

By: Hegar

S.B. No. 629

A BILL TO BE ENTITLED

AN ACT

relating to the Ranch at Clear Fork Creek Municipal Utility 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 8343 to read as follows:

CHAPTER 8343. RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8343.001. 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 Ranch at Clear Fork Creek Municipal Utility District No. 1.

Sec. 8343.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8343.003. 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.

1 Sec. 8343.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8343.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the territory added by Section
5 8343.005 is located has consented by ordinance or resolution to the
6 inclusion of land in the district.

7 Sec. 8343.005. TERRITORY ADDED. (a) The territory
8 described by Section 2 of the Act enacting this chapter is added to
9 the district's territory as of the effective date of this section.

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

14 (1) organization, existence, or validity;

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

18 (3) right to impose a tax; or

19 (4) legality or operation.

20 [Sections 8343.006-8343.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 8343.051. GOVERNING BODY; TERMS. (a) The district is
23 governed by a board of five elected directors.

24 (b) Except as provided by Section 8343.052, directors serve
25 staggered four-year terms.

26 Sec. 8343.052. TEMPORARY DIRECTORS. (a) The temporary
27 board consists of:

- 1 (1) Julie Lane;
- 2 (2) Heidi Parker;
- 3 (3) Jerry Valdez;
- 4 (4) Craig Grona; and
- 5 (5) Bruce Aupperle.

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

- 7 (1) the date permanent directors are elected under
- 8 Section 8343.003; or
- 9 (2) the fourth anniversary of the effective date of
- 10 the Act enacting this chapter.

11 (c) If permanent directors have not been elected under

12 Section 8343.003 and the terms of the temporary directors have

13 expired, successor temporary directors shall be appointed or

14 reappointed as provided by Subsection (d) to serve terms that

15 expire on the earlier of:

- 16 (1) the date permanent directors are elected under
- 17 Section 8343.003; or
- 18 (2) the fourth anniversary of the date of the
- 19 appointment or reappointment.

20 (d) If Subsection (c) applies, the owner or owners of a

21 majority of the assessed value of the real property in the district

22 may submit a petition to the commission requesting that the

23 commission appoint as successor temporary directors the five

24 persons named in the petition. The commission shall appoint as

25 successor temporary directors the five persons named in the

26 petition.

27 [Sections 8343.053-8343.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8343.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8343.102. AUTHORITY FOR ROAD PROJECTS. Under Section
8 52, Article III, Texas Constitution, the district may design,
9 acquire, construct, finance, issue bonds for, improve, operate,
10 maintain, and convey to this state, a county, or a municipality for
11 operation and maintenance macadamized, graveled, or paved roads,
12 including bridges, storm drainage, and other improvements or
13 appurtenances in aid of those roads.

14 Sec. 8343.103. ROAD STANDARDS AND REQUIREMENTS. (a) A road
15 project must meet all applicable construction standards, zoning and
16 subdivision requirements, and regulations of each municipality in
17 whose corporate limits or extraterritorial jurisdiction the road
18 project is located.

19 (b) If a road project is not located in the corporate limits
20 or extraterritorial jurisdiction of a municipality, the road
21 project must meet all applicable construction standards,
22 subdivision requirements, and regulations of each county in which
23 the road project is located.

24 (c) If a municipality or county will maintain and operate
25 the road, the municipality or county must approve the plans and
26 specifications of the road project.

27 (d) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and
2 specifications of the road project.

3 Sec. 8343.104. LIMITATION ON USE OF EMINENT DOMAIN. The
4 district may not exercise the power of eminent domain outside the
5 district to acquire a site or easement for:

- 6 (1) a road project authorized by Section 8343.102; or
7 (2) a recreational facility as defined by Section
8 49.462, Water Code.

9 [Sections 8343.105-8343.150 reserved for expansion]

10 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

11 Sec. 8343.151. DIVISION OF DISTRICT; PREREQUISITES. The
12 district may be divided into two or more new districts only if the
13 district:

- 14 (1) has no outstanding bonded debt; and
15 (2) is not imposing ad valorem taxes or assessments.

16 Sec. 8343.152. LAW APPLICABLE TO NEW DISTRICT. This
17 chapter applies to any new district created by division of the
18 district, and a new district has all the powers and duties of the
19 district, including the power to divide in accordance with this
20 section.

21 Sec. 8343.153. LIMITATION ON AREA OF NEW DISTRICT. A new
22 district created by the division of the district may not, at the
23 time the new district is created, contain any land outside the
24 combined area of:

- 25 (1) the territory of the district at the time the
26 district was initially created; and
27 (2) the area added by Section 8343.005.

1 Sec. 8343.154. DIVISION PROCEDURES. (a) The board, on its
2 own motion or on receipt of a petition signed by the owner or owners
3 of a majority of the assessed value of the real property in the
4 district according to the most recent appraisal roll for each
5 county in which the district is located, may adopt an order dividing
6 the district.

7 (b) The board may adopt an order dividing the district
8 before or after the date the board holds an election under Section
9 8343.003 to confirm the district's creation.

10 (c) An order dividing the district:

11 (1) must:

12 (A) name each new district;

13 (B) include the metes and bounds description of
14 the territory of each new district;

15 (C) appoint temporary directors for each new
16 district; and

17 (D) provide for the division of assets and
18 liabilities between or among the new districts; and

19 (2) is subject to a confirmation election in each new
20 district.

21 (d) On or before the 30th day after the date of adoption of
22 an order dividing the district, the district shall file the order
23 with the commission and record the order in the real property
24 records of each county in which the district is located.

25 Sec. 8343.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
26 A new district created by the division of the district shall hold a
27 confirmation and directors' election as required by Section

1 8343.003.

2 (b) The results of that election must be filed as required
3 by Sections 49.102(e) and (f), Water Code.

4 (c) The division of the district is not effective unless the
5 voters of each proposed new district vote to confirm the creation of
6 their new district.

7 Sec. 8343.156. MUNICIPAL CONSENT. Municipal consent to the
8 creation of the district and to the inclusion of land in the
9 district granted under Section 8343.004 acts as municipal consent
10 to the creation of any new district created by the division of the
11 district and to the inclusion of land in the new district.

12 Sec. 8343.157. TAX OR BOND ELECTION. Before a new district
13 created by the division of the district may impose a maintenance tax
14 or issue bonds payable wholly or partly from ad valorem taxes, the
15 new district must hold an election as required by Chapters 49 and
16 54, Water Code, and this chapter to obtain voter approval.

17 [Sections 8343.158-8343.200 reserved for expansion]

18 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

19 Sec. 8343.201. TAX TO REPAY BONDS. The district may impose
20 a tax to pay the principal of or interest on bonds issued under
21 Section 8343.251.

22 [Sections 8343.202-8343.250 reserved for expansion]

23 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

24 Sec. 8343.251. BONDS FOR ROAD PROJECTS. (a) The district
25 may not issue bonds payable from ad valorem taxes to finance a road
26 project unless the issuance is approved by a vote of a two-thirds
27 majority of the district voters voting at an election held for that

1 purpose.

2 (b) At the time of issuance, the total principal amount of
3 bonds or other obligations issued or incurred to finance road
4 projects and payable from ad valorem taxes may not exceed
5 one-fourth of the assessed value of the real property in the
6 district.

7 SECTION 2. The Ranch at Clear Fork Creek Municipal Utility
8 District No. 1 includes all the territory contained in the
9 following area in addition to the district's territory immediately
10 before the effective date of this Act:

11 203.47 ACRE TRACT

12 DESCRIBING A TRACT OF LAND CONTAINING 203.47 ACRES IN THE THOMAS
13 YATES SURVEY, ABSTRACT NO. 313, CALDWELL COUNTY, TEXAS, SAID TRACT
14 BEING ALL OF THE FOLLOWING TWO TRACT OF LAND:

15 1) THAT CERTAIN 151.60 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
16 WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON OCTOBER 21, 2009 AND
17 RECORDED IN VOLUME 584 PAGE 282 OF THE OFFICIAL PUBLIC RECORDS OF
18 SAID COUNTY;

19 2) THAT CERTAIN 51.88 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
20 WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON OCTOBER 21, 2009 AND
21 RECORDED IN VOLUME 584 PAGE 287 OF THE OFFICIAL PUBLIC RECORDS OF
22 SAID COUNTY;

23 SAID 203.47 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY
24 METES AND BOUNDS AS FOLLOWS:

25 BEGINNING at an iron rod found at a fence corner post at the
26 northeast corner of said 151.60 acre tract, same being the
27 northwest corner of that certain 1.38 acre tract described in a deed

1 to Elaine Miranda as recorded in Volume 320, Page 95 of the Deed
2 Records of said County said iron rod found being further described
3 as being in the south right-of-way line of State Highway 21 (100'
4 R.O.W. in this point);

5 THENCE, with the northern most east line of said 151.60 acre tract,
6 same being the west line of said 1.38 acre tract and the west line of
7 The Estates, a subdivision recorded in Cabinet A Slide 132 of the
8 Plat Records of said County, the following three courses:

- 9 1) S27°16'20"E, 793.34 feet to an iron rod found in a fence;
- 10 2) S27°27'33"E, 761.39 feet to an iron rod found in a fence;
- 11 3) S27°10'02"E, 522.10 feet to an iron rod found at a fence corner
12 post at an interior corner of said 151.60 acre tract, same being at
13 the southwest corner of Lot 15 of said The Estates;

14 THENCE, with the southern most north line of said 151.60 acre tract,
15 same being the south line of said The Estates and that certain
16 13.022 acre tract of land described in a deed to Jack B. Turner as
17 recorded in Volume 404 Page 279 of the Deed Records of said County,
18 N62°45'40"E, 1473.53 feet to an iron rod found at a fence post at a
19 northeast corner of said 151.60 acre tract, same being a southeast
20 corner of said 13.022 acre tract;

21 THENCE, continuing with the north line of said 151.60 acre tract,
22 same being the south line of said 13.022 acre tract, N89°46'29"E,
23 37.13 feet to an iron rod found at a fence corner post at a northeast
24 corner of said 151.60 acre tract, same being the southeast corner of
25 said 13.022 acre tract and in the west line of that certain 405.35
26 acre tract described in a deed to Walton Texas, LP as recorded in
27 Volume 579 Page 211 of the Official Public Records of said County;

1 THENCE, with the southern most east line of said 151.60 acre tract,
2 same being the west line of said 405.39 acre tract, S29°29'14"E,
3 1953.62 feet to an iron rod found at a fence corner post at the
4 southeast corner of said 151.60 acre tract, same being the
5 southwest corner of said 405.239 acre tract and in the north line of
6 that certain tract of land described in a deed to Jerry Lee
7 Burkland, Trustee as recorded in Volume 557 Page 300 of the Official
8 Public Records of said County;

9 THENCE, with the south line of said 151.60 acre tract, same being a
10 north line of said Burkland tract, the following two courses:

- 11 1) S47°35'03"W, 1245.94 feet to a calculated point in a fence line;
- 12 2) S47°39'58"W, 517.90 feet to a nail found at a fence corner post
13 at the southwest corner of said 151.60 acre tract, same being at an
14 interior corner of said Burkland tract;

15 THENCE, with the west line of said 151.60 acre tract, same being
16 with an east line of said Burkland tract, N42°52'35"W, 744.04 feet
17 to an iron rod found at a fence corner post at a northeast corner of
18 said Burkland tract, same being at the southeast corner of said
19 51.88 acre tract;

20 THENCE, with the south line of said 51.88 acre tract, same being the
21 north line of said Burkland tract, S47°44'16"W, 565.19 feet to an
22 iron rod found in 8-inch concrete square at the southwest corner of
23 said 51.88 acre tract, same being at the southeast corner of that
24 certain 99.726 acre tract of land described in a deed to Leonard C.
25 Anton as recorded in Volume 113 Page 487 of the Official Public
26 Records of said County;

27 THENCE, with the west line of said 51.88 acre tract, same being the

1 east line of said Anton tract, the following three courses:

2 1) N42°47'25"W, 2554.59 feet to an iron rod found in 8-inch
3 concrete square;

4 2) S48°02'08"W, 56.78 feet to an iron rod found in 8-inch concrete
5 square;

6 3) N42°44'07"W, 379.72 feet to an iron rod found in 8-inch concrete
7 square at the northeast corner of said Anton tract, same being at
8 the southeast corner of that certain 12 acre tract of land described
9 in a Disclaimer of Interest to Atanacio Garcia, recorded in Volume
10 293 Page 233 and Volume 293 Page 235 of the Official Public Records
11 of said County;

12 THENCE, continuing with the west line of said 51.88 acre tract, same
13 being the south and east line of said Garcia tract, the following
14 two courses;

15 1) N46°35'32"E, 57.04 feet to an iron rod found in 8-inch concrete
16 square;

17 2) N42°53'53"W, 1055.86 feet to an iron rod with cap found at the
18 northwest corner of said 51.88 acre tract, same being at the
19 northeast corner of said Garcia tract and being in the south
20 right-of-way line of said State Highway 21;

21 THENCE, with the north line of said 51.88 acre tract, same being
22 with the south right-of-way line of said State Highway No. 21, the
23 following two courses:

24 1) Along a curve to the right having a radius of 5679.58 feet, an
25 arc length of 289.46 feet, a central angle of 2°55'12" and a chord
26 which bears N58°47'27"E, 289.43 feet to a nail in a concrete
27 monument found;

1 2) N60°18'14"E, a distance of 297.83 feet to an iron rod found at
2 the northeast corner of said 51.88 acre tract in the south
3 right-of-way line of State Highway 21 (100' R.O.W. at this point),
4 same being at the northwest corner of that certain tract of land
5 described in a deed to Jim Mattox, Trustee, recorded in Volume 197
6 Page 926 of the Official Public Records of said County, same being
7 at the northwest corner of a 2.00 acre tract of land;

8 THENCE, with the east line of said 51.88 acre tract, same being the
9 west line of said Mattox tract, the following two courses:

10 1) S44°17'00"E, 103.17 feet to an iron rod with cap found;

11 2) S41°57'16"E, 228.76 feet to an iron rod found at the southwest
12 corner of said 2.00 acre tract, same being at a northwest corner of
13 that certain 151.614 acre tract of land described in a deed to
14 Caldwell 151, L.P. as recorded in Volume 500 Page 358 of the
15 Official Public Records of said County;

16 THENCE, with a north and west line of said 151.60 acre tract, same
17 being the south and east line of said 2.0 acre tract, the following
18 two courses:

19 1) N53°49'23"E, 260.76 feet to an iron rod found;

20 2) N36°12'33"W, 296.20 feet to an iron found in the north line of
21 said 151.60 acre tract, at the northeast corner of said 2.0 acre
22 tract, same being in the south right-of-way line of said State
23 Highway 21;

24 THENCE, with the north line of said 151.60 acre tract, same being
25 the south right-of-way line of said State Highway 21, N60°15'42"E,
26 1049.38 feet to the POINT OF BEGINNING and containing 203.47 acres
27 of land.

1 50.11 ACRE TRACT
2 DESCRIBING 50.11 ACRES OF LAND BEING A PORTION OF THE THOMAS YATES
3 SURVEY, ABSTRACT 313, CALDWELL COUNTY, TEXAS, SAME ALSO BEING ALL
4 OF THAT CERTAIN 49.97 ACRE TRACT OF LAND DESCRIBED IN A GENERAL
5 WARRANTY DEED TO ROBERT A. SCHMIDT EXECUTED ON FEBRUARY 28, 2008 AND
6 RECORDED IN VOLUME 523 PAGE 505 OF THE OFFICIAL PUBLIC RECORDS OF
7 CALDWELL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY
8 METES AND BOUNDS AS FOLLOWS:
9 BEGINNING at an iron rod found under a 17" hackberry tree at the
10 south corner of this tract, same being at the east corner of that
11 certain 80.46 tract of land described in deed to William Walter Holz
12 as recorded in Volume 378 Page 47 of the Deed Records of said
13 County, same being in the northwest line of County Road 228 (Farmers
14 Road, R.O.W. varies) from which an iron rod found at the south
15 corner of said 80.46 acre tract bears S47°40'53"W, 940.48 feet;
16 THENCE, with the southwest line of this tract, same being the
17 northeast line of said William Walter Holz tract, N42°35'21"W,
18 3736.46 feet to an iron rod found at the west corner of this tract,
19 same being at the north corner of said 80.46 acre tract and in the
20 southeast line of that certain 405.35 acre tract of land described
21 in a deed to Walton Texas, LP as recorded in Volume 579 Page 211 of
22 the Official Public Records of said County;
23 THENCE, with the northwest line of this tract, same being the
24 southeast line of said Walton Texas, LP tract, N47°30'41"E, 701.29
25 feet to an iron rod found at the north corner of this tract, same
26 being the west corner of that certain 60.350 acre tract described in
27 a deed to Roland R. Holz as recorded in Volume 88 Page 318 of the

1 Official Public Records of said County;

2 THENCE, with the northern most northeast line of this tract, same
3 being a southwest line of said Roland R. Holz tract, S42°34'31"E,
4 2492.20 feet to an iron rod found at the northern most east corner
5 of this tract, said iron rod found also being in a northeast line of
6 that certain 60.350 acre tract of land described in a deed to
7 Florence M. Holz Vickery as recorded in Volume 88 Page 318 of the
8 Official Public Records of said County;

9 THENCE, with the northern most southeast line of this tract, same
10 being through the interior of said Florence M. Holz Vickery tract,
11 S47°41'08"W, 350.22 feet to an iron rod found at an interior corner
12 of this tract.

13 THENCE, with the southern most northeast line of this tract, same
14 being through the interior of said Florence M. Holz Vickery tract,
15 S42°33'15"E, 1246.36 feet to an iron rod found at the southern most
16 east corner of this tract, same being in the southeast line of said
17 Florence M. Holz Vickery tract and in the northwest line of said
18 County Road 228 from which an iron rod found at the east corner of
19 said Florence M. Holz Vickery tract bears N47°40'12"E, 466.33 feet;

20 THENCE, with the southern most southeast line of this tract, same
21 being the northwest line of said County Road 228, S47°40'53"W,
22 349.71 feet to the POINT OF BEGINNING and containing 50.11 acres of
23 land.

24 192.42 ACRE TRACT

25 DESCRIBING 192.42 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
26 SURVEY A-123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION OF THAT
27 312.48 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WALTON

1 TEXAS, LP EXECUTED ON MAY 5, 2009 AND RECORDED IN VOLUME 568 PAGE
2 119 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 192.42 ACRES
3 OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
4 FOLLOWS:

5 BEGINNING for reference at an axle found at the east corner of said
6 312.48 acre tract, same being the north corner of that 152.071 acre
7 tract described in a deed to Bryant L Hohertz and wife, Veleria G.
8 Hohertz as recorded in Volume 459 Page 639 of the Deed Records of
9 said County and in the southwest line of the Old Kyle Lockhart Road
10 (R.O.W. varies), from which an iron rod found at the east corner of
11 said 152.071 acre tract, same being a north corner of that 464.83
12 acre tract described in a deed to Walton Texas, LP as recorded in
13 Volume 598 Page 166 of the Deed Records of said County bears
14 $S41^{\circ}18'41''E$, 19.83 feet;

15 THENCE, with the southeast line of said 312.48 acre tract,
16 $S47^{\circ}54'11''W$, 1897.48 feet to the POINT OF BEGINNING of the herein
17 described tract of land;

18 THENCE, with the southeast line of said 312.48 acre tract, the
19 following three courses:

- 20 1) $S47^{\circ}54'11''W$, 1195.65 feet to an axle found;
21 2) $S47^{\circ}53'46''W$, 1921.31 feet to an iron rod with cap (stamped
22 "Hinkle") found at the west corner of said 152.071 acre tract;
23 3) $S47^{\circ}41'17''W$, 676.80 feet to a point in the northwest line of
24 that 151.08 acre tract described in a deed to Terrell T. McGee and
25 wife, Opal H. McGee as recorded in Volume 469 Page 671 of the Deed
26 Records of said County;

27 THENCE, through the interior of said 312.48 acre tract and with the

1 City of San Marcos, Texas 3.5 mile ETJ (extraterritorial
2 jurisdiction), along a curve to the left having a radius of
3 18,480.00 feet, an arc length of 2442.86 feet, a central angle of
4 $7^{\circ}34'26''$ and a chord which bears $N30^{\circ}17'11''W$, 2441.04 feet to a point
5 in the southeast line of County Road #228 (a.k.a. Farmers Road) from
6 which an iron rod found at the west corner of said 312.48 acre tract
7 bears $S47^{\circ}41'37''W$, 816.99 feet;

8 THENCE, with the southeast line of said County Road #228,
9 $N47^{\circ}41'37''E$, 3203.99 feet to an iron rod with cap (stamped "Hinkle")
10 found at the western most north corner said 312.48 acre tract, same
11 being the west corner of a 17.69 acre tract being the remaining
12 portion of that certain 331.6 acre tract of land described in a deed
13 recorded in Volume 192 Page 649 of the Official Public Records of
14 said County from which an iron rod with cap (stamped "Hinkle") found
15 at the north corner of said 17.69 acre tract bears $N47^{\circ}41'30''E$,
16 2040.84 feet;

17 THENCE, with the common lines of said 312.48 acre tract and said
18 17.69 acre tract, the following two courses:

19 1) $S42^{\circ}05'39''E$, 380.12 feet to an iron rod with cap (stamped
20 "Hinkle") found at the south corner of said 17.69 acre tract;

21 2) $N47^{\circ}53'56''E$, 93.58 feet to a point from which an iron rod found
22 at the east corner of said 17.69 acre tract, same being in the
23 southwest right-of-way line of F.M. 2720 (80' R.O.W.) bears
24 $N47^{\circ}53'56''E$, 1890.25 feet;

25 THENCE, through the interior of said 312.48 acre tract, $S42^{\circ}00'00''E$,
26 2018.19 feet the POINT OF BEGINNING and containing 192.42 acres of
27 land.

1 504.46 ACRE TRACT
2 DESCRIBING 504.46 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
3 SURVEY, ABSTRACT 123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION
4 OF THAT CERTAIN 682.21 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
5 WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON JANUARY 15, 2010 AND
6 RECORDED IN VOLUME 591 PAGE 449 OF THE OFFICIAL PUBLIC RECORDS OF
7 CALDWELL COUNTY, TEXAS, SAID 504.46 ACRES OF LAND BEING MORE
8 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
9 BEGINNING at a point in a southeast line of said 682.21 acre tract
10 from which an iron rod found at the southern most east corner of
11 said 682.21 acre tract, same being the south corner of that 464.83
12 acre tract of land described in a deed to Walton Texas, LP as
13 recorded in Volume 598 Page 166 of the Official Public Records of
14 said County, same also being in the northwest line of that tract of
15 land described in a deed to Bryant L. Hohertz, et ux as recorded in
16 Volume 397 Page 369 of the Official Public Records of said County
17 bears N47°58'32"E, 542.23 feet;
18 THENCE, with the southeast line of said 682.21 acre tract, same
19 being the northwest line of said Bryant L. Hohertz tract,
20 S47°58'32"W, 566.01 feet to an iron rod with aluminum cap (stamped
21 McMillan) found at the south corner of said 0.06 of an acre tract,
22 same being at the west corner of said Hohertz tract, same being in a
23 northeast line of County Road 229;
24 THENCE, with the southwest line of said 682.21 acre tract, same
25 being a northeast line of said County Road 229, N40°53'25"W, 49.97
26 feet to an iron rod with aluminum cap (stamped McMillan) found at
27 the west corner of said 682.21 acre tract, same being at the north

1 corner of said County Road 229;
2 THENCE, with the southeast line of said 682.21 acre tract, same
3 being the northwest line of said County Road 229, the following five
4 courses:
5 1) S48°51'40"W, 690.95 feet to a fence post;
6 2) S41°44'13"W, 568.69 feet to a fence post;
7 3) S45°26'54"W, 317.44 feet to a fence post;
8 4) S46°24'07"W, 411.51 feet to a fence post;
9 5) S47°39'48"W, 610.37 feet to a fence post at the south corner of
10 said 682.21 acre tract, same being the east corner of that 296.5
11 acre tract described in a deed to Dan M. Connolly as recorded in
12 Volume 346 Page 920 of the Official Public Records of said County;
13 THENCE, with the southwest line of said 682.21 acre tract, same
14 being the northeast line of said 296.5 acre tract and the northeast
15 line of that 100.339 acre tract described in a deed to Nellie Hampe
16 Partnership I, Ltd. as recorded in Volume 140 Page 342 of the
17 Official Public Records of said County, N41°42'59"W, 5724.07 feet to
18 a fence corner post at the south corner of that 152.071 acre tract
19 described in a deed to Bryant L. Hohertz and wife, Veleria G.
20 Hohertz as recorded in Volume 459 Page 639 of the Official Public
21 Records of said County;
22 THENCE, with the southern most northwest line of said 682.21 acre
23 tract, same being the southeast line of said 152.071 acre tract,
24 N48°01'02"E, 1920.06 feet to an iron rod with aluminum cap found at
25 an interior corner of said 682.21 acre tract, same being the east
26 corner of said 152.071 acre tract;
27 THENCE, with the northeast line of said 152.071 acre tract,

1 N41°44'15"W, 3397.52 feet to an iron rod with cap (stamped Hinkle)
2 found at an interior corner of said 152.071 acre tract, from which a
3 car axle found in the northwest line of said 152.071 acre tract,
4 same being the southeast line of that 331.6 acre tract described in
5 a deed to Dorothy Doehne as recorded in Volume 192 Page 649 of the
6 Official Public Records of said County bears N40°41'06"W, 20.09
7 feet;

8 THENCE, with the northern most southeast line of said 152.071 acre
9 tract, N47°53'54"E, 1196.11 feet to a point;

10 THENCE, through the interior of said 682.21 acre tract, S42°00'00"E,
11 9091.90 feet to the POINT OF BEGINNING and containing 504.46 acres
12 of land

13 185.83 ACRE TRACT

14 Tract 1:

15 BEING 48.95 ACRES OF LAND SITUATED IN THE ELBERT HINES LEAGUE,
16 A-123, CALDWELL COUNTY, TEXAS, AND BEING A PART OF A TRACT REFERRED
17 TO AS 339.5 ACRES IN A PARTITION DEED TO FLORENCE HOME, VOLUME 249
18 AT PAGE 39, DEED RECORDS OF CALDWELL COUNTY, TEXAS. SAID 48.95 ACRE
19 TRACT AS OCCUPIED UPON THE GROUND IS DESCRIBED BY METES AND BOUNDS
20 AS FOLLOWS:

21 BEGINNING at a corner post being the occupied Southwest corner of
22 said 339.5 acre tract, the occupied Southeast corner of a tract
23 referred to as the E. Schroeder tract, in the Southeast line of said
24 Hines League, the Northwest line of a gravel road, from which said
25 post a rock monument found bears North 26° West 2.3 feet, for the
26 Southwest corner of the tract;

27 THENCE, with a fence along said Schroeder tract as follows:

1 North 39°49' West 873.2 feet to a fence post;
2 North 42°40' West 340.3 feet to a fence post;
3 North 40°29' West 1206.3 feet to a fence corner post in the Southeast
4 line of a gravel road being the occupied Northeast corner of said
5 Schroeder tract and the Northeast corner of this tract;
6 THENCE, North 49°43' East 826.3 feet with a fence along the
7 Southeast line of said road to a fence post, the intersection of the
8 Southwest line of a gravel road, from which post an iron pin found
9 marking the West corner of the Bryant L. Hohertz et ux tract called
10 168.53 acres out of said 339.5 acres, bears North 48° 53' East 80.0
11 feet, for the Northeast corner of this tract;
12 THENCE, with the Southwest fence line of said road as follows:
13 South 63°05' East 93.0 feet to a fence post;
14 South 41°48' East 2323.5 feet to a fence corner post at the
15 intersection of first said
16 Gravel road from which post the South corner of said 168.53 acre
17 tract bears North 43°
18 33' East 14.3 feet for the Southeast corner of this tract;
19 THENCE South 49°01' West 912.6 feet with the Northwest fence line of
20 said gravel road to the Place of Beginning, containing 48.95 acres
21 of land. As surveyed by Ben H. Chamness, RPS #2225, February, 1980.
22 And being the same property described in Warranty Deed from
23 Florence B. Home to William M. Schroeder, Jr. et al, dated March 6,
24 1980, recorded in Volume 412, Page 61, Deed Records of Caldwell
25 County, Texas.
26 TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:
27 Tract 2:

1 ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN CALDWELL
2 COUNTY, TEXAS, A PART OF THE ELBERT HINES LEAGUE AND DESCRIBED AS:
3 Beginning at the most North corner of 330 acres, more or less,
4 bought by G. A. Blasienz from H. W. Griffith, et al;
5 THENCE South 40 East 1194.44 feet to a stake for the North corner of
6 a 136.88 acre tract conveyed by the said G. A. Blasienz and wife, to
7 W.S. Schroeder;
8 THENCE South 50 West 4991.67 feet to a stake set for the most West
9 corner of said Schroeder tract on the Northeast line of 50 acres of
10 land conveyed by said G. A. Blasienz and wife, to C. Schulle;
11 THENCE, North 40 West with said line 1194.44 feet to the North
12 corner of said 50 acre tract a stake on the lower line of the public
13 road;
14 THENCE North 50 East 4991.67 feet to the Place of Beginning,
15 containing 136.88 acres of land, Being the same land as described in
16 a deed from R.W. Bartling, et al, to William H. Schroeder, dated
17 February 18, 1916 recorded in Volume 214, Page 477, Deed Records of
18 Caldwell County, Texas

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

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

10 SECTION 4. (a) Section 8343.104, Special District Local
11 Laws Code, as added by Section 1 of this Act, takes effect only if
12 this Act receives a two-thirds vote of all the members elected to
13 each house.

14 (b) If this Act does not receive a two-thirds vote of all the
15 members elected to each house, Subchapter C, Chapter 8343, Special
16 District Local Laws Code, as added by Section 1 of this Act, is
17 amended by adding Section 8343.104 to read as follows:

18 Sec. 8343.104. NO EMINENT DOMAIN POWER. The district may
19 not exercise the power of eminent domain.

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

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

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

27 (2) if this Act does not receive the vote necessary for

S.B. No. 629

1 immediate effect, this Act takes effect September 1, 2011.