

1-1 By: Kleinschmidt (Senate Sponsor - Hegar) H.B. No. 4772  
1-2 (In the Senate - Received from the House May 13, 2009;  
1-3 May 18, 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 Bastrop County Municipal Utility  
1-9 District No. 2; 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 8335 to read as follows:

1-14 CHAPTER 8335. BASTROP COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8335.001. 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 Bastrop County Municipal  
1-20 Utility District No. 2.

1-21 Sec. 8335.002. 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. 8335.003. 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. 8335.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-29 temporary directors may not hold an election under Section 8335.003  
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 Sec. 8335.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
1-35 The district is created to serve a public purpose and benefit.

1-36 (b) The district is created to accomplish the purposes of:

1-37 (1) a municipal utility district as provided by  
1-38 general law and Section 59, Article XVI, Texas Constitution; and

1-39 (2) Section 52, Article III, Texas Constitution, that  
1-40 relate to the construction, acquisition, improvement, operation,  
1-41 or maintenance of macadamized, graveled, or paved roads, or  
1-42 improvements, including storm drainage, in aid of those roads.

1-43 Sec. 8335.006. INITIAL DISTRICT TERRITORY. (a) The  
1-44 district is initially composed of the territory described by  
1-45 Section 2 of the Act creating this chapter.

1-46 (b) The boundaries and field notes contained in Section 2 of  
1-47 the Act creating this chapter form a closure. A mistake made in the  
1-48 field notes or in copying the field notes in the legislative process  
1-49 does not affect the district's:

1-50 (1) organization, existence, or validity;

1-51 (2) right to issue any type of bond for the purposes  
1-52 for which the district is created or to pay the principal of and  
1-53 interest on a bond;

1-54 (3) right to impose a tax; or

1-55 (4) legality or operation.

1-56 [Sections 8335.007-8335.050 reserved for expansion]

1-57 SUBCHAPTER B. BOARD OF DIRECTORS

1-58 Sec. 8335.051. GOVERNING BODY; TERMS. (a) The district is  
1-59 governed by a board of five elected directors.

1-60 (b) Except as provided by Section 8335.052, directors serve  
1-61 staggered four-year terms.

1-62 Sec. 8335.052. TEMPORARY DIRECTORS. (a) The temporary  
1-63 board consists of:

1-64 (1) William Strawn;

- 2-1 (2) Michael Lamendola;
- 2-2 (3) David Bowen;
- 2-3 (4) Sean Mills; and
- 2-4 (5) Ann Schneider.

2-5 (b) Temporary directors serve until the earlier of:

- 2-6 (1) the date permanent directors are elected under
- 2-7 Section 8335.003; or
- 2-8 (2) the fourth anniversary of the effective date of
- 2-9 the Act creating this chapter.

2-10 (c) If permanent directors have not been elected under  
 2-11 Section 8335.003 and the terms of the temporary directors have  
 2-12 expired, successor temporary directors shall be appointed or  
 2-13 reappointed as provided by Subsection (d) to serve terms that  
 2-14 expire on the earlier of:

- 2-15 (1) the date permanent directors are elected under
- 2-16 Section 8335.003; or
- 2-17 (2) the fourth anniversary of the date of the
- 2-18 appointment or reappointment.

2-19 (d) If Subsection (c) applies, the owner or owners of a  
 2-20 majority of the assessed value of the real property in the district  
 2-21 may submit a petition to the Texas Commission on Environmental  
 2-22 Quality requesting that the commission appoint as successor  
 2-23 temporary directors the five persons named in the petition. The  
 2-24 commission shall appoint as successor temporary directors the five  
 2-25 persons named in the petition.

2-26 [Sections 8335.053-8335.100 reserved for expansion]

2-27 SUBCHAPTER C. POWERS AND DUTIES

2-28 Sec. 8335.101. GENERAL POWERS AND DUTIES. The district has  
 2-29 the powers and duties necessary to accomplish the purposes for  
 2-30 which the district is created.

2-31 Sec. 8335.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-32 DUTIES. The district has the powers and duties provided by the  
 2-33 general law of this state, including Chapters 49 and 54, Water Code,  
 2-34 applicable to municipal utility districts created under Section 59,  
 2-35 Article XVI, Texas Constitution.

2-36 Sec. 8335.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-37 52, Article III, Texas Constitution, the district may design,  
 2-38 acquire, construct, finance, issue bonds for, improve, operate,  
 2-39 maintain, and convey to this state, a county, or a municipality for  
 2-40 operation and maintenance macadamized, graveled, or paved roads, or  
 2-41 improvements, including storm drainage, in aid of those roads.

