

1-1 By: Aycock (Senate Sponsor - Fraser) H.B. No. 4719
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 Burnet County Municipal Utility
1-9 District No. 3; 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 8315 to read as follows:

1-14 CHAPTER 8315. BURNET COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8315.001. 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 Burnet County Municipal
1-20 Utility District No. 3.

1-21 Sec. 8315.002. 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. 8315.003. CONFIRMATION AND DIRECTORS' ELECTION
1-25 REQUIRED. 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 Sec. 8315.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
1-29 temporary directors may not hold an election under Section 8315.003
1-30 until each municipality in whose corporate limits or
1-31 extraterritorial jurisdiction the district is located has
1-32 consented by ordinance or resolution to the creation of the
1-33 district and to the inclusion of land in the district.

1-34 (b) A municipality may not provide consent under Subsection
1-35 (a) until the municipality and the owner or owners of the territory
1-36 described by Section 2 of the Act creating this chapter have
1-37 executed an annexation agreement governing the municipality's
1-38 eventual annexation of the territory. The municipality may
1-39 incorporate any of the terms of the annexation agreement into the
1-40 ordinance or resolution described by Subsection (a).

1-41 Sec. 8315.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-42 The district is created to serve a public purpose and benefit.

1-43 (b) The district is created to accomplish the purposes of:

1-44 (1) a municipal utility district as provided by
1-45 general law and Section 59, Article XVI, Texas Constitution; and

1-46 (2) Section 52, Article III, Texas Constitution, that
1-47 relate to the construction, acquisition, improvement, operation,
1-48 or maintenance of macadamized, graveled, or paved roads, or
1-49 improvements, including storm drainage, in aid of those roads.

1-50 Sec. 8315.006. INITIAL DISTRICT TERRITORY. (a) The
1-51 district is initially composed of the territory described by
1-52 Section 2 of the Act creating this chapter.

1-53 (b) The boundaries and field notes contained in Section 2 of
1-54 the Act creating this chapter form a closure. A mistake made in the
1-55 field notes or in copying the field notes in the legislative process
1-56 does not affect the district's:

1-57 (1) organization, existence, or validity;

1-58 (2) right to issue any type of bond for the purposes
1-59 for which the district is created or to pay the principal of and
1-60 interest on a bond;

1-61 (3) right to impose a tax; or

1-62 (4) legality or operation.

1-63 [Sections 8315.007-8315.050 reserved for expansion]

1-

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

(b) Temporary directors serve until the earlier of:

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

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

(c) If permanent directors have not been elected under Section 8315.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

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

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

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

[Sections 8315.053-8315.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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

Sec. 8315.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

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

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

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

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

3-1 (b) In addition to all the rights and remedies provided by
 3-2 other law, if the district violates the terms of an ordinance or
 3-3 resolution described by Subsection (a), the municipality is
 3-4 entitled to injunctive relief or a writ of mandamus issued by a
 3-5 court requiring the district and the district's officials to
 3-6 observe and comply with the terms of the ordinance or resolution.

3-7 Sec. 8315.106. ANNEXATION OF DISTRICT BY MUNICIPALITY. (a)
 3-8 A municipality may annex all or part of the territory of the
 3-9 district or any new district created by the division of the district
 3-10 only as provided by an annexation agreement described by Section
 3-11 8315.004(b).

3-12 (b) A municipality is not required to annex any part of the
 3-13 district's territory that is outside the corporate boundaries of
 3-14 the municipality.

3-15 (c) A municipality is not required to assume control and
 3-16 operation of the district or a new district created by division of
 3-17 the district on annexation of all or part of the territory of the
 3-18 district or new district, but the municipality may assume control
 3-19 and operation of the district or a new district and dissolve the
 3-20 district or new district if:

3-21 (1) the municipality has annexed all of the territory
 3-22 of the district or new district;

3-23 (2) the water and wastewater facilities required to
 3-24 serve at least 95 percent of the lots in the district or new
 3-25 district, as set out by a final plat, have been completed; and

3-26 (3) the municipality has complied with the
 3-27 requirements of Section 43.075, Local Government Code.

3-28 (d) Notwithstanding Section 54.016(f)(2), Water Code, a
 3-29 contract between a municipality and the district or new district
 3-30 that provides for the allocation of the taxes or revenues of the
 3-31 district and the municipality following the date of inclusion of
 3-32 all or part of the district's territory in the corporate limits of
 3-33 the municipality, may provide that the total annual ad valorem
 3-34 taxes collected by the municipality and the district from taxable
 3-35 property in the district may exceed the city's ad valorem tax on the
 3-36 property.

3-37 Sec. 8315.107. LIMITATION ON CREATION OF OTHER MUNICIPAL
 3-38 UTILITY DISTRICTS. Before December 31, 2011, the Texas Commission
 3-39 on Environmental Quality may not grant a petition under Chapter 54,
 3-40 Water Code, to create a municipal utility district if the district
 3-41 contains any territory described by Section 2 of the Act creating
 3-42 this chapter.

3-43 Sec. 8315.108. LIMITATION ON ANNEXATION OF LAND BY
 3-44 DISTRICT. (a) The district or any new district created by the
 3-45 division of the district may not annex land unless:

3-46 (1) the owner or owners of the land have provided
 3-47 written consent to the annexation; and

3-48 (2) the land is adjacent to the district or new
 3-49 district.

3-50 (b) The district must complete an annexation authorized by
 3-51 this section not later than the first anniversary of the date the
 3-52 district or new district receives written consent from the owner or
 3-53 owners of the land.

3-54 (c) An owner of land may revoke the owner's consent to
 3-55 annexation before the annexation is completed by notifying the
 3-56 district or new district in writing that the consent is revoked.

3-57 (d) For purposes of this section, a petition by an owner of
 3-58 land for annexation to the district that meets the requirements of
 3-59 Chapter 49, Water Code, satisfies the requirement of written
 3-60 consent under Subsection (a).

3-61 Sec. 8315.109. LIMITATION ON USE OF EMINENT DOMAIN. The
 3-62 district may not exercise the power of eminent domain outside the
 3-63 district to acquire a site or easement for:

3-64 (1) a road project authorized by Section 8315.103; or

3-65 (2) a recreational facility as defined by Section
 3-66 49.462, Water Code.

3-67 Sec. 8315.110. DIVISION OF DISTRICT. (a) The district may
 3-68 be divided into two or more new districts only if the district:

3-69 (1) has no outstanding bonded debt; and

4-1 (2) is not imposing ad valorem taxes.

4-2 (b) This chapter applies to any new district created by the
4-3 division of the district, and a new district has all the powers and
4-4 duties of the district.

4-5 (c) Any new district created by the division of the district
4-6 may not, at the time the new district is created, contain any land
4-7 outside the area described by Section 2 of the Act creating this
4-8 chapter.

4-9 (d) The board, on its own motion or on receipt of a petition
4-10 signed by the owner or owners of a majority of the assessed value of
4-11 the real property in the district, may adopt an order dividing the
4-12 district.

4-13 (e) The board may adopt an order dividing the district
4-14 before or after the date the board holds an election under Section
4-15 8315.003 to confirm the district's creation.

4-16 (f) An order dividing the district shall:

4-17 (1) name each new district;

4-18 (2) include the metes and bounds description of the
4-19 territory of each new district;

4-20 (3) appoint temporary directors for each new district
4-21 or provide that the owner or owners of a majority of the assessed
4-22 value of the real property in each new district may submit a
4-23 petition to the Texas Commission on Environmental Quality
4-24 requesting that the commission appoint as temporary directors the
4-25 five persons named in the petition; and

4-26 (4) provide for the division of assets and liabilities
4-27 between or among the new districts.

4-28 (g) On or before the 30th day after the date of adoption of
4-29 an order dividing the district, the district shall file the order
4-30 with the Texas Commission on Environmental Quality and record the
4-31 order in the real property records of each county in which the
4-32 district is located.

4-33 (h) Any new district created by the division of the district
4-34 shall hold a confirmation and directors' election as required by
4-35 Section 8315.003. A new district that is not confirmed is subject
4-36 to dissolution under general law.

4-37 (i) Municipal consent to the creation of the district and to
4-38 the inclusion of land in the district granted under Section
4-39 8315.004 acts as municipal consent to the creation of any new
4-40 district created by the division of the district and to the
4-41 inclusion of land in the new district.

4-42 (j) Any new district created by the division of the district
4-43 must hold an election as required by this chapter to obtain voter
4-44 approval before the district may impose a maintenance tax or issue
4-45 bonds payable wholly or partly from ad valorem taxes.

4-46 [Sections 8315.111-8315.150 reserved for expansion]

4-47 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4-48 Sec. 8315.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
4-49 district may issue, without an election, bonds and other
4-50 obligations secured by:

4-51 (1) revenue other than ad valorem taxes; or

4-52 (2) contract payments described by Section 8315.153.

4-53 (b) The district must hold an election in the manner
4-54 provided by Chapters 49 and 54, Water Code, to obtain voter approval
4-55 before the district may impose an ad valorem tax or issue bonds
4-56 payable from ad valorem taxes.

4-57 (c) The district may not issue bonds payable from ad valorem
4-58 taxes to finance a road project unless the issuance is approved by a
4-59 vote of a two-thirds majority of the district voters voting at an
4-60 election held for that purpose.

4-61 Sec. 8315.152. OPERATION AND MAINTENANCE TAX. (a) If
4-62 authorized at an election held under Section 8315.151, the district
4-63 may impose an operation and maintenance tax on taxable property in
4-64 the district in accordance with Section 49.107, Water Code.

4-65 (b) The board shall determine the tax rate. The rate may not
4-66 exceed the rate approved at the election.

4-67 Sec. 8315.153. CONTRACT TAXES. (a) In accordance with
4-68 Section 49.108, Water Code, the district may impose a tax other than
4-69 an operation and maintenance tax and use the revenue derived from

5-1 the tax to make payments under a contract after the provisions of
5-2 the contract have been approved by a majority of the district voters
5-3 voting at an election held for that purpose.

5-4 (b) A contract approved by the district voters may contain a
5-5 provision stating that the contract may be modified or amended by
5-6 the board without further voter approval.

5-7 [Sections 8315.154-8315.200 reserved for expansion]

5-8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5-9 Sec. 8315.201. AUTHORITY TO ISSUE BONDS AND OTHER
5-10 OBLIGATIONS. The district may issue bonds or other obligations
5-11 payable wholly or partly from ad valorem taxes, impact fees,
5-12 revenue, contract payments, grants, or other district money, or any
5-13 combination of those sources, to pay for any authorized district
5-14 purpose.

5-15 Sec. 8315.202. TAXES FOR BONDS. At the time the district
5-16 issues bonds payable wholly or partly from ad valorem taxes, the
5-17 board shall provide for the annual imposition of a continuing
5-18 direct ad valorem tax, without limit as to rate or amount, while all
5-19 or part of the bonds are outstanding as required and in the manner
5-20 provided by Sections 54.601 and 54.602, Water Code.

5-21 Sec. 8315.203. BONDS FOR ROAD PROJECTS. At the time of
5-22 issuance, the total principal amount of bonds or other obligations
5-23 issued or incurred to finance road projects and payable from ad
5-24 valorem taxes may not exceed one-fourth of the assessed value of the
5-25 real property in the district.

