

By: Gooden

H.B. No. 3864

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Lazy W District No. 1; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8380 to read as follows:

CHAPTER 8380. LAZY W DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8380.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Lazy W District No. 1.

Sec. 8380.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8380.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8380.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8380.003

1 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 8380.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
6 The district is created to serve a public purpose and benefit.

7 (b) The district is created to accomplish the purposes of:

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

10 (2) Section 52, Article III, Texas Constitution, that
11 relate to the construction, acquisition, or improvement of
12 macadamized, graveled, or paved roads described by Section 54.234,
13 Water Code, or improvements, including storm drainage, in aid of
14 those roads.

15 Sec. 8380.006. 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 8380.007-8380.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 8380.051. GOVERNING BODY; TERMS. (a) The district is
4 governed by a board of five elected directors.

5 (b) Except as provided by Section 8380.052, directors serve
6 staggered four-year terms.

7 Sec. 8380.052. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8380.003; or

17 (2) the fourth anniversary of the effective date of
18 the Act enacting this chapter.

19 (c) If permanent directors have not been elected under
20 Section 8380.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8380.003; or

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

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

8 [Sections 8380.053-8380.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8380.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8380.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8380.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve, and
21 convey to this state, a county, or a municipality for operation and
22 maintenance macadamized, graveled, or paved roads described by
23 Section 54.234, Water Code, or improvements, including storm
24 drainage, in aid of those roads.

25 (b) The district may exercise the powers provided by this
26 section without submitting a petition to or obtaining approval from
27 the commission as required by Section 54.234, Water Code.

1 Sec. 8380.104. APPROVAL OF ROAD PROJECT. (a) The district
2 may not undertake a road project authorized by Section 8380.103
3 unless:

4 (1) each municipality or county that will operate and
5 maintain the road has approved the plans and specifications of the
6 road project, if a municipality or county will operate and maintain
7 the road; or

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state will
10 operate and maintain the road.

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

15 Sec. 8380.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
16 OR RESOLUTION. The district shall comply with all applicable
17 requirements of any ordinance or resolution that is adopted under
18 Section 54.016 or 54.0165, Water Code, and that consents to the
19 creation of the district or to the inclusion of land in the
20 district.

21 Sec. 8380.106. LIMITATION ON USE OF EMINENT DOMAIN. The
22 district may not exercise the power of eminent domain outside the
23 district.

24 Sec. 8380.107. PARKS, RECREATIONAL FACILITIES,
25 PRESERVATION OF FISH AND WILDLIFE. (a) The district may develop
26 and manage parks, recreational facilities, and natural science
27 laboratories and may promote the preservation of fish and other

1 wildlife in the district.

2 (b) The district may negotiate contracts with any person,
3 including a county, municipality, municipal corporation, firm,
4 corporation, nonprofit organization, or state or federal agency, to
5 operate or maintain the park, recreational facility, or natural
6 science laboratory.

7 (c) The preservation of fish and other wildlife shall be in
8 accordance with the rules of the Parks and Wildlife Commission.

9 (d) The board may charge and collect reasonable entrance,
10 gate, or use fees to manage and operate a park or recreational
11 facility developed wholly or partly by the district.

12 Sec. 8380.108. GENERAL POWERS REGARDING CONTRACTS. The
13 district may:

14 (1) contract with any person to accomplish any
15 district purpose, including a contract for:

16 (A) the payment, repayment, or reimbursement of
17 costs incurred by that person on behalf of the district, including
18 all or part of the costs of a project and interest on the reimbursed
19 cost; or

20 (B) the use, occupancy, lease, rental,
21 operation, maintenance, or management of all or part of a proposed
22 or existing project;

23 (2) apply for, and contract with any person to
24 receive, administer, and perform a duty or obligation of the
25 district under, a federal, state, local, or private gift, grant,
26 loan, conveyance, transfer, bequest, or other financial assistance
27 arrangement relating to the investigation, planning, analysis,

1 study, design, acquisition, construction, improvement, completion,
2 implementation, or operation by the district or others of a
3 proposed or existing project; and

4 (3) accept a grant or donation from any person to
5 accomplish a district purpose.

6 Sec. 8380.109. RULES; ENFORCEMENT. (a) The district may
7 adopt and enforce rules:

8 (1) to administer and operate the district;

9 (2) to govern the use, availability, protection,
10 security, and maintenance of the district's property and
11 facilities; and

12 (3) to provide for public safety and security.

13 (b) The district may bring an action in court for an
14 injunction or other appropriate remedy to enforce a rule of the
15 district.

16 [Sections 8380.110-8380.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8380.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
19 district may issue, without an election, bonds and other
20 obligations secured by:

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

22 (2) contract payments described by Section 8380.153.

23 (b) The district must hold an election in the manner
24 provided by Chapters 49 and 54, Water Code, to obtain voter approval
25 before the district may impose an ad valorem tax or issue bonds
26 payable from ad valorem taxes.

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a
2 vote of a two-thirds majority of the district voters voting at an
3 election held for that purpose.

4 Sec. 8380.152. OPERATION AND MAINTENANCE TAX. (a) If
5 authorized at an election held under Section 8380.151, the district
6 may impose an operation and maintenance tax on taxable property in
7 the district in accordance with Section 49.107, Water Code.

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

10 Sec. 8380.153. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

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

19 Sec. 8380.154. ASSESSMENTS. (a) The board may undertake
20 projects and services that confer a special benefit on all or a
21 definable part of the district. The board may impose special
22 assessments on property in that area, based on the benefit
23 conferred by the project or service, to pay all or part of the cost
24 of the project or service. The district may finance with special
25 assessments any project or service authorized by this chapter or
26 any other applicable law.

27 (b) Projects or services may be financed with special

1 assessments under this chapter only after the board holds a public
2 hearing on the advisability of the project or service and the
3 proposed assessments.

4 (c) The board shall publish notice of the hearing in a
5 newspaper or newspapers with general circulation in Henderson
6 County. The publication must be made not later than the 30th day
7 before the date of the hearing.

8 (d) Notice provided under this section must include:

9 (1) the time and place of the hearing;

10 (2) the general nature of the proposed project or
11 service;

12 (3) the estimated cost of the project or service,
13 including interest during construction and associated financing
14 costs; and

15 (4) the proposed method of assessment.

16 (e) Written notice containing the information required by
17 Subsection (d) shall be mailed by certified mail, return receipt
18 requested, not later than the 30th day before the date of the
19 hearing. The notice shall be mailed to each person residing in the
20 district.

21 Sec. 8380.155. FEES AND CHARGES. The district may
22 establish fees, user fees, rates, and charges that are sufficient:

23 (1) to accomplish the purposes of this chapter;

24 (2) for the operation and maintenance of the district;

25 (3) to pay the principal of and interest on notes,
26 bonds, and other obligations issued in connection with the exercise
27 of the district's general powers and duties; and

1 (4) to satisfy all rate covenants relating to the
2 issuance of notes, bonds, and other obligations.

3 Sec. 8380.156. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4 board by resolution shall establish the number of signatures and
5 the procedure required for a disbursement or transfer of the
6 district's money.

7 [Sections 8380.157-8380.200 reserved for expansion]

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 8380.201. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. The district may issue bonds or other obligations
11 payable wholly or partly from ad valorem taxes, impact fees,
12 revenue, contract payments, grants, or other district money, or any
13 combination of those sources, to pay for any authorized district
14 purpose.

15 Sec. 8380.202. TAXES FOR BONDS. At the time the district
16 issues bonds payable wholly or partly from ad valorem taxes, the
17 board shall provide for the annual imposition of a continuing
18 direct ad valorem tax, without limit as to rate or amount, while all
19 or part of the bonds are outstanding as required and in the manner
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 8380.203. BONDS FOR ROAD PROJECTS. At the time of
22 issuance, the total principal amount of bonds or other obligations
23 issued or incurred to finance road projects and payable from ad
24 valorem taxes may not exceed one-fourth of the assessed value of the
25 real property in the district.

