

1-1 By: Hegar S.B. No. 629
1-2 (In the Senate - Filed February 11, 2011; February 17, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 17, 2011, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; March 17, 2011, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the Ranch at Clear Fork Creek Municipal Utility
1-9 District No. 1; providing authority to impose a tax and issue bonds;
1-10 granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8343 to read as follows:

1-14 CHAPTER 8343. RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICT
1-15 NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8343.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Commission" means the Texas Commission on
1-20 Environmental Quality.

1-21 (3) "Director" means a board member.

1-22 (4) "District" means the Ranch at Clear Fork Creek
1-23 Municipal Utility District No. 1.

1-24 Sec. 8343.002. 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. 8343.003. 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. 8343.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-32 temporary directors may not hold an election under Section 8343.003
1-33 until each municipality in whose corporate limits or
1-34 extraterritorial jurisdiction the territory added by Section
1-35 8343.005 is located has consented by ordinance or resolution to the
1-36 inclusion of land in the district.

1-37 Sec. 8343.005. TERRITORY ADDED. (a) The territory
1-38 described by Section 2 of the Act enacting this chapter is added to
1-39 the district's territory as of the effective date of this section.

1-40 (b) The boundaries and field notes contained in Section 2 of
1-41 the Act enacting this chapter form a closure. A mistake made in the
1-42 field notes or in copying the field notes in the legislative process
1-43 does not affect the district's:

1-44 (1) organization, existence, or validity;

1-45 (2) right to issue any type of bond for the purposes
1-46 for which the district is created or to pay the principal of and
1-47 interest on a bond;

1-48 (3) right to impose a tax; or

1-49 (4) legality or operation.

1-50 [Sections 8343.006-8343.050 reserved for expansion]

1-51 SUBCHAPTER B. BOARD OF DIRECTORS

1-52 Sec. 8343.051. GOVERNING BODY; TERMS. (a) The district is
1-53 governed by a board of five elected directors.

1-54 (b) Except as provided by Section 8343.052, directors serve
1-55 staggered four-year terms.

1-56 Sec. 8343.052. TEMPORARY DIRECTORS. (a) The temporary
1-57 board consists of:

1-58 (1) Julie Lane;

1-59 (2) Heidi Parker;

1-60 (3) Jerry Valdez;

1-61 (4) Craig Grona; and

1-62 (5) Bruce Aupperle.

1-63 (b) Temporary directors serve until the earlier of:

1-64 (1) the date permanent directors are elected under

2-1 Section 8343.003; or
 2-2 (2) the fourth anniversary of the effective date of
 2-3 the Act enacting this chapter.

2-4 (c) If permanent directors have not been elected under
 2-5 Section 8343.003 and the terms of the temporary directors have
 2-6 expired, successor temporary directors shall be appointed or
 2-7 reappointed as provided by Subsection (d) to serve terms that
 2-8 expire on the earlier of:

2-9 (1) the date permanent directors are elected under
 2-10 Section 8343.003; or

2-11 (2) the fourth anniversary of the date of the
 2-12 appointment or reappointment.

2-13 (d) If Subsection (c) applies, the owner or owners of a
 2-14 majority of the assessed value of the real property in the district
 2-15 may submit a petition to the commission requesting that the
 2-16 commission appoint as successor temporary directors the five
 2-17 persons named in the petition. The commission shall appoint as
 2-18 successor temporary directors the five persons named in the
 2-19 petition.

2-20 [Sections 8343.053-8343.100 reserved for expansion]

2-21 SUBCHAPTER C. POWERS AND DUTIES

2-22 Sec. 8343.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-23 DUTIES. The district has the powers and duties provided by the
 2-24 general law of this state, including Chapters 49 and 54, Water Code,
 2-25 applicable to municipal utility districts created under Section 59,
 2-26 Article XVI, Texas Constitution.

2-27 Sec. 8343.102. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-28 52, Article III, Texas Constitution, the district may design,
 2-29 acquire, construct, finance, issue bonds for, improve, operate,
 2-30 maintain, and convey to this state, a county, or a municipality for
 2-31 operation and maintenance macadamized, graveled, or paved roads,
 2-32 including bridges, storm drainage, and other improvements or
 2-33 appurtenances in aid of those roads.

2-34 Sec. 8343.103. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-35 road project must meet all applicable construction standards,
 2-36 zoning and subdivision requirements, and regulations of each
 2-37 municipality in whose corporate limits or extraterritorial
 2-38 jurisdiction the road project is located.

