

By: Hegar

S.B. No. 660

Substitute the following for S.B. No. 660:

By: Smithee

C.S.S.B. No. 660

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Caldwell County Municipal Utility  
3 District No. 1; providing authority to impose a tax and issue bonds;  
4 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 8307 to read as follows:

8 CHAPTER 8307. CALDWELL COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8307.001. 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 Caldwell County Municipal  
14 Utility District No. 1.

15 Sec. 8307.002. NATURE OF DISTRICT. The district is a  
16 municipal utility district created under Section 59, Article XVI,  
17 Texas Constitution.

18 Sec. 8307.003. CONFIRMATION AND DIRECTORS' ELECTION  
19 REQUIRED. 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 Sec. 8307.004. CONSENT OF MUNICIPALITY REQUIRED. The  
23 temporary directors may not hold an election under Section 8307.003  
24 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. 8307.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

5 (a) 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. 8307.006. 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 8307.007-8307.050 reserved for expansion]

1                   SUBCHAPTER B. BOARD OF DIRECTORS

2                   Sec. 8307.051. GOVERNING BODY; TERMS. (a) The district is  
3 governed by a board of five elected directors.

4                   (b) Except as provided by Section 8307.052, directors serve  
5 staggered four-year terms.

6                   Sec. 8307.052. TEMPORARY DIRECTORS. (a) The temporary  
7 board consists of:

8                   (1) Joseph John Mazzola III;

9                   (2) Hunter Wallace Dehn;

10                   (3) Seth Thatcher;

11                   (4) Scott Guesner; and

12                   (5) Mark Solomon.

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

14                   (1) the date permanent directors are elected under  
15 Section 8307.003; 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 8307.003 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 8307.003; 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 8307.053-8307.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8307.101. 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. 8307.102. 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. 8307.103. 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. 8307.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
24 road project must meet all applicable construction standards,  
25 zoning and subdivision requirements, and regulations of each  
26 municipality in whose corporate limits or extraterritorial  
27 jurisdiction the road 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. 8307.105. 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. 8307.106. LIMITATION ON CONSTRUCTION AND DEVELOPMENT  
16 IN DISTRICT. A developer may not begin construction or development  
17 of a project in the district unless the developer has entered into a  
18 contract with an appropriate entity for the provision of water and  
19 sewer services for the project.

20       Sec. 8307.107. LOCAL ROADWAY IMPROVEMENT. A developer who  
21 undertakes a project in the district shall enter into an agreement  
22 with the Texas Department of Transportation, the commissioners  
23 court of any county in whose jurisdiction the district is located,  
24 or another appropriate entity to make improvements in the roads  
25 surrounding the district to mitigate any problems with traffic the  
26 proposed project is anticipated to cause or create.

27       Sec. 8307.108. LIMITATION ON USE OF EMINENT DOMAIN. The

1 district may not exercise the power of eminent domain outside the  
2 district to acquire a site or easement for:

- 3           (1) a road project authorized by Section 8307.103; or  
4           (2) a recreational facility as defined by Section  
5 49.462, Water Code.

6           Sec. 8307.109. 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 not, at the time the new district is created:

- 15           (1) contain any land outside the area described by  
16 Section 2 of the Act creating this chapter; or  
17           (2) contain less than 100 acres.

18           (d) The board, on its own motion or on receipt of a petition  
19 signed by the owner or owners of a majority of the assessed value of  
20 the real property in the district according to the most recent  
21 certified appraisal roll for each county in which the district is  
22 located, may adopt an order dividing the district.

23           (e) The board may adopt an order dividing the district  
24 before or after the date the board holds an election under Section  
25 8307.003 to confirm the district's creation.

26           (f) An order dividing the district shall:

- 27           (1) name each new district;

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

3           (3) appoint temporary directors for each new district;  
4 and

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

7           (g) On or before the 30th day after the date of adoption of  
8 an order dividing the district, the district shall file the order  
9 with the Texas Commission on Environmental Quality and record the  
10 order in the real property records of each county in which the  
11 district is located.

12           (h) Any new district created by the division of the district  
13 shall hold a confirmation and directors' election as required by  
14 Section 8307.003.

