

By: Kleinschmidt

H.B. No. 4772

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Bastrop County Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8335 to read as follows:

CHAPTER 8335. BASTROP COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8335.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Bastrop County Municipal Utility District No. 2.

Sec. 8335.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8335.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8335.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8335.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has  
2 consented by ordinance or resolution to the creation of the  
3 district and to the inclusion of land in the district.

4 Sec. 8335.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
5 The district is created to serve a public purpose and benefit.

6 (b) 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. 8335.006. 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

25 (4) legality or operation.

26 [Sections 8335.007-8335.050 reserved for expansion]

1                   SUBCHAPTER B. BOARD OF DIRECTORS

2                   Sec. 8335.051. GOVERNING BODY; TERMS. (a) The district is  
3 governed by a board of five elected directors.

4                   (b) Except as provided by Section 8335.052, directors serve  
5 staggered four-year terms.

6                   Sec. 8335.052. TEMPORARY DIRECTORS. (a) The temporary  
7 board consists of:

8                   (1) William Strawn;

9                   (2) Michael Lamendola;

10                   (3) David Bowen;

11                   (4) Sean Mills; and

12                   (5) Ann Schneider.

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

14                   (1) the date permanent directors are elected under  
15 Section 8335.003; or

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

18                   (c) If permanent directors have not been elected under  
19 Section 8335.003 and the terms of the temporary directors have  
20 expired, successor temporary directors shall be appointed or  
21 reappointed as provided by Subsection (d) to serve terms that  
22 expire on the earlier of:

23                   (1) the date permanent directors are elected under  
24 Section 8335.003; or

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

27                   (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district  
2 may submit a petition to the Texas Commission on Environmental  
3 Quality requesting that the commission appoint as successor  
4 temporary directors the five persons named in the petition. The  
5 commission shall appoint as successor temporary directors the five  
6 persons named in the petition.

7 [Sections 8335.053-8335.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8335.101. GENERAL POWERS AND DUTIES. The district has  
10 the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12 Sec. 8335.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17 Sec. 8335.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
18 52, Article III, Texas Constitution, the district may design,  
19 acquire, construct, finance, issue bonds for, improve, operate,  
20 maintain, and convey to this state, a county, or a municipality for  
21 operation and maintenance macadamized, graveled, or paved roads, or  
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8335.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
24 project must meet all applicable construction standards, zoning and  
25 subdivision requirements, and regulations of each municipality in  
26 whose corporate limits or extraterritorial jurisdiction the road  
27 project is located.

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

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

9       Sec. 8335.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
10 OR RESOLUTION. The district shall comply with all applicable  
11 requirements of any ordinance or resolution that is adopted under  
12 Section 54.016 or 54.0165, Water Code, and that consents to the  
13 creation of the district or to the inclusion of land in the  
14 district.

15       Sec. 8335.106. CONTRACT WITH CERTAIN MUNICIPALITIES  
16 REQUIRED. (a) In order to exercise the powers and duties of a  
17 municipal utility district granted by this chapter, the district  
18 shall enter into a written contract with any municipality within  
19 whose extraterritorial jurisdiction the district is wholly or  
20 partly located:

21               (1) regulating the continuation of the  
22 extraterritorial status of the district and its annexation by the  
23 municipality;

24               (2) regulating the development within the boundaries  
25 of the district in a manner that the parties agree will further the  
26 health, safety, and welfare of the residents of the district; and

27               (3) containing other terms and consideration that the

1 municipality determines to be reasonable and appropriate.

2 (b) A contract under this section may be renewed or extended  
3 for successive periods not to exceed 15 years.

4 Sec. 8335.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
5 district may not exercise the power of eminent domain outside the  
6 district to acquire a site or easement for:

- 7 (1) a road project authorized by Section 8335.103; or  
8 (2) a recreational facility as defined by Section  
9 49.462, Water Code.

10 [Sections 8335.108-8335.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8335.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
13 district may issue, without an election, bonds and other  
14 obligations secured by:

- 15 (1) revenue other than ad valorem taxes; or  
16 (2) contract payments described by Section 8335.153.

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

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

25 Sec. 8335.152. OPERATION AND MAINTENANCE TAX. (a) If  
26 authorized at an election held under Section 8335.151, the district  
27 may impose an operation and maintenance tax on taxable property in

1 the district in accordance with Section 49.107, Water Code.

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

4 Sec. 8335.153. CONTRACT TAXES. (a) In accordance with  
5 Section 49.108, Water Code, the district may impose a tax other than  
6 an operation and maintenance tax and use the revenue derived from  
7 the tax to make payments under a contract after the provisions of  
8 the contract have been approved by a majority of the district voters  
9 voting at an election held for that purpose.

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

13 [Sections 8335.154-8335.200 reserved for expansion]

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8335.201. AUTHORITY TO ISSUE BONDS AND OTHER  
16 OBLIGATIONS. The district may issue bonds or other obligations  
17 payable wholly or partly from ad valorem taxes, impact fees,  
18 revenue, contract payments, grants, or other district money, or any  
19 combination of those sources, to pay for any authorized district  
20 purpose.

21 Sec. 8335.202. TAXES FOR BONDS. At the time the district  
22 issues bonds payable wholly or partly from ad valorem taxes, the  
23 board shall provide for the annual imposition of a continuing  
24 direct ad valorem tax, without limit as to rate or amount, while all  
25 or part of the bonds are outstanding as required and in the manner  
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 8335.203. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations  
2 issued or incurred to finance road projects and payable from ad  
3 valorem taxes may not exceed one-fourth of the assessed value of the  
4 real property in the district.

5 SECTION 2. The Bastrop County Municipal Utility District  
6 No. 2 initially includes all the territory contained in the  
7 following area:

8 BEING A PART OF THAT CERTAIN TRACT OF LAND OUT OF AND A PART OF  
9 THE J. A. NAVARRO SURVEY, ABSTRACT 53, SITUATED IN BASTROP COUNTY,  
10 TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS  
11 BEING PART OF THAT CERTAIN 723.330 ACRE TRACT OF LAND CONVEYED TO  
12 DOUBLE EAGLE ESTATES, LTD., IN VOLUME 1727, PAGE 637 OF THE DEED  
13 RECORDS OF BASTROP COUNTY, TEXAS, AND ALL OF THAT CERTAIN 0.581 ACRE  
14 (25,317 SQUARE FEET) TRACT OF LAND CONVEYED TO DOUBLE EAGLE  
15 ESTATES, LTD. IN DOCUMENT NUMBER 200809818 OF THE OFFICIAL PUBLIC  
16 RECORDS OF BASTROP COUNTY, TEXAS, SAVE AND EXCEPT 17.00 ACRES  
17 (TRACT 1), 4.487 ACRES (TRACT 2), AND 0.456 ACRE (19,875 SQUARE  
18 FEET) (TRACT 3), SAID TRACT BEING TOTAL 700.800 ACRES OF LAND MORE  
19 FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

20 BEGINNING, at a point in the curving north boundary line of  
21 Old State Highway No. 71, a 100-foot wide public right-of-way, said  
22 point also being the southeast corner of River Crossing, Section 1,  
23 a subdivision recorded in Cabinet 3, Pages 14B-16A of the Plat  
24 Records of Bastrop County, Texas, (P.R.B.C.TX.), for the southwest  
25 corner and POINT OF BEGINNING of the herein described total 700.800  
26 acre save and except tract of tract,

27 THENCE, with the west boundary line of said 723.330 acre

1 tract and the eastern boundary line of said River Crossing, Section  
2 1 plat, the following six (6) courses and distances, numbered 1  
3 through 6,

4 1. N28°39'54"E, a distance of 3827.98 feet to an iron rod  
5 found,

6 2. N28°40'43"E, a distance of 192.11 feet to a point in the  
7 approximate centerline of Moss Branch Creek,

8 3. N66°57'55"E, a distance of 191.40 feet to a point in the  
9 approximate centerline of Moss Branch Creek,

10 4. N11°40'52"E, a distance of 94.19 feet to a point in the  
11 approximate centerline of Moss Branch Creek,

12 5. N09°12'23"W, a distance of 164.23 feet to a point in the  
13 approximate centerline of Moss Branch Creek, and

14 6. N10°20'14"E, a distance of 447.74 feet to a point in the  
15 approximate centerline of Moss Branch Creek, also being the  
16 northeast corner of Lot 27 of said River Crossing, Section 1 plat,  
17 for an interior angle point of the herein described tract of land,

18 THENCE, leaving the approximate centerline of said Moss  
19 Branch Creek, and continuing with the eastern and northern boundary  
20 line said River Crossing, Section 1 plat, and the western boundary  
21 line of said 723.330 acre Double Eagle Estates, Ltd. tract, the  
22 following eight (8) courses and distances, numbered 1 through 8,

23 1. N67°35'53"W, a distance of 225.44 feet to an iron rod  
24 found,

25 2. N76°02'24"W, a distance of 326.78 feet to an iron rod  
26 found at the common back lot corner of Lots 28, 29 and 40 of said  
27 River Crossing, Section 1 plat, for an exterior angle point of the

1 herein described tract,

2 3. N19°12'01"E, a distance of 1088.43 feet to an interior  
3 angle point of the herein described tract,

4 4. N79°05'33"W, a distance of 250.28 feet to an iron rod  
5 found at an angle point of Lot 53 of said River Crossing, Section 1  
6 plat, for an exterior angle point of the herein described tract,

7 5. N06°36'57"E, a distance of 760.90 feet to an iron rod  
8 found at the northeast corner of Lot 54 of said River Crossing,  
9 Section 1 plat, for an interior angle point of the herein described  
10 tract,

11 6. N80°16'29"W, a distance of 432.86 feet to an iron rod  
12 found,

13 7. N83°45'20"W, a distance of 309.09 feet to an iron rod  
14 found and

15 8. N89°00'04"W, a distance of 862.05 feet to an iron rod  
16 found at the northwest of Lot 61 and Reserve "C" ( a 1.62 acre nature  
17 trail) of said River Crossing, Section 1 plat, also being an  
18 exterior angle point of said 723.330 acre tract for an exterior  
19 angle point of the herein described tract,

20 THENCE, with the eastern boundary of said Reserve "C" and the  
21 eastern boundary line of River Crossing, Section 2, a subdivision  
22 recorded in Cabinet 3, Page 109A of the P.R.B.C.TX., Reserve "F" (a  
23 4.63 acre nature trail), the following six (6) courses and  
24 distances, numbered 1 through 6,

25 1. N02°47'32"E, a distance of 1431.43 feet to an iron rod  
26 found for an exterior angle point of the herein described tract,

27 2. N64°22'53"E, a distance of 354.51 feet to an angle point,

- 1           3. N88°18'14"E, a distance of 52.94 feet to an angle point,  
2           4. N41°10'20"E, a distance of 372.24 feet to an angle point,  
3           5. N32°16'32"E, a distance of 510.39 feet to an angle point

4 and

- 5           6. N28°17'23"E, a distance of 2080.49 feet to a point of the  
6 low bank of the Colorado River, from which an iron rod found bears  
7 S28°17'23W, a distance of 35.54 feet, for the northwest corner of  
8 said 723.330 acre Double Eagle Estates, Ltd., the northeast corner  
9 of said River Crossing, Section 2 plat, for the northwest corner of  
10 the herein described tract,

11           THENCE, with the approximate meanders of the low bank of said  
12 Colorado River, the following thirteen (13) courses and distances,  
13 numbered 1 through 13,

- 14           1. S66°39'19"E, a distance of 412.18 feet to a point,  
15           2. S72°56'50"E, a distance of 838.46 feet to a point,  
16           3. S54°37'21"E, a distance of 583.24 feet to a point,  
17           4. S29°54'40"E, a distance of 125.90 feet to a point,  
18           5. S46°33'38"E, a distance of 461.02 feet to a point,  
19           6. S88°39'08"E, a distance of 210.28 feet to a point,  
20           7. S75°31'18"E, a distance of 625.10 feet to a point,  
21           8. N83°29'50"E, a distance of 539.30 feet to a point,  
22           9. N70°07'56"E, a distance of 145.47 feet to a point,  
23           10. N49°30'20"E, a distance of 509.50 feet to a point,  
24           11. N68°22'51"E, a distance of 494.42 feet to a point,  
25           12. S85°42'31"E, a distance of 325.11 feet to a point and  
26           13. S69°27'18"E, a distance of 94.82 feet to a 6" tree on the

27 low bank of said Colorado River at the northeast corner of said

1 723.330 acre Double Eagle Estates, Ltd., also being the northwest  
2 corner of 89.704 acre tract of land conveyed to Julie Salem in  
3 Volume 709, Page 379 of the Deed Records of Bastrop County, Texas  
4 (D.R.B.C.TX.), for the northeast corner of the herein described  
5 tract,

6       THENCE, leaving said low bank of the Colorado River and with  
7 the western boundary of said Salem tract and the eastern boundary of  
8 said 723.330 acre Double Eagle Estates, Ltd. tract, S28°25'57"W, a  
9 distance of 2695.41 feet to an iron rod found at the western angle  
10 point of Lot 28 of Rocking "S" Estates, a subdivision recorded in  
11 Cabinet 3, Page 107B of the P.R.B.C.TX., for an angle point of said  
12 723.330 acre Double Eagle Estates, Ltd. tract and an angle point of  
13 the herein described tract,

14       THENCE, continuing with the eastern boundary line of said  
15 723.330 acre Double Eagle Estates, Ltd. tract and the western  
16 boundary line of said Rocking "S" Estates plat, S27°11'03"W, a  
17 distance of 2170.98 feet to an iron rod found at the southwest  
18 corner of said Rocking "S" Estates plat, also being the northwest  
19 corner of a 124.158 acre tract of land conveyed to Beverly Kay  
20 Thomas Reid in Volume 991, Page 408 of the D.R.B.C.TX., also being  
21 an angle point of the eastern boundary line of said 723.330 acre  
22 Double Eagle Estates, Ltd. tract, for an angle point of the herein  
23 described tract,

24       THENCE, with the western boundary line of said Reid tract,  
25 the eastern boundary line of said 723.330 acre Double Eagle  
26 Estates, Ltd. tract, the following four (4) courses and distances,  
27 numbered 1 through 4,

1           1. S 25°04'50"W, a distance of 276.42 feet to a point,  
2           2. S34°01'31"W, a distance of 112.38 feet to a point,  
3           3. S48°37'07"W, a distance of 115.38 feet to a 14" Elm tree  
4 for an angle point and

5           4. S28°42'02"W, a distance of 1803.15 feet to a concrete  
6 monument found at the southwest corner of said Reid tract, an angle  
7 point of said 723.330 acre Double Eagle Estates, Ltd. tract, also  
8 being the northwest corner of 28.7 acre tract of land conveyed to  
9 M.L. Stanfield in Volume 173, Page 321 of the D.R.B.C.TX. for an  
10 angle point of the herein described tract,

11           THENCE, with the western boundary line of said Stanfield  
12 tract and the eastern boundary line of said 723.330 acre Double  
13 Eagle Estates, Ltd. tract, S30°51'20"W, a distance of 1311.89 feet  
14 to a point in the approximate centerline of said Moss Branch Creek  
15 for the southwest corner of said Stanfield tract, also being the  
16 northwest corner of a 126.20 acre (Tract Two) tract of land conveyed  
17 to The Forest at Colorado Crossing, Ltd. in Volume 1050, Page 0, of  
18 the D.R.B.C.TX., also being an angle point of said 723.330 acre  
19 Double Eagle Estates, Ltd. tract for an angle point of the herein  
20 described tract,

21           THENCE, with the eastern boundary of said 723.330 acre Double  
22 Eagle Estates, Ltd. tract, the western boundary of said 126.20 acre  
23 The Forest at Colorado Crossing, Ltd. tract, S21°16'41"W, a distance  
24 of 497.62 feet to a point in the approximate centerline of Fowler  
25 Branch Creek, also being the northwest corner of The Forest at  
26 Colorado Crossing, Section One, a subdivision recorded in Cabinet  
27 4, page 18A of the P.R.B.C.TX., for an angle point on the of the

1 herein described tract,

2           THENCE, following a line over, upon and across said The  
3 Forest at Colorado Crossing, Section One plat, said 723.330 acre  
4 Double Eagle Estates, Ltd. tract, and Moss Branch Cemetery, the  
5 following six (6) courses and distances, numbered 1 through 6,

6           1. S24°25'29"W, a distance of 303.37 feet to an iron rod  
7 found at the northeast corner of the Moss Branch Cemetery,

8           2. N72°28'33"W, a distance of 124.97 feet to an iron rod  
9 found at the northwest corner of the Moss Branch Cemetery,

10           3. S18°37'26"W, a distance of 193.57 feet to an iron rod  
11 found at the southwest corner of said Moss Branch Cemetery,

12           4. S61°48'04"E, a distance of 93.34 feet to an iron rod found  
13 at the southeast corner of said Moss Branch Cemetery

14           5. S34°32'36"W, a distance of 559.80 feet to an iron rod  
15 found, and

16           6. S30°18'22"W, a distance of 466.77 feet to a point, also  
17 being the southwest corner of Lot 12 of said The Forest at Colorado  
18 Crossing, Section One plat, also being the northwest corner of a  
19 18.00 acre tract of land conveyed to Ruth Ann Hobbs in Volume 719,  
20 Page 794 of the D.R.B.C.TX., also being an exterior angle point of  
21 said 723.330 acre Double Eagle Estates, Ltd. tract, for an exterior  
22 angle point of the herein described tract,

23           THENCE, with the eastern boundary line of said 723.330 acre  
24 Double Eagle Estates, Ltd. tract, and the western boundary line of  
25 said Hobbs tract, the following five (5) courses and distances,  
26 numbered 1 through 5,

27           1. S84°02'31"W, a distance of 56.57 feet to an angle point,

- 1           2.   S23°56'13"W, a distance of 201.24 feet to an angle point,  
2           3.   S50°11'49"W, a distance of 171.49 feet to an angle point,  
3           4.   S19°35'41"W, a distance of 523.42 feet to an angle point,

4 and

- 5           5.   S19°08'17"W, a distance of 308.22 feet to an angle point  
6 the northeast corner of certain tract of land conveyed to St. Paul  
7 Cemetery recorded in Volume 146, Page 332 of the D.R.B.C.TX., for  
8 the southeast corner of the herein described tract,

9           THENCE, with the southern and eastern boundary lines of said  
10 723.330 acre Double Eagle Estates, Ltd. tract, and the northern and  
11 western boundary lines of said St. Paul Cemetery tract, the  
12 following two (2) courses and distances, numbered 1 and 2,

- 13           1.   N87°36'13"W, a distance of 206.91 feet to an iron rod  
14 found, and

- 15           2.   S03°40'57"W, a distance of 135.49 feet to an iron rod  
16 found in the northern line of a 11.68 acre tract of land conveyed to  
17 Arthur F. Corwin in Volume 166, Page 191 of the D.R.B.C.TX., for the  
18 southeast corner of the herein described tract,

19           THENCE, with the southern boundary line of said 723.330 acre  
20 Double Eagle Estates, Ltd. tract, and the northern boundary lines  
21 of said Corwin tract, a 3.374 acre tract of land conveyed to Hershall  
22 G. French in Volume 1285, page 898, a 1.45 acre tract of land  
23 conveyed to Robert J. Muggley in Volume 295, Page 302, a 1.133 acre  
24 tract of land conveyed to James and Julie Reese in Volume 1661, Page  
25 574, a 0.886 acre tract of land conveyed to James F. and Alice Hart  
26 in Volume 1689, Page 389 and a 0.64 acre tract of land conveyed to  
27 Clyde and Carolyn Poldrack in Volume 852, Page 182 all of the

