

1-1 By: Gooden (Senate Sponsor - Deuell) H.B. No. 3864  
1-2 (In the Senate - Received from the House May 19, 2011;  
1-3 May 19, 2011, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 21, 2011, rereferred to Committee  
1-5 on International Relations and Trade; May 23, 2011, reported  
1-6 favorably by the following vote: Yeas 6, Nays 0; May 23, 2011, sent  
1-7 to printer.)

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Lazy W District No. 1; providing  
1-11 authority to impose a tax and issue bonds; granting a limited power  
1-12 of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-15 Code, is amended by adding Chapter 8380 to read as follows:

1-16 CHAPTER 8380. LAZY W DISTRICT NO. 1

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8380.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Commission" means the Texas Commission on  
1-21 Environmental Quality.

1-22 (3) "Director" means a board member.

1-23 (4) "District" means the Lazy W District No. 1.

1-24 Sec. 8380.002. NATURE OF DISTRICT. The district is a  
1-25 municipal utility district created under Section 59, Article XVI,  
1-26 Texas Constitution.

1-27 Sec. 8380.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-28 REQUIRED. The temporary directors shall hold an election to  
1-29 confirm the creation of the district and to elect five permanent  
1-30 directors as provided by Section 49.102, Water Code.

1-31 Sec. 8380.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-32 temporary directors may not hold an election under Section 8380.003  
1-33 until each municipality in whose corporate limits or  
1-34 extraterritorial jurisdiction the district is located has  
1-35 consented by ordinance or resolution to the creation of the  
1-36 district and to the inclusion of land in the district.

1-37 Sec. 8380.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-38 (a) The district is created to serve a public purpose and benefit.

1-39 (b) The district is created to accomplish the purposes of:

1-40 (1) a municipal utility district as provided by  
1-41 general law and Section 59, Article XVI, Texas Constitution; and

1-42 (2) Section 52, Article III, Texas Constitution, that  
1-43 relate to the construction, acquisition, or improvement of  
1-44 macadamized, graveled, or paved roads described by Section 54.234,  
1-45 Water Code, or improvements, including storm drainage, in aid of  
1-46 those roads.

1-47 Sec. 8380.006. INITIAL DISTRICT TERRITORY. (a) The  
1-48 district is initially composed of the territory described by  
1-49 Section 2 of the Act enacting this chapter.

1-50 (b) The boundaries and field notes contained in Section 2 of  
1-51 the Act enacting this chapter form a closure. A mistake made in the  
1-52 field notes or in copying the field notes in the legislative process  
1-53 does not affect the district's:

1-54 (1) organization, existence, or validity;

1-55 (2) right to issue any type of bond for the purposes  
1-56 for which the district is created or to pay the principal of and  
1-57 interest on a bond;

1-58 (3) right to impose a tax; or

1-59 (4) legality or operation.

1-60 [Sections 8380.007-8380.050 reserved for expansion]

1-61 SUBCHAPTER B. BOARD OF DIRECTORS

1-62 Sec. 8380.051. GOVERNING BODY; TERMS. (a) The district is  
1-63 governed by a board of five elected directors.

1-64 (b) Except as provided by Section 8380.052, directors serve

2-1 staggered four-year terms.

2-2 Sec. 8380.052. TEMPORARY DIRECTORS. (a) On or after the  
 2-3 effective date of the Act enacting this chapter, the owner or owners  
 2-4 of a majority of the assessed value of the real property in the  
 2-5 district may submit a petition to the commission requesting that  
 2-6 the commission appoint as temporary directors the five persons  
 2-7 named in the petition. The commission shall appoint as temporary  
 2-8 directors the five persons named in the petition.

2-9 (b) Temporary directors serve until the earlier of:

2-10 (1) the date permanent directors are elected under  
 2-11 Section 8380.003; or

2-12 (2) the fourth anniversary of the effective date of  
 2-13 the Act enacting this chapter.

2-14 (c) If permanent directors have not been elected under  
 2-15 Section 8380.003 and the terms of the temporary directors have  
 2-16 expired, successor temporary directors shall be appointed or  
 2-17 reappointed as provided by Subsection (d) to serve terms that  
 2-18 expire on the earlier of:

2-19 (1) the date permanent directors are elected under  
 2-20 Section 8380.003; or

2-21 (2) the fourth anniversary of the date of the  
 2-22 appointment or reappointment.

2-23 (d) If Subsection (c) applies, the owner or owners of a  
 2-24 majority of the assessed value of the real property in the district  
 2-25 may submit a petition to the commission requesting that the  
 2-26 commission appoint as successor temporary directors the five  
 2-27 persons named in the petition. The commission shall appoint as  
 2-28 successor temporary directors the five persons named in the  
 2-29 petition.

2-30 [Sections 8380.053-8380.100 reserved for expansion]

2-31 SUBCHAPTER C. POWERS AND DUTIES

2-32 Sec. 8380.101. GENERAL POWERS AND DUTIES. The district has  
 2-33 the powers and duties necessary to accomplish the purposes for  
 2-34 which the district is created.

2-35 Sec. 8380.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-36 DUTIES. The district has the powers and duties provided by the  
 2-37 general law of this state, including Chapters 49 and 54, Water Code,  
 2-38 applicable to municipal utility districts created under Section 59,  
 2-39 Article XVI, Texas Constitution.

2-40 Sec. 8380.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
 2-41 Section 52, Article III, Texas Constitution, the district may  
 2-42 design, acquire, construct, finance, issue bonds for, improve, and  
 2-43 convey to this state, a county, or a municipality for operation and  
 2-44 maintenance macadamized, graveled, or paved roads described by  
 2-45 Section 54.234, Water Code, or improvements, including storm  
 2-46 drainage, in aid of those roads.

2-47 (b) The district may exercise the powers provided by this  
 2-48 section without submitting a petition to or obtaining approval from  
 2-49 the commission as required by Section 54.234, Water Code.

2-50 Sec. 8380.104. APPROVAL OF ROAD PROJECT. (a) The district  
 2-51 may not undertake a road project authorized by Section 8380.103  
 2-52 unless:

2-53 (1) each municipality or county that will operate and  
 2-54 maintain the road has approved the plans and specifications of the  
 2-55 road project, if a municipality or county will operate and maintain  
 2-56 the road; or

2-57 (2) the Texas Transportation Commission has approved  
 2-58 the plans and specifications of the road project, if the state will  
 2-59 operate and maintain the road.

2-60 (b) Except as provided by Subsection (a), the district is  
 2-61 not required to obtain approval from the Texas Transportation  
 2-62 Commission to design, acquire, construct, finance, issue bonds for,  
 2-63 improve, or convey a road project.

2-64 Sec. 8380.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
 2-65 OR RESOLUTION. The district shall comply with all applicable  
 2-66 requirements of any ordinance or resolution that is adopted under  
 2-67 Section 54.016 or 54.0165, Water Code, and that consents to the  
 2-68 creation of the district or to the inclusion of land in the  
 2-69 district.

3-1 Sec. 8380.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
 3-2 district may not exercise the power of eminent domain outside the  
 3-3 district.

3-4 Sec. 8380.107. PARKS, RECREATIONAL FACILITIES,  
 3-5 PRESERVATION OF FISH AND WILDLIFE. (a) The district may develop  
 3-6 and manage parks, recreational facilities, and natural science  
 3-7 laboratories and may promote the preservation of fish and other  
 3-8 wildlife in the district.

3-9 (b) The district may negotiate contracts with any person,  
 3-10 including a county, municipality, municipal corporation, firm,  
 3-11 corporation, nonprofit organization, or state or federal agency, to  
 3-12 operate or maintain the park, recreational facility, or natural  
 3-13 science laboratory.

3-14 (c) The preservation of fish and other wildlife shall be in  
 3-15 accordance with the rules of the Parks and Wildlife Commission.

3-16 (d) The board may charge and collect reasonable entrance,  
 3-17 gate, or use fees to manage and operate a park or recreational  
 3-18 facility developed wholly or partly by the district.

3-19 Sec. 8380.108. GENERAL POWERS REGARDING CONTRACTS. The  
 3-20 district may:

3-21 (1) contract with any person to accomplish any  
 3-22 district purpose, including a contract for:

3-23 (A) the payment, repayment, or reimbursement of  
 3-24 costs incurred by that person on behalf of the district, including  
 3-25 all or part of the costs of a project and interest on the reimbursed  
 3-26 cost; or

3-27 (B) the use, occupancy, lease, rental,  
 3-28 operation, maintenance, or management of all or part of a proposed  
 3-29 or existing project;

3-30 (2) apply for, and contract with any person to  
 3-31 receive, administer, and perform a duty or obligation of the  
 3-32 district under, a federal, state, local, or private gift, grant,  
 3-33 loan, conveyance, transfer, bequest, or other financial assistance  
 3-34 arrangement relating to the investigation, planning, analysis,  
 3-35 study, design, acquisition, construction, improvement, completion,  
 3-36 implementation, or operation by the district or others of a  
 3-37 proposed or existing project; and

3-38 (3) accept a grant or donation from any person to  
 3-39 accomplish a district purpose.

3-40 Sec. 8380.109. RULES; ENFORCEMENT. (a) The district may  
 3-41 adopt and enforce rules:

3-42 (1) to administer and operate the district;

3-43 (2) to govern the use, availability, protection,  
 3-44 security, and maintenance of the district's property and  
 3-45 facilities; and

3-46 (3) to provide for public safety and security.

3-47 (b) The district may bring an action in court for an  
 3-48 injunction or other appropriate remedy to enforce a rule of the  
 3-49 district.

3-50 [Sections 8380.110-8380.150 reserved for expansion]

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8380.151. ELECTIONS REGARDING TAXES OR BONDS.

3-53 (a) The district may issue, without an election, bonds and other  
 3-54 obligations secured by:

3-55 (1) revenue other than ad valorem taxes; or

3-56 (2) contract payments described by Section 8380.153.

3-57 (b) The district must hold an election in the manner  
 3-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-59 before the district may impose an ad valorem tax or issue bonds  
 3-60 payable from ad valorem taxes.

3-61 (c) The district may not issue bonds payable from ad valorem  
 3-62 taxes to finance a road project unless the issuance is approved by a  
 3-63 vote of a two-thirds majority of the district voters voting at an  
 3-64 election held for that purpose.

3-65 Sec. 8380.152. OPERATION AND MAINTENANCE TAX. (a) If  
 3-66 authorized at an election held under Section 8380.151, the district  
 3-67 may impose an operation and maintenance tax on taxable property in  
 3-68 the district in accordance with Section 49.107, Water Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.

4-2 Sec. 8380.153. CONTRACT TAXES. (a) In accordance with  
 4-3 Section 49.108, Water Code, the district may impose a tax other than  
 4-4 an operation and maintenance tax and use the revenue derived from  
 4-5 the tax to make payments under a contract after the provisions of  
 4-6 the contract have been approved by a majority of the district voters  
 4-7 voting at an election held for that purpose.

4-8 (b) A contract approved by the district voters may contain a  
 4-9 provision stating that the contract may be modified or amended by  
 4-10 the board without further voter approval.

4-11 Sec. 8380.154. ASSESSMENTS. (a) The board may undertake  
 4-12 projects and services that confer a special benefit on all or a  
 4-13 definable part of the district. The board may impose special  
 4-14 assessments on property in that area, based on the benefit  
 4-15 conferred by the project or service, to pay all or part of the cost  
 4-16 of the project or service. The district may finance with special  
 4-17 assessments any project or service authorized by this chapter or  
 4-18 any other applicable law.

4-19 (b) Projects or services may be financed with special  
 4-20 assessments under this chapter only after the board holds a public  
 4-21 hearing on the advisability of the project or service and the  
 4-22 proposed assessments.

4-23 (c) The board shall publish notice of the hearing in a  
 4-24 newspaper or newspapers with general circulation in Henderson  
 4-25 County. The publication must be made not later than the 30th day  
 4-26 before the date of the hearing.

4-27 (d) Notice provided under this section must include:

4-28 (1) the time and place of the hearing;

4-29 (2) the general nature of the proposed project or  
 4-30 service;

4-31 (3) the estimated cost of the project or service,  
 4-32 including interest during construction and associated financing  
 4-33 costs; and

4-34 (4) the proposed method of assessment.

4-35 (e) Written notice containing the information required by  
 4-36 Subsection (d) shall be mailed by certified mail, return receipt  
 4-37 requested, not later than the 30th day before the date of the  
 4-38 hearing. The notice shall be mailed to each person residing in the  
 4-39 district.

4-40 Sec. 8380.155. FEES AND CHARGES. The district may  
 4-41 establish fees, user fees, rates, and charges that are sufficient:

4-42 (1) to accomplish the purposes of this chapter;

4-43 (2) for the operation and maintenance of the district;

4-44 (3) to pay the principal of and interest on notes,  
 4-45 bonds, and other obligations issued in connection with the exercise  
 4-46 of the district's general powers and duties; and

4-47 (4) to satisfy all rate covenants relating to the  
 4-48 issuance of notes, bonds, and other obligations.

4-49 Sec. 8380.156. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
 4-50 board by resolution shall establish the number of signatures and  
 4-51 the procedure required for a disbursement or transfer of the  
 4-52 district's money.

4-53 [Sections 8380.157-8380.200 reserved for expansion]

4-54 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-55 Sec. 8380.201. AUTHORITY TO ISSUE BONDS AND OTHER  
 4-56 OBLIGATIONS. The district may issue bonds or other obligations  
 4-57 payable wholly or partly from ad valorem taxes, impact fees,  
 4-58 revenue, contract payments, grants, or other district money, or any  
 4-59 combination of those sources, to pay for any authorized district  
 4-60 purpose.

4-61 Sec. 8380.202. TAXES FOR BONDS. At the time the district  
 4-62 issues bonds payable wholly or partly from ad valorem taxes, the  
 4-63 board shall provide for the annual imposition of a continuing  
 4-64 direct ad valorem tax, without limit as to rate or amount, while all  
 4-65 or part of the bonds are outstanding as required and in the manner  
 4-66 provided by Sections 54.601 and 54.602, Water Code.

4-67 Sec. 8380.203. BONDS FOR ROAD PROJECTS. At the time of  
 4-68 issuance, the total principal amount of bonds or other obligations  
 4-69 issued or incurred to finance road projects and payable from ad

5-1 valorem taxes may not exceed one-fourth of the assessed value of the  
 5-2 real property in the district.

5-3 SECTION 2. The Lazy W District No. 1 initially includes all  
 5-4 the territory contained in the following area:

5-5 792.545 ACRES

5-6 HENDERSON COUNTY, TEXAS

5-7 All that certain lot, tract or parcel of land situated in  
 5-8 Henderson County, Texas on the B. B. Sublett Survey, A-719, the  
 5-9 Thomas Hanna Survey, A-304, the Alexander Parks Survey, A-607, the  
 5-10 D. Pilkington Survey, A-622, the W. Simms Survey, A-712 and the  
 5-11 Samuel Chears Survey, A-130 and being all of the called 1.00 acre  
 5-12 tract recorded in Volume 2918, Page 318, all of the 21.606 acre  
 5-13 tract recorded in Volume 2721, Page 805, all of the called 242.80  
 5-14 acre tract recorded in Volume 1491, Page 222, all of the 35.846 acre  
 5-15 tract recorded in Volume 2899, Page 549, all of the called 102.996  
 5-16 acre tract recorded in Volume 2797, Page 634, and all of the called  
 5-17 269.188 acre tract recorded in Volume 2745, Page 762. Said lot,  
 5-18 tract or parcel of land being more particularly described by metes  
 5-19 and bounds as follows:

5-20 BEGINNING at a 1/8" x 1" iron strap found at a fence  
 5-21 corner at the Easterly Southeast corner of the called 361.73 acre  
 5-22 tract and an ell corner of the Mary E. Hugus 325.39 acre tract  
 5-23 recorded in Volume 1145, Page 405;

5-24 THENCE NORTH 86 degrees 24 minutes 47 seconds West 531.95  
 5-25 feet to a x-tie fence corner at an ell corner of the 361.73 acre  
 5-26 tract and the Northwest corner of the 325.39 acre tract;

5-27 THENCE SOUTH 0 degrees 31 minutes 02 seconds West 1086.13  
 5-28 feet to a 60 d nail found at the Southerly Southeast corner of the  
 5-29 361.73 acre tract, in the West line of the 325.39 acre tract and at  
 5-30 the Northeast corner of the Don F. Hugus 213.257 acre tract recorded  
 5-31 in Volume 1145, Page 405;

5-32 THENCE NORTH 88 degrees 35 minutes 39 seconds West 3487.22  
 5-33 feet to a 3" axle found at the Northwest corner of the 213.257 acre  
 5-34 tract and an ell corner of the 361.73 acre tract;

5-35 THENCE SOUTH 28 degrees 18 minutes 48 seconds West  
 5-36 388.75 feet to a fence corner at the Northeast corner of the Charles  
 5-37 Stevens 129.72 acre tract recorded in Volume 1498, Page 810;

5-38 THENCE SOUTH 25 degrees 43 minutes 13 seconds East, along  
 5-39 fence, 905.92 feet to a cross-tie fence corner found at the Westerly  
 5-40 Southwest corner of the Hugus tract, the Northwest corner of the  
 5-41 East Texas Ranch, L.P. 102.96 acre tract recorded in Volume 2797,  
 5-42 Page 634 and in the Southeast line of the called 144.00 acre tract;

5-43 THENCE SOUTH 88 degrees 46 minutes 00 seconds East 855.44  
 5-44 feet to a 1/2" iron rod set at the Northeast corner of the called  
 5-45 102.996 acre tract and an ell corner of the Hugus tract; WITNESS:  
 5-46 Found 12" Post Oak South 17 degrees 31 minutes West 3.0 feet;

5-47 THENCE SOUTH 0 degrees 31 minutes 42 seconds West 970.35 feet  
 5-48 and South 0 degrees 20 minutes 57 seconds West 618.96 feet mostly  
 5-49 along fence to a 14" Post Oak at a fence corner at the Northwest  
 5-50 corner of the Beverly Wilson Smith 242.80 acre tract recorded in  
 5-51 Volume 1491, Page 222;

5-52 THENCE NORTH 78 degrees 46 minutes 23 seconds East, through  
 5-53 open field, 827.04 feet to a iron pipe for corner at large post on  
 5-54 the West side of a trail road;

5-55 THENCE NORTH 79 degrees 20 minutes East, along fence on the  
 5-56 North boundary line of this tract, a distance of 812.20 feet to an  
 5-57 iron pipe by large fence post on the West side of a trail road;

5-58 THENCE NORTH 88 degrees 15 minutes East, along fence, a  
 5-59 distance of 475.20 feet to a 20" Black Jack tree for corner;

5-60 THENCE SOUTH 6 degrees 14 minutes East, a distance of 295.20  
 5-61 feet to a stake at fence corner being the Southwest corner of a 2.00  
 5-62 acre tract described in Volume 204, Page 577 of the Henderson County  
 5-63 Deed Records;

5-64 Page 2, 792.545 AC.

5-65 THENCE SOUTH 89 degrees 16 minutes East, along fence and a  
 5-66 distance of 303.35 feet to a stake at fence corner being the  
 5-67 Southeast corner of said 2.00 acres;

5-68 THENCE SOUTH 12 degrees 38 minutes East, along fence line, a  
 5-69 distance of 1660.40 feet along the East boundary line of this tract

6-1 to a large Bois d'arc post for corner and in the North boundary line  
 6-2 of the Thomas Hanna Survey;  
 6-3 THENCE SOUTH 89 degrees 00 minutes East a distance of 572.50  
 6-4 feet to an 1" pipe at the Southeast corner of the Don Hugus tract and  
 6-5 the Northwest corner of the Genie Warren 121.50 acre tract recorded  
 6-6 in Volume 1241, Page 85;  
 6-7 THENCE SOUTH 0 degrees 28 minutes West, along fence line on  
 6-8 the East boundary of this tract and said Thomas Hanna Survey, the  
 6-9 West boundary of said W. E. Warren tract, a distance of 2678.16 feet  
 6-10 to an iron pipe for the Southeast corner at fence corner;  
 6-11 THENCE SOUTH 89 degrees 33 minutes East 291.62 feet to a 1"  
 6-12 iron pipe at the Northeast corner of the 22.606 acre tract and the  
 6-13 Northwest corner of the Peggy Shannon 2.00 acre tract recorded in  
 6-14 Volume 994, Page 153;  
 6-15 THENCE SOUTH 1 degree 02 minutes 35 seconds West 206.04 feet  
 6-16 to a 1/2" iron rod found at the Northeast corner of the East Texas  
 6-17 Ranch, L.P. 1.00 acre tract recorded in Volume 2918, Page 318;  
 6-18 THENCE SOUTH 1 degree 02 minutes 35 seconds West 258.11 feet  
 6-19 to a 60 d nail found in County Road 4518, at the Southeast corner of  
 6-20 the 1.00 acre tract and the Southwest corner of the Martin and  
 6-21 Cecilia Schiller 1.554 acre tract recorded in Volume 2312, Page  
 6-22 687; WITNESS: Found 1/2" iron rod North 1 degree 02 minutes 35  
 6-23 seconds East 29.63 feet;  
 6-24 THENCE SOUTH 84 degrees 08 minutes 12 seconds West, along  
 6-25 County Road 4518, 170.00 feet to a 60 d nail found for the most  
 6-26 Southerly Southeast corner of the East Texas Ranch, L.P. 21.606  
 6-27 acre tract recorded in Volume 2721, Page 850; WITNESS: Found 1/2"  
 6-28 iron rod  
 6-29 Page 3, 792.545 AC  
 6-30 North 1 degree 02 minutes 35 seconds East 31.4 feet;  
 6-31 THENCE along the centerline of County Road 4518, South 84  
 6-32 degrees 08 minutes 12 seconds West 870.00 feet to a 60 d nail found  
 6-33 from which a 1/2" iron rod bears North 21.0 feet, South 85 degrees  
 6-34 36 minutes 06 seconds West 663.48 feet to a 60 d nail found and North  
 6-35 40 degrees 45 minutes 42 seconds West 818.60 feet to a 60 d nail  
 6-36 found for the West corner of the 21.606 acre tract and the Southwest  
 6-37 corner of the Smith 242.80 acre tract; WITNESS; Found 1/2" iron  
 6-38 rod South 89 degrees 58 minutes 19 seconds East 32.21 feet;  
 6-39 THENCE continuing up the center of a County Road 4518, North  
 6-40 32 degrees 16 minutes West 170.00 feet, North 21 degrees 02 minutes  
 6-41 West 447.30 feet, North 30 degrees 30 minutes West 135.00 feet and  
 6-42 North 45 degrees 42 minutes West 220.19 feet to a spike in road;  
 6-43 THENCE continuing along County Road 4518 as follows: North  
 6-44 37 degrees 12 minutes 31 seconds West 166.95 feet to a 1/2" iron rod  
 6-45 found, North 53 degrees 10 minutes 17 seconds West 296.20 feet to a  
 6-46 1/2" iron rod found, North 70 degrees 51 minutes 55 seconds West  
 6-47 19.95 feet to a 1/2" iron rod found and South 88 degrees 51 minutes  
 6-48 17 seconds West 750.00 feet to a 1/2" iron rod found at the  
 6-49 Southwest corner of the 35.846 acre tract;  
 6-50 THENCE NORTH 0 degrees 51 minutes 48 seconds East 1403.84  
 6-51 feet to a fence corner at the Northwest corner of the 35.846 acre  
 6-52 tract;  
 6-53 THENCE NORTH 3 degrees 08 minutes West 147.50 feet along  
 6-54 fence to the Southeast corner of the 102.96 acre tract;  
 6-55 THENCE NORTH 89 degrees 51 minutes 48 seconds West 1443.07  
 6-56 feet to a cross-tie fence corner in the East margin of F. M. Highway  
 6-57 1615, at the Southwest corner of the 102 3/4 acre tract and the  
 6-58 Northwest corner of the 99.742 acre tract;  
 6-59 THENCE NORTH 9 degrees 04 minutes 26 seconds West 25.79 feet  
 6-60 to the P.C. of a curve in the East margin of F. M. Highway 1615;  
 6-61 Page 4, 792.815 AC.  
 6-62 THENCE around a curve to the left having a central angle of 2  
 6-63 degrees 32 minutes 44 seconds, a radius of 1569.25 feet, a distance  
 6-64 of 69.72 feet (Long Chord North 11 degrees 03 minutes 02 seconds  
 6-65 West 69.71 feet) to a point at right-of-way change;  
 6-66 THENCE NORTH 77 degrees 40 minutes 36 seconds East 5.00 feet  
 6-67 to a point at a right-of-way change in the East margin of F. M.  
 6-68 Highway 1615;  
 6-69 THENCE continuing around a curve to the left having a central

7-1 angle of 12 degrees 05 minutes 09 seconds, a radius of 1574.25 feet,  
 7-2 a distance of 332.07 feet (Long Chord North 18 degrees 21 minutes 58  
 7-3 seconds West 331.45 feet) to a 1/2" iron rod set for corner;  
 7-4 THENCE NORTH 14 degrees 54 minutes 57 seconds West 287.47  
 7-5 feet to a 60 d nail found at an angle corner of the Gaile Lee Lipman  
 7-6 4.50 acre tract recorded in Volume 2431, Page 249;  
 7-7 THENCE SOUTH 74 degrees 29 minutes 31 seconds East 174.73  
 7-8 feet to a 30" Elm found at a fence angle at the Southeast corner of  
 7-9 the 4.50 acre tract;  
 7-10 THENCE NORTH 3 degrees 02 minutes 27 seconds East 430.37 feet  
 7-11 to a 3/4" iron rod found at the Northeast corner of the 4.50 acre  
 7-12 tract;  
 7-13 THENCE NORTH 64 degrees 06 minutes 43 seconds West 441.96  
 7-14 feet to a 30" Elm at the Western Southwest corner of the 102.996  
 7-15 acre tract;  
 7-16 THENCE SOUTH 30 degrees 06 minutes 40 seconds West, along  
 7-17 fence, 317.33 feet to a point in the Northeast margin of F. M.  
 7-18 Highway 1615, at the Southwest corner of the Lipman tract; WITNESS:  
 7-19 Found 1/2" pipe North 30 degrees 06 minutes 40 seconds East 11.79  
 7-20 feet;  
 7-21 THENCE along the Northeast margin of F. M. Highway 1615 as  
 7-22 follows: North 44 degrees 02 minutes 07 seconds West 182.08 feet to  
 7-23 a point for corner, North 45 degrees 57 minutes 53 seconds East  
 7-24 15.00 feet to a point for corner and North 44 degrees 02 minutes 07  
 7-25 seconds West 114.53 feet to a 1/2" iron rod set on the East bank of  
 7-26 Mine Creek (60' from  
 7-27 Page 5, 792.545 AC.  
 7-28 centerline of 1615);  
 7-29 THENCE along the East bank of Mine Creek as follows: North 39  
 7-30 degrees 06 minutes 03 seconds East 153.30 feet, North 0 degrees 51  
 7-31 minutes 09 seconds East 76.11 feet, North 21 degrees 44 minutes 05  
 7-32 seconds East 318.55 feet, North 59 degrees 28 minutes 31 seconds  
 7-33 East 314.53 feet, North 36 degrees 08 minutes 06 seconds East 144.17  
 7-34 feet, North 2 degrees 33 minutes 59 seconds East 93.69 feet, North  
 7-35 42 degrees 19 minutes 02 seconds East 383.36 feet, North 34 degrees  
 7-36 02 minutes 39 seconds East 180.33 feet, North 14 degrees 52 minutes  
 7-37 58 seconds East 180.73 feet, North 5 degrees 52 minutes 56 seconds  
 7-38 East 123.87 feet, North 57 degrees 47 minutes 02 seconds East 55.46  
 7-39 feet, North 9 degrees 40 minutes 31 seconds East 99.92 feet, North  
 7-40 17 degrees 33 minutes 00 seconds West 161.25 feet, North 7 degrees  
 7-41 33 minutes 26 seconds East 492.62 feet, North 16 degrees 05 minutes  
 7-42 47 seconds East 145.92 feet and North 25 degrees 13 minutes 16  
 7-43 seconds East 290.23 feet to a 1/2" iron rod set on the East bank of  
 7-44 Mine Creek, in the Westerly South line of the East Texas Ranch, L.P.  
 7-45 361.73 acre tract; WITNESS: Found 3" Axle at fence corner South 86  
 7-46 degrees 59 minutes 49 seconds West 123.58 feet;  
 7-47 THENCE SOUTH 86 degrees 59 minutes 49 seconds West 632.61  
 7-48 feet to a 3" axle found at the Southwest corner of the 361.73 acre  
 7-49 tract, the Southeast corner of the Royall Commings 91.65 acre tract  
 7-50 recorded in Volume 519, Page 275 and the North line of the Stevens  
 7-51 tract;  
 7-52 THENCE along a fence as follows: North 38 degrees 05 minutes  
 7-53 45 seconds East 227.78 feet to a 5/8" iron rod found, North 43  
 7-54 degrees 03 minutes 30 seconds East 127.69 feet to a 1/2" iron rod  
 7-55 found, North 66 degrees 00 minutes 51 seconds East 94.10 feet to a  
 7-56 5/8" iron rod found, North 47 degrees 20 minutes 24 seconds East  
 7-57 102.58 feet to a 1/2" iron rod found, North 18 degrees 25 minutes 49  
 7-58 seconds East 149.72 feet to a 1/2" iron rod found, North 1 degree 58  
 7-59 Page 6, 792.545 AC.  
 7-60 minutes West 285.61 feet to a 1/2" iron rod found, North 13 degrees  
 7-61 36 minutes 20 seconds East 168.23 feet to a 5/8" iron rod found at  
 7-62 the base of a 14" Sweet Gum in the fence, North 21 degrees 30 minutes  
 7-63 19 seconds East 100.36 feet to a 1/2" iron rod found at the base of a  
 7-64 28" Sweet Gum in the fence, North 6 degrees 01 minutes 02 seconds  
 7-65 West 257.66 feet to a 1/2" iron rod found at a x-tie and North 46  
 7-66 degrees 38 minutes 31 seconds East 140.77 feet to a 2" pipe found at  
 7-67 the Northeast corner of the Commings tract and the Southeast corner  
 7-68 of Lot 38, Champion Ranch, Phase I;  
 7-69 THENCE NORTH 1 degree 14 minutes 55 seconds East 286.45 feet

8-1 to a 1/2" iron rod set in creek at the Southeast corner of the 6.98  
8-2 acre Reserve Tract and the Northeast corner of Lot 40A-R;

8-3 THENCE along the South line of the Reserve Tract as follows:  
8-4 North 27 degrees 17 minutes 36 seconds West 93.30 feet to a 1/2"  
8-5 iron rod set, North 11 degrees 07 minutes 26 seconds West 328.99  
8-6 feet to a 1/2" iron rod set; WITNESS: Found 1/2" iron rod with T  
8-7 Post North 83 degrees 33 minutes West 43.47 feet, North 81 degrees  
8-8 25 minutes 02 seconds West 494.73 feet to a 1/2" iron rod set;  
8-9 WITNESS: Found T Post South 15 degrees 02 minutes West 3.96 feet  
8-10 and North 55 degrees 20 minutes 11 seconds West 146.95 feet to "x"  
8-11 set in concrete in the East margin of Horseshoe Drive and the  
8-12 Southwest corner of the Reserve Tract;

8-13 THENCE around a curve to the left having a central angle of 14  
8-14 degrees 03 minutes 16 seconds, a radius of 1025.00 feet, a distance  
8-15 of 251.43 feet (Long Chord North 0 degrees 28 minutes 24 seconds  
8-16 East 250.80 feet to a 1/2" iron rod found in the East margin of  
8-17 Horseshoe Drive at the Northwest corner of the Reserve Tract and  
8-18 Southwest corner of Lot 41-R;

8-19 THENCE SOUTH 84 degrees 47 minutes 22 seconds East 618.81  
8-20 feet to a 1/2" iron rod set in creek at the Southeast corner of Lot  
8-21 41-R; WITNESS: Found 1/2" iron rod with T Post North 84 degrees 47  
8-22 minutes 22 seconds East 40.00 feet;

8-23 Page 7, 792.545 AC.

8-24 THENCE NORTH 10 degrees 52 minutes East 457.59 feet to a 1/2"  
8-25 iron rod set on the creek bank at the Northeast corner of Lot 41-R in  
8-26 the South line of Lot 42;

8-27 THENCE NORTH 73 degrees 22 minutes 14 seconds East 40.00 feet  
8-28 to a 1/2" iron rod found with T Post at the Southeast corner of Lot  
8-29 42;

8-30 THENCE NORTH 1 degree 14 minutes 32 seconds East 419.91 feet  
8-31 to a point for corner; WITNESS: Found 1/2" iron rod on creek bank  
8-32 South 59 degrees 03 minutes 35 seconds West 15.29 feet;

8-33 THENCE NORTH 57 degrees 05 minutes 14 seconds West 746.74 feet to a  
8-34 1/2" iron rod with T Post found at the East corner of Lot 45, the  
8-35 North corner of Lot 44 and the South corner of Lot 53;

8-36 THENCE NORTH 45 degrees 50 minutes East 602.90 feet to a 1/2"  
8-37 iron rod found with T Post in the Northeast margin of Safari Stables  
8-38 Drive;

8-39 THENCE around a curve to the right having a central angle of 2  
8-40 degrees 42 minutes 19 seconds, a radius of 1475.00 feet, a distance  
8-41 of 69.64 feet (Long Chord North 43 degrees 58 minutes 44 seconds  
8-42 West 69.63 feet) to a 1/2" iron rod found with T Post at the South  
8-43 corner of Lot 117;

8-44 THENCE NORTH 49 degrees 26 minutes 11 seconds East 537.89  
8-45 feet to a 1/2" iron rod found with T Post at the East corner of Lot  
8-46 117 and the Southwest corner of Lot 118;

8-47 THENCE SOUTH 34 degrees 21 minutes 12 seconds East 403.38  
8-48 feet to a 1/2" iron rod set in Mine Creek at the South corner of Lot  
8-49 118;

8-50 THENCE NORTH 58 degrees 36 minutes 42 seconds East 345.81  
8-51 feet to the point of intersection of the centerline of Mine Creek  
8-52 and Gold Creek;

8-53 THENCE along the centerline of Gold Creek as follows: North  
8-54 86 degrees 20 minutes 39 seconds East 58.87 feet, South 49 degrees  
8-55 06 minutes 17 seconds East 116.79 feet, South 23 degrees 45 minutes  
8-56 42 seconds East 95.66 feet, South 83 degrees 32 minutes 17 seconds  
8-57 East

8-58 Page 8, 792.545 AC.

8-59 94.79 feet, South 88 degrees 29 minutes 46 seconds East 184.21 feet,  
8-60 South 54 degrees 05 minutes 08 seconds East 78.44 feet, South 56  
8-61 degrees 06 minutes 30 seconds East 23.62 feet, North 88 degrees 45  
8-62 minutes 38 seconds East 75.65 feet, North 76 degrees 55 minutes 31  
8-63 seconds East 205.82 feet, South 76 degrees 31 minutes 15 seconds  
8-64 East 85.64 feet, South 23 degrees 05 minutes 39 seconds East 108.82  
8-65 feet, South 48 degrees 40 minutes 50 seconds East 44.04 feet, South  
8-66 82 degrees 24 minutes 15 seconds East 228.86 feet, South 62 degrees  
8-67 58 minutes 07 seconds East 59.70 feet, South 42 degrees 43 minutes  
8-68 48 seconds East 159.29 feet, South 82 degrees 59 minutes 18 seconds  
8-69 East 334.44 feet, North 76 degrees 10 minutes 43 seconds East 151.46



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

Page 9, 792.545 AC.

9-23  
 9-24 64.36 feet, North 59 degrees 50 minutes 31 seconds East 56.86 feet,  
 9-25 North 08 degrees 31 minutes 33 seconds East 35.86 feet, North 55  
 9-26 degrees 32 minutes 28 seconds East 23.65 feet, North 33 degrees 09  
 9-27 minutes 34 seconds East 22.66 feet, North 76 degrees 24 minutes 03  
 9-28 seconds East 26.61 feet, South 76 degrees 18 minutes 56 seconds East  
 9-29 41.61 feet, South 53 degrees 07 minutes 00 seconds East 38.08 feet,  
 9-30 North 83 degrees 24 minutes 06 seconds East 45.42 feet, South 56  
 9-31 degrees 32 minutes 02 seconds East 25.62 feet, South 72 degrees 23  
 9-32 minutes 52 seconds East 119.25 feet, South 29 degrees 05 minutes 08  
 9-33 seconds East 30.88 feet, North 62 degrees 09 minutes 23 seconds East  
 9-34 33.71 feet, South 44 degrees 07 minutes 00 seconds East 43.75 feet,  
 9-35 South 85 degrees 54 minutes 24 seconds East 32.02 feet, South 31  
 9-36 degrees 34 minutes 06 seconds East 30.44 feet, South 72 degrees 29  
 9-37 minutes 37 seconds East 46.71 feet, and South 57 degrees 14 minutes  
 9-38 16 seconds East 44.92 feet to a 1/2" iron rod found at the Southeast  
 9-39 corner of the Judith McGee 129.66 acre tract recorded in Volume  
 9-40 1725, Page 666 and at the Northeast corner of the 361.73 acre tract;

9-41 THENCE SOUTH 0 degrees 03 minutes East 1903.69 feet to a 3/4"  
 9-42 pipe found at the Northwest corner of the Hugus 325.39 acre tract  
 9-43 and the Southwest corner of the Floyd Miller tract recorded in  
 9-44 Volume 1389, Page 711;

9-45 THENCE SOUTH 1 degrees 58 minutes 40 seconds West 473.95 feet  
 9-46 to the place of beginning and containing 792.545 acres of land.

9-47 SECTION 3. (a) The legal notice of the intention to  
 9-48 introduce this Act, setting forth the general substance of this  
 9-49 Act, has been published as provided by law, and the notice and a  
 9-50 copy of this Act have been furnished to all persons, agencies,  
 9-51 officials, or entities to which they are required to be furnished  
 9-52 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 9-53 Government Code.

9-54 (b) The governor, one of the required recipients, has  
 9-55 submitted the notice and Act to the Texas Commission on  
 9-56 Environmental Quality.

9-57 (c) The Texas Commission on Environmental Quality has filed  
 9-58 its recommendations relating to this Act with the governor, the  
 9-59 lieutenant governor, and the speaker of the house of  
 9-60 representatives within the required time.

9-61 (d) All requirements of the constitution and laws of this  
 9-62 state and the rules and procedures of the legislature with respect  
 9-63 to the notice, introduction, and passage of this Act are fulfilled  
 9-64 and accomplished.

9-65 SECTION 4. (a) Section 8380.106, Special District Local  
 9-66 Laws Code, as added by Section 1 of this Act, takes effect only if  
 9-67 this Act receives a two-thirds vote of all the members elected to  
 9-68 each house.

9-69 (b) If this Act does not receive a two-thirds vote of all the

10-1 members elected to each house, Subchapter C, Chapter 8380, Special  
10-2 District Local Laws Code, as added by Section 1 of this Act, is  
10-3 amended by adding Section 8380.106 to read as follows:

10-4 Sec. 8380.106. NO EMINENT DOMAIN POWER. The district may  
10-5 not exercise the power of eminent domain.

10-6 (c) This section is not intended to be an expression of a  
10-7 legislative interpretation of the requirements of Section 17(c),  
10-8 Article I, Texas Constitution.

10-9 SECTION 5. Except as provided by Section 4 of this Act:

10-10 (1) this Act takes effect immediately if it receives a  
10-11 vote of two-thirds of all the members elected to each house, as  
10-12 provided by Section 39, Article III, Texas Constitution; and

10-13 (2) if this Act does not receive the vote necessary for  
10-14 immediate effect, this Act takes effect September 1, 2011.

10-15

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