2-42 Sec. 8335.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
 2-43 project must meet all applicable construction standards, zoning and  
 2-44 subdivision requirements, and regulations of each municipality in  
 2-45 whose corporate limits or extraterritorial jurisdiction the road  
 2-46 project is located.

2-47 (b) If a road project is not located in the corporate limits  
 2-48 or extraterritorial jurisdiction of a municipality, the road  
 2-49 project must meet all applicable construction standards,  
 2-50 subdivision requirements, and regulations of each county in which  
 2-51 the road project is located.

2-52 (c) If the state will maintain and operate the road, the  
 2-53 Texas Transportation Commission must approve the plans and  
 2-54 specifications of the road project.

2-55 Sec. 8335.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
 2-56 OR RESOLUTION. The district shall comply with all applicable  
 2-57 requirements of any ordinance or resolution that is adopted under  
 2-58 Section 54.016 or 54.0165, Water Code, and that consents to the  
 2-59 creation of the district or to the inclusion of land in the  
 2-60 district.

2-61 Sec. 8335.106. CONTRACT WITH CERTAIN MUNICIPALITIES  
 2-62 REQUIRED. (a) In order to exercise the powers and duties of a  
 2-63 municipal utility district granted by this chapter, the district  
 2-64 shall enter into a written contract with any municipality within  
 2-65 whose extraterritorial jurisdiction the district is wholly or  
 2-66 partly located:

- 2-67 (1) regulating the continuation of the
- 2-68 extraterritorial status of the district and its annexation by the
- 2-69 municipality;

3-1 (2) regulating the development within the boundaries  
3-2 of the district in a manner that the parties agree will further the  
3-3 health, safety, and welfare of the residents of the district; and

3-4 (3) containing other terms and consideration that the  
3-5 municipality determines to be reasonable and appropriate.

3-6 (b) A contract under this section may be renewed or extended  
3-7 for successive periods not to exceed 15 years.

3-8 Sec. 8335.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
3-9 district may not exercise the power of eminent domain outside the  
3-10 district to acquire a site or easement for:

3-11 (1) a road project authorized by Section 8335.103; or

3-12 (2) a recreational facility as defined by Section  
3-13 49.462, Water Code.

3-14 [Sections 8335.108-8335.150 reserved for expansion]

3-15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-16 Sec. 8335.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3-17 district may issue, without an election, bonds and other  
3-18 obligations secured by:

3-19 (1) revenue other than ad valorem taxes; or

3-20 (2) contract payments described by Section 8335.153.

3-21 (b) The district must hold an election in the manner  
3-22 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-23 before the district may impose an ad valorem tax or issue bonds  
3-24 payable from ad valorem taxes.

3-25 (c) The district may not issue bonds payable from ad valorem  
3-26 taxes to finance a road project unless the issuance is approved by a  
3-27 vote of a two-thirds majority of the district voters voting at an  
3-28 election held for that purpose.

3-29 Sec. 8335.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-30 authorized at an election held under Section 8335.151, the district  
3-31 may impose an operation and maintenance tax on taxable property in  
3-32 the district in accordance with Section 49.107, Water Code.

3-33 (b) The board shall determine the tax rate. The rate may not  
3-34 exceed the rate approved at the election.

3-35 Sec. 8335.153. CONTRACT TAXES. (a) In accordance with  
3-36 Section 49.108, Water Code, the district may impose a tax other than  
3-37 an operation and maintenance tax and use the revenue derived from  
3-38 the tax to make payments under a contract after the provisions of  
3-39 the contract have been approved by a majority of the district voters  
3-40 voting at an election held for that purpose.

3-41 (b) A contract approved by the district voters may contain a  
3-42 provision stating that the contract may be modified or amended by  
3-43 the board without further voter approval.

3-44 [Sections 8335.154-8335.200 reserved for expansion]

3-45 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-46 Sec. 8335.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-47 OBLIGATIONS. The district may issue bonds or other obligations  
3-48 payable wholly or partly from ad valorem taxes, impact fees,  
3-49 revenue, contract payments, grants, or other district money, or any  
3-50 combination of those sources, to pay for any authorized district  
3-51 purpose.

