

House Bill 3831
Senate Amendments
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HOUSE VERSION

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3900 to read as follows:

CHAPTER 3900. MONTECILLO MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3900.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of El Paso, Texas.

(3) "County" means El Paso County, Texas.

(4) "Director" means a board member.

(5) "District" means the Montecillo Municipal Management District No. 1.

Sec. 3900.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3900.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district and in authorizing the city and other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.

(b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.

(c) This chapter and the creation of the district may not be interpreted to relieve the city or county from providing the

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level of services provided to the area in the district as of the effective date of the Act enacting this chapter. The district is created to supplement and not to supplant the city and county services provided in the district.

Sec. 3900.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(e) The district will:

(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a community and business center; and

(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary

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for the restoration, preservation, and enhancement of scenic beauty.

(f) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

(g) The district will not act as the agent or instrumentality of any private interest even though the district will benefit many private interests as well as the public.

Sec. 3900.005. DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to contract;

(3) authority to borrow money or issue bonds or other obligations described by Section 3900.201 or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect a tax or an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3900.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the district is eligible to be included in:

(1) a tax increment reinvestment zone created under Chapter 311, Tax Code;

(2) a tax abatement reinvestment zone created under Chapter 312, Tax Code;

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(3) an enterprise zone created under Chapter 2303, Government Code; or

(4) an industrial district created under Chapter 42, Local Government Code.

(b) If the city creates a tax increment reinvestment zone described by Subsection (a), the city and the board of directors of the zone, by contract with the district, may grant money deposited in the tax increment fund to the district to be used by the district for:

(1) the purposes permitted for money granted to a corporation under Section 380.002(b), Local Government Code; and

(2) any other district purpose, including the right to pledge the money as security for any bonds or other obligations issued by the district under Section 3900.201.

(c) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006, Tax Code.

Sec. 3900.007. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3900.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

[Sections 3900.009-3900.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3900.051. GOVERNING BODY; TERMS. The district is governed by a board of five directors who serve staggered terms of four years, with two or three directors' terms expiring May 31 of each even-numbered year.

Sec. 3900.052. APPOINTMENT OF DIRECTORS. The

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governing body of the city shall appoint directors.

Sec. 3900.053. VACANCY. If there are fewer than three directors, the governing body of the city shall appoint the necessary number of directors to fill all board vacancies.

Sec. 3900.054. COMPENSATION; EXPENSES. (a) A director is entitled to receive fees of office of not more than \$150 a day for each day the director spends performing the director's duties.

(b) A director is entitled to receive reimbursement for actual expenses reasonably and necessarily incurred while engaging in activities on behalf of the district.

Sec. 3900.055. INITIAL DIRECTORS. (a) Not later than September 1, 2012, the governing body of the city shall appoint the initial board.

(b) Of the initial directors, the terms of two directors expire May 31, 2013, and the terms of three directors expire May 31, 2015.

(c) This section expires September 1, 2013.

[Sections 3900.056-3900.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3900.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3900.102. PUBLIC IMPROVEMENT DISTRICT POWERS: LIMITATION. The district has the powers provided by Chapter 372, Local Government Code, to a municipality. The district may not exercise public improvement district powers in a municipality's extraterritorial jurisdiction.

Sec. 3900.103. WATER DISTRICT POWERS. The district has the powers provided by the general laws relating to conservation and reclamation districts created under Section

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59, Article XVI, Texas Constitution, including Chapters 49 and 54, Water Code.

Sec. 3900.104. ROAD DISTRICT POWERS. The district has the powers provided by the general laws relating to road districts and road utility districts created under Sections 52(b) and 52-a, Article III, Texas Constitution, including Chapters 365 and 441, Transportation Code.

Sec. 3900.105. CONTRACT POWERS. The district may contract with a governmental or private entity, on terms determined by the board, to carry out a power or duty authorized by this chapter or to accomplish a purpose for which the district is created.

Sec. 3900.106. IMPROVEMENT PROJECT AND SERVICE IN DEFINABLE AREA. The district may undertake an improvement project or service that confers a special benefit on a definable area in the district and levy and collect a special assessment on benefited property in the district in accordance with:

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

Sec. 3900.107. IMPROVEMENT PROJECTS AND SERVICES IN GENERAL. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district, or contract with a governmental or private entity to provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

Sec. 3900.108. DEVELOPMENT CORPORATION POWERS. The district, using money available to the district, may exercise the powers given to a development corporation

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under Chapter 505, Local Government Code, including the power to own, operate, acquire, construct, lease, improve, or maintain a project under that chapter.

