

1 AN ACT

2 relating to the creation of the Lake Texoma Municipal Utility  
3 District No. 1; providing authority to impose a tax or assessment  
4 and issue bonds; granting a limited power of eminent domain.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8359 to read as follows:

8 CHAPTER 8359. LAKE TEXOMA MUNICIPAL UTILITY DISTRICT NO. 1

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8359.001. DEFINITIONS. In this chapter:

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

12 (2) "Director" means a board member.

13 (3) "District" means the Lake Texoma Municipal Utility  
14 District No. 1.

15 Sec. 8359.002. NATURE OF DISTRICT. The district is a  
16 municipal utility district created under Section 59, Article XVI,  
17 Texas Constitution.

18 Sec. 8359.003. CONFIRMATION AND DIRECTORS' ELECTION  
19 REQUIRED. (a) The temporary directors shall hold an election to  
20 confirm the creation of the district and to elect five permanent  
21 directors as provided by Section 49.102, Water Code.

22 (b) The temporary directors of any new district created  
23 under Section 8359.108 may not hold an election under Subsection  
24 (a) until the earlier of:

1           (1) the date the land in the new district has been  
2 annexed by the City of Denison; or

3           (2) not later than the 180th day after the date the  
4 City of Denison receives a written petition from a landowner  
5 requesting annexation that the city does not grant.

6           (c) The petition described by Subsection (b) must:

7           (1) request annexation of land that is contiguous with  
8 a boundary of the City of Denison;

9           (2) include all the land in the new district;

10          (3) include land covered by the development agreement  
11 executed under Section 8359.004;

12          (4) include the landowner's consent to abide by the  
13 comprehensive land use plan and development regulations as defined  
14 in the development agreement; and

15          (5) if the development agreement for the land included  
16 in the new district expires before a new district is created under  
17 Section 8359.108, include the landowner's consent to reinstate the  
18 comprehensive land use plan and development regulations defined in  
19 the expired development agreement.

20          Sec. 8359.004. DEVELOPMENT AGREEMENT REQUIRED. The  
21 temporary directors may not hold an election under Section 8359.003  
22 until the City of Denison and the owners of the land to be covered by  
23 a development agreement that covers all or part of the land in the  
24 district enter into the development agreement under Chapter 212,  
25 Local Government Code.

26          Sec. 8359.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
27 The district is created to serve a public purpose and benefit.

1       (b) All land and other property included in the district  
2 will benefit from the improvements and services to be provided by  
3 the district under powers conferred by Section 52, Article III, and  
4 Section 59, Article XVI, Texas Constitution, and under this  
5 chapter.

6       (c) The district is created to accomplish the purposes of:

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

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

13       Sec. 8359.006. INITIAL DISTRICT TERRITORY. (a) The  
14 district is initially composed of the territory described by  
15 Section 2 of the Act creating this chapter.

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

20           (1) organization, existence, or validity;

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

24           (3) right to impose a tax or assessment; or

25           (4) legality or operation.

26       Sec. 8359.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT  
27 REINVESTMENT ZONE. (a) All or any part of the district is eligible

1 to be included in a tax increment reinvestment zone created under  
2 Chapter 311, Tax Code.

3 (b) If the City of Denison creates a tax increment  
4 reinvestment zone described by Subsection (a) that includes all or  
5 part of the territory of the district, the City of Denison and the  
6 board of directors of the zone, by contract with the district, may  
7 grant money to the district to be used for a permissible purpose of  
8 a corporation under Section 380.002(b), Local Government Code,  
9 including the right to pledge the money as security for a bond  
10 issued by the district.

11 [Sections 8359.008-8359.050 reserved for expansion]

12 SUBCHAPTER B. BOARD OF DIRECTORS

13 Sec. 8359.051. GOVERNING BODY; TERMS. (a) The district is  
14 governed by a board of five elected directors.

15 (b) Except as provided by Section 8359.052, directors serve  
16 staggered four-year terms.

17 Sec. 8359.052. TEMPORARY DIRECTORS. (a) The temporary  
18 board consists of:

- 19 (1) Ben Munson;  
20 (2) Gifford Jackson;  
21 (3) Robert Vaughn;  
22 (4) Denice Lucas; and  
23 (5) Patrick O'Toole.

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

25 (1) the date permanent directors are elected under  
26 Section 8359.003; or

27 (2) September 1, 2013.

1       (c) If permanent directors have not been elected under  
2 Section 8359.003 and the terms of the temporary directors have  
3 expired, successor temporary directors shall be appointed or  
4 reappointed as provided by Subsection (d) to serve terms that  
5 expire on the earlier of:

6             (1) the date permanent directors are elected under  
7 Section 8359.003; or

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

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

17             [Sections 8359.053-8359.100 reserved for expansion]

18                     SUBCHAPTER C. POWERS AND DUTIES

19       Sec. 8359.101. GENERAL POWERS AND DUTIES. The district has  
20 the powers and duties necessary to accomplish the purposes for  
21 which the district is created.

22       Sec. 8359.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
23 DUTIES. The district has the powers and duties provided by the  
24 general law of this state, including Chapters 49 and 54, Water Code,  
25 applicable to municipal utility districts created under Section 59,  
26 Article XVI, Texas Constitution.

27       Sec. 8359.103. AUTHORITY FOR ROAD PROJECTS. Under Section

1 52, Article III, Texas Constitution, the district may design,  
2 acquire, construct, finance, issue bonds for, improve, operate,  
3 maintain, and convey to this state, a county, or a municipality for  
4 operation and maintenance macadamized, graveled, or paved roads, or  
5 improvements, including storm drainage, in aid of those roads.

6 Sec. 8359.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
7 project must meet all applicable construction standards, zoning and  
8 subdivision requirements, and regulations of each municipality in  
9 whose corporate limits or extraterritorial jurisdiction the road  
10 project is located.

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

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

19 Sec. 8359.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
20 OR RESOLUTION. (a) The district shall comply with all applicable  
21 requirements of an ordinance or resolution adopted by the City of  
22 Denison in accordance with Section 54.016 or 54.0165, Water Code,  
23 that consents to the creation of the district or to the inclusion of  
24 land in the district. The ordinance or resolution of the City of  
25 Denison consenting to the creation of the district may limit the  
26 amount of the district's bonds and tax rate.

27 (b) The ordinance or resolution of the City of Denison

1 consenting to the inclusion of additional land in the district may  
2 be conditioned on the additional land being covered by the  
3 development agreement executed under Section 8359.004.

4 (c) The consent ordinance or resolution of the City of  
5 Denison may not impose a restriction or condition not expressly  
6 provided under Section 54.016(f), Water Code, on a new district  
7 created under Section 8359.108 or on the inclusion of land in the  
8 new district. A restriction or condition on the creation of a new  
9 district under Section 8359.108 or the inclusion of land in a new  
10 district may not:

11 (1) limit the amount of the new district's bonds or tax  
12 rate; or

13 (2) restrict the purposes authorized by this chapter  
14 for which the new district may issue bonds.

15 Sec. 8359.106. ANNEXATION. (a) Before the district holds  
16 an election under Section 8359.003, the district may annex:

17 (1) without the consent of the City of Denison, land  
18 previously owned by the United States Army Corps of Engineers; or

19 (2) in accordance with Section 54.016, Water Code,  
20 land located in the extraterritorial jurisdiction or corporate  
21 limits of the City of Denison if the City of Denison has consented  
22 by ordinance or resolution to the annexation.

23 (b) The district may not annex land located outside the  
24 corporate limits and extraterritorial jurisdiction of the City of  
25 Denison.

