

1-1 By: Wentworth S.B. No. 2478
1-2 (In the Senate - Filed March 30, 2009; March 31, 2009, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 17, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 17, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2478 By: Wentworth

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

1-10 relating to the Parklands Municipal Utility District No. 1;
1-11 providing authority to impose a tax and issue bonds; granting a
1-12 limited power of eminent domain.

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

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8368 to read as follows:

1-16 CHAPTER 8368. PARKLANDS MUNICIPAL UTILITY DISTRICT NO. 1

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8368.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Parklands Municipal Utility
1-22 District No. 1.

1-23 Sec. 8368.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district created under Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8368.003. CONFIRMATION AND DIRECTORS' ELECTION
1-27 REQUIRED. The temporary directors shall hold an election to
1-28 confirm the creation of the district and to elect five permanent
1-29 directors as provided by Section 49.102, Water Code.

1-30 Sec. 8368.004. ELECTION DATES. Section 41.001(a), Election
1-31 Code, does not apply to an election to:

1-32 (1) confirm the district's creation;

1-33 (2) elect initial permanent directors; or

1-34 (3) approve a maintenance tax, bond, or contract.

1-35 Sec. 8368.005. CONSENT OF MUNICIPALITY REQUIRED. The
1-36 temporary directors may not hold an election under Section 8368.003
1-37 until each municipality in whose corporate limits or
1-38 extraterritorial jurisdiction the district is located has
1-39 consented by ordinance or resolution to the creation of the
1-40 district and to the inclusion of land in the district.

1-41 Sec. 8368.006. TERRITORY ADDED. (a) The territory
1-42 described by Section 2 of the Act creating this chapter is added to
1-43 the district's territory as of the effective date of this section.

1-44 (b) The boundaries and field notes contained in Section 2 of
1-45 the Act creating this chapter form a closure. A mistake made in the
1-46 field notes or in copying the field notes in the legislative process
1-47 does not affect the district's:

1-48 (1) organization, existence, or validity;

1-49 (2) right to issue any type of bond for the purposes
1-50 for which the district is created or to pay the principal of and
1-51 interest on a bond;

1-52 (3) right to impose a tax; or

1-53 (4) legality or operation.

1-54 [Sections 8368.007-8368.050 reserved for expansion]

1-55 SUBCHAPTER B. BOARD OF DIRECTORS

1-56 Sec. 8368.051. GOVERNING BODY; TERMS. (a) The district is
1-57 governed by a board of five elected directors.

1-58 (b) Except as provided by Section 8368.052, directors serve
1-59 staggered four-year terms.

1-60 Sec. 8368.052. TEMPORARY DIRECTORS. (a) The temporary
1-61 board consists of:

1-62 (1) Benjamin B. Tolson;

1-63 (2) Jordan R. Smith;

(3) Shad Schmid;
 (4) Ryan N. Stevens; and
 (5) Janet Cobbel.
 (b) Temporary directors serve until the earlier of:
 (1) the date permanent directors are elected under
Section 8368.003; or
 (2) the fourth anniversary of the effective date of
the Act creating this chapter.
 (c) If permanent directors have not been elected under
Section 8368.003 and the terms of the temporary directors have
expired, successor temporary directors shall be appointed or
reappointed as provided by Subsection (d) to serve terms that
expire on the earlier of:
 (1) the date permanent directors are elected under
Section 8368.003; or
 (2) the fourth anniversary of the date of the
appointment or reappointment.
 (d) If Subsection (c) applies, the owner or owners of a
majority of the assessed value of the real property in the district
may submit a petition to the Texas Commission on Environmental
Quality requesting that the commission appoint as successor
temporary directors the five persons named in the petition. The
commission shall appoint as successor temporary directors the five
persons named in the petition.
[Sections 8368.053-8368.100 reserved for expansion]
SUBCHAPTER C. POWERS AND DUTIES
Sec. 8368.101. MUNICIPAL UTILITY DISTRICT POWERS AND
DUTIES. The district has the powers and duties provided by the
general law of this state, including Chapters 49 and 54, Water Code,
applicable to municipal utility districts created under Section 59,
Article XVI, Texas Constitution.
Sec. 8368.102. AUTHORITY FOR ROAD PROJECTS. Under Section
52, Article III, Texas Constitution, the district may design,
acquire, construct, finance, issue bonds for, improve, operate,
maintain, and convey to this state, a county, or a municipality for
operation and maintenance macadamized, graveled, or paved roads,
including bridges, storm drainage, and other improvements or
appurtenances in aid of those roads.
Sec. 8368.103. ROAD STANDARDS AND REQUIREMENTS. (a) A
road project must meet all applicable construction standards,
zoning and subdivision requirements, and regulations of each
municipality in whose corporate limits or extraterritorial
jurisdiction the road project is located.
(b) If a road project is not located in the corporate limits
or extraterritorial jurisdiction of a municipality, the road
project must meet all applicable construction standards,
subdivision requirements, and regulations of each county in which
the road project is located.
(c) If a municipality or county will maintain and operate
the road, the municipality or county must approve the plans and
specifications of the road project.
(d) If the state will maintain and operate the road, the
Texas Transportation Commission must approve the plans and
specifications of the road project.
Sec. 8368.104. DIVISION OF DISTRICT. (a) The district may
be divided into two or more new districts only if the district:
(1) has no outstanding bonded debt; and
(2) is not imposing ad valorem taxes or assessments.
(b) This chapter applies to any new district created by the
division of the district, and a new district has all the powers and
duties of the district, including the power to divide in accordance
with this section.
(c) Any new district created by the division of the district
may not, at the time the new district is created, contain any land
outside:
(1) the territory of the district at the time the
district was created; or
(2) the area described by Section 2 of the Act creating
this chapter.

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

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8368.003 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

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

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

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8368.003.

(i) Any new district created by the division of the district must hold an election as required by Chapters 49 and 54, Water Code, and this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Sec. 8368.105. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8368.102; or

(2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 8368.106-8368.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8368.151. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of or interest on bonds issued under Section 8368.201.

[Sections 8368.152-8368.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8368.201. BONDS FOR ROAD PROJECTS. (a) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

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

SECTION 2. The Parklands Municipal Utility District No. 1 includes all the territory contained in the following area in addition to the district's territory immediately before the effective date of this Act:

TRACT ONE LEGAL DESCRIPTION

DESCRIBING 928.19 ACRES OF LAND OUT OF THE CHRISTOPHER WALTER SURVEY A-495, THE ARMAND WELCH SURVEY A-494 AND THE D.A. NANCE SURVEY A-684, ALL IN HAYS COUNTY, TEXAS, SAME BEING A PORTION OF A 580.054 TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 03024985 OF THE OFFICIAL PUBLIC RECORDS OF SAID HAYS COUNTY, A PORTION OF A 386.954 ACRE TRACT DESCRIBED IN A DEED RECORDED IN DOCUMENT NO. 9928116 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, AND ALL OF A 19.277 ACRE TRACT DESCRIBED IN A DEED RECORDED IN VOLUME 2283, PAGE 749 OF THE DEED RECORDS OF SAID COUNTY, SAID 928.19 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING at an iron pipe found at the most northerly corner of said 386.954 acre tract, said iron pipe being in the south

4-1 right-of-way of Rohde Road also designated County Road 126;
 4-2 Thence, with said south Right of Way line S47°04'13"E for
 4-3 650.80 feet;
 4-4 Thence, with the northwest line of a 13.14 acre tract
 4-5 described in a deed recorded in Volume 3200, Page 560 of the Deed
 4-6 Records of said County, S43°45'03"W, 603.68 feet to an iron rod set
 4-7 at the southeast corner of that 1.40 acre tract of land described in
 4-8 a deed to Hays CISD as recorded in Document Number 2008-80010641 of
 4-9 the Deed Records of said County;
 4-10 Thence, with the east, north and west lines of said 1.40 acre
 4-11 tract, the following three (3) courses:
 4-12 1) N17°27'45"W, 378.15 feet to an iron rod set;
 4-13 2) S43°44'54"W, 184.28 feet to an iron rod set;
 4-14 3) S17°27'45"E, 378.14 feet to an iron rod set;
 4-15 Thence, with the west, south and east lines of said 13.14 acre
 4-16 tract, the following seven (7) courses:
 4-17 1) S43°45'03"W for 180.09 feet to an iron rod found;
 4-18 2) S72°37'43"E for 458.04 feet to an iron rod found at the
 4-19 beginning of a horizontal curve the radius point of which bears
 4-20 S17°21'35"W, 349.70 feet;
 4-21 3) Along said curve through a central angle of 28°08'48" for
 4-22 an arc distance of 171.79 feet and whose chord bears S 58°34'01"E,
 4-23 170.07 to an iron rod found;
 4-24 4) S44°32'12"E for 93.29 feet to an iron rod found at the
 4-25 beginning of a horizontal curve, the radius point of which bears
 4-26 N45°31'27"E, 25.00 feet;
 4-27 5) Along said curve through a central angle of 90°10'44" for
 4-28 an arc distance of 39.35 feet and whose chord bears S89°33'55"E,
 4-29 35.41 feet to a point;
 4-30 6) N45°28'02"E for 631.36 feet to a point;
 4-31 7) N0°14'22"W for 119.68 feet to an iron rod found in the south
 4-32 Right of Way of said Rohde Road;
 4-33 Thence, with said south Right of Way S47°13'16"E for 258.41
 4-34 feet to an iron rod found at the most northerly corner of a 7.00 acre
 4-35 tract described in a deed recorded in Document No. 9909010 of the
 4-36 Official Public Records of said Hays County;
 4-37 Thence, with the west, south and East lines of said 7.00 acres
 4-38 the following three (3) courses:
 4-39 1) S42°51'06"W for 634.09 feet to an iron rod found;
 4-40 2) S47°12'07"E for 481.23 feet iron rod found;
 4-41 3) N42°53'17"E for 150.56 feet iron rod found at the most
 4-42 easterly corner of a 1.55 acre tract described in a deed recorded in
 4-43 Document No. 999006 of the Official Public records of said Hays
 4-44 County;
 4-45 Thence, with the south line of said 1.55 acres S47°13'03"E for
 4-46 410.16 feet to an iron rod found in the northwest line of a 66.38
 4-47 acre tract described in a deed recorded in Volume 3200, Page 560 of
 4-48 the deed records of said Hays County;
 4-49 Thence, with the west and south lines of said 66.38 acres the
 4-50 following twenty eight (28) courses:
 4-51 1) S42°39'26"W for 949.13 feet to a point;
 4-52 2) S27°18'12"W for 204.33 feet to a point at the beginning of
 4-53 a horizontal curve the radius point of which bears S62°41'43"E,
 4-54 25.00 feet;
 4-55 3) Along said curve through a central angle of 48°12'31" for
 4-56 an arc distance of 21.04 feet and whose chord bears S03°12'01"W,
 4-57 20.42 feet to a point;
 4-58 4) S20°54'11"E for 56.97 feet to a point at the beginning of a
 4-59 horizontal curve the radius point of which bears S69°05'52"W, 175.00
 4-60 feet;
 4-61 5) Along said curve through a central angle of 31°26'39" for
 4-62 an arc distance of 96.04 feet and whose chord bears S05°10'49"E,
 4-63 94.84 feet to a point;
 4-64 6) S10°32'33"W for 81.44 feet to a point at the beginning of a
 4-65 horizontal curve the radius point of which bears S79°16'04"E, 25.00
 4-66 feet;
 4-67 7) Along said curve through a central angle of 87°25'07" for
 4-68 an arc distance of 38.14 feet and whose chord bears S32°58'38"E,
 4-69 34.55 feet to a point at the beginning of a horizontal curve the

5-1 radius point of which bears S13°08'42"W, 1625.00 feet;
 5-2 8) Along said curve through a central angle of 1°16'38", for
 5-3 an arc distance of 36.22 feet and whose chord bears S76°12'59"E,
 5-4 36.22 feet to a point at the beginning of a horizontal curve the
 5-5 radius point of which bears S14°25'20"W, 1625.00 feet;
 5-6 9) Along said curve through a central angle of 0°34'28" for an
 5-7 arc distance of 16.29 feet and whose chord bears S75°17'26"E, 16.29
 5-8 feet to a point at the beginning of a horizontal curve the radius
 5-9 point of which bears S14°59'49"W, 1625.00 feet;
 5-10 10) Along said curve through a central angle of 2°17'53" for
 5-11 an arc distance of 65.17 feet and whose chord bears S73°51'15"E,
 5-12 65.17 feet to a point at the beginning of a horizontal curve the
 5-13 radius point of which bears S17°17'42"W, 125.00 feet;
 5-14 11) Along said curve through a central angle of 34°54'20" for
 5-15 an arc distance of 76.15 feet and whose chord bears S55°15'08"E,
 5-16 74.98 feet to a point;
 5-17 12) Thence, S37°47'57"E for 508.31 feet to a point at the
 5-18 beginning of a horizontal curve the radius point of which bears
 5-19 S52°12'04"W, 125.00 feet;
 5-20 13) Along said curve through a central angle of 47°01'35" for
 5-21 an arc distance of 102.60 feet and whose chord bears S14°17'09"E,
 5-22 99.74 feet to a point;
 5-23 14) Thence, S9°13'39"W for 168.56 feet;
 5-24 15) Thence, S10°50'01"W for 38.35 feet;
 5-25 16) Thence, S72°48'50"E for 245.61 feet;
 5-26 17) Thence, N46°29'55"E for 53.98 feet to a point at the
 5-27 beginning of a horizontal curve the radius point of which bears
 5-28 S43°29'58"E, 50.00 feet;
 5-29 18) Along said curve through a central angle of 4°38'32" for
 5-30 an arc distance of 4.05 feet and whose chord bears N48°49'18"E, 4.05
 5-31 feet to a point;
 5-32 19) Thence, N51°08'41"E for 78.97 feet;
 5-33 20) Thence, N58°31'09"E for 47.60 feet;
 5-34 21) Thence, N63°58'34"E for 47.60 feet;
 5-35 22) Thence, N69°25'59"E for 47.60 feet;
 5-36 23) Thence, N77°46'06"E for 497.54 feet;
 5-37 24) Thence, N76°38'06"E for 378.51 feet;
 5-38 25) Thence, N75°13'11"E for 338.23 feet;
 5-39 26) Thence, N67°06'40"E for 247.43 feet;
 5-40 27) Thence, N62°06'40"E for 392.14 feet;
 5-41 28) Thence, N43°32'30"E for 48.17 feet to a point in the south
 5-42 right of way line of said Rohde Road;
 5-43 Thence, with said south line the following two (2) courses:
 5-44 1) S46°27'51"E for 438.63 feet to a PK nail found in a fence
 5-45 post;
 5-46 2) S46°27'39"E for 1013.76 feet to an iron rod found at the
 5-47 most easterly corner of said 580.054 acres and the herein described
 5-48 tract;
 5-49 Thence, with the east line of said 544.054 acres and the west
 5-50 line of El Camino Real, an abandoned roadway, the following seven
 5-51 (7) courses:
 5-52 1) S57°04'23"W for 287.92 feet to a PK nail found in a fence
 5-53 post;
 5-54 2) S60°50'45"W for 981.92 feet to a PK nail found in a fence
 5-55 post;
 5-56 3) S54°33'21"W for 157.41 feet to a point;
 5-57 4) S47°43'22"W for 192.44 feet to a PK nail found in a fence
 5-58 post;
 5-59 5) S40°44'33"W for 1462.10 feet to a point;
 5-60 6) S52°12'31"W for 534.37 feet to a PK nail found in a fence
 5-61 post;
 5-62 7) S55°12'15"W for 99.88 feet to a point at the most easterly
 5-63 corner of said 19.277 acres;
 5-64 Thence, with the east line of said 19.277 acres and said west
 5-65 line of El Camino Real S55°38'03"W for 465.78 feet to a point;
 5-66 Thence, with the east line of said 19.277 acres S54°15'22"W
 5-67 for 237.09 feet to a point
 5-68 Thence, with the south line of said 19.277 acres and in part
 5-69 with the north line of lot 2, El Camino Real Estates, a subdivision

6-1 recorded in Book 7, Page 269 of the Plat Records of said Hays
 6-2 County, and in part with the north line of a 9.970 acre tract
 6-3 described in a deed recorded in Volume 1085, Page 547 and Volume
 6-4 1891, Page 409 of the deed records of said county, N46°40'09"W for
 6-5 742.06 feet to an iron rod found;

6-6 Thence, with the west line of said 9.970 acres S42°44'50"W for
 6-7 1148.63 feet to the most easterly point of a 33.57 acre tract
 6-8 described in a deed as recorded in Volume 3200, Page 560 of the deed
 6-9 records of said county;

6-10 Thence, with the north, west and south lines of said 33.57
 6-11 acres the following seventeen (17) courses:

6-12 1) N47°18'18"W for 270.18 feet to a point;

6-13 2) N32°51'01"W for 187.92 feet to a point;

6-14 3) N37°24'25"W for 530.74 feet to a point;

6-15 4) N37°26'57"W for 80.18 feet to a point;

6-16 5) N40°36'02"W for 217.24 feet to a point;

6-17 6) N40°52'21"W for 33.16 feet to a point;

6-18 7) N49°52'50"W for 143.73 feet to a point;

6-19 8) S68°43'00"W for 39.67 feet to a point;

6-20 9) S28°19'23"W for 208.89 feet to a point at the beginning of
 6-21 a horizontal curve the radius point of which bears N62°43'46"W, and
 6-22 2681.32 feet

6-23 10) Along said curve through a central angle of 3°25'40" for
 6-24 an arc distance of 160.41 feet and whose chord bears S28°59'04"W,
 6-25 160.39 feet to a point;

6-26 11) S33°13'37"W for 53.33 feet to a point at the beginning of
 6-27 a horizontal curve the radius point of which bears N55°17'48"W, and
 6-28 1035.00 feet;

6-29 12) Along said curve through a central angle of 5°50'56" for
 6-30 an arc distance of 105.66 feet and whose chord bears S37°37'40"W,
 6-31 105.61 feet to a point;

6-32 14) S42°38'02"W for 678.96 feet to a point;

6-33 15) S47°18'18"E for 430.00 feet to a point;

6-34 16) N42°41'42"E for 120.00 feet;

6-35 17) S47°18'18"E for 924.14 feet to a point in the east line of
 6-36 said 580.054 acres and in the west line of said 9.970 acres;

6-37 Thence, with the west line of said 9.970 acres S42°44'50"W for
 6-38 170.99 feet to a PK nail found in a fence post at the most northerly
 6-39 corner of an 80.36 acre tract described in a deed recorded in Volume
 6-40 294, Page 349 of the deed records of said county;

6-41 Thence, with the west line of said 80.36 acres S42°48'37"W for
 6-42 2017.58 feet to a nail found in a fence post in the south line of
 6-43 said 580.054 acre tract;

6-44 Thence, in part with the north line of a 222.099 acre tract
 6-45 described in a deed recorded in Volume 2084, Page 707 of the deed
 6-46 records of said county, N46°59'17"W for 898.75 feet to a point and
 6-47 N48°00'54"W for 496.20 feet to a concrete monument found at the most
 6-48 easterly corner of a 203 acre tract described in a deed recorded in
 6-49 Volume 1703, Page 587 of the deed records of said County;

6-50 Thence, continuing with the north line of said 203 acres and
 6-51 the north line of a 80 acre tract described in a deed recorded in
 6-52 Volume 1679, Page 405 of the deed records of said County,
 6-53 N46°04'15"W for 1036.80 feet to an iron rod found and N51°04'03"W for
 6-54 1743.37 feet to a fence post and N47°29'18"W for 686.69 feet to an
 6-55 iron pipe found in an east line of an 811.315 acre tract of land
 6-56 described in a deed recorded in Document No. 9917880 of the Official
 6-57 Public Records of said Hays county;

6-58 Thence, with the east line of said 811.315 acres N42°48'24"E
 6-59 for 1993.62 feet to an iron rod found and N42°22'36"E for 1641.39
 6-60 feet to a fence post at the most southerly corner of a 368.2 acre
 6-61 tract described in a deed recorded in volume 239, Page 587 of the
 6-62 deed records of said county;

6-63 Thence, with the east line of said 368.2 acre tract and an
 6-64 east line of a 130 acre tract described in a deed recorded in Volume
 6-65 849, Page 728 of the deed records of said County, N42°56'47"E for
 6-66 5116.97 feet to the Point of Beginning containing 928.19 ACRES OF
 6-67 LAND within these metes and bounds;

6-68 TRACT TWO LEGAL DESCRIPTION

6-69 DESCRIBING A TRACT OF LAND CONTAINING 257.66 ACRES, BEING A

PORTION OF THE ARMAND WELCH SURVEY A-494, I. & G.N. RAILROAD CO. SURVEY A-577, JAMES M. W. HALL SURVEY A-227 AND THE SAMUEL LITTLE SURVEY A-286, HAYS COUNTY, TEXAS ALSO BEING A PORTION OF THAT CERTAIN 811.315 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO RICK ANDERSON, PAUL SCHAEFER, AND SUSAN G. SNOW EXECUTED ON JULY 15, 1999 AND RECORDED IN DOCUMENT NUMBER 9917880 OF THE OFFICIAL PUBLIC RECORDS OF THE SAID COUNTY, SAID 257.66 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a fence corner post found for the most easterly corner of said 811.315 acre tract, said fence corner being in a northwest line of that certain 386.954 acre tract described in a deed to Rohde Lane Group, Ltd. as recorded in Document #9928116 of the said Official Public Records;

THENCE, along the northwesterly line of the said 386.954 acre tract, S 42° 22' 29" W a distance of 1641.37 feet to a fence post and S 42° 48' 54" W a distance of 1994.15 feet to an iron pipe found in the northeast line of that certain 80 acre tract described in a deed to Jackie Ray Schawe and Vickie Sue Schawe as recorded in Volume 1679 Page 405 of the said Official Public Records;

THENCE with the said line of the Schawe tract, N 46° 57' 53" W a distance of 1004.59 feet to a fence post found and N 46° 57' 20" W a distance of 427.28 feet to a fence post found at end of the southeast line of County Road 128;

THENCE, along said County Road 128, the following four (4) courses:

1. N 50° 19' 02" W a distance of 51.68 feet to a fence post found;
2. S 47° 54' 28" W a distance of 31.84 feet to a fence post found;
3. S 47° 53' 50" E a distance of 9.76 feet to a fence corner post on the northwesterly R.O.W. line of County road 128 as fenced;
4. S 42° 42' 50" W, 2285.24 feet to a point;

THENCE, through the interior of said 811.315 acre tract, the following twenty-two (22) courses:

1. N02°47'53"W, 308.38 feet to a point;
2. Along a curve to the left having a radius of 60.00 feet, central angle of 128°03'31" and chord bearing of N10°51'05"E and chord distance of 107.88 feet to a point;
3. Along a curve to the left with a radius of 430.00 feet, central angle of 09°28'22" and chord bearing of N57°54'52"W and chord distance of 71.01 feet to a point;
4. N18°45'59"E, a distance of 170.57 feet to a point;
5. N00°02'43"E, a distance of 204.98 feet to a point;
6. Along a curve to the left with a radius of 60.00 feet, central angle of 71°55'00" and chord bearing of N03°40'47"E and chord distance of 70.46 feet to a point;
7. N10°46'26"E, a distance of 191.38 feet to a point;
8. N09°37'08"E, a distance of 200.23 feet to a point;
9. N15°41'31"E, a distance of 195.32 feet to a point;
10. N18°27'06"E, a distance of 148.65 feet to a point;
11. N19°39'00"E, a distance of 162.54 feet to a point;
12. Along a curve to the right with a radius of 450.00 feet, central angle of 05°01'44" and chord bearing of S84°19'28"W and chord distance of 39.48 feet to a point;
13. Along a curve to the left with a radius of 60.00 feet, central angle of 94°24'42" and chord bearing of N39°37'59"E and chord distance of 88.06 feet to a point;
14. N31°24'45"E, a distance of 150.73 feet to a point;
15. N29°30'29"E, a distance of 173.50 feet to a point;
16. N32°25'50"E, a distance of 262.06 feet to a point;
17. Along a curve to the left with a radius of 60.00 feet, central angle of 97°58'52" and chord bearing of N30°23'59"E and chord distance of 90.55 feet to a point;
18. N42°55'24"E, a distance of 149.43 feet to a point;
19. N43°26'00"E, a distance of 1593.30 feet to a point;
20. N42°55'23"E, a distance of 983.76 feet to a point;
21. N42°33'11"E, a distance of 639.21 feet to a point;
22. N42°33'53"E, a distance of 329.50 feet to a point in

8-1 the southwest line of that 125.52 acre tract described in a deed to
8-2 Thaddeus Charles McCormick III as recorded in Volume 748 Page 143 of
8-3 the Deed Records of said County;

8-4 THENCE S 48° 43' 36" E a distance of 164.64 feet to a fence
8-5 post found and S 53° 32' 50" E a distance of 22.34 feet to a fence
8-6 post found at the southerly corner of said McCormick Tract;

8-7 THENCE S 41° 51' 32" W a distance of 113.47 feet to a fence
8-8 post found at the westerly corner of that certain 368.2 acre tract
8-9 described in a Deed to Flora Nickel as recorded in Volume 239, Page
8-10 587 of the said Official Public Records;

8-11 THENCE along the southwesterly line of said Nickel tract, the
8-12 following three (3) courses:

8-13 1. S 52° 10' 20" E a distance of 1445.87 feet to a fence
8-14 post found;

8-15 2. S 51° 28' 34" E a distance of 987.00 feet to a fence
8-16 post found;

8-17 3. S 40° 11' 03" E a distance of 25.20 feet to the POINT
8-18 OF BEGINNING and containing 257.66 acres of land.

8-19 SECTION 3. (a) The legal notice of the intention to
8-20 introduce this Act, setting forth the general substance of this
8-21 Act, has been published as provided by law, and the notice and a
8-22 copy of this Act have been furnished to all persons, agencies,
8-23 officials, or entities to which they are required to be furnished
8-24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-25 Government Code.

8-26 (b) The governor, one of the required recipients, has
8-27 submitted the notice and Act to the Texas Commission on
8-28 Environmental Quality.

8-29 (c) The Texas Commission on Environmental Quality has filed
8-30 its recommendations relating to this Act with the governor, the
8-31 lieutenant governor, and the speaker of the house of
8-32 representatives within the required time.

8-33 (d) All requirements of the constitution and laws of this
8-34 state and the rules and procedures of the legislature with respect
8-35 to the notice, introduction, and passage of this Act are fulfilled
8-36 and accomplished.

8-37 SECTION 4. This Act takes effect immediately if it receives
8-38 a vote of two-thirds of all the members elected to each house, as
8-39 provided by Section 39, Article III, Texas Constitution. If this
8-40 Act does not receive the vote necessary for immediate effect, this
8-41 Act takes effect September 1, 2009.

8-42 * * * * *