Sec. 3900.109. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit corporation shall serve in the same manner as the board of directors of a local government corporation created under Subchapter D, Chapter 431, Transportation Code, except that a board member is not required to reside in the district.

Sec. 3900.110. AGREEMENTS; GRANTS. (a) As provided by Chapter 375, Local Government Code, the district may make an agreement with or accept a gift, grant, or loan from any person.

(b) The implementation of a project is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3900.111. LAW ENFORCEMENT SERVICES. To protect the public interest, the district may contract with a qualified party, including the county or the city, to provide law enforcement services in the district for a fee.

Sec. 3900.112. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The district may join and pay dues to a

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charitable or nonprofit organization that performs a service or provides an activity consistent with the furtherance of a district purpose.

Sec. 3900.113. ECONOMIC DEVELOPMENT. (a) The district may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

(c) The district may create economic development programs and exercise the economic development powers that:

(1) Chapter 380, Local Government Code, provides to a municipality; and

(2) Subchapter A, Chapter 1509, Government Code, provides to a municipality.

Sec. 3900.114. PARKING FACILITIES. (a) The district may acquire, lease as lessor or lessee, construct, develop, own, operate, and maintain parking facilities or a system of parking facilities, including lots, garages, parking terminals, or other structures or accommodations for parking motor vehicles off the streets and related appurtenances.

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public purpose even if leased or operated by a private entity for a term of years.

(c) The district's parking facilities are necessary components of a street and are considered to be a street or road improvement.

(d) The development and operation of the district's parking

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facilities may be considered an economic development program.

Sec. 3900.115. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 3900.116-3900.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

Sec. 3900.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3900.152. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, finance, operate, or maintain an improvement project or service authorized under this chapter using any money available to the district.

Sec. 3900.153. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to the district.

Sec. 3900.154. TAX AND ASSESSMENT ABATEMENTS. The district may designate reinvestment zones and may grant abatements of a tax or assessment on property in the zones.

[Sections 3900.155-3900.200 reserved for expansion]

SUBCHAPTER E. TAXES AND BONDS

Sec. 3900.201. BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, assessments, impact fees, revenue, grants, or other money of the district, including revenue from a tax increment reinvestment zone created under Chapter 311, Tax Code, or any combination of those sources of money, to pay for any authorized purpose of the district.

(b) In exercising the district's borrowing power, the district

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may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be made by the district, or other type of obligation.

Sec. 3900.202. APPROVAL BY CITY; BOND ISSUANCE PLAN. (a) Except as provided by Subsection (c), the district must obtain the approval of the city for:

(1) the issuance of bonds for an improvement project;

(2) the plans and specifications of an improvement project financed by the bonds; and

(3) the plans and specifications of an improvement project related to the use of land owned by the city, an easement granted by the city, or a right-of-way of a street, road, or highway.

(b) The district may not issue bonds until the governing body of the city approves a bond issuance plan authorizing and setting forth the limitations on the issuance of the bonds.

(c) If the district obtains the approval of the city of a capital improvements budget for a period not to exceed five years, the district may finance the capital improvements and issue bonds specified in the budget without further approval from the city.

Sec. 3900.203. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations payable from any source other than ad valorem taxation.

(b) The district must hold an election to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved

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by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 3900.204. OPERATION AND MAINTENANCE TAX.

(a) If authorized at an election, the district may impose an operation and maintenance tax in accordance with Section 49.107, Water Code.

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

Sec. 3900.205. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may make payments under a contract from taxes other than operation and maintenance taxes after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

Sec. 3900.206. TAXES FOR BONDS. (a) At the time the district issues bonds payable from ad valorem taxes, the board shall impose a continuing direct annual ad valorem tax, without limit as to rate or amount, as required by Section 54.601, Water Code.

(b) The board shall annually impose the tax while all or part of the bonds are outstanding. Sections 54.601 and 54.602, Water Code, govern the amount and rate of the tax.

Sec. 3900.207. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects may not exceed one-fourth of the assessed value of the real property in the district.

Sec. 3900.208. PROJECT DEVELOPMENT AGREEMENT REQUIRED TO IMPOSE TAXES OR BORROW MONEY,

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INCLUDING BONDS. Before the district may issue bonds, impose taxes, impose assessments, or borrow money, the district and the city must negotiate and execute a mutually approved and accepted project development agreement regarding the development plans and rules for:
(1) the development and operation of the district; and
(2) the financing of improvement projects.

No equivalent provision.

SECTION 2. The Montecillo Municipal Management District No. 1 initially includes all the territory contained in the following area:

TRACT 1

A parcel of land being a portion of Tract 1, John Barker Survey No. 10 and a portion of Montecillo Unit Three Amending Plat as recorded in clerks file no. 20090065237, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found 1" pipe in concrete marked "NE 10" for the northeast corner of John Barker Survey No. 10; from which a found pipe for the northwest corner of John Baker Survey No. 10 bears North 89°10'00" West a distance of 2,596.86 feet; thence from said northeast corner of John Baker No. 10, North 89°10'00" West a distance of 978.66 feet to a point on the westerly line of Lot 2, Block 2, Montecillo Unit Three Amending for the "TRUE POINT OF BEGINNING";

THENCE along the westerly line of Lot 2, Block 2,

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SECTION __. NO TOLL ROADS. The district may not construct, acquire, maintain, or operate a toll road. [CA1]

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Montecillo Unit Three Amending Plat the following courses;
South 05°24'34" West a distance of 178.31 feet to a point;
South 18°45'13" West a distance of 133.53 feet to a point;
South 09°53'25" West a distance of 133.88 feet to a point;
South 10°01'41" West a distance of 124.87 feet to a point;
South 05°56'36" West a distance of 54.88 feet to a point;
South 10°14'52" East a distance of 95.04 feet to a point; South
01°18'09" West a distance of 49.46 feet to a point; South
11°35'01" West a distance of 71.13 feet to a point; South
15°50'34" East a distance of 206.33 feet to a point; South
06°49'19" East a distance of 46.74 feet to a point; South
01°32'51" West a distance of 152.97 feet to a point; South
06°11'09" East a distance of 156.42 feet to a point; South
49°10'11" East a distance of 212.37 feet to a point on the
northwesterly right-of-way line of Montecillo Blvd.;
THENCE along said right-of-way line 64.94 feet along the arc
of a curve to the left which has a radius of 1045.00 feet a
central angle of 03°33'29" a chord which bears North
15°30'36" East a distance of 64.93 feet to a point;
THENCE along said right-of-way line North 13°43'46" East a
distance of 67.75 feet to a point of curve;
THENCE along said right-of-way line 450.97 feet along the
arc of a curve to the right which has a radius of 860.00 feet a
central angle of 30°02'42" a chord which bears North
28°45'07" East a distance of 445.82 feet to a point;
THENCE along said right-of-way line North 43°46'28" East a
distance of 10.23 feet to a point of curve;
THENCE along said right-of-way line 213.50 feet along the
arc of a curve to the right which has a radius of 1068.00 feet a
central angle of 01°27'14" a chord which bears North
49°30'05" East a distance of 213.15 feet to a point on the
intersection of the westerly line of Montecillo Unit Two and

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the northerly right-of-way line of Montecillo Blvd.;

THENCE along the northerly right-of-way line of Montecillo Blvd., 200.54 feet along the arc of a curve to the right which has a radius of 1068.00 feet a central angle of 10°45'30" a chord which bears North 60°36'28" East a distance of 200.24 feet to a point;

THENCE along said right-of-way line North 65°59'13" East a distance of 56.37 feet to a point of curve;

THENCE 39.27 feet along the arc of a curve to the left which has a radius of 25.00 feet a central angle of 89°59'44" a chord which bears North 20°59'21" East a distance of 35.35 feet to a point on the westerly right-of-way line of Mesa Street (U.S. 80);

THENCE along said right-of-way line South 24°00'31" East a distance of 160.00 feet to a point;

THENCE leaving said right-of-way line 39.27 feet along the arc of a curve to the left which has a radius of 25.00 feet a central angle of 90°00'16" a chord which bears North 69°00'39" West a distance of 35.36 feet to a point on the southerly right-of-way line of Montecillo Blvd.;

THENCE along said right-of-way line South 65°59'13" West a distance of 56.35 feet to a point;

THENCE 371.40 feet along the arc of a curve to the left which has a radius of 958.00 feet a central angle of 22°12'45" a chord which bears South 54°52'51" West a distance of 369.08 feet to a point on the westerly line of Montecillo Unit One;

THENCE along said line South 28°33'14" East a distance of 538.18 feet to a point on the southerly line of Montecillo Unit One;

THENCE along said line North 63°20'17" East a distance of 269.84 feet to a point on the easterly line of Montecillo Unit

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Three;
THENCE along said line South 00°46'50" West a distance of 953.90 feet to a point on the southerly line of Montecillo Unit Three;
THENCE along said line North 82°25'27" West a distance of 1051.35 feet to a point on the easterly right-of-way line of Montecillo Blvd.;
THENCE 152.54 feet along the arc of a curve to the left which has a radius of 2144.12 feet a central angle of 04°04'34" a chord which bears South 17°58'17" West a distance of 152.50 feet to a point;
THENCE leaving said right-of-way line North 82°25'27" West a distance of 111.12 feet to a point on the westerly right-of-way line of Montecillo Blvd.;
THENCE along said right-of-way line 152.29 feet along the arc of a curve to the right which has a radius of 2254.12 feet a central angle of 03°52'15" a chord which bears North 17°27'29" East a distance of 152.26 feet to a point;
THENCE leaving said right-of-way line Montecillo 82°25'27" West a distance of 1452.81 feet to a point on the westerly line of Montecillo Unit Three Amending;
THENCE along said line North 00°49'12" East passing the northerly line of Block 6 of Montecillo Unit Three at a distance of 1113.33 feet a total distance of 2051.92 feet to a point on the northerly line of John Barker Survey No.10;
THENCE along said line South 89°10'00" East a distance of 1618.20 feet to the "TRUE POINT OF BEGINNING" and containing 101.97 acres of land more or less.
TRACT 2
A parcel of land being Tracts 6 and 7, I.F. Harrison Survey No. 54, Tracts 3 and 3A, J. Barker Survey No. 10, and Tract 4F2B, A. F. Miller Survey No. 215, City of El Paso, El Paso

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County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found chiseled "X" at the most easterly corner of Rubin Heights Unit Two Replat "A" Amending Plat recorded in Volume 75, Page 53 of the El Paso County Plat Records, from which a found city monument disk at the intersection of Suncrest Drive and Rubin Drive bears, North 00°27'58" West a distance of 534.99 feet, said chiseled "X" being the "TRUE POINT OF BEGINNING".

THENCE along the westerly right-of-way extension of Suncrest Drive described as northeasterly line of Tract 6, I.F. Harrison Survey No. 54 recorded in Book 3019, Page 1895 with the El Paso County Deed Records, 378.95 feet (379.09 feet, Bk. 3019, Pg. 1895) along the arc of a curve to the left which has a radius of 695.00 feet, a central angle of 31°14'25" (31°15'08", Bk. 3019, Pg. 1895), and a chord which bears South 36°00'23" East (South 36°02'41" East, Bk. 3019, Pg. 1895) a distance of 374.27 feet (374.41 feet, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap "5152" at a point of tangency;

THENCE along said right-of-way extension, South 51°37'35" East (South 51°40' 15" East, Bk. 3019, Pg. 1895) a distance of 90.00 feet to a found 5/8" rebar with cap "2998" at the common line between Tract 7 and Tract 6;

THENCE with the westerly line of Tract 7, I.F. Harrison Survey No. 54 described in Book 3019, Page 1895 with the El Paso County Deed Records, North 38°22'25" East (North 38°19'45" East, Bk. 3019, Pg. 1895) a distance of 35.00 feet to a found 5/8" rebar with cap "2998" at the centerline extension of Suncrest Drive;

THENCE with said centerline extension, North 51°37'35" West (North 51°40'15" West, Bk. 3019, Pg. 1895) a distance

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of 90.00 feet to a set 1/2" rebar with cap "5152" at a point of curvature;

THENCE with said centerline extension, 360.00 feet along the arc of a curve to the right which has a radius of 660.00 feet, a central angle of 31°15'08", and a chord of 355.55 feet that bears North 36°00'01" West (North 36°02'41" West, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap "5152";

THENCE leaving said centerline, North 69°37'36" East (North 69°34'53" East, Bk. 3019, Pg. 1895) a distance of 35.00 feet to a set 1/2" rebar with cap "5152" at the southwesterly corner of Lot 1, Block 2, Rubin Heights Unit One recorded in Volume 37, Page 8 with the El Paso County Plat Records;

THENCE with the southerly line of said lot, North 85°08'41" East (North 85°04'36" East, Bk. 3019, Pg. 1895) a distance of 665.73 feet (665.94 feet, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap "5152";

THENCE continuing with the southerly line of said lot, North 68°51'17" East (North 68°47'14" East, Bk. 3019, Pg. 1895) a distance of 480.17 feet to a set 1/2" rebar with cap "5152" at the common line between I.F. Harrison No. 54 and A.F. Miller Survey No. 215, from which a found 5/8" rebar with cap "2998" bears North 02°08'52" East a distance of 0.64 feet; THENCE with said common line, North 00°50'42" East (North 00°48'15" East, Bk. 3019, Pg. 1895) a distance of 23.28 feet to a found 5/8" rebar, from which a found 5/8" rebar with cap "2998" bears South 27°21'08" East a distance of 0.12 feet;

THENCE continuing with said common line, North 00°48'05" East (North 00°45'38" East, Bk. 3019, Pg. 1895) a distance of 22.00 feet to a set 1/2" rebar with cap "5152" on the southerly line of Fiesta Hills Addition Unit Three recorded in Volume

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19, Page 28 with the El Paso County Plat Records;
THENCE along the southerly line of said Fiesta Hills Addition Unit Three, North 77°12'38" East (North 77°10'11" East, Bk. 3019, Pg. 1895) a distance of 1463.16 feet (1463.37 feet, Bk. 3019, Pg. 1895) to a point on the westerly line of Fiesta Hills Addition Unit Four recorded in Volume 52, Page 11, of the El Paso County Plat Records, from which a found 5/8" rebar with cap "2998" bears North 57°53'10" East a distance of 0.33 feet, and from which a found city monument disk set for the centerline intersection of Festival Drive and Carousel Drive, bears North 46°02'23" East a distance of 373.89 feet;
THENCE with said westerly line, South 00°48'00" West (South 00°46'56" West, Bk. 3019, Pg. 1895) a distance of 260.73 feet (260.49 feet, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap "5152" at the southwest corner of Lot 36, Block 3, Fiesta Hills Addition Unit Four;
THENCE with the south line of said Lot 36, South 89°55'57" East (South 89°57'01" East, Bk. 3019, Pg. 1895) a distance of 153.24 feet to a point on the northerly right-of-way of New Orleans Drive, from which a found 5/8" rebar with cap "2998" bears North 37°19'09" East a distance of 0.34 feet;
THENCE South 00°04'03" West (South 00°02'59" West, Bk. 3019, Pg. 1895) a distance of 171.00 feet (171.16 feet, Bk. 3019, Pg. 1895) to a set 1/2" rebar with cap "5152" at the north line of Tract 1, J. Barker Survey No. 10 as described by Book 1177, Page 0599 recorded with the El Paso County Deed Records;
THENCE along said north line, North 89°10'00" West (Montecillo 89°13'04" West, Bk. 3019, Pg. 1895) a distance of 633.05 feet (633.30 feet, Bk. 3019, Pg. 1895) to a found brass cap at the northwesterly corner of said Tract 1;

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THENCE along the west line of said Tract 1, South 00°49'12" West (South 00°46'16" West, Bk. 3019, Pg. 1895) passing a found nail in rock for the southeasterly corner of Tract 3A, J. Barker Survey No. 10 at 1143.91 feet a total distance of 1976.87 feet to a set 1/2" rebar with cap "5152" at the southeast corner of Tract 3, J. Barker Survey No. 10 recorded in Book 3712, Page 1055 and the northerly line of 175 foot El Paso Electric Company right-of-way as described by Book 1357, Page 385, Book 1324, Page 273, and Book 552, Page 446, recorded with the El Paso County Deed Records, from which a found E.P.E.C. brass cap bears South 00°49' 12" West a distance of 75.05 feet;

THENCE South 88°42'39" West (South 87°59' West, Bk. 1357, Pg. 385) a distance of 731.43 feet to a set 1/2" rebar with cap "5152" at the easterly right-of-way line of Interstate Highway No.10 as per R.O.W. Map Control No. 2121, Sect. 2, Job No. 27, from which a found TX.D.O.T. brass cap bears South 52°28'48" East a distance of 0.50 feet;

THENCE along said right-of-way line, North 37°37'35" West (North 34°27'12" West, Control No. 2121, Sect. 2, Job No. 27) a distance of 86.51 feet (87.29 feet, Book 3712, Page 1055) to a found TX.D.O.T. brass cap;

THENCE along said right-of-way line, North 53°33'34" West (North 50°22'46" West, Control No. 2121, Sect. 2, Job No. 27) a distance of 1031.67 feet (1030.12 feet, Control No. 2121, Sect. 2, Job No. 27) to a found TX.D.O.T. brass cap;

THENCE along said right-of-way, North 73°22'05" West (North 70°10'33" West, Control No. 2121, Sect. 2, Job No. 27) a distance of 596.01 feet (595.93 feet, Control No. 2121, Sect. 2, Job No. 27) to a found TX.D.O.T. brass cap;

THENCE along said right-of-way line, North 89°50'45" West (North 86°38'04" West, Control No. 2121, Sect. 2, Job No.

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27) passing a found TX.D.O.T. brass cap at 804.85 feet and a total distance of 1156.06 feet (1158.22 feet, Control No. 2121, Sect. 2, Job No. 27) to a set 1/2" rebar with cap "5152" at the intersection of said right-of-way and the southeasterly line of Rubin Heights Unit Two Replat "A" Amending Plat, from which a found 5/8" rebar with cap "2998" bears North 85°05'11" West a distance of 2.31 feet to;

THENCE along said southeasterly line, North 57°42'45" East (North 57°42'12" East, Vol. 75, Pg. 53) a distance of 364.55 feet (364.33 feet, Vol. 75, Pg. 53) to a found 5/8" rebar with cap "2998";

THENCE along said southeasterly line, South 21°57'44" East (South 21°58'17" East, Vol. 75, Pg. 53) a distance of 51.42 feet (51.56 feet, Book. 3019, Page 1895) to a found 5/8" rebar with cap "2998" at a point of inverse;

THENCE along said southeasterly line, North 48°10'04" East (North 48°09'31" East, Vol. 75, Pg. 53) a distance of 949.15 feet (Book 3019, Page 1895) to a set 1/2" rebar with cap "5152";

THENCE along said southeasterly line, North 53°40'20" East (North 53°39'47" East, Vol. 75, Pg. 53) a distance of 265.80 feet (263.78 feet, Vol. 75, Pg. 53) to the "TRUE POINT OF BEGINNING" and containing in all 4,325,020.78 square feet or 99.2888 acres of land more or less.

TRACT 3

A parcel of land being Tract 4, J. Barker Survey No. 10, City of El Paso, El Paso County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found brass disk marking the northeast corner of Tract 3A, John Barker Survey No. 10, thence along the line between Tracts 1 and 3, John Barker Survey No. 10, South 00°49'08" West a distance of 2252.05

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feet to a set 1/2" rebar with cap "5152" set for the northeasterly corner of Tract 4 as described in Book 3712, Page 1055, from which a found E.P.E.C. brass cap bears North 00°48'24" East a distance of 200.13 feet;
THENCE along the easterly line of said Tract 4, South 00°48'24" West (South 00°01'45" West, Bk. 3712, Pg. 1055) a distance of 1283.08 feet (1283.47 feet, Bk. 3712, Pg. 1055) to a found TX.D.O.T. sheared concrete monument at the easterly right-of-way line of Interstate 10 as per R.O.W. Map Control No. 2121, Sect. 2, Job No. 27;
THENCE with said right-of-way line, North 21°16'42" West (North 18°07'32" West, Control No. 2121, Sect. 2, Job No. 27) a distance of 663.74 feet (661.79 feet, Control No. 2121, Sect. 2, Job No. 27) to a found TX.D.O.T. brass cap;
THENCE with said right-of-way line, North 71°39'13" East (North 71°52'28" East, Control No. 2121, Sect. 2, Job No. 27) a distance of 49.73 feet (50.00 feet, Control No. 2121, Sect. 2, Job No. 27) to a found TX.D.O.T. brass cap;
THENCE with said right-of-way line, North 21°53'42" West (North 18°39'33" West, Control No. 2121, Sect. 2, Job No. 27) a distance of 537.26 feet (536.77 feet, Control No. 2121, Sect. 2, Job No. 27) to a found TX.D.O.T. brass cap;
THENCE with said right-of-way line, North 37°37'35" West (North 34°27'12" West, Control No. 2121, Sect. 2, Job No. 27) a distance of 175.03 feet (175.26 feet, Control No. 2121, Sect. 2, Job No. 27) to a point the southerly line of 175 foot El Paso Electric Company right-of-way as described by Book 1357, Page 385, Book 1324, Page 273, and Book 552, Page 446, recorded with the El Paso County Deed Records, from which a found 1/2" rebar bears North 30°35'53" West a distance of 0.23 feet;
THENCE leaving said right-of-way line, North 88°42'39" East

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(North 87°59'00" East, Bk. 1324, Pg. 273) a distance of 519.06 feet to the "TRUE POINT OF BEGINNING" and containing in all 300,801.16 square feet or 6.9054 acres of land, more or less.

TRACT 4

Description of a parcel of land being a Tract 21, John Barker Survey No. 10 and Tract 4A and a portion of Tract 6A, A.F. Miller Survey No. 216, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a found city monument at the centerline intersection of Argonaut Drive and Kingspoint Drive; thence North 89°09'56" East a distance of 51.83 feet to a point on the westerly boundary line of a 75 feet El Paso Electric Company right-of-way; thence along said right-of-way line North 00°50'04" West a distance of 620.02 feet to a set 1/2" rebar with cap marked TX 5152 for the northeasterly corner of Tract 6G, A.F. Miller Survey No. 216 as described in Volume 2482, Page 1056, Real Property Records of El Paso County, Texas for The "TRUE POINT OF BEGINNING";

THENCE along the northerly boundary line of said Tract 6G the following three courses: South 89°09'56" West a distance of 676.83 feet to a set 1/2" rebar with cap marked TX 5152; 209.44 feet along the arc of a curve to the left whose radius is 400.00 feet whose interior angle is 30°00'00" whose chord bears North 75°50'04" West a distance of 207.06 feet to a set 1/2" rebar with cap marked TX 5152; North 60°50'04" West a distance of 33.13 feet to a set 1/2" rebar with cap marked TX 5152 on the westerly boundary line of Tract 6G, A.F. Miller Survey No. 216;

THENCE along said boundary line South 29°09'56" West a distance of 204.43 feet to a set 1/2" rebar with cap marked TX

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5152;

THENCE continuing along said boundary line South 18°01'00" East a distance of 575.39 feet to a set 1/2" rebar with cap marked TX 5152 on the common boundary line of Tracts 6A and 6F, A.F. Miller Survey No. 216;

THENCE along the common boundary line of Tracts 6A and 6F, A.F. Miller Survey No. 216 the following seven courses: South 60°09'56" West a distance of 427.00 feet to a set 1/2" rebar with cap marked TX 5152 from this point a found 1/2" rebar with cap marked TX 2027 bears N 07°20'58" E a distance of 0.52 feet; South 58°48'50" West a distance of 114.48 feet to a set 1/2" rebar with cap marked TX 5152 from this point a found 1/2" rebar with cap marked TX 2027 bears N 06°27'21" E a distance of 0.76 feet; South 41°09'56" West a distance of 115.13 feet to a set 1/2" rebar with cap marked TX 5152 from this point a found 1/2" rebar with cap marked TX 2027 bears N 15°03'01" W a distance of 0.61 feet; South 28°29'56" West a distance of 115.13 feet to a set 1/2" with cap marked TX 5152 from this point a found 1/2" rebar with cap marked TX 2027 bears N 04°41'02" W a distance of 0.71 feet; South 22°09'56" West a distance of 153.07 feet to a set 1/2" rebar with cap marked TX 5152 from this point a found 1/2" rebar with cap marked TX 2027 bears N 22°17'52" W a distance of 0.54 feet; South 12°00'00" East a distance of 130.00 feet to a set 1/2" rebar with cap marked TX 5152 from this point a found 1/2" rebar with cap marked TX 2027 bears N 07°22'45" W a distance of 0.78 feet; South 35°50'16" East a distance of 120.36 feet to a set 1/2" rebar with cap marked TX 5152 on the common boundary line of Tract 6A and Lot 11, Block 1, Kings Hills;

THENCE along said boundary line South 42°56'56" East a distance of 297.80 feet to a set 1/2" rebar with cap marked TX

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5152;

THENCE continuing along said boundary line South 60°31'49" East a distance of 150.09 feet to a set 1/2" rebar with cap marked TX 5152 on the westerly right-of-way line of Argonaut Drive;

THENCE along said right-of-way line South 31°26'17" West a distance of 43.20 feet to a set 1/2" rebar with cap marked TX 5152 on the southerly boundary line of Tract 6A, A.F. Miller Survey No. 216;

THENCE along said boundary line North 89°28'41" West a distance of 551.99 feet to a set 1/2" rebar with cap marked TX 5152 on the easterly right-of-way line of Mesa Street;

THENCE along said right-of-way line the following three courses: North 33°51'53" West a distance of 483.84 feet to a set 1/2" rebar with cap marked TX 5152; North 22°47'47" West a distance of 127.04 feet to a set 1/2" rebar with cap marked TX 5152; North 15°17'53" West (N 14°43'47" W Vol. 1426, Pg. 1380) a distance of 923.26 feet to a set nail with cap marked TX 5152 on face of rock wall;

THENCE 31.42 feet along the arc of a curve to the left whose interior angle is 90°00'00" whose radius is 20.00 feet whose chord bears South 60°17'53" East a distance of 28.28 feet to a set nail with cap marked TX 5152 on face of rock wall on the common boundary line of Tract 4A, A.F. Miller Survey No. 216 and Mesa Hills Unit 15 recorded in Volume 61, Page 66, Plat records of El Paso County, Texas;

THENCE along said boundary line North 74°42'07" East (N 75°16'56" E Vol. 61, Pg. 66) a distance of 97.77 feet to a set 1/2" rebar with cap marked TX 5152 on the easterly boundary line of Mesa Hills Unit 15;

THENCE along the easterly boundary line of Mesa Hills Unit 15 the following six courses: North 00°15'38" East (N

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00°50'27" E Vol. 61, Pg. 66) a distance of 747.02 feet to a set 1/2" rebar with cap marked TX 5152; 68.76 feet along the arc of a curve to the left whose interior angle is 13°07'54" whose radius is 300.00 feet whose chord bears North 27°11'01" East a distance of 68.61 feet to a set 1/2" rebar with cap marked TX 5152; North 20°37'09" East (N 21°11'58" E Vol. 61, Pg. 66) a distance of 33.96 feet to a found 1/2" rebar with cap marked TX 2027; 101.08 feet along the arc of a curve to the right whose interior angle is 18°14'24" whose radius is 317.50 feet whose chord bears North 29°44'21" East a distance of 100.65 feet to a set 1/2" rebar with cap marked TX 5152; North 38°51'30" East (N 39°26' 19" E Vol. 61, Pg. 66) a distance of 334.47 feet to a set 1/2" rebar with cap marked TX 5152; 39.51 feet along the arc of a curve to the left whose interior angle is 07°32'47" whose radius is 300.00 feet whose chord bears North 35°05'07" East a distance of 39.48 feet to a set 1/2" rebar with cap marked TX 5152; THENCE South 89°43'19" East (S 89°08'30" W Vol. 76, Pg. 48) a distance of 1730.88 feet to a set 1/2" rebar with cap marked TX 5152 on the westerly boundary line of a 75 foot El Paso Electric Company right-of-way; THENCE along said right-of-way line South 00°50'04" East a distance of 814.44 feet to the "TRUE POINT OF BEGINNING" and containing 72.28 acres of land more or less.

TRACT 5

A parcel of land being of Tract 6A, NKA Tract 6G, A.F. Miller Survey No. 216 and Lot 1, Block 36, Kings Hill Replat, City of El Paso, El Paso County, Texas and being more particularly described by metes and bounds as follows:
COMMENCING for reference at a found city monument at the centerline intersection of Argonaut Drive and Kingspoint

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Drive thence along the centerline of Kingspoint Dr., South 89°09'56" West a distance of 150.00 feet to a point; thence leaving said centerline North 00°50'04" West a distance of 30.00 feet to a point on the northerly right-of-way line of Kingspoint Dr. for The "TRUE POINT OF BEGINNING"; THENCE leaving said right-of-way line North 00°50'04" West a distance of 151.58 feet to a point on the line between Tracts 6F and 6G; THENCE along said line South 89°09'56" West a distance of 242.35 feet to a point; THENCE along said line South 60°09'56" West a distance of 450.00 feet to a point on the line between Tracts 6A and 6G, A.F. Miller Survey No. 216; THENCE along said line North 18°01'00" West a distance of 575.39 feet to a point; THENCE along said line North 29°09'56" East a distance of 204.43 feet to a point; THENCE along said line South 60°50'04" East a distance of 33.13 feet to a point; THENCE along said line 209.44 feet along the arc of a curve to the left whose interior angle is 30°00'00" whose radius is 400.00 feet whose chord bears South 75°50'04" East a distance of 207.06 feet; THENCE along said line North 89°09'56" East a distance of 676.83 feet to a point; THENCE leaving said line South 00°50'04" East a distance of 68.61 feet to a point; THENCE South 89°02'02" West a distance of 1.83 feet to a point on the easterly line of Lot 1, Block 9, Kings Hill Replat; THENCE along said line South 00°50'04" East a distance of 501.39 feet to a point on the northerly right-of-way line of Kingspoint Dr.;

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THENCE along said right-of-way line South 89°09'56" West a distance of 80.00 feet to a point;

THENCE along said right-of-way line 31.42 feet along the arc of a curve to the left whose interior angle is 90°00'00" whose radius is 20.00 feet whose chord bears South 44°09'56" West a distance of 28.28 feet;

THENCE along said right-of-way line South 89°09'56" West a distance of 100.00 feet to the "TRUE POINT OF BEGINNING" and containing 11.626 acres of land more or less.

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

(b) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4. This Act takes effect September 1, 2011.

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SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE