

1-1 By: Hegar, Wentworth S.B. No. 630
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 28, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 March 28, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 630 By: Wentworth

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

1-10 relating to the Ranch at Clear Fork Creek Municipal Utility
1-11 District No. 2; providing authority to impose a tax and issue bonds;
1-12 granting a limited power 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 8344 to read as follows:

1-16 CHAPTER 8344. RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY
1-17 DISTRICT NO. 2

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8344.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the district's board of directors.

1-21 (2) "Commission" means the Texas Commission on
1-22 Environmental Quality.

1-23 (3) "Director" means a board member.

1-24 (4) "District" means the Ranch at Clear Fork Creek
1-25 Municipal Utility District No. 2.

1-26 Sec. 8344.002. NATURE OF DISTRICT. The district is a
1-27 municipal utility district created under Section 59, Article XVI,
1-28 Texas Constitution.

1-29 Sec. 8344.003. CONFIRMATION AND DIRECTORS' ELECTION
1-30 REQUIRED. The temporary directors shall hold an election to
1-31 confirm the creation of the district and to elect five permanent
1-32 directors as provided by Section 49.102, Water Code.

1-33 Sec. 8344.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-34 temporary directors may not hold an election under Section 8344.003
1-35 until each municipality in whose corporate limits or
1-36 extraterritorial jurisdiction the territory added by Section
1-37 8344.005 is located has consented by ordinance or resolution to the
1-38 inclusion of land in the district.

1-39 Sec. 8344.005. TERRITORY ADDED. (a) The territory
1-40 described by Section 2 of the Act enacting this chapter is added to
1-41 the district's territory as of the effective date of this section.

1-42 (b) The boundaries and field notes contained in Section 2 of
1-43 the Act enacting this chapter form a closure. A mistake made in the
1-44 field notes or in copying the field notes in the legislative process
1-45 does not affect the district's:

1-46 (1) organization, existence, or validity;

1-47 (2) right to issue any type of bond for the purposes
1-48 for which the district is created or to pay the principal of and
1-49 interest on a bond;

1-50 (3) right to impose a tax; or

1-51 (4) legality or operation.

1-52 [Sections 8344.006-8344.050 reserved for expansion]

1-53 SUBCHAPTER B. BOARD OF DIRECTORS

1-54 Sec. 8344.051. GOVERNING BODY; TERMS. (a) The district is
1-55 governed by a board of five elected directors.

1-56 (b) Except as provided by Section 8344.052, directors serve
1-57 staggered four-year terms.

1-58 Sec. 8344.052. TEMPORARY DIRECTORS. (a) The temporary
1-59 board consists of:

1-60 (1) Erika Jasinski;

1-61 (2) Eric Blakely;

1-62 (3) Jonathan Parker;

1-63 (4) Meredith Powell; and

2-1 (5) Rick Dolifka.
 2-2 (b) Temporary directors serve until the earlier of:
 2-3 (1) the date permanent directors are elected under
 2-4 Section 8344.003; or
 2-5 (2) the fourth anniversary of the effective date of
 2-6 the Act enacting this chapter.

2-7 (c) If permanent directors have not been elected under
 2-8 Section 8344.003 and the terms of the temporary directors have
 2-9 expired, successor temporary directors shall be appointed or
 2-10 reappointed as provided by Subsection (d) to serve terms that
 2-11 expire on the earlier of:

2-12 (1) the date permanent directors are elected under
 2-13 Section 8344.003; or
 2-14 (2) the fourth anniversary of the date of the
 2-15 appointment or reappointment.

2-16 (d) If Subsection (c) applies, the owner or owners of a
 2-17 majority of the assessed value of the real property in the district
 2-18 may submit a petition to the commission requesting that the
 2-19 commission appoint as successor temporary directors the five
 2-20 persons named in the petition. The commission shall appoint as
 2-21 successor temporary directors the five persons named in the
 2-22 petition.

2-23 [Sections 8344.053-8344.100 reserved for expansion]

2-24 SUBCHAPTER C. POWERS AND DUTIES

2-25 Sec. 8344.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-26 DUTIES. The district has the powers and duties provided by the
 2-27 general law of this state, including Chapters 49 and 54, Water Code,
 2-28 applicable to municipal utility districts created under Section 59,
 2-29 Article XVI, Texas Constitution.

2-30 Sec. 8344.102. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-31 52, Article III, Texas Constitution, the district may design,
 2-32 acquire, construct, finance, issue bonds for, improve, operate,
 2-33 maintain, and convey to this state, a county, or a municipality for
 2-34 operation and maintenance macadamized, graveled, or paved roads,
 2-35 including bridges, storm drainage, and other improvements or
 2-36 appurtenances in aid of those roads.

2-37 Sec. 8344.103. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-38 road project must meet all applicable construction standards,
 2-39 zoning and subdivision requirements, and regulations of each
 2-40 municipality in whose corporate limits or extraterritorial
 2-41 jurisdiction the road project is located.

2-42 (b) If a road project is not located in the corporate limits
 2-43 or extraterritorial jurisdiction of a municipality, the road
 2-44 project must meet all applicable construction standards,
 2-45 subdivision requirements, and regulations of each county in which
 2-46 the road project is located.

2-47 (c) If a municipality or county will maintain and operate
 2-48 the road, the municipality or county must approve the plans and
 2-49 specifications of the road project.

2-50 (d) If the state will maintain and operate the road, the
 2-51 Texas Transportation Commission must approve the plans and
 2-52 specifications of the road project.

2-53 Sec. 8344.104. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-54 district may not exercise the power of eminent domain outside the
 2-55 district to acquire a site or easement for:

2-56 (1) a road project authorized by Section 8344.102; or
 2-57 (2) a recreational facility as defined by Section
 2-58 49.462, Water Code.

2-59 [Sections 8344.105-8344.150 reserved for expansion]

2-60 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

2-61 Sec. 8344.151. DIVISION OF DISTRICT; PREREQUISITES. The
 2-62 district may be divided into two or more new districts only if the
 2-63 district:

2-64 (1) has no outstanding bonded debt; and
 2-65 (2) is not imposing ad valorem taxes or assessments.

2-66 Sec. 8344.152. LAW APPLICABLE TO NEW DISTRICT. This
 2-67 chapter applies to any new district created by division of the
 2-68 district, and a new district has all the powers and duties of the
 2-69 district, including the power to divide in accordance with this

3-1 section.
3-2 Sec. 8344.153. LIMITATION ON AREA OF NEW DISTRICT. A new
3-3 district created by the division of the district may not, at the
3-4 time the new district is created, contain any land outside the
3-5 combined area of:
3-6 (1) the territory of the district at the time the
3-7 district was initially created; and
3-8 (2) the area added by Section 8344.005.
3-9 Sec. 8344.154. DIVISION PROCEDURES. (a) The board, on its
3-10 own motion or on receipt of a petition signed by the owner or owners
3-11 of a majority of the assessed value of the real property in the
3-12 district according to the most recent appraisal roll for each
3-13 county in which the district is located, may adopt an order dividing
3-14 the district.
3-15 (b) The board may adopt an order dividing the district
3-16 before or after the date the board holds an election under Section
3-17 8344.003 to confirm the district's creation.
3-18 (c) An order dividing the district:
3-19 (1) must:
3-20 (A) name each new district;
3-21 (B) include the metes and bounds description of
3-22 the territory of each new district;
3-23 (C) appoint temporary directors for each new
3-24 district; and
3-25 (D) provide for the division of assets and
3-26 liabilities between or among the new districts; and
3-27 (2) is subject to a confirmation election in each new
3-28 district.
3-29 (d) On or before the 30th day after the date of adoption of
3-30 an order dividing the district, the district shall file the order
3-31 with the commission and record the order in the real property
3-32 records of each county in which the district is located.
3-33 Sec. 8344.155. CONFIRMATION ELECTION FOR NEW DISTRICT.
3-34 (a) A new district created by the division of the district shall
3-35 hold a confirmation and directors' election as required by Section
3-36 8344.003.
3-37 (b) The results of that election must be filed as required
3-38 by Sections 49.102(e) and (f), Water Code.
3-39 (c) The division of the district is not effective unless the
3-40 voters of each proposed new district vote to confirm the creation of
3-41 their new district.
3-42 Sec. 8344.156. MUNICIPAL CONSENT. Municipal consent to the
3-43 creation of the district and to the inclusion of land in the
3-44 district granted under Section 8344.004 acts as municipal consent
3-45 to the creation of any new district created by the division of the
3-46 district and to the inclusion of land in the new district.
3-47 Sec. 8344.157. TAX OR BOND ELECTION. Before a new district
3-48 created by the division of the district may impose a maintenance tax
3-49 or issue bonds payable wholly or partly from ad valorem taxes, the
3-50 new district must hold an election as required by Chapters 49 and
3-51 54, Water Code, and this chapter to obtain voter approval.
3-52 [Sections 8344.158-8344.200 reserved for expansion]
3-53 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS
3-54 Sec. 8344.201. TAX TO REPAY BONDS. The district may impose
3-55 a tax to pay the principal of or interest on bonds issued under
3-56 Section 8344.251.
3-57 [Sections 8344.202-8344.250 reserved for expansion]
3-58 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS
3-59 Sec. 8344.251. BONDS FOR ROAD PROJECTS. (a) The district
3-60 may not issue bonds payable from ad valorem taxes to finance a road
3-61 project unless the issuance is approved by a vote of a two-thirds
3-62 majority of the district voters voting at an election held for that
3-63 purpose.
3-64 (b) At the time of issuance, the total principal amount of
3-65 bonds or other obligations issued or incurred to finance road
3-66 projects and payable from ad valorem taxes may not exceed
3-67 one-fourth of the assessed value of the real property in the
3-68 district.
3-69 SECTION 2. The Ranch at Clear Fork Creek Municipal Utility

4-1 District No. 2 includes all the territory contained in the
4-2 following area in addition to the district's territory immediately
4-3 before the effective date of this Act:
4-4 109.21 ACRE TRACT
4-5 DESCRIBING A 109.21 ACRE TRACT OF LAND BEING A PART OF THE AUGUST
4-6 REUSS SURVEY, ABSTRACT 398, HAYS COUNTY, TEXAS, SAME BEING A
4-7 PORTION OF THAT CERTAIN 116.93 ACRE TRACT OF LAND DESCRIBED IN A
4-8 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON JULY 15, 2010
4-9 AND RECORDED IN VOLUME 3937 PAGE 662 OF THE OFFICIAL PUBLIC RECORDS
4-10 OF SAID COUNTY SAID 109.21 ACRE TRACT OF LAND BEING MORE
4-11 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
4-12 BEGINNING, at an iron rod with cap stamped RPLS 1753 found at the
4-13 south corner of said 116.93 acre tract, same being at the east
4-14 corner of that certain 92.67 acre tract of land described in a deed
4-15 to Walter Seeliger as recorded in Volume 131 Page 131 of the
4-16 Official Public Records of said County and in the northwest line of
4-17 State Highway No. 21 (100' R.O.W.);
4-18 THENCE, with the southwest line of said 116.93 acre tract, same
4-19 being with the northeast line of said Seeliger tract, N47°11'59"W,
4-20 3148.30 feet to an iron rod with cap stamped RPLS 1753 found at the
4-21 west corner of said 116.93 acre tract, same being at the north
4-22 corner of said Seeliger tract and in the southeast line of that
4-23 certain 125 acre tract of land described in a deed to The B. R. and
4-24 Mollie Wranitzky Trust as recorded in Volume 1011 Page 48 of the
4-25 Official Public Records of said County;
4-26 THENCE, with the northwest line of said 116.93 acre tract, same
4-27 being the southeast line of said 125 acre tract, N42°42'46"E,
4-28 1509.43 feet to an iron rod found at the north corner of said 116.93
4-29 acre tract, same being at the west corner of that certain 88.265
4-30 acre tract of land described in a deed to Adora Investments, LLC as
4-31 recorded in Volume 3749 Page 476 of the Official Public Records of
4-32 said County;
4-33 THENCE, with the northeast line of said 116.93 acre tract, same
4-34 being the southwest line of said 88.265 acre tract, S47°12'03"E,
4-35 3252.62 feet to a point from which an iron rod with cap stamped UDG
4-36 #2433 found at the east corner of said 116.93 acre tract, same being
4-37 at the south corner of said 88.265 acre tract and in the said line of
4-38 State Highway No. 21 bears S47°12'03"E, 302.94 feet;
4-39 THENCE, through the interior of said 116.93 acre tract and with the
4-40 City of Umland, Texas City Limit Line, the following three courses:
4-41 1) Along a curve to the right having a radius of 4233.66 feet, an
4-42 arc length of 684.87 feet, a central angle of 9°16'07" and a chord
4-43 which bears S55°41'22"W, 684.11 feet to a point;
4-44 2) S60°10'58"W, 391.11 feet to a point;
4-45 3) S29°49'02"E, 300.00 feet to a point in the southeast line of
4-46 said 116.93 acre tract, same being in the said right-of-way of State
4-47 Highway No. 21;
4-48 THENCE, with the common line of said 116.93 acre tract and said
4-49 Highway, S60°10'58"W, 397.91 feet to the POINT OF BEGINNING and
4-50 containing 109.21 acres of land.
4-51 158.31 ACRE TRACT
4-52 DESCRIBING A 158.31 ACRE TRACT OF LAND BEING A PART OF THE THOMAS
4-53 YATES SURVEY, ABSTRACT 313, CALDWELL COUNTY, TEXAS, SAID TRACT OF
4-54 LAND ALSO BEING ALL OF OR A PORTION OF THE FOLLOWING TWO TRACTS OF
4-55 LAND:
4-56 1) ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 100.02 ACRES IN A
4-57 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON MARCH 11, 2010
4-58 AND RECORDED IN VOLUME 597 PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF
4-59 SAID COUNTY;
4-60 2) ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED AS 58.29 ACRES IN A
4-61 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON NOVEMBER 10,
4-62 2010 AND RECORDED IN VOLUME 634 PAGE 608 OF THE OFFICIAL PUBLIC
4-63 RECORDS OF SAID COUNTY;
4-64 SAID 158.31 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY
4-65 METES AND BOUNDS AS FOLLOWS:
4-66 BEGINNING, at an iron rod found at the northeast corner of said
4-67 100.02 acre tract in the west right-of-way line of F.M. 2720 (80'
4-68 R.O.W.), same being at the southeast corner of that certain 405.35
4-69 acre tract of land described in a deed to Walton Texas, LP as

5-1 recorded in Volume 579 Page 211 of the Official Public Records of
5-2 said County, for the POINT OF BEGINNING of the herein described
5-3 158.31 acre tract of land (Grid coordinates: N:9,951,631.99
5-4 E:3,102,510.82);
5-5 THENCE, with the east line of said 100.02 acre tract, same being the
5-6 west line of said F.M. 2720, S42°12'20"E, at 529.17 feet passing a
5-7 Texas Department of Transportation Type I concrete monument,
5-8 continuing for a total distance of 2306.77 feet to a nail found at
5-9 the southeast corner of said 100.02 acre tract, same being at a
5-10 northeast corner of that certain called 8.692 acre tract of land
5-11 described in a deed to Thomas E. Black, Jr. as recorded in Volume
5-12 391 Page 459 of the Official Public Records of said County;
5-13 THENCE, with the south line of said 100.02 acre tract, same being
5-14 the north line of said Black tract, S48°06'09"W, 1225.23 feet to a
5-15 nail found at the southern most southwest corner of said 100.02 acre
5-16 tract, same being at the northwest corner of said Black tract and in
5-17 the east line of that certain called 91.2638 acre tract of land
5-18 described in a deed to Cleo L. Krieg as recorded in Volume 149 Page
5-19 219 of the Official Public Records of said County;
5-20 THENCE, with the southern most west line of said 100.02 acre tract,
5-21 same being the east line of said Krieg tract, N42°45'47"W, 1078.02
5-22 feet to an iron rod with cap stamped "UDG #2433" set at an interior
5-23 corner of said 100.02 acre tract, same being the northeast corner of
5-24 said Krieg tract;
5-25 THENCE, with the northern most south line of said 100.02 acre tract,
5-26 same being the north line of said Krieg tract, S47°17'01"W, 1241.49
5-27 feet to an iron rod with cap stamped "UDG #2433" set at the northern
5-28 most southwest corner of said 100.02 acre tract, same being at the
5-29 northwest corner of said Krieg tract and in the northeast line of
5-30 said 58.29 acre tract;
5-31 THENCE, with the northeast line of said 58.29 acre tract, same being
5-32 the southwest line of said Krieg tract, S42°35'18"E, 2350.90 feet to
5-33 an iron rod found at the northern most east corner of said 58.29
5-34 acre tract, same being at the north corner of that certain 2.070
5-35 acre tract of land described in a deed to Elida Nava as recorded in
5-36 Volume 561 Page 847 of the Official Public Records of said County;
5-37 THENCE, with the common lines of said 58.29 acre tract and said Nava
5-38 tract, the following five courses:
5-39 1. S47°39'27"W, 180.82 feet to an iron rod found;
5-40 2. S40°36'42"E, 301.60 feet to an iron rod found;
5-41 3. N79°44'05"E, 88.78 feet to an iron rod found;
5-42 4. N72°18'20"E 62.04 feet to an iron rod with plastic cap stamped
5-43 UDG #2433 set;
5-44 5. S42°34'06"E, 409.85 feet to an iron rod found at the southern
5-45 most east corner of said 58.29 acre tract, same being at the south
5-46 corner of said 2.070 tract, same being in the northwest line of
5-47 County Road 228 (Farmers Road, R.O.W. varies);
5-48 THENCE, with the southeast line of said 58.29 acre tract, same being
5-49 the northwest line of said County Road 228, S47°40'42"W, 532.18 feet
5-50 to an iron rod with plastic cap stamped UDG #2433 set at the eastern
5-51 most south corner of said 58.29 acre tract, same being at the east
5-52 corner of that certain 60.350 acre tract of land described in a deed
5-53 to Florence M. Holz Vickery as recorded in said Partition Deed
5-54 recorded in Volume 88 Page 318 of the Official Public Records of
5-55 said County;
5-56 THENCE, with the common lines of said 58.29 acre tract and said
5-57 60.350 acre tract, the following three courses:
5-58 1. N42°19'00"W, 135.90 feet to an iron rod with plastic cap stamped
5-59 UDG #2433 set;
5-60 2. S47°44'51"W, 116.26 feet to an iron rod with plastic cap stamped
5-61 UDG #2433 set;
5-62 3. N42°34'31"W, 3602.41 feet to an iron rod found at the west
5-63 corner of this tract, same being at the west corner of said 58.29
5-64 acre tract and the north corner of said 60.350 acre tract, said iron
5-65 rod also being in the southeast line of said 405.35 acre tract;
5-66 THENCE, with the northwest line of said 58.29 acre tract, same being
5-67 the southeast line of said 405.35 acre tract, N47°39'14"E, 707.05
5-68 feet to an iron rod found at the north corner of said 58.29 acre
5-69 tract, same being the southern most east corner of said 405.35 acre

6-1 tract, same also being in the southwest line of said 100.02 acre
6-2 tract;
6-3 THENCE, with a southwest line of said 100.02 acre tract, same being
6-4 a northeast line of said 405.35 acre tract, N42°19'47"W, 619.99 feet
6-5 to an iron rod found at the northwest corner of said 100.02 acre
6-6 tract, same being an interior corner of said 405.35 acre tract;
6-7 THENCE, with the north line of said 100.02 acre tract, same being
6-8 with a south line of 405.35 acre tract, N47°34'05"E, a distance of
6-9 2482.54 feet to the POINT OF BEGINNING and containing 158.31 acres
6-10 of land.
6-11 87.47 ACRE TRACT
6-12 DESCRIBING 87.47 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
6-13 SURVEY A-123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION OF THAT
6-14 312.48 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WALTON
6-15 TEXAS, LP EXECUTED ON MAY 5, 2009 AND RECORDED IN VOLUME 568 PAGE
6-16 119 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 87.47 ACRES
6-17 OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
6-18 FOLLOWS:
6-19 BEGINNING at an axle found at the east corner of said 312.48 acre
6-20 tract, same being the north corner of that 152.071 acre tract
6-21 described in a deed to Bryant L Hohertz and wife, Veleria G. Hohertz
6-22 as recorded in Volume 459 Page 639 of the Deed Records of said
6-23 County and in the southwest line of the Old Kyle Lockhart Road
6-24 (R.O.W. varies), from which an iron rod found at the east corner of
6-25 said 152.071 acre tract, same being a north corner of that 464.77
6-26 acre tract described in a deed to Elizabeth Blanks Hindman as
6-27 recorded in Volume 495 Page 373 of the Deed Records of said County
6-28 bears S41°18'41"E, 19.83 feet;
6-29 THENCE, with the southeast line of said 312.48 acre tract,
6-30 S47°54'11"W, 1897.48 feet to a point;
6-31 THENCE, through the interior of said 312.48 acre tract, N42°00'00"W,
6-32 2018.19 feet to a point in the northern most northwest line of said
6-33 312.48 acre tract, same being in the southeast line of the remaining
6-34 portion of a 331.6 acre tract described in Volume 192 Page 649 of
6-35 the Official Public Records of said County;
6-36 THENCE, with said northwest line of 312.48 acre tract, N47°53'56"E,
6-37 1890.25 feet to an iron rod with cap (stamped "Hinkle") found at the
6-38 east corner of said remaining portion, same being in the southwest
6-39 line of F. M. 2720 (R.O.W. varies) from which said iron rod with cap
6-40 found at the north corner of said remaining portion bears
6-41 N33°43'35"W, 391.68 feet;
6-42 THENCE, with the southwest line of said F. M. 2720, the following
6-43 three courses:
6-44 1) Along a curve to the left having a radius of 2904.81 feet, an
6-45 arc length of 199.21 feet, a central angle of 3°55'46" and a chord
6-46 which bears S40°36'09"E, 199.18 feet to a concrete monument found;
6-47 2) S41°19'53"E, 703.74 feet to an iron rod found;
6-48 3) Along a curve to the left having a radius of 1185.96 feet, an
6-49 arc length of 191.25 feet, a central angle of 9°14'22" and a chord
6-50 which bears S46°12'56"E, 191.04 feet to an iron rod found at the
6-51 intersection of said F. M. 2720 with the northeast line of said
6-52 331.6 acre tract and the southwest line of the said Old Kyle
6-53 Lockhart Road;
6-54 THENCE, with the northeast line of said 312.48 acre tract, same
6-55 being the southwest line of said Old Kyle Lockhart Road,
6-56 S42°23'15"E, 925.01 feet to the POINT OF BEGINNING and containing
6-57 87.47 acres of land.
6-58 642.57 ACRE TRACT
6-59 DESCRIBING 642.57 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
6-60 SURVEY, ABSTRACT 123, CALDWELL COUNTY, TEXAS, SAME BEING ALL OF OR A
6-61 PORTION OF THE FOLLOWING TWO TRACTS OF LAND:
6-62 1) ALL OF THAT 464.83 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
6-63 WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON MARCH 23, 2010 AND
6-64 RECORDED IN VOLUME 598 PAGE 166 OF THE OFFICIAL PUBLIC RECORDS OF
6-65 CALDWELL COUNTY, TEXAS;
6-66 2) A PORTION OF THAT 682.21 ACRE TRACT OF LAND DESCRIBED IN A
6-67 SPECIAL WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON JANUARY 15,
6-68 2010 AND RECORDED IN VOLUME 591 PAGE 449 OF THE OFFICIAL PUBLIC
6-69 RECORDS OF CALDWELL COUNTY, TEXAS; SAID 642.57 ACRES OF LAND BEING

7-1 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
7-2 BEGINNING at an iron rod found at the south corner of said 464.83
7-3 acre tract, same being the southern most east corner of said 682.21
7-4 acre tract, same also being in the northwest line of that tract of
7-5 land described in a deed to Bryant L. Hohertz, et ux as recorded in
7-6 Volume 397 Page 369 of the Official Public Records of said County;
7-7 THENCE, with the southeast line of 682.21 acre tract, same being the
7-8 northwest line of said Bryant L. Hohertz tract, S47°58'32"W, 542.23
7-9 feet to a point from which an iron rod with aluminum cap found at a
7-10 south corner of said 682.21 acre tract bears S47°58'32"W, 566.01
7-11 feet;
7-12 THENCE, through the interior of said 682.21 acre tract, N42°00'00"W,
7-13 9091.90 feet to a point in a northwest line of said 682.21 acre
7-14 tract;
7-15 THENCE, with a northwest line of said 682.21 acre tract,
7-16 N47°53'54"E, 1349.71 feet to an iron rod with cap stamped UDG #2433
7-17 set at the north corner of said 682.21 acre tract, same being at a
7-18 west corner of said 464.83 acre tract;
7-19 THENCE, with the northern most northwest line of said 464.83 acre
7-20 tract, the following four courses:
7-21 1) N47°53'54"E, 547.53 feet to an iron rod with cap found in a
7-22 southwest line of the former Kyle-Lockhart Road (a public road);
7-23 2) With said Kyle-Lockhart Road, S25°07'26"E, 12.87 feet to an iron
7-24 rod found;
7-25 3) With said Kyle-Lockhart Road, S41°21'12"E, 17.94 feet to an iron
7-26 rod found;
7-27 4) With said Kyle-Lockhart Road, N47°56'28"E, 650.16 feet to a nail
7-28 atop a fence corner post at the north corner of said 464.83 acre
7-29 tract, same being the west corner of that 125 acre tract of land
7-30 described in a deed to Joyce Livengood Bock as recorded in Volume
7-31 212 Page 375 of the Official Public Records of said County, from
7-32 which a concrete monument found bears N50°58'49"E, 488.28 feet;
7-33 THENCE, with the western most northeast line of said 464.83 acre
7-34 tract, same being the southwest line of said 125 acre tract,
7-35 S42°11'53"E, 2727.38 feet to an iron pipe found at an interior
7-36 corner of said 464.83 acre tract, same being the south corner of
7-37 said 125 acre tract;
7-38 THENCE, with the eastern most northwest line of said 464.83 acre
7-39 tract, same being the southeast line of said 125 acre tract,
7-40 N48°15'08"E, 3912.02 feet to an iron pipe found at the eastern most
7-41 north corner of said 464.83 acre tract, same being the east corner
7-42 of said 125 acre tract and in a southwest line of F. M. 2720 (80'
7-43 R.O.W.) from which an iron pipe found at the southern most north
7-44 corner of said 125 acre tract, same being the east corner of that
7-45 110.42 acre tract of land described in a deed to Cleo L. Krieg as
7-46 recorded in Volume 154 Page 276 of the Official Public Records of
7-47 said County bears N41°48'09"W, 101.41 feet;
7-48 THENCE, with the eastern most northeast line of said 464.83 acre
7-49 tract, same being the southwest line of said F. M. 2720, the
7-50 following two courses:
7-51 1) S42°01'54"E, 1441.16 feet to a concrete monument found;
7-52 2) S42°09'53"E, 68.83 feet to an iron rod found at the northern
7-53 most east corner of said 464.83 acre tract, same being in the
7-54 northwest line of that 100.75 acre tract described in a deed to
7-55 Joyce Livengood Bock as recorded in Volume 212 Page 375 of the
7-56 Official Public Records of said County;
7-57 THENCE, with the northern most southeast line of said 464.83 acre
7-58 tract, same being the northwest line of said 100.75 acre tract,
7-59 S48°15'53"W, 3918.99 feet to an iron rod with cap (stamped Texas
7-60 Surveying/4227) found at an interior corner of said 464.83 acre
7-61 tract, same being the west corner of said 100.75 acre tract;
7-62 THENCE, with a northeast line of said 464.83 acre tract, same being
7-63 the southwest line of said 100.75 acre tract, S42°08'11"E, 2229.92
7-64 feet to a stone found at the south corner of said 100.75 acre tract,
7-65 same being at the west corner of that 103.18 acre tract described in
7-66 a deed to Curby D. Ohnheiser as recorded in Volume 487 Page 22 of the
7-67 Official Public Records of said County;
7-68 THENCE, with a northeast line of said 464.83 acre tract, same being
7-69 the southwest line of said 103.18 acre tract, S41°52'27"E, 1393.08

8-1 feet to an iron rod found at the southern most east corner of said
8-2 464.83 acre tract, same being the south corner of said 103.18 acre
8-3 tract and in the northwest line of that 52.3 acre tract described in
8-4 a deed to Nellie Hampe Partnership I, Ltd. as recorded in Volume 140
8-5 Page 348 of the Official Public Records of said County;

8-6 THENCE, with a southeast line of said 464.83 acre tract, same being
8-7 the northwest line of said 52.3 acre tract, S48°00'59"W, 899.65 feet
8-8 to an iron rod with cap (stamped Texas Surveying) found at an
8-9 interior corner of said 464.83 acre tract, same being at the west
8-10 corner of said 52.3 acre tract;

8-11 THENCE, with the southern most northeast line of said 464.83 acre
8-12 tract, same being the southwest line of said 52.3 acre tract,
8-13 S42°01'21"E, 1208.36 feet to an iron rod found at the southern most
8-14 east corner of said 464.83 acre tract, same being at the south
8-15 corner of said 52.3 acre tract and in the northwest line of said
8-16 Bryant L. Hohertz et ux tract as recorded in Volume 397 Page 369 of
8-17 the Official Public Records of said County;

8-18 THENCE, with the southern most southeast line of said 464.83 acre
8-19 tract, same being northwest line of said Bryant L. Hohertz et ux
8-20 tract as recorded in Volume 397 Page 369 of the Official Public
8-21 Records of said County, S48°06'34"W, 1107.77 feet to the POINT OF
8-22 BEGINNING and containing 642.57 acres of land.

8-23 SECTION 3. (a) The legal notice of the intention to
8-24 introduce this Act, setting forth the general substance of this
8-25 Act, has been published as provided by law, and the notice and a
8-26 copy of this Act have been furnished to all persons, agencies,
8-27 officials, or entities to which they are required to be furnished
8-28 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-29 Government Code.

8-30 (b) The governor, one of the required recipients, has
8-31 submitted the notice and Act to the Texas Commission on
8-32 Environmental Quality.

8-33 (c) The Texas Commission on Environmental Quality has filed
8-34 its recommendations relating to this Act with the governor, the
8-35 lieutenant governor, and the speaker of the house of
8-36 representatives within the required time.

8-37 (d) All requirements of the constitution and laws of this
8-38 state and the rules and procedures of the legislature with respect
8-39 to the notice, introduction, and passage of this Act are fulfilled
8-40 and accomplished.

8-41 SECTION 4. (a) Section 8344.104, Special District Local
8-42 Laws Code, as added by Section 1 of this Act, takes effect only if
8-43 this Act receives a two-thirds vote of all the members elected to
8-44 each house.

8-45 (b) If this Act does not receive a two-thirds vote of all the
8-46 members elected to each house, Subchapter C, Chapter 8344, Special
8-47 District Local Laws Code, as added by Section 1 of this Act, is
8-48 amended by adding Section 8344.104 to read as follows:

8-49 Sec. 8344.104. NO EMINENT DOMAIN POWER. The district may
8-50 not exercise the power of eminent domain.

8-51 (c) This section is not intended to be an expression of a
8-52 legislative interpretation of the requirements of Section 17(c),
8-53 Article I, Texas Constitution.

8-54 SECTION 5. Except as provided by Section 4 of this Act:

8-55 (1) this Act takes effect immediately if it receives a
8-56 vote of two-thirds of all the members elected to each house, as
8-57 provided by Section 39, Article III, Texas Constitution; and

8-58 (2) if this Act does not receive the vote necessary for
8-59 immediate effect, this Act takes effect September 1, 2011.

8-60 * * * * *