

By: Zaffirini

S.B. No. 1116

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Crystal Clear Special Utility
3 District; providing authority to issue bonds; granting a limited
4 power of eminent domain.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle C, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 7206 to read as follows:

8 CHAPTER 7206. CRYSTAL CLEAR SPECIAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 7206.001. DEFINITIONS. In this chapter:

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

12 (2) "Corporation" means the Crystal Clear Water Supply
13 Corporation.

14 (3) "Director" means a board member.

15 (4) "District" means the Crystal Clear Special Utility
16 District.

17 Sec. 7206.002. NATURE OF DISTRICT. The district is a
18 special utility district in Comal, Guadalupe, and Hays Counties
19 created under and essential to accomplish the purposes of Section
20 59, Article XVI, Texas Constitution. The district is created to
21 serve a public use and benefit.

22 Sec. 7206.003. CONFIRMATION ELECTION REQUIRED. If the
23 creation of the district is not confirmed at a confirmation and
24 initial directors' election held before September 1, 2016:

1 (1) the district is dissolved on September 1, 2016,
2 except that the district shall:

3 (A) pay any debts incurred;

4 (B) transfer to Comal, Guadalupe, or Hays County,
5 as appropriate, any assets of the district that remain after the
6 payment of debts; and

7 (C) maintain the organization of the district
8 until all debts are paid and remaining assets are transferred; and

9 (2) this chapter expires September 1, 2017.

10 Sec. 7206.004. APPLICABILITY OF OTHER LAW. Except as
11 otherwise provided by this chapter, Chapters 49 and 65, Water Code,
12 apply to the district.

13 Sec. 7206.005. INITIAL DISTRICT TERRITORY. (a) The
14 district is initially composed of the territory described by
15 Section 2 of the Act creating this chapter.

16 (b) The boundaries and field notes contained in Section 2 of
17 the Act creating this chapter form a closure. A mistake made in the
18 field notes or in copying the field notes in the legislative process
19 does not affect:

20 (1) the organization, existence, or validity of the
21 district;

22 (2) the right of the district to issue any type of
23 bond, including a refunding bond, for a purpose for which the
24 district is created or to pay the principal of and interest on a
25 bond; or

26 (3) the legality or operation of the district or the
27 board of directors of the district.

1 SUBCHAPTER A-1. TEMPORARY PROVISIONS

2 Sec. 7206.021. TEMPORARY DIRECTORS. (a) The temporary
3 board of directors of the district is composed of:

4 (1) Dennis R. Krackau;

5 (2) Jackie E. Carson;

6 (3) Carroll U. Hoffmann;

7 (4) Richard A. Hanz;

8 (5) Jarold R. Hildebrand;

9 (6) James R. Stewart; and

10 (7) Michael L. Cox.

11 (b) Each temporary director shall qualify for office as
12 provided by Section 49.055, Water Code.

13 (c) If a temporary director fails to qualify for office, the
14 temporary directors who have qualified shall appoint a person to
15 fill the vacancy. If at any time there are fewer than four
16 qualified temporary directors, the Texas Commission on
17 Environmental Quality shall appoint the necessary number of
18 directors to fill all vacancies on the board.

19 (d) Temporary directors serve until the earlier of:

20 (1) the date initial directors are elected under
21 Section 7206.022; or

22 (2) the date this chapter expires under Section
23 7206.003.

24 (e) As soon as practicable after all the temporary directors
25 have qualified under Section 49.055, Water Code, the temporary
26 directors shall convene the organizational meeting of the district
27 and elect officers from among the temporary directors.

1 Sec. 7206.022. CONFIRMATION AND INITIAL DIRECTORS'
2 ELECTION. (a) Before September 1, 2016, the temporary directors
3 shall hold an election to confirm the creation of the district and
4 to elect seven initial directors in accordance with Chapters 49 and
5 65, Water Code.

6 (b) The temporary board of directors shall determine the
7 method for determining the initial term of each person on the
8 initial board of directors. The terms must be clearly stated on the
9 ballot for the confirmation and directors' election.

10 (c) Section 41.001(a), Election Code, does not apply to a
11 confirmation and directors' election held as provided by this
12 section.

13 (d) The initial directors shall continue to serve until the
14 district directors elected at the first regularly scheduled
15 election of directors under Section 7206.052 qualify for office.

16 Sec. 7206.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If the
17 creation of the district is confirmed under Section 7206.022, the
18 corporation shall transfer the assets, debts, and contractual
19 rights and obligations of the corporation to the district.

