

1-1 By: Flynn (Senate Sponsor - Deuell) H.B. No. 2363  
1-2 (In the Senate - Received from the House May 12, 2011;  
1-3 May 12, 2011, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 19, 2011, reported favorably by  
1-5 the following vote: Yeas 5, Nays 0; May 19, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Bearpen Creek Municipal Utility  
1-9 District of Hunt County; providing authority to impose a tax and  
1-10 issue bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 8363 to read as follows:

1-14 CHAPTER 8363. BEARPEN CREEK MUNICIPAL UTILITY DISTRICT  
1-15 OF HUNT COUNTY

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8363.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "City" means a municipality in whose corporate  
1-20 limits or extraterritorial jurisdiction the district is located.

1-21 (3) "Commission" means the Texas Commission on  
1-22 Environmental Quality.

1-23 (4) "Director" means a board member.

1-24 (5) "District" means the Bearpen Creek Municipal  
1-25 Utility District of Hunt County.

1-26 Sec. 8363.002. NATURE OF DISTRICT. The district is a  
1-27 municipal utility district created under Section 59, Article XVI,  
1-28 Texas Constitution.

1-29 Sec. 8363.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-30 REQUIRED. The temporary directors shall hold an election to  
1-31 confirm the creation of the district and to elect five permanent  
1-32 directors as provided by Section 49.102, Water Code.

1-33 Sec. 8363.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-34 temporary directors may not hold an election under Section 8363.003  
1-35 until each municipality in whose corporate limits or  
1-36 extraterritorial jurisdiction the district is located has  
1-37 consented by ordinance or resolution to the creation of the  
1-38 district and to the inclusion of land in the district.

1-39 Sec. 8363.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-40 (a) The district is created to serve a public purpose and benefit.

1-41 (b) The district is created to accomplish the purposes of:

1-42 (1) a municipal utility district as provided by  
1-43 general law and Section 59, Article XVI, Texas Constitution; and

1-44 (2) Section 52, Article III, Texas Constitution, that  
1-45 relate to the construction, acquisition, improvement, operation,  
1-46 or maintenance of macadamized, graveled, or paved roads, or  
1-47 improvements, including storm drainage, in aid of those roads.

1-48 Sec. 8363.006. INITIAL DISTRICT TERRITORY. (a) The  
1-49 district is initially composed of the territory described by  
1-50 Section 2 of the Act enacting this chapter.

1-51 (b) The boundaries and field notes contained in Section 2 of  
1-52 the Act enacting this chapter form a closure. A mistake made in the  
1-53 field notes or in copying the field notes in the legislative process  
1-54 does not affect the district's:

1-55 (1) organization, existence, or validity;

1-56 (2) right to issue any type of bond for the purposes  
1-57 for which the district is created or to pay the principal of and  
1-58 interest on a bond;

1-59 (3) right to impose a tax; or

1-60 (4) legality or operation.

1-61 [Sections 8363.007-8363.050 reserved for expansion]

1-62 SUBCHAPTER B. BOARD OF DIRECTORS

1-63 Sec. 8363.051. GOVERNING BODY; TERMS. (a) The district is  
1-64 governed by a board of five elected directors.

2-1 (b) Except as provided by Section 8363.052, directors serve  
 2-2 staggered four-year terms.

2-3 Sec. 8363.052. TEMPORARY DIRECTORS. (a) The temporary  
 2-4 board consists of:

- 2-5 (1) Jessica Shae Ewy;
- 2-6 (2) Jason Michael Farmer;
- 2-7 (3) Charles Richard Johns;
- 2-8 (4) Warren Jacob Loftis; and
- 2-9 (5) Martin Jacob Newman.

2-10 (b) Temporary directors serve until the earlier of:

- 2-11 (1) the date permanent directors are elected under  
 2-12 Section 8363.003; or
- 2-13 (2) the fourth anniversary of the effective date of  
 2-14 the Act enacting this chapter.

2-15 (c) If permanent directors have not been elected under  
 2-16 Section 8363.003 and the terms of the temporary directors have  
 2-17 expired, successor temporary directors shall be appointed or  
 2-18 reappointed as provided by Subsection (d) to serve terms that  
 2-19 expire on the earlier of:

- 2-20 (1) the date permanent directors are elected under  
 2-21 Section 8363.003; or
- 2-22 (2) the fourth anniversary of the date of the  
 2-23 appointment or reappointment.

2-24 (d) If Subsection (c) applies, the owner or owners of a  
 2-25 majority of the assessed value of the real property in the district  
 2-26 may submit a petition to the commission requesting that the  
 2-27 commission appoint as successor temporary directors the five  
 2-28 persons named in the petition. The commission shall appoint as  
 2-29 successor temporary directors the five persons named in the  
 2-30 petition.

2-31 [Sections 8363.053-8363.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 8363.101. GENERAL POWERS AND DUTIES. The district has  
 2-34 the powers and duties necessary to accomplish the purposes for  
 2-35 which the district is created.

2-36 Sec. 8363.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-37 DUTIES. The district has the powers and duties provided by the  
 2-38 general law of this state, including Chapters 49 and 54, Water Code,  
 2-39 applicable to municipal utility districts created under Section 59,  
 2-40 Article XVI, Texas Constitution.

2-41 Sec. 8363.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-42 52, Article III, Texas Constitution, the district may design,  
 2-43 acquire, construct, finance, issue bonds for, improve, operate,  
 2-44 maintain, and convey to this state, a county, or a municipality for  
 2-45 operation and maintenance macadamized, graveled, or paved roads, or  
 2-46 improvements, including storm drainage, in aid of those roads.

2-47 Sec. 8363.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-48 road project must meet all applicable construction standards,  
 2-49 zoning and subdivision requirements, and regulations of each  
 2-50 municipality in whose corporate limits or extraterritorial  
 2-51 jurisdiction the road project is located.

2-52 (b) If a road project is not located in the corporate limits  
 2-53 or extraterritorial jurisdiction of a municipality, the road  
 2-54 project must meet all applicable construction standards,  
 2-55 subdivision requirements, and regulations of each county in which  
 2-56 the road project is located.

2-57 (c) If the state will maintain and operate the road, the  
 2-58 Texas Transportation Commission must approve the plans and  
 2-59 specifications of the road project.

2-60 Sec. 8363.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
 2-61 OR RESOLUTION. The district shall comply with all applicable  
 2-62 requirements of any ordinance or resolution that is adopted under  
 2-63 Section 54.016 or 54.0165, Water Code, and that consents to the  
 2-64 creation of the district or to the inclusion of land in the  
 2-65 district.

2-66 Sec. 8363.106. ACQUISITION OF PERMIT RIGHTS. (a) Using  
 2-67 any available district money, including bond proceeds, the district  
 2-68 may pay all expenses related to the acquisition of a certificate of  
 2-69 public convenience and necessity from another retail public utility

3-1 and any other permit rights necessary to provide the city authority  
 3-2 to provide retail water or sewer service in the district. The  
 3-3 acquisition, by purchase or otherwise, may be made by the district  
 3-4 on behalf of and for transfer to the city or by the city directly.

3-5 (b) In relation to a retail public utility that provides  
 3-6 water or sewer service to all or part of the area of the district  
 3-7 under a certificate of public convenience and necessity, the  
 3-8 district may exercise the powers given to a municipality provided  
 3-9 by Section 13.255, Water Code, as if the district were a  
 3-10 municipality that had annexed the area of the district. The  
 3-11 commission shall grant single certification as to the city as  
 3-12 provided by Section 13.255(c), Water Code, in the event that the  
 3-13 district applies for the certification on the city's behalf in the  
 3-14 manner provided by Section 13.255(b), Water Code.

3-15 (c) The city may contract with the district to carry out the  
 3-16 purposes of this section without further authorization.

3-17 Sec. 8363.107. LIMITATION ON USE OF EMINENT DOMAIN. The  
 3-18 district may not exercise the power of eminent domain outside the  
 3-19 district to acquire a site or easement for:

- 3-20 (1) a road project authorized by Section 8363.103; or
- 3-21 (2) a recreational facility as defined by Section  
 3-22 49.462, Water Code.

3-23 [Sections 8363.108-8363.150 reserved for expansion]

3-24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-25 Sec. 8363.151. ELECTIONS REGARDING TAXES OR BONDS.

3-26 (a) The district may issue, without an election, bonds and other  
 3-27 obligations secured by:

- 3-28 (1) revenue other than ad valorem taxes; or
- 3-29 (2) contract payments described by Section 8363.153.

3-30 (b) The district must hold an election in the manner  
 3-31 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-32 before the district may impose an ad valorem tax or issue bonds  
 3-33 payable from ad valorem taxes.

3-34 (c) The district may not issue bonds payable from ad valorem  
 3-35 taxes to finance a road project unless the issuance is approved by a  
 3-36 vote of a two-thirds majority of the district voters voting at an  
 3-37 election held for that purpose.

3-38 Sec. 8363.152. OPERATION AND MAINTENANCE TAX. (a) If  
 3-39 authorized at an election held under Section 8363.151, the district  
 3-40 may impose an operation and maintenance tax on taxable property in  
 3-41 the district in accordance with Section 49.107, Water Code.

3-42 (b) The board shall determine the tax rate. The rate may not  
 3-43 exceed the rate approved at the election.

3-44 Sec. 8363.153. CONTRACT TAXES. (a) In accordance with  
 3-45 Section 49.108, Water Code, the district may impose a tax other than  
 3-46 an operation and maintenance tax and use the revenue derived from  
 3-47 the tax to make payments under a contract after the provisions of  
 3-48 the contract have been approved by a majority of the district voters  
 3-49 voting at an election held for that purpose.

3-50 (b) A contract approved by the district voters may contain a  
 3-51 provision stating that the contract may be modified or amended by  
 3-52 the board without further voter approval.

3-53 [Sections 8363.154-8363.200 reserved for expansion]

3-54 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-55 Sec. 8363.201. AUTHORITY TO ISSUE BONDS AND OTHER  
 3-56 OBLIGATIONS. (a) Except as provided by Subsection (b), the  
 3-57 district may issue bonds or other obligations payable wholly or  
 3-58 partly from ad valorem taxes, impact fees, revenue, contract  
 3-59 payments, grants, or other district money, or any combination of  
 3-60 those sources, to pay for any authorized district purpose.

3-61 (b) The district may not issue bonds until the governing  
 3-62 body of the city approves a bond issuance plan authorizing and  
 3-63 setting forth the limitations on the issuance of the bonds.

3-64 Sec. 8363.202. TAXES FOR BONDS. At the time the district  
 3-65 issues bonds payable wholly or partly from ad valorem taxes, the  
 3-66 board shall provide for the annual imposition of a continuing  
 3-67 direct ad valorem tax, without limit as to rate or amount, while all  
 3-68 or part of the bonds are outstanding as required and in the manner  
 3-69 provided by Sections 54.601 and 54.602, Water Code.

4-1 Sec. 8363.203. BONDS FOR ROAD PROJECTS. At the time of  
4-2 issuance, the total principal amount of bonds or other obligations  
4-3 issued or incurred to finance road projects and payable from ad  
4-4 valorem taxes may not exceed one-fourth of the assessed value of the  
4-5 real property in the district.

4-6 [Sections 8363.204-8363.250 reserved for expansion]

4-7 SUBCHAPTER F. DISSOLUTION OF DISTRICT

4-8 Sec. 8363.251. DISSOLUTION BY CITY ORDINANCE. (a) The  
4-9 city may dissolve the district by ordinance after provision is made  
4-10 for all debts incurred by the district if one or more of the  
4-11 following does not occur:

4-12 (1) on or before the 90th day after the effective date  
4-13 of the Act enacting this chapter, the city receives one or more  
4-14 petitions requesting annexation of all territory in the district  
4-15 remaining in the extraterritorial jurisdiction of the city;

4-16 (2) on or before the last day of the ninth month after  
4-17 the effective date of the Act enacting this chapter, the city adopts  
4-18 one or more ordinances annexing all territory in the district  
4-19 remaining in the city's extraterritorial jurisdiction;

4-20 (3) on or before the last day of the third year after  
4-21 the effective date of the Act enacting this chapter, the commission  
4-22 issues an order approving the sale and transfer of a certificate of  
4-23 public convenience and necessity authorizing the city to provide  
4-24 retail water service to territory in the district; or

4-25 (4) by the end of the fifth year after the effective  
4-26 date of the Act enacting this chapter, the district has completed  
4-27 construction of internal streets and water and sanitary sewer  
4-28 facilities sufficient to serve at least 100 residential lots in the  
4-29 district.

4-30 (b) If the city dissolves the district under Subsection (a):

4-31 (1) any district assets that remain after the payment  
4-32 of debts shall be transferred to the city; and

4-33 (2) the organization of the district shall be  
4-34 maintained until all the debts are paid or assumed and remaining  
4-35 assets are transferred.

4-36 (c) This section does not limit the authority of the city to  
4-37 dissolve the district under Chapter 43, Local Government Code, or  
4-38 other general law.

4-39 SECTION 2. The Bearpen Creek Municipal Utility District of  
4-40 Hunt County initially includes all the territory contained in the  
4-41 following area:

4-42 A metes and bounds description of a 960.90 acre tract of land  
4-43 situated in the James May Survey, Abstract No. 1297, the James Roads  
4-44 Survey, Abstract No. 872, the G.W. McCafferty Survey, Abstract No.  
4-45 1298, the Shelby County School Land Survey, Abstract No. 946, and  
4-46 the John Stone Survey, Abstract No. 198, Hunt County, Texas, and  
4-47 being that land described by deeds to Bearpen Creek, L.P, as  
4-48 recorded in Volume 1184, Page 63, Volume 1184, Page 68, Volume 1184,  
4-49 Page 54, Volume 1184, Page 73, Volume 1184, Page 59, Volume 1184,  
4-50 Page 59, Volume 1184, Page 36, Volume 1184, Page 50, Volume 1184,  
4-51 Page 41, Volume 1184, Page 45, and Volume 1184, Page 32, Deed  
4-52 Records, Hunt County, Texas.

4-53 BEGINNING at a point for the south right-of-way line of U.S.  
4-54 Interstate 30, being the northwest corner of said deed recorded in  
4-55 Volume 1184, Page, 63 and being the northeast corner of a tract of  
4-56 land described by deed to Sharon McCall, as recorded in Volume 897,  
4-57 Page 372, Deed Records, Hunt County, Texas;

4-58 THENCE North 88°51'12" East along the said south right-of-way  
4-59 line, a distance of 1284.70 feet to a point for corner being the  
4-60 northwest corner of a tract of land described by deed to Crawford,  
4-61 as recorded in Volume 178, Page 743, Deed Records, Hunt County,  
4-62 Texas;

4-63 THENCE South 01°06'57" East leaving said right-of-way and  
4-64 along the west line of said Crawford tract, a distance of 943.75  
4-65 feet to a point for corner, being an el corner of this tract and the  
4-66 southwest corner of said Crawford tract and being near the center of  
4-67 County Road 2515;

4-68 THENCE North 88°53'22" East along the south line of said  
4-69 Crawford tract being in said County Road, a distance of 723.00 feet

5-1 to a point for corner, being the southeast corner of said Crawford  
5-2 tract and being the southwest corner of a tract of land described by  
5-3 deed to Action Inc., as recorded in Volume 453, Page 845, Deed  
5-4 Records, Hunt County, Texas;

5-5 THENCE North 76°06'29" East along the south line of said  
5-6 Action Inc., a distance of 135.68 feet to a point for corner, being  
5-7 the northwest corner of a remainder of a tract of land described by  
5-8 deed to Leonard H. Daniel, as recorded in Volume 99, Page 548, Deed  
5-9 Records, Hunt County, Texas;

5-10 THENCE South 00°06'22" East leaving said County Road and the  
5-11 south line of said Action Inc, and along the west line of said  
5-12 Daniel remainder tract, a distance of 748.00 feet to a point for  
5-13 corner;

5-14 THENCE North 89°08'43" East along the south line of said  
5-15 Daniel remainder tract, a distance of 395.42 feet to a point for  
5-16 corner being in the west line of a tract of land described by deed to  
5-17 Leonard H. Daniel, as recorded in Volume 859, Page 497, Deed  
5-18 Records, Hunt County, Texas;

5-19 THENCE South 00°18'34" East along the west line of said Daniel  
5-20 tract, a distance of 740.51 feet to a point for corner, being an el  
5-21 corner of this tract and the southwest corner of said Daniel tract  
5-22 and the northwest corner of a tract of land described by said deed  
5-23 in Volume 1184, Page 54;

5-24 THENCE North 89°40'05" East along the south line of said  
5-25 Daniel tract, a distance of 1230.31 feet to a point for corner,  
5-26 being the southeast corner of said Daniel tract and southwest  
5-27 corner of a tract of land described by deed to Sam Holmes in Volume  
5-28 267, Page 631, Deed Records, Hunt County, Texas;

5-29 THENCE North 89°02'16" East along the south line of said  
5-30 Holmes tract, a distance of 1610.64 feet to a point for corner,  
5-31 being the southwest corner of a tract of land known as Magnolia  
5-32 Place as recorded by Plat in Cabinet E, Slide 169, Plat Records,  
5-33 Hunt County, Texas;

5-34 THENCE North 89°01'45" East along the south line of said  
5-35 Magnolia Place, a distance of 402.32 feet to a point for corner,  
5-36 being the northeast corner of said tract of land recorded in Volume  
5-37 1184, Page 73 and being an el corner of said Magnolia Place;

5-38 THENCE South 01°21'12" East along the east line of said tract  
5-39 of land recorded in Volume 1184, Page 73 and the west line of said  
5-40 Magnolia Place, a distance of 1247.77 feet to a point for corner,  
5-41 being in County Road 2596;

5-42 THENCE North 89°34'22" East with the said County Road, along  
5-43 the south line of said Magnolia Place, along the south line of a  
5-44 tract of land known as South Gentry as recorded by plat in Cabinet  
5-45 E, Slide 169, Plat Records, Hunt County, Texas, and along the south  
5-46 line of a tract of land described by deed to Bobby Crowell in Volume  
5-47 858, Page 332, Deed Records, Hunt County, Texas, a distance of  
5-48 2343.14 feet to a point for corner, being the northwest corner of  
5-49 Hoffman Estates as recorded in Volume B, Page 52, Deed Records, Hunt  
5-50 County, Texas;

5-51 THENCE South 00°05'44" West along the west line of Hoffman  
5-52 Estates, a distance of 1135.75 feet to a point for corner;

5-53 THENCE South 16°57'40" East continuing along said west line a  
5-54 distance of 83.02 feet to a point for corner;

5-55 THENCE South 00°47'53" East continuing along said west line a  
5-56 distance of 613.79 feet to a point for corner;

5-57 THENCE North 89°59'40" West continuing along said west line a  
5-58 distance of 36.33 feet to a point for corner;

5-59 THENCE South 00°23'15" East continuing along said west line a  
5-60 distance of 1083.06 feet to a point for corner, being in County Road  
5-61 2595 and being the southeast corner of said tract recorded in Volume  
5-62 1184, Page 73;

5-63 THENCE South 89°53'25" West along the south line of said tract  
5-64 recorded in Volume 1184, Page 73 and the north line of a tract  
5-65 described by deed to Brandy Kent Maynard in Volume 956, Page 460,  
5-66 Deed Records, Hunt County, Texas, a distance of 1480.58 feet to a  
5-67 point for corner, being the northwest corner of said Maynard tract  
5-68 and the northeast corner of said tract of land recorded by deed in  
5-69 Volume 1184, Page 59;

6-1           THENCE South 00°38'57" East along the west line of said  
6-2 Maynard tract and a tract of land described by deed to John  
6-3 Carpenter in Volume 956, Page 452, Deed Records, Hunt County,  
6-4 Texas, a distance of 962.74 feet to a point for corner;  
6-5           THENCE South 00°38'44" East continuing along said properties,  
6-6 a distance of 1768.37 feet to a point for corner, being the  
6-7 southeast corner of said tract of land recorded by deed in Volume  
6-8 1184, Page 59 and being in County Road 2526;  
6-9           THENCE South 89°46'54" West along the south line of said tract  
6-10 of land recorded by deed in Volume 1184, Page 59 and said County  
6-11 Road, a distance of 860.80 feet to a point for corner, being the  
6-12 southwest of said tract and being the southeast corner of said tract  
6-13 of land recorded by deed in Volume 1184, Page 36;  
6-14           THENCE in a westerly direction along the south line of said  
6-15 tract of land recorded by deed in Volume 1184, Page 36 and with said  
6-16 County Road: South 87°54'36" West a distance of 297.64 feet to a  
6-17 point for corner; North 84°13'06" West a distance of 213.00 feet to a  
6-18 point for corner; South 87°46'54" West a distance of 358.00 feet to a  
6-19 point for corner, being the southwest corner of said tract of land  
6-20 recorded by deed in Volume 1184, Page 36 and the being in the east  
6-21 line of said tract of land recorded in Volume 1184 Page 50;  
6-22           THENCE South 00°22'13" East along the east line of said tract  
6-23 of land recorded in Volume 1184 Page 50, a distance of 19.89 feet to  
6-24 a point for corner, being the southeast corner of said tract;  
6-25           THENCE South 89°27'03" West along the south line of said  
6-26 tract, a distance of 821.50 feet to a point for corner, being the  
6-27 southwest corner of said tract of land recorded in Volume 1184, Page  
6-28 50 and being the southeast corner of said tract of land recorded in  
6-29 Volume 1184, Page 41;  
6-30           THENCE South 89°27'03" West continuing along said south line,  
6-31 a distance of 1336.90 feet to a point for corner, being the  
6-32 southwest corner of said tract and the southeast corner of a tract  
6-33 of land known as Hill Estate as recorded by plat in Volume A, Page  
6-34 52, Plat Records, Hunt County, Texas and being the southwest corner  
6-35 of said tract of land recorded in Volume 1184, Page 41;  
6-36           THENCE North 01°28'22" West along the east line of said Hill  
6-37 Estate, the west line of said tract of land recorded in Volume 1184,  
6-38 Page 41, and leaving said County Road, a distance of 1899.51 feet to  
6-39 a point for corner, being the northeast corner of said Hill Estate  
6-40 and in the south line of said tract of land recorded in Volume 1184,  
6-41 Page 45;  
6-42           THENCE South 89°37'28" West along the south line of said tract  
6-43 of land recorded in Volume 1184, Page 45 and the north line of said  
6-44 Hill Estate, a distance of 2195.58 feet to a point for corner, being  
6-45 the southwest corner line of said tract of land recorded in Volume  
6-46 1184, Page 45 and being in the east line of a tract of land described  
6-47 by deed to Clark Baldwin as recorded in Volume 772, Page 209, Deed  
6-48 Records Hunt County, Texas;  
6-49           THENCE North 00°15'40" West long the east line of the Clark  
6-50 Baldwin tract, a tract of land described by deed to A. B. Fenton  
6-51 recorded in Volume 634, Page 219, Deed Records, Hunt County, Texas,  
6-52 and a tract of land described by deed to Mariana G. Daffron as  
6-53 recorded in Volume 771, Page 515, Hunt County, Texas, a distance of  
6-54 1902.70 feet to a point for corner, being the northwest corner of  
6-55 said tract of land recorded in Volume 1184, Page 45 and being in  
6-56 County Road 2595;  
6-57           THENCE North 89°57'07" East with said County Road and along  
6-58 the south line of the tract of land described by deed to Jimmy Joe  
6-59 Herndon as recorded Volume 515, Page 292, Deed Records, Hunt  
6-60 County, Texas, a distance of 1988.16 feet to a point for corner,  
6-61 being in the north line of said tract of land recorded in Volume  
6-62 1184, Page 36, being the southeast corner of said Herndon tract, and  
6-63 being the southwest corner of said tract of land recorded in Volume,  
6-64 1184 Page 54;  
6-65           THENCE North 00°17'49" West leaving said County Road and along  
6-66 the west line of said tract of land recorded in Volume 1184 Page 54  
6-67 and the east line of the said Herndon tract, a distance of 1807.59  
6-68 feet to a point for corner, being the southeast corner of said tract  
6-69 of land recorded in Volume 1184, Page 68 and the northeast corner of

7-1 said Herndon tract;

7-2       THENCE South 89°37'15" West leaving the west line of said  
7-3 tract of land recorded in Volume 1184, Page 54 and along the said  
7-4 Herndon tract and along the north line of the tracts of land  
7-5 described by deed to Jimmy Joe Herndon as recorded in Volume 390,  
7-6 Page 584, and Volume 57, Page 513, Deed Records, Hunt County, Texas  
7-7 and along the south line of said tract of land recorded in Volume  
7-8 1184, Page 68 and south line of said tract of land recorded in  
7-9 Volume 1184, Page 32, a distance of 3880.16 feet to a point for  
7-10 corner, being the southwest corner of said tract of land recorded in  
7-11 Volume 1184, Page 32 and being in the east right-of-way line of Farm  
7-12 to Market Road 35;

7-13       THENCE North 25°20'14" West along east line of said F.M. Road  
7-14 and along the west line of said tract of land recorded in Volume  
7-15 1184, Page 32, a distance of 547.80 feet to a point for corner;

7-16       THENCE North 00°37'50" West continuing along said lines, a  
7-17 distance of 197.10 feet to a point for corner, being the northwest  
7-18 corner of said tract of land recorded in Volume 1184, Page 32, the  
7-19 southwest corner of a tract of land described to Carlton C. White,  
7-20 Inc. as recorded in Volume 269, Page 489, Deed Records, Hunt County,  
7-21 Texas;

7-22       THENCE North 89°13'10" East along the south line of said White  
7-23 tract and the north line of said tract of land recorded in Volume  
7-24 1184, Page 32, a distance of 2550.67 feet to a point for corner,  
7-25 being the southeast corner of the White tract, the northeast corner  
7-26 of said tract of land recorded in Volume 1184, Page 32 and in the  
7-27 east line of said tract of land recorded in Volume 1184, Page 68;

7-28       THENCE North 00°16'55" East along the east line of the White  
7-29 tract and the west line of said tract of land recorded in Volume  
7-30 1184, Page 68, a distance of 2014.42 feet to a point for corner,  
7-31 being in the south line of said tract of land recorded in Volume  
7-32 1184, Page 63;

7-33       THENCE South 88°53'22" West continuing along north line of  
7-34 said White tract and the south line of said tract of land recorded  
7-35 in Volume 1184 Page 63, a distance of 991.00 feet to a point for  
7-36 corner, being the southwest corner of said tract of land recorded in  
7-37 Volume 1184, Page 63 and the southeast corner of said McCall tract;

7-38       THENCE North 01°06'57" West along west line of said tract of  
7-39 land recorded in Volume 1184, Page 63 and the east line of said  
7-40 McCall tract, a distance of 942.94 feet to the POINT OF BEGINNING  
7-41 and containing 960.90 acres of land, more or less.

7-42       SECTION 3. (a) The legal notice of the intention to  
7-43 introduce this Act, setting forth the general substance of this  
7-44 Act, has been published as provided by law, and the notice and a  
7-45 copy of this Act have been furnished to all persons, agencies,  
7-46 officials, or entities to which they are required to be furnished  
7-47 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
7-48 Government Code.

7-49       (b) The governor, one of the required recipients, has  
7-50 submitted the notice and Act to the Texas Commission on  
7-51 Environmental Quality.

7-52       (c) The Texas Commission on Environmental Quality has filed  
7-53 its recommendations relating to this Act with the governor, the  
7-54 lieutenant governor, and the speaker of the house of  
7-55 representatives within the required time.

7-56       (d) All requirements of the constitution and laws of this  
7-57 state and the rules and procedures of the legislature with respect  
7-58 to the notice, introduction, and passage of this Act are fulfilled  
7-59 and accomplished.

7-60       SECTION 4. (a) Section 8363.107, Special District Local  
7-61 Laws Code, as added by Section 1 of this Act, takes effect only if  
7-62 this Act receives a two-thirds vote of all the members elected to  
7-63 each house.

7-64       (b) If this Act does not receive a two-thirds vote of all the  
7-65 members elected to each house, Subchapter C, Chapter 8363, Special  
7-66 District Local Laws Code, as added by Section 1 of this Act, is  
7-67 amended by adding Section 8363.107 to read as follows:

7-68       Sec. 8363.107. NO EMINENT DOMAIN POWER. The district may  
7-69 not exercise the power of eminent domain.

8-1 (c) This section is not intended to be an expression of a  
8-2 legislative interpretation of the requirements of Section 17(c),  
8-3 Article I, Texas Constitution.

8-4 SECTION 5. Except as provided by Section 4 of this Act:

8-5 (1) this Act takes effect immediately if it receives a  
8-6 vote of two-thirds of all the members elected to each house, as  
8-7 provided by Section 39, Article III, Texas Constitution; and

8-8 (2) if this Act does not receive the vote necessary for  
8-9 immediate effect, this Act takes effect September 1, 2011.

8-10

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