3-52 Sec. 8335.202. TAXES FOR BONDS. At the time the district  
3-53 issues bonds payable wholly or partly from ad valorem taxes, the  
3-54 board shall provide for the annual imposition of a continuing  
3-55 direct ad valorem tax, without limit as to rate or amount, while all  
3-56 or part of the bonds are outstanding as required and in the manner  
3-57 provided by Sections 54.601 and 54.602, Water Code.

3-58 Sec. 8335.203. BONDS FOR ROAD PROJECTS. At the time of  
3-59 issuance, the total principal amount of bonds or other obligations  
3-60 issued or incurred to finance road projects and payable from ad  
3-61 valorem taxes may not exceed one-fourth of the assessed value of the  
3-62 real property in the district.

3-63 SECTION 2. The Bastrop County Municipal Utility District  
3-64 No. 2 initially includes all the territory contained in the  
3-65 following area:

3-66 BEING A PART OF THAT CERTAIN TRACT OF LAND OUT OF AND A PART OF  
3-67 THE J. A. NAVARRO SURVEY, ABSTRACT 53, SITUATED IN BASTROP COUNTY,  
3-68 TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS  
3-69 BEING PART OF THAT CERTAIN 723.330 ACRE TRACT OF LAND CONVEYED TO

4-1 DOUBLE EAGLE ESTATES, LTD., IN VOLUME 1727, PAGE 637 OF THE DEED  
 4-2 RECORDS OF BASTROP COUNTY, TEXAS, AND ALL OF THAT CERTAIN 0.581 ACRE  
 4-3 (25,317 SQUARE FEET) TRACT OF LAND CONVEYED TO DOUBLE EAGLE  
 4-4 ESTATES, LTD. IN DOCUMENT NUMBER 200809818 OF THE OFFICIAL PUBLIC  
 4-5 RECORDS OF BASTROP COUNTY, TEXAS, SAVE AND EXCEPT 17.00 ACRES  
 4-6 (TRACT 1), 4.487 ACRES (TRACT 2), AND 0.456 ACRE (19,875 SQUARE  
 4-7 FEET) (TRACT 3), SAID TRACT BEING TOTAL 700.800 ACRES OF LAND MORE  
 4-8 FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4-9 BEGINNING, at a point in the curving north boundary line of  
 4-10 Old State Highway No. 71, a 100-foot wide public right-of-way, said  
 4-11 point also being the southeast corner of River Crossing, Section 1,  
 4-12 a subdivision recorded in Cabinet 3, Pages 14B-16A of the Plat  
 4-13 Records of Bastrop County, Texas, (P.R.B.C.TX.), for the southwest  
 4-14 corner and POINT OF BEGINNING of the herein described total 700.800  
 4-15 acre save and except tract of tract,

4-16 THENCE, with the west boundary line of said 723.330 acre  
 4-17 tract and the eastern boundary line of said River Crossing, Section  
 4-18 1 plat, the following six (6) courses and distances, numbered 1  
 4-19 through 6,

4-20 1. N28°39'54"E, a distance of 3827.98 feet to an iron rod  
 4-21 found,  
 4-22 2. N28°40'43"E, a distance of 192.11 feet to a point in the  
 4-23 approximate centerline of Moss Branch Creek,  
 4-24 3. N66°57'55"E, a distance of 191.40 feet to a point in the  
 4-25 approximate centerline of Moss Branch Creek,  
 4-26 4. N11°40'52"E, a distance of 94.19 feet to a point in the  
 4-27 approximate centerline of Moss Branch Creek,  
 4-28 5. N09°12'23"W, a distance of 164.23 feet to a point in the  
 4-29 approximate centerline of Moss Branch Creek, and  
 4-30 6. N10°20'14"E, a distance of 447.74 feet to a point in the  
 4-31 approximate centerline of Moss Branch Creek, also being the  
 4-32 northeast corner of Lot 27 of said River Crossing, Section 1 plat,  
 4-33 for an interior angle point of the herein described tract of land,

4-34 THENCE, leaving the approximate centerline of said Moss  
 4-35 Branch Creek, and continuing with the eastern and northern boundary  
 4-36 line said River Crossing, Section 1 plat, and the western boundary  
 4-37 line of said 723.330 acre Double Eagle Estates, Ltd. tract, the  
 4-38 following eight (8) courses and distances, numbered 1 through 8,

4-39 1. N67°35'53"W, a distance of 225.44 feet to an iron rod  
 4-40 found,  
 4-41 2. N76°02'24"W, a distance of 326.78 feet to an iron rod  
 4-42 found at the common back lot corner of Lots 28, 29 and 40 of said  
 4-43 River Crossing, Section 1 plat, for an exterior angle point of the  
 4-44 herein described tract,  
 4-45 3. N19°12'01"E, a distance of 1088.43 feet to an interior  
 4-46 angle point of the herein described tract,  
 4-47 4. N79°05'33"W, a distance of 250.28 feet to an iron rod  
 4-48 found at an angle point of Lot 53 of said River Crossing, Section 1  
 4-49 plat, for an exterior angle point of the herein described tract,  
 4-50 5. N06°36'57"E, a distance of 760.90 feet to an iron rod  
 4-51 found at the northeast corner of Lot 54 of said River Crossing,  
 4-52 Section 1 plat, for an interior angle point of the herein described  
 4-53 tract,  
 4-54 6. N80°16'29"W, a distance of 432.86 feet to an iron rod  
 4-55 found,  
 4-56 7. N83°45'20"W, a distance of 309.09 feet to an iron rod  
 4-57 found and  
 4-58 8. N89°00'04"W, a distance of 862.05 feet to an iron rod  
 4-59 found at the northwest of Lot 61 and Reserve "C" ( a 1.62 acre nature  
 4-60 trail) of said River Crossing, Section 1 plat, also being an  
 4-61 exterior angle point of said 723.330 acre tract for an exterior  
 4-62 angle point of the herein described tract,

4-63 THENCE, with the eastern boundary of said Reserve "C" and the  
 4-64 eastern boundary line of River Crossing, Section 2, a subdivision  
 4-65 recorded in Cabinet 3, Page 109A of the P.R.B.C.TX., Reserve "F" (a  
 4-66 4.63 acre nature trail), the following six (6) courses and  
 4-67 distances, numbered 1 through 6,

4-68 1. N02°47'32"E, a distance of 1431.43 feet to an iron rod  
 4-69 found for an exterior angle point of the herein described tract,