26 Sec. 8359.107. EFFECT OF ANNEXATION BY CITY OF DENISON. (a)  
27 The City of Denison may annex part of the district into its

1 corporate limits without annexing the entire district under the  
2 terms of a development agreement executed under Section 8359.004  
3 between the City of Denison and the owners of the land in the  
4 district that is covered by the development agreement. If a  
5 development agreement is not executed under Section 8359.004 or the  
6 agreement has expired, nothing in this chapter limits the right of  
7 the City of Denison to annex the district.

8 (b) If the City of Denison annexes all or part of the  
9 district into its corporate limits:

10 (1) the district is not dissolved;

11 (2) the ability of the district to issue bonds is not  
12 impaired or precluded; and

13 (3) unless otherwise approved by the board and the  
14 governing body of the City of Denison, the city:

15 (A) may not take over the property or other  
16 assets of the district;

17 (B) may not assume any debts, liabilities, or  
18 other obligations of the district;

19 (C) is not obligated to perform any functions of  
20 the district; and

21 (D) is not obligated to pay a landowner or  
22 developer for expenses incurred by the landowner or developer in  
23 connection with the district that would otherwise be eligible for  
24 reimbursement from the proceeds of bonds issued by the district.

25 (c) Notwithstanding Section 54.016(f)(2), Water Code, an  
26 allocation agreement between the City of Denison and the district  
27 that provides for the allocation of the taxes or revenues of the

1 district and the city following the date of inclusion of all the  
2 district's territory in the corporate limits of the city may  
3 provide that the total annual ad valorem taxes collected by the city  
4 and the district from taxable property in the district may exceed  
5 the city's ad valorem tax on that property.

6 Sec. 8359.108. DIVISION OF DISTRICT. (a) The district may  
7 be divided into two or more new districts only if the district:

8 (1) has no outstanding bonded debt; and

9 (2) is not imposing ad valorem taxes.

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

13 (c) Any new district created by the division of the district  
14 may, at the time the new district is created, contain only:

15 (1) land within the area described by Section 2 of the  
16 Act creating this chapter;

17 (2) any land previously owned by the United States  
18 Army Corps of Engineers; and

19 (3) any land adjacent to the area described by Section  
20 2 of the Act creating this chapter if that adjacent land is within  
21 the extraterritorial jurisdiction of the City of Denison and if  
22 that adjacent land has been approved for inclusion in the district  
23 under the consent ordinance or resolution adopted by the City of  
24 Denison under Section 8359.105.

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

1 district.

2 (e) The board may adopt an order dividing the district only  
3 after the date the board holds an election under Section 8359.003 to  
4 confirm the district's creation.

5 (f) An order dividing the district must:

6 (1) name each new district;

7 (2) include the metes and bounds description of the  
8 territory of each new district;

9 (3) appoint temporary directors for each new district;

10 and

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

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

18 (h) Any new district created by the division of the district  
19 shall hold a confirmation and directors' election as required by  
20 Section 8359.003.

21 (i) Municipal consent by the City of Denison is not required  
22 for the creation of any new district created under this section.

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

27 (k) If the voters of a new district do not confirm the

1 creation of the new district, the assets, obligations, territory,  
2 and governance of the new district revert to that of the original  
3 district.

4 Sec. 8359.109. DISSOLUTION OF DISTRICT. The district may  
5 be dissolved by ordinance or resolution of the governing body of the  
6 City of Denison after the date on which at least 95 percent of the  
7 infrastructure authorized by this chapter and the Water Code to  
8 serve full development in the district has been completed. On  
9 dissolution, the City of Denison shall:

10 (1) take over the property and other assets of the  
11 district;

12 (2) assume all debts, liabilities, or other  
13 obligations of the district;

14 (3) perform the functions of the district; and

15 (4) pay any landowner or developer for costs and  
16 expenses incurred by the landowner or developer in connection with  
17 the district that would otherwise be eligible for reimbursement  
18 from the proceeds of bonds issued by the district.

19 Sec. 8359.110. LIMITATION ON USE OF EMINENT DOMAIN. The  
20 district may not exercise the power of eminent domain outside the  
21 district to acquire a site or easement for:

22 (1) a road project authorized by Section 8359.103; or

23 (2) a recreational facility as defined by Section  
24 49.462, Water Code.