20 (b) Not later than the 30th day after the date of the
21 transfer under Subsection (a), the board of directors of the
22 corporation shall commence dissolution proceedings of the
23 corporation.

24 (c) On dissolution of the corporation, Certificate of
25 Convenience and Necessity No. 10297 is considered to be held by the
26 district.

27 (d) The board of directors of the corporation shall notify

1 the Texas Commission on Environmental Quality of the dissolution of
2 the corporation and of the transfer of Certificate of Convenience
3 and Necessity No. 10297 to the district.

4 (e) On receipt of notice under Subsection (d), the Texas
5 Commission on Environmental Quality shall note in its records that
6 Certificate of Convenience and Necessity No. 10297 is held by the
7 district and shall reissue the certificate in the name of the
8 district without further application, notice, or hearing. A
9 person, party, or entity does not have any right of protest,
10 objection, or administrative review of the transfer prescribed by
11 this section.

12 Sec. 7206.024. EXPIRATION OF SUBCHAPTER. This subchapter
13 expires September 1, 2017.

14 SUBCHAPTER B. BOARD OF DIRECTORS

15 Sec. 7206.051. DIRECTORS. (a) The district shall be
16 governed by a board of not fewer than 5 and not more than 11
17 directors, elected in accordance with Section 65.101, Water Code.

18 (b) The directors of the district serve staggered
19 three-year terms.

20 Sec. 7206.052. ELECTION OF DIRECTORS. After the district
21 is confirmed under Section 7206.022, the district shall hold an
22 election on the uniform election date in November of each year to
23 elect the appropriate number of directors.

24 SUBCHAPTER C. POWERS AND DUTIES

25 Sec. 7206.101. GENERAL POWERS. Except as otherwise
26 provided by this chapter, the district has all of the rights,
27 powers, privileges, authority, functions, and duties provided by

1 the general law of this state, including Chapters 49 and 65, Water
2 Code, applicable to special utility districts created under Section
3 59, Article XVI, Texas Constitution.

4 Sec. 7206.102. WATER SERVICE IMPACT FEE. (a) The district
5 may charge a water service impact fee that is not greater than the
6 capital recovery fee charged by the corporation on December 31,
7 2012, under the corporation's tariff.

8 (b) Chapter 395, Local Government Code, does not apply to an
9 initial water service impact fee set under Subsection (a).

10 (c) The district may increase the water service impact fee
11 authorized under Subsection (a) only as provided by Chapter 395,
12 Local Government Code, as approved by the Texas Commission on
13 Environmental Quality, or as otherwise provided by law.

14 Sec. 7206.103. EMINENT DOMAIN. (a) Except as provided by
15 Subsection (b), the district has all the power and authority of a
16 special utility district under Chapters 49 and 65, Water Code, to
17 acquire by condemnation any land, easement, or other property
18 located inside or outside the boundaries of the district for any
19 district project or purpose.

20 (b) The district may not exercise the power of eminent
21 domain to condemn land, easements, or other property located
22 outside the boundaries of the district for sanitary sewer purposes.

23 SECTION 2. The Crystal Clear Special Utility District
24 initially includes all the territory contained in the following
25 area:

26 BEING that portion of Comal, Guadalupe, and Hays Counties,
27 Texas, which has a boundary more particularly described as follows:

1 BEGINNING at a point in Guadalupe County where the centerline of the
2 San Marcos River crosses the centerline of U.S. Highway 90;
3 THENCE in a southeasterly direction, with a line being 5,000 feet
4 east of and parallel to County Road 217 (Highsmith Road), to a point
5 in the north right-of-way line of Interstate Highway 10;
6 THENCE with the north right-of-way line of Interstate Highway 10,
7 in a westerly direction, to a point at its intersection with the
8 east boundary line of Springs Hill WSC CCN #10666;
9 THENCE following the Springs Hill WSC CCN #10666 boundary line in a
10 northerly, westerly, then southerly direction, until it intersects
11 with the north right-of-way line of Interstate Highway 10;
12 THENCE with the north right-of-way line of Interstate Highway 10,
13 in a westerly direction, to its intersection with the east City
14 Limit Line of Seguin, Texas;
15 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
16 then westerly direction, to its intersection with an eastern line
17 of the City of Seguin CCN #10698;
18 THENCE with the City of Seguin CCN #10698 line, in a northerly
19 direction, to a point at its intersection of the Springs Hill WSC
20 CCN #10666 boundary;
21 THENCE with the boundary of Springs Hill WSC CCN #10666 in a
22 northerly direction to the City Limit Line of Seguin, Texas;
23 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
24 then westerly direction, to its intersection with the eastern
25 boundary of Springs Hill WSC CCN #10666;
26 THENCE meandering with the boundary line of Springs Hill WSC CCN
27 #10666 in a northwesterly direction to a point on the east boundary

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1 line of the 810.54 acre tract of land described in the deed to
2 Normandy Terrace, Inc. recorded in the Guadalupe County Deed
3 Records;

4 THENCE with the eastern boundary of the 810.54 acre Normandy
5 Terrace Inc. tract in a northern direction to its northeast corner;

6 THENCE with the northern boundary of the 810.54 acre Normandy
7 Terrace Inc. tract in a westerly direction to the centerline of
8 Guadalupe County Road 140 (Schwarzlose Rd.);

9 THENCE with the centerline of Guadalupe County Road 140
10 (Schwarzlose Rd.), in a southerly direction to its intersection
11 with the boundary line of New Braunfels Utility CCN #10677;

12 THENCE with the boundary line of the New Braunfels Utility CCN
13 #10677, in a westerly, then northwesterly direction, crossing the
14 Comal County and Guadalupe County Line to its intersection with the
15 City Limits Line of New Braunfels, Texas;

16 THENCE with the City Limits Line of New Braunfels, Texas, in an
17 northeasterly, then northwesterly direction to a south corner of a
18 75.805 acre tract of land described in a deed to State of Texas FBO
19 Permanent School Fund recorded in Document # 200506039320, of the
20 Comal County Deed Records;

21 THENCE with the southeast line of the 75.805 acre State of Texas FBO
22 Permanent School Fund tract to its east corner, said east corner
23 being on the southwest line of the 119.882 acre tract described in a
24 deed to Marvin Kraft, Jr., et al, recorded in Book 1015, Page 444,
25 of the Comal County Deed Records;

26 THENCE with the northeast line of the 75.805 acre State of Texas FBO
27 Permanent School Fund tract and the west line of the 119.882 acre

1 Kraft tract, to the west corner of the 119.882 acre Kraft tract;
2 THENCE with the northern and eastern property boundaries of the
3 119.882 acre Kraft tract to its east corner, same being the south
4 corner of a 1,015.537 acre tract of land described in a deed to the
5 State of Texas FBO Permanent School Fund recorded in Document
6 #200506041691, of the Comal County Deed Records;
7 THENCE with the southern and northeastern property boundary of the
8 1,015.537 acre State of Texas FBO Permanent School Fund tract to a
9 point on the east right-of-way of Interstate Highway 35 for its
10 north corner;
11 THENCE with the east right-of-way line of Interstate Highway 35, in
12 a southwesterly direction, to its intersection with an eastern
13 boundary of the City Limit Line of New Braunfels, Texas;
14 THENCE with the City Limit Line of New Braunfels, Texas, in a
15 northwesterly and southwesterly direction to its intersection with
16 the northeast line of the 2.545 acre tract of land described in a
17 deed to Hitzfelder Family Partners LTD recorded in Book 98060, Page
18 1608, of the Comal County Deed Records;
19 THENCE with the northeast line of the 2.545 acre Hitzfelder Family
20 Partners LTD tract, in a northwest direction to its north corner and
21 to an east corner of a 20.009 acre tract of land described in a deed
22 to HPT TA Properties Trust recorded in Document #200706011233, of
23 the Comal County Deed Records;
24 THENCE with the northeast line of the 20.009 acre HPT TA Properties
25 Trust tract, in a northwest direction, to its north corner and to an
26 east corner of a 10.182 acre tract of land described in a deed to Rip
27 Griffin Truck Service Center, Inc. recorded in Book 97060, Page

1 27464, of the Comal County Deed Records;
2 THENCE with the northeast line of the 10.182 acre Rip Griffin Truck
3 Center, Inc. tract, in a northwest direction, to its north corner
4 and to the east corner of a tract of land described in a deed to
5 Margyline Hitzfelder recorded in Book 181, Page 617, in the Comal
6 County Deed Records;
7 THENCE with the northeast line of the Margyline Hitzfelder tract,
8 in a northwest direction, to a south corner of a 17.71 acre tract of
9 land described in a deed to Papes Family Farm LTD recorded in
10 Document #200406007834, in the Comal County Deed Records;
11 THENCE with a southeast line of the 17.71 acre Papes Family Farm LTD
12 tract of land, in a northeast direction, to its east corner on the
13 southwest line of a 44.29 acre tract of land described in a deed to
14 Papes Family Farm, LTD., recorded in Document #200406007834, in the
15 Comal County Deed Records;
16 THENCE with the boundary of the 44.29 acre Papes Family Farm LTD
17 tract in a southeast, northeast, then northwest direction, to its
18 north corner and the west corner of a 230.695 acre tract of land
19 described in a deed to John A., Teresa J. and Andrea J. Ladshaw
20 recorded in Book 762, Page 008, of the Comal County Deed Records;
21 THENCE with a north line of a 230.695 acre tract, in a northeast
22 direction, to its north corner and a west corner of a 9.785 acre
23 tract of land described in a deed to John A. Ladshaw recorded in
24 Book 378, Page 799, in the Comal County Deed Records;
25 THENCE with the boundary of the 9.785 acre John A. Ladshaw tract, in
26 a northeast and southeast direction, to its east corner on the west
27 right-of-way of Interstate Highway 35;

1 THENCE with the west right-of-way line of Interstate Highway 35 in a
2 northeasterly direction to a south corner of the 288.433 acre tract
3 of land described in a deed to Southstar of Havenwood, LLC, recorded
4 in Document #201206016391, of the Comal County Deed Records;

5 THENCE with the meanders of the southern and western boundary of the
6 288.433 acre Southstar of Havenwood, LLC, tract, in a western
7 direction, to its east corner on the southeast right-of-way line of
8 F.M. 1102;

9 THENCE across F.M. 1102 and with the northwest right-of-way line of
10 F.M. 1102 in a northeasterly direction to the south corner of Unit
11 #1 of the Havenwood at Hunter's Crossing Subdivision recorded in
12 Document #200606015745, of the Comal County Deed Records;

13 THENCE with the southwestern boundary of Unit #1 of the Havenwood at
14 Hunter's Crossing Subdivision, in a northwest direction, to the
15 south corner of Unit #2 of the Havenwood at Hunter's Crossing
16 Subdivision recorded as Document #200606040000, of the Comal County
17 Deed Records;

18 THENCE with the southwest line of Unit #2 of the Havenwood at
19 Hunter's Crossing Subdivision to a point on the southeast
20 right-of-way of Beaver Lane, said southeast right-of-way of Beaver
21 lane being the south boundary of Unit #4 of the Havenwood at
22 Hunter's Crossing Subdivision recorded as Document #200706047038,
23 of the Comal County Deed Records;

24 THENCE with the boundary of Unit #4 of the Havenwood at Hunter's
25 Crossing Subdivision, in a southwest, northwest, then northeast
26 direction, to the north corner of Unit #4 and the west corner of
27 Unit #3 of the Havenwood at Hunter's Crossing Subdivision recorded

1 as Document #200606046131, of the Comal County Deed Records;
2 THENCE with the boundary of Unit #3 of the Havenwood at Hunter's
3 Crossing Subdivision, in a northeast, southeast, then southwest
4 direction, to the east corner of Unit #2 of the Havenwood at
5 Hunter's Crossing Subdivision recorded as Document #200606040000,
6 of the Comal County Deed Records;
7 THENCE with the boundary of Unit #2 of the Havenwood at Hunter's
8 Crossing Subdivision, in a southwest, then southeast direction, to
9 a north corner of Unit #1 of the Havenwood at Hunter's Crossing
10 Subdivision recorded as Document #200606015745, of the Comal County
11 Deed Records;
12 THENCE with the eastern boundary of Unit #1 of the Havenwood at
13 Hunter's Crossing Subdivision, in a southeast direction, to its
14 southeast corner on the northeast right-of-way line of F.M. 1102;
15 THENCE with the northwest right-of-way line of F.M. 1102, in a
16 northeasterly direction, merging into F.M. 2439;
17 THENCE with the northwest right-of-way line of F.M. 2439 in a
18 northeasterly direction and crossing the Comal County and Hays
19 County Line to the east corner of a 79.748 acre tract of land
20 described in a deed to Flying W Properties LTD recorded in Book
21 3257, Page 704, of the Hays County Deed Records;
22 THENCE across and perpendicular to F.M. 2439 in a southeasterly
23 direction to the southeast right-of-way line of F.M. 2439;
24 THENCE with the southeast right-of-way line of F.M. 2439, in a
25 northeast direction, to a west corner of a 2.65 acre tract of land
26 described in a deed to Frank and Jacqueline Brakley recorded in Book
27 2835, Page 823, of Hays County Deed Records;

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1 THENCE with the southwestern boundary of the 2.65 acre Frank and
2 Jacqueline Brakley tract, in a southeast direction, to its south
3 corner in the northwest right-of-way line of the