15           (i) Any new district created by the division of the district  
16 must hold an election as required by this chapter to obtain voter  
17 approval before the district may impose a maintenance tax or issue  
18 bonds payable wholly or partly from ad valorem taxes.

19           (j) Any new district created by the division of the district  
20 may divide into two or more districts as provided by this section.

21           [Sections 8307.110-8307.150 reserved for expansion]

22           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23           Sec. 8307.151. ELECTIONS REGARDING TAXES OR BONDS.

24           (a) The district may issue, without an election, bonds and other  
25 obligations secured by:

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

27           (2) contract payments described by Section 8307.153.

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

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

9 Sec. 8307.152. OPERATION AND MAINTENANCE TAX. (a) If  
10 authorized at an election held under Section 8307.151, the district  
11 may impose an operation and maintenance tax on taxable property in  
12 the district in accordance with Section 49.107, Water Code.

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

15 Sec. 8307.153. CONTRACT TAXES. (a) In accordance with  
16 Section 49.108, Water Code, the district may impose a tax other than  
17 an operation and maintenance tax and use the revenue derived from  
18 the tax to make payments under a contract after the provisions of  
19 the contract have been approved by a majority of the district voters  
20 voting at an election held for that purpose.

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

24 [Sections 8307.154-8307.200 reserved for expansion]

25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

26 Sec. 8307.201. AUTHORITY TO ISSUE BONDS AND OTHER  
27 OBLIGATIONS. The district may issue bonds or other obligations



1 payable wholly or partly from ad valorem taxes, impact fees,  
2 revenue, contract payments, grants, or other district money, or any  
3 combination of those sources, to pay for any authorized district  
4 purpose.

5 Sec. 8307.202. TAXES FOR BONDS. At the time the district  
6 issues bonds payable wholly or partly from ad valorem taxes, the  
7 board shall provide for the annual imposition of a continuing  
8 direct ad valorem tax, without limit as to rate or amount, while all  
9 or part of the bonds are outstanding as required and in the manner  
10 provided by Sections 54.601 and 54.602, Water Code.

11 Sec. 8307.203. BONDS FOR ROAD PROJECTS. At the time of  
12 issuance, the total principal amount of bonds or other obligations  
13 issued or incurred to finance road projects and payable from ad  
14 valorem taxes may not exceed one-fourth of the assessed value of the  
15 real property in the district.

16 SECTION 2. The Caldwell County Municipal Utility District  
17 No. 1 initially includes all the territory contained in the  
18 following area:

19 TRACT 1 - 3473.37 ACRES

20 All that certain tract or parcel of land situated in Caldwell  
21 County, Texas out of the Eason Tyson Survey, Abstract No. 291 and  
22 the Almerion Dickinson Survey, Abstract No. 5, Caldwell County,  
23 Texas and being those tracts described as 256.38 acres in a Special  
24 Warranty Deed granted to Don Ray George, et ux, and recorded in  
25 Volume 81, Page 50, Official Public Records of Caldwell County,  
26 Texas, and 339.33 acres in a Special Warranty Deed with Vendor's  
27 Lien granted to Don Ray George, et ux, and recorded in Volume 81,

1 Page 558, of said official public records and 1638.30 acres in a  
2 Special Warranty Deed granted to Don Ray George, et ux, and recorded  
3 in Volume 80, Page 901, of said official public records and 384-1/4  
4 acres (First Tract), 157 acres (Tract One of Second Tract), 200  
5 acres (Tract Two of Second Tract), Tract Four of Second Tract, 100  
6 acres (Tract Two of Third Tract), 100 acres (Tract One of Third  
7 Tract), 100 acres (Tract Three of Second Tract), and 200 acres  
8 (Seventh Tract) in a Deed granted to Sidney Camille Brewster Young,  
9 and recorded in Volume 342, Page 454, Deed Records of Caldwell  
10 County, Texas, and further described by metes and bounds as  
11 follows:

12 BEGINNING at a 1/2" iron pin found at the intersection of the  
13 northeast line of Highway 80, a.k.a. San Marcos Highway,  
14 right-of-way varies, and the northwest line of County Road 110,  
15 a.k.a. Long Road, right-of-way varies, for the southwest corner of  
16 said Don Ray George, et ux tract (81/50) and this tract;

17 THENCE, with the northeast line of said Highway 80 and the southwest  
18 line of said Don Ray George, et ux tracts (81/50), (81/558), and  
19 (80/901) and this tract in the following twenty one (21) courses;

20 1. N 25°59'34" W 115.79 feet to a 1/2" iron pin with a yellow plastic  
21 cap inscribed "CS, LTD." set,

22 2. N 61°10'25" E 15.80 feet to a 1/2" iron pin with a yellow plastic  
23 cap inscribed "CS, LTD." set,

24 3. N 25°58'07" W 597.09 feet to a concrete monument found,

25 4. S 70°49'29" W 15.15 feet to a 1/2" iron pin found,

26 5. N 25°56'19" W 997.88 feet to a concrete monument,

27 6. N 66°58'22" E 5.66 feet to a concrete monument,

- 1 7. N 25°59'32" W 399.21 feet to a concrete monument,
- 2 8. S 77°04'13" W 6.02 feet to a concrete monument,
- 3 9. N 25°53'15" W at 1298.67 feet and 0.17 feet to the left passing a
- 4 concrete monument found, in all 1364.69 feet to a 1/2" iron
- 5 pin found for the northwest corner of said Don Ray George, et
- 6 ux tract (81/50) and the southwest corner of said Don Ray
- 7 George, et ux tract (81/558),
- 8 10. N 25°51'03" W 1331.32 feet to a concrete monument,
- 9 11. N 63°37'33" E 9.12 feet to a 1/2" iron pin with a yellow plastic
- 10 cap inscribed "CS, LTD." set,
- 11 12. N 26°05'30" W 200.05 feet to a concrete monument found,
- 12 13. S 70°24'55" W 10.36 feet to a concrete monument with a 60d nail
- 13 found in it,
- 14 14. N 25°52'07" W 999.81 feet to a 1/2" pipe found,
- 15 15. N 64°06'49" E 139.42 feet to a 1/2" iron pin found,
- 16 16. N 26°06'10" W 128.89 feet to a 1/2" pipe found for the northwest
- 17 corner of said Don Ray George, et ux tract (81/558) and an
- 18 angle point of said Don Ray George, et ux tract (80/901),
- 19 17. N 25°48'08" W 221.34 feet to a 1/2" iron pin found,
- 20 18. S 63°52'16" W 130.00 feet to a calculated point inundated by
- 21 Dickerson Creek,
- 22 19. N 25°55'54" W 749.61 feet to a concrete monument,
- 23 20. S 68°37'09" W 9.87 feet to a concrete monument,
- 24 21. N 25°55'39" W at 1400.02 feet and 0.40 feet to the left passing
- 25 a right-of-way monument found, in all 1907.70 feet to a 1/2"
- 26 iron pin found at the intersection of the northeast line of
- 27 said Highway 80 and the southeast line of County Road 107,

1 a.k.a. Dickerson Road, right-of-way varies, for the  
2 northwest corner of said Don Ray George, et ux tract (80/901)  
3 and this tract;

4 THENCE, with the southeast line of said County Road 107 and the  
5 northwest line of said Don Ray George, et ux tract (80/901), said  
6 Sidney Camille Brewster Young tracts (First Tract), (Tract One of  
7 Second Tract), and (Tract Two of Second Tract) and this tract in the  
8 following twenty one (21) courses,

- 9 1. N 27°50'19" E 99.49 feet to a 1/2" iron pin found,
- 10 2. N 48°30'05" E 1090.68 feet to a 1/2" iron pin found,
- 11 3. N 48°30'04" E 1359.07 feet to a 1/2" iron pin found,
- 12 4. N 48°38'19" E 1936.21 feet to a 1/2" iron pin found,
- 13 5. N 48°35'39" E 1168.70 feet to a 1/2" iron pin with a yellow  
14 plastic cap inscribed "CS,LTD." set,
- 15 6. N 49°05'39" E 540.52 feet to a 1/2" iron pin with a yellow plastic  
16 cap inscribed "CS, LTD." set,
- 17 7. N 73°35'13" E 43.60 feet to a 1/2" iron pin with a yellow plastic  
18 cap inscribed "CS,LTD." set,
- 19 8. S 84°27'23" E 365.52 feet to a 1/2" iron pin with a yellow plastic  
20 cap inscribed "CS, LTD." set in the southwest line of that  
21 tract described as 607.42 acres in a Special Warranty Deed  
22 granted to The Revocable Living Trust of Arthur Don Purswell  
23 and Marian Young Purswell and recorded in Volume 177, Page  
24 133, of said official public records and leaving said County  
25 Road 107,
- 26 9. S 41°29'30" E 275.84 feet to a 1/2" iron pin found for the  
27 southwest corner of said Arthur Don Purswell and Marian Young

1 Purswell tract and an interior ell corner of said Don Ray  
2 George, et ux tract and this tract,  
3 10. N 48°41'10" E 316.93 feet with the southeast line of said Arthur  
4 Don Purswell and Marian Young Purswell tract to a 1/2" iron  
5 pin with a yellow plastic cap inscribed "CS, LTD." set in the  
6 southeast line of said County Road 107,  
7 11. N 48°18'17" E 510.35' feet continuing with the southeast line of  
8 said Arthur Don Purswell and Marian Young Purswell tract to a  
9 1/2" iron pin found,  
10 12. N 48°39'36" E 615.14 feet to a 1/2" iron pin with a yellow  
11 plastic cap inscribed "CS, LTD." set,  
12 13. N 48°47'27" E 244.10 feet to a 1/2" iron pin with a yellow  
13 plastic cap inscribed "CS, LTD." set,  
14 14. N 52°42'18" E 172.20 feet to a 1/2" iron pin found,  
15 15. N 61°58'35" E 114.42 feet to a 1/2" iron pin with a yellow  
16 plastic cap inscribed "CS, LTD." set,  
17 16. N 48°18'51" E 689.17 feet to a 1/2" iron pin found,  
18 17. N 48°16'14" E 456.03 feet to a 1/2" iron pin found,  
19 18. N 48°54'32" E 642.45 feet to a 5/8" iron pin found for the  
20 northwest corner of said Sidney Camille Brewster Young tract  
21 (First Tract) and the northeast corner of said Don Ray  
22 George, et ux tract (80/901),  
23 19. N 48°49'02" E 2107.30 feet to a nail found at the top of a post  
24 for the northwest corner of said Sidney Camille Brewster  
25 Young tract (Tract One of Second Tract) and the northeast of  
26 said Sidney Camille Brewster Young tract (First Tract),  
27 20. N 48°24'33" E 844.46 feet to a 1/2" iron pin with a yellow

1 plastic cap inscribed "CS, LTD." set for the northwest corner  
2 of said Sidney Camille Brewster Young tract (Tract Two of  
3 Second Tract) and the northeast corner of said Sidney Camille  
4 Brewster Young tract (Tract One of Second Tract),  
5 21. N 47°54'42" E 1089.86 feet to a 5/8" iron pin found for the  
6 northwest corner of that tract described as 5.41 acres (First  
7 Tract) in a Warranty Deed granted to Nazario Reyna, et al, and  
8 recorded in Volume 109, Page 311, of said official public  
9 records and the northeast corner of said Sidney Camille  
10 Brewster Young tract (Tract Two of Second Tract) and the most  
11 westerly northeast corner of this tract,  
12 THENCE, with the southwest line of said Nazario Reyna, et al tract  
13 (First Tract) and that tract described as 7.67 acres (Second Tract)  
14 in said Nazario Reyna, et al, Warranty Deed and those tracts  
15 described as 6.04 acres (Tract One), 6.05 acres (Tract Two), 7.55  
16 acres (Tract Three), and 7.55 acres (Tract Four) in a Warranty Deed  
17 with Vendor's Lien granted to Michael Henry and recorded in Volume  
18 66, Page 504, of said official public records and that tract  
19 described as 10.29 acres in a Warranty Deed granted to Thomas J.  
20 Chrystal, et al, and recorded in Volume 496, Page 677, of said deed  
21 records and the northeast line of said Sidney Camille Brewster  
22 Young tract (Tract Two of Second Tract) and continuing with the  
23 northwest line of this tract in the following seven (7) courses,  
24 1. S 41°22'58" E 700.00 feet to a 1/2" iron pin found for the  
25 northwest corner of said Nazario Reyna, et al tract (Second  
26 Tract) and the southwest corner of said Nazario Reyna, et al  
27 tract (First Tract),

1 2. S 41°30'13" E 337.71 feet to a 1/2" iron pin found for the  
2 northwest corner of said Michael Henry tract (Tract Four) and  
3 the southwest corner of said Nazario Reyna, et al tract  
4 (Second Tract),

5 3. S 41°48'01" E 326.67 feet to a 1/2" iron pin found for the  
6 northwest corner of said Michael Henry tract (Tract Three)  
7 and the southwest corner of said Michael Henry tract (Tract  
8 Four),

9 4. S 42°06'52" E 326.93 feet to a 1/2" iron pin found for the  
10 northwest corner of said Michael Henry tract (Tract Two) and  
11 the southwest corner of said Michael Henry tract (Tract  
12 Three),

13 5. S 42°11'00" E 262.18 feet to a 1/2" iron pin found for the  
14 northwest corner of said Michael Henry tract (Tract One) and  
15 the southwest corner of said Michael Henry tract (Tract Two),

16 6. S 42°21'52" E 261.98 feet to a 1/2" iron pin found for the  
17 northwest corner of said Thomas J. Chrystal, et al tract and  
18 the southwest corner of said Michael Henry tract (Tract One),

19 7. S 42°28'15" E 448.18 feet to a 1/2" iron pin found for the  
20 northwest corner of said Sidney Camille Brewster Young tract  
21 (Tract Two of Third Tract) and the southwest corner of said  
22 Thomas J. Chrystal, et al tract and an interior ell corner of  
23 this tract;

24 THENCE, with the southeast line of said Thomas J. Chrystal, et al  
25 tract and that tract described as 10.20 acres in a Warranty Deed  
26 granted to Anna Lowe, et al, and recorded in Volume 120, Page 785,  
27 of said official public records and that tract described as 25.00

1 acres in a Contract For Deed granted to Wayne Carlton Latham, et ux,  
2 and recorded in Volume 75, Page 46, of said official public records  
3 and that tract described as 35.31 acres in a General Warranty Deed  
4 granted to Wayne Carlton Latham, et ux, and recorded in Volume 318,  
5 Page 900, of said official public records and the northwest line of  
6 said Sidney Camille Brewster Young tract (Tract Two of Third Tract)  
7 and continuing with the northwest line of this tract in the  
8 following nine (9) courses,

- 9 1. N 47°59'47" E 399.12 feet to a 1/2" iron pin with a yellow plastic  
10 cap inscribed "CS, LTD." set,
- 11 2. N 47°59'47" E 399.62 feet to a 1/2" iron pin with a yellow plastic  
12 cap inscribed "CS, LTD." set,
- 13 3. N 47°51'49" E at 176.33 feet passing a 1/2" iron pin with a yellow  
14 plastic cap inscribed "CS, LTD." set for the southwest corner  
15 of an unimproved 50 foot roadway, in all 201.32 feet to a 1/2"  
16 iron pin with a red cap inscribed "Hinkle Surveyor" found for  
17 the southwest corner of said Anna Lowe, et al tract and the  
18 southeast corner of said Thomas J. Chrystal, et al tract,
- 19 4. N 48°33'39" E at 25.04 feet passing a 60d nail found at the base  
20 of a 20" Elm Tree for the southeast corner of said roadway, in  
21 all 199.14 feet to a 5/8" iron pin found,
- 22 5. N 47°26'44" E 398.26 feet to a 5/8" iron pin found at a 12" Twin  
23 Elm Tree,
- 24 6. N 47°48'57" E 400.42 feet to a 1/2" iron pin with an aluminum cap  
25 inscribed "Burn & Assoc. Surveying" found for the southwest  
26 corner of said Wayne Carlton Latham, et ux tract (75/46) and  
27 the southeast corner of said Anna Lowe, et al tract,



1 7. N 48°21'48" E 318.40 feet to a 1/2" iron pin with a yellow plastic  
2 cap inscribed "CS, LTD." set,  
3 8. N 48°02'21" E 515.92 feet to a 12" treated fence post found for  
4 the southwest corner of said Wayne Carlton Latham, et ux  
5 tract (318/900) and the southeast corner of said Wayne  
6 Carlton Latham, et ux tract (75/46),  
7 9. N 48°06'50" E 1165.61 feet to a 5/8" iron pin found in the  
8 southwest line of that tract described as 433.16 acres in a  
9 Deed granted to Everett F. Johnson, et al, and recorded in  
10 Volume 320, Page 3, of said deed records for the southeast  
11 corner of said Wayne Carlton Latham, et ux tract (318/900)  
12 and the northeast corner of said Sidney Camille Brewster  
13 Young tract (Tract Two of Third Tract) and the most easterly  
14 northeast corner of this tract;  
15 THENCE, with the southwest line of said Everett F. Johnson, et al  
16 tract as fenced and that tract described as 97.20 acres in an  
17 Extension Agreement granted to Jo Ann Simmons, and recorded in  
18 Volume 127, Page 303, of said deed records and the northeast line of  
19 said Sidney Camille Brewster Young tracts (Tract Two of Third  
20 Tract), (Tract One of Third Tract), (Tract Three of Second Tract),  
21 and (Seventh Tract) and this tract as fenced in the following nine  
22 (9) courses,  
23 1. S 41°20'59" E 1086.22 feet to a 1/2" iron pin with a yellow  
24 plastic cap inscribed "CS, LTD." set for the northeast corner  
25 of said Sidney Camille Brewster Young tract (Tract One of  
26 Third Tract) and the southeast corner of said Sidney Camille  
27 Brewster Young tract (Tract Two of Third Tract),

- 1 2. S 41°47'44" E 476.92 feet to a 1/2" iron pin with a yellow plastic  
2 cap inscribed "CS, LTD." set at a fence corner,
- 3 3. S 41°55'29" E 609.13 feet to a 1/2" iron pin with a yellow plastic  
4 cap inscribed "CS, LTD." set for the northeast corner of said  
5 Sidney Camille Brewster Young tract (Tract Three of Second  
6 Tract) and the southeast corner of said Sidney Camille  
7 Brewster Young tract (Tract One of Third Tract),
- 8 4. S 41°10'50" E 1091.49 feet to a 1/2" iron pin found for the  
9 northwest corner of said Jo Ann Simmons tract and the  
10 northeast corner of said Sidney Camille Brewster Young tract  
11 (Seventh Tract) and the southeast corner of said Sidney  
12 Camille Brewster Young tract (Tract Three of Second Tract),
- 13 5. S 41°33'35" E 500.01 feet to a 1/2" iron pin with a yellow plastic  
14 cap inscribed "CS, LTD." set,
- 15 6. S 41°55'23" E 500.01 feet to a 1/2" iron pin with a yellow plastic  
16 cap inscribed "CS, LTD." set,
- 17 7. S 41°16'46" E 652.96 feet to a 1/2" iron pin with a yellow plastic  
18 cap inscribed "CS, LTD." set,
- 19 8. S 42°36'00" E 270.74 feet to a 1/2" iron pin found for the most  
20 westerly southwest corner of said Jo Ann Simmons tract,
- 21 9. S 41°33'20" E 213.33 feet to a 1/2" iron pin with a yellow plastic  
22 cap inscribed "CS, LTD."  
23 set in the fenced northwest line of said County Road 110 for  
24 the southeast corner of said Sidney Camille Brewster Young  
25 tract (Seventh Tract) and this tract;
- 26 THENCE, with the northwest line of said County Road 110 as occupied  
27 and the southeast line of said Sidney Camille Brewster Young tracts

1 (Seventh Tract), (Tract Two of Second Tract), (Tract One of Second  
2 Tract), and (First Tract) and said Don Ray George, et ux tracts  
3 (80/901) and (81/50) as occupied and this tract in the following  
4 thirty (30) courses,

5 1. S 48°25'35" W 3998.39 feet to a 1/2" iron pin with a yellow  
6 plastic cap inscribed "CS, LTD." set at a fence corner post  
7 for the southeast corner of said Sidney Camille Brewster  
8 Young tract (Tract Two of Second Tract) and the southwest  
9 corner of said Sidney Camille Brewster Young tract (Seventh  
10 Tract),

11 2. S 47°59'23" W 1101.35 feet to a 1/2" iron pin with a yellow  
12 plastic cap inscribed "CS, LTD." set for the southeast corner  
13 of said Sidney Camille Brewster Young tract (Tract One of  
14 Second Tract) and the southwest corner of said Sidney Camille  
15 Brewster Young tract (Tract Two of Second Tract),

16 3. S 48°14'02" W 846.20 feet to a 1/2" iron pin with a yellow plastic  
17 cap inscribed "CS, LTD." set at a fence corner post for the  
18 southeast corner of said Sidney Camille Brewster Young tract  
19 (First Tract) and the southwest corner of said Sidney Camille  
20 Brewster Young tract (Tract One of Second Tract),

21 4. S 48°55'00" W 2089.02 feet to a 1/2" iron pin found for the  
22 southeast corner of said Don Ray George, et ux tract (80/901)  
23 and the southwest corner of said Sidney Camille Brewster  
24 Young tract (First Tract),

25 5. S 47°15'53" W 828.29 feet to a 1/2" iron pin found,

26 6. S 48°14'38" W 1800.54 feet to a 1/2" iron pin found,

27 7. S 45°53'08" W 29.28 feet to a 1/2" iron pin found,

- 1 8. S 47°42'12" W 1192.83 feet to a concrete monument,
- 2 9. S 55°48'36" W 86.13 feet to a 1/2" iron pin found,
- 3 10. S 44°50'37" W 86.74 feet to a 1/2" iron pin found,
- 4 11. S 46°59'47" W 1025.64 feet to a 1/2" iron pin with a yellow
- 5 plastic cap inscribed "CS, LTD." set,
- 6 12. S 51°14'20" W 63.03 feet to a 1/2" iron pin found,
- 7 13. S 48°31'46" W 323.13 feet to a 1/2" iron pin found,
- 8 14. S 48°10'15" W 419.02 feet to a 1/2" iron pin found,
- 9 15. S 52°57'23" W 267.70 feet leaving said fence to a 1/2" iron pin
- 10 with a yellow plastic cap inscribed "CS, LTD." set,
- 11 16. S 49°27'07" W 266.78 feet to a 1/2" iron pin found,
- 12 17. S 41°16'15" E 29.52 feet back to said fence and to a 1/2" iron
- 13 pin found,
- 14 18. S 48°19'28" W 383.14 feet to a 1/2" iron pin found,
- 15 19. S 48°20'59" W 761.56 feet to a 1/2" iron pin found,
- 16 20. S 48°44'26" W 698.20 feet to a 1/2" iron pin with a yellow
- 17 plastic cap inscribed "CS, LTD." set,
- 18 21. S 48°09'58" W 530.04 feet to a 1/2" iron pin found,
- 19 22. S 48°39'32" W 124.20 feet to a 1/2" iron pin found for the
- 20 southeast corner of said Don Ray George, et ux tract (81/50)
- 21 and the southwest corner of said Don Ray George, et ux tract
- 22 (80/901),
- 23 23. S 48°27'11" W 825.07 feet to a 1/2" iron pin found,
- 24 24. S 52°37'55" W 62.98 feet to a 1/2" iron pin with a yellow plastic
- 25 cap inscribed "CS, LTD." set,
- 26 25. S 48°49'11" W 50.25 feet to a 1/2" iron pin with a yellow plastic
- 27 cap inscribed "CS, LTD." set,

- 1 26. S 41°28'02" W 18.93 feet to a 1/2" iron pin found,  
2 27. S 48°16'14" W 843.13 feet to a 1/2" iron pin with a yellow  
3 plastic cap inscribed "CS, LTD." set,  
4 28. S 48°23'56" W 434.47 feet to a 1/2" iron pin found,  
5 29. S 48°28'12" W 1554.39 feet to a 1/2" iron pin with a yellow  
6 plastic cap inscribed "CS, LTD." set,  
7 30. S 58°27'42" W 11.24 feet to the Point of Beginning and  
8 containing 3473.37 acres of land within this metes and bounds  
9 description.

10 Bearings cited hereon based on Grid North, Texas State Plane  
11 Coordinate System (Central Zone) NAD83.

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

19 (b) The governor, one of the required recipients, has  
20 submitted the notice and Act to the Texas Commission on  
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed  
23 its recommendations relating to this Act with the governor, the  
24 lieutenant governor, and the speaker of the house of  
25 representatives within the required time.

26 (d) All requirements of the constitution and laws of this  
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled  
2 and accomplished.

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