1 D.R.B.C.TX., N62°43'19"W, a distance of 895.13 feet to an iron rod  
2 found at the northwest corner of said Poldrack tract, also being the  
3 northeast corner of said Kitten tract for an interior angle point of  
4 the herein described tract,

5 THENCE, with the eastern and southern boundary lines of said  
6 Kitten tract, and the southern boundary line of said 723.330 acre  
7 Double Eagle Estates, Ltd. tract, and said curving north boundary  
8 line of Old State Highway No. 71, the following four (4) courses and  
9 distances, numbered 1 through 4,

10 1. S39°06'44"W, a distance of 153.80 feet to a point for the  
11 southeast corner of said Kitten tract,

12 2. N32°18'00"W, a distance of 108.42 feet to a point of  
13 curvature to the left,

14 3. with said curve to the left having a radius of 1195.98  
15 feet, an arc length of 63.81 feet, and whose chord bears N35°00'25"W  
16 a distance of 63.80 feet to a point of curvature to the left,

17 4. with said curve to the left having a radius of 1195.98  
18 feet, an arc length of 312.25 feet and whose chord bears N44°00'54"W  
19 a distance of 311.36 feet to the POINT OF BEGINNING, and containing  
20 700.800 acres of land.

21 SAVE AND EXCEPT:

22 TRACT 1

23 BEGINNING, at an iron rod found at the western angle point of  
24 Lot 28 of Rocking "S" Estates, a subdivision recorded in Cabinet 3,  
25 Page 107B of the P.R.B.C.TX., also being the southern line of said  
26 723.330 acre Double Eagle Estates, Ltd. tract, for the POINT OF  
27 COMMENCEMENT for the herein described tract,

1           THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
2 tract, N38°12'48"W, a distance of 928.50 feet to a point at the  
3 southwest corner of a 17.00 acre tract of land conveyed to The  
4 Margaret Bryant-Collins Maguire Separate-Property Living Trust in  
5 Volume 1723, Page 499 of the D.R.B.C.TX., for the southwest corner  
6 and POINT OF BEGINNING of the herein described 17.00 acre tract of  
7 land,

8           THENCE, following a line over, upon and across said 723.330  
9 acre Double Eagle Estates, Ltd. tract, and The Margaret  
10 Bryant-Collins Maguire Separate-Property Living Trust tract, the  
11 following twenty-two (22) courses and distances, numbered 1 through  
12 22,

13           1. N15°48'51"W, a distance of 224.58 feet to an iron rod  
14 found,

15           2. N48°33'46"W, a distance of 109.44 feet to an iron rod  
16 found,

17           3. N57°45'37"W, a distance of 135.80 feet to an iron rod  
18 found,

19           4. N87°27'33"W, a distance of 107.40 feet to an iron rod  
20 found,

21           5. N46°40'04"E, a distance of 299.60 feet to an iron rod  
22 found,

23           6. N65°58'30"E, a distance of 245.13 feet to an iron rod  
24 found,

25           7. S75°36'30"E, a distance of 29.89 feet to an iron rod  
26 found,

27           8. S37°12'43"E, a distance of 87.53 feet to an iron rod

- 1 found,  
2 9. N49°30'35"E, a distance of 53.61 feet to an iron rod  
3 found,  
4 10. N64°26'50"E, a distance of 110.77 feet to an iron rod  
5 found,  
6 11. N63°49'01"E, a distance of 63.84 feet to an iron rod  
7 found,  
8 12. N34°43'32"E, a distance of 55.48 feet to an iron rod  
9 found,  
10 13. N66°25'50"E, a distance of 53.95 feet to an iron rod  
11 found,  
12 14. N69°48'35"E, a distance of 90.82 feet to an iron rod  
13 found,  
14 15. N73°51'29"E, a distance of 68.32 feet to an iron rod  
15 found,  
16 16. N89°37'22"E, a distance of 205.77 feet to an iron rod  
17 found,  
18 17. S19°23'14"E, a distance of 137.45 feet to an iron rod  
19 found,  
20 18. S30°19'51"W, a distance of 109.73 feet to an iron rod  
21 found,  
22 19. S04°57'11"E, a distance of 153.93 feet to an iron rod  
23 found,  
24 20. S25°39'51"E, a distance of 242.36 feet to an iron rod  
25 found,  
26 21. S25°26'19"W, a distance of 367.29 feet to an iron rod  
27 found and

1           22. N82°01'48"W, a distance of 751.95 feet to the POINT OF  
2 BEGINNING and containing 17.000 acres of land.

3           TRACT 2

4           BEGINNING, at an iron rod found at the western angle point of  
5 Lot 28 of Rocking "S" Estates, a subdivision recorded in Cabinet 3,  
6 Page 107B of the P.R.B.C.TX., also being the southern line of said  
7 723.330 acre Double Eagle Estates, Ltd. tract, for the POINT OF  
8 COMMENCEMENT for the herein described tract,

9           THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
10 tract, N38°12'48"W, a distance of 928.50 feet to a point at the  
11 southwest corner of a 17.00 acre tract of land conveyed to The  
12 Margaret Bryant-Collins Maguire Separate-Property Living Trust in  
13 Volume 1723, Page 499 of the D.R.B.C.TX., for the southwest corner  
14 and POINT OF BEGINNING of the herein described 4.487 acre tract of  
15 land,

16           THENCE, with the northern boundary line of said 723.330 acre  
17 Double Eagle Estates, Ltd. tract, and the southern boundary line of  
18 said The Margaret Bryant-Collins Maguire Separate-Property Living  
19 Trust tract, S82°01'48"E, a distance of 751.95 feet to a point, for  
20 the northeast corner of the herein described tract,

21           THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
22 tract, the following four (4) courses and distances, numbered 1  
23 through 4,

- 24           1. S36°45'58"W, a distance of 474.11 feet to a point,  
25           2. N60°16'26"W, a distance of 286.24 feet to a point,  
26           3. N43°23'08"W, a distance of 292.58 feet to a point, and  
27           4. N05°00'54"W, a distance of 130.00 feet to a point the

1 POINT OF BEGINNING and containing 4.487 acres of land.

2 TRACT 3

3 BEGINNING, at an iron rod found at the most western ell of of  
4 a 17.00 acre tract of land conveyed to The Margaret Bryant-Collins  
5 Maguire Separate-Property Living Trust in Volume 1723, Page 499 of  
6 the D.R.B.C.TX, also being the ell of said 723.330 acre Double Eagle  
7 Estates, Ltd. tract, for the POINT OF COMMENCEMENT for the herein  
8 described tract,

9 BEGINNING, with the southern boundary line of said 723.330  
10 acre Double Eagle Estates, Ltd. tract, and the northern boundary  
11 line of said The Margaret Bryant-Collins Maguire Separate-Property  
12 Living Trust tract, N46°40'04"E, a distance of 103.92 feet to a  
13 point, for the southwest corner and POINT OF BEGINNING of the herein  
14 described 0.456 acre (19,875 square feet) tract of land,

15 THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
16 tract, the following seven (7) courses and distances, numbered 1  
17 through 7,

- 18 1. N35°14'02"W, a distance of 205.68 feet to a point,
- 19 2. S52°51'43"W, a distance of 23.12 feet to a point,
- 20 3. N37°08'17"W, a distance of 100.00 feet to a point,
- 21 4. N52°51'43"E, a distance of 100.00 feet to a point,
- 22 5. S37°08'17"E, a distance of 100.00 feet to a point,
- 23 6. S19°46'00"E, a distance of 213.11 feet to a point, and
- 24 7. S46°40'04"W, a distance of 20.20 feet to a point the POINT  
25 OF BEGINNING and containing 0.456 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 immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.