

By: Wentworth

S.B. No. 2463

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal County Water Improvement 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9039 to read as follows:

CHAPTER 9039. COMAL COUNTY WATER IMPROVEMENT DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9039.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Comal County Water Improvement District No. 2.

Sec. 9039.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9039.003. 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. 9039.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 9039.003 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 (b) A confirmation election held in violation of this  
5 section is void.

6 Sec. 9039.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

7 (a) The district is created to serve a public purpose and benefit.

8 (b) The district is created to accomplish the purposes of:

9 (1) a water control and improvement district as  
10 provided by general law and Section 59, Article XVI, Texas  
11 Constitution; and

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

16 Sec. 9039.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act creating this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1           (4) legality or operation.

2           [Sections 9039.007-9039.050 reserved for expansion]

3                   SUBCHAPTER B. BOARD OF DIRECTORS

4           Sec. 9039.051. GOVERNING BODY; TERMS. (a) The district is  
5 governed by a board of five elected directors.

6           (b) Except as provided by Section 9039.052, directors serve  
7 staggered four-year terms.

8           Sec. 9039.052. TEMPORARY DIRECTORS. (a) On or after the  
9 effective date of the Act creating this chapter, the owner or owners  
10 of a majority of the assessed value of the real property in the  
11 district may submit a petition to the Texas Commission on  
12 Environmental Quality requesting that the commission appoint as  
13 temporary directors the five persons named in the petition. The  
14 commission shall appoint as temporary directors the five persons  
15 named in the petition.

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

17                   (1) the date permanent directors are elected under  
18 Section 9039.003; or

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

21           (c) If permanent directors have not been elected under  
22 Section 9039.003 and the terms of the temporary directors have  
23 expired, successor temporary directors shall be appointed or  
24 reappointed as provided by Subsection (d) to serve terms that  
25 expire on the earlier of:

26                   (1) the date permanent directors are elected under  
27 Section 9039.003; or

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

3           (d) If Subsection (c) applies, the owner or owners of a  
4 majority of the assessed value of the real property in the district  
5 may submit a petition to the commission requesting that the  
6 commission appoint as successor temporary directors the five  
7 persons named in the petition. The commission shall appoint as  
8 successor temporary directors the five persons named in the  
9 petition.

10           [Sections 9039.053-9039.100 reserved for expansion]

11                   SUBCHAPTER C. POWERS AND DUTIES

12           Sec. 9039.101. GENERAL POWERS AND DUTIES. The district has  
13 the powers and duties necessary to accomplish the purposes for  
14 which the district is created.

15           Sec. 9039.102. WATER CONTROL AND IMPROVEMENT DISTRICT  
16 POWERS AND DUTIES. The district has the powers and duties provided  
17 by the general law of this state, including Chapters 49 and 51,  
18 Water Code, applicable to water control and improvement districts  
19 created under Section 59, Article XVI, Texas Constitution, and  
20 including powers relating to sanitary sewer systems.

21           Sec. 9039.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
22 52, Article III, Texas Constitution, the district may design,  
23 acquire, construct, finance, issue bonds for, improve, operate,  
24 maintain, and convey to this state, a county, or a municipality for  
25 operation and maintenance macadamized, graveled, or paved roads, or  
26 improvements, including storm drainage, in aid of those roads.

27           Sec. 9039.104. ROAD STANDARDS AND REQUIREMENTS. (a) A

1 road project must meet all applicable construction standards,  
2 zoning and subdivision requirements, and regulations of each  
3 municipality in whose corporate limits or extraterritorial  
4 jurisdiction the road project is located.

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

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

13 Sec. 9039.105. CHANGE IN SURFACE LAND USE. The district may  
14 not develop the surface of any land in the district for purposes  
15 other than mining, quarrying, or water resource development,  
16 retention, and distribution unless:

17 (1) the municipality in whose corporate limits or  
18 extraterritorial jurisdiction the land is located and the owner or  
19 owners of the land enter into a development agreement under Section  
20 212.172, Local Government Code; and

21 (2) the change in use of the land complies with the  
22 development agreement described by Subdivision (1).

23 Sec. 9039.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
24 OR RESOLUTION. The district shall comply with all applicable  
25 requirements of any ordinance or resolution that is adopted under  
26 Section 42.042, Local Government Code, and that consents to the  
27 creation of the district or to the inclusion of land in the

1 district.

2 Sec. 9039.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
3 district may not exercise the power of eminent domain outside the  
4 district to acquire a site or easement for:

- 5 (1) a road project authorized by Section 9039.103; or  
6 (2) a recreational facility as defined by Section  
7 49.462, Water Code.

8 Sec. 9039.108. DIVISION OF DISTRICT. (a) The district may  
9 be divided into two or more new districts only if the district:

- 10 (1) has no outstanding bonded debt; and  
11 (2) is not imposing ad valorem taxes.

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

15 (c) Any new district created by the division of the district  
16 may not, at the time the new district is created, contain any land  
17 outside the area described by Section 2 of the Act creating this  
18 chapter.

19 (d) The board, on its own motion or on receipt of a petition  
20 signed by the owner or owners of a majority of the assessed value of  
21 the real property in the district, may adopt an order dividing the  
22 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 9039.003 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 9039.003. If the voters of a new district do not confirm  
15 the creation of the new district, the assets, obligations,  
16 territory, and governance of the new district revert to the  
17 original district.

18           (i) Municipal consent to the creation of the district and to  
19 the inclusion of land in the district granted under Section  
20 9039.004 acts as municipal consent to the creation of any new  
21 district created by the division of the district and to the  
22 inclusion of land in the new district.

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

27           Sec. 9039.109. LIMITATION ON ANNEXATION OF LAND BY

1 DISTRICT. (a) Except as provided by Subsection (b), the district  
2 or any new district created by the division of the district may not  
3 annex land outside the area described by Section 2 of the Act  
4 creating this chapter without the consent of each municipality in  
5 whose corporate limits or extraterritorial jurisdiction any of the  
6 land in the area described by Section 2 of the Act creating this  
7 chapter is located.

8 (b) The district or any new district created by the division  
9 of the district may annex land adjacent to the area described by  
10 Section 2 of the Act creating this chapter for mining, quarrying, or  
11 water resource development, retention, and distribution purposes  
12 without the consent of a municipality in whose corporate limits or  
13 extraterritorial jurisdiction any of the land in the area described  
14 by Section 2 of the Act creating this chapter is located.

15 Sec. 9039.110. MUNICIPAL ANNEXATION ADJACENT TO DISTRICT.  
16 For the purposes of Section 43.021(2), Local Government Code, or  
17 other law, including a municipal charter or ordinance relating to  
18 annexation, an area adjacent to the district or any new district  
19 created by the division of the district is considered adjacent to a  
20 municipality in whose corporate limits or extraterritorial  
21 jurisdiction any of the land in the area described by Section 2 of  
22 the Act creating this chapter is located.

23 [Sections 9039.111-9039.150 reserved for expansion]

24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

25 Sec. 9039.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

2           (2) contract payments described by Section 9039.153.

3           (b) The district must hold an election in the manner  
4 provided by Chapters 49 and 51, Water Code, to obtain voter approval  
5 before the district may impose an ad valorem tax or issue bonds  
6 payable from ad valorem taxes.

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

11           (d) The district may not hold an election to authorize the  
12 issuance of bonds payable from ad valorem taxes to finance water and  
13 wastewater facilities to provide water and wastewater service for  
14 uses other than mining, quarrying, or water resource development,  
15 retention, and distribution unless each municipality in whose  
16 corporate limits or extraterritorial jurisdiction the district is  
17 located and the owners of land in the district enter into a  
18 development agreement under Section 212.172, Local Government  
19 Code.

20           Sec. 9039.152. OPERATION AND MAINTENANCE TAX. (a) If  
21 authorized at an election held under Section 9039.151, the district  
22 may impose an operation and maintenance tax on taxable property in  
23 the district in accordance with Section 49.107, Water Code.

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

26           Sec. 9039.153. CONTRACT TAXES. (a) In accordance with  
27 Section 49.108, Water Code, the district may impose a tax other than

1 an operation and maintenance tax and use the revenue derived from  
2 the tax to make payments under a contract after the provisions of  
3 the contract have been approved by a majority of the district voters  
4 voting at an election held for that purpose.

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

8 [Sections 9039.154-9039.200 reserved for expansion]

9 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

10 Sec. 9039.201. AUTHORITY TO ISSUE BONDS AND OTHER  
11 OBLIGATIONS. The district may issue bonds or other obligations  
12 payable wholly or partly from ad valorem taxes, impact fees,  
13 revenue, contract payments, grants, or other district money, or any  
14 combination of those sources, to pay for any authorized district  
15 purpose.

16 Sec. 9039.202. TAXES FOR BONDS. At the time the district  
17 issues bonds payable wholly or partly from ad valorem taxes, the  
18 board shall provide for the annual imposition of a continuing  
19 direct ad valorem tax, without limit as to rate or amount, while all  
20 or part of the bonds are outstanding as required and in the manner  
21 provided by Section 51.433, Water Code.

22 Sec. 9039.203. BONDS FOR ROAD PROJECTS. At the time of  
23 issuance, the total principal amount of bonds or other obligations  
24 issued or incurred to finance road projects and payable from ad  
25 valorem taxes may not exceed one-fourth of the assessed value of the  
26 real property in the district.

27 SECTION 2. The Comal County Water Improvement District No.

2 initially includes all the territory contained in the following  
area:

Being 2040 acres tract of land describing a political  
subdivision in Comal County, Texas, comprising a portion of the  
Vicente Salinas Survey No. 393, Abstract 519, a portion of the  
Phillip Engleback Survey No. 388, Abstract 139, a portion of the  
Joseph Thompson Survey No. 751, Abstract 615, a portion of the SA &  
MG Railroad Company Survey No. 593, Abstract 579, all of the Jacob  
Heidrich Survey No. 638, Abstract 242, a portion of the Gottlieb  
Kempin Survey No. 634, Abstract 322, a portion of the Joseph  
Thompson Survey No. 750, Abstract 607, a portion of the Gustav  
Brecher Survey No. 639, Abstract 159, a portion of the G. Ulrich  
Survey, Abstract 634, a portion of the SA & MG Railroad Company  
Survey No. 592, Abstract 576, a portion of the D. Pfueffer Survey  
No. 496, Abstract 465, a portion of the G. Pfeuffer Survey No. 495,  
Abstract 464, and a portion of the Francisco Rodriguez Survey No.  
99, Abstract 484, Comal County, Texas, same being a portion of a  
520.882 acre tract described in Document #9606007621, Official  
Records, Comal County, Texas, a portion of a 1441.153 acre tract  
described as "FIRST TRACT" in Volume 795, Page 833, recorded in  
Comal County, Texas, all of a 3.068 acre tract described in Document  
#9606002717, Official Records, Comal County, Texas, all of a 4.62  
acre tract described in Volume 795, Page 899, recorded in Comal  
County, Texas, all of a 70.103 acre tract described as "SECOND  
TRACT" in Volume 795, Page 833, recorded in Comal County, Texas, and  
all of a 16.715 acre tract described as "THIRD TRACT" in Volume 795,  
Page 899, recorded in Comal County, Texas, and including a portion

1 of F.M. 482, more particularly described by metes and bounds as  
2 follows:

3 BEGINNING at a point in the northwest right-of-way line of  
4 the Union Pacific Railroad, said point being also the south corner  
5 of the aforementioned 16.715 acre tract;

6 THENCE along the southwest line of the aforementioned 16.715  
7 acre tract, N 38° 19' 53" W a distance of 728.60 to a point in the  
8 southeast right-of-way line of the aforementioned F.M. 482;

9 THENCE crossing said F.M. 482, N 38° 19' 53" W a distance of  
10 58.89 feet to a point in the northwest right-of-way line of said  
11 F.M. 482 for a corner of the herein described 2040 acre tract;

12 THENCE along the aforementioned northwest right-of-way line  
13 of F.M. 482, S 38° 48' 47" W a distance of 315.41 feet to a point for  
14 a corner of the herein described 2040 acre tract;

15 THENCE leaving the aforementioned northwest right-of-way  
16 line of F.M. 482 along the southwest line of the aforementioned  
17 70.103 acre tract the following six courses:

18 N 36° 49' 58" W a distance of 173.13 feet to a point;

19 N 27° 18' 53" W a distance of 191.27 feet to a point;

20 N 29° 48' 15" W a distance of 568.37 feet to a point;

21 N 29° 33' 14" W a distance of 542.19 feet to a point;

22 N 29° 42' 14" W a distance of 1073.71 feet to a point;

23 N 29° 44' 32" W a distance of 289.13 feet to a point in the  
24 southeast right-of-way line of the Union Pacific Railroad;

25 THENCE leaving the aforementioned southeast right-of-way  
26 line of the Union Pacific Railroad and crossing said right-of-way,  
27 N 33° 52' 36" W a distance of 95.61 feet to a point in the northwest

1 right-of-way line of said right-of-way;

2       THENCE leaving the aforementioned northwest right-of-way  
3 line of Union Pacific Railroad along a southwest line of the  
4 aforementioned 1441.153 acre tract the following thirteen courses:

5       N 29° 53' 25" W a distance of 1697.53 feet to a point;

6       N 30° 21' 49" W a distance of 2519.32 feet to a point;

7       N 30° 37' 56" W a distance of 2062.52 feet to a point;

8       N 30° 18' 19" W a distance of 421.53 feet to a point for a  
9 corner of the herein described 2040 acre tract;

10       N 25° 16' 50" W a distance of 30.81 feet to a point;

11       N 30° 14' 39" W a distance of 23.87 feet to a point for a  
12 re-entrant corner of the herein described 2040 acre tract;

13       S 57° 53' 34" W a distance of 465.11 feet to a point for a  
14 corner of the herein described 2040 acre tract;

15       N 33° 09' 15" W a distance of 587.57 feet to a point for a  
16 corner of the herein described 2040 acre tract;

17       N 76° 43' 30" W a distance of 820.61 feet to a point for a  
18 corner of the herein described 2040 acre tract;

19       N 31° 15' 16" W a distance of 416.84 feet to a point;

20       N 31° 30' 02" W a distance of 1271.43 feet to a point;

21       N 31° 22' 46" W a distance of 1333.52 feet to a point;

22       N 31° 23' 29" W a distance of 2227.66 feet to a point for a  
23 corner of the herein described 2040 acre tract;

24 THENCE continuing along the line of the aforementioned 1441.153  
25 acre tract the following sixteen courses:

26       S 60° 52' 50" W a distance of 497.70 feet to a point;

27       S 59° 01' 28" W a distance of 1115.95 feet to a point;

1 S 59° 02' 57" W a distance of 914.41 feet to a point;  
2 S 59° 03' 01" W a distance of 1114.41 feet to a point;  
3 S 57° 23' 13" W a distance of 32.92 feet to a point for a corner  
4 of the herein described 2040 acre tract;  
5 N 30° 56' 02" W a distance of 465.31 feet to a point for a  
6 corner of the herein described 2040 acre tract;  
7 N 33° 31' 12" E a distance of 6.26 feet to a point for a corner  
8 of the herein described 2040 acre tract;  
9 N 79° 04' 59" E a distance of 199.49 to a point for a  
10 re-entrant corner of the herein described 2040 acre tract;  
11 N 20° 21' 39" W a distance of 1136.74 to a point;  
12 N 19° 38' 37" W a distance of 1581.04 to a point for a corner of  
13 the herein described 2040 acre tract;  
14 N 53° 11' 57" E a distance of 959.99 to a point;  
15 N 51° 15' 55" E a distance of 168.17 to a point;  
16 N 53° 10' 13" E a distance of 370.06 to a point for a  
17 re-entrant corner of the herein described 2040 acre tract;  
18 N 40° 42' 50" W a distance of 1092.82 to a point for a corner of  
19 the herein described 2040 acre tract;  
20 N 52° 20' 54" E a distance of 1809.14 to a point;  
21 N 51° 51' 39" E a distance of 2017.89 to a point for a north  
22 corner of the aforementioned 1441.153 acre tract and a west  
23 corner of the aforementioned 520.882 acre tract;  
24 THENCE along the west line of the aforementioned 520.882 acre tract  
25 the following nine courses and distances:  
26 N 41° 27' 49" E a distance of 423.79 to a point for a re-entrant  
27 corner of the herein described 2040 acre tract;

1 N 40° 11' 18 W a distance of 706.65 to a point for a corner of  
2 the herein described 2040 acre tract;  
3 N 07° 15' 48 E a distance of 439.57 to a point;  
4 N 15° 08' 12 E a distance of 352.85 to a point;  
5 N 03° 18' 42 W a distance of 161.89 to a point;  
6 N 05° 05' 26 W a distance of 135.58 to a point;  
7 N 02° 13' 02 E a distance of 40.64 to a point;  
8 N 05° 37' 31 E a distance of 521.62 to a point;  
9 N 20° 22' 27 E a distance of 95.14 to a point in the south  
10 right-of-way line of F.M. 1863 for a northwest corner of the  
11 herein described tract;  
12 THENCE with the aforementioned south line of F.M. 1863 the  
13 following 8 courses:  
14 N 51° 29' 50" E a distance of 175.09 to a point;  
15 N 57° 58' 53" E a distance of 136.67 to a point of curvature;  
16 A distance of 596.10 feet with the arc of a curve to the right  
17 having a radius of 3564.00 feet, a central angle of 9° 34' 59",  
18 and a chord that bears N 62° 46' 23" E a distance of 595.41  
19 feet to a point of tangency;  
20 N 67° 33' 52" E a distance of 335.48 to a point of curvature;  
21 A distance of 562.48 feet with the arc of a curve to the right  
22 having a radius of 1106.28 feet, a central angle of 29° 07'  
23 54", and a chord bearing N 82° 07' 49" E a distance of 556.44  
24 feet to a point of tangency;  
25 S 83° 18' 14" E a distance of 362.86 to a point;  
26 S 86° 38' 26" E a distance of 345.46 to a point;  
27 N 89° 51' 46" E a distance of 759.89 to a point for the

1 northeast corner of the herein described 2040 acre tract;  
2 THENCE leaving the aforementioned south line of F.M. 1863 and  
3 crossing the aforementioned 520.882 acre tract the following 5  
4 courses:

5 S 04° 10' 58" W a distance of 832.87 to a point of curvature;  
6 A distance of 1011.26 feet with the arc of a curve to the left  
7 having a radius of 1950 feet, a central angle of 29° 42' 48",  
8 and a chord bearing S 10° 40' 26" E a distance of 999.97 feet  
9 to a point of tangency;

10 S 25° 31' 50" E a distance of 403.22 to a point of curvature;  
11 A distance of 1319.83 feet with the arc of a curve to the  
12 right having radius of 1840 feet, a central angle of 41° 05'  
13 54", and a chord bearing S 04° 58' 53" E a distance of 1291.72  
14 feet to a point of tangency;

15 S 15° 34' 04" W a distance of 1199.41 to a point;

16 THENCE S 37° 26' 09" E a distance of 1838.77 to a point for a corner  
17 of the herein described 2040 acre tract;

18 THENCE along the north line of the aforementioned 3.068 acre tract  
19 the following 4 courses:

20 N 52° 30' 49" E a distance of 2294.03 to a point;

21 N 56° 29' 27" E a distance of 253.16 to a point;

22 N 60° 06' 52" E a distance of 1753.03 to a point;

23 N 23° 59' 42" E a distance of 57.02 to a point in the southwest  
24 line of Krueger Canyon Road for a corner of the herein  
25 described 2040 acre tract;

26 THENCE leaving the north line of the aforementioned 3.068 acre  
27 tract along the southwest line of Krueger Canyon Road the following

two courses:

S 42° 27' 33" E a distance of 59.64 feet to a point;

S 56° 34' 29" E a distance of 51.14 to a point for a corner of  
the herein described 2040 acre tract;

THENCE leaving aforementioned southwest line of Krueger Canyon Road  
along the southeast line of a 4.62 acre tract as described in Volume  
795, Page 899, recorded in Comal County, Texas, the following three  
courses:

S 60° 08' 27" W a distance of 1964.80 to a point;

S 52° 24' 31" W a distance of 2406.31 to a point;

S 73° 01' 33" W a distance of 154.97 to a point;

THENCE leaving the southeast line of the aforementioned 4.62 acre  
tract along the line of the herein described 2040 acre tract, S 56°  
25' 06" W a distance of 638.95 to a point for a corner of the herein  
described 2040 acre tract;

THENCE along the southwest line of a of a 13.86 acre tract described  
in Volume 795, Page 899, recorded in Comal County, Texas, the  
following three courses:

S 31° 15' 27" E a distance of 74.53 to a point;

S 41° 39' 34" E a distance of 2866.81 to a point;

S 30° 05' 38" E a distance of 3464.80 to a point for a corner of  
the herein described 2040 acre tract;

THENCE leaving the southwest line of the aforementioned 13.86 acre  
tract along the northeast line of the aforementioned 1441.153 acre  
tract, being also a northeast line of the herein described tract,  
the following ten courses:

S 58° 40' 39" W a distance of 325.39 to a point for a

1 re-entrant corner of the herein described 2040 acre tract;  
2 S 30° 11' 33" E a distance of 1726.02 to a point;  
3 S 30° 44' 44" E a distance of 898.77 to a point;  
4 S 30° 15' 26" E a distance of 302.94 to a point;  
5 S 30° 57' 47" E a distance of 381.87 to a point;  
6 S 29° 33' 10" E a distance of 521.64 to a point;  
7 S 29° 58' 58" E a distance of 1068.26 to a point;  
8 S 29° 22' 09" E a distance of 598.91 to a point;  
9 S 29° 04' 59" E a distance of 520.93 to a point;  
10 S 30° 08' 30" E a distance of 668.29 to a point in the  
11 northwest right-of-way line of the Union Pacific Railroad,  
12 formerly the Missouri-Pacific Railroad, formerly the  
13 International and Great Northern Railroad, for a corner of  
14 the herein described 2040 acre tract;  
15 THENCE leaving the aforementioned northeast line of the 1441.153  
16 acre tract along the aforementioned northwest right-of-way line of  
17 the Union Pacific Railroad, S 56° 53' 04" W a distance of 1454.77  
18 feet to a point;  
19 THENCE leaving the aforementioned northwest right-of-way line of  
20 the Union Pacific Railroad and crossing said right-of-way, S 28° 08'  
21 08" E a distance of 92.87 feet to a point in the southeast  
22 right-of-way line of said Union Pacific Railroad;  
23 THENCE leaving the aforementioned southeast right-of-way line of  
24 Union Pacific Railroad along the northeast line of the  
25 aforementioned 70.103 acre tract the following three courses:  
26 S 29° 29' 54" E a distance of 1394.17 feet to a point;  
27 S 30° 02' 49" E a distance of 844.61 feet to a point;

1           S 38° 42' 20" E a distance of 242.41 feet to a point in the  
2           northwest right-of-way line of F.M. 482;  
3   THENCE leaving the aforementioned northwest right-of-way line F.M.  
4   482 and crossing said road, S 41° 35' 33" E a distance of 54.99 to a  
5   point in the southeast right-of-way line of F.M. 482;  
6   THENCE leaving the aforementioned southeast right-of-way line of  
7   F.M. 482 along the northeast line of the aforementioned 16.715 acre  
8   tract, S 35° 44' 45" E a distance of 873.43 to a point in the  
9   aforementioned northwest right-of-way line of the Union Pacific  
10   Railroad for a corner of the herein described 2040 acre tract;  
11   THENCE along the southeast line of the aforementioned 16.715 acre  
12   tract, being the same as the aforementioned right-of-way line of  
13   the Union Pacific Railroad, S 49° 09' 42" W a distance of 882.41 to  
14   the PLACE OF BEGINNING, and containing 2040 acres of land, more or  
15   less.

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

23           (b) The governor, one of the required recipients, has  
24   submitted the notice and Act to the Texas Commission on  
25   Environmental Quality.

26           (c) The Texas Commission on Environmental Quality has filed  
27   its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of  
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

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