5-26 SECTION 2. The Burnet County Municipal Utility District No.
5-27 3 initially includes all the territory contained in the following
5-28 area:

5-29 TRACT NO. 1

5-30 BEING 144.14 acres of land out of the Arthur Luckey Survey No. 23
5-31 Abstract No. 530 in Burnet County, Texas and being comprised of part
5-32 of that 147 acre tract conveyed to Troy Ben Fox in Vol. 1294 at Page
5-33 957 of the OFFICIAL PUBLIC RECORDS of Burnet County, Texas and part
5-34 of that 36.65 acre tract conveyed to Troy Ben Fox in Vol. 1294 at
5-35 Page 957 of the OFFICIAL PUBLIC RECORDS of Burnet County, Texas and
5-36 including Lot Nos. 18 through 30 in CIRCLE B ESTATES, Section 1, a
5-37 subdivision of record in Vol. 2 at Page 90 of the PLAT RECORDS of
5-38 Burnet County, Texas, said 144.14 acres being more particularly
5-39 described as follows:

5-40 BEGINNING at a reentrant corner of said 36.65 acre tract and the
5-41 Southwest corner of that 184.31 acre tract described in Release of
5-42 Lien to Troy Ben Fox as recorded in Vol. 1273 at Page 888 of the
5-43 OFFICIAL PUBLIC RECORDS of Burnet County, Texas for a Northwesterly
5-44 corner hereof;

5-45 THENCE N 64° 01' 47" E along the common boundary of said 184.31 acre
5-46 tract 2625.76 ft., to the Southeast corner of said 184.31 acre tract
5-47 and a westerly corner of that 131.606 acre tract described in Deed
5-48 to the City of Granite Shoals as recorded in Document No. 0803603 of
5-49 the OFFICIAL PUBLIC RECORDS of Burnet County, Texas in the easterly
5-50 boundary of said 147 acre tract, for the North corner hereof;

5-51 THENCE along the common boundary of said 147 acre tract and the City
5-52 of Granite Shoals tract; S 08° 37' 15" E 879.62 ft.; and S 29° 58' 45"
5-53 E 1827.53 ft. to the East corner of said 147 acre tract in the
5-54 northwesterly right-of-way line of Phillips Ranch Road, for the
5-55 East corner hereof;

5-56 THENCE along the common boundary of said 147 acre tract and said
5-57 Phillips Ranch Road in three (3) courses and distances as follows:

- 5-58 1) S 74° 08' 10" W 904.01 ft;
- 5-59 2) S 54° 20' 00" W 252.94 ft; and
- 5-60 3) S 26° 15' 29' W 595.49 ft., to the South corner of said 147
5-61 acre tract and the northeasterly corner of SHERWOOD SHORES, Green
5-62 Castle Section a subdivision of record in Vol. 1 at Page 100 of the
5-63 PLAT RECORDS of Burnet County, Texas, for the South corner hereof;

5-64 THENCE N 59° 56' 30" W along the common boundary of said 147 acre
5-65 tract and said Green Castle Section 700.31 ft., to the Southeast
5-66 corner of that 0.180 acre tract described in Deed to Alan Kirby as
5-67 recorded in Vol. 902 at Page 35 of the OFFICIAL PUBIC RECORDS of
5-68 Burnet County, Texas;

5-69 THENCE along the common boundary of said 147 acre tract and said

6-1 0.180 acre tract in four (4) courses and distances as follows:
6-2 1) N 28° 05' 31" E 24.1 ft.;
6-3 2) N 57° 43' 29" W 79.85 ft.;
6-4 3) N 59° 59' 29" W 207.39 ft.; and
6-5 4) S 53° 57' 31" W 29.60 ft., to a point in the northerly
6-6 boundary of said Green Castle Section;
6-7 THENCE N 59° 56' 30" W along the common southerly boundary of said
6-8 147 acre tract and then said 36.65 acre tract and the northerly
6-9 boundary of said Green Castle Section at 651.16 ft., pass the common
6-10 southerly corner of said 147 acre tract and said 36.65 acre tract
6-11 and at 800.20 ft., in all to a southwesterly corner of said 36.65
6-12 acre tract in the easterly line of Tempe Drive in said CIRCLE B
6-13 ESTATES, Section 1, for a southwesterly corner hereof;
6-14 THENCE with the westerly boundary of said 36.65 acre tract and the
6-15 easterly line of said Tempe Drive in twelve (12) courses and
6-16 distances as follows:
6-17 1) N 30° 03' 30" E 25.00 ft.;
6-18 2) along a curve to the left of radius 25.00 ft., central
6-19 angle 90° 00', arc distance 39.28 ft., and a long chord bearing N 14°
6-20 56' 30" W 35.36 ft.;
6-21 3) N 59° 56' 30" W 204.21 ft.;
6-22 4) along a curve to the right of radius 72.26 ft., central
6-23 angle 54° 27' 45", arc distance 68.69 ft., and a long chord bearing N
6-24 32° 42' 45" W 66.13 ft.;
6-25 5) N 05° 29' 00" W 144.06 ft.;
6-26 6) along a curve to the left of radius 1342.06, central
6-27 angle 05° 13' 00", arc distance 122.19 ft., and a long chord bearing
6-28 N 08° 05' 30" W 122.15 ft.;
6-29 7) N 10° 42' 00" W 184.66 ft.;
6-30 8) along a curve to the left of radius 259.41 ft., central
6-31 angle 28° 43' 00", arc distance 112.65 ft., and a long chord bearing
6-32 N 25° 03' 30" W 128.66 ft.;
6-33 9) N 39° 25; 00" W 229.20 ft.;
6-34 10) along a curve to the right of radius 424.18 ft., central
6-35 angle 15° 12' 58", arc distance 112.65 ft., and a long chord bearing
6-36 N 31° 48' 30" W 112.32 ft.;
6-37 11) N 24° 12' 00" W 116.34 ft., and
6-38 12) along a curve to the right of radius 89.81 ft., central
6-39 angle 47° 04', arc distance 73.78, and a long chord bearing N 00° 40'
6-40 00" W 71.72 ft., to the termination of Tempe Drive;
6-41 THENCE continuing with the common boundary of said 36.65 acre
6-42 tract: N 31° 08' 12" E 29.13 ft.; and N 36° 21' 47" E 97.54 ft., to the
6-43 Place of BEGINNING hereof and containing 144.14 acres of land.
6-44 TRACT NO. 2
6-45 BEING 184.31 acres of land in Burnet County, Texas comprised of
6-46 approximately 22.76 acres out of the John Harvey Survey No. 24,
6-47 Abstract No. 400 and 161.55 acres out of the Arthur Luckey Survey
6-48 No. 23, Abstract No. 530 and being comprised of portions of the
6-49 following deeded tracts:
6-50 1) TRACT NO. ONE of 338.19 acres conveyed from H.A. Barnett,
6-51 et ux to C.A. Barnett as recorded in Vol. 135 at Page 644 et seq. of
6-52 the DEED RECORDS of Burnet County, Texas;
6-53 2) TRACT NO. THREE of 15.75 acres conveyed from H.A.
6-54 Barnett, et ux to C.A. Barnett as recorded in Vol. 135 at Page 644 et
6-55 seq. of the DEED RECORDS of Burnet County, Texas;
6-56 3) 550 acres conveyed from J.T. Stevens to Chester Barnett as
6-57 recorded in Vol. 119 at Page 393 of the DEED RECORDS of Burnet
6-58 County, Texas;
6-59 and also including all of CIRCLE B ESTATES, Section Two, a
6-60 subdivision of record in Vol. 2 at Page 92 of the PLAT RECORDS of
6-61 Burnet County, Texas, save and except Lot Nos. 1 through 4 and Lot
6-62 Nos. 13 through 16, and further being comprised of 179.85 acres of
6-63 land above the 825 foot elevation contour and inundated by the water
6-64 of Lake Lyndon B. Johnson, said 184.31 acres being more
6-65 particularly described as follows:
6-66 BEGINNING at a 24 inch Post Oak at a reentrant corner of said TRACT
6-67 NO. ONE, the Southeast corner of said 550 acre tract, and a westerly
6-68 corner of that certain 136.50 acre described in Deed to Capital
6-69 Marble and Granite Co., Inc. as recorded in Vol. 284 at Page 503 of

7-1 the DEED RECORDS of Burnet County, Texas, for the Southeast corner
7-2 hereof;
7-3 THENCE along the southerly line hereof in six (6) courses and
7-4 distances as follows:
7-5 1) S 64° 01' 47" W 2625.76 ft., an iron pin set;
7-6 2) N 50° 25' 24" W 267.33 ft., an iron pin set at a chainlink
7-7 fence;
7-8 3) N 5° 43' 05" W 37.41 ft., a pipe fence corner post;
7-9 4) S 84° 17' 06" W 73.79 ft., a pipe fence corner post;
7-10 5) S 4° 37' 12" E 46.38 ft., a pipe fence corner post; and
7-11 6) S 84° 31' 27" W at 153.54 ft., an iron pin set at the
7-12 approximate 825 foot elevation contour and at 283.54 ft., in all to
7-13 the Southwest corner hereof, inundated by the waters of Lake Lyndon
7-14 B. Johnson;
7-15 THENCE with a westerly line hereof inundated by the waters of said
7-16 lake in five (5) courses and distances as follows:
7-17 1) N 0° 37' 31" E 306.77 ft.;
7-18 2) N 78° 48' 13" E 410.00 ft.;
7-19 3) N 6° 03' 13" E 485.97 ft.;
7-20 4) N 69° 08' 09" E 310.54 ft.; and
7-21 5) S 79° 54' 20" E 147.01 ft., and inundated reentrant corner
7-22 hereof;
7-23 THENCE N 26° 52' 30" E at 30.00 ft., pass the South corner of Lot No.
7-24 88, SHADY ACRES, a subdivision of record in Vol. 1 at Page 28 of the
7-25 PLAT RECORDS of Burnet County, Texas, at 43.26 ft., pass a concrete
7-26 monument found, and at 261.01 ft., in all to a concrete monument
7-27 found at a reentrant corner of said Lot No. 88;
7-28 THENCE continuing along the southerly line of said Lot 88 in two (2)
7-29 courses and distances as follows:
7-30 1) N 69° 45' 75" E 146.54 ft., an iron pin found at a 9 inch
7-31 Elm; and
7-32 2) N 81° 03' 24" E 38.86 ft., to a concrete monument found at
7-33 the Southeast corner of said Lot No. 88;
7-34 THENCE along the easterly line of said SHADY ACRES and then SHADY
7-35 ACRES, Section Two, a subdivision of record in Vol. 1 at Page 56 of
7-36 the PLAT RECORDS of Burnet County, Texas in twelve (12) courses and
7-37 distances as follows:
7-38 1) N 12° 41' 33" W 334.00 ft., a concrete monument found;
7-39 2) N 24° 48' 33" W 375.38 ft., a concrete monument found at
7-40 the Northeast corner of a 40 foot roadway and a northeasterly corner
7-41 of said SHADY ACRES;
7-42 3) S 75° 10' 08" W 96.26 ft., to an 60d nail found at the
7-43 Southeast corner of Lot no. 89, SHADY ACRES, Section Two;
7-44 4) N 27° 23' 01" W at 110.50 ft., pass a point in the
7-45 perimeter of a 30 foot radius culdesac at the termination of Todd
7-46 Drive, a public street in said CIRCLE B ESTATES, Section Two, and at
7-47 270.42 ft., in all an iron pin found;
7-48 5) N 34° 25' 51" W 128.63 ft., an iron pin found;
7-49 6) N 41° 10' 52" W 377.21 ft., a pipe fence corner post;
7-50 7) N 20° 02' 43" W 91.96 ft., an iron pin found;
7-51 8) N 14° 13' 29" W 85.58 ft., an iron pin found;
7-52 9) N 1° 03' 27" W 379.67 ft., an iron pin found;
7-53 10) N 11° 30' 04" E 369.04 ft., an iron pin found;
7-54 11) N 33° 49' 55" E 82.45 ft., an iron pin found; and
7-55 12) N 19° 43' 12" E 347.82 ft., to an iron pin found at the
7-56 Northeast corner of Lot no. 109 in said SHADY ACRES, Section Two,
7-57 and in the perimeter of a 30 foot radius culdesac at the termination
7-58 of James Drive, a public street, in said CIRCLE B ESTATES, Section
7-59 Two, for a reentrant corner hereof;
7-60 THENCE N 86° 18' 42" W 155.34 ft., to an iron pin found at the
7-61 Northwest corner of said Lot NO. 109 in the easterly line of Burnet
7-62 County Road No. 131;
7-63 THENCE along the easterly line of said County Road in three (3)
7-64 courses and distances as follows:
7-65 1) N 25° 14' 30" E 103.58 ft., an iron pin found;
7-66 2) N 27° 34' 55" E 273.34 ft., a concrete monument found; and
7-67 3) N 35° 44' 20" E 402.55 ft., to an iron pin set at the North
7-68 corner of Lot No. 6 in said CIRCLE B ESTATES, Section Two, in the
7-69 southerly right-of-way line of F. M. Highway No. 1431, for the North

8-1 corner hereof;
8-2 THENCE along said highway, right-of-way in three (3) courses and
8-3 distances as follows:
8-4 1) S 51° 29' 45" E 339.66 ft., a highway monument;
8-5 2) S 57° 12' 18" E 100.49 ft., a highway monument; and
8-6 3) S 51° 30' 39" E 324.83 ft., an iron pin found at the North
8-7 corner of Lot No. 4 in said CIRCLE B ESTATES, for a westerly
8-8 Northeast corner hereof;
8-9 THENCE S 32° 02' W 523.55 ft., in all to an iron pin set at a fence
8-10 corner post at the west corner of Lot No. 13 in said CIRCLE B
8-11 ESTATES, Section Two, in the northerly line of said James Drive, for
8-12 a reentrant corner hereof;
8-13 THENCE S 63° 18' 00" E along the northerly line of said James Drive
8-14 506.47 ft., to an iron pin set at the South corner of Lot No. 16 in
8-15 said CIRCLE B ESTATES, Section Two, in the westerly line of said
8-16 Todd Drive for a reentrant corner hereof;
8-17 THENCE along the westerly line of said Todd Drive in seven (7)
8-18 courses and distances as follows:
8-19 1) along a curve to the left of radius 19.16 ft., central
8-20 angle 93° 21' 50", and a long chord bearing N 70° 01' 00" E 27.88 ft.;
8-21 2) along a curve to the right of radius 69.99 ft., central
8-22 angle S 4° 17' 55", and a long chord bearing N 50° 24' E 63.87 ft.;
8-23 3) N 77° 35' E 102.58 ft.;
8-24 4) along a curve to the left of radius 262.34 ft., central
8-25 angle 15° 50' 34", and a long chord bearing N 69° 40' 10" E 72.31 ft.;
8-26 5) N 61° 44' E 21.39 ft.;
8-27 6) along a curve to the left of radius 169.57 ft., central
8-28 angle 23° 14', and a long chord bearing N 50° 07' E 68.29 ft.; and
8-29 7) N 38° 30' E 102.43 ft., to an iron pin found at the
8-30 Northwest corner of said Todd Drive in the southerly right-of-way
8-31 line of said F. M. Hwy. No. 1431, for an easterly Northwest corner
8-32 hereof;
8-33 THENCE along said highway right-of-way line in five (5) courses and
8-34 distances as follows;
8-35 1) S 51° 29' 21" E 366.76 ft., a highway monument;
8-36 2) S 45° 38' 38" E 100.56 ft., a highway monument;
8-37 3) S 51° 46' 37" E 100.52 ft., a highway monument;
8-38 4) S 57° 22' 16" E 100.17 ft., a highway monument; and
8-39 5) S 51° 30' E 1012.14 ft., to a survey monument found at the
8-40 North corner of that certain 2.00 acre tract described in Deed to
8-41 Pedernales Electric Coop., Inc. as recorded in vol. 186 at page 404
8-42 of the DEED RECORDS of Burnet County, Texas;
8-43 THENCE around the perimeter of said 2.00 acre tract in three (3)
8-44 courses and distances as follows:
8-45 1) S 38° 30' 07" W 295.01 ft., a survey monument found;
8-46 2) S 51° 29' 36" E 295.03 ft., a survey monument found; and
8-47 3) N 38° 32' 21" E 295.14 ft., to a survey monument found at
8-48 the East Corner of said 2.00 acre tract in the southerly
8-49 right-of-way line of said highway;
8-50 THENCE S 51° 28' 42" E along said highway right-of-way line 77.92
8-51 ft., to an iron pin found at the North corner of said 136.50 acre
8-52 tract for the East corner hereof;
8-53 THENCE along the westerly line of said 136.50 acre tract S 18° 02'
8-54 30" W 318.72 ft., to an iron pin found; and at S 30° 49' 45" W 1146.09
8-55 ft., to the Place of BEGINNING hereof and containing 184.31 acres of
8-56 land.

TRACT NO. 3

8-57
8-58 BEING 64.86 acres, more or less, of land in Burnet County, Texas,
8-59 and being comprised of 40.78 acres out of the F.L. Smith Survey No.
8-60 23 and 0.64 acres out of the J.R. Phillips Survey No. 1264, and
8-61 being out of and part of that certain "TRACT NO. TWO (2)", 372.49
8-62 acres, conveyed from H.A. Barnett to C.A. Barnett by Deed recorded
8-63 in Vol. 135 at Page 644 et seq., of the Deed Records of Burnet
8-64 County, Texas, and being situated adjacent to and South of F.M.
8-65 Highway No. 1431 and adjacent to and East of Sherwood Drive and
8-66 being more particularly described by metes and bounds as follows:
8-67 BEGINNING at an iron pin in the fenced easterly line of said "TRACT
8-68 NO. TWO (2)", and the westerly line of SHERWOOD SHORES, Prairie
8-69 Creek Section, as plat of said subdivision is recorded in Vol. 1,

9-1 Page 164 of the Plat Records of Burnet County, Texas, for the
9-2 Southeast corner hereof, whence the Southeast corner of said F. L.
9-3 Smith Survey No. 51 bears S 30° 43' W 517.49 ft.;

9-4 THENCE N 77° 16' W 2656.08 ft., to an iron pin set for the Southwest
9-5 corner hereof;

9-6 THENCE N 7° 05' 15" E 537.05 ft., to an iron pin set for a reentrant
9-7 corner hereof;

9-8 THENCE N 49° 12' 15" W 433.83 ft., to an iron pin set in the westerly
9-9 line of said "TRACT NO. TWO (2)" and the easterly line of that
9-10 certain 6.53 acre tract conveyed from H. A. Barnett to Wendall Lee
9-11 Phillips by Deed as recorded in Vol. 131 at Page 515, et seq., of
9-12 Deed Records of Burnet County, Texas, and known as Sherwood Drive,
9-13 for a northerly Southwest corner hereof;

9-14 THENCE N 40° 12' 45" E with said common boundary, 309.26 ft., to an
9-15 iron pin in the southerly line of F. M. Highway No. 1431 at the
9-16 common northerly corner of said "TRACT NO. TWO (2)" and said 6.53
9-17 acre tract, for the Northwest corner hereof;

9-18 THENCE with the southerly right-of-way line of said highway in
9-19 three (3) courses and distances as follows:

9-20 1) along a curve to the left of radius 2919.66 ft., central
9-21 angle 4° 39' and long chord bearing S 74° 49' E 236.7211., to an iron
9-22 pin;

9-23 2) S 77° 10' E 1592.78 ft., a concrete right-of-way monument,
9-24 and

9-25 3) S 77° 16' E 869.0 ft., to an iron pin at the Northwest
9-26 corner of that certain 0.688 acre tract conveyed from Chester A.
9-27 Barnett to J. W. Thompson Construction Co. by Deed as recorded in
9-28 Vol. 178 at Page 245 et seq., of the Deed Records of Burnet County,
9-29 Texas, for a westerly Northeast corner hereof;

9-30 THENCE S 12° 44' W 300.0 ft., to an iron pin and Southeast corner of
9-31 said Thompson Tract, for reentrant corner hereof;

9-32 THENCE S 77° 16' E 100.0 ft., the Southeast corner of said Thompson
9-33 Tract and at 483.22 ft., in all an iron pin in the easterly line of
9-34 said "TRACT NO. TWO (2)" at the Southeast corner of that certain
9-35 0.647 acre tract conveyed from Chester A. Barnett to C. S. Williams
9-36 by Deed as recorded in Vol. 191 at Page 484 of Deed Records of Burnet
9-37 County, Texas, for the Northeast corner thereof;

9-38 THENCE with the fenced easterly line of said "TRACT NO. TWO (2)" in
9-39 two (2) courses as follows:

9-40 1) S 31° 28' W at 180.0ft., an iron pin at the Northwest
9-41 corner of said Prairie Creek Section of SHERWOOD SHORES, and at
9-42 380.47 ft., in all a fence corner post, and

9-43 2) S 30° 43' W 357.13 ft., to the place of BEGINNING hereof
9-44 and containing 64.86 acres of land.

9-45 TRACT NO. 4

9-46 BEING 72.68 acres of land out of the Arthur Luckey Survey No. 23,
9-47 Abstract No. 530 in Burnet County, Texas and being out of that
9-48 certain 550 acre tract described in Deed from J. T. Stevens to
9-49 Chester A. Barnett as recorded in Vol. 119 at Page 392 of the DEED
9-50 RECORDS of Burnet County, Texas, said 72.68 acres being more
9-51 particularly described as follows:

9-52 BEGINNING at an iron spike set in the center of the old
9-53 Fredricksburg to Burnet Road at the Northwest corner of that
9-54 certain 11.52 acre tract described in Deed to Southern Pacific
9-55 Railroad Co., as recorded in Vol. 145 at Page 270 of the DEED
9-56 RECORDS of Burnet County, Texas, for the North corner hereof,
9-57 whence the Northwest corner of the J. C. Hoffman Survey No. 1009,
9-58 Abstract No. 417 in the easterly line of said Luckey Survey bears S
9-59 53° 02' 52" E 4386.3 ft., and the North corner of said 550 acre tract
9-60 and of said 11.52 acre tract bears N 58° 42' 03" E 153.22 ft.;

9-61 THENCE along the westerly line of said 11.52 acre tract, parallel
9-62 with and 75 feet West of the East line of said 550 acre tract and the
9-63 West line of that certain tract described in Trustee's Deed to
9-64 Johnnie Kay Barnett Peril as recorded in Vol. 564 at Page 256 of the
9-65 REAL PROPERTY RECORDS of Burnet County, Texas, in six (6) courses
9-66 and distances as follows:

9-67 1) S 29° 23' 40" W 433.02 ft.;

9-68 2) S 29° 31' 25" W 984.51 ft.;

9-69 3) S 30° 09' 24" W 517.72 ft.;

10-1 4) S 29° 13' 09" W 1454.44 ft.;

10-2 5) S 31° 37' 15" W 252.77 ft.; and

10-3 6) S 29° 31' 25" W 109.10 ft.; to an iron pin set at a

10-4 partition fence corner post, for the Southwest corner hereof,

10-5 whence an iron spike found at a 14 inch Post Oak in the East line of

10-6 said 550 acre tract and the West line of said Peril tract bears N.

10-7 64° 22' 10" E 131.27 ft.;

10-8 THENCE along a partition fence and the southerly line hereof in six

10-9 (6) courses and distances as follows:

10-10 1) N 73° 46' 40" W 682.20 ft., an iron pin set;

10-11 2) N 14° 54' 49" W 420.96 ft., an iron pin set;

10-12 3) N 0° 10' 32" E at 304.50 ft., a point on the South side of a

10-13 sheet metal shed, at 330.50 ft., a point on the North side of said

10-14 shed, and at 466.72 ft., in all to an iron pin set;

10-15 4) N 77° 48' 45" E 32.70 ft., an iron pin set;

10-16 5) N 9° 30' 48" W 74.98 ft., an iron pin set; and

10-17 6) N 25° 24' 35" W at 203.02 ft., pass an iron spike set at a

10-18 fence corner post, and at 236.15 ft., to a spike set in the center of

10-19 said Old Fredricksburg to Burnet Road and the northwesterly line of

10-20 said 550 acre tract, for the West corner hereof;

10-21 THENCE along the center of said road in eight (8) courses and

10-22 distances as follows:

10-23 1) N 54° 17' 30" E 216.45 ft., an iron spike set;

10-24 2) N 52° 11' 54" E 397.28 ft., an iron spike set;

10-25 3) N 50° 33' 24" E 341.87 ft., an iron spike set;

10-26 4) N 49° 54' 08" E 495.56 ft., an iron spike set;

10-27 5) N 51° 41' 16" E 213.91 ft., an iron spike set;

10-28 6) N 53° 48' 23" E 106.80 ft., an iron spike set;

10-29 7) N 57° 13' 37" E 131.50 ft., an iron spike set; and

10-30 8) N 58° 42' 03" E 1404.84 ft., to the Place of BEGINNING

10-31 hereof and containing 72.68 acres of land.

TRACT NO. 5

10-32 BEING 226.134 acres of land out of the Arthur Luckey Survey No. 23,

10-33 in Burnet County, Texas, and being the southerly portion of that

10-34 certain TRACT NO. ONE, conveyed from H. A. Barnett and wife, Nona E.

10-35 Barnett, to Mark Barnett by Deed as recorded in Vol. 135 at Page 640

10-36 et seq. of DEED RECORDS of Burnet County, Texas, said 226.134 acres

10-37 being more particularly described by metes and bounds is follows:

10-38 BEGINNING at a 4 inch iron pipe fence corner post in the easterly

10-39 line of said Luckey Survey at the Northwest corner of the J. C.

10-40 Hoffman Survey No. 1009 and Southwest corner of the Ed McMillen

10-41 Survey No. 1010 and further being at a Northeast corner of that

10-42 certain 375.94 acre tract, Exhibit B, East Tract described in

10-43 Partition Deed between Johnnie Barnett Peril and Nona Barnett Fox,

10-44 as recorded in Vol. 342 at Page 476 of DEED RECORDS of Burnet

10-45 County, Texas, and the Northwest corner of that certain 536.7 acre

10-46 tract described in Correction Deed from Max Flinchbaugh to W. E.

10-47 Riggs, as recorded in Vol. 191 at Page 264 of DEED RECORDS of Burnet

10-48 County, Texas, and the South corner of said TRACT NO. 2, for the

10-49 South corner hereof;

10-50 THENCE N 45° 25' 09" W with the fenced Northeasterly line of said

10-51 East Tract 4190.96 ft., to a 1 inch iron pipe found at a corner post

10-52 in the fenced Southeasterly line of the old Fredericksburg-Burnet

10-53 Road, at the Northwest corner of said East Tract, for the West

10-54 corner hereof, whence an iron pin at a westerly corner of said East

10-55 Tract, and the North corner of that certain West Tract described in

10-56 said Partition Deed bears S 61° 27' 08" W 69.91 ft.;

10-57 THENCE said fenced road line in four (4) courses and distances as

10-58 follows:

10-59 1) N 51° 01' 23" E 1328.25 ft., an iron pin set at a fence

10-60 post;

10-61 2) N 55° 03' 05" E 578.24 ft., an iron pin set at a fence

10-62 post;

10-63 3) N 55° 26' 30" E 629.63 ft., an iron pin set at a fence

10-64 post, and

10-65 4) N 55° 24' 39" E 229.82 ft., an iron pin set for the North

10-66 corner hereof;

10-67 THENCE S 53° 00' E 2758.86 ft., to an iron pin set in the fenced

10-68 easterly line of said Luckey Survey and of said TRACT NO. ONE, for

10-69

11-1 the East corner hereof;
 11-2 THENCE with the said fence in four (4) courses and distances as
 11-3 follows:
 11-4 1) S 29° 51' 15" W 504.42 ft., an iron spike at a fence post;
 11-5 1) S 29° 43' 51" W 952.20 ft., an iron spike at a fence post;
 11-6 3) S 29° 46' 57" W 597.56 ft., an iron spike at a fence post;
 11-7 and
 11-8 4) S 29° 48' 52" W 1009.32 ft., to the PLACE OF BEGINNING
 11-9 hereof and containing 226.134 acres of land.

TRACT NO. 6

11-10 BEING 375.94 acres of land in Burnet County, Texas, comprised of
 11-11 274.40 acres out of the Arthur Luckey Survey No. 23 and 82.04 acres
 11-12 out of the F. L. Smith Survey No. 519 and 19.50 acres out of the J.
 11-13 C. Hoffman Survey No. 1009 and further being part of that certain
 11-14 1939 acre tract conveyed from J. R. Phillips to H.A. Barnett by Deed
 11-15 as recorded in Vol. 89 at Page 56 of DEED RECORDS of Burnet County,
 11-16 Texas, said 375.94 acres being more particularly described by metes
 11-17 and bounds as follows:

11-18 BEGINNING at a 4 inch iron pipe fence corner post in the easterly
 11-19 line of said 1939 acre tract and of said Luckey Survey at the
 11-20 Northwest corner of said Hoffman Survey and Southwest corner of the
 11-21 Ed McMillen Survey No. 1010 and further being the Northwest corner
 11-22 of that certain 536.7 acre tract described in Correction Deed from
 11-23 Max Flinchbaugh to W. E. Riggs, as recorded in Vol. 191 at Page 264
 11-24 of DEED RECORDS of Burnet County, Texas, and the Southeast corner of
 11-25 that certain 355.0 acre tract conveyed from H. A. Barnett to Mark
 11-26 Barnett, by Deed as recorded in Vol. 135 at Page 640-644 of DEED
 11-27 RECORDS of Burnet County, Texas, for the Northeast corner hereof;

11-28 THENCE S 29° 41' 44" W with the common boundary of said Luckey Survey
 11-29 and said Hoffman Survey, at 152.5 ft., a 4 inch iron pipe fence
 11-30 post, at 326.18 ft., a 4 inch iron pipe fence post, and at 759.04
 11-31 ft., in all a 4 inch iron pipe fence post, for a corner hereof;

11-32 THENCE with the fenced common boundary of said 1939 acre tract and
 11-33 said 536.7 acre tract in four (4) courses and distances as follows:

11-34 1) S 7° 37' 08" W 1917.55 ft., 4 inch iron pipe post;
 11-35 2) S 7° 42' 25" W 1513.78 ft., an iron spike;
 11-36 3) S 7° 33' 51" W 953.01 ft., an iron pin; and
 11-37 4) S 7° 37' 54" W at 339.11 ft., an iron pin and at 340.00
 11-38 ft., in all the Southeast corner hereof in the northerly
 11-39 right-of-way line of F.M. Highway No. 1431;

11-40 THENCE with said highway right-of-way in two (2) courses and
 11-41 distances as follows:

11-42 1) N 79° 08' 48" W at 1387.71 ft., a concrete right-of-way
 11-43 monument, and at 2480.87 ft., in all the beginning of a curve to the
 11-44 right, and

11-45 2) along said curve to the right of radius 2835.71 ft.,
 11-46 central angle 2° 37' 02" and long chord bearing N 77° 50' 17" W 129.52
 11-47 ft., to an iron pin at the Southeast corner of an adjoining 375.94
 11-48 acre tract, for the Southwest corner hereof;

11-49 THENCE N 17° 37' 23" E 6910.76 ft. to an iron pin at the Northeast
 11-50 corner of said adjoining 375.94 acre tract, for a reentrant corner
 11-51 hereof;

11-52 THENCE N 45° 25' 09" W 1520.68 ft., to an iron pin in the fenced
 11-53 Southeast line of the old Fredericksburg-Barnet Road, at the North
 11-54 corner of said adjoining 375.94 acre tract, for a westerly corner
 11-55 hereof;

11-56 THENCE N 61° 27' 08" E with said road 69.91 ft., to a 1 inch iron pipe
 11-57 found at the West corner of said 355.00 acre tract, for the
 11-58 Northwest corner hereof;

11-59 THENCE S 45° 25' 09" E with the fenced Southwesterly line of said
 11-60 355.00 acre tract, 4190.96 ft., to the Place of BEGINNING hereof and
 11-61 containing 375.94 acres of land.

11-62 SAID TRACTS CONTAIN 1,068 ACRES OF LAND, MORE OR LESS.

11-63 SECTION 3. (a) The legal notice of the intention to
 11-64 introduce this Act, setting forth the general substance of this
 11-65 Act, has been published as provided by law, and the notice and a
 11-66 copy of this Act have been furnished to all persons, agencies,
 11-67 officials, or entities to which they are required to be furnished
 11-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 11-69

12-1 Government Code.

12-2 (b) The governor, one of the required recipients, has
12-3 submitted the notice and Act to the Texas Commission on
12-4 Environmental Quality.

12-5 (c) The Texas Commission on Environmental Quality has filed
12-6 its recommendations relating to this Act with the governor, the
12-7 lieutenant governor, and the speaker of the house of
12-8 representatives within the required time.

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

12-13 SECTION 4. This Act takes effect immediately if it receives
12-14 a vote of two-thirds of all the members elected to each house, as
12-15 provided by Section 39, Article III, Texas Constitution. If this
12-16 Act does not receive the vote necessary for immediate effect, this
12-17 Act takes effect September 1, 2009.

12-18

* * * * *