5-1 2. N64°22'53"E, a distance of 354.51 feet to an angle point,  
5-2 3. N88°18'14"E, a distance of 52.94 feet to an angle point,  
5-3 4. N41°10'20"E, a distance of 372.24 feet to an angle point,  
5-4 5. N32°16'32"E, a distance of 510.39 feet to an angle point  
5-5 and  
5-6 6. N28°17'23"E, a distance of 2080.49 feet to a point of the  
5-7 low bank of the Colorado River, from which an iron rod found bears  
5-8 S28°17'23W, a distance of 35.54 feet, for the northwest corner of  
5-9 said 723.330 acre Double Eagle Estates, Ltd., the northeast corner  
5-10 of said River Crossing, Section 2 plat, for the northwest corner of  
5-11 the herein described tract,  
5-12 THENCE, with the approximate meanders of the low bank of said  
5-13 Colorado River, the following thirteen (13) courses and distances,  
5-14 numbered 1 through 13,  
5-15 1. S66°39'19"E, a distance of 412.18 feet to a point,  
5-16 2. S72°56'50"E, a distance of 838.46 feet to a point,  
5-17 3. S54°37'21"E, a distance of 583.24 feet to a point,  
5-18 4. S29°54'40"E, a distance of 125.90 feet to a point,  
5-19 5. S46°33'38"E, a distance of 461.02 feet to a point,  
5-20 6. S88°39'08"E, a distance of 210.28 feet to a point,  
5-21 7. S75°31'18"E, a distance of 625.10 feet to a point,  
5-22 8. N83°29'50"E, a distance of 539.30 feet to a point,  
5-23 9. N70°07'56"E, a distance of 145.47 feet to a point,  
5-24 10. N49°30'20"E, a distance of 509.50 feet to a point,  
5-25 11. N68°22'51"E, a distance of 494.42 feet to a point,  
5-26 12. S85°42'31"E, a distance of 325.11 feet to a point and  
5-27 13. S69°27'18"E, a distance of 94.82 feet to a 6" tree on the  
5-28 low bank of said Colorado River at the northeast corner of said  
5-29 723.330 acre Double Eagle Estates, Ltd., also being the northwest  
5-30 corner of 89.704 acre tract of land conveyed to Julie Salem in  
5-31 Volume 709, Page 379 of the Deed Records of Bastrop County, Texas  
5-32 (D.R.B.C.TX.), for the northeast corner of the herein described  
5-33 tract,  
5-34 THENCE, leaving said low bank of the Colorado River and with  
5-35 the western boundary of said Salem tract and the eastern boundary of  
5-36 said 723.330 acre Double Eagle Estates, Ltd. tract, S28°25'57"W, a  
5-37 distance of 2695.41 feet to an iron rod found at the western angle  
5-38 point of Lot 28 of Rocking "S" Estates, a subdivision recorded in  
5-39 Cabinet 3, Page 107B of the P.R.B.C.TX., for an angle point of said  
5-40 723.330 acre Double Eagle Estates, Ltd. tract and an angle point of  
5-41 the herein described tract,  
5-42 THENCE, continuing with the eastern boundary line of said  
5-43 723.330 acre Double Eagle Estates, Ltd. tract and the western  
5-44 boundary line of said Rocking "S" Estates plat, S27°11'03"W, a  
5-45 distance of 2170.98 feet to an iron rod found at the southwest  
5-46 corner of said Rocking "S" Estates plat, also being the northwest  
5-47 corner of a 124.158 acre tract of land conveyed to Beverly Kay  
5-48 Thomas Reid in Volume 991, Page 408 of the D.R.B.C.TX., also being  
5-49 an angle point of the eastern boundary line of said 723.330 acre  
5-50 Double Eagle Estates, Ltd. tract, for an angle point of the herein  
5-51 described tract,  
5-52 THENCE, with the western boundary line of said Reid tract,  
5-53 the eastern boundary line of said 723.330 acre Double Eagle  
5-54 Estates, Ltd. tract, the following four (4) courses and distances,  
5-55 numbered 1 through 4,  
5-56 1. S 25°04'50"W, a distance of 276.42 feet to a point,  
5-57 2. S34°01'31"W, a distance of 112.38 feet to a point,  
5-58 3. S48°37'07"W, a distance of 115.38 feet to a 14" Elm tree  
5-59 for an angle point and  
5-60 4. S28°42'02"W, a distance of 1803.15 feet to a concrete  
5-61 monument found at the southwest corner of said Reid tract, an angle  
5-62 point of said 723.330 acre Double Eagle Estates, Ltd. tract, also  
5-63 being the northwest corner of 28.7 acre tract of land conveyed to  
5-64 M.L. Stanfield in Volume 173, Page 321 of the D.R.B.C.TX. for an  
5-65 angle point of the herein described tract,  
5-66 THENCE, with the western boundary line of said Stanfield  
5-67 tract and the eastern boundary line of said 723.330 acre Double  
5-68 Eagle Estates, Ltd. tract, S30°51'20"W, a distance of 1311.89 feet  
5-69 to a point in the approximate centerline of said Moss Branch Creek

6-1 for the southwest corner of said Stanfield tract, also being the  
 6-2 northwest corner of a 126.20 acre (Tract Two) tract of land conveyed  
 6-3 to The Forest at Colorado Crossing, Ltd. in Volume 1050, Page 0, of  
 6-4 the D.R.B.C.TX., also being an angle point of said 723.330 acre  
 6-5 Double Eagle Estates, Ltd. tract for an angle point of the herein  
 6-6 described tract,

6-7       THENCE, with the eastern boundary of said 723.330 acre Double  
 6-8 Eagle Estates, Ltd. tract, the western boundary of said 126.20 acre  
 6-9 The Forest at Colorado Crossing, Ltd. tract, S21°16'41"W, a distance  
 6-10 of 497.62 feet to a point in the approximate centerline of Fowler  
 6-11 Branch Creek, also being the northwest corner of The Forest at  
 6-12 Colorado Crossing, Section One, a subdivision recorded in Cabinet  
 6-13 4, page 18A of the P.R.B.C.TX., for an angle point on the of the  
 6-14 herein described tract,

6-15       THENCE, following a line over, upon and across said The  
 6-16 Forest at Colorado Crossing, Section One plat, said 723.330 acre  
 6-17 Double Eagle Estates, Ltd. tract, and Moss Branch Cemetery, the  
 6-18 following six (6) courses and distances, numbered 1 through 6,

6-19       1. S24°25'29"W, a distance of 303.37 feet to an iron rod  
 6-20 found at the northeast corner of the Moss Branch Cemetery,

6-21       2. N72°28'33"W, a distance of 124.97 feet to an iron rod  
 6-22 found at the northwest corner of the Moss Branch Cemetery,

6-23       3. S18°37'26"W, a distance of 193.57 feet to an iron rod  
 6-24 found at the southwest corner of said Moss Branch Cemetery,

6-25       4. S61°48'04"E, a distance of 93.34 feet to an iron rod found  
 6-26 at the southeast corner of said Moss Branch Cemetery

6-27       5. S34°32'36"W, a distance of 559.80 feet to an iron rod  
 6-28 found, and

6-29       6. S30°18'22"W, a distance of 466.77 feet to a point, also  
 6-30 being the southwest corner of Lot 12 of said The Forest at Colorado  
 6-31 Crossing, Section One plat, also being the northwest corner of a  
 6-32 18.00 acre tract of land conveyed to Ruth Ann Hobbs in Volume 719,  
 6-33 Page 794 of the D.R.B.C.TX., also being an exterior angle point of  
 6-34 said 723.330 acre Double Eagle Estates, Ltd. tract, for an exterior  
 6-35 angle point of the herein described tract,

6-36       THENCE, with the eastern boundary line of said 723.330 acre  
 6-37 Double Eagle Estates, Ltd. tract, and the western boundary line of  
 6-38 said Hobbs tract, the following five (5) courses and distances,  
 6-39 numbered 1 through 5,

6-40       1. S84°02'31"W, a distance of 56.57 feet to an angle point,

6-41       2. S23°56'13"W, a distance of 201.24 feet to an angle point,

6-42       3. S50°11'49"W, a distance of 171.49 feet to an angle point,

6-43       4. S19°35'41"W, a distance of 523.42 feet to an angle point,

6-44 and

6-45       5. S19°08'17"W, a distance of 308.22 feet to an angle point  
 6-46 the northeast corner of certain tract of land conveyed to St. Paul  
 6-47 Cemetery recorded in Volume 146, Page 332 of the D.R.B.C.TX., for  
 6-48 the southeast corner of the herein described tract,

6-49       THENCE, with the southern and eastern boundary lines of said  
 6-50 723.330 acre Double Eagle Estates, Ltd. tract, and the northern and  
 6-51 western boundary lines of said St. Paul Cemetery tract, the  
 6-52 following two (2) courses and distances, numbered 1 and 2,

6-53       1. N87°36'13"W, a distance of 206.91 feet to an iron rod  
 6-54 found, and

6-55       2. S03°40'57"W, a distance of 135.49 feet to an iron rod  
 6-56 found in the northern line of a 11.68 acre tract of land conveyed to  
 6-57 Arthur F. Corwin in Volume 166, Page 191 of the D.R.B.C.TX., for the  
 6-58 southeast corner of the herein described tract,

6-59       THENCE, with the southern boundary line of said 723.330 acre  
 6-60 Double Eagle Estates, Ltd. tract, and the northern boundary lines  
 6-61 of said Corwin tract, a 3.374 acre tract of land conveyed to Hershall  
 6-62 G. French in Volume 1285, page 898, a 1.45 acre tract of land  
 6-63 conveyed to Robert J. Muggley in Volume 295, Page 302, a 1.133 acre  
 6-64 tract of land conveyed to James and Julie Reese in Volume 1661, Page  
 6-65 574, a 0.886 acre tract of land conveyed to James F. and Alice Hart  
 6-66 in Volume 1689, Page 389 and a 0.64 acre tract of land conveyed to  
 6-67 Clyde and Carolyn Poldrack in Volume 852, Page 182 all of the  
 6-68 D.R.B.C.TX., N62°43'19"W, a distance of 895.13 feet to an iron rod  
 6-69 found at the northwest corner of said Poldrack tract, also being the