25 [Sections 8359.111-8359.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8359.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The

1 district may issue, without an election, bonds and other  
2 obligations secured by:

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

4 (2) contract payments described by Section 8359.153.

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

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

13 Sec. 8359.152. OPERATION AND MAINTENANCE TAX. (a) If  
14 authorized at an election held under Section 8359.151, the district  
15 may impose an operation and maintenance tax on taxable property in  
16 the district in accordance with Section 49.107, Water Code.

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

19 Sec. 8359.153. CONTRACT TAXES. (a) In accordance with  
20 Section 49.108, Water Code, the district may impose a tax other than  
21 an operation and maintenance tax and use the revenue derived from  
22 the tax to make payments under a contract after the provisions of  
23 the contract have been approved by a majority of the district voters  
24 voting at an election held for that purpose.

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

1           [Sections 8359.154-8359.200 reserved for expansion]

2           SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3           Sec. 8359.201. AUTHORITY TO ISSUE BONDS AND OTHER  
4 OBLIGATIONS. The district may issue bonds or other obligations  
5 payable wholly or partly from ad valorem taxes, impact fees,  
6 revenue, contract payments, grants, or other district money,  
7 revenue from a tax increment reinvestment zone created under  
8 Chapter 311, Tax Code, revenue from economic development agreements  
9 under Chapter 380, Local Government Code, or any combination of  
10 those sources, to pay for any authorized district purpose.

11           Sec. 8359.202. TAXES FOR BONDS. At the time the district  
12 issues bonds payable wholly or partly from ad valorem taxes, the  
13 board shall provide for the annual imposition of a continuing  
14 direct ad valorem tax, without limit as to rate or amount, while all  
15 or part of the bonds are outstanding as required and in the manner  
16 provided by Sections 54.601 and 54.602, Water Code.

17           Sec. 8359.203. BONDS FOR ROAD PROJECTS. At the time of  
18 issuance, the total principal amount of bonds or other obligations  
19 issued or incurred to finance road projects and payable from ad  
20 valorem taxes may not exceed one-fourth of the assessed value of the  
21 real property in the district.

22           SECTION 2. The Lake Texoma Municipal Utility District No. 1  
23 initially includes all the territory contained in the following  
24 area:

25           Situated in the County of Grayson, State of Texas, being a  
26 part of the Stephen Cox Survey, Abstract No. 299, the H. K. Needham  
27 Survey, Abstract No. 1520, the Sarah Hall Survey, Abstract No.

1 1485, the Levi T. Loveall Survey, Abstract No. 746, the Bledsoe  
2 Holder Survey, Abstract No. 614, the William J. Reeves Survey,  
3 Abstract No. 1018, the Thomas M. Reeves Survey, Abstract No. 1017,  
4 the William Bean Survey, Abstract No. 84, the Greenberry Gates  
5 Survey, Abstract No. 443, the Jacob Wilcox Survey, Abstract No.  
6 1358, the Polly Stamps Survey, Abstract No. 1098, the Joshua West  
7 Survey, Abstract No. 1316, and being all of the J. C. Jamison  
8 Survey, Abstract No. 665, the T. E. Jones Survey, Abstract No. 55,  
9 the R. J. Lefever Survey, Abstract No. 753, the Mary E. Bowe Survey,  
10 Abstract No. 181, the Charles F. Daugherty Survey, Abstract No.  
11 1566, the H. B. Thomas Survey, Abstract No. 1572, and the Juan  
12 Armendaris Survey, Abstract No. 40, and being various tracts of  
13 land conveyed in various interests to Preston Harbour, L.P., Jack  
14 Schuler, Farmington Estates, Ltd., Forest Grove Land Company,  
15 L.L.C., and Preston Harbour Homeplace by descriptions in deed  
16 recorded in Volume 3449, Page 257, Volume 3599, Page 455, Volume  
17 4323, Page 875, Volume 4323, Page 881, Volume 3295, Page 526, Volume  
18 3276, Page 526, Volume 3944, Pages 609 and 615, Volume 3276, Page  
19 398, Volume 4323, Page 888, Volume 3718, Page 878, Volume 4323, Page  
20 895, and Volume 3941, Page 871, all of the Official Public Records,  
21 Grayson County, Texas, and being described as follows:

22         Beginning at a point for the most Southerly Southeast corner  
23 of the herein described tract the intersection of the East line of  
24 the said Cox Survey with the North right-of-way line of F.M. Highway  
25 No. 406;

26         Thence Westerly with said North right-of-way line as follows:

27         North 44°00'30" West, a distance of 76.92 feet;

1           Northwesterly with a curve to the left having a radius of  
2 1,517.39 feet (chord bears North 57°12'58" West, 449.54 feet) an arc  
3 distance of 451.20 feet;

4           North 01°57'58" East, a distance of 20.01 feet;

5           North 87°10'26" West, a distance of 53.63 feet;

6           Westerly with a non-tangent curve to the left having a radius  
7 of 1,517.39 feet (chord bears North 77°32'28" West, 507.89 feet) an  
8 arc distance of 510.29 feet;

9           North 87°34'14" West, a distance of 724.69 feet;

10          North 87°42'32" West, a distance of 215.02 feet;

11          North 88°14'34" West, a distance of 199.86 feet;

12          North 75°33'45" West, a distance of 205.00 feet;

13          North 88°14'34" West, a distance of 200.00 feet;

14          South 84°37'56" West, a distance of 201.56 feet;

15          North 88°14'34" West, a distance of 338.31 feet;

16          North 87°02'49" West, a distance of 314.69 feet;

17          North 77°52'42" West, a distance of 41.24 feet to the  
18 intersection of said North right-of-way line with the East line of  
19 the USA property embracing City of Denison;

20          Thence with the USA boundary as follows:

21          North 00°04'03" East, a distance of 1,381.78 feet;

22          North 89°53'11" West, a distance of 650.19 feet;

23          North 00°07'13" East, a distance of 1,949.53 feet;

24          South 89°51'06" East, a distance of 840.00 feet;

25          North 00°03'31" East, a distance of 850.00 feet;

26          North 89°57'20" West, a distance of 500.00 feet;

27          North 00°00'29" East, a distance of 1,057.78 feet;

1 North 00°00'44" West, a distance of 1,530.00 feet;  
2 North 89°59'16" East, a distance of 800.00 feet;  
3 North 00°00'44" West, a distance of 1,099.40 feet;  
4 South 87°26'08" East, a distance of 4,441.44 feet;  
5 North 01°25'48" East, a distance of 1,465.32 feet;  
6 North 87°08'00" West, a distance of 2,370.30 feet;  
7 North 10°19'33" East, a distance of 1,184.67 feet;  
8 North 86°06'49" West, a distance of 1,106.58 feet;  
9 North 02°02'54" East, a distance of 969.85 feet;  
10 North 86°15'15" West, a distance of 425.41 feet;  
11 North 03°32'53" East, a distance of 1,251.67 feet;  
12 North 88°27'30" East, a distance of 2,465.83 feet;  
13 North 01°45'27" East, a distance of 1,293.09 feet;  
14 South 87°21'00" East, a distance of 125.56 feet;  
15 North 00°00'56" East, a distance of 788.69 feet;  
16 North 89°58'45" West, a distance of 1,280.23 feet;  
17 North 00°01'20" East, a distance of 1,029.44 feet;  
18 South 89°56'44" West, a distance of 537.47 feet;  
19 North 07°13'40" East, a distance of 355.69 feet;  
20 North 89°52'44" West, a distance of 463.09 feet;  
21 North 00°07'06" East, a distance of 850.09 feet;  
22 South 89°54'25" East, a distance of 821.95 feet;  
23 North 00°03'52" West, a distance of 872.97 feet;  
24 North 89°59'31" East, a distance of 750.35 feet;  
25 South 00°14'40" East, a distance of 1,000.21 feet;  
26 North 89°55'46" East, a distance of 980.28 feet;  
27 North 00°12'25" West, a distance of 1,450.28 feet;

1 South 89°50'21" East, a distance of 515.07 feet;  
2 North 00°04'55" East, a distance of 449.79 feet;  
3 North 89°56'16" East, a distance of 694.55 feet;  
4 South 03°06'32" West, a distance of 3,023.73 feet;  
5 South 87°37'57" East, a distance of 1,030.28 feet;  
6 South 03°04'54" West, a distance of 920.08 feet;  
7 South 87°38'30" East, a distance of 86.17 feet;  
8 South 02°59'45" West, a distance of 411.56 feet;  
9 Thence South 87°01'15" East, passing a USA property corner,  
10 departing said USA boundary and continuing for a total distance of  
11 512.48 feet;  
12 Thence South 01°34'09" West, a distance of 49.43 feet;  
13 Thence South 10°45'31" East, a distance of 64.75 feet;  
14 Thence North 46°17'19" East, a distance of 86.01 feet;  
15 Thence North 43°42'41" West, a distance of 23.21 feet;  
16 Thence North 01°31'40" East, a distance of 33.82 feet;  
17 Thence South 87°01'15" East, a distance of 939.51 feet to a  
18 corner in the West right-of-way line of State Highway No. 84;  
19 Thence in Southerly direction with said West right-of-way  
20 line and a non-tangent curve to the right having a radius of  
21 5,679.58 feet (chord bears South 01°50'38" East, 179.72 feet) an arc  
22 distance of 179.73 feet;  
23 Thence South 00°56'14" East, a distance of 2,744.58 feet to  
24 the intersection of said West right-of-way line with the North line  
25 of a 30 foot wide strip of land;  
26 Thence with the boundary of said strip of land as follows:  
27 South 78°43'18" West, a distance of 476.49 feet;

1 North 08°55'55" West, a distance of 184.27 feet;  
2 North 87°59'26" West, a distance of 768.80 feet;  
3 South 02°52'06" West, a distance of 30.00 feet;  
4 South 87°59'26" East, a distance of 744.49 feet;  
5 South 08°55'55" East, a distance of 190.77 feet;  
6 North 78°43'18" East, a distance of 502.27 feet to the  
7 intersection of the South line of said strip of land with the said  
8 West right-of-way line of Highway No. 84;

9 Thence continuing with said West right-of-way line as  
10 follows:

11 South 00°56'14" East, a distance of 429.67 feet;  
12 Southerly with a curve to the left having a radius of 2,914.79  
13 feet (chord bears South 08°27'14" East, 762.59 feet), an arc  
14 distance of 764.79 feet;

15 South 15°58'14" East, a distance of 3,853.45 feet;

16 Thence departing said West right-of-way line and continuing  
17 as follows:

18 South 01°12'38" West, a distance of 499.66 feet;  
19 North 87°44'23" West, a distance of 2,445.14 feet;  
20 South 01°58'12" West, a distance of 1,215.19 feet;  
21 South 01°35'30" West, a distance of 1,643.46 feet;  
22 South 01°46'06" West, a distance of 2,228.41 feet;  
23 North 88°02'55" West, a distance of 3,103.33 feet;  
24 South 01°42'59" West, a distance of 1,738.89 feet to the Point  
25 of Beginning and containing approximately 2,272.6 acres of land.

26 SECTION 3. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

6 (b) The governor, one of the required recipients, has  
7 submitted the notice and Act to the Texas Commission on  
8 Environmental Quality.

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

13 (d) All requirements of the constitution and laws of this  
14 state and the rules and procedures of the legislature with respect  
15 to the notice, introduction, and passage of this Act are fulfilled  
16 and accomplished.

17 SECTION 4. This Act takes effect September 1, 2009.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4737 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4737 was passed by the Senate on May 27, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor