

House Bill 4817
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle X, Title 6, Special District Local Laws Code, is amended by adding Chapter 11004 to read as follows:

CHAPTER 11004. GOODWATER MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 11004.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Goodwater Municipal Utility District No. 1.

Sec. 11004.002. NATURE OF DISTRICT. The district is a combined powers district created under Section 59, Article XVI, Texas Constitution.

Sec. 11004.003. 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. 11004.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 11004.003 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. 11004.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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Sec. 11004.002. NATURE OF DISTRICT. The district is a combined powers district created under Section 59, Article XVI, Texas Constitution.

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Sec. 11004.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 11004.003 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. 11004.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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(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;
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads; and
(3) Section 52-a, Article III, Texas Constitution, to promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare in the district.
Sec. 11004.006. 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 interest on a bond;
(3) right to impose a tax; or
(4) legality or operation.
Sec. 11004.007. RELATION TO OTHER LAW. If any provision of the general law, including a provision incorporated by reference in this chapter, is in conflict or

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(3) Section 52-a, Article III, Texas Constitution, to promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare in the district.
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inconsistent with this chapter, this chapter prevails.

Sec. 11004.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 11004.009-11004.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 11004.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 11004.052, directors serve staggered four-year terms.

Sec. 11004.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act creating this chapter, 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 temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 11004.003; 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 11004.003 and the terms of the temporary directors have expired, successor temporary directors

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Sec. 11004.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

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(1) the date permanent directors are elected under Section 11004.003; or

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

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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 11004.003; 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 11004.053-11004.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 11004.101. GENERAL POWERS AND DUTIES.

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

Sec. 11004.102. 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. 11004.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct,

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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, or improvements, including storm drainage, in aid of those roads.

Sec. 11004.104. 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 the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 11004.105. STREET REPAIR AND MAINTENANCE. (a) After the 10th anniversary of the effective date of the Act creating this chapter, the district, at the district's expense, shall repair and maintain any streets in the district.

(b) A district's repair and maintenance of streets under this section must meet all applicable construction standards and regulations of the City of Georgetown and Williamson County.

Sec. 11004.106. REGIONAL WASTE DISPOSAL

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

Sec. 11004.107. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the design of any district wastewater treatment facility.

Sec. 11004.108. WASTEWATER SERVICE PROVIDERS. Only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

Sec. 11004.109. 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.

Sec. 11004.110. DIVISION OF DISTRICT. (a) Subject to this section, the district may divide into two or more contiguous districts as provided by Sections 51.748, 51.749, 51.750, 51.751, 51.752, and 51.753, Water Code. For the purpose of applying those sections, the district shall be considered an original district and a reference to "this chapter" shall be considered a reference to Chapter 54, Water Code.

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Sec. 11004.110. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts

only if:

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

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(b) This chapter applies to any new district created by the division of the original district. Except as provided by Subsection (c), a new district has all the powers and duties of the original district.

(c) A district created by the division of the original district may not divide into two or more districts.

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(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.

(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 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, 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 11004.003 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 or provide that the owner or owner of a majority of the assessed value of the real property in each new district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition; 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

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of an order dividing the district, the district shall file the order with the commission 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 11004.003. A new district that is not confirmed is subject to dissolution under general laws.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 11004.004 acts as municipal consent to the creation of any new district created under this section and to the inclusion of land in the new district.

(j) Any new district created by the division of the district must hold an election as required by 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. 11004.111. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted 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. 11004.112. LIBRARIES. The district may exercise the powers of a library district under Chapter 326, Local Government Code.

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Sec. 11004.113. EXERCISE OF POWERS OF DEVELOPMENT CORPORATION. The district may exercise the powers of a development corporation under Chapter 505, Local Government Code.

Sec. 11004.114. 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 11004.103; or
- (2) a recreational facility as defined by Section 49.462, Water Code.

[Sections 11004.115-11004.150 reserved for expansion]
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 11004.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

- (1) revenue other than ad valorem taxes; or
- (2) contract payments described by Section 11004.153.

(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, impose a sales or use tax, or issue bonds payable from ad valorem taxes.

(c) 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.

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(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, impose a sales or use tax, or issue bonds payable from ad valorem taxes.

(c) 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.

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Sec. 11004.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 11004.151, 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.

Sec. 11004.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

Sec. 11004.154. HOTEL OCCUPANCY TAX. (a) In this section:

(1) "Hotel" has the meaning assigned by Section 156.001, Tax Code.

(2) "Room rate" means the amount charged by a hotel for a person's use or possession of a room for the period of rental. Room rate does not include:

(A) the cost of food served by the hotel; or

(B) the cost of personal services performed by the hotel

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Sec. 11004.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 11004.151, 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.

Sec. 11004.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

[Sections 11004.154-11004.200 reserved for expansion]

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for the person, except for those services related to cleaning the room or preparing the room for the next occupant.

(b) The board by order or resolution may impose a hotel occupancy tax on a person who pays for the use or possession or for the right to the use or possession of a room that:

(1) is in a hotel located in the district;

(2) costs \$2 or more each day; and

(3) is ordinarily used for sleeping.

(c) The district's revenue from a hotel occupancy tax may be used for any district purpose.

(d) The amount of the hotel occupancy tax shall be the greater of:

(1) nine percent of the room rate; or

(2) the rate imposed by the municipality in whose extraterritorial jurisdiction the district is located.

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

[Sections 11004.155-11004.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 11004.201. 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

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SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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district purpose.

Sec. 11004.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 11004.203. 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 property in the district.

[Sections 11004.204-11004.250 reserved for expansion]

SUBCHAPTER F. SALES AND USE TAX

Sec. 11004.251. SALES AND USE TAX. (a) In this section:

(1) "Taxable item" means any item or service that could be subject to a sales and use tax imposed by Williamson County.

(2) "Use," with respect to a taxable service, means the derivation in the district of a direct or indirect benefit from the service.

(b) The district may adopt a sales and use tax after an election in which the majority of the voters of the district voting in the election authorize the adoption of the tax.

(c) If the district adopts a sales and use tax, a tax is imposed on the receipts from the sale at retail of taxable

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district purpose.

Sec. 11004.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

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items in the district, and an excise tax is imposed on the use, storage, or other consumption in the district of taxable items purchased, leased, or rented from a retailer in the district during the period that the sales and use tax is in effect.

(d) The district may impose the sales and use tax in increments of one-eighth of one percent, with a minimum tax rate of one-half percent and a maximum rate of two percent.

(e) The rate of the excise tax is the same as the rate of the sales tax portion of the tax and is applied to the sales price of the taxable item.

Sec. 11004.252. SALES AND USE TAX; ELECTION.

(a) Except as provided by Subsection (g), the board by order may call an election to adopt, abolish, or change the rate of a sales and use tax. The election may be held in conjunction with a directors' election.

(b) The district shall provide notice of the election and shall hold the election in the manner prescribed for a bond election by Subchapter D, Chapter 49, Water Code.

(c) In an election to adopt a sales and use tax, the ballots shall be printed to provide for voting for or against the proposition: "The adoption of a local sales and use tax in the Goodwater Municipal Utility District No. 1 at a rate of (proposed tax rate) percent."

(d) In an election to change the rate of a sales and use tax, the ballots shall be printed to provide for voting for or against the proposition: "The (increase or decrease, as applicable) in the rate of the local sales and use tax in the

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Goodwater Municipal Utility District No. 1 from (tax rate on election date) percent to (proposed tax rate) percent."

(e) In an election to abolish a sales and use tax, the ballots shall be printed to provide for voting for or against the proposition: "The abolition of the local sales and use tax in the Goodwater Municipal Utility District No. 1."

(f) Except as provided by Subsection (g), the board by order may abolish the sales and use tax without an election.

(g) The board may not call an election to abolish the sales and use tax or to reduce the rate of the sales and use tax below the amount pledged to secure payment of any outstanding district debt if any district debt remains outstanding.

Sec. 11004.253. SALES AND USE TAX; ADMINISTRATION. (a) Chapter 323, Tax Code, to the extent not inconsistent with this subchapter, governs the application, collection, and administration of the sales and use tax. Subtitles A and B, Title 2, and Chapter 151, Tax Code, govern the administration and enforcement of the sales and use tax and the excise tax.

(b) Sections 323.401 through 323.406, and 323.505, Tax Code, do not apply to the district. Chapter 323, Tax Code, does not apply to the use and allocation of revenue under this chapter.

(c) In applying Chapter 323, Tax Code, a reference in that chapter to:

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(1) "county" means the district; and

(2) "commissioners court" means the board.

(d) The district is entitled to examine and receive information related to the imposition and collection of the sales and use tax to the same extent as a municipality under Subchapter D, Chapter 321, Tax Code.

Sec. 11004.254. USE OF SALES AND USE TAX PROCEEDS. The district may use the proceeds of a sales and use tax collected under this subchapter for any purpose authorized by this chapter.

Sec. 11004.255. SALES AND USE TAXES; EFFECTIVE DATE. The adoption of a sales and use tax or a change in the sales and use tax rate under this subchapter takes effect after the expiration of the first complete calendar quarter occurring after the date on which the comptroller receives notice of the results of the election.

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

TRACT ONE:

BEING 414.78 acres of the Burrell Eaves Survey, Abstract No. 216, in Williamson County, Texas. This tract includes part of the property (3 tracts) which were conveyed to J. N. Adkins, et ux. of record in Vol. 328, Pg. 331, Deed Records of Williamson County, Texas. This tract was surveyed on the ground in August of 2005,

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by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin which was set at the Northeast fence corner of the J.N. Adkins tract called 34.2 acres (Tract 2) as described in Vol. 328, Pg. 331. This corner exists at the intersection of the South line of County Road 147 with the West line of County Road 234.

THENCE along or near the general line of an existing fence with the West line of County Road 234, setting iron pins as follows; S 14 deg. 12 min. 16 sec. W 1006.11 feet; S 14 deg. 51 min. 53 sec. W 992.84 feet; and S 13 deg. 33 min. 34 sec. W 416.78 feet to the Northeast corner of the 4 1/4 acre property conveyed to the Church of Christ at Strickland Grove by deed of record in Vol. 111, Pg. 510.

THENCE with the North line of the Church tract (upstream with the approximate center of Bee Branch), setting iron pins as follows; S 86 deg. 12 min. 17 sec. W 65.40 feet; S 68 deg. 12 min. 42 sec. W 142.18 feet; N 68 deg. 33 min. 45 sec. W 28.04 feet; N 41 deg. 48 min. 23 sec. W 175.27 feet; S 79 deg. 35 min. 37 sec. W 102.40 feet; and S 67 deg. 20 min. 59 sec. W 225.13 feet.

THENCE with the boundary of a 100 acre tract surveyed this date, S 88 deg. 21 min. 38 sec. W 1669.98 feet to an iron pin set; and S 31 deg. 30 min. 55 sec. W 1459.02 feet to an iron pin set.

THENCE with the North line of State Highway 195, along or near the general line of an existing fence,

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finding concrete right-of-way markers, N 58 deg. 29 min. 05 sec. W 252.06 feet; N 58 deg. 28 min. 23 sec. W 2000.17 feet; and N 58 deg. 29 min. 43 sec. W 289.47 feet to an iron pin found.

THENCE with the East boundary of the Crisanto Perez property described in Vol. 1470, pg. 298, along or near the general line of an existing fence, N 23 deg. 39 min. 06 sec. W 2206.68 feet to a pipe post found.

THENCE with the boundary of County Road 147, along or near the general line of an existing fence setting iron pins as follows; N 69 deg. 45 min. 29 sec. E 422.90 feet; N 69 deg. 55 min. 48 sec. E 1885.44 feet; N 70 deg. 04 min. 45 sec. E 2297.59 feet; N 87 deg. 50 min. 55 sec. E 59.60 feet; S 19 deg. 47 min. 36 sec. E 1977.28 feet; and N 70 deg. 44 min. 56 sec. E 1774.08 feet to the POINT OF BEGINNING.

TRACT TWO:

A tract or parcel of land containing 4.988 acres of land out of the Burrell Eaves Survey, Abstract No. 216, Williamson County, Texas, being all of a called 4.99 acre tract conveyed to the William Erwin Kemp and Margaret Elizabeth Kemp Trust recorded under Document No. 2001006723 of the Official Public Records Of Williamson County, Texas, said 4.988 acres being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found at the most westerly corner of the herein described tract, being a southerly corner of said Third Tract, a residue of a 140.8

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acre tract conveyed to J.N. Adkins, et ux recorded in Volume 328, Page 331 of the Deed Records of Williamson County, Texas and lying in the northeasterly right-of-way line of Highway 195;

Thence, North 50°55'10" East, along an interior line of said Third Tract, a distance of 467.27 feet to a 1/2 inch iron rod found at the most northerly corner of the herein described tract;

Thence, South 33°00'00" East (Bearing Basis), along an interior line of said Third Tract, a distance of 707.49 feet to a 1/2 inch iron rod found at the most east corner of the herein described tract and lying in the northerly right-of-way line of County Road 143;

Thence, South 70°37'00" West, along the northerly right-of-way line of said County Road 143, a distance of 147.18 feet to a 1/2 inch iron rod set at an angle point of the herein described tract;

Thence, South 73°57'48" West, continuing along the northerly right-of-way line of said County Road 143, a distance of 60.48 feet to a 1/2 inch iron rod found at the most southerly corner of the herein described tract, being in the northeasterly right-of-way line of said Highway 195 and being the beginning of a curve to the left;

Thence, along the northeasterly right-of-way line of said Highway 195 along said curve to the left through a central angle of 02°12'49" to a 1/2 inch iron rod set for a point of tangency, said curve having a radius of 8235.11 feet, an arc length of 318.14 feet, and a long chord bearing of North 56°00'26" West, 318.12 feet;

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Thence, North 57°01'00" West, continuing along the northeasterly right-of-way line of said Highway 195, a distance of 342.54 feet to the POINT OF BEGINNING, containing 4.988 acres of land.

TRACT THREE:

Being 1.00 acre of the Burrell Eaves Survey, Abstract No. 261, in Williamson County, Texas, part of a 103 acre tract which is described in Vol. 757, Page 461, Deed Records of Williamson County, Texas. Surveyed on the ground in October of 1984, by W.F. Forest, Registered Public Surveyor No. 101.

BEGINNING at an iron pin set about 1 foot North of a fence in the North line of County Road 147, 35 feet wide. A nail set by the Southeast fence corner of the said 103 acre tract bears N 72°07' E 251.03 feet.

THENCE S 72°07' W 150.0 feet to set an iron pin.

THENCE N 17°53" W 290.4 feet to set an iron pin.

THENCE N 72°07' E 150.0 feet to set an iron pin.

THENCE S 17°53' E 290.4 feet to the POINT OF BEGINNING.

TRACT FOUR:

Being 5.00 acres of land located in the Burrell Eaves Survey, Abstract No. 216, Williamson County, Texas, being out of and part of that certain 103 acre tract as recorded in document no. 2002078621, Official Public Records of Williamson County, Texas, (O.P.R.W.C.T.), being the same 5.00 acres conveyed to Carl Satterlee, et ux by deed recorded in Document No. 2001019450, O.P.R.W.C.T., and being more particularly described by

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metes and bounds as follows: (all bearings recited herein ARE BASED ON THE MONUMENTED NORTH LINE OF THE SAID 103 ACRES);
BEGINNING, at a 1/2" iron rod found for the southeast corner of the said 5.00 acres, being in a southerly line of the said 103 acres and being in the north right-of-way line of County road 147;
THENCE, S 70°36'46" W, along said north right-of-way line, a distance of 466.67 feet to a 1/2" iron rod found for the southwest corner herein;
THENCE, N 19°23'51" W, departing said north right-of-way line, a distance of 466.75 feet to a 1/2" iron rod found for the northwest corner herein;
THENCE, N 70°35'54" E, a distance of 466.62 feet to a 1/2" iron rod found for the northeast corner herein;
THENCE, S 19°24'14' E, a distance of 466.86 feet to the POINT OF BEGINNING containing 5.00 acres of land, more or less.
TRACT FIVE:
Being 85.237 acres of land located in the Burrell Eaves Survey, Abstract No. 216, Williamson County, Texas, said tract being all of that certain called 103 acre tract of land conveyed to Earline D. Ischy by warranty deed recorded in Document No. 2002078621, Official Public Records of Williamson County, Texas, (O.P.R.W.C.T.), save and except the following certain tracts of land: that certain 4.127 acre tract conveyed to Kay R. & Alvy A. Byrd In Document No. 2003002085 (O.P.R.W.C.T.), that certain 1.00 acre tract of land conveyed to Gordon

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Crum & Joann Crum by warranty deed recorded in Volume 1104, Page 337, Official Records of Williamson County, Texas, (O.R.W.C.T.), that certain 5.00 acre tract conveyed to Adkins Land Development, L.P. in Document No. 2006054629 (O.P.R.W.C.T.), that certain 5.00 acre tract conveyed to Louis F. Ischy III & Sheila J. Ischy in Document No. 2001040530 (O.P.R.W.C.T.), and that certain 1.00 acre tract conveyed to Bruce Levens in Document No. 2004072477 (O.P.R.W.C.T.), said 85.237 acre tract being more particularly described by metes and bounds as follows: (ALL BEARINGS RECITED HEREIN ARE BASED ON THE MONUMENTED NORTH LINE OF THE SAID 103 ACRES); COMMENCING for reference, at a 1/2" iron rod found at the northwest corner of said 103 acre tract, said point being the common South corner of those certain 5.0 acre and 27.39 acre tracts conveyed to Darren Barker by deeds recorded in Volume 1415, Page 344 (O.R.W.C.T.), and Document No. 2006011593 (O.P.R.W.C.T.), the northwest corner of that certain 4.127 acre tract of land conveyed to Kay R. Byrd and Alvy A. Byrd by deed recorded in Document No. 2003002085 (O.P.R.W.C.T.), and being an ell turn in the northeasterly right-of-way line of County Road 147; THENCE, N69°54'25"E, a distance of 341.99 feet to a nail found in a fence post at the southeast corner of said 27.39 acre Barker tract, same being the southwest corner of that certain 38.66 acre tract of land conveyed to

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Richard Burson by deed recorded in Volume 498, Page 577 (O.R.W.C.T.), and N69°55'59"E, a distance of 19.57 feet, to an 1/2" iron rod found at the northeast corner of said Byrd tract, for the northwest corner and POINT OF BEGINNING;

THENCE, with the north line of said 103 acre tract, same being the South line of said Burson tract, as fenced and used upon the ground, the following three (3) courses numbered 1 through 3,

1. N69°53'00"E, a distance of 1566.04 feet to a capped 1/2" iron rod found (RPLS No. 4835), for an exterior angle point in the north line of the herein described tract,
2. S29°55'01"E, a distance of 225.22 feet to a 1/2" iron rod found, for an interior angle point in the north line of the herein described tract,
3. N70°02'20"E, a distance of 669.19 feet to a nail found in the west right-of-way line of County Road 234, for the northeast corner herein;

THENCE, following said right-of-way line, same being the east line of said 103 acre tract, as fenced and used upon the ground, the following five (5) courses numbered 1 through 5,

1. S01°11'54"E, a distance of 187.72 feet to a fence post, for an angle point,
2. S00°17'33"W, a distance of 144.21 feet to a fence post, for an angle point,
3. S02°33'16"W, a distance of 128.85 feet to a fence post, for an angle point,
4. S08°27'57"W, a distance of 469.22 feet to a fence

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post, for an angle point,

5. S10°32'20"W, 155.00 feet to a 1/2" iron rod set at northeast corner of that certain 1.00 acre tract of land conveyed to Bruce Levens by deed recorded in Document No. 2004072477 (O.P..R.W.C.T.), for an exterior ell corner in the east line of the herein described tract;

THENCE, leaving said right-of-way line, following the north, westerly, and south lines of said Levens tract, as fenced and used upon the ground, the following four (4) courses numbered 1 through 4,

1. N87°50'51"W, a distance of 149.83 feet to a capped 1/2" iron rod found (RPLS No. 4835) at the northwest corner of said Levens tract, for an interior angle point of the herein described tract,

2. S39°09'37"W, a distance of 131.89 feet to a 1/2" iron rod set, at an exterior angle point in the west line of said Levens tract, same being an interior angle point in the east line of the herein described tract,

3. S01°43'30"E, a distance of 113.40 feet to a capped 1/2" iron rod found (RPLS No. 4835), at the southwest corner of said Levens tract, for an interior ell corner in the east line of the herein described tract,

4. S84°17'48"E, a distance of 209.17 feet to a 1/2" iron rod set at the southeast corner of said Levens tract, said point being in the West right-of-way line of said County Road 234, for an exterior ell corner in the east line of the herein described tract;

THENCE, following said right-of-way line, same being

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the east line of said 103 acre tract, the following two (2) courses numbered 1 and 2;

1. S07°22'21"W, a distance of 407.91 feet to a fence post, for an angle point,
2. S07°42'02"W, a distance of 282.14 feet to a nail found in a fence post, at the northwest intersection of said County Road 234 and said County Road 147, said point being the southeast of said 103 acre tract, for the southeast corner herein;

THENCE, S70°35'27"W, following the north right-of-way line of said County Road 147, same being the South line of said 103 acre tract, a distance of 251.03 feet to a calculated point at the southeast corner of said 1.00 acre Crum tract, for an exterior ell comer in the south line of the herein described tract;

THENCE, the following three (3) courses numbered 1 through 3,

1. N19°24'33"W, with the east line of said Crum tract, a distance of 290.40 feet to a calculated point, at the northeast corner of said Crum tract, for an interior ell corner in the south line of the herein described tract,
2. S70°35'27"W, with the north line of said Crum tract, a distance of 150.00 feet to a calculated point at the northwest corner of said Crum tract, for an interior ell corner in the south line of the herein described tract,
3. S19°24'33"E, with the west line of said Crum tract, a distance of 290.40 feet to a calculated point at the southwest corner of said Crum tract, said point being in the north right-of-way line of said County Road 147, for

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an exterior ell corner in the south line of the herein described tract;

THENCE, S70°35'27"W, with the fenced right-of-way line, a distance of 650.48 feet to a 1/2" iron rod found at the southeast corner of that certain 5.00 acre tract of land conveyed to Adkins Land Development L.P, by Warranty Deed recorded in Document No. 2006054629 (O.P.R.W.C.T.), for an exterior ell corner in the south line of the herein described tract;

THENCE, leaving said right-of-way line, the following three (3) courses numbered 1 through 3,

1. N19°23'57"W, with the east line of said 5.00 acre tract, a distance of 466.86 feet to a 1/2" iron rod found at the northeast corner of said 5.00 acre tract, for an interior ell corner in the south line of the herein described tract,

2. S70°36'11"W, with the north line of said 5.00 acre tract, a distance of 466.62 feet to a 1/2" iron rod found at the northwest corner of said 5.00 acre tract, for an interior ell corner in the south line of the herein described tract,

3. S19°23'34"E, with the west line of said 5.00 acre tract, a distance of 466.75 feet to a 1/2" iron rod found at the southwest corner of said 5.00 acre tract, said point being in the north right-of-way line of said County Road 147, for an exterior ell corner in the south line of the herein described tract;

THENCE, with the fenced right-of-way line of said County Road 147, the following two (2) courses and distances numbered 1 and 2,

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1. S71°33'31"W, a distance of 218.98 feet to a fence post, for an angle point,
 2. S86°55'25"W, a distance of 29.45 feet to a fence post, said point being an ell turn in the northeasterly right-of-way line of said County Road 147, same being the southwest corner of said 103 acre tract, for the southwest corner herein;
- THENCE, with the west line of the herein described tract, the following seven (7) courses numbered 1 through 7,
1. N19°48'38"W, a distance of 933.55 feet to a 1/2" iron rod found at the southwest corner of that certain 5.00 acre tract of land conveyed to Louis Eschy III and Sheila J. Ischy by deed recorded in Document No. 2001040530 (O.P.R.W.C.T.), for an exterior ell corner in the west line of the herein described tract,
 2. leaving said right-of-way line, N70°21'26"E, following the south line of said Ischy tract, a distance of 466.66 feet to a 1/2" iron rod found at the southeast corner of said Ischy tract, for an interior ell corner in the west line of the herein described tract,
 3. N19°38'15"W, with the east line of said Ischy tract, a distance of 466.66 feet to a 1/2" iron rod found at the northeast corner of said Ischy tract, for an interior ell corner in the west line of the herein described tract,
 4. S70°21'31"W, with the north line of said Ischy tract, a distance of 466.75 feet to an 1/2" iron rod found at the northwest corner of said Ischy tract, said point being in the east right-of-way line of said County Road 147, for

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an exterior ell corner in the west line of the herein described tract,

5. along said east right-of-way line, N19°37'05"W, a distance of 90.02 feet to an 1/2" iron rod found at the southwest corner of said 4.127 acre Byrd tract, for an exterior ell corner in the west line of the herein described tract,

6. leaving said right-of-way line, N69°41'13"E, with the south line of said Byrd tract, a distance of 360.68 feet to a fence post at the southeast corner of said Byrd tract, for an interior ell corner in the west line of the herein described tract,

7. N19°31'49"W, with the east line of said Byrd tract, a distance of 496.05 feet to the POINT OF BEGINNING containing 85.237 Acres Of Land.

TRACT SIX:

Being 100.00 acres of the Burrell Eaves Survey, Abstract No. 216, Williamson County, Texas. This property includes part of Tracts 1 and 3 which were conveyed to J.N. Adkins, et. ux. of record in Vol. 328, Pg. 331, Deed Records of Williamson County, Texas. This tract was surveyed on the ground in August of 2005, by William F. Forest, Jr., Registered Professional Land Surveyor No. 1847.

BEGINNING at an iron pin which was set at the Southeast fence corner of the J.N. Adkins tract called 140.8 acres (Tract 3) as described in Vol. 328, Pg. 331. This corner exists at the intersection of the West line of County Road 234 with the North line of County Road

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143.

THENCE along or near the general line of an existing fence with the North line of County Road 143, S 70 deg. 03 min. 56 sec. W 1109.27 feet to an iron pin set.

THENCE with the boundary of a 4.99 acre tract which was conveyed to Kemp Trust as described in Doc. 2001006723; N 34 deg. 20 min. 49 sec. W 706.93 feet to an iron pin found; and S 49 deg. 32 min. 11 sec. W 467.33 feet to an iron pin found.

THENCE with the Northeast line of State Highway 195, along or near the general line of an existing fence, N 58 deg. 30 min. 09 sec. W 451.94 feet to a concrete right-of-way marker found; and N 58 deg. 29 min. 05 sec. W 747.32 feet to an iron pin set.

THENCE with the boundary of a 414.78 acre tract surveyed this date, N 31 deg. 30 min. 55 sec. E 1459.02 feet to an iron pin set; and N 88 deg. 21 min.38 sec. E 1669.98 feet to an iron pin set.

THENCE with the boundary of the 4 1/4 acre tract conveyed to the Church of Christ at Strickland Grove as described in Vol. 111, Pg. 510, S 07 deg. 43 min. 05 sec. E 283.91 feet to an iron pin set; and N 87 deg. 56 min. 23 sec. E 488.74 feet to a steel cotton spindle set.

THENCE with the West line of County Road 234, along or near the general line of an existing fence, setting iron pins at bends as follows: S 23 deg. 07 min. 23 sec. W 842.18 feet; S 16 deg. 01 min. 02 sec. W 69.58 feet; S 01 deg. 17 min. 24 sec. W 21.50 feet; S 06 deg. 55 min. 45 sec. E 27.00 feet; S 11 deg. 23 min. 45 sec. E 68.43 feet;

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and S 18 deg. 12 min. 26 sec. E 616.09 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 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.

Same as House version.

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.

Same as House version.