

By: Craddick

H.B. No. 3861

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Midland County Utility District;  
3 providing authority to impose a tax and issue bonds; granting a  
4 limited power of eminent domain

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

6 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 9016 to read as follows:

8 CHAPTER 9016. MIDLAND COUNTY UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 9016.001. DEFINITIONS. In this chapter:

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

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

14 (3) "County" means Midland County.

15 (4) "Director" means a board member.

16 (5) "District" means the Midland County Utility  
17 District.

18 (6) "Municipality" means a municipality in whose  
19 corporate limits or extraterritorial jurisdiction the district is  
20 located.

21 Sec. 9016.002. NATURE OF DISTRICT. The district is a water  
22 control and improvement district created under Section 59, Article  
23 XVI, Texas Constitution.

24 Sec. 9016.003. CONFIRMATION AND DIRECTORS' ELECTION

1 REQUIRED. The temporary directors shall hold an election to  
2 confirm the creation of the district and to elect five permanent  
3 directors as provided by Section 49.102, Water Code.

4 Sec. 9016.004. CONSENT OF MUNICIPALITY REQUIRED. The  
5 temporary directors may not hold an election under Section 9016.003  
6 until each municipality in whose corporate limits or  
7 extraterritorial jurisdiction the district is located has  
8 consented by ordinance or resolution to the creation of the  
9 district and to the inclusion of land in the district.

10 Sec. 9016.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
11 The district is created to serve a public purpose and benefit.

12 (b) The district is created to accomplish the purposes of a  
13 water control and improvement district as provided by general law  
14 and Section 59, Article XVI, Texas Constitution.

15 Sec. 9016.006. INITIAL DISTRICT TERRITORY. (a) The  
16 district is initially composed of the territory described by  
17 Section 2 of the Act enacting this chapter.

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

22 (1) organization, existence, or validity;

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

26 (3) right to impose a tax; or

27 (4) legality or operation.

1 [Sections 9016.006-9016.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 9016.051. GOVERNING BODY; TERMS. (a) Except as  
4 provided by Subsection (c), the district is governed by a board of  
5 five elected directors.

6 (b) Except as provided by Section 9016.052, directors serve  
7 staggered four-year terms.

8 (c) If the municipality annexes any part of the territory of  
9 the district, the municipality shall appoint one ex officio member  
10 to the board to serve as a sixth director.

11 Sec. 9016.052. TEMPORARY DIRECTORS. (a) The temporary  
12 board consists of:

- 13 (1) Shelton Viney;
- 14 (2) Susie Hitchcock-Hall;
- 15 (3) Alan Lang;
- 16 (4) David Orr; and
- 17 (5) Israel Rodriguez.

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

19 (1) the date permanent directors are elected under  
20 Section 9016.003; or

- 21 (2) September 1, 2015.

22 (c) If permanent directors have not been elected under  
23 Section 9016.003 and the terms of the temporary directors have  
24 expired, successor temporary directors shall be appointed or  
25 reappointed as provided by Subsection (d) to serve terms that  
26 expire on the earlier of:

- 27 (1) the date permanent directors are elected under

1 Section 9016.003; or

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

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

11 Sec. 9016.053. NOTICE OF MEETINGS. The district shall  
12 provide the municipality with written notice prior to a meeting of  
13 the board.

14 [Sections 9016.053-9016.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 9016.101. GENERAL POWERS AND DUTIES. The district has  
17 the powers and duties necessary to accomplish the purposes for  
18 which the district is created.

19 Sec. 9016.102. WATER CONTROL AND IMPROVEMENT DISTRICT  
20 POWERS AND DUTIES. The district has the powers and duties provided  
21 by the general law of this state, including Chapters 49 and 51,  
22 Water Code, applicable to water control and improvement districts  
23 created under Section 59, Article XVI, Texas Constitution.

24 Sec. 9016.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
25 OR RESOLUTION. The district shall comply with all applicable  
26 requirements of any ordinance or resolution that is adopted under  
27 Section 42.042, Local Government Code, and that consents to the

1 creation of the district or to the inclusion of land in the  
2 district.

3 Sec. 9016.104. COMPLIANCE WITH MUNICIPAL REGULATIONS. (a)  
4 Any water service infrastructure or public facilities constructed,  
5 acquired, improved, maintained, or operated by the district shall  
6 comply with any applicable regulations of the municipality in whose  
7 corporate limits or extraterritorial jurisdiction the  
8 infrastructure or public facilities are located.

9 (b) Any water system constructed, acquired, improved,  
10 maintained, or operated by the district shall:

11 (1) comply with any applicable regulations of the  
12 municipality regarding specifications for rural density; and

13 (2) contain distribution lines that are:

14 (A) four inches or more in diameter; and

15 (B) sufficient to provide fire hydrant service  
16 according to the municipality's specifications for rural density.

17 Sec. 9016.105. COUNTY RIGHT-OF-WAY. The district must  
18 obtain the approval of the county's governing body of the plans and  
19 specifications of any facilities to be installed on property  
20 located in a county right-of-way.

21 Sec. 9016.106. LIABILITY. Neither the county or  
22 municipality are liable for any claims arising from the operation  
23 of the district's water system or other actions or inactions of the  
24 district, including issues related to labor, safety, or signage, or  
25 contamination or other environmental issues.

26 Sec. 9016.107. SERVICES TO BE PROVIDED BY THE DISTRICT,  
27 COUNTY, OR MUNICIPALITY. (a) The district may enter into an

1 interlocal contract with the county or municipality to provide  
2 governmental functions, including fire protection, trash  
3 collection and disposal, and ambulance service.

4 (b) Notwithstanding Subsection (a), the municipality is  
5 authorized to provide sewer and drainage service in the district.  
6 The municipality shall establish the amount of the fees to be  
7 charged to recipients of sewer and drainage service under this  
8 subsection.

9 (c) Notwithstanding Subsection (a), the district may not  
10 provide any services within the territorial limits of the  
11 municipality as those limits existed on September 1, 2011.

12 Sec. 9016.108. ANNEXATION BY MUNICIPALITY. (a) The  
13 municipality may annex a part of the territory of the district  
14 without annexing the entire territory of the district.

15 (b) If the city annexes all or part of the district, the  
16 district is not:

17 (1) required to be dissolved; and

18 (2) prevented from providing district services to the  
19 annexed territory.

20 (c) If any territory inside the district is annexed, the  
21 owner of the territory shall pay the same rate of ad valorem tax to  
22 the municipality as other residents of the municipality.

23 (d) By annexing territory in the district, the municipality  
24 does not assume any debt of the district.

25 (e) The district may not contest an annexation by the  
26 municipality.

27 Sec. 9016.109. WATER SERVICE DEADLINE. The district must

1 begin operation of a water system serving at least a part of the  
2 district not later than the sixth anniversary of the date that  
3 district voters approve the issuance of bonds to provide for the  
4 development of the water system.

5 Sec. 9016.110. LIMITATION ON USE OF EMINENT DOMAIN. (a) The  
6 district may not exercise the power of eminent domain:

7 (1) outside the district to acquire a site or easement  
8 for a recreational facility as defined by Section 49.462, Water  
9 Code; or

10 (2) in the corporate limits of the municipality as  
11 those limits existed on September 1, 2011.

12 Sec. 9016.111. PROHIBITION ON DIVISION OF DISTRICT. The  
13 district may not divide into two or more districts.

14 [Sections 9016.112-9016.150 reserved for expansion]

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 9016.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by:

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

20 (2) contract payments described by Section 9016.153.

21 (b) The district must hold an election in the manner  
22 provided by Chapters 49 and 51, Water Code, to obtain voter approval  
23 before the district may impose an ad valorem tax or issue bonds  
24 payable from ad valorem taxes.

25 (c) The district may not issue bonds payable from ad valorem  
26 taxes to finance a road project unless the issuance is approved by a  
27 vote of a two-thirds majority of the district voters voting at an

1 election held for that purpose.

2 Sec. 9016.152. OPERATION AND MAINTENANCE TAX. (a) If  
3 authorized at an election held under Section 9016.151, the district  
4 may impose an operation and maintenance tax on taxable property in  
5 the district in accordance with Section 49.107, Water Code.

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

8 Sec. 9016.153. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax and use the revenue derived from  
11 the tax to make payments under a contract after the provisions of  
12 the contract have been approved by a majority of the district voters  
13 voting at an election held for that purpose.

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

17 [Sections 9016.154-9016.200 reserved for expansion]

18 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

19 Sec. 9016.201. AUTHORITY TO ISSUE BONDS AND OTHER  
20 OBLIGATIONS. The district may issue bonds or other obligations  
21 payable wholly or partly from ad valorem taxes, impact fees,  
22 revenue, contract payments, grants, or other district money, or any  
23 combination of those sources, to pay for any authorized district  
24 purpose.

25 Sec. 9016.202. TAXES FOR BONDS. At the time the district  
26 issues bonds payable wholly or partly from ad valorem taxes, the  
27 board shall provide for the annual imposition of a continuing



1 direct ad valorem tax, without limit as to rate or amount, while all  
2 or part of the bonds are outstanding as required and in the manner  
3 provided by Section 51.433, Water Code.

4 Sec. 9016.203. LIMITATION ON TAX RATE. Notwithstanding any  
5 other provision of this chapter, the projected combined operation,  
6 maintenance, and debt service tax rates as of the date of the  
7 issuance of any bonds, as described by the commission in a  
8 commission order approving the issuance of the bonds, may not  
9 exceed 65 cents for each \$100 of assessed valuation of property in  
10 the district.

11 Sec. 9016.204. BONDS AND OTHER OBLIGATIONS NOT TO BE PAID BY  
12 MUNICIPALITY OR COUNTY. Bonds or other obligations of the  
13 district:

14 (1) may not be paid wholly or partly by taxes imposed  
15 by the county or the municipality;

16 (2) are not debts of the county or municipality; and

17 (3) do not give rise to a claim against the county or  
18 municipality.

19 SECTION 2. The Midland County Utility District initially  
20 includes all the territory contained in the following area:

21 For 54,050 Acres of Land

22 Located in Various Sections and Blocks,

23 T&P RR Co. Survey, Midland County, Texas.

24 Boundary Being More Fully Described By Metes and Bounds As Follows:

25 BEGINNING at (Y= 10,677,038' and X= 1,736,917') a point in the west  
26 line of Section 7, Block 39, T2S and a southerly line of Midland  
27 city limits and being the most westerly northwest corner of this

1 tract;

2 THENCE S 14°19' E, a distance of 2685 feet to the southwest corner of

3 said Section 7 and being an ell corner of this tract;

4 THENCE N 75°10' E with the south right-of-way line of West County

5 Road 120, a distance of 7031 feet to a point in the north line of

6 Section 17 this block for a point of deflection of this tract;

7 THENCE S 64°46' E, a distance of 4725 feet to a point in the east line

8 of said Section 17 and in the west right-of-way line of South County

9 Road 1210 also being a point of deflection of this tract;

10 THENCE S 14°23' E with the west right-of-way line of said South

11 County Road 1210, a distance of 6340 feet to a point in the north

12 right-of-way line of West County Road 138 and being an ell corner of

13 this tract;

14 THENCE S 75°41' W with the north right-of-way line of said West

15 County Road 138, a distance of 3340 feet to a point in the west

16 right-of-way line of South County Road 1216 and being an ell corner

17 of this tract;

18 THENCE S 14°52' E with the west right-of-way line of said South

19 County Road 1216, a distance of 1272 feet to a point in the north

20 right-of-way line of West County Road 140 and being an ell corner of

21 this tract;

22 THENCE S 75°29' W with the north right-of-way line of said West

23 County Road 140, a distance of 1974 feet to a point near the

24 northwest corner of Section 29, Block 39, T2S and being an ell

25 corner of this tract;

26 THENCE S 14°16' E, a distance of 26,411 feet to a point near the

27 southwest corner of Section 6, Block 39, T3S and being the most

1 southerly southwest corner of this tract;  
2 THENCE N 75°59' E, a distance of 15,901 feet to a point in the east  
3 right-of-way line of State Highway 349 and being the most southerly  
4 southeast corner of this tract;  
5 THENCE N 14°08' W with the east right-of-way line of said State  
6 Highway 349, a distance of 18,548 feet to a point near the southwest  
7 corner of Condor Aviation Co. Inc. tract and being an ell corner of  
8 this tract;  
9 THENCE N 75°17' E, a distance of 5227 feet to a point in the east line  
10 of Section 35, Block 39, T2S and being an ell corner of this tract;  
11 THENCE N 14°23' W, a distance of 1604 feet to a point for an ell  
12 corner of this tract;  
13 THENCE N 76°20' E, a distance of 5414 feet to a point in the east  
14 right-of-way line of Farm to Market Road 715 and being an ell corner  
15 of this tract;  
16 THENCE N 14°21' W with the east right-of-way line of said Farm to  
17 Market Road 715, a distance of 664 feet to a point for an ell corner  
18 of this tract;  
19 THENCE N 75°23' E, a distance of 2628 feet to a point in the west half  
20 of Section 24, Block 38, T2S and being an ell corner of this tract;  
21 THENCE S 14°03' E, a distance of 8251 feet to a point for an ell  
22 corner of this tract;  
23 THENCE N 76°09' E, a distance of 2658 feet to a point in the east  
24 right-of-way line of South County Road 1160 and being an ell corner  
25 of this tract;  
26 N 14°22' W with the east right-of-way line of said South County Road  
27 1160, a distance of 3359 feet to a point in the south right-of-way

1 line of East County Road 160 and being an ell corner of this tract;  
2 THENCE N 75°38' E with the south right-of-way line of said East  
3 County Road 160, a distance of 10,581 feet to a point near the  
4 southeast corner of Section 22, Block 38, T2S and being an ell  
5 corner of this tract;  
6 THENCE N 14°07' W with the east line of said Section 22, a distance  
7 of 5353 feet to a point near the northeast corner of said Section 22  
8 and being an ell corner of this tract;  
9 THENCE N 75°40' E, a distance of 1381 feet to a point near the  
10 southeast corner of George V. Anderson Jr. tract and the southwest  
11 corner of Donna Johnson tract also being an ell corner of this  
12 tract;  
13 THENCE N 14°03' W with the west line of said Donna Johnson tract and  
14 the east line of said George V. Anderson Jr. tract, a distance of  
15 1926 feet to a point near the northwest corner of said Donna Johnson  
16 tract and being an ell corner of this tract;  
17 THENCE N 75°43' E, a distance of 1355 feet to a point in the east  
18 right-of-way line of South County Road 1136 and being an ell corner  
19 this tract;  
20 THENCE N 13°52' W with the east right-of-way line of said South  
21 County Road 1136, a distance of 8663 feet to a point in the  
22 southwesterly right-of-way of State Highway 158 and the south  
23 right-of-way line of East County Road 130 also being an ell corner  
24 of this tract;  
25 THENCE N 75°27' E with the south right-of-way line of said East  
26 County Road 130, a distance of 3996 feet to a point for an ell corner  
27 of this tract;

1 THENCE N 13°57' W, a distance of 5272 feet to a point in the south  
2 right-of-way line of East County Road 120 and being an ell corner of  
3 this tract;

4 THENCE N 75°41' E with the south right-of-way line of said East  
5 County road 120, a distance of 14,750 feet to a point for an ell  
6 corner of this tract;

7 THENCE N 14°17' W, a distance of 5276 feet to a point near the  
8 northwest corner of Section 51, Block 37, T2S and being an ell  
9 corner of this tract;

10 THENCE N 74°54' E, a distance of 10,567 feet to a point in the east  
11 right-of-way line of Farm to Market Road 1379 and being the most  
12 easterly southeast corner of this tract;

13 THENCE N 13°59' W with the east right-of-way line of said Farm to  
14 Market Road 1379, a distance of 3955 feet to a point of deflection  
15 of this tract;

16 THENCE N 14°17' W, a distance of 20,565 feet to a point in the  
17 southeasterly right-of-way of Interstate Highway 20 and being the  
18 most easterly northeast corner of this tract;

19 THENCE S 59°40' W with the southeasterly right-of-way of said  
20 Interstate Highway 20, a distance of 22,345 feet to a point in the  
21 projection of North County Road 1120 and being a point of deflection  
22 of this tract;

23 THENCE N 14°09' W, a distance of 8118 feet to a point near the  
24 northeast Section 26, Block 38, T1S and being an ell corner of this  
25 tract;

26 THENCE S 75°33' W with the north line of said Section 26, a distance  
27 of 2741 feet to a point for an ell corner of this tract;

1 THENCE N 13°46' W, a distance of 3300 feet to a point for an ell  
2 corner of this tract;  
3 THENCE S 75°45' W, a distance of 2696 feet to a point in the west line  
4 of Section 23 and the east line of Section 22, Block 38, T1S and  
5 being an ell corner of this tract;  
6 THENCE S 14°37' E with the west line of said Section 23 and the east  
7 line of said Section 22, a distance of 668 feet to a point for an ell  
8 corner of this tract;  
9 THENCE S 75°34' W, a distance of 7949 feet to a point near the middle  
10 of Section 21, Block 38, T1S and being an ell corner of this tract;  
11 THENCE N 14°18' W, a distance of 2716 feet to a point in the north  
12 line of said Section 21 and being an ell corner of this tract;  
13 THENCE S 75°23' W, a distance of 4294 feet to a point in the north  
14 line of Section 20, Block 38, T1S and being a point of deflection of  
15 this tract;  
16 THENCE S 66°10' W, a distance of 3034 feet to a point in an easterly  
17 line of the Midland city limits and being the most northerly  
18 northwest corner of this tract;  
19 THENCE S 14°33' E with said city limits, a distance of 5372 feet to  
20 an ell corner of said city limits and being an ell corner of this  
21 tract;  
22 THENCE S 75°36' W with said city limits, a distance of 2511 feet to  
23 an ell corner of said city limits and being an ell corner of this  
24 tract;  
25 THENCE S 14°34' E with said city limits, a distance of 180 feet to an  
26 ell corner of said city limits and being an ell corner of this  
27 tract;

1 THENCE S 75°36' W with said city limits, a distance of 835 feet to an  
2 ell corner of said city limits and being an ell corner of this  
3 tract;

4 THENCE S 14°34' E with said city limits, a distance of 3832 feet to  
5 an ell corner of said city limits and being an ell corner of this  
6 tract;

7 THENCE N 75°36' E with said city limits, a distance of 2208 feet to  
8 an ell corner of said city limits and being an ell corner of this  
9 tract;

10 THENCE N 14°34' W with said city limits, a distance of 1204 feet to  
11 an ell corner of said city limits and being an ell corner of this  
12 tract;

13 THENCE N 75°36' E with said city limits, a distance of 1138 feet to  
14 an ell corner of said city limits and being an ell corner of this  
15 tract;

16 THENCE S 15°14' E with said city limits, a distance of 645 feet to an  
17 ell corner of said city limits and being an ell corner of this  
18 tract;

19 THENCE N 75°36' E with said city limits, a distance of 4603 feet to  
20 an ell corner of said city limits and being an ell corner of this  
21 tract;

22 THENCE S 14°35' E with said city limits, a distance of 5122 feet to  
23 an ell corner of said city limits and being an ell corner of this  
24 tract;

25 THENCE N 75°37' E with said city limits, a distance of 659 feet to an  
26 ell corner of said city limits and being an ell corner of this  
27 tract;

1 THENCE S 14°36' E with said city limits, a distance of 2879 feet to a  
2 point in the northwesterly right-of-way line of Business Interstate  
3 Highway 20 (US Highway 80) and the most easterly southeast corner of  
4 said city limits also being a point of deflection of this tract;

5 THENCE N 59°41' E with the northwesterly right-of-way line of said  
6 Business Interstate Highway 20, a distance of 4829 feet to a point  
7 near the northwest corner of Section 40, Block 38, T1S and being a  
8 point of deflection of this tract;

9 THENCE S 14°24' E, a distance of 7260 feet to a point in the east line  
10 of Section 45, Block 38, T1S and being 1000 feet southerly of the  
11 southeasterly right-of-way line of Interstate Highway 20 and being  
12 a point of deflection of this tract;

13 THENCE S 45°05' W 1000 feet southerly and parallel to the  
14 southeasterly right-of-way line of said Interstate Highway 20, a  
15 distance of 6527 feet to a point in the north line of Section 5,  
16 Block 38, T2S and in the south right-of-way line of Farm to Market  
17 Road 307 also being a point of deflection of this tract;

18 THENCE N 76°37' E with the south right-of-way line of said Farm to  
19 Market Road 307, a distance of 2882 feet to a point near the  
20 northeast corner of a 320 acre City of Midland tract in Section 4,  
21 Block 38, T2S and being an ell corner of this tract;

22 THENCE S14°25' E with the east line of said 320 acre tract, a  
23 distance of 5252 feet to a point in the south line of said Section 4  
24 and the north line of Section 9, Block 38, T2S and being an ell  
25 corner of this tract;

26 THENCE N 75°36' E with the north line of said Section 9, a distance  
27 of 2768 feet to a point near the northeast corner of said Section 9



1 and in the west right-of-way South County Road 1140 also being an  
2 ell corner of this tract;

3 THENCE S 14°36' E with the west right-of-way line of said South  
4 County Road 1140, a distance of 5313 feet to a point in the north  
5 right-of-way line of East County Road 120 and being an ell corner of  
6 this tract;

7 THENCE S 75°56' W with the north right-of-way line of said East  
8 County Road 120, a distance of 5150 feet to a point in the  
9 northeasterly right-of-way line of State Highway 158 and being a  
10 point of deflection of this tract;

11 THENCE N 70°55' W with the northeasterly right-of-way line of said  
12 State Highway 158, a distance of 4453 to a point near the most  
13 southerly southwest corner of a 365.58 acre City of Midland tract as  
14 described in Volume 2308, Page 3, Official Public Records of  
15 Midland County and the southeast corner of Ralph H White tract also  
16 being a point of deflection of this tract;

17 THENCE N 15°31' W with the east line of said Ralph H White tract and a  
18 west line of said City of Midland Tract, a distance of 732 feet to a  
19 point near the northeast corner of said Ralph H White tract and  
20 being a point of deflection of this tract;

21 THENCE N 70°36' W with the north line of said Ralph H White tract, a  
22 distance of 171 feet to a point near the northwest corner of said  
23 Ralph H White tract and in the east line of a 1.00 acre City of  
24 Midland tract as described in Volume 2308, Page 3, Official Public  
25 Records of Midland County and being a point of deflection of this  
26 tract;

27 THENCE S 15°31' E with the west line of said Ralph H White tract and

1 the east line of said 1.00 acre City of Midland tract, a distance of  
2 733 feet to a point in the northeasterly right-of-way line of said  
3 State Highway 158 and being a point of deflection of this tract;  
4 THENCE N 70°55' W with the south line of said 1.00 acre City of  
5 Midland tract and the northeasterly right-of-way line of said State  
6 Highway 158, a distance of 415 feet to the southwest corner of said  
7 1.00 acre City of Midland tract and being a point of deflection of  
8 this tract;  
9 THENCE N 15°31' W with the west line of said 1.00 acre City of  
10 Midland tract, a distance of 1252 feet to the northwest corner of  
11 said 1.00 acre City of Midland and being a point of deflection of  
12 said 365.58 acre City of Midland tract also being a point of  
13 deflection of this tract;  
14 THENCE S 75°57' W with a south line of said 365.58 acre City of  
15 Midland tract, a distance of 1419 feet to a point in the west line of  
16 Section 8, Block 38, T2S and being an ell corner of this tract;  
17 THENCE N 14°10' W with the west line of said Section 8, a distance of  
18 1274 feet to a point near the northwest corner of said Section 8 and  
19 being an ell corner of this tract;  
20 THENCE N 75°49' E with the north line of said Section 8, a distance  
21 of 36 feet to a point near the southeast corner of Section 6, Block  
22 38, T2S and being an ell corner of this tract;  
23 THENCE N 14°12' W with the east line of said Section 6, a distance of  
24 2124 feet to a point 1000 feet southerly of the southeasterly  
25 right-of-way line of said Interstate Highway 20 and being a point of  
26 deflection of this tract;  
27 THENCE S 44°40' W southerly and parallel to the southeasterly

1 right-of-way line of said Interstate Highway 20, a distance of 3968  
2 feet to a point in the Midland city limits and being a point of  
3 deflection of this tract;  
4 THENCE S 14°09' E with said city limits, a distance of 611 feet to  
5 the most southerly southeast corner of said city limits and being an  
6 ell corner of this tract;  
7 THENCE S 75°32' W with the south line of said city limits, a distance  
8 of 10,595 feet to an ell corner of said city limits and being an ell  
9 corner of this tract;  
10 THENCE S 14°23' E with the said city limits, a distance of 750 feet  
11 to an ell corner of said city limits and being an ell corner of this  
12 tract;  
13 THENCE S 75°29' W with said city limits, a distance of 677 feet to an  
14 ell corner of said city limits and being an ell corner of this  
15 tract;  
16 THENCE S 14°32' E with said city limits, a distance of 781 feet to an  
17 ell corner of said city limits and being an ell corner of this  
18 tract;  
19 THENCE S 75°24' W with said city limits, a distance of 1675 feet to  
20 an ell corner of said city limits and being an ell corner of this  
21 tract;  
22 THENCE N 14°23' W with said city limits, a distance of 1041 feet to  
23 an ell corner of said city limits and being an ell corner of this  
24 tract;  
25 THENCE S 75°29' W with said city limits, a distance of 1000 feet to  
26 an ell corner of said city limits and being an ell corner of this  
27 tract;

1 THENCE N 14°23' W said city limits, a distance of 500 feet to an ell  
2 corner of said city limits and being an ell corner of this tract;  
3 THENCE S 75°37' W with said city limits, a distance of 3137 feet to  
4 an ell corner of said city limits and being an ell corner of this  
5 tract;  
6 THENCE S 14°18' E with said city limits, a distance of 570 feet to an  
7 ell corner of said city limits and being an ell corner of this  
8 tract;  
9 THENCE S 75°42' W with said city limits, a distance of 1660 feet to  
10 an ell corner of said city limits and being an ell corner of this  
11 tract;  
12 THENCE N 14°18' W with said city limits, a distance of 567 feet to an  
13 ell corner of said city limits and being an ell corner of this  
14 tract;  
15 THENCE S 75°37' W with said city limits, a distance of 3390 feet to  
16 an ell corner of said city limits and being an ell corner of this  
17 tract;  
18 THENCE S 15°02' E with said city limits, a distance of 709 feet to an  
19 ell corner of said city limits and being an ell corner of this  
20 tract;  
21 THENCE S 74°54' W with said city limits, a distance of 1040 feet to  
22 an ell corner of said city limits and being an ell corner of this  
23 tract;  
24 THENCE S 15°03' E with said city limits, a distance of 90 feet to an  
25 ell corner of said city limits and being an ell corner of this  
26 tract;  
27 THENCE S 75°34' W with said city limits, a distance of 1064 feet to

1 an ell corner of said city limits and being an ell corner of this  
2 tract;

3 THENCE N 14°40' W with said city limits, a distance of 817 feet to an  
4 ell corner of said city limits and being an ell corner of this  
5 tract;

6 THENCE S 75°44' W with said city limits, a distance of 559 feet to a  
7 point of curvature of said city limits and this tract;

8 THENCE around a curve to the left in a southwesterly direction and  
9 with said city limits, said curve having a radius length of 10,509  
10 feet, a delta angle of 16°04', an arc length of 2947 feet and a chord  
11 length of 2937 feet bearing S 67°42" W to a point of tangency of said  
12 city limits and this tract;

13 THENCE S 59°40' W with said city limits, a distance of 6362 feet to  
14 the Point of Beginning, containing approximately 54,050 acres of  
15 land, more or less.

16 Bearings, distances and coordinates are relative to the Texas  
17 Coordinate System, 1983 NAD, Central Zone based on City of  
18 Midland's G.1.S Digital Map.

19 This document was prepared under 22 TAC 663.21, and is not to be  
20 used to convey or establish interest in real property except those  
21 rights and interest implied or established by the creation or  
22 reconfiguration of the boundary of the political subdivision for  
23 which it was prepared.

24 SECTION 3. (a) The legal notice of the intention to  
25 introduce this Act, setting forth the general substance of this  
26 Act, has been published as provided by law, and the notice and a  
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished  
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3 Government Code.

4 (b) The governor, one of the required recipients, has  
5 submitted the notice and Act to the Texas Commission on  
6 Environmental Quality.

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

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

15 SECTION 4. (a) Section 9016.110, Special District Local  
16 Laws Code, as added by Section 1 of this Act, takes effect only if  
17 this Act receives a two-thirds vote of all the members elected to  
18 each house.

19 (b) If this Act does not receive a two-thirds vote of all the  
20 members elected to each house, Subchapter I, Chapter 9016, Special  
21 District Local Laws Code, as added by Section 1 of this Act, is  
22 amended by adding Section 9016.110 to read as follows:

23 Sec. 9016.110. NO EMINENT DOMAIN POWER. The district may  
24 not exercise the power of eminent domain.

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

1           SECTION 5. Except as provided by Section 4 of this Act, this  
2 Act takes effect September 1, 2011.