

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8349 to read as follows:

CHAPTER 8349. NORTHWEST WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 1
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8349.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Northwest Williamson County Municipal Utility District No. 1.

Sec. 8349.002. NATURE OF DISTRICT. The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, and Section 52, Article III, Texas Constitution.

Sec. 8349.003. CONFIRMATION ELECTION REQUIRED. (a) The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

(b) If the creation of the district is not confirmed at a confirmation election before September 1, 2013:

(1) the district is dissolved September 1, 2013, except that the district shall:

- (A) pay any debts incurred;
- (B) transfer to Williamson County any assets that remain after the payment of debts; and
- (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2016.

SENATE VERSION

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(2) this chapter expires September 1, 2016.

Sec. 8349.004. CONSENT OF MUNICIPALITY

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

Sec. 8349.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) All land and other property in the district will benefit from the improvements and services to be provided by the district.

(b) The district is created to accomplish the purposes of:
(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, bridges, and appurtenances, in aid of those roads.

Sec. 8349.005. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

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

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and

REQUIRED. The temporary directors may not hold an election under Section 8349.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8349.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) All land and other property in the district will benefit from the improvements and services to be provided by the district.

(b) The district is created to accomplish the purposes of:
(1) a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, or improvement of macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, bridges, and appurtenances, in aid of those roads.

Sec. 8349.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

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

- (1) organization, existence, or validity;
- (2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

interest on a bond;

(3) right to impose an assessment or tax; or

(4) legality or operation.

[Sections 8349.006-8349.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8349.051. GOVERNING BODY; TERMS. (a)

The district is governed by a board of five elected directors.

(b) Directors serve staggered four-year terms.

Sec. 8349.052. INITIAL DIRECTORS. (a) The initial board consists of:

(1) Kevin Boscamp;

(2) Ken Willey;

(3) Trip Leon;

(4) Bill Woodall; and

(5) Bruce Hollingsworth.

(b) Unless the initial board agrees otherwise, the initial directors shall draw lots to determine which two shall serve until the first regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

(c) This section expires September 1, 2016.

[Sections 8349.053-8349.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8349.101. GENERAL POWERS AND DUTIES.

The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8349.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state.

SENATE VERSION

interest on a bond;

(3) right to impose an assessment or tax; or

(4) legality or operation.

[Sections 8349.007-8349.050 reserved for expansion]

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SUBCHAPTER C. POWERS AND DUTIES

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The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8349.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state.

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8349.103. AUTHORITY FOR ROAD PROJECTS.

(a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, bridges, and appurtenances, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

Sec. 8349.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8349.103 unless:

(1) the municipality or county that will operate and maintain the road has approved the plans and specifications of the road project; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

SENATE VERSION

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Sec. 8349.103. AUTHORITY FOR ROAD PROJECTS.

(a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, bridges, and appurtenances, in aid of those roads.

(b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the Texas Commission on Environmental Quality as required by Section 54.234, Water Code.

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(1) the municipality or county that will operate and maintain the road has approved the plans and specifications of the road project; or

(2) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state will operate and maintain the road.

(b) Except as provided by Subsection (a), the district is not required to obtain approval from the Texas Transportation Commission to design, acquire, construct, finance, issue bonds for, improve, or convey a road project.

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

(c) The district's construction, repair, and maintenance of streets under this section must meet all applicable construction standards and regulations of Williamson County.

Sec. 8349.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any resolution that is adopted by the governing body of a municipality under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8349.106. REGIONAL WASTE DISPOSAL POWERS AND DUTIES. The district has the powers and duties applicable to a district under Chapter 30, Water Code.

Sec. 8349.107. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the design of a district wastewater treatment facility.

Sec. 8349.108. WASTEWATER SERVICE PROVIDERS. Only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

SENATE VERSION

(c) The district's construction, repair, and maintenance of streets under this section must meet all applicable construction standards and regulations of Williamson County.

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Sec. 8349.106. 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 8349.103; or
- (2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 8349.107. REGIONAL WASTE DISPOSAL POWERS AND DUTIES. The district has the powers and duties applicable to a district under Chapter 30, Water Code.

Sec. 8349.108. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the design of a district wastewater treatment facility.

Sec. 8349.109. WASTEWATER SERVICE PROVIDERS. Only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Sec. 8349.109. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT. The district shall comply with the terms of the "Agreement Regarding Sewer Services Areas and Customers" among the Lower Colorado River Authority, the Brazos River Authority, the City of Georgetown, the City of Liberty Hill, and the Chisholm Trail Special Utility District dated February 1, 2005.

[Sections 8349.110-8349.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8349.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from a source other than ad valorem taxes.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes. An ad valorem tax rate imposed by the district may not exceed the rate approved at the election.

Sec. 8349.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8349.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

[Sections 8349.153-8349.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER

SENATE VERSION

Sec. 8349.110. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT. The district shall comply with the terms of the "Agreement Regarding Sewer Services Areas and Customers" among the Lower Colorado River Authority, the Brazos River Authority, the City of Georgetown, the City of Liberty Hill, and the Chisholm Trail Special Utility District dated February 1, 2005.

[Sections 8349.111-8349.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8349.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from a source other than ad valorem taxes.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes. An ad valorem tax rate imposed by the district may not exceed the rate approved at the election.

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

[Sections 8349.153-8349.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

OBLIGATIONS

Sec. 8349.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8349.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax, at a rate not to exceed the rate approved at an election held under Section 8349.151, for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due;

(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date; and

(C) pay the expenses of imposing the taxes.

Sec. 8349.203. BONDS FOR ROAD PROJECTS. 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

SENATE VERSION

OBLIGATIONS

Sec. 8349.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

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(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due;

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CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

property in the district.

SECTION 2. The Northwest Williamson County Municipal Utility District No. 1 initially includes all the territory contained in the following area:

Tract I

BEING 129.95 acres of the James Northcross Survey, Abstract No. 478, in Williamson County, Texas; part of the tract called 162.755 acres (less exceptions) which is described in a deed to DEC Circle C Ranch Ltd. of record in Doc. 2000085838, Official Records of Williamson County, Texas. This tract was surveyed on the ground in December of 2004, by Williams F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin which was set for the lower Northeast corner of the said 162.755 acre tract, and for a corner of a property which is described in a deed to K.W. Daniels of record in Doc. 1998037189.

THENCE along the fenced East line of the said 162.755 acre tract, S 18 deg. 55 min. 37 sec. E 1635.48 feet to a pipe post fence corner found at the most Northerly East corner of an 18.34 acre tract conveyed to The Mike Konle Trust in Doc. 2001088810.

THENCE along the fenced boundary of the said 162.755 acre tract; S 69 deg. 43 min. 45 sec. W 1164.54 feet to a pipe post found at the Northeast corner of 34.74 acre tract owned by C.D. Sherwood and described in Vol. 594, Pg. 531; S 69 deg. 49 min. 40 sec. W 1203.87 feet to an iron pin found at a fence corner; and S 14 deg. 11 min. 49 sec. E 1164.86 feet to an iron pin found at a

SENATE VERSION

property in the district.

Same as House version.

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

fence corner.

THENCE with the North line of the 0.72 acre exception tract described in Doc. 2000085838, finding iron pins at bends in the fence as follows; S 39 deg. 14 min. 11 sec. W 160.52 feet; S 22 deg. 54 min. 47 sec. W 211.26 feet; and S 00 deg. 24 min. 34 sec. E 211.57 feet to a nail found in the concrete base of a fence corner post. An iron pin found stands N 70 deg. 19 min. 01 sec. E 2.44 feet.

THENCE with the North line of County Road 289, S 71 deg. 31 min. 37 sec. W 323.55 feet to an iron pin found.

THENCE with the boundary of the 9.5 acre tract conveyed to Deborah E. Ivicic in Doc. 1998018246, N 19 deg. 05 min. 07 sec. W 991.53 feet to an iron pin found; and S 71 deg. 05 min. 12 sec. W 401.03 feet to an iron pin set in the East line of the 14 acres conveyed to a D.W. Anderson in Doc. 1998010248.

THENCE N 12 deg. 54 min. 12 sec. E 2944.388 feet to and iron pin found.

THENCE with the North boundary of the said 162.755 acre tract, finding pipe post fence corners as follows; N 72 deg. 33 min. 58 sec. E 331.83 feet; S 16 deg. 51 min. 12 sec. E 147.920 feet; and N 72 deg. 41 min. 18 sec. E 1656.79 feet to the POINT OF BEGINNING.

Tract II

BEING 9.50 acre of the James Northcross Survey, Abstract No. 478, in Williamson County, Texas; part of the tract called 9.5 acres as described in a Correction Deed to Deborah Elizabeth Ivicic, of record in Doc. 1998018246, Official Records of Williamson County, Texas. This tract was surveyed on the ground in

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

December of 2004, by William F. Forest, Jr., Registered Professional Land surveyor No. 1847.

BEGINNING at an iron pin which was found in the North line of County Road 289, at the Southwest corner of the said Deborah Ivicic 9.5 acre tract and at the Southeast corner of a 6.68 acre tract.

THENCE with the West line of the said 9.5 acre Ivicic tract, N 19 deg. 05 min. 48 sec. W 965.73 feet to an iron pin set in the East line of a 14 acre tract which is described in a deed to Daniel W. Anderson of record in Doc. 1998018248.

THENCE with the East line of the Anderson 14 acres, N 12 deg. 54 min. 12 sec. E 30.93 feet to an iron pint set.

THENCE with the North line of the Deborah Ivicic 9.5 acres, N 70 deg. 05 min. 12 sec. E 401.03 feet to and iron pin found.

THENCE with the East boundary of the Ivicic 9.5 acres, S 19 deg. 05 min. 07 sec. E 991.53 feet to an iron pin found.

THENCE with the north Line of County Road 289, S 71 deg. 26 min. 57 sec. W 24.90 feet to an iron pin found; and S 70 deg. 59 min. 36 sec. W 392.32 feet to the POINT OF BEGINNING.

TRACT III

BEING 6.68 acres of the James Northcross Survey, Abstract No. 478, in Williamson County, Texas; part of the tract called 162.775 acres (less exceptions) which is described in a deed to DEC Circle C Ranch Ltd. of record in Doc. 2000085838, Official Records of Williamson County, Texas. This tract was surveyed on

SENATE VERSION

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION

CONFERENCE

the ground in December of 2004, by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin which was found in the North line of County Road 289, at the Southeast corner of the 14.00 acre exception tract which is described in Doc. 2000085838 (the same 14.00 acre tract which is described in a deed to Daniel W. Anderson of record in Doc. 1998018248). A nail found in the concrete base of a fence corner post (at the Southwest corner of the said 162.755 acres) stands S 70 deg. 58 min. 03 sec. W 174.52 feet.

THENCE with the East line of the said 14.00 acre tract, N 12 deg. 54 min. 12 sec. E 1137.98 feet to an iron pin set in the West line of the 9.5 acre Exception tract that is described in Doc. 2000085838 and as conveyed by a Correction Deed to Deborah E. Ivicic in Doc. 1998018246. An iron pin found stands N 19 deg. 05 min. 48 sec. W 26.28 feet.

THENCE with the West line of said 9.5 Deborah Ivicic tract, S 19 deg. 05 min. 48 sec. E 965.73 feet to an iron pin found.

THENCE with the North line of County Road 289, S 70 deg. 58 min. W 603.04 feet to the POINT OF BEGINNING.

TRACT IV

BEING 13.99 acres of the James Northcross Survey, Abstract No. 478, in Williamson County, Texas. This tract is the same tract which is called 14 acres and described in a deed to Daniel W. Anderson of record in Doc. 1998018248, Official Records of Williamson

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

County, Texas. This tract was surveyed on the ground in December of 2004, by William F. Frost, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at a nail found in the concrete base of a fence corner post in the North line of County Road 289, at the Southwest corner of said 14.00 acre Anderson tract.

THENCE with the West line of said 14.00 acre tract, N 12 deg. 54 min. 15 sec. E 4119.77 feet to an iron pin found at a fence corner.

THENCE with the North boundary of the said 14 acre tract, N 72 deg. 39 min. 14 sec. E 171.38 feet to an iron pin found.

THENCE S 12 deg. 54 min. 12 sec. W passing iron pins set on line, continuing in all 4113.79 feet to an iron pin found.

THENCE S 70 deg. 58 min. 03 sec. W 174.52 feet to the POINT OF BEGINNING.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.
(c) The Texas Commission on Environmental Quality

SENATE VERSION

Same as House version.

CONFERENCE

House Bill 4778
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

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

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

SENATE VERSION

Same as House version.

CONFERENCE