7-1 northeast corner of said Kitten tract for an interior angle point of  
 7-2 the herein described tract,  
 7-3 THENCE, with the eastern and southern boundary lines of said  
 7-4 Kitten tract, and the southern boundary line of said 723.330 acre  
 7-5 Double Eagle Estates, Ltd. tract, and said curving north boundary  
 7-6 line of Old State Highway No. 71, the following four (4) courses and  
 7-7 distances, numbered 1 through 4,  
 7-8 1. S39°06'44"W, a distance of 153.80 feet to a point for the  
 7-9 southeast corner of said Kitten tract,  
 7-10 2. N32°18'00"W, a distance of 108.42 feet to a point of  
 7-11 curvature to the left,  
 7-12 3. with said curve to the left having a radius of 1195.98  
 7-13 feet, an arc length of 63.81 feet, and whose chord bears N35°00'25"W  
 7-14 a distance of 63.80 feet to a point of curvature to the left,  
 7-15 4. with said curve to the left having a radius of 1195.98  
 7-16 feet, an arc length of 312.25 feet and whose chord bears N44°00'54"W  
 7-17 a distance of 311.36 feet to the POINT OF BEGINNING, and containing  
 7-18 700.800 acres of land.  
 7-19 SAVE AND EXCEPT:  
 7-20 TRACT 1  
 7-21 BEGINNING, at an iron rod found at the western angle point of  
 7-22 Lot 28 of Rocking "S" Estates, a subdivision recorded in Cabinet 3,  
 7-23 Page 107B of the P.R.B.C.TX., also being the southern line of said  
 7-24 723.330 acre Double Eagle Estates, Ltd. tract, for the POINT OF  
 7-25 COMMENCEMENT for the herein described tract,  
 7-26 THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
 7-27 tract, N38°12'48"W, a distance of 928.50 feet to a point at the  
 7-28 southwest corner of a 17.00 acre tract of land conveyed to The  
 7-29 Margaret Bryant-Collins Maguire Separate-Property Living Trust in  
 7-30 Volume 1723, Page 499 of the D.R.B.C.TX., for the southwest corner  
 7-31 and POINT OF BEGINNING of the herein described 17.00 acre tract of  
 7-32 land,  
 7-33 THENCE, following a line over, upon and across said 723.330  
 7-34 acre Double Eagle Estates, Ltd. tract, and The Margaret  
 7-35 Bryant-Collins Maguire Separate-Property Living Trust tract, the  
 7-36 following twenty-two (22) courses and distances, numbered 1 through  
 7-37 22,  
 7-38 1. N15°48'51"W, a distance of 224.58 feet to an iron rod  
 7-39 found,  
 7-40 2. N48°33'46"W, a distance of 109.44 feet to an iron rod  
 7-41 found,  
 7-42 3. N57°45'37"W, a distance of 135.80 feet to an iron rod  
 7-43 found,  
 7-44 4. N87°27'33"W, a distance of 107.40 feet to an iron rod  
 7-45 found,  
 7-46 5. N46°40'04"E, a distance of 299.60 feet to an iron rod  
 7-47 found,  
 7-48 6. N65°58'30"E, a distance of 245.13 feet to an iron rod  
 7-49 found,  
 7-50 7. S75°36'30"E, a distance of 29.89 feet to an iron rod  
 7-51 found,  
 7-52 8. S37°12'43"E, a distance of 87.53 feet to an iron rod  
 7-53 found,  
 7-54 9. N49°30'35"E, a distance of 53.61 feet to an iron rod  
 7-55 found,  
 7-56 10. N64°26'50"E, a distance of 110.77 feet to an iron rod  
 7-57 found,  
 7-58 11. N63°49'01"E, a distance of 63.84 feet to an iron rod  
 7-59 found,  
 7-60 12. N34°43'32"E, a distance of 55.48 feet to an iron rod  
 7-61 found,  
 7-62 13. N66°25'50"E, a distance of 53.95 feet to an iron rod  
 7-63 found,  
 7-64 14. N69°48'35"E, a distance of 90.82 feet to an iron rod  
 7-65 found,  
 7-66 15. N73°51'29"E, a distance of 68.32 feet to an iron rod  
 7-67 found,  
 7-68 16. N89°37'22"E, a distance of 205.77 feet to an iron rod  
 7-69 found,

8-1 17. S19°23'14"E, a distance of 137.45 feet to an iron rod  
 8-2 found,  
 8-3 18. S30°19'51"W, a distance of 109.73 feet to an iron rod  
 8-4 found,  
 8-5 19. S04°57'11"E, a distance of 153.93 feet to an iron rod  
 8-6 found,  
 8-7 20. S25°39'51"E, a distance of 242.36 feet to an iron rod  
 8-8 found,  
 8-9 21. S25°26'19"W, a distance of 367.29 feet to an iron rod  
 8-10 found and  
 8-11 22. N82°01'48"W, a distance of 751.95 feet to the POINT OF  
 8-12 BEGINNING and containing 17.000 acres of land.

8-13 TRACT 2

8-14 BEGINNING, at an iron rod found at the western angle point of  
 8-15 Lot 28 of Rocking "S" Estates, a subdivision recorded in Cabinet 3,  
 8-16 Page 107B of the P.R.B.C.TX., also being the southern line of said  
 8-17 723.330 acre Double Eagle Estates, Ltd. tract, for the POINT OF  
 8-18 COMMENCEMENT for the herein described tract,

8-19 THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
 8-20 tract, N38°12'48"W, a distance of 928.50 feet to a point at the  
 8-21 southwest corner of a 17.00 acre tract of land conveyed to The  
 8-22 Margaret Bryant-Collins Maguire Separate-Property Living Trust in  
 8-23 Volume 1723, Page 499 of the D.R.B.C.TX., for the southwest corner  
 8-24 and POINT OF BEGINNING of the herein described 4.487 acre tract of  
 8-25 land,

8-26 THENCE, with the northern boundary line of said 723.330 acre  
 8-27 Double Eagle Estates, Ltd. tract, and the southern boundary line of  
 8-28 said The Margaret Bryant-Collins Maguire Separate-Property Living  
 8-29 Trust tract, S82°01'48"E, a distance of 751.95 feet to a point, for  
 8-30 the northeast corner of the herein described tract,

8-31 THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
 8-32 tract, the following four (4) courses and distances, numbered 1  
 8-33 through 4,

8-34 1. S36°45'58"W, a distance of 474.11 feet to a point,  
 8-35 2. N60°16'26"W, a distance of 286.24 feet to a point,  
 8-36 3. N43°23'08"W, a distance of 292.58 feet to a point, and  
 8-37 4. N05°00'54"W, a distance of 130.00 feet to a point the  
 8-38 POINT OF BEGINNING and containing 4.487 acres of land.

8-39 TRACT 3

8-40 BEGINNING, at an iron rod found at the most western ell of of  
 8-41 a 17.00 acre tract of land conveyed to The Margaret Bryant-Collins  
 8-42 Maguire Separate-Property Living Trust in Volume 1723, Page 499 of  
 8-43 the D.R.B.C.TX, also being the ell of said 723.330 acre Double Eagle  
 8-44 Estates, Ltd. tract, for the POINT OF COMMENCEMENT for the herein  
 8-45 described tract,

8-46 BEGINNING, with the southern boundary line of said 723.330  
 8-47 acre Double Eagle Estates, Ltd. tract, and the northern boundary  
 8-48 line of said The Margaret Bryant-Collins Maguire Separate-Property  
 8-49 Living Trust tract, N46°40'04"E, a distance of 103.92 feet to a  
 8-50 point, for the southwest corner and POINT OF BEGINNING of the herein  
 8-51 described 0.456 acre (19,875 square feet) tract of land,

8-52 THENCE, crossing said 723.330 acre Double Eagle Estates, Ltd.  
 8-53 tract, the following seven (7) courses and distances, numbered 1  
 8-54 through 7,

8-55 1. N35°14'02"W, a distance of 205.68 feet to a point,  
 8-56 2. S52°51'43"W, a distance of 23.12 feet to a point,  
 8-57 3. N37°08'17"W, a distance of 100.00 feet to a point,  
 8-58 4. N52°51'43"E, a distance of 100.00 feet to a point,  
 8-59 5. S37°08'17"E, a distance of 100.00 feet to a point,  
 8-60 6. S19°46'00"E, a distance of 213.11 feet to a point, and  
 8-61 7. S46°40'04"W, a distance of 20.20 feet to a point the POINT

8-62 OF BEGINNING and containing 0.456 acres of land.

8-63 SECTION 3. (a) The legal notice of the intention to  
 8-64 introduce this Act, setting forth the general substance of this  
 8-65 Act, has been published as provided by law, and the notice and a  
 8-66 copy of this Act have been furnished to all persons, agencies,  
 8-67 officials, or entities to which they are required to be furnished  
 8-68 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 8-69 Government Code.



9-1 (b) The governor, one of the required recipients, has  
9-2 submitted the notice and Act to the Texas Commission on  
9-3 Environmental Quality.

9-4 (c) The Texas Commission on Environmental Quality has filed  
9-5 its recommendations relating to this Act with the governor, the  
9-6 lieutenant governor, and the speaker of the house of  
9-7 representatives within the required time.

9-8 (d) All requirements of the constitution and laws of this  
9-9 state and the rules and procedures of the legislature with respect  
9-10 to the notice, introduction, and passage of this Act are fulfilled  
9-11 and accomplished.

9-12 SECTION 4. This Act takes effect immediately if it receives  
9-13 a vote of two-thirds of all the members elected to each house, as  
9-14 provided by Section 39, Article III, Texas Constitution. If this  
9-15 Act does not receive the vote necessary for immediate effect, this  
9-16 Act takes effect September 1, 2009.

9-17

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