

1 AN ACT

2 relating to the creation of the Lajitas Utility District No. 1 of
3 Brewster County; providing authority to impose taxes and issue
4 bonds; granting a limited power of eminent domain.

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

6 SECTION 1. Subtitle X, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 11002 to read as follows:

8 CHAPTER 11002. LAJITAS UTILITY DISTRICT NO. 1 OF BREWSTER COUNTY

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 11002.001. DEFINITIONS. In this chapter:

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

12 (2) "Director" means a board member.

13 (3) "District" means the Lajitas Utility District No.
14 1 of Brewster County.

15 Sec. 11002.002. NATURE OF DISTRICT. The district is a
16 utility district with combined powers created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 11002.003. CONFIRMATION AND DIRECTORS' ELECTION
19 REQUIRED. The temporary directors shall hold an election to
20 confirm the creation of the district and to elect five permanent
21 directors as provided by Section 49.102, Water Code.

22 Sec. 11002.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

23 (a) The district is created to serve a public purpose and benefit.

24 (b) All land and other property included in the district

1 will benefit from the improvements and services to be provided by
2 the district under powers conferred by Sections 52 and 52-a,
3 Article III, and Section 59, Article XVI, Texas Constitution, and
4 other powers granted under this chapter.

5 (c) The district is created to accomplish the purposes of:

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

8 (2) Section 52, Article III, Texas Constitution, that
9 relate to the construction, acquisition, improvement, operation,
10 or maintenance of macadamized, graveled, or paved roads, or
11 improvements, including storm drainage, in aid of those roads; and

12 (3) Section 52-a, Article III, Texas Constitution,
13 that relate to the development and diversification of the economy
14 of this state and other purposes of that section.

15 (d) The creation of the district is in the public interest
16 and essential to:

17 (1) further the public purposes of developing and
18 diversifying the economy of the state;

19 (2) eliminate unemployment and underemployment; and

20 (3) develop or expand transportation and commerce.

21 (e) The district will:

22 (1) promote the health, safety, and general welfare of
23 residents, employers, potential employees, employees, visitors,
24 and consumers in the district, and of the public;

25 (2) provide needed funding for the district to
26 preserve, maintain, and enhance the economic health and vitality of
27 the district territory as a community and business center; and

1 (3) promote the health, safety, welfare, and enjoyment
2 of the public by providing pedestrian ways and by landscaping and
3 developing certain areas in the district, which are necessary for
4 the restoration, preservation, and enhancement of scenic beauty.

5 (f) Pedestrian ways along or across a street, whether at
6 grade or above or below the surface, and street lighting, street
7 landscaping, parking, and street art objects are parts of and
8 necessary components of a street and are considered to be a street
9 or road improvement.

10 (g) The district is not an agent or instrumentality of a
11 private interest even though the district will benefit private
12 interests as well as the public.

13 Sec. 11002.005. INITIAL DISTRICT TERRITORY. (a) The
14 district is initially composed of the territory described by
15 Section 2 of the Act creating this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 11002.006-11002.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 11002.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 11002.052, directors
5 serve staggered four-year terms.

6 Sec. 11002.052. TEMPORARY DIRECTORS. (a) The temporary
7 board consists of:

- 8 (1) Brent Ratliff;
9 (2) George Kutch;
10 (3) John Nolan;
11 (4) Renee Lorenz; and
12 (5) H. C. Ross.

13 (b) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy.

16 (c) Temporary directors serve until the earlier of:

- 17 (1) the date permanent directors are elected under
18 Section 11002.003; or
19 (2) the fourth anniversary of the effective date of
20 the Act creating this chapter.

21 (d) If permanent directors have not been elected under
22 Section 11002.003 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (e) to serve terms that
25 expire on the earlier of:

- 26 (1) the date permanent directors are elected under
27 Section 11002.003; or

1 (2) the fourth anniversary of the date of the
2 appointment or reappointment.

3 (e) If Subsection (d) applies, the owner or owners of a
4 majority of the assessed value of the real property in the district
5 may submit a petition to the Texas Commission on Environmental
6 Quality requesting that the commission appoint as successor
7 temporary directors the five persons named in the petition. The
8 commission shall appoint as successor temporary directors the five
9 persons named in the petition.

10 [Sections 11002.053-11002.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 11002.101. GENERAL POWERS AND DUTIES. The district
13 has the powers and duties necessary to accomplish the purposes for
14 which the district is created.

15 Sec. 11002.102. MUNICIPAL UTILITY DISTRICT POWERS AND
16 DUTIES. The district has the powers and duties provided by the
17 general law of this state, including Chapters 49 and 54, Water Code,
18 applicable to municipal utility districts created under Section 59,
19 Article XVI, Texas Constitution.

20 Sec. 11002.103. IMPROVEMENT PROJECTS AND SERVICES. Except
21 as provided by Section 11002.113, the district may provide
22 improvement projects and services in the same manner as a municipal
23 management district under Section 375.112, Local Government Code.

24 Sec. 11002.104. AUTHORITY FOR ROAD PROJECTS. (a) Under
25 Section 52, Article III, Texas Constitution, the district may
26 design, acquire, construct, finance, issue bonds for, improve, and
27 convey to this state, a county, or a municipality for operation and

1 maintenance macadamized, graveled, or paved roads described by
2 Section 54.234, Water Code, or improvements, including storm
3 drainage, in aid of those roads.

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

8 (c) The district, at the district's expense, shall repair
9 and maintain any internal streets and roads in the district.
10 Brewster County has no obligation to repair or maintain the
11 internal streets and roads in the district, even on dissolution of
12 the district.

13 Sec. 11002.105. APPROVAL OF ROAD PROJECT. (a) The district
14 may not undertake a road project authorized by Section 11002.104
15 unless:

16 (1) each county that will operate and maintain the
17 road has approved the plans and specifications of the road project,
18 if a county will operate and maintain the road; or

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

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

26 Sec. 11002.106. COMPLIANCE WITH MUNICIPAL CONSENT
27 ORDINANCE OR RESOLUTION. The district shall comply with all

1 applicable requirements of any ordinance or resolution that is
2 adopted under Section 54.016 or 54.0165, Water Code, and that
3 consents to the creation of the district or to the inclusion of land
4 in the district.

5 Sec. 11002.107. LIMITATION ON USE OF EMINENT DOMAIN. (a)

6 The district may not exercise the power of eminent domain outside
7 the district to acquire a site or easement for:

8 (1) a road project authorized by Section 11002.104; or

9 (2) a recreational facility as defined by Section
10 49.462, Water Code.

11 (b) If the district's exercise of its eminent domain power
12 requires relocating, raising, lowering, rerouting, or altering the
13 construction of any electric transmission or electric distribution
14 line, conduit, pole, or facility, the district must bear the actual
15 cost of relocating, raising, lowering, rerouting, or altering the
16 construction of any electric transmission or electric distribution
17 line to provide a comparable replacement without enhancing the
18 facility, after deducting from the cost the net salvage value
19 derived from the old facility.

20 Sec. 11002.108. ELECTRIC POWER FACILITIES. The district
21 may construct or acquire electric power generating, transmission,
22 and distribution facilities and improvements in aid of these
23 facilities.

24 Sec. 11002.109. AIRPORT. The district may construct,
25 acquire, improve, maintain, and operate an airport and improvements
26 in aid of the airport.

27 Sec. 11002.110. EXERCISE OF POWERS OF DEVELOPMENT

1 CORPORATION. The district may exercise the powers of a corporation
2 created under the Development Corporation Act (Subtitle C1, Title
3 12, Local Government Code).

4 Sec. 11002.111. DIVISION OF DISTRICT. (a) The district may
5 be divided into two or more new districts only if the district:

6 (1) has no outstanding bonded debt; and

7 (2) is not imposing ad valorem taxes.

8 (b) This chapter applies to any new district created by the
9 division of the district, and a new district has all the powers and
10 duties of the district.

11 (c) Any new district created by the division of the district
12 may not, at the time the new district is created, contain any land
13 outside the area described by Section 2 of the Act creating this
14 chapter.

15 (d) The board, on its own motion or on receipt of a petition
16 signed by the owner or owners of a majority of the assessed value of
17 the real property in the district, may adopt an order dividing the
18 district.

19 (e) The board may adopt an order dividing the district
20 before or after the date the board holds an election under Section
21 11002.003 to confirm the district's creation.

22 (f) An order dividing the district shall:

23 (1) name each new district;

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

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

26 and

27 (4) provide for the division of assets and liabilities

1 between or among the new districts.

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

7 (h) Any new district created by the division of the district
8 shall hold a confirmation and directors' election as required by
9 Section 11002.003.

10 (i) Any new district created by the division of the district
11 must hold an election as required by this chapter to obtain voter
12 approval before the district may impose a maintenance tax or issue
13 bonds payable wholly or partly from ad valorem taxes.

14 Sec. 11002.112. GROUNDWATER REGULATION. Section 36.121,
15 Water Code, does not apply to a groundwater well owned or used by
16 the district within the boundaries of the Brewster County
17 Groundwater Conservation District. The rules of the Brewster
18 County Groundwater Conservation District govern a groundwater well
19 owned or used by the district within the Brewster County
20 Groundwater Conservation District.

21 Sec. 11002.113. RETAIL ELECTRIC UTILITY SERVICES
22 PROHIBITED. The district may not provide retail electric utility
23 services, including transmission and distribution services, to
24 residential, retail, commercial, industrial, or other customers
25 inside or outside the district.

26 [Sections 11002.114-11002.150 reserved for expansion]

1 SUBCHAPTER D. TRANSFER OF PUBLIC IMPROVEMENTS

2 Sec. 11002.151. DEFINITION. In this subchapter, "receiving
3 entity" means the entity that holds a certificate of convenience
4 and necessity issued by the Public Utility Commission of Texas for
5 the territory included in the district.

6 Sec. 11002.152. TRANSFER OF CERTAIN IMPROVEMENTS REQUIRED.
7 Subject to Section 11002.155, the district shall transfer
8 improvements described by Section 11002.108 in accordance with this
9 section on the later of:

10 (1) the date that the district acquires or completes
11 the improvement; or

12 (2) the date the receiving entity approves the
13 transfer.

14 Sec. 11002.153. CONSTRUCTION STANDARDS. A public
15 improvement transferred under this subchapter must be constructed
16 in compliance with:

17 (1) the requirements and specifications established
18 by the receiving entity on or before the date that construction of
19 the improvement begins; and

20 (2) any tariffs for the electric utility or
21 cooperative that is the receiving entity.

22 Sec. 11002.154. PARTIAL TRANSFER IN STAGES. The district
23 may transfer part of an improvement under this subchapter if the
24 district completes construction of the improvement in stages.

25 Sec. 11002.155. TRANSFER WITHOUT DEBT REQUIRED. The
26 district shall convey all improvements that it is required to
27 transfer under this subchapter without debt or other encumbrance.

1 Sec. 11002.156. OWNERSHIP AND RESPONSIBILITY AFTER
2 TRANSFER. (a) After a transfer under this subchapter, the
3 receiving entity owns the improvement and has sole jurisdiction and
4 control over the improvement. On acceptance of the transfer, the
5 receiving entity is responsible for all maintenance of the
6 improvement, and the district is not responsible for the
7 improvement or its maintenance.

8 (b) This section does not affect any authority of the
9 receiving entity to alter, relocate, close, or discontinue
10 maintenance of an improvement.

11 Sec. 11002.157. EFFECT OF CONVEYANCE ON DISTRICT DEBT.
12 Conveyance of a public improvement to a receiving entity under this
13 subchapter does not affect:

14 (1) the sole responsibility of the district to pay in
15 full the principal of and interest and any premium on any
16 outstanding district bonds or other debt; or

17 (2) the district's responsibility to perform the
18 obligations provided by an order or resolution authorizing bonds or
19 other debt.

20 [Sections 11002.158-11002.200 reserved for expansion]

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

22 Sec. 11002.201. ELECTIONS REGARDING TAXES OR BONDS. (a)
23 The district may issue, without an election, bonds and other
24 obligations secured by:

25 (1) revenue other than ad valorem taxes; or

26 (2) contract payments described by Section 11002.203.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2 before the district may impose an ad valorem tax or issue bonds
3 payable from ad valorem taxes.

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

8 Sec. 11002.202. OPERATION AND MAINTENANCE TAX. (a) If
9 authorized at an election held under Section 11002.201, the
10 district may impose an operation and maintenance tax on taxable
11 property in the district in accordance with Section 49.107, Water
12 Code.

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

15 Sec. 11002.203. CONTRACT TAXES. (a) In accordance with
16 Section 49.108, Water Code, the district may impose a tax other than
17 an operation and maintenance tax and use the revenue derived from
18 the tax to make payments under a contract after the provisions of
19 the contract have been approved by a majority of the district voters
20 voting at an election held for that purpose.

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

24 Sec. 11002.204. SALES AND USE TAX. (a) The district may
25 impose a sales and use tax if authorized by a majority of the voters
26 of the district voting at an election called for that purpose.
27 Revenue from the tax may be used for any purpose for which ad

1 valorem tax revenue of the district may be used.

2 (b) The district may not adopt a sales and use tax if as a
3 result of the adoption of the tax the combined rate of all sales and
4 use taxes imposed by the district and other political subdivisions
5 of this state having territory in the district would exceed two
6 percent at any location in the district.

7 (c) If the voters of the district approve the adoption of a
8 sales and use tax at an election held on the same election date on
9 which another political subdivision adopts a sales and use tax or
10 approves an increase in the rate of its sales and use tax and as a
11 result the combined rate of all sales and use taxes imposed by the
12 district and other political subdivisions of this state having
13 territory in the district would exceed two percent at any location
14 in the district, the election to adopt a sales and use tax under
15 this chapter has no effect.

16 (d) Chapter 321, Tax Code, applies to the imposition,
17 computation, administration, enforcement, and collection of the
18 sales and use tax imposed by this section except to the extent it is
19 inconsistent with this chapter.

20 (e) The district may not impose a sales and use tax at a rate
21 that would cause the rate of the total sales and use taxes collected
22 by all municipalities and other political subdivisions at a
23 location in the district to exceed the maximum rate allowed by law.
24 If a political subdivision's increase to a sales and use tax rate
25 causes the total sales and use tax rate imposed at a location in the
26 district to exceed the maximum rate allowed by law, the district's
27 sales and use tax rate is automatically reduced to bring the total

1 rate imposed at that location down to a rate allowed by law.

2 Sec. 11002.205. ASSESSMENTS; MUNICIPAL MANAGEMENT DISTRICT
3 POWERS. Except as provided by Section 11002.206, the district may
4 levy and collect special assessments in the same manner and for the
5 same purposes as a municipal management district as provided in
6 Subchapter F, Chapter 375, Local Government Code.

7 Sec. 11002.206. ELECTRIC UTILITY PROPERTY EXEMPT FROM
8 IMPACT FEES AND ASSESSMENTS. The district may not impose an impact
9 fee or assessment on the property, including the equipment,
10 rights-of-way, facilities, or improvements, of an electric
11 cooperative as defined by Section 161.002, Utilities Code.

12 [Sections 11002.207-11002.250 reserved for expansion]

13 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

14 Sec. 11002.251. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, sales and use taxes, other
18 district money, or any combination of those sources to pay for any
19 authorized district purpose.

20 Sec. 11002.252. TAXES FOR BONDS. (a) At the time the
21 district issues bonds payable wholly or partly from ad valorem
22 taxes, the board shall provide for the annual imposition of an ad
23 valorem tax, without limit as to rate or amount, as required by
24 Section 54.601, Water Code.

25 (b) The board shall annually impose the tax while all or
26 part of the bonds are outstanding. Sections 54.601 and 54.602,
27 Water Code, govern the amount and rate of the tax.

1 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
2 SAID SECTION 98, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
3 SECTION 95, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 96,
4 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
5 PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE
6 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST
7 CORNER OF SECTION 97, BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF
8 LAND CONVEYED BY GENERAL WARRANTY DEED TO TEXAS PARKS AND WILDLIFE
9 DEPARTMENT RECORDED IN VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER
10 COUNTY, TEXAS;

11 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 97, BLOCK 341
12 AND THE WEST LINE OF SAID SECTION 96, BLOCK 341 A DISTANCE OF
13 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
14 SAID SECTION 97, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
15 SECTION 96, BLOCK 341, BEING THE SOUTHEAST CORNER OF SECTION 55,
16 BLOCK G-12, G.C. & S.F. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS, A
17 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY
18 SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE 458, DEED
19 RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF
20 SECTION 56, BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS
21 CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME
22 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

23 THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 55, BLOCK
24 G-12 AND THE NORTH LINE OF SAID SECTION 97, BLOCK 341 A DISTANCE OF
25 5,277.78 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF
26 SAID SECTION 55, BLOCK G-12, BEING THE NORTHWEST CORNER OF SAID
27 SECTION 97, BLOCK 341, BEING THE NORTHEAST CORNER OF SECTION 102,

1 BLOCK 341, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
2 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
3 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING
4 THE SOUTHEAST CORNER OF SECTION 54, BLOCK G-12, G.C. & S.F. RY. CO.
5 SURVEY, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
6 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
7 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS;
8 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 54, BLOCK
9 G-12 AND THE WEST LINE OF SAID SECTION 55, BLOCK G-12, A DISTANCE OF
10 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF
11 SAID SECTION 55, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID
12 SECTION 54, BLOCK G-12, BEING THE SOUTHEAST CORNER OF SECTION 49,
13 BLOCK G-12, PART OF A 3,248.2 ACRE TRACT OF LAND CONVEYED BY GENERAL
14 WARRANTY DEED TO TEXAS PARKS AND WILDLIFE DEPARTMENT RECORDED IN
15 VOLUME 6, PAGE 432, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING
16 THE SOUTHWEST CORNER OF SECTION 48, BLOCK G-12, A 640 ACRE TRACT OF
17 LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC BY SPECIAL WARRANTY
18 DEED RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
19 COUNTY, TEXAS;
20 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 49, BLOCK
21 G-12 AND THE WEST LINE OF SAID SECTION 48, BLOCK G-12, A DISTANCE OF
22 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHWEST CORNER OF
23 SAID SECTION 48, BLOCK G-12, BEING THE NORTHEAST CORNER OF SAID
24 SECTION 49, BLOCK G-12, BEING THE SOUTHWEST CORNER OF SECTION 47,
25 BLOCK G-12, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
26 PARTNERS, LLC BY SPECIAL WARRANTY DEED RECORDED IN VOLUME 224, PAGE
27 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHEAST

1 CORNER OF A TRACT OF LAND IN SECTION 50, BLOCK G-12 CONVEYED TO JANE
2 STAVINOHA AND SUZANNE STAVINOHA RECORDED IN VOLUME 243, PAGES
3 188,192,192,194,196, AND 198, DEED RECORDS, BREWSTER COUNTY,
4 TEXAS;

5 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID STAVINOHA TRACT,
6 SECTION 50 BLOCK G-12 AND THE WEST LINE OF SAID SECTION 47, BLOCK
7 G-12, A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE
8 NORTHEAST CORNER OF SAID STAVINOAH TRACT, SECTION 50, BLOCK G-12,
9 BEING THE NORTHWEST CORNER OF SAID SECTION 47, BLOCK G-12, BEING THE
10 SOUTHEAST CORNER OF SECTION 104, BLOCK G-5, M.K. & T.E. RY. CO.
11 SURVEY, BREWSTER COUNTY, TEXAS, A 640 ACRE TRACT OF LAND CONVEYED TO
12 THOMAS R. VESTER RECORDED IN VOLUME 192, PAGE 263, DEED RECORDS,
13 BREWSTER COUNTY, TEXAS, AND BEING THE SOUTHWEST CORNER OF SECTION
14 103, BLOCK G-5, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
15 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
16 BREWSTER COUNTY, TEXAS;

17 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID VESTER TRACT, SECTION
18 104, BLOCK G-5 AND THE WEST LINE OF SAID SECTION 103, BLOCK G-5, A
19 DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST
20 CORNER OF SAID VESTER TRACT, SECTION 104, BLOCK G-5, BEING THE
21 NORTHWEST CORNER OF SAID SECTION 103, BLOCK G-5, BEING THE
22 SOUTHEAST CORNER OF SECTION 105, BLOCK G-5, A 640 ACRE TRACT OF LAND
23 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
24 PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE
25 SOUTHWEST CORNER OF A TRACT OF LAND IN SECTION 102, BLOCK G-5
26 CONVEYED TO MARK FUSCA RECORDED IN VOLUME 198, PAGE 470, DEED
27 RECORDS, BREWSTER COUNTY, TEXAS;

1 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 103, BLOCK
2 G-5 AND THE SOUTH LINE OF SAID FUSCA TRACT, SECTION 102, BLOCK G-5 A
3 DISTANCE OF 659.72 FEET TO A POINT FOR CORNER;

4 THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID
5 SECTION 103, BLOCK G-5 BEING THE NORTH LINE OF SAID SECTION 47,
6 BLOCK G-12, PASSING AT 10,555.56 FEET THE SOUTH LINE OF SAID SECTION
7 47, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 48, BLOCK G-12,
8 PASSING AT 15,833.33 FEET THE SOUTH LINE OF SAID SECTION 48, BLOCK
9 G-12 BEING THE NORTH LINE OF SAID SECTION 55, BLOCK G-12, AND
10 CONTINUING A TOTAL DISTANCE OF 20,451.45 FEET TO A POINT FOR CORNER;

11 THENCE S88°52'12"E PASSING AT 4,618.06 FEET THE EAST LINE OF SAID
12 SECTION 55, BLOCK G-12 BEING THE WEST LINE OF SAID SECTION 56, BLOCK
13 G-12, AND CONTINUING A TOTAL DISTANCE OF 5,277.78 FEET TO A POINT
14 FOR CORNER;

15 THENCE S01°07'48"W PASSING AT 659.72 FEET, THE SOUTH LINE OF SAID
16 SECTION 56, BLOCK G-12 BEING THE NORTH LINE OF SAID SECTION 96,
17 BLOCK 341, PASSING AT 5,937.45 FEET THE SOUTH LINE OF SAID SECTION
18 96, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 95, BLOCK 341 AND
19 CONTINUING A TOTAL DISTANCE OF 9,895.84 FEET TO A POINT FOR CORNER;

20 THENCE S88°52'12"E PASSING AT 4,618.06 FEET, THE EAST LINE OF SAID
21 SECTION 95, BLOCK 341 BEING THE WEST LINE OF SECTION 86, BLOCK 341,
22 A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
23 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
24 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 8,576.40 FEET TO A POINT
25 FOR CORNER;

26 THENCE N01°07'48"E PASSING AT 3,958.33 FEET, THE NORTH LINE OF SAID
27 SECTION 86, BLOCK 341 BEING THE SOUTH LINE OF SECTION 85, BLOCK 341,

1 A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
2 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
3 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 9,236.12 FEET TO A POINT
4 FOR CORNER IN THE NORTH LINE OF SAID SECTION 85, BLOCK 341 BEING THE
5 SOUTH LINE OF SECTION 57, BLOCK G-12, G.C. & S.F. RY. CO. SURVEY,
6 BREWSTER COUNTY, TEXAS;

7 THENCE S88°52'12"E ALONG THE NORTH LINE SAID SECTION 85, BLOCK 341
8 BEING THE SOUTH LINE OF SAID SECTION 57, BLOCK G-12, A DISTANCE OF
9 1,319.44 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
10 SAID SECTION 85, BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 57,
11 BLOCK G-12, THE SOUTHWEST CORNER OF SECTION 58, BLOCK G-12, G.C. &
12 S.F. RY. CO. SURVEY BREWSTER COUNTY, TEXAS, AND THE NORTHWEST
13 CORNER OF SECTION 84, BLOCK 341, T..C. RY. CO. SURVEY, BREWSTER
14 COUNTY, TEXAS;

15 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 85, BLOCK 341
16 BEING THE WEST LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE OF
17 5,277.78 FEET TO A POINT FOR CORNER AT THE SOUTHEAST CORNER OF SAID
18 SECTION 85, BLOCK 341 BEING THE SOUTHWEST CORNER OF SAID SECTION 84,
19 BLOCK 341, BEING THE NORTHEAST CORNER OF SAID SECTION 86, BLOCK 341,
20 AND BEING THE NORTHWEST CORNER OF SECTION 83, BLOCK 341, A 640 ACRE
21 TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC AS RECORDED
22 IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS;

23 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 83, BLOCK
24 341 BEING THE SOUTH LINE OF SAID SECTION 84, BLOCK 341, A DISTANCE
25 OF 1,319.44 FEET TO A POINT FOR CORNER IN THE NORTH LINE OF SAID
26 SECTION 83, BLOCK 341;

27 THENCE S01°07'48"W A DISTANCE OF 5,277.78 FEET TO A POINT FOR CORNER

1 IN THE SOUTH LINE OF SAID SECTION 83, BLOCK 341 BEING IN THE NORTH
2 LINE OF A 612 ACRE MORE OR LESS TRACT OF LAND IN SECTION 82, BLOCK
3 341, T.C. RY. CO. SURVEY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
4 AS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
5 TEXAS;

6 THENCE S88°52'12"E, PASSING AT 3,958.34 FEET, THE SOUTHEAST CORNER
7 OF SAID SECTION 83, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID
8 SECTION 82, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 74,
9 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
10 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
11 BREWSTER COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION
12 75, BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
13 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
14 BREWSTER COUNTY, TEXAS, PASSING AT 9,236.11, THE SOUTHEAST CORNER
15 OF SAID SECTION 74, BLOCK 341, BEING THE NORTHEAST CORNER OF SAID
16 SECTION 75, BLOCK 341, BEING THE SOUTHWEST CORNER OF SECTION 64,
17 BLOCK 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
18 PARTNERS RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
19 COUNTY, TEXAS, AND BEING THE NORTHWEST CORNER OF SECTION 63, BLOCK
20 341, A 640 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL PARTNERS,
21 LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER
22 COUNTY, TEXAS, AND CONTINUING A TOTAL DISTANCE OF 13,194.46 FEET TO
23 A POINT FOR CORNER;

24 THENCE N01°07'48"E, A DISTANCE OF 5,277.78 FEET TO A POINT FOR
25 CORNER IN THE NORTH LINE OF SAID SECTION 64, BLOCK 341;

26 THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 64, BLOCK
27 341 BEING THE SOUTH LINE OF SECTION 72, BLOCK 341, T.C. RY. CO.

1 SURVEY, BREWSTER COUNTY, TEXAS, A DISTANCE OF 1,319.44 FEET TO A
2 POINT FOR CORNER BEING THE NORTHEAST CORNER OF SAID SECTION 64,
3 BLOCK 341, THE SOUTHEAST CORNER OF SAID SECTION 72, BLOCK 341, THE
4 SOUTHWEST CORNER OF SECTION 71, BLOCK 341, A 640 ACRE TRACT OF LAND
5 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
6 PAGE 502, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND BEING THE
7 NORTHWEST CORNER OF A TRACT OF LAND IN SECTION 65, BLOCK 341
8 CONVEYED TO RAYMOND WAYNE PAULY RECORDED IN VOLUME 96, PAGE 308,
9 DEED RECORDS, BREWSTER COUNTY, TEXAS;
10 THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 64, BLOCK
11 341, PASSING AT A DISTANCE OF 5,277.78 FEET THE SOUTH LINE OF SAID
12 SECTION 64, BLOCK 341, BEING THE NORTH LINE OF SAID SECTION 63,
13 BLOCK 341, AND CONTINUING A TOTAL DISTANCE OF 6,277.78 FEET TO A
14 POINT FOR CORNER;
15 THENCE N88°52'12"W PASSING AT 5,277.78 FEET, THE WEST LINE OF SAID
16 SECTION 63, BLOCK 341, BEING THE EAST LINE OF SAID SECTION 75, BLOCK
17 341, PASSING AT 10,555.56 FEET THE WEST LINE OF SAID SECTION 75,
18 BLOCK 341, BEING THE EAST LINE OF SAID SECTION 82, BLOCK 341, AND
19 CONTINUING A TOTAL DISTANCE OF 14,513.90 FEET TO A POINT FOR CORNER;
20 THENCE S01°07'48"W PASSING AT 4,277.78 FEET, THE SOUTH LINE OF SAID
21 SECTION 82, BLOCK 341, BEING THE NORTH LINE OF SECTION 81, BLOCK
22 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO. SURVEY,
23 BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED
24 IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS, AND
25 CONTINUING A TOTAL DISTANCE OF 9,555.53 FEET TO A POINT FOR CORNER
26 IN THE SOUTH LINE OF SAID SECTION 81, BLOCK 341;
27 THENCE N88°52'12"W ALONG THE SOUTH LINE OF SAID SECTION 81, BLOCK

1 341, A DISTANCE OF 1,319.44 FEET TO A POINT FOR CORNER BEING THE
2 SOUTHWEST CORNER OF SAID SECTION 81, BLOCK 341, AND BEING THE
3 SOUTHEAST CORNER OF PART OF A 440 ACRE TRACT OF LAND IN SECTION 88,
4 BLOCK 341 IN THE T.C. RY.CO. SURVEY, BREWSTER COUNTY CONVEYED TO
5 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 502,
6 DEED RECORDS, BREWSTER COUNTY, TEXAS;
7 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 88, BLOCK 341
8 BEING THE WEST LINE OF SAID SECTION 81, BLOCK 341 PASSING AT
9 5,277.78 FEET THE NORTH LINE OF SAID SECTIONS 81 AND 88 BLOCK 341,
10 BEING THE SOUTH LINE OF SAID SECTION 82, BLOCK 341, AND SECTION 87,
11 BLOCK 341, A 640 ACRE TRACT OF LAND LOCATED IN THE T.C. RY. CO.
12 SURVEY, BREWSTER COUNTY CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
13 RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS, BREWSTER COUNTY,
14 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 10,555.56 FEET TO A POINT
15 FOR CORNER BEING THE NORTHWEST CORNER OF SAID SECTION 82, BLOCK 341,
16 BEING THE NORTHEAST CORNER OF SAID SECTION 87, BLOCK 341, BEING THE
17 SOUTHWEST CORNER OF SAID SECTION 83, BLOCK, AND BEING THE SOUTHEAST
18 CORNER OF SAID SECTION 86, BLOCK 341;
19 THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 87, BLOCK
20 341 BEING THE SOUTH LINE OF SAID SECTION 86, BLOCK 341, A DISTANCE
21 OF 4,618.06 FEET TO A POINT FOR CORNER;
22 THENCE S01°07'48"W PASSING AT 5,277.78 FEET, THE SOUTH LINE OF SAID
23 SECTION 87, BLOCK 341 BEING THE NORTH LINE OF SAID SECTION 88, BLOCK
24 341 CONTINUING A TOTAL DISTANCE OF 5,607.64 FEET TO A POINT FOR
25 CORNER IN SAID 440 ACRE TRACT OF LAND IN SAID SECTION 88, BLOCK 341;
26 THENCE N88°52'12"W, A DISTANCE OF 659.72 FEET TO A POINT FOR CORNER
27 IN THE WEST LINE OF SAID SECTION 88, BLOCK 341, BEING IN THE EAST

1 LINE OF SECTION 93, BLOCK 341, T.C RY. CO. SURVEY BREWSTER COUNTY,
2 TEXAS, A 618.88 ACRE TRACT OF LAND CONVEYED TO LAJITAS CAPITAL
3 PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED RECORDS,
4 BREWSTER COUNTY, TEXAS;

5 THENCE S01°07'48"W, ALONG THE EAST LINE OF SAID SECTION 93, BLOCK
6 341, BEING THE WEST LINE OF SAID SECTION 88, BLOCK 341, A DISTANCE
7 OF 1,051.38 FEET TO A POINT FOR CORNER;

8 THENCE N89°27'31"W PASSING AT 5,272.25 FEET, THE WEST LINE OF SAID
9 SECTION 93, BLOCK 341 BEING THE EAST LINE OF SECTION 92, BLOCK 341
10 T.C. RY. CO. SURVEY, BREWSTER COUNTY, A 419.6 ACRE TRACT OF LAND
11 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224,
12 PAGE 458, DEED RECORDS, BREWSTER COUNTY, TEXAS AND CONTINUING A
13 TOTAL DISTANCE OF 9,614.91 FEET TO A UNITED STATES DEPARTMENT OF THE
14 INTERIOR MONUMENT MARKING THE NORTHEAST CORNER OF SECTION 39, BLOCK
15 341, T.C. RY. CO. SURVEY, BREWSTER COUNTY, TEXAS;

16 THENCE N89°27'27"W ALONG THE NORTH LINE OF SAID SECTION 39, A
17 DISTANCE OF 2,634.23 FEET TO A POINT FOR CORNER BEING THE NORTHWEST
18 CORNER OF SECTION 39, BLOCK 341 AND BEING IN THE EAST LINE OF
19 SECTION 37, BLOCK 341, PART OF A 201.84 ACRE TRACT OF LAND IN
20 SECTIONS 36, 37, AND 100 CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
21 RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY,
22 TEXAS;

23 THENCE N71°35'00"W, DEPARTING THE EAST LINE OF SAID SECTION 37,
24 BLOCK 341 AND CONTINUING ACROSS SAID SECTION 37, BLOCK 341, A
25 DISTANCE OF 2,618.38 FEET TO A POINT FOR CORNER;

26 THENCE N27°10'25"W PASSING AT APPROXIMATELY 263 FEET, THE EAST LINE
27 OF SAID SECTION 36, BLOCK 341 AND CONTINUING A TOTAL DISTANCE OF

1 2,314.62 FEET TO A POINT FOR CORNER BEING THE SOUTHWEST CORNER OF A
2 52.918 ACRE TRACT OF LAND IN SECTION 36, BLOCK 341 CONVEYED TO
3 LAJITAS CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458,
4 DEED RECORDS, BREWSTER COUNTY, TEXAS;
5 THENCE N26°12'29"W ALONG THE SOUTHWESTERLY LINE OF SAID 52.918 ACRE
6 TRACT, A DISTANCE OF 876.56 FEET TO A POINT FOR CORNER;
7 THENCE N01°07'48"E, PASSING AT APPROXIMATELY 1,273 FEET, THE NORTH
8 LINE OF SAID 52.918 ACRE LAND AND THE SOUTH LINE OF A CALLED 359.313
9 ACRE TRACT OF LAND IN SECTIONS 36, 37, AND 100, BLOCK 341 AS
10 DESCRIBED IN DEED CONVEYED TO LAJITAS CAPITAL PARTNERS, LLC
11 RECORDED IN VOLUME 224, PAGE 502, DEED RECORDS, BREWSTER COUNTY,
12 TEXAS, AND CONTINUING A TOTAL DISTANCE OF 5,035.59 FEET TO A POINT
13 FOR CORNER;
14 THENCE S88°52'12"E, A DISTANCE OF 1,375.22 FEET TO A POINT FOR
15 CORNER IN THE EAST LINE OF SAID SECTION 36, BLOCK 341 BEING IN THE
16 WEST LINE OF SAID SECTION 100, BLOCK 341;
17 THENCE S01°07'48"W, A DISTANCE OF 3,759.90 FEET TO A POINT FOR
18 CORNER IN THE WEST LINE OF SAID SECTION 37, BLOCK 341;
19 THENCE N88°52'12"W, A DISTANCE OF 779.27 FEET TO A POINT FOR CORNER,
20 SAID CORNER BEING THE NORTHEAST CORNER OF SAID 52.918 ACRE TRACT OF
21 LAND;
22 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID 52.918 ACRE TRACT OF
23 LAND, A DISTANCE OF 1,172.25 FEET TO A POINT FOR CORNER;
24 THENCE S19°23'42"W CONTINUING ALONG THE EAST LINE OF SAID 52.918
25 ACRE TRACT, A DISTANCE OF 222.85 FEET TO A POINT FOR CORNER;
26 THENCE S11°23'22"W CONTINUING ALONG THE EASTERLY LINE OF SAID 52.918
27 ACRE TRACT, A DISTANCE OF 523.85 FEET TO A POINT FOR CORNER IN THE

1 EAST LINE OF SAID 52.918 ACRE TRACT;
2 THENCE S27°10'25"E, DEPARTING THE EASTERLY LINE OF SAID 52.918 ACRE
3 TRACT OF LAND , ACROSS SAID SECTION 36, BLOCK 341, A DISTANCE OF
4 2,394.95 FEET TO A POINT FOR CORNER;
5 THENCE S71°35'00"E ACROSS SAID SECTION 37, BLOCK 341, A DISTANCE OF
6 2,561.61 FEET TO A POINT FOR CORNER;
7 THENCE S89°27'27"E, A DISTANCE OF 2,619.75 FEET TO A POINT FOR
8 CORNER;
9 THENCE N01°07'48"E A DISTANCE OF 2,303.36 FEET TO A POINT IN THE
10 NORTH LINE OF SAID SECTION 92, BLOCK 341 BEING THE SOUTH LINE OF
11 SECTION MC-1, PART OF A 84.62 ACRE TRACT OF LAND CONVEYED TO LAJITAS
12 CAPITAL PARTNERS, LLC RECORDED IN VOLUME 224, PAGE 458, DEED
13 RECORDS, BREWSTER COUNTY, TEXAS;
14 THENCE S88°52'12"E ALONG THE NORTH LINE OF SAID SECTION 92, BLOCK
15 341, BEING THE SOUTH LINE OF SECTION MC-1, BLOCK 341, A DISTANCE OF
16 4,336.93 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
17 SAID SECTION 92, BLOCK 341 AND THE SOUTHEAST CORNER OF SAID SECTION
18 MC-1, BLOCK 341;
19 THENCE S01°07'48"W ALONG THE EAST LINE OF SAID SECTION 92, BLOCK
20 341, A DISTANCE OF 924.38 FEET TO A POINT FOR CORNER BEING THE
21 SOUTHWEST CORNER OF SAID SECTION 94, BLOCK 341 AND THE NORTHWEST
22 CORNER OF SAID SECTION 93, BLOCK 341;
23 THENCE S88°52'12"E, ALONG THE NORTH LINE OF SAID SECTION 93, BLOCK
24 341 BEING THE SOUTH LINE OF SAID SECTION 94, BLOCK 341, A DISTANCE
25 OF 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
26 SAID SECTION 93, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID
27 SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID SECTION

1 88, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 87,
2 BLOCK 341;

3 THENCE N01°07'48"E ALONG THE EAST LINE OF SAID SECTION 94, BLOCK 341
4 BEING THE WEST LINE OF SAID SECTION 87, BLOCK 341, A DISTANCE OF
5 5,277.78 FEET TO A POINT FOR CORNER BEING THE NORTHEAST CORNER OF
6 SAID SECTION 94, BLOCK 341, BEING THE NORTHWEST CORNER OF SAID
7 SECTION 87, BLOCK 341, BEING THE SOUTHEAST CORNER OF SAID SECTION
8 95, BLOCK 341, AND BEING THE SOUTHWEST CORNER OF SAID SECTION 86,
9 BLOCK 341;

10 THENCE N88°52'12"W ALONG THE NORTH LINE OF SAID SECTION 94, BLOCK
11 341 BEING THE SOUTH LINE OF SAID SECTION 95, BLOCK 341, A DISTANCE
12 OF 5,277.78 FEET TO THE POINT OF BEGINNING AND CONTAINING 2,763
13 ACRES, MORE OR LESS.

14 THE BASIS OF BEARINGS IS THE NORTH AMERICAN DATUM (NAD) OF 1983
15 (1993), GRID BEARINGS, TEXAS STATE PLANE COORDINATE SYSTEM, SOUTH
16 CENTRAL ZONE 4204, CORS96, EPOCH 2002.00.

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

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

27 (c) The Texas Commission on Environmental Quality has filed

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

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

8 SECTION 4. (a) Section 11002.107, Special District Local
9 Laws Code, as added by this Act, takes effect only if this Act
10 receives a two-thirds vote of all the members elected to each house.

11 (b) If this Act does not receive a two-thirds vote of all the
12 members elected to each house, Subchapter C, Chapter 11002, Special
13 District Local Laws Code, as added by this Act, is amended by adding
14 Section 11002.107 to read as follows:

15 Sec. 11002.107. NO EMINENT DOMAIN POWER. The district may
16 not exercise the power of eminent domain.

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

20 SECTION 5. Except as otherwise provided by this Act:

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

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

President of the Senate

Speaker of the House

I certify that H.B. No. 3804 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3804 on May 27, 2011, by the following vote: Yeas 140, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3804 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor