

1-1 By: Estes S.B. No. 2470
1-2 (In the Senate - Filed March 26, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 1;
1-6 April 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2470 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Maverick Improvement District of
1-11 Palo Pinto County; providing authority to impose a tax and issue
1-12 bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-15 Code, is amended by adding Chapter 3870 to read as follows:

1-16 CHAPTER 3870. MAVERICK IMPROVEMENT DISTRICT

1-17 OF PALO PINTO COUNTY

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 3870.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the board of directors of the
1-21 district.

1-22 (2) "Director" means a board member.

1-23 (3) "District" means the Maverick Improvement
1-24 District of Palo Pinto County.

1-25 Sec. 3870.002. NATURE OF DISTRICT. The district is a
1-26 special district created under Section 59, Article XVI, and
1-27 Sections 52 and 52-a, Article III, Texas Constitution.

1-28 Sec. 3870.003. CONFIRMATION AND DIRECTORS' ELECTION
1-29 REQUIRED. The temporary directors shall hold an election to
1-30 confirm the creation of the district and to elect five permanent
1-31 directors as provided by Section 49.102, Water Code.

1-32 Sec. 3870.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-33 temporary directors may not hold an election under Section 3870.003
1-34 until each municipality in whose corporate limits or
1-35 extraterritorial jurisdiction the district is located has
1-36 consented by ordinance or resolution to the creation of the
1-37 district and to the inclusion of land in the district.

1-38 Sec. 3870.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.
1-39 (a) The district is created to serve a public purpose and benefit.
1-40 By creating the district and in authorizing the county of Palo Pinto
1-41 and other political subdivisions to contract with the district, the
1-42 legislature has established a program to accomplish the public
1-43 purposes set out in Section 52-a, Article III, Texas Constitution.

1-44 (b) The district is created to accomplish the purposes of
1-45 promoting, developing, encouraging, and maintaining employment,
1-46 commerce, transportation, housing, tourism, recreation, economic
1-47 development, safety, and the public welfare in the district and to
1-48 accomplish the purposes of:

1-49 (1) a municipal utility district as provided by
1-50 general law and Section 59, Article XVI, Texas Constitution;

1-51 (2) a county development district as provided by
1-52 general law and Section 52-a, Article III, Texas Constitution;

1-53 (3) Section 52, Article III, Texas Constitution,
1-54 related to the construction, acquisition, improvement, operation,
1-55 or maintenance of macadamized, graveled, or paved roads, or
1-56 improvements, including storm drainage, in aid of those roads; and

1-57 (4) Section 52-a, Article III, Texas Constitution,
1-58 related to the provision of public recreational facilities,
1-59 including docks and boat access facilities, pedestrian ways and
1-60 street lighting and parking, and the installation of signage and
1-61 landscaping and the development of certain areas in the district
1-62 that are necessary for the restoration, preservation, and
1-63 enhancement of scenic beauty.

2-1 Sec. 3870.006. INITIAL DISTRICT TERRITORY. (a) The
2-2 district is initially composed of the territory described by
2-3 Section 2 of the Act creating this chapter.

2-4 (b) The boundaries and field notes contained in Section 2 of
2-5 the Act creating this chapter form a closure. A mistake made in the
2-6 field notes or in copying the field notes in the legislative process
2-7 does not affect the district's:

2-8 (1) organization, existence, or validity;

2-9 (2) right to issue any type of bond for the purposes
2-10 for which the district is created or to pay the principal of and
2-11 interest on a bond;

2-12 (3) right to impose a tax; or

2-13 (4) legality or operation.

2-14 [Sections 3870.007-3870.050 reserved for expansion]

2-15 SUBCHAPTER B. BOARD OF DIRECTORS

2-16 Sec. 3870.051. GOVERNING BODY; TERMS. (a) The district is
2-17 governed by a board of five elected directors.

2-18 (b) Except as provided by Section 3870.052, directors serve
2-19 staggered four-year terms.

2-20 Sec. 3870.052. TEMPORARY DIRECTORS. (a) On or after
2-21 September 1, 2009, the owner or owners of a majority of the assessed
2-22 value of the real property in the district may submit a petition to
2-23 the Texas Commission on Environmental Quality requesting that the
2-24 commission appoint as temporary directors the five persons named in
2-25 the petition. The commission shall appoint as temporary directors
2-26 the five persons named in the petition.

2-27 (b) Temporary directors serve until the earlier of:

2-28 (1) the date permanent directors are elected under
2-29 Section 3870.003; or

2-30 (2) September 1, 2013.

