to
15 Chester A. Barnett as recorded in Vol. 119 at Page 392 of the DEED
16 RECORDS of Burnet County, Texas, said 72.68 acres being more
17 particularly described as follows:

18 BEGINNING at an iron spike set in the center of the old
19 Fredricksburg to Burnet Road at the Northwest corner of that
20 certain 11.52 acre tract described in Deed to Southern Pacific
21 Railroad Co., as recorded in Vol. 145 at Page 270 of the DEED
22 RECORDS of Burnet County, Texas, for the North corner hereof,
23 whence the Northwest corner of the J. C. Hoffman Survey No. 1009,
24 Abstract No. 417 in the easterly line of said Luckey Survey bears S
25 53° 02' 52" E 4386.3 ft., and the North corner of said 550 acre tract
26 and of said 11.52 acre tract bears N 58° 42' 03" E 153.22 ft.;

27 THENCE along the westerly line of said 11.52 acre tract, parallel

1 with and 75 feet West of the East line of said 550 acre tract and the
2 West line of that certain tract described in Trustee's Deed to
3 Johnnie Kay Barnett Peril as recorded in Vol. 564 at Page 256 of the
4 REAL PROPERTY RECORDS of Burnet County, Texas, in six (6) courses
5 and distances as follows:

- 6 1) S 29° 23' 40" W 433.02 ft.;
- 7 2) S 29° 31' 25" W 984.51 ft.;
- 8 3) S 30° 09' 24" W 517.72 ft.;
- 9 4) S 29° 13' 09" W 1454.44 ft.;
- 10 5) S 31° 37' 15" W 252.77 ft.; and
- 11 6) S 29° 31' 25" W 109.10 ft.; to an iron pin set at a
12 partition fence corner post, for the Southwest corner hereof,
13 whence an iron spike found at a 14 inch Post Oak in the East line of
14 said 550 acre tract and the West line of said Peril tract bears N.
15 64° 22' 10" E 131.27 ft.;

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

- 18 1) N 73° 46' 40" W 682.20 ft., an iron pin set;
- 19 2) N 14° 54' 49" W 420.96 ft., an iron pin set;
- 20 3) N 0° 10' 32" E at 304.50 ft., a point on the South side of a
21 sheet metal shed, at 330.50 ft., a point on the North side of said
22 shed, and at 466.72 ft., in all to an iron pin set;
- 23 4) N 77° 48' 45" E 32.70 ft., an iron pin set;
- 24 5) N 9° 30' 48" W 74.98 ft., an iron pin set; and
- 25 6) N 25° 24' 35" W at 203.02 ft., pass an iron spike set at a
26 fence corner post, and at 236.15 ft., to a spike set in the center of
27 said Old Fredricksburg to Burnet Road and the northwesterly line of

1 said 550 acre tract, for the West corner hereof;
2 THENCE along the center of said road in eight (8) courses and
3 distances as follows:

- 4 1) N 54° 17' 30" E 216.45 ft., an iron spike set;
- 5 2) N 52° 11' 54" E 397.28 ft., an iron spike set;
- 6 3) N 50° 33' 24" E 341.87 ft., an iron spike set;
- 7 4) N 49° 54' 08" E 495.56 ft., an iron spike set;
- 8 5) N 51° 41' 16" E 213.91 ft., an iron spike set;
- 9 6) N 53° 48' 23" E 106.80 ft., an iron spike set;
- 10 7) N 57° 13' 37" E 131.50 ft., an iron spike set; and
- 11 8) N 58° 42' 03" E 1404.84 ft., to the Place of BEGINNING
12 hereof and containing 72.68 acres of land.

13 TRACT NO. 5

14 BEING 226.134 acres of land out of the Arthur Luckey Survey No. 23,
15 in Burnet County, Texas, and being the southerly portion of that
16 certain TRACT NO. ONE, conveyed from H. A. Barnett and wife, Nona E.
17 Barnett, to Mark Barnett by Deed as recorded in Vol. 135 at Page 640
18 et seq. of DEED RECORDS of Burnet County, Texas, said 226.134 acres
19 being more particularly described by metes and bounds is follows:

20 BEGINNING at a 4 inch iron pipe fence corner post in the easterly
21 line of said Luckey Survey at the Northwest corner of the J. C.
22 Hoffman Survey No. 1009 and Southwest corner of the Ed McMillen
23 Survey No. 1010 and further being at a Northeast corner of that
24 certain 375.94 acre tract, Exhibit B, East Tract described in
25 Partition Deed between Johnnie Barnett Peril and Nona Barnett Fox,
26 as recorded in Vol. 342 at Page 476 of DEED RECORDS of Burnet
27 County, Texas, and the Northwest corner of that certain 536.7 acre

1 tract described in Correction Deed from Max Flinchbaugh to W. E.
2 Riggs, as recorded in Vol. 191 at Page 264 of DEED RECORDS of Burnet
3 County, Texas, and the South corner of said TRACT NO. 2, for the
4 South corner hereof;

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

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

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

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

18 3) N 55° 26' 30" E 629.63 ft., an iron pin set at a fence
19 post, and

20 4) N 55° 24' 39" E 229.82 ft., an iron pin set for the North
21 corner hereof;

22 THENCE S 53° 00' E 2758.86 ft., to an iron pin set in the fenced
23 easterly line of said Luckey Survey and of said TRACT NO. ONE, for
24 the East corner hereof;

25 THENCE with the said fence in four (4) courses and distances as
26 follows:

27 1) S 29° 51' 15" W 504.42 ft., an iron spike at a fence post;

H.B. No. 4719

- 1 1) S 29° 43' 51" W 952.20 ft., an iron spike at a fence post;
- 2 3) S 29° 46' 57" W 597.56 ft., an iron spike at a fence post;
- 3 and
- 4 4) S 29° 48' 52" W 1009.32 ft., to the PLACE OF BEGINNING
- 5 hereof and containing 226.134 acres of land.

6 TRACT NO. 6

7 BEING 375.94 acres of land in Burnet County, Texas, comprised of
8 274.40 acres out of the Arthur Luckey Survey No. 23 and 82.04 acres
9 out of the F. L. Smith Survey No. 519 and 19.50 acres out of the J.
10 C. Hoffman Survey No. 1009 and further being part of that certain
11 1939 acre tract conveyed from J. R. Phillips to H.A. Barnett by Deed
12 as recorded in Vol. 89 at Page 56 of DEED RECORDS of Burnet County,
13 Texas, said 375.94 acres being more particularly described by metes
14 and bounds as follows:

15 BEGINNING at a 4 inch iron pipe fence corner post in the easterly
16 line of said 1939 acre tract and of said Luckey Survey at the
17 Northwest corner of said Hoffman Survey and Southwest corner of the
18 Ed McMillen Survey No. 1010 and further being the Northwest corner
19 of that certain 536.7 acre tract described in Correction Deed from
20 Max Flinchbaugh to W. E. Riggs, as recorded in Vol. 191 at Page 264
21 of DEED RECORDS of Burnet County, Texas, and the Southeast corner of
22 that certain 355.0 acre tract conveyed from H. A. Barnett to Mark
23 Barnett, by Deed as recorded in Vol. 135 at Page 640-644 of DEED
24 RECORDS of Burnet County, Texas, for the Northeast corner hereof;
25 THENCE S 29° 41' 44" W with the common boundary of said Luckey Survey
26 and said Hoffman Survey, at 152.5 ft., a 4 inch iron pipe fence
27 post, at 326.18 ft., a 4 inch iron pipe fence post, and at 759.04

1 ft., in all a 4 inch iron pipe fence post, for a corner hereof;
2 THENCE with the fenced common boundary of said 1939 acre tract and
3 said 536.7 acre tract in four (4) courses and distances as follows:

- 4 1) S 7° 37' 08" W 1917.55 ft., 4 inch iron pipe post;
- 5 2) S 7° 42' 25" W 1513.78 ft., an iron spike;
- 6 3) S 7° 33' 51" W 953.01 ft., an iron pin; and
- 7 4) S 7° 37' 54" W at 339.11 ft., an iron pin and at 340.00
8 ft., in all the Southeast corner hereof in the northerly
9 right-of-way line of F.M. Highway No. 1431;

10 THENCE with said highway right-of-way in two (2) courses and
11 distances as follows:

- 12 1) N 79° 08' 48" W at 1387.71 ft., a concrete right-of-way
13 monument, and at 2480.87 ft., in all the beginning of a curve to the
14 right, and

- 15 2) along said curve to the right of radius 2835.71 ft.,
16 central angle 2° 37' 02" and long chord bearing N 77° 50' 17" W 129.52
17 ft., to an iron pin at the Southeast corner of an adjoining 375.94
18 acre tract, for the Southwest corner hereof;

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

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

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

1 Northwest corner hereof;
2 THENCE S 45° 25' 09" E with the fenced Southwesterly line of said
3 355.00 acre tract, 4190.96 ft., to the Place of BEGINNING hereof and
4 containing 375.94 acres of land.

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

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

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor, the
18 lieutenant governor, and the speaker of the house of
19 representatives within the required time.

20 (d) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

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

H.B. No. 4719

1 Act takes effect September 1, 2009.