

By: Isaac

H.B. No. 2182

A BILL TO BE ENTITLED

AN ACT

relating to the Ranch at Clear Fork Creek Municipal Utility District No. 2; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8344 to read as follows:

CHAPTER 8344. RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICT

NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8344.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Ranch at Clear Fork Creek Municipal Utility District No. 2.

Sec. 8344.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8344.003. 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.

1 Sec. 8344.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8344.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the territory added by Section
5 8344.005 is located has consented by ordinance or resolution to the
6 inclusion of land in the district.

7 Sec. 8344.005. TERRITORY ADDED. (a) The territory
8 described by Section 2 of the Act enacting this chapter is added to
9 the district's territory as of the effective date of this section.

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

14 (1) organization, existence, or validity;

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

18 (3) right to impose a tax; or

19 (4) legality or operation.

20 [Sections 8344.006-8344.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8344.051. GOVERNING BODY; TERMS. (a) The district is
23 governed by a board of five elected directors.

24 (b) Except as provided by Section 8344.052, directors serve
25 staggered four-year terms.

26 Sec. 8344.052. TEMPORARY DIRECTORS. (a) The temporary
27 board consists of:

- 1 (1) Erik Jasinski;
- 2 (2) Eric Blakely;
- 3 (3) Jonathan Parker;
- 4 (4) Meredith Powell; and
- 5 (5) Rick Dolifka.

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

- 7 (1) the date permanent directors are elected under
- 8 Section 8344.003; or
- 9 (2) the fourth anniversary of the effective date of
- 10 the Act enacting this chapter.

11 (c) If permanent directors have not been elected under

12 Section 8344.003 and the terms of the temporary directors have

13 expired, successor temporary directors shall be appointed or

14 reappointed as provided by Subsection (d) to serve terms that

15 expire on the earlier of:

- 16 (1) the date permanent directors are elected under
- 17 Section 8344.003; or
- 18 (2) the fourth anniversary of the date of the
- 19 appointment or reappointment.

20 (d) If Subsection (c) applies, the owner or owners of a

21 majority of the assessed value of the real property in the district

22 may submit a petition to the commission requesting that the

23 commission appoint as successor temporary directors the five

24 persons named in the petition. The commission shall appoint as

25 successor temporary directors the five persons named in the

26 petition.

27 [Sections 8344.053-8344.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8344.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8344.102. AUTHORITY FOR ROAD PROJECTS. Under Section
8 52, Article III, Texas Constitution, the district may design,
9 acquire, construct, finance, issue bonds for, improve, operate,
10 maintain, and convey to this state, a county, or a municipality for
11 operation and maintenance macadamized, graveled, or paved roads,
12 including bridges, storm drainage, and other improvements or
13 appurtenances in aid of those roads.

14 Sec. 8344.103. ROAD STANDARDS AND REQUIREMENTS. (a) A road
15 project must meet all applicable construction standards, zoning and
16 subdivision requirements, and regulations of each municipality in
17 whose corporate limits or extraterritorial jurisdiction the road
18 project is located.

19 (b) If a road project is not located in the corporate limits
20 or extraterritorial jurisdiction of a municipality, the road
21 project must meet all applicable construction standards,
22 subdivision requirements, and regulations of each county in which
23 the road project is located.

24 (c) If a municipality or county will maintain and operate
25 the road, the municipality or county must approve the plans and
26 specifications of the road project.

27 (d) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and
2 specifications of the road project.

3 Sec. 8344.104. LIMITATION ON USE OF EMINENT DOMAIN. The
4 district may not exercise the power of eminent domain outside the
5 district to acquire a site or easement for:

- 6 (1) a road project authorized by Section 8344.102; or
7 (2) a recreational facility as defined by Section
8 49.462, Water Code.

9 [Sections 8344.105-8344.150 reserved for expansion]

10 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

11 Sec. 8344.151. DIVISION OF DISTRICT; PREREQUISITES. The
12 district may be divided into two or more new districts only if the
13 district:

- 14 (1) has no outstanding bonded debt; and
15 (2) is not imposing ad valorem taxes or assessments.

16 Sec. 8344.152. LAW APPLICABLE TO NEW DISTRICT. This
17 chapter applies to any new district created by division of the
18 district, and a new district has all the powers and duties of the
19 district, including the power to divide in accordance with this
20 section.

21 Sec. 8344.153. LIMITATION ON AREA OF NEW DISTRICT. A new
22 district created by the division of the district may not, at the
23 time the new district is created, contain any land outside the
24 combined area of:

- 25 (1) the territory of the district at the time the
26 district was initially created; and
27 (2) the area added by Section 8344.005.

1 Sec. 8344.154. DIVISION PROCEDURES. (a) The board, on its
2 own motion or on receipt of a petition signed by the owner or owners
3 of a majority of the assessed value of the real property in the
4 district according to the most recent appraisal roll for each
5 county in which the district is located, may adopt an order dividing
6 the district.

7 (b) The board may adopt an order dividing the district
8 before or after the date the board holds an election under Section
9 8344.003 to confirm the district's creation.

10 (c) An order dividing the district:

11 (1) must:

12 (A) name each new district;

13 (B) include the metes and bounds description of
14 the territory of each new district;

15 (C) appoint temporary directors for each new
16 district; and

17 (D) provide for the division of assets and
18 liabilities between or among the new districts; and

19 (2) is subject to a confirmation election in each new
20 district.

21 (d) On or before the 30th day after the date of adoption of
22 an order dividing the district, the district shall file the order
23 with the commission and record the order in the real property
24 records of each county in which the district is located.

25 Sec. 8344.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
26 A new district created by the division of the district shall hold a
27 confirmation and directors' election as required by Section

1 8344.003.

2 (b) The results of that election must be filed as required
3 by Sections 49.102(e) and (f), Water Code.

4 (c) The division of the district is not effective unless the
5 voters of each proposed new district vote to confirm the creation of
6 their new district.

7 Sec. 8344.156. MUNICIPAL CONSENT. Municipal consent to the
8 creation of the district and to the inclusion of land in the
9 district granted under Section 8344.004 acts as municipal consent
10 to the creation of any new district created by the division of the
11 district and to the inclusion of land in the new district.

12 Sec. 8344.157. TAX OR BOND ELECTION. Before a new district
13 created by the division of the district may impose a maintenance tax
14 or issue bonds payable wholly or partly from ad valorem taxes, the
15 new district must hold an election as required by Chapters 49 and
16 54, Water Code, and this chapter to obtain voter approval.

17 [Sections 8344.158-8344.200 reserved for expansion]

18 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

19 Sec. 8344.201. TAX TO REPAY BONDS. The district may impose
20 a tax to pay the principal of or interest on bonds issued under
21 Section 8344.251.

22 [Sections 8344.202-8344.250 reserved for expansion]

23 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

24 Sec. 8344.251. BONDS FOR ROAD PROJECTS. (a) The district
25 may not issue bonds payable from ad valorem taxes to finance a road
26 project unless the issuance is approved by a vote of a two-thirds
27 majority of the district voters voting at an election held for that

1 purpose.

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

7 SECTION 2. The Ranch at Clear Fork Creek Municipal Utility
8 District No. 2 includes all the territory contained in the
9 following area in addition to the district's territory immediately
10 before the effective date of this Act:

11 109.21 ACRE TRACT

12 DESCRIBING A 109.21 ACRE TRACT OF LAND BEING A PART OF THE AUGUST
13 REUSS SURVEY, ABSTRACT 398, HAYS COUNTY, TEXAS, SAME BEING A
14 PORTION OF THAT CERTAIN 116.93 ACRE TRACT OF LAND DESCRIBED IN A
15 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON JULY 15, 2010
16 AND RECORDED IN VOLUME 3937 PAGE 662 OF THE OFFICIAL PUBLIC RECORDS
17 OF SAID COUNTY SAID 109.21 ACRE TRACT OF LAND BEING MORE
18 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

19 BEGINNING, at an iron rod with cap stamped RPLS 1753 found at the
20 south corner of said 116.93 acre tract, same being at the east
21 corner of that certain 92.67 acre tract of land described in a deed
22 to Walter Seeliger as recorded in Volume 131 Page 131 of the
23 Official Public Records of said County and in the northwest line of
24 State Highway No. 21 (100' R.O.W.);

25 THENCE, with the southwest line of said 116.93 acre tract, same
26 being with the northeast line of said Seeliger tract, N47°11'59"W,
27 3148.30 feet to an iron rod with cap stamped RPLS 1753 found at the

1 west corner of said 116.93 acre tract, same being at the north
2 corner of said Seeliger tract and in the southeast line of that
3 certain 125 acre tract of land described in a deed to The B. R. and
4 Mollie Wranitzky Trust as recorded in Volume 1011 Page 48 of the
5 Official Public Records of said County;

6 THENCE, with the northwest line of said 116.93 acre tract, same
7 being the southeast line of said 125 acre tract, N42°42'46"E,
8 1509.43 feet to an iron rod found at the north corner of said 116.93
9 acre tract, same being at the west corner of that certain 88.265
10 acre tract of land described in a deed to Adora Investments, LLC as
11 recorded in Volume 3749 Page 476 of the Official Public Records of
12 said County;

13 THENCE, with the northeast line of said 116.93 acre tract, same
14 being the southwest line of said 88.265 acre tract, S47°12'03"E,
15 3252.62 feet to a point from which an iron rod with cap stamped UDG
16 #2433 found at the east corner of said 116.93 acre tract, same being
17 at the south corner of said 88.265 acre tract and in the said line of
18 State Highway No. 21 bears S47°12'03"E, 302.94 feet;

19 THENCE, through the interior of said 116.93 acre tract and with the
20 City of Umland, Texas City Limit Line, the following three courses:

21 1) Along a curve to the right having a radius of 4233.66 feet, an
22 arc length of 684.87 feet, a central angle of 9°16'07" and a chord
23 which bears S55°41'22"W, 684.11 feet to a point;

24 2) S60°10'58"W, 391.11 feet to a point;

25 3) S29°49'02"E, 300.00 feet to a point in the southeast line of
26 said 116.93 acre tract, same being in the said right-of-way of State
27 Highway No. 21;

1 THENCE, with the common line of said 116.93 acre tract and said
2 Highway, S60°10'58"W, 397.91 feet to the POINT OF BEGINNING and
3 containing 109.21 acres of land.

4 158.31 ACRE TRACT

5 DESCRIBING A 158.31 ACRE TRACT OF LAND BEING A PART OF THE THOMAS
6 YATES SURVEY, ABSTRACT 313, CALDWELL COUNTY, TEXAS, SAID TRACT OF
7 LAND ALSO BEING ALL OF OR A PORTION OF THE FOLLOWING TWO TRACTS OF
8 LAND:

9 1) ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 100.02 ACRES IN A
10 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON MARCH 11, 2010
11 AND RECORDED IN VOLUME 597 PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF
12 SAID COUNTY;

13 2) ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 58.29 ACRES IN A
14 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON NOVEMBER 10,
15 2010 AND RECORDED IN VOLUME 634 PAGE 608 OF THE OFFICIAL PUBLIC
16 RECORDS OF SAID COUNTY;

17 SAID 158.31 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY
18 METES AND BOUNDS AS FOLLOWS:

19 BEGINNING, at an iron rod found at the northeast corner of said
20 100.02 acre tract in the west right-of-way line of F.M. 2720 (80'
21 R.O.W.), same being at the southeast corner of that certain 405.35
22 acre tract of land described in a deed to Walton Texas, LP as
23 recorded in Volume 579 Page 211 of the Official Public Records of
24 said County, for the POINT OF BEGINNING of the herein described
25 158.31 acre tract of land (Grid coordinates: N:9,951,631.99
26 E:3,102,510.82);

27 THENCE, with the east line of said 100.02 acre tract, same being the

1 west line of said F.M. 2720, S42°12'20"E, at 529.17 feet passing a
2 Texas Department of Transportation Type I concrete monument,
3 continuing for a total distance of 2306.77 feet to a nail found at
4 the southeast corner of said 100.02 acre tract, same being at a
5 northeast corner of that certain called 8.692 acre tract of land
6 described in a deed to Thomas E. Black, Jr. as recorded in Volume
7 391 Page 459 of the Official Public Records of said County;

8 THENCE, with the south line of said 100.02 acre tract, same being
9 the north line of said Black tract, S48°06'09"W, 1225.23 feet to a
10 nail found at the southern most southwest corner of said 100.02 acre
11 tract, same being at the northwest corner of said Black tract and in
12 the east line of that certain called 91.2638 acre tract of land
13 described in a deed to Cleo L. Krieg as recorded in Volume 149 Page
14 219 of the Official Public Records of said County;

15 THENCE, with the southern most west line of said 100.02 acre tract,
16 same being the east line of said Krieg tract, N42°45'47"W, 1078.02
17 feet to an iron rod with cap stamped "UDG #2433" set at an interior
18 corner of said 100.02 acre tract, same being the northeast corner of
19 said Krieg tract;

20 THENCE, with the northern most south line of said 100.02 acre tract,
21 same being the north line of said Krieg tract, S47°17'01"W, 1241.49
22 feet to an iron rod with cap stamped "UDG #2433" set at the northern
23 most southwest corner of said 100.02 acre tract, same being at the
24 northwest corner of said Krieg tract and in the northeast line of
25 said 58.29 acre tract;

26 THENCE, with the northeast line of said 58.29 acre tract, same being
27 the southwest line of said Krieg tract, S42°35'18"E, 2350.90 feet to

1 an iron rod found at the northern most east corner of said 58.29
2 acre tract, same being at the north corner of that certain 2.070
3 acre tract of land described in a deed to Elida Nava as recorded in
4 Volume 561 Page 847 of the Official Public Records of said County;
5 THENCE, with the common lines of said 58.29 acre tract and said Nava
6 tract, the following five courses:

- 7 1. S47°39'27"W, 180.82 feet to an iron rod found;
- 8 2. S40°36'42"E, 301.60 feet to an iron rod found;
- 9 3. N79°44'05"E, 88.78 feet to an iron rod found;
- 10 4. N72°18'20"E 62.04 feet to an iron rod with plastic cap stamped
11 UDG #2433 set;
- 12 5. S42°34'06"E, 409.85 feet to an iron rod found at the southern
13 most east corner of said 58.29 acre tract, same being at the south
14 corner of said 2.070 tract, same being in the northwest line of
15 County Road 228 (Farmers Road, R.O.W. varies);

16 THENCE, with the southeast line of said 58.29 acre tract, same being
17 the northwest line of said County Road 228, S47°40'42"W, 532.18 feet
18 to an iron rod with plastic cap stamped UDG #2433 set at the eastern
19 most south corner of said 58.29 acre tract, same being at the east
20 corner of that certain 60.350 acre tract of land described in a deed
21 to Florence M. Holz Vickery as recorded in said Partition Deed
22 recorded in Volume 88 Page 318 of the Official Public Records of
23 said County;

24 THENCE, with the common lines of said 58.29 acre tract and said
25 60.350 acre tract, the following three courses:

- 26 1. N42°19'00"W, 135.90 feet to an iron rod with plastic cap stamped
27 UDG #2433 set;

1 2. S47°44'51"W, 116.26 feet to an iron rod with plastic cap stamped
2 UDG #2433 set;
3 3. N42°34'31"W, 3602.41 feet to an iron rod found at the west
4 corner of this tract, same being at the west corner of said 58.29
5 acre tract and the north corner of said 60.350 acre tract, said iron
6 rod also being in the southeast line of said 405.35 acre tract;
7 THENCE, with the northwest line of said 58.29 acre tract, same being
8 the southeast line of said 405.35 acre tract, N47°39'14"E, 707.05
9 feet to an iron rod found at the north corner of said 58.29 acre
10 tract, same being the southern most east corner of said 405.35 acre
11 tract, same also being in the southwest line of said 100.02 acre
12 tract;
13 THENCE, with a southwest line of said 100.02 acre tract, same being
14 a northeast line of said 405.35 acre tract, N42°19'47"W, 619.99 feet
15 to an iron rod found at the northwest corner of said 100.02 acre
16 tract, same being an interior corner of said 405.35 acre tract;
17 THENCE, with the north line of said 100.02 acre tract, same being
18 with a south line of 405.35 acre tract, N47°34'05"E, a distance of
19 2482.54 feet to the POINT OF BEGINNING and containing 158.31 acres
20 of land.

21 87.47 ACRE TRACT

22 DESCRIBING 87.47 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
23 SURVEY A-123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION OF THAT
24 312.48 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WALTON
25 TEXAS, LP EXECUTED ON MAY 5, 2009 AND RECORDED IN VOLUME 568 PAGE
26 119 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 87.47 ACRES
27 OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS

1 FOLLOWS:

2 BEGINNING at an axle found at the east corner of said 312.48 acre
3 tract, same being the north corner of that 152.071 acre tract
4 described in a deed to Bryant L Hohertz and wife, Veleria G. Hohertz
5 as recorded in Volume 459 Page 639 of the Deed Records of said
6 County and in the southwest line of the Old Kyle Lockhart Road
7 (R.O.W. varies), from which an iron rod found at the east corner of
8 said 152.071 acre tract, same being a north corner of that 464.77
9 acre tract described in a deed to Elizabeth Blanks Hindman as
10 recorded in Volume 495 Page 373 of the Deed Records of said County
11 bears $S41^{\circ}18'41''E$, 19.83 feet;

12 THENCE, with the southeast line of said 312.48 acre tract,
13 $S47^{\circ}54'11''W$, 1897.48 feet to a point;

14 THENCE, through the interior of said 312.48 acre tract, $N42^{\circ}00'00''W$,
15 2018.19 feet to a point in the northern most northwest line of said
16 312.48 acre tract, same being in the southeast line of the remaining
17 portion of a 331.6 acre tract described in Volume 192 Page 649 of
18 the Official Public Records of said County;

19 THENCE, with said northwest line of 312.48 acre tract, $N47^{\circ}53'56''E$,
20 1890.25 feet to an iron rod with cap (stamped "Hinkle") found at the
21 east corner of said remaining portion, same being in the southwest
22 line of F. M. 2720 (R.O.W. varies) from which said iron rod with cap
23 found at the north corner of said remaining portion bears
24 $N33^{\circ}43'35''W$, 391.68 feet;

25 THENCE, with the southwest line of said F. M. 2720, the following
26 three courses:

27 1) Along a curve to the left having a radius of 2904.81 feet, an

1 arc length of 199.21 feet, a central angle of 3°55'46" and a chord
2 which bears S40°36'09"E, 199.18 feet to a concrete monument found;

3 2) S41°19'53"E, 703.74 feet to an iron rod found;

4 3) Along a curve to the left having a radius of 1185.96 feet, an
5 arc length of 191.25 feet, a central angle of 9°14'22" and a chord
6 which bears S46°12'56"E, 191.04 feet to an iron rod found at the
7 intersection of said F. M. 2720 with the northeast line of said
8 331.6 acre tract and the southwest line of the said Old Kyle
9 Lockhart Road;

10 THENCE, with the northeast line of said 312.48 acre tract, same
11 being the southwest line of said Old Kyle Lockhart Road,
12 S42°23'15"E, 925.01 feet to the POINT OF BEGINNING and containing
13 87.47 acres of land.

14 642.57 ACRE TRACT

15 DESCRIBING 642.57 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
16 SURVEY, ABSTRACT 123, CALDWELL COUNTY, TEXAS, SAME BEING ALL OF OR A
17 PORTION OF THE FOLLOWING TWO TRACTS OF LAND:

18 1) ALL OF THAT 464.83 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
19 WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON MARCH 23, 2010 AND
20 RECORDED IN VOLUME 598 PAGE 166 OF THE OFFICIAL PUBLIC RECORDS OF
21 CALDWELL COUNTY, TEXAS;

22 2) A PORTION OF THAT 682.21 ACRE TRACT OF LAND DESCRIBED IN A
23 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON JANUARY 15,
24 2010 AND RECORDED IN VOLUME 591 PAGE 449 OF THE OFFICIAL PUBLIC
25 RECORDS OF CALDWELL COUNTY, TEXAS; SAID 642.57 ACRES OF LAND BEING
26 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

27 BEGINNING at an iron rod found at the south corner of said 464.83

1 acre tract, same being the southern most east corner of said 682.21
2 acre tract, same also being in the northwest line of that tract of
3 land described in a deed to Bryant L. Hohertz, et ux as recorded in
4 Volume 397 Page 369 of the Official Public Records of said County;
5 THENCE, with the southeast line of 682.21 acre tract, same being the
6 northwest line of said Bryant L. Hohertz tract, S47°58'32"W, 542.23
7 feet to a point from which an iron rod with aluminum cap found at a
8 south corner of said 682.21 acre tract bears S47°58'32"W, 566.01
9 feet;
10 THENCE, through the interior of said 682.21 acre tract, N42°00'00"W,
11 9091.90 feet to a point in a northwest line of said 682.21 acre
12 tract;
13 THENCE, with a northwest line of said 682.21 acre tract,
14 N47°53'54"E, 1349.71 feet to an iron rod with cap stamped UDG #2433
15 set at the north corner of said 682.21 acre tract, same being at a
16 west corner of said 464.83 acre tract;
17 THENCE, with the northern most northwest line of said 464.83 acre
18 tract, the following four courses:
19 1) N47°53'54"E, 547.53 feet to an iron rod with cap found in a
20 southwest line of the former Kyle-Lockhart Road (a public road);
21 2) With said Kyle-Lockhart Road, S25°07'26"E, 12.87 feet to an iron
22 rod found;
23 3) With said Kyle-Lockhart Road, S41°21'12"E, 17.94 feet to an iron
24 rod found;
25 4) With said Kyle-Lockhart Road, N47°56'28"E, 650.16 feet to a nail
26 atop a fence corner post at the north corner of said 464.83 acre
27 tract, same being the west corner of that 125 acre tract of land

1 described in a deed to Joyce Livengood Bock as recorded in Volume
2 212 Page 375 of the Official Public Records of said County, from
3 which a concrete monument found bears N50°58'49"E, 488.28 feet;
4 THENCE, with the western most northeast line of said 464.83 acre
5 tract, same being the southwest line of said 125 acre tract,
6 S42°11'53"E, 2727.38 feet to an iron pipe found at an interior
7 corner of said 464.83 acre tract, same being the south corner of
8 said 125 acre tract;
9 THENCE, with the eastern most northwest line of said 464.83 acre
10 tract, same being the southeast line of said 125 acre tract,
11 N48°15'08"E, 3912.02 feet to an iron pipe found at the eastern most
12 north corner of said 464.83 acre tract, same being the east corner
13 of said 125 acre tract and in a southwest line of F. M. 2720 (80'
14 R.O.W.) from which an iron pipe found at the southern most north
15 corner of said 125 acre tract, same being the east corner of that
16 110.42 acre tract of land described in a deed to Cleo L. Krieg as
17 recorded in Volume 154 Page 276 of the Official Public Records of
18 said County bears N41°48'09"W, 101.41 feet;
19 THENCE, with the eastern most northeast line of said 464.83 acre
20 tract, same being the southwest line of said F. M. 2720, the
21 following two courses:
22 1) S42°01'54"E, 1441.16 feet to a concrete monument found;
23 2) S42°09'53"E, 68.83 feet to an iron rod found at the northern
24 most east corner of said 464.83 acre tract, same being in the
25 northwest line of that 100.75 acre tract described in a deed to
26 Joyce Livengood Bock as recorded in Volume 212 Page 375 of the
27 Official Public Records of said County;

1 THENCE, with the northern most southeast line of said 464.83 acre
2 tract, same being the northwest line of said 100.75 acre tract,
3 S48°15'53"W, 3918.99 feet to an iron rod with cap (stamped Texas
4 Surveying/4227) found at an interior corner of said 464.83 acre
5 tract, same being the west corner of said 100.75 acre tract;

6 THENCE, with a northeast line of said 464.83 acre tract, same being
7 the southwest line of said 100.75 acre tract, S42°08'11"E, 2229.92
8 feet to a stone found at the south corner of said 100.75 acre tract,
9 same being at the west corner of that 103.18 acre tract described in
10 a deed to Curby D. Ohnheiser as recorded in Volume 487 Page 22 of the
11 Official Public Records of said County;

12 THENCE, with a northeast line of said 464.83 acre tract, same being
13 the southwest line of said 103.18 acre tract, S41°52'27"E, 1393.08
14 feet to an iron rod found at the southern most east corner of said
15 464.83 acre tract, same being the south corner of said 103.18 acre
16 tract and in the northwest line of that 52.3 acre tract described in
17 a deed to Nellie Hampe Partnership I, Ltd. as recorded in Volume 140
18 Page 348 of the Official Public Records of said County;

19 THENCE, with a southeast line of said 464.83 acre tract, same being
20 the northwest line of said 52.3 acre tract, S48°00'59"W, 899.65 feet
21 to an iron rod with cap (stamped Texas Surveying) found at an
22 interior corner of said 464.83 acre tract, same being at the west
23 corner of said 52.3 acre tract;

24 THENCE, with the southern most northeast line of said 464.83 acre
25 tract, same being the southwest line of said 52.3 acre tract,
26 S42°01'21"E, 1208.36 feet to an iron rod found at the southern most
27 east corner of said 464.83 acre tract, same being at the south

1 corner of said 52.3 acre tract and in the northwest line of said
2 Bryant L. Hohertz et ux tract as recorded in Volume 397 Page 369 of
3 the Official Public Records of said County;

4 THENCE, with the southern most southeast line of said 464.83 acre
5 tract, same being northwest line of said Bryant L. Hohertz et ux
6 tract as recorded in Volume 397 Page 369 of the Official Public
7 Records of said County, S48°06'34"W, 1107.77 feet to the POINT OF
8 BEGINNING and containing 642.57 acres of land.

9 SECTION 3. (a) The legal notice of the intention to
10 introduce this Act, setting forth the general substance of this
11 Act, has been published as provided by law, and the notice and a
12 copy of this Act have been furnished to all persons, agencies,
13 officials, or entities to which they are required to be furnished
14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
15 Government Code.

16 (b) The governor, one of the required recipients, has
17 submitted the notice and Act to the Texas Commission on
18 Environmental Quality.

19 (c) The Texas Commission on Environmental Quality has filed
20 its recommendations relating to this Act with the governor, the
21 lieutenant governor, and the speaker of the house of
22 representatives within the required time.

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

27 SECTION 4. (a) Section 8344.104, Special District Local

1 Laws Code, as added by Section 1 of this Act, takes effect only if
2 this Act receives a two-thirds vote of all the members elected to
3 each house.

4 (b) If this Act does not receive a two-thirds vote of all the
5 members elected to each house, Subchapter C, Chapter 8344, Special
6 District Local Laws Code, as added by Section 1 of this Act, is
7 amended by adding Section 8344.104 to read as follows:

8 Sec. 8344.104. NO EMINENT DOMAIN POWER. The district may
9 not exercise the power of eminent domain.

10 (c) This section is not intended to be an expression of a
11 legislative interpretation of the requirements of Section 17(c),
12 Article I, Texas Constitution.

13 SECTION 5. Except as provided by Section 4 of this Act:

14 (1) this Act takes effect immediately if it receives a
15 vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution; and

17 (2) if this Act does not receive the vote necessary for
18 immediate effect, this Act takes effect September 1, 2011.