2-31 (c) If permanent directors have not been elected under
2-32 Section 3870.003 and the terms of the temporary directors have
2-33 expired, successor temporary directors shall be appointed or
2-34 reappointed as provided by Subsection (d) to serve terms that
2-35 expire on the earlier of:

2-36 (1) the date permanent directors are elected under
2-37 Section 3870.003; or

2-38 (2) the fourth anniversary of the date of the
2-39 appointment or reappointment.

2-40 (d) If Subsection (c) applies, the owner or owners of a
2-41 majority of the assessed value of the real property in the district
2-42 may submit a petition to the Texas Commission on Environmental
2-43 Quality requesting that the commission appoint as successor
2-44 temporary directors the five persons named in the petition. The
2-45 commission shall appoint as successor temporary directors the five
2-46 persons named in the petition.

2-47 [Sections 3870.053-3870.100 reserved for expansion]

2-48 SUBCHAPTER C. POWERS AND DUTIES

2-49 Sec. 3870.101. GENERAL POWERS AND DUTIES. The district has
2-50 the powers and duties necessary to accomplish the purposes for
2-51 which the district is created.

2-52 Sec. 3870.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-53 DUTIES. The district has the powers and duties provided by the
2-54 general law of this state, including Chapters 49 and 54, Water Code,
2-55 applicable to municipal utility districts created under Section 59,
2-56 Article XVI, Texas Constitution.

2-57 Sec. 3870.103. ROAD PROJECTS. Under Section 52, Article
2-58 III, Texas Constitution, the district may design, acquire,
2-59 construct, finance, improve, operate, and maintain macadamized,
2-60 graveled, or paved roads, or improvements, including storm
2-61 drainage, in aid of those roads, and may convey those roads or
2-62 improvements to this state, a county, or a municipality to operate
2-63 and maintain.

2-64 Sec. 3870.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-65 road project must meet all applicable construction standards,
2-66 zoning and subdivision requirements, and regulatory ordinances of a
2-67 municipality in whose corporate limits or extraterritorial
2-68 jurisdiction the road project is located.

2-69 (b) If a road project is not located in the corporate limits

3-1 or extraterritorial jurisdiction of a municipality, the road
 3-2 project must meet all applicable construction standards, zoning and
 3-3 subdivision requirements, and orders of a county in which the road
 3-4 project is located.

3-5 (c) If the state will maintain and operate the road, the
 3-6 Texas Transportation Commission must approve the plans and
 3-7 specifications of the road project.

3-8 Sec. 3870.105. COMPLIANCE WITH MUNICIPAL CONSENT
 3-9 ORDINANCES OR RESOLUTIONS. The district shall comply with all
 3-10 applicable requirements of any ordinance or resolution adopted by
 3-11 the governing body of a municipality under Section 54.016 or
 3-12 54.0165, Water Code, that consents to the creation of the district
 3-13 or to the inclusion of land in the district.

3-14 Sec. 3870.106. LIMITATION ON USE OF EMINENT DOMAIN. The
 3-15 district may exercise the power of eminent domain only inside the
 3-16 district's boundaries.

3-17 Sec. 3870.107. AGREEMENTS; GRANTS. (a) The district may
 3-18 make an agreement with or accept a gift, grant, or loan from any
 3-19 person.

3-20 (b) The board may enter into a contract with another
 3-21 political subdivision or the state to share the costs of
 3-22 construction, acquisition, operation, or maintenance of a
 3-23 transportation improvement, including a road, a bridge, a culvert,
 3-24 a parking facility, or another public improvement.

3-25 (c) The implementation of a district project is a
 3-26 governmental function or service for the purposes of Chapter 791,
 3-27 Government Code.

3-28 Sec. 3870.108. DIVISION OF DISTRICT. (a) The district may
 3-29 be divided into two or more new districts only if the district:

3-30 (1) has no outstanding bonded debt; and

3-31 (2) is not imposing ad valorem taxes.

3-32 (b) This chapter applies to any new district created by the
 3-33 division of the district, and a new district has all the powers and
 3-34 duties of the district.

3-35 (c) Any new district created by the division of the district
 3-36 may not, at the time the new district is created, contain any land
 3-37 outside the area described by Section 2 of the Act creating this
 3-38 chapter.

3-39 (d) The board, on its own motion or on receipt of a petition
 3-40 signed by the owners of a majority of the assessed value of real
 3-41 property in the district according to the most recent certified
 3-42 appraisal roll for the county in which the district is located, may
 3-43 adopt an order dividing the district. An order dividing the
 3-44 district may be adopted before or after an election to confirm the
 3-45 district as required by Section 3870.003.

3-46 (e) The board may adopt an order dividing the district
 3-47 before or after the date the board holds an election under Section
 3-48 3870.003 to confirm the district's creation.

3-49 (f) An order dividing the district shall:

3-50 (1) name each new district;

3-51 (2) include the metes and bounds of each new district;

3-52 (3) appoint temporary directors for each new district;

3-53 and

3-54 (4) provide for the division of assets and liabilities
 3-55 between each new district.

3-56 (g) On or before the 30th day after the adoption of an order
 3-57 dividing the district, the district shall file the order dividing
 3-58 the district with the Texas Commission on Environmental Quality and
 3-59 record the order in the real property records of the county in which
 3-60 the district is located.

3-61 (h) Any new district created by the division of the district
 3-62 shall hold a confirmation and directors' election as required by
 3-63 Section 49.102, Water Code.

3-64 (i) Municipal consent to the creation of the district and to
 3-65 the inclusion of land in the district granted under Section
 3-66 3870.004 acts as municipal consent to the creation of any new
 3-67 district created by the division of the district and to the
 3-68 inclusion of land in the new district.

3-69 (j) Any new district created by the division of the district

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

4-5 [Sections 3870.109-3870.150 reserved for expansion]

4-6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4-7 Sec. 3870.151. ELECTIONS REGARDING TAXES OR BONDS.

4-8 (a) The district may issue, without an election, bonds and other
4-9 obligations secured by:

4-10 (1) revenue other than ad valorem taxes; or

4-11 (2) contract payments described by Section 3870.153.

4-12 (b) The district must hold an election in the manner
4-13 provided by Chapters 49 and 54, Water Code, to obtain voter approval
4-14 before the district may impose an ad valorem tax or issue bonds
4-15 payable from ad valorem taxes.

4-16 (c) The district may not issue bonds payable from ad valorem
4-17 taxes to finance a road project unless the issuance is approved by a
4-18 vote of a two-thirds majority of the district voters voting at an
4-19 election held for that purpose.

4-20 Sec. 3870.152. OPERATION AND MAINTENANCE TAX. (a) If
4-21 authorized at an election held under Section 3870.151, the district
4-22 may impose an operation and maintenance tax on taxable property in
4-23 the district as provided by Section 49.107, Water Code.

4-24 (b) The board shall determine the tax rate. The rate may not
4-25 exceed the rate approved at the election.

4-26 Sec. 3870.153. CONTRACT TAXES. (a) As provided by Section
4-27 49.108, Water Code, the district may impose a tax other than an
4-28 operation and maintenance tax and use the revenue derived from the
4-29 tax to make payments under a contract after the provisions of the
4-30 contract have been approved by a majority of the district voters
4-31 voting at an election held for that purpose.

4-32 (b) A contract approved by the district voters may contain a
4-33 provision stating that the contract may be modified or amended by
4-34 the board without further voter approval.

4-35 Sec. 3870.154. POWERS OF COUNTY DEVELOPMENT DISTRICT. The
4-36 district has the powers of a county development district provided
4-37 by Chapter 383, Local Government Code.

4-38 Sec. 3870.155. SALES AND USE TAX; ELECTION. (a) The
4-39 district may adopt a sales and use tax as provided by Chapter 383,
4-40 Local Government Code, after an election in which the majority of
4-41 the voters of the district voting in the election authorize the
4-42 adoption of the tax.

4-43 (b) The board by order may call an election to authorize a
4-44 sales and use tax. The election may be held with any other district
4-45 election.

4-46 (c) The district shall provide notice of the election and
4-47 shall hold the election in the manner prescribed by Section
4-48 3870.151.

4-49 Sec. 3870.156. SALES AND USE TAX RATE. (a) On adoption of
4-50 the tax authorized by Section 3870.155, there is imposed a tax on
4-51 the receipts from the sale at retail of taxable items within the
4-52 district, and an excise tax on the use, storage, or other
4-53 consumption in the district of taxable items purchased, leased, or
4-54 rented from a retailer in the district during the period after the
4-55 tax is in effect.

4-56 (b) The board shall determine the rate of the tax, which may
4-57 be in one-eighth of one percent increments not to exceed the maximum
4-58 rate authorized by the district voters at the election. The board
4-59 may lower the tax rate to the extent it does not impair any
4-60 outstanding debt or obligations payable from the tax.

4-61 Sec. 3870.157. HOTEL OCCUPANCY TAX. (a) In this section,
4-62 "hotel" has the meaning assigned by Section 156.001, Tax Code.

4-63 (b) For purposes of this section, a reference in Subchapter
4-64 A, Chapter 352, Tax Code, to a county is a reference to the district
4-65 and a reference in Subchapter A, Chapter 352, Tax Code, to the
4-66 county's officers or governing body is a reference to the board.

4-67 (c) Except as inconsistent with this section, Subchapter A,
4-68 Chapter 352, Tax Code, governs a hotel occupancy tax authorized by
4-69 this section, including the collection of the tax, subject to the

5-1 limitations prescribed by Sections 352.002(b) and (c), Tax Code.

5-2 (d) The district may impose a hotel occupancy tax for any
5-3 district purpose, including to:

5-4 (1) maintain and operate the district;

5-5 (2) construct or acquire improvements; and

5-6 (3) provide a service.

5-7 (e) The district may examine and receive information
5-8 related to the imposition of hotel occupancy taxes to the same
5-9 extent as if the district were a county.

5-10 [Sections 3870.158-3870.200 reserved for expansion]

5-11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5-12 Sec. 3870.201. AUTHORITY TO ISSUE BONDS AND OTHER
5-13 OBLIGATIONS. The district may issue bonds or other obligations
5-14 payable wholly or partly from ad valorem taxes, impact fees,
5-15 revenue, contract payments, grants, or other district money, or any
5-16 combination of those sources, to pay for any authorized district
5-17 purpose.

5-18 Sec. 3870.202. TAXES FOR BONDS. At the time the district
5-19 issues bonds payable wholly or partly from ad valorem taxes, the
5-20 board shall provide for the annual imposition of a continuing
5-21 direct ad valorem tax, without limit as to rate or amount, while all
5-22 or part of the bonds are outstanding as required and in the manner
5-23 provided by Sections 54.601 and 54.602, Water Code.

5-24 Sec. 3870.203. BONDS FOR ROAD PROJECTS. At the time of
5-25 issuance, the total principal amount of bonds or other obligations
5-26 issued or incurred to finance road projects and payable from ad
5-27 valorem taxes may not exceed one-fourth of the assessed value of the
5-28 real property in the district.

5-29 SECTION 2. The Maverick Improvement District of Palo Pinto
5-30 County initially includes all the territory contained in the
5-31 following area:

5-32 METES AND BOUNDS DESCRIPTION

5-33 1,420 ACRES

5-34 IN THE S. P. R. R. CO. SURVEY, A-420, THE G. C. & S. R. R. CO.
5-35 SURVEY, A-1344, THE M. COSTELLO SURVEY, A-1456, THE J. W. BUNTON
5-36 SURVEY, A-53, THE J. E. WHITE SURVEY, A-922, THE M. MATA SURVEY,
5-37 A-336, THE E. P. COSTELLO SURVEY, A-2036, THE C. W. AMAKER SURVEY,
5-38 A-916, THE MCKINNEY & WILLIAMS SURVEY, A-339, AND THE M. CASTLEMAN
5-39 SURVEY, A-119 PALO PINTO COUNTY, TEXAS

5-40 All that certain 1,420 acres of land which is out of the tract
5-41 of land described in the deed from S. V. Willingham to Beverly June
5-42 Willingham Baize recorded in Volume 995, Page 755, in the Deed
5-43 Records of Palo Pinto County, Texas, all of the 14.92 acres
5-44 described in the deed from June Baize to Judson and Joanie Edwards,
5-45 recorded in Volume 1085, Page 46, in the Deed Records of Palo Pinto
5-46 County, Texas and all of the 5.588 acres described in the deed from
5-47 Jeff H. and Mary Davis to Judson G. Edwards recorded in Volume 1230,
5-48 Page 619 in the Deed Records of Palo Pinto County, Texas, in the S.
5-49 P. R. R. Co. Survey, A-420, G. C. & S. R. R. Co. Survey, A-1344, M.
5-50 Costello Survey, A-1456, J. W. Bunton Survey, A-53, J. E. White
5-51 Survey, A-922, M. Mata Survey, A-336, E. P. Costello Survey,
5-52 A-2036, C. W. Amaker Survey, A-916, McKinney & Williams Survey,
5-53 A-339, and the M. Castleman Survey, A-119, Palo Pinto County, Texas
5-54 and more particularly described by metes and bounds as follows (All
5-55 bearings shown hereon are based the Texas State Plane Coordinate
5-56 System, North Central Zone (NAD 83). All distances shown hereon are
5-57 surface and may be converted to grid by using a scale factor of
5-58 0.999875503):

5-59 BEGINNING at a 1/2" iron rod found for the northeast corner of
5-60 said 5.588 acre tract, in the south line of the Third Tract
5-61 (Ainsworth Survey, A-1132) described in the deed from M. B. and
5-62 Margaret Costello to E. C. Stovall, recorded in Volume 159, Page 91,
5-63 in the Deed Records of Palo Pinto County, Texas;

5-64 THENCE South 02° 09' 41" East - 409.63' along the east line of
5-65 said 5.588 acre tract, to a 5/8" iron rod with a cap stamped "PATE"
5-66 set for a corner, which is a point on a curve to the right, having a
5-67 central angle of 09° 58' 27", a radius of 1030.00', and a chord
5-68 bearing and distance of South 52° 46' 28" East - 179.08';

5-69 THENCE along said curve to the right an arc distance of

6-1 179.30' to a 5/8" iron rod with a cap stamped "PATE" set for the end
6-2 of curve;

6-3 THENCE South 47° 47' 14" East - 181.95' to a 5/8" iron rod with
6-4 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-5 left, having a central angle of 82° 00' 33", a radius of 270.00', and
6-6 a chord bearing and distance of South 88° 47' 31" East - 354.30';

6-7 THENCE along said curve to the left an arc distance of 386.46'
6-8 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
6-9 curve;

6-10 THENCE North 50° 12' 13" East - 372.14' to a 5/8" iron rod with
6-11 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-12 right, having a central angle of 19° 08' 46", a radius of 280.00',
6-13 and a chord bearing and distance of North 59° 46' 36" East - 93.13';

6-14 THENCE along said curve to the right an arc distance of 93.57'
6-15 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
6-16 curve;

6-17 THENCE North 69° 20' 59" East - 378.21' to a 5/8" iron rod with
6-18 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-19 right, having a central angle of 71° 19' 06", a radius of 280.00',
6-20 and a chord bearing and distance of South 74° 59' 28" East - 326.46';

6-21 THENCE along said curve to the right an arc distance of
6-22 348.53' to a 5/8" iron rod with a cap stamped "PATE" set for the end
6-23 of curve;

6-24 THENCE South 39° 19' 56" East - 520.91' to a 5/8" iron rod with
6-25 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-26 left, having a central angle of 45° 46' 42", a radius of 970.00', and
6-27 a chord bearing and distance of South 62° 13' 16" East - 754.56';

6-28 THENCE along said curve to the left an arc distance of 775.01'
6-29 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
6-30 curve;

6-31 THENCE South 85° 06' 37" East - 105.51' to a 5/8" iron rod with
6-32 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-33 right, having a central angle of 47° 02' 23", a radius of 480.00',
6-34 and a chord bearing and distance of South 61° 35' 26" East - 383.10';

6-35 THENCE along said curve to the right an arc distance of
6-36 394.08' to a 5/8" iron rod with a cap stamped "PATE" set for the end
6-37 of curve;

6-38 THENCE South 38° 04' 14" East - 47.23' to a 5/8" iron rod with
6-39 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-40 left, having a central angle of 51° 56' 41", a radius of 470.00', and
6-41 a chord bearing and distance of South 64° 02' 35" East - 411.66';

6-42 THENCE along said curve to the left an arc distance of 426.11'
6-43 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
6-44 curve;

6-45 THENCE North 89° 59' 04" East - 208.86' to a 5/8" iron rod with
6-46 a cap stamped "PATE" set for an angle corner of the here in
6-47 described tract;

6-48 THENCE North 00° 00' 56" West - 481.76' to a 5/8" iron rod with
6-49 a cap stamped "PATE" set for the Point of Curvature of a curve to the
6-50 left having a central angle of 93° 25' 33", a radius of 470.00', and
6-51 a chord bearing and distance of North 46° 43' 42" West - 684.25';

6-52 THENCE along said curve to the left an arc distance of 766.38'
6-53 to a 5/8" iron rod with a cap stamped "PATE" set for the Point of
6-54 Reverse Curvature of a curve to the right, having a central angle of
6-55 94° 37' 54", a radius of 200.00', and a chord bearing and distance of
6-56 North 46° 07' 31" West - 294.04';

6-57 THENCE along said curve to the right, an arc distance of
6-58 330.33' to a 5/8" iron rod with a cap stamped "PATE" set for the end
6-59 of curve;

6-60 THENCE North 01° 11' 26" East, passing at a distance of
6-61 378.66' a rock mound found for the southeast corner of aforesaid
6-62 Third Tract (Ainsworth Survey, A-1132), and continuing along the
6-63 east line of aforesaid Third Tract (Ainsworth Survey, A-1132) and
6-64 the east line of the Second Tract (Caudill Survey, A-1959)
6-65 described in aforesaid deed from M. B. and Margaret Costello to E.
6-66 C. Stovall, a total distance of 4509.35' to a 5/8" iron rod with a
6-67 cap stamped "PATE" set for an angle corner of the herein described
6-68 tract, in the south line of the First Tract (J. Rohns Survey, A-381)
6-69 described in said deed from M. B. and Margaret Costello to E. C.

7-1 Stovall;

7-2 THENCE South 88° 30' 14" East - 774.38' along the south line of

7-3 said First Tract to a stake in a rock mound found for the southeast

7-4 corner of said First Tract;

7-5 THENCE North 01° 29' 46" East - 5701.18' along the east line of

7-6 said First Tract to a Brazos River Authority concrete monument

7-7 found for the southwest corner of the 851.5 acre tract described in

7-8 the deed from C. M. and Fannie Echols to Billy Charles Echols,

7-9 recorded in Volume 493, Page 473 in the Deed Records of Palo Pinto

7-10 County, Texas;

7-11 THENCE South 89° 12' 29" East - 7723.10' along the south line

7-12 of said 851.5 acre tract to a 1" iron pipe found for the southeast

7-13 corner of said 851.5 acre tract common to the northeast corner of

7-14 the herein described tract, in the west line of the 2398.50 acre

7-15 tract described in the deed to the Brazos River Conservation and

7-16 Reclamation District, recorded in Volume 191, Page 71, in the Deed

7-17 Records of Palo Pinto County, Texas, also known as the "Brazos River

7-18 Authority Purchase Line";

7-19 THENCE along the "Brazos River Authority Purchase Line" the

7-20 following courses:

7-21 South 40° 53' 41" West - 2675.84' to a 5/8" iron rod with a cap

7-22 stamped "PATE" set for an angle corner of the herein described

7-23 tract;

7-24 South 15° 15' 48" West - 1199.86' to a 1" iron pipe found for

7-25 an angle corner of the herein described tract;

7-26 South 36° 31' 37" West - 813.71' to a 1" iron pipe found for an

7-27 angle corner of the herein described tract;

7-28 North 71° 09' 59" West - 731.11' to a 1" iron pipe found for an

7-29 angle corner of the herein described tract;

7-30 South 19° 33' 13" East - 888.10' to a 5/8" iron rod with a cap

7-31 stamped "PATE" set for an angle corner of the herein described

7-32 tract;

7-33 South 62° 21' 19" East - 970.00' to a 1" iron pipe found for an

7-34 angle corner of the herein described tract;

7-35 South 03° 54' 47" West - 1390.56' to a 1" iron pipe found for

7-36 an angle corner of the herein described tract;

7-37 North 80° 34' 18" West - 450.00' to 1" iron pipe found for an

7-38 angle corner of the herein described tract;

7-39 North 06° 05' 49" West - 470.24' to a 1" iron pipe found for an

7-40 angle corner of the herein described tract;

7-41 North 60° 05' 03" West - 670.26' to a 1" iron pipe found for an

7-42 angle corner of the herein described tract;

7-43 North 86° 34' 20" West - 770.15' to a 1" iron pipe found for an

7-44 angle corner of the herein described tract;

7-45 South 10° 34' 07" East - 370.21' to a 1" iron pipe found for an

7-46 angle corner of the herein described tract;

7-47 South 41° 55' 05" West - 2679.56' to a 5/8" iron rod with a cap

7-48 stamped "PATE" set for an angle corner of the herein described

7-49 tract;

7-50 South 48° 09' 45" West - 1760.86' to a 1" iron pipe found for

7-51 an angle corner of the herein described tract;

7-52 South 09° 24' 25" West - 1246.44' to a 5/8" iron rod with a cap

7-53 stamped "PATE" set for an angle corner of the herein described

7-54 tract;

7-55 South 06° 19' 18" East - 1012.53' to a 1" iron pipe found for

7-56 an angle corner of the herein described tract;

7-57 South 89° 27' 43" East - 735.54' to an aluminum disk stamped

7-58 "Clear Fork Surveying" found for an angle corner of the herein

7-59 described tract;

7-60 North 68° 20' 15" East - 354.88' to an aluminum disk stamped

7-61 "Clear Fork Surveying" found for an angle corner of the herein

7-62 described tract;

7-63 South 32° 35' 43" East - 790.87' to a 1" iron pipe found for an

7-64 angle corner of the herein described tract;

7-65 North 14° 53' 22" East - 429.66' to a 1-1/2" iron pipe found

7-66 for an angle corner of the herein described tract;

7-67 North 83° 40' 13" East - 592.75' to a 1" iron pipe found for an

7-68 angle corner of the herein described tract;

7-69 South 65° 30' 46" East - 802.74' to a 1" iron pipe found for an

8-1 angle corner of the herein described tract;
 8-2 South 10° 07' 37" East - 589.85' to an aluminum disk stamped
 8-3 "Clear Fork Surveying" found for an angle corner of the herein
 8-4 described tract;
 8-5 South 60° 03' 52" West - 1122.67' to a 1" iron pipe found for
 8-6 an angle corner of the herein described tract;
 8-7 South 42° 42' 16" West - 1379.95' to a 1" iron pipe found for
 8-8 an angle corner of the herein described tract;
 8-9 North 29° 38' 07" West - 730.05' to a 1" iron pipe found for an
 8-10 angle corner of the herein described tract;
 8-11 North 88° 37' 54" West - 699.96' to a 1" iron pipe found for an
 8-12 angle corner of the herein described tract;
 8-13 South 31° 08' 07" East - 999.77' to a 1" iron pipe found for an
 8-14 angle corner of the herein described tract;
 8-15 South 30° 51' 20" West - 874.61' to an aluminum disk stamped
 8-16 "Clear Fork Surveying" found for an angle corner of the herein
 8-17 described tract;
 8-18 South 67° 50' 16" West - 920.88' to a 1" iron pipe found for an
 8-19 angle corner of the herein described tract;
 8-20 North 67° 44' 36" West - 1115.23' to an aluminum disk stamped
 8-21 "Clear Fork Surveying" found for an angle corner of the herein
 8-22 described tract;
 8-23 North 85° 23' 34" West - 881.33' to an aluminum disk stamped
 8-24 "Clear Fork Surveying" found for an angle corner of the herein
 8-25 described tract;
 8-26 South 72° 33' 08" West - 1111.83' to an aluminum disk stamped
 8-27 "Clear Fork Surveying" found for an angle corner of the herein
 8-28 described tract;
 8-29 North 45° 36' 05" West - 486.17' to a 1" iron pipe found for an
 8-30 angle corner of the herein described tract;
 8-31 North 40° 13' 43" East - 970.62' to a 1/2" iron rod in a 1" iron
 8-32 pipe found for an angle corner of the herein described tract;
 8-33 North 65° 00' 36" East - 1824.86' to a 1" iron pipe found for
 8-34 an angle corner of the herein described tract;
 8-35 North 43° 59' 43" East - 1803.99' to a 1" iron pipe found for
 8-36 an angle corner of the herein described tract;
 8-37 North 73° 36' 48" West - 355.07' to a 5/8" iron rod with a cap
 8-38 stamped "PATE" set for an angle corner of the herein described
 8-39 tract;
 8-40 THENCE North 00° 00' 56" West - 266.02', departing the
 8-41 aforesaid "Brazos River Authority Purchase Line", to a 5/8" iron
 8-42 rod with a cap stamped "PATE" set for an angle corner of the herein
 8-43 described tract;
 8-44 THENCE South 89° 59' 04" West - 230.94' to a 5/8" iron rod with
 8-45 a cap stamped "PATE" set for the Point of Curvature on a curve to the
 8-46 right, having a central angle of 51° 56' 41", a radius of 530.00',
 8-47 and a chord bearing and distance of North 64° 02' 35" West - 464.21';
 8-48 THENCE along said curve to the right an arc distance of
 8-49 480.50' to a 5/8" iron rod with a cap stamped "PATE" set for the end
 8-50 of curve;
 8-51 THENCE North 38° 04' 14" West - 47.23' to a 5/8" iron rod with
 8-52 a cap stamped "PATE" set for the Point of Curvature of a curve to the
 8-53 left, having a central angle of 47° 02' 23", a radius of 420.00', and
 8-54 a chord bearing and distance of North 61° 35' 26" West - 335.22';
 8-55 THENCE along said curve to the left an arc distance of 344.82'
 8-56 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
 8-57 curve;
 8-58 THENCE North 85° 06' 37" West - 105.51' to a 5/8" iron rod with
 8-59 a cap stamped "PATE" set for the Point of Curvature of a curve to the
 8-60 right, having a central angle of 45° 46' 42", a radius of 1030.00',
 8-61 and a chord bearing and distance of North 62° 13' 16" West - 801.23';
 8-62 THENCE along said curve to the right an arc distance of
 8-63 822.95' to a 5/8" iron rod with a cap stamped "PATE" set for the end
 8-64 of curve;
 8-65 THENCE North 39° 19' 56" West - 520.91' to a 5/8" iron rod with
 8-66 a cap stamped "PATE" set for the Point of Curvature of a curve to the
 8-67 left, having a central angle of 71° 19' 06", a radius of 220.00', and
 8-68 a chord bearing and distance of North 74° 59' 28" West - 256.50';
 8-69 THENCE along said curve to the left an arc distance of 273.84'

9-1 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
9-2 curve;
9-3 THENCE South 69° 20' 59" West - 378.21' to a 5/8" iron rod with
9-4 a cap stamped "PATE" set for the Point of Curvature of a curve to the
9-5 left, having a central angle of 19° 08' 46", a radius of 220.00', and
9-6 a chord bearing and distance of South 59° 46' 36" West - 73.17';
9-7 THENCE along said curve to the left an arc distance of 73.52'
9-8 to a 5/8" iron rod with a cap stamped "PATE" set for the end of
9-9 curve;
9-10 THENCE South 50° 12' 13" West - 167.17' to a 5/8" iron rod with
9-11 a cap stamped "PATE" set for an angle corner of the herein described
9-12 tract;
9-13 THENCE North 69° 20' 59" East - 61.46' to an aluminum disc
9-14 stamped "Clear Fork Surveying" found for an angle corner of the
9-15 herein described tract, in a south line of aforesaid Baize tract,
9-16 common to aforesaid "Brazos River Authority Purchase Line";
9-17 THENCE South 05° 39' 59" West - 405.30' along said "Brazos
9-18 River Authority Purchase Line" to a 1" iron pipe found for an angle
9-19 corner of the herein described tract;
9-20 THENCE South 69° 09' 59" West - 870.00' along said "Brazos
9-21 River Authority Purchase Line" to a Brazos River Authority concrete
9-22 monument found for an angle corner of the herein described tract;
9-23 THENCE North 02° 09' 41" West - 765.97' departing said "Brazos
9-24 River Authority Purchase Line" to a 1/2" iron rod with a cap stamped
9-25 "Landes & Associates" found the northeast corner of the 0.631 acre
9-26 tract described in the deed from Loyd Wayne Hamilton to L. Lynn and
9-27 Connie C. Jackson, recorded in Volume 1183, Page 463, in the Deed
9-28 Records of Palo Pinto County, Texas, common to the most easterly
9-29 southeast corner of aforesaid 5.588 acre tract;
9-30 THENCE South 79° 28' 37" West - 185.06' along the north line of
9-31 said 0.631 acre tract to an 80d nail found for the northwest corner
9-32 of said 0.631 acre tract;
9-33 THENCE South 06° 47' 49" East - 150.11' along the west line of
9-34 said 0.631 acre tract to a 1/2" iron rod found for the southwest
9-35 corner of said 0.631 acre tract, in the north line of an access
9-36 easement, recorded in Volume 548 Page 215, in the Deed Records of
9-37 Palo Pinto County, Texas;
9-38 THENCE South 82° 49' 36" West - 171.50' along the north line of
9-39 said access easement a 5/8" iron rod found for the southwest corner
9-40 of aforesaid 5.588 acre tract
9-41 THENCE North 13° 28' 50" West - 183.01' along the east line of
9-42 said access easement to a 1/2" iron rod with a cap stamped "Landes &
9-43 Associates" found for an angle corner of the herein described
9-44 tract;
9-45 THENCE North 11° 25' 46" West - 436.36' continuing along the
9-46 east line of said access easement a 5/8" iron rod found for an angle
9-47 corner of the herein described tract;
9-48 THENCE South 89° 09' 36" West - 4.72' to a 1/2" iron rod found
9-49 for the southeast corner of an 80' right-of-way described as Parcel
9-50 2, Part 3, for F.M. 1148 recorded in Volume 505, Page 282, in the
9-51 Deed Records of Palo Pinto County, Texas;
9-52 THENCE North 00° 50' 24" West along the east line of said
9-53 Parcel 2, Part 3, passing at a distance of 78.00' a found 1/2" iron
9-54 rod with a cap stamped "Landes & Associates", continuing along said
9-55 east line for a total distance of 80.00' to a 5" elm tree found at
9-56 the northwest corner of aforesaid 5.588 acre tract, common to the
9-57 northeast corner of aforesaid Parcel 2, Part 3 and the most westerly
9-58 northwest corner of the herein described tract, in the south line of
9-59 aforesaid Third Tract (Ainsworth Survey, A-1132), from which the
9-60 recognized northwest corner (no monument found) of the aforesaid S.
9-61 P. R. R. Co. Survey, A-420 bears South 89° 09' 36" West - 2297.00'
9-62 THENCE North 89° 09' 36" East - 451.00' to the POINT OF
9-63 BEGINNING and containing 1,420 acres of land.
9-64 SECTION 3. (a) The legal notice of the intention to
9-65 introduce this Act, setting forth the general substance of this
9-66 Act, has been published as provided by law, and the notice and a
9-67 copy of this Act have been furnished to all persons, agencies,
9-68 officials, or entities to which they are required to be furnished
9-69 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

10-1 Government Code.

10-2 (b) The governor, one of the required recipients, has
10-3 submitted the notice and Act to the Texas Commission on
10-4 Environmental Quality.

10-5 (c) The Texas Commission on Environmental Quality has filed
10-6 its recommendations relating to this Act with the governor, the
10-7 lieutenant governor, and the speaker of the house of
10-8 representatives within the required time.

10-9 (d) All requirements of the constitution and laws of this
10-10 state and the rules and procedures of the legislature with respect
10-11 to the notice, introduction, and passage of this Act are fulfilled
10-12 and accomplished.

10-13 SECTION 4. This Act takes effect September 1, 2009.

10-14

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