26 SECTION 2. The Lazy W District No. 1 initially includes all
27 the territory contained in the following area:

792.545 ACRES

HENDERSON COUNTY, TEXAS

All that certain lot, tract or parcel of land situated in Henderson County, Texas on the B. B. Sublett Survey, A-719, the Thomas Hanna Survey, A-304, the Alexander Parks Survey, A-607, the D. Pilkington Survey, A-622, the W. Simms Survey, A-712 and the Samuel Chears Survey, A-130 and being all of the called 1.00 acre tract recorded in Volume 2918, Page 318, all of the 21.606 acre tract recorded in Volume 2721, Page 805, all of the called 242.80 acre tract recorded in Volume 1491, Page 222, all of the 35.846 acre tract recorded in Volume 2899, Page 549, all of the called 102.996 acre tract recorded in Volume 2797, Page 634, and all of the called 269.188 acre tract recorded in Volume 2745, Page 762. Said lot, tract or parcel of land being more particularly described by metes and bounds as follows:

BEGINNING at a 1/8" x 1" iron strap found at a fence corner at the Easterly Southeast corner of the called 361.73 acre tract and an ell corner of the Mary E. Hugus 325.39 acre tract recorded in Volume 1145, Page 405;

THENCE NORTH 86 degrees 24 minutes 47 seconds West 531.95 feet to a x-tie fence corner at an ell corner of the 361.73 acre tract and the Northwest corner of the 325.39 acre tract;

THENCE SOUTH 0 degrees 31 minutes 02 seconds West 1086.13 feet to a 60 d nail found at the Southerly Southeast corner of the 361.73 acre tract, in the West line of the 325.39 acre tract and at the Northeast corner of the Don F. Hugus 213.257 acre tract recorded in Volume 1145, Page 405;

1 THENCE NORTH 88 degrees 35 minutes 39 seconds West 3487.22
2 feet to a 3" axle found at the Northwest corner of the 213.257 acre
3 tract and an ell corner of the 361.73 acre tract;

4 THENCE SOUTH 28 degrees 18 minutes 48 seconds West
5 388.75 feet to a fence corner at the Northeast corner of the Charles
6 Stevens 129.72 acre tract recorded in Volume 1498, Page 810;

7 THENCE SOUTH 25 degrees 43 minutes 13 seconds East, along
8 fence, 905.92 feet to a cross-tie fence corner found at the Westerly
9 Southwest corner of the Hugus tract, the Northwest corner of the
10 East Texas Ranch, L.P. 102.96 acre tract recorded in Volume 2797,
11 Page 634 and in the Southeast line of the called 144.00 acre tract;

12 THENCE SOUTH 88 degrees 46 minutes 00 seconds East 855.44
13 feet to a 1/2" iron rod set at the Northeast corner of the called
14 102.996 acre tract and an ell corner of the Hugus tract; WITNESS:
15 Found 12" Post Oak South 17 degrees 31 minutes West 3.0 feet;

16 THENCE SOUTH 0 degrees 31 minutes 42 seconds West 970.35 feet
17 and South 0 degrees 20 minutes 57 seconds West 618.96 feet mostly
18 along fence to a 14" Post Oak at a fence corner at the Northwest
19 corner of the Beverly Wilson Smith 242.80 acre tract recorded in
20 Volume 1491, Page 222;

21 THENCE NORTH 78 degrees 46 minutes 23 seconds East, through
22 open field, 827.04 feet to a iron pipe for corner at large post on
23 the West side of a trail road;

24 THENCE NORTH 79 degrees 20 minutes East, along fence on the
25 North boundary line of this tract, a distance of 812.20 feet to an
26 iron pipe by large fence post on the West side of a trail road;

27 THENCE NORTH 88 degrees 15 minutes East, along fence, a

1 distance of 475.20 feet to a 20" Black Jack tree for corner;

2 THENCE SOUTH 6 degrees 14 minutes East, a distance of 295.20
3 feet to a stake at fence corner being the Southwest corner of a 2.00
4 acre tract described in Volume 204, Page 577 of the Henderson County
5 Deed Records;

6 Page 2, 792.545 AC.

7 THENCE SOUTH 89 degrees 16 minutes East, along fence and a
8 distance of 303.35 feet to a stake at fence corner being the
9 Southeast corner of said 2.00 acres;

10 THENCE SOUTH 12 degrees 38 minutes East, along fence line, a
11 distance of 1660.40 feet along the East boundary line of this tract
12 to a large Bois d'arc post for corner and in the North boundary line
13 of the Thomas Hanna Survey;

14 THENCE SOUTH 89 degrees 00 minutes East a distance of 572.50
15 feet to an 1" pipe at the Southeast corner of the Don Hugus tract and
16 the Northwest corner of the Genie Warren 121.50 acre tract recorded
17 in Volume 1241, Page 85;

18 THENCE SOUTH 0 degrees 28 minutes West, along fence line on
19 the East boundary of this tract and said Thomas Hanna Survey, the
20 West boundary of said W. E. Warren tract, a distance of 2678.16 feet
21 to an iron pipe for the Southeast corner at fence corner;

22 THENCE SOUTH 89 degrees 33 minutes East 291.62 feet to a 1"
23 iron pipe at the Northeast corner of the 22.606 acre tract and the
24 Northwest corner of the Peggy Shannon 2.00 acre tract recorded in
25 Volume 994, Page 153;

26 THENCE SOUTH 1 degree 02 minutes 35 seconds West 206.04 feet
27 to a 1/2" iron rod found at the Northeast corner of the East Texas

1 37 degrees 12 minutes 31 seconds West 166.95 feet to a 1/2" iron rod
2 found, North 53 degrees 10 minutes 17 seconds West 296.20 feet to a
3 1/2" iron rod found, North 70 degrees 51 minutes 55 seconds West
4 19.95 feet to a 1/2" iron rod found and South 88 degrees 51 minutes
5 17 seconds West 750.00 feet to a 1/2" iron rod found at the
6 Southwest corner of the 35.846 acre tract;

7 THENCE NORTH 0 degrees 51 minutes 48 seconds East 1403.84
8 feet to a fence corner at the Northwest corner of the 35.846 acre
9 tract;

10 THENCE NORTH 3 degrees 08 minutes West 147.50 feet along
11 fence to the Southeast corner of the 102.96 acre tract;

12 THENCE NORTH 89 degrees 51 minutes 48 seconds West 1443.07
13 feet to a cross-tie fence corner in the East margin of F. M. Highway
14 1615, at the Southwest corner of the 102 3/4 acre tract and the
15 Northwest corner of the 99.742 acre tract;

16 THENCE NORTH 9 degrees 04 minutes 26 seconds West 25.79 feet
17 to the P.C. of a curve in the East margin of F. M. Highway 1615;

18 Page 4, 792.815 AC.

19 THENCE around a curve to the left having a central angle of 2
20 degrees 32 minutes 44 seconds, a radius of 1569.25 feet, a distance
21 of 69.72 feet (Long Chord North 11 degrees 03 minutes 02 seconds
22 West 69.71 feet) to a point at right-of-way change;

23 THENCE NORTH 77 degrees 40 minutes 36 seconds East 5.00 feet
24 to a point at a right-of-way change in the East margin of F. M.
25 Highway 1615;

26 THENCE continuing around a curve to the left having a central
27 angle of 12 degrees 05 minutes 09 seconds, a radius of 1574.25 feet,

1 THENCE along the East bank of Mine Creek as follows: North 39
2 degrees 06 minutes 03 seconds East 153.30 feet, North 0 degrees 51
3 minutes 09 seconds East 76.11 feet, North 21 degrees 44 minutes 05
4 seconds East 318.55 feet, North 59 degrees 28 minutes 31 seconds
5 East 314.53 feet, North 36 degrees 08 minutes 06 seconds East 144.17
6 feet, North 2 degrees 33 minutes 59 seconds East 93.69 feet, North
7 42 degrees 19 minutes 02 seconds East 383.36 feet, North 34 degrees
8 02 minutes 39 seconds East 180.33 feet, North 14 degrees 52 minutes
9 58 seconds East 180.73 feet, North 5 degrees 52 minutes 56 seconds
10 East 123.87 feet, North 57 degrees 47 minutes 02 seconds East 55.46
11 feet, North 9 degrees 40 minutes 31 seconds East 99.92 feet, North
12 17 degrees 33 minutes 00 seconds West 161.25 feet, North 7 degrees
13 33 minutes 26 seconds East 492.62 feet, North 16 degrees 05 minutes
14 47 seconds East 145.92 feet and North 25 degrees 13 minutes 16
15 seconds East 290.23 feet to a 1/2" iron rod set on the East bank of
16 Mine Creek, in the Westerly South line of the East Texas Ranch, L.P.
17 361.73 acre tract; WITNESS: Found 3" Axle at fence corner South 86
18 degrees 59 minutes 49 seconds West 123.58 feet;

19 THENCE SOUTH 86 degrees 59 minutes 49 seconds West 632.61
20 feet to a 3" axle found at the Southwest corner of the 361.73 acre
21 tract, the Southeast corner of the Royall Commings 91.65 acre tract
22 recorded in Volume 519, Page 275 and the North line of the Stevens
23 tract;

24 THENCE along a fence as follows: North 38 degrees 05 minutes
25 45 seconds East 227.78 feet to a 5/8" iron rod found, North 43
26 degrees 03 minutes 30 seconds East 127.69 feet to a 1/2" iron rod
27 found, North 66 degrees 00 minutes 51 seconds East 94.10 feet to a

1 5/8" iron rod found, North 47 degrees 20 minutes 24 seconds East
2 102.58 feet to a 1/2" iron rod found, North 18 degrees 25 minutes 49
3 seconds East 149.72 feet to a 1/2" iron rod found, North 1 degree 58

4 Page 6, 792.545 AC.

5 minutes West 285.61 feet to a 1/2" iron rod found, North 13 degrees
6 36 minutes 20 seconds East 168.23 feet to a 5/8" iron rod found at
7 the base of a 14" Sweet Gum in the fence, North 21 degrees 30 minutes
8 19 seconds East 100.36 feet to a 1/2" iron rod found at the base of a
9 28" Sweet Gum in the fence, North 6 degrees 01 minutes 02 seconds
10 West 257.66 feet to a 1/2" iron rod found at a x-tie and North 46
11 degrees 38 minutes 31 seconds East 140.77 feet to a 2" pipe found at
12 the Northeast corner of the Commings tract and the Southeast corner
13 of Lot 38, Champion Ranch, Phase I;

14 THENCE NORTH 1 degree 14 minutes 55 seconds East 286.45 feet
15 to a 1/2" iron rod set in creek at the Southeast corner of the 6.98
16 acre Reserve Tract and the Northeast corner of Lot 40A-R;

17 THENCE along the South line of the Reserve Tract as follows:
18 North 27 degrees 17 minutes 36 seconds West 93.30 feet to a 1/2"
19 iron rod set, North 11 degrees 07 minutes 26 seconds West 328.99
20 feet to a 1/2" iron rod set; WITNESS: Found 1/2" iron rod with T
21 Post North 83 degrees 33 minutes West 43.47 feet, North 81 degrees
22 25 minutes 02 seconds West 494.73 feet to a 1/2" iron rod set;
23 WITNESS: Found T Post South 15 degrees 02 minutes West 3.96 feet
24 and North 55 degrees 20 minutes 11 seconds West 146.95 feet to "x"
25 set in concrete in the East margin of Horseshoe Drive and the
26 Southwest corner of the Reserve Tract;

27 THENCE around a curve to the left having a central angle of 14

1 degrees 03 minutes 16 seconds, a radius of 1025.00 feet, a distance
2 of 251.43 feet (Long Chord North 0 degrees 28 minutes 24 seconds
3 East 250.80 feet to a 1/2" iron rod found in the East margin of
4 Horseshoe Drive at the Northwest corner of the Reserve Tract and
5 Southwest corner of Lot 41-R;

6 THENCE SOUTH 84 degrees 47 minutes 22 seconds East 618.81
7 feet to a 1/2" iron rod set in creek at the Southeast corner of Lot
8 41-R; WITNESS: Found 1/2" iron rod with T Post North 84 degrees 47
9 minutes 22 seconds East 40.00 feet;

10 Page 7, 792.545 AC.

11 THENCE NORTH 10 degrees 52 minutes East 457.59 feet to a 1/2"
12 iron rod set on the creek bank at the Northeast corner of Lot 41-R in
13 the South line of Lot 42;

14 THENCE NORTH 73 degrees 22 minutes 14 seconds East 40.00 feet
15 to a 1/2" iron rod found with T Post at the Southeast corner of Lot
16 42;

17 THENCE NORTH 1 degree 14 minutes 32 seconds East 419.91 feet
18 to a point for corner; WITNESS: Found 1/2" iron rod on creek bank
19 South 59 degrees 03 minutes 35 seconds West 15.29 feet;

20 THENCE NORTH 57 degrees 05 minutes 14 seconds West 746.74 feet to a
21 1/2" iron rod with T Post found at the East corner of Lot 45, the
22 North corner of Lot 44 and the South corner of Lot 53;

23 THENCE NORTH 45 degrees 50 minutes East 602.90 feet to a 1/2"
24 iron rod found with T Post in the Northeast margin of Safari Stables
25 Drive;

26 THENCE around a curve to the right having a central angle of 2
27 degrees 42 minutes 19 seconds, a radius of 1475.00 feet, a distance

1 of 69.64 feet (Long Chord North 43 degrees 58 minutes 44 seconds
2 West 69.63 feet) to a 1/2" iron rod found with T Post at the South
3 corner of Lot 117;

4 THENCE NORTH 49 degrees 26 minutes 11 seconds East 537.89
5 feet to a 1/2" iron rod found with T Post at the East corner of Lot
6 117 and the Southwest corner of Lot 118;

7 THENCE SOUTH 34 degrees 21 minutes 12 seconds East 403.38
8 feet to a 1/2" iron rod set in Mine Creek at the South corner of Lot
9 118;

10 THENCE NORTH 58 degrees 36 minutes 42 seconds East 345.81
11 feet to the point of intersection of the centerline of Mine Creek
12 and Gold Creek;

13 THENCE along the centerline of Gold Creek as follows: North
14 86 degrees 20 minutes 39 seconds East 58.87 feet, South 49 degrees
15 06 minutes 17 seconds East 116.79 feet, South 23 degrees 45 minutes
16 42 seconds East 95.66 feet, South 83 degrees 32 minutes 17 seconds
17 East

18 Page 8, 792.545 AC.

19 94.79 feet, South 88 degrees 29 minutes 46 seconds East 184.21 feet,
20 South 54 degrees 05 minutes 08 seconds East 78.44 feet, South 56
21 degrees 06 minutes 30 seconds East 23.62 feet, North 88 degrees 45
22 minutes 38 seconds East 75.65 feet, North 76 degrees 55 minutes 31
23 seconds East 205.82 feet, South 76 degrees 31 minutes 15 seconds
24 East 85.64 feet, South 23 degrees 05 minutes 39 seconds East 108.82
25 feet, South 48 degrees 40 minutes 50 seconds East 44.04 feet, South
26 82 degrees 24 minutes 15 seconds East 228.86 feet, South 62 degrees
27 58 minutes 07 seconds East 59.70 feet, South 42 degrees 43 minutes

1 48 seconds East 159.29 feet, South 82 degrees 59 minutes 18 seconds
2 East 334.44 feet, North 76 degrees 10 minutes 43 seconds East 151.46
3 feet, North 84 degrees 22 minutes 18 seconds East 58.36 feet, South
4 64 degrees 31 minutes 59 seconds East 50.14 feet, South 43 degrees
5 50 minutes 00 seconds East 116.98 feet, South 52 degrees 01 minutes
6 55 seconds East 48.79 feet, North 84 degrees 30 minutes 26 seconds
7 East 78.36 feet, South 35 degrees 32 minutes 51 seconds East 77.25
8 feet, South 67 degrees 53 minutes 23 seconds East 87.36 feet, North
9 53 degrees 15 minutes 08 seconds East 111.21 feet, North 34 degrees
10 55 minutes 58 seconds East 41.76 feet, South 79 degrees 10 minutes
11 43 seconds East 42.98 feet, South 38 degrees 45 minutes 46 seconds
12 East 91.00 feet, North 65 degrees 01 minutes 55 seconds East 86.40
13 feet, North 42 degrees 24 minutes 56 seconds East 48.79 feet, South
14 56 degrees 41 minutes 19 seconds East 19.13 feet, South 23 degrees
15 17 minutes 23 seconds East 28.55 feet, North 46 degrees 23 minutes
16 43 seconds East 44.52 feet, South 27 degrees 56 minutes 01 seconds
17 East 28.76 feet, South 77 degrees 27 minutes 53 seconds East 16.39
18 feet, North 41 degrees 16 minutes 25 seconds East 22.45 feet, South
19 82 degrees 05 minutes 16 seconds East 26.13 feet, North 69 degrees
20 32 minutes 16 seconds East 45.21 feet, North 81 degrees 30 minutes
21 39 seconds East 62.49 feet, South 69 degrees 11 minutes 04 seconds
22 East 23.11 feet, South 55 degrees 20 minutes 34 seconds East 48.42
23 feet, North 61 degrees 48 minutes 44 seconds East 49.28 feet, North
24 36 degrees 15 minutes 58 seconds East

25 Page 9, 792.545 AC.

26 64.36 feet, North 59 degrees 50 minutes 31 seconds East 56.86 feet,
27 North 08 degrees 31 minutes 33 seconds East 35.86 feet, North 55

1 degrees 32 minutes 28 seconds East 23.65 feet, North 33 degrees 09
2 minutes 34 seconds East 22.66 feet, North 76 degrees 24 minutes 03
3 seconds East 26.61 feet, South 76 degrees 18 minutes 56 seconds East
4 41.61 feet, South 53 degrees 07 minutes 00 seconds East 38.08 feet,
5 North 83 degrees 24 minutes 06 seconds East 45.42 feet, South 56
6 degrees 32 minutes 02 seconds East 25.62 feet, South 72 degrees 23
7 minutes 52 seconds East 119.25 feet, South 29 degrees 05 minutes 08
8 seconds East 30.88 feet, North 62 degrees 09 minutes 23 seconds East
9 33.71 feet, South 44 degrees 07 minutes 00 seconds East 43.75 feet,
10 South 85 degrees 54 minutes 24 seconds East 32.02 feet, South 31
11 degrees 34 minutes 06 seconds East 30.44 feet, South 72 degrees 29
12 minutes 37 seconds East 46.71 feet, and South 57 degrees 14 minutes
13 16 seconds East 44.92 feet to a 1/2" iron rod found at the Southeast
14 corner of the Judith McGee 129.66 acre tract recorded in Volume
15 1725, Page 666 and at the Northeast corner of the 361.73 acre tract;

16 THENCE SOUTH 0 degrees 03 minutes East 1903.69 feet to a 3/4"
17 pipe found at the Northwest corner of the Hugus 325.39 acre tract
18 and the Southwest corner of the Floyd Miller tract recorded in
19 Volume 1389, Page 711;

20 THENCE SOUTH 1 degrees 58 minutes 40 seconds West 473.95 feet
21 to the place of beginning and containing 792.545 acres of land.

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

1 Government Code.

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

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

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

13 SECTION 4. (a) Section 8380.106, Special District Local
14 Laws Code, as added by Section 1 of this Act, takes effect only if
15 this Act receives a two-thirds vote of all the members elected to
16 each house.

17 (b) If this Act does not receive a two-thirds vote of all the
18 members elected to each house, Subchapter C, Chapter 8380, Special
19 District Local Laws Code, as added by Section 1 of this Act, is
20 amended by adding Section 8380.106 to read as follows:

21 Sec. 8380.106. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

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

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

27 (1) this Act takes effect immediately if it receives a

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1 vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution; and

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