2-39 (b) If a road project is not located in the corporate limits
 2-40 or extraterritorial jurisdiction of a municipality, the road
 2-41 project must meet all applicable construction standards,
 2-42 subdivision requirements, and regulations of each county in which
 2-43 the road project is located.

2-44 (c) If a municipality or county will maintain and operate
 2-45 the road, the municipality or county must approve the plans and
 2-46 specifications of the road project.

2-47 (d) If the state will maintain and operate the road, the
 2-48 Texas Transportation Commission must approve the plans and
 2-49 specifications of the road project.

2-50 Sec. 8343.104. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-51 district may not exercise the power of eminent domain outside the
 2-52 district to acquire a site or easement for:

2-53 (1) a road project authorized by Section 8343.102; or

2-54 (2) a recreational facility as defined by Section
 2-55 49.462, Water Code.

2-56 [Sections 8343.105-8343.150 reserved for expansion]

2-57 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

2-58 Sec. 8343.151. DIVISION OF DISTRICT; PREREQUISITES. The
 2-59 district may be divided into two or more new districts only if the
 2-60 district:

2-61 (1) has no outstanding bonded debt; and

2-62 (2) is not imposing ad valorem taxes or assessments.

2-63 Sec. 8343.152. LAW APPLICABLE TO NEW DISTRICT. This
 2-64 chapter applies to any new district created by division of the
 2-65 district, and a new district has all the powers and duties of the
 2-66 district, including the power to divide in accordance with this
 2-67 section.

2-68 Sec. 8343.153. LIMITATION ON AREA OF NEW DISTRICT. A new
 2-69 district created by the division of the district may not, at the

3-1 time the new district is created, contain any land outside the
 3-2 combined area of:

3-3 (1) the territory of the district at the time the
 3-4 district was initially created; and

3-5 (2) the area added by Section 8343.005.

3-6 Sec. 8343.154. DIVISION PROCEDURES. (a) The board, on its
 3-7 own motion or on receipt of a petition signed by the owner or owners
 3-8 of a majority of the assessed value of the real property in the
 3-9 district according to the most recent appraisal roll for each
 3-10 county in which the district is located, may adopt an order dividing
 3-11 the district.

3-12 (b) The board may adopt an order dividing the district
 3-13 before or after the date the board holds an election under Section
 3-14 8343.003 to confirm the district's creation.

3-15 (c) An order dividing the district:

3-16 (1) must:

3-17 (A) name each new district;

3-18 (B) include the metes and bounds description of
 3-19 the territory of each new district;

3-20 (C) appoint temporary directors for each new
 3-21 district; and

3-22 (D) provide for the division of assets and
 3-23 liabilities between or among the new districts; and

3-24 (2) is subject to a confirmation election in each new
 3-25 district.

3-26 (d) On or before the 30th day after the date of adoption of
 3-27 an order dividing the district, the district shall file the order
 3-28 with the commission and record the order in the real property
 3-29 records of each county in which the district is located.

3-30 Sec. 8343.155. CONFIRMATION ELECTION FOR NEW DISTRICT.

3-31 (a) A new district created by the division of the district shall
 3-32 hold a confirmation and directors' election as required by Section
 3-33 8343.003.

3-34 (b) The results of that election must be filed as required
 3-35 by Sections 49.102(e) and (f), Water Code.

3-36 (c) The division of the district is not effective unless the
 3-37 voters of each proposed new district vote to confirm the creation of
 3-38 their new district.

3-39 Sec. 8343.156. MUNICIPAL CONSENT. Municipal consent to the
 3-40 creation of the district and to the inclusion of land in the
 3-41 district granted under Section 8343.004 acts as municipal consent
 3-42 to the creation of any new district created by the division of the
 3-43 district and to the inclusion of land in the new district.

3-44 Sec. 8343.157. TAX OR BOND ELECTION. Before a new district
 3-45 created by the division of the district may impose a maintenance tax
 3-46 or issue bonds payable wholly or partly from ad valorem taxes, the
 3-47 new district must hold an election as required by Chapters 49 and
 3-48 54, Water Code, and this chapter to obtain voter approval.

3-49 [Sections 8343.158-8343.200 reserved for expansion]

3-50 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

3-51 Sec. 8343.201. TAX TO REPAY BONDS. The district may impose
 3-52 a tax to pay the principal of or interest on bonds issued under
 3-53 Section 8343.251.

3-54 [Sections 8343.202-8343.250 reserved for expansion]

3-55 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

3-56 Sec. 8343.251. BONDS FOR ROAD PROJECTS. (a) The district
 3-57 may not issue bonds payable from ad valorem taxes to finance a road
 3-58 project unless the issuance is approved by a vote of a two-thirds
 3-59 majority of the district voters voting at an election held for that
 3-60 purpose.

3-61 (b) At the time of issuance, the total principal amount of
 3-62 bonds or other obligations issued or incurred to finance road
 3-63 projects and payable from ad valorem taxes may not exceed
 3-64 one-fourth of the assessed value of the real property in the
 3-65 district.

3-66 SECTION 2. The Ranch at Clear Fork Creek Municipal Utility
 3-67 District No. 1 includes all the territory contained in the
 3-68 following area in addition to the district's territory immediately
 3-69 before the effective date of this Act:

4-1 203.47 ACRE TRACT
4-2 DESCRIBING A TRACT OF LAND CONTAINING 203.47 ACRES IN THE THOMAS
4-3 YATES SURVEY, ABSTRACT NO. 313, CALDWELL COUNTY, TEXAS, SAID TRACT
4-4 BEING ALL OF THE FOLLOWING TWO TRACT OF LAND:
4-5 1) THAT CERTAIN 151.60 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
4-6 WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON OCTOBER 21, 2009 AND
4-7 RECORDED IN VOLUME 584 PAGE 282 OF THE OFFICIAL PUBLIC RECORDS OF
4-8 SAID COUNTY;
4-9 2) THAT CERTAIN 51.88 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
4-10 WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON OCTOBER 21, 2009 AND
4-11 RECORDED IN VOLUME 584 PAGE 287 OF THE OFFICIAL PUBLIC RECORDS OF
4-12 SAID COUNTY;
4-13 SAID 203.47 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY
4-14 METES AND BOUNDS AS FOLLOWS:
4-15 BEGINNING at an iron rod found at a fence corner post at the
4-16 northeast corner of said 151.60 acre tract, same being the
4-17 northwest corner of that certain 1.38 acre tract described in a deed
4-18 to Elaine Miranda as recorded in Volume 320, Page 95 of the Deed
4-19 Records of said County said iron rod found being further described
4-20 as being in the south right-of-way line of State Highway 21 (100'
4-21 R.O.W. in this point);
4-22 THENCE, with the northern most east line of said 151.60 acre tract,
4-23 same being the west line of said 1.38 acre tract and the west line of
4-24 The Estates, a subdivision recorded in Cabinet A Slide 132 of the
4-25 Plat Records of said County, the following three courses:
4-26 1) S27°16'20"E, 793.34 feet to an iron rod found in a fence;
4-27 2) S27°27'33"E, 761.39 feet to an iron rod found in a fence;
4-28 3) S27°10'02"E, 522.10 feet to an iron rod found at a fence corner
4-29 post at an interior corner of said 151.60 acre tract, same being at
4-30 the southwest corner of Lot 15 of said The Estates;
4-31 THENCE, with the southern most north line of said 151.60 acre tract,
4-32 same being the south line of said The Estates and that certain
4-33 13.022 acre tract of land described in a deed to Jack B. Turner as
4-34 recorded in Volume 404 Page 279 of the Deed Records of said County,
4-35 N62°45'40"E, 1473.53 feet to an iron rod found at a fence post at a
4-36 northeast corner of said 151.60 acre tract, same being a southeast
4-37 corner of said 13.022 acre tract;
4-38 THENCE, continuing with the north line of said 151.60 acre tract,
4-39 same being the south line of said 13.022 acre tract, N89°46'29"E,
4-40 37.13 feet to an iron rod found at a fence corner post at a northeast
4-41 corner of said 151.60 acre tract, same being the southeast corner of
4-42 said 13.022 acre tract and in the west line of that certain 405.35
4-43 acre tract described in a deed to Walton Texas, LP as recorded in
4-44 Volume 579 Page 211 of the Official Public Records of said County;
4-45 THENCE, with the southern most east line of said 151.60 acre tract,
4-46 same being the west line of said 405.39 acre tract, S29°29'14"E,
4-47 1953.62 feet to an iron rod found at a fence corner post at the
4-48 southeast corner of said 151.60 acre tract, same being the
4-49 southwest corner of said 405.239 acre tract and in the north line of
4-50 that certain tract of land described in a deed to Jerry Lee
4-51 Burkland, Trustee as recorded in Volume 557 Page 300 of the Official
4-52 Public Records of said County;
4-53 THENCE, with the south line of said 151.60 acre tract, same being a
4-54 north line of said Burkland tract, the following two courses:
4-55 1) S47°35'03"W, 1245.94 feet to a calculated point in a fence line;
4-56 2) S47°39'58"W, 517.90 feet to a nail found at a fence corner post
4-57 at the southwest corner of said 151.60 acre tract, same being at an
4-58 interior corner of said Burkland tract;
4-59 THENCE, with the west line of said 151.60 acre tract, same being
4-60 with an east line of said Burkland tract, N42°52'35"W, 744.04 feet
4-61 to an iron rod found at a fence corner post at a northeast corner of
4-62 said Burkland tract, same being at the southeast corner of said
4-63 51.88 acre tract;
4-64 THENCE, with the south line of said 51.88 acre tract, same being the
4-65 north line of said Burkland tract, S47°44'16"W, 565.19 feet to an
4-66 iron rod found in 8-inch concrete square at the southwest corner of
4-67 said 51.88 acre tract, same being at the southeast corner of that
4-68 certain 99.726 acre tract of land described in a deed to Leonard C.
4-69 Anton as recorded in Volume 113 Page 487 of the Official Public

5-1 Records of said County;

5-2 THENCE, with the west line of said 51.88 acre tract, same being the

5-3 east line of said Anton tract, the following three courses:

5-4 1) N42°47'25"W, 2554.59 feet to an iron rod found in 8-inch

5-5 concrete square;

5-6 2) S48°02'08"W, 56.78 feet to an iron rod found in 8-inch concrete

5-7 square;

5-8 3) N42°44'07"W, 379.72 feet to an iron rod found in 8-inch concrete

5-9 square at the northeast corner of said Anton tract, same being at

5-10 the southeast corner of that certain 12 acre tract of land described

5-11 in a Disclaimer of Interest to Atanacio Garcia, recorded in Volume

5-12 293 Page 233 and Volume 293 Page 235 of the Official Public Records

5-13 of said County;

5-14 THENCE, continuing with the west line of said 51.88 acre tract, same

5-15 being the south and east line of said Garcia tract, the following

5-16 two courses;

5-17 1) N46°35'32"E, 57.04 feet to an iron rod found in 8-inch concrete

5-18 square;

5-19 2) N42°53'53"W, 1055.86 feet to an iron rod with cap found at the

5-20 northwest corner of said 51.88 acre tract, same being at the

5-21 northeast corner of said Garcia tract and being in the south

5-22 right-of-way line of said State Highway 21;

5-23 THENCE, with the north line of said 51.88 acre tract, same being

5-24 with the south right-of-way line of said State Highway No. 21, the

5-25 following two courses:

5-26 1) Along a curve to the right having a radius of 5679.58 feet, an

5-27 arc length of 289.46 feet, a central angle of 2°55'12" and a chord

5-28 which bears N58°47'27"E, 289.43 feet to a nail in a concrete

5-29 monument found;

5-30 2) N60°18'14"E, a distance of 297.83 feet to an iron rod found at

5-31 the northeast corner of said 51.88 acre tract in the south

5-32 right-of-way line of State Highway 21 (100' R.O.W. at this point),

5-33 same being at the northwest corner of that certain tract of land

5-34 described in a deed to Jim Mattox, Trustee, recorded in Volume 197

5-35 Page 926 of the Official Public Records of said County, same being

5-36 at the northwest corner of a 2.00 acre tract of land;

5-37 THENCE, with the east line of said 51.88 acre tract, same being the

5-38 west line of said Mattox tract, the following two courses:

5-39 1) S44°17'00"E, 103.17 feet to an iron rod with cap found;

5-40 2) S41°57'16"E, 228.76 feet to an iron rod found at the southwest

5-41 corner of said 2.00 acre tract, same being at a northwest corner of

5-42 that certain 151.614 acre tract of land described in a deed to

5-43 Caldwell 151, L.P. as recorded in Volume 500 Page 358 of the

5-44 Official Public Records of said County;

5-45 THENCE, with a north and west line of said 151.60 acre tract, same

5-46 being the south and east line of said 2.0 acre tract, the following

5-47 two courses:

5-48 1) N53°49'23"E, 260.76 feet to an iron rod found;

5-49 2) N36°12'33"W, 296.20 feet to an iron found in the north line of

5-50 said 151.60 acre tract, at the northeast corner of said 2.0 acre

5-51 tract, same being in the south right-of-way line of said State

5-52 Highway 21;

5-53 THENCE, with the north line of said 151.60 acre tract, same being

5-54 the south right-of-way line of said State Highway 21, N60°15'42"E,

5-55 1049.38 feet to the POINT OF BEGINNING and containing 203.47 acres

5-56 of land.

5-57 50.11 ACRE TRACT

5-58 DESCRIBING 50.11 ACRES OF LAND BEING A PORTION OF THE THOMAS YATES

5-59 SURVEY, ABSTRACT 313, CALDWELL COUNTY, TEXAS, SAME ALSO BEING ALL

5-60 OF THAT CERTAIN 49.97 ACRE TRACT OF LAND DESCRIBED IN A GENERAL

5-61 WARRANTY DEED TO ROBERT A. SCHMIDT EXECUTED ON FEBRUARY 28, 2008 AND

5-62 RECORDED IN VOLUME 523 PAGE 505 OF THE OFFICIAL PUBLIC RECORDS OF

5-63 CALDWELL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY

5-64 METES AND BOUNDS AS FOLLOWS:

5-65 BEGINNING at an iron rod found under a 17" hackberry tree at the

5-66 south corner of this tract, same being at the east corner of that

5-67 certain 80.46 tract of land described in deed to William Walter Holz

5-68 as recorded in Volume 378 Page 47 of the Deed Records of said

5-69 County, same being in the northwest line of County Road 228 (Farmers

6-1 Road, R.O.W. varies) from which an iron rod found at the south
6-2 corner of said 80.46 acre tract bears S47°40'53"W, 940.48 feet;
6-3 THENCE, with the southwest line of this tract, same being the
6-4 northeast line of said William Walter Holz tract, N42°35'21"W,
6-5 3736.46 feet to an iron rod found at the west corner of this tract,
6-6 same being at the north corner of said 80.46 acre tract and in the
6-7 southeast line of that certain 405.35 acre tract of land described
6-8 in a deed to Walton Texas, LP as recorded in Volume 579 Page 211 of
6-9 the Official Public Records of said County;
6-10 THENCE, with the northwest line of this tract, same being the
6-11 southeast line of said Walton Texas, LP tract, N47°30'41"E, 701.29
6-12 feet to an iron rod found at the north corner of this tract, same
6-13 being the west corner of that certain 60.350 acre tract described in
6-14 a deed to Roland R. Holz as recorded in Volume 88 Page 318 of the
6-15 Official Public Records of said County;
6-16 THENCE, with the northern most northeast line of this tract, same
6-17 being a southwest line of said Roland R. Holz tract, S42°34'31"E,
6-18 2492.20 feet to an iron rod found at the northern most east corner
6-19 of this tract, said iron rod found also being in a northeast line of
6-20 that certain 60.350 acre tract of land described in a deed to
6-21 Florence M. Holz Vickery as recorded in Volume 88 Page 318 of the
6-22 Official Public Records of said County;
6-23 THENCE, with the northern most southeast line of this tract, same
6-24 being through the interior of said Florence M. Holz Vickery tract,
6-25 S47°41'08"W, 350.22 feet to an iron rod found at an interior corner
6-26 of this tract.
6-27 THENCE, with the southern most northeast line of this tract, same
6-28 being through the interior of said Florence M. Holz Vickery tract,
6-29 S42°33'15"E, 1246.36 feet to an iron rod found at the southern most
6-30 east corner of this tract, same being in the southeast line of said
6-31 Florence M. Holz Vickery tract and in the northwest line of said
6-32 County Road 228 from which an iron rod found at the east corner of
6-33 said Florence M. Holz Vickery tract bears N47°40'12"E, 466.33 feet;
6-34 THENCE, with the southern most southeast line of this tract, same
6-35 being the northwest line of said County Road 228, S47°40'53"W,
6-36 349.71 feet to the POINT OF BEGINNING and containing 50.11 acres of
6-37 land.
6-38 192.42 ACRE TRACT
6-39 DESCRIBING 192.42 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
6-40 SURVEY A-123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION OF THAT
6-41 312.48 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WALTON
6-42 TEXAS, LP EXECUTED ON MAY 5, 2009 AND RECORDED IN VOLUME 568 PAGE
6-43 119 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 192.42 ACRES
6-44 OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
6-45 FOLLOWS:
6-46 BEGINNING for reference at an axle found at the east corner of said
6-47 312.48 acre tract, same being the north corner of that 152.071 acre
6-48 tract described in a deed to Bryant L Hohertz and wife, Veleria G.
6-49 Hohertz as recorded in Volume 459 Page 639 of the Deed Records of
6-50 said County and in the southwest line of the Old Kyle Lockhart Road
6-51 (R.O.W. varies), from which an iron rod found at the east corner of
6-52 said 152.071 acre tract, same being a north corner of that 464.83
6-53 acre tract described in a deed to Walton Texas, LP as recorded in
6-54 Volume 598 Page 166 of the Deed Records of said County bears
6-55 S41°18'41"E, 19.83 feet;
6-56 THENCE, with the southeast line of said 312.48 acre tract,
6-57 S47°54'11"W, 1897.48 feet to the POINT OF BEGINNING of the herein
6-58 described tract of land;
6-59 THENCE, with the southeast line of said 312.48 acre tract, the
6-60 following three courses:
6-61 1) S47°54'11"W, 1195.65 feet to an axle found;
6-62 2) S47°53'46"W, 1921.31 feet to an iron rod with cap (stamped
6-63 "Hinkle") found at the west corner of said 152.071 acre tract;
6-64 3) S47°41'17"W, 676.80 feet to a point in the northwest line of
6-65 that 151.08 acre tract described in a deed to Terrell T. McGee and
6-66 wife, Opal H. McGee as recorded in Volume 469 Page 671 of the Deed
6-67 Records of said County;
6-68 THENCE, through the interior of said 312.48 acre tract and with the
6-69 City of San Marcos, Texas 3.5 mile ETJ (extraterritorial

7-1 jurisdiction), along a curve to the left having a radius of
7-2 18,480.00 feet, an arc length of 2442.86 feet, a central angle of
7-3 7°34'26" and a chord which bears N30°17'11"W, 2441.04 feet to a point
7-4 in the southeast line of County Road #228 (a.k.a. Farmers Road) from
7-5 which an iron rod found at the west corner of said 312.48 acre tract
7-6 bears S47°41'37"W, 816.99 feet;
7-7 THENCE, with the southeast line of said County Road #228,
7-8 N47°41'37"E, 3203.99 feet to an iron rod with cap (stamped "Hinkle")
7-9 found at the western most north corner said 312.48 acre tract, same
7-10 being the west corner of a 17.69 acre tract being the remaining
7-11 portion of that certain 331.6 acre tract of land described in a deed
7-12 recorded in Volume 192 Page 649 of the Official Public Records of
7-13 said County from which an iron rod with cap (stamped "Hinkle") found
7-14 at the north corner of said 17.69 acre tract bears N47°41'30"E,
7-15 2040.84 feet;
7-16 THENCE, with the common lines of said 312.48 acre tract and said
7-17 17.69 acre tract, the following two courses:
7-18 1) S42°05'39"E, 380.12 feet to an iron rod with cap (stamped
7-19 "Hinkle") found at the south corner of said 17.69 acre tract;
7-20 2) N47°53'56"E, 93.58 feet to a point from which an iron rod found
7-21 at the east corner of said 17.69 acre tract, same being in the
7-22 southwest right-of-way line of F.M. 2720 (80' R.O.W.) bears
7-23 N47°53'56"E, 1890.25 feet;
7-24 THENCE, through the interior of said 312.48 acre tract, S42°00'00"E,
7-25 2018.19 feet the POINT OF BEGINNING and containing 192.42 acres of
7-26 land.
7-27 504.46 ACRE TRACT
7-28 DESCRIBING 504.46 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
7-29 SURVEY, ABSTRACT 123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION
7-30 OF THAT CERTAIN 682.21 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
7-31 WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON JANUARY 15, 2010 AND
7-32 RECORDED IN VOLUME 591 PAGE 449 OF THE OFFICIAL PUBLIC RECORDS OF
7-33 CALDWELL COUNTY, TEXAS, SAID 504.46 ACRES OF LAND BEING MORE
7-34 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
7-35 BEGINNING at a point in a southeast line of said 682.21 acre tract
7-36 from which an iron rod found at the southern most east corner of
7-37 said 682.21 acre tract, same being the south corner of that 464.83
7-38 acre tract of land described in a deed to Walton Texas, LP as
7-39 recorded in Volume 598 Page 166 of the Official Public Records of
7-40 said County, same also being in the northwest line of that tract of
7-41 land described in a deed to Bryant L. Hohertz, et ux as recorded in
7-42 Volume 397 Page 369 of the Official Public Records of said County
7-43 bears N47°58'32"E, 542.23 feet;
7-44 THENCE, with the southeast line of said 682.21 acre tract, same
7-45 being the northwest line of said Bryant L. Hohertz tract,
7-46 S47°58'32"W, 566.01 feet to an iron rod with aluminum cap (stamped
7-47 McMillan) found at the south corner of said 0.06 of an acre tract,
7-48 same being at the west corner of said Hohertz tract, same being in a
7-49 northeast line of County Road 229;
7-50 THENCE, with the southwest line of said 682.21 acre tract, same
7-51 being a northeast line of said County Road 229, N40°53'25"W, 49.97
7-52 feet to an iron rod with aluminum cap (stamped McMillan) found at
7-53 the west corner of said 682.21 acre tract, same being at the north
7-54 corner of said County Road 229;
7-55 THENCE, with the southeast line of said 682.21 acre tract, same
7-56 being the northwest line of said County Road 229, the following five
7-57 courses:
7-58 1) S48°51'40"W, 690.95 feet to a fence post;
7-59 2) S41°44'13"W, 568.69 feet to a fence post;
7-60 3) S45°26'54"W, 317.44 feet to a fence post;
7-61 4) S46°24'07"W, 411.51 feet to a fence post;
7-62 5) S47°39'48"W, 610.37 feet to a fence post at the south corner of
7-63 said 682.21 acre tract, same being the east corner of that 296.5
7-64 acre tract described in a deed to Dan M. Connolly as recorded in
7-65 Volume 346 Page 920 of the Official Public Records of said County;
7-66 THENCE, with the southwest line of said 682.21 acre tract, same
7-67 being the northeast line of said 296.5 acre tract and the northeast
7-68 line of that 100.339 acre tract described in a deed to Nellie Hampe
7-69 Partnership I, Ltd. as recorded in Volume 140 Page 342 of the

8-1 Official Public Records of said County, N41°42'59"W, 5724.07 feet to
8-2 a fence corner post at the south corner of that 152.071 acre tract
8-3 described in a deed to Bryant L. Hohertz and wife, Veleria G.
8-4 Hohertz as recorded in Volume 459 Page 639 of the Official Public
8-5 Records of said County;
8-6 THENCE, with the southern most northwest line of said 682.21 acre
8-7 tract, same being the southeast line of said 152.071 acre tract,
8-8 N48°01'02"E, 1920.06 feet to an iron rod with aluminum cap found at
8-9 an interior corner of said 682.21 acre tract, same being the east
8-10 corner of said 152.071 acre tract;
8-11 THENCE, with the northeast line of said 152.071 acre tract,
8-12 N41°44'15"W, 3397.52 feet to an iron rod with cap (stamped Hinkle)
8-13 found at an interior corner of said 152.071 acre tract, from which a
8-14 car axle found in the northwest line of said 152.071 acre tract,
8-15 same being the southeast line of that 331.6 acre tract described in
8-16 a deed to Dorothy Doehne as recorded in Volume 192 Page 649 of the
8-17 Official Public Records of said County bears N40°41'06"W, 20.09
8-18 feet;
8-19 THENCE, with the northern most southeast line of said 152.071 acre
8-20 tract, N47°53'54"E, 1196.11 feet to a point;
8-21 THENCE, through the interior of said 682.21 acre tract, S42°00'00"E,
8-22 9091.90 feet to the POINT OF BEGINNING and containing 504.46 acres
8-23 of land
8-24 185.83 ACRE TRACT
8-25 Tract 1:
8-26 BEING 48.95 ACRES OF LAND SITUATED IN THE ELBERT HINES LEAGUE,
8-27 A-123, CALDWELL COUNTY, TEXAS, AND BEING APART OF A TRACT REFERRED
8-28 TO AS 339.5 ACRES IN A PARTITION DEED TO FLORENCE HOME, VOLUME 249
8-29 AT PAGE 39, DEED RECORDS OF CALDWELL COUNTY, TEXAS. SAID 48.95 ACRE
8-30 TRACT AS OCCUPIED UPON THE GROUND IS DESCRIBED BY METES AND BOUNDS
8-31 AS FOLLOWS:
8-32 BEGINNING at a corner post being the occupied Southwest corner of
8-33 said 339.5 acre tract, the occupied Southeast corner of a tract
8-34 referred to as the E. Schroeder tract, in the Southeast line of said
8-35 Hines League, the Northwest line of a gravel road, from which said
8-36 post a rock monument found bears North 26° West 2.3 feet, for the
8-37 Southwest corner of the tract;
8-38 THENCE, with a fence along said Schroeder tract as follows:
8-39 North 39°49' West 873.2 feet to a fence post;
8-40 North 42°40' West 340.3 feet to a fence post;
8-41 North 40°29' West 1206.3 feet to a fence corner post in the Southeast
8-42 line of a gravel road being the occupied Northeast corner of said
8-43 Schroeder tract and the Northeast corner of this tract;
8-44 THENCE, North 49°43' East 826.3 feet with a fence along the
8-45 Southeast line of said road to a fence post, the intersection of the
8-46 Southwest line of a gravel road, from which post an iron pin found
8-47 marking the West corner of the Bryant L. Hohertz et ux tract called
8-48 168.53 acres out of said 339.5 acres, bears North 48° 53' East 80.0
8-49 feet, for the Northeast corner of this tract;
8-50 THENCE, with the Southwest fence line of said road as follows:
8-51 South 63°05' East 93.0 feet to a fence post;
8-52 South 41°48' East 2323.5 feet to a fence corner post at the
8-53 intersection of first said
8-54 Gravel road from which post the South corner of said 168.53 acre
8-55 tract bears North 43°
8-56 33' East 14.3 feet for the Southeast corner of this tract;
8-57 THENCE South 49°01' West 912.6 feet with the Northwest fence line of
8-58 said gravel road to the Place of Beginning, containing 48.95 acres
8-59 of land. As surveyed by Ben H. Chamness, RPS #2225, February, 1980.
8-60 And being the same property described in Warranty Deed from
8-61 Florence B. Home to William M. Schroeder, Jr. et al, dated March 6,
8-62 1980, recorded in Volume 412, Page 61, Deed Records of Caldwell
8-63 County, Texas.
8-64 TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:
8-65 Tract 2:
8-66 ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN CALDWELL
8-67 COUNTY, TEXAS, A PART OF THE ELBERT HINES LEAGUE AND DESCRIBED AS:
8-68 Beginning at the most North corner of 330 acres, more or less,
8-69 bought by G. A. Blasienz from H. W. Griffith, et al;

9-1 THENCE South 40 East 1194.44 feet to a stake for the North corner of
9-2 a 136.88 acre tract conveyed by the said G. A. Blasienz and wife, to
9-3 W.S. Schroeder;

9-4 THENCE South 50 West 4991.67 feet to a stake set for the most West
9-5 corner of said Schroeder tract on the Northeast line of 50 acres of
9-6 land conveyed by said G. A. Blasienz and wife, to C. Schulle;

9-7 THENCE, North 40 West with said line 1194.44 feet to the North
9-8 corner of said 50 acre tract a stake on the lower line of the public
9-9 road;

9-10 THENCE North 50 East 4991.67 feet to the Place of Beginning,
9-11 containing 136.88 acres of land, Being the same land as described in
9-12 a deed from R.W. Bartling, et al, to William H. Schroeder, dated
9-13 February 18, 1916 recorded in Volume 214, Page 477, Deed Records of
9-14 Caldwell County, Texas

9-15 SECTION 3. (a) The legal notice of the intention to
9-16 introduce this Act, setting forth the general substance of this
9-17 Act, has been published as provided by law, and the notice and a
9-18 copy of this Act have been furnished to all persons, agencies,
9-19 officials, or entities to which they are required to be furnished
9-20 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-21 Government Code.

9-22 (b) The governor, one of the required recipients, has
9-23 submitted the notice and Act to the Texas Commission on
9-24 Environmental Quality.

9-25 (c) The Texas Commission on Environmental Quality has filed
9-26 its recommendations relating to this Act with the governor, the
9-27 lieutenant governor, and the speaker of the house of
9-28 representatives within the required time.

9-29 (d) All requirements of the constitution and laws of this
9-30 state and the rules and procedures of the legislature with respect
9-31 to the notice, introduction, and passage of this Act are fulfilled
9-32 and accomplished.

9-33 SECTION 4. (a) Section 8343.104, Special District Local
9-34 Laws Code, as added by Section 1 of this Act, takes effect only if
9-35 this Act receives a two-thirds vote of all the members elected to
9-36 each house.

9-37 (b) If this Act does not receive a two-thirds vote of all the
9-38 members elected to each house, Subchapter C, Chapter 8343, Special
9-39 District Local Laws Code, as added by Section 1 of this Act, is
9-40 amended by adding Section 8343.104 to read as follows:

9-41 Sec. 8343.104. NO EMINENT DOMAIN POWER. The district may
9-42 not exercise the power of eminent domain.

9-43 (c) This section is not intended to be an expression of a
9-44 legislative interpretation of the requirements of Subsection (c),
9-45 Section 17, Article I, Texas Constitution.

9-46 SECTION 5. Except as provided by Section 4 of this Act:

9-47 (1) this Act takes effect immediately if it receives a
9-48 vote of two-thirds of all the members elected to each house, as
9-49 provided by Section 39, Article III, Texas Constitution; and

9-50 (2) if this Act does not receive the vote necessary for
9-51 immediate effect, this Act takes effect September 1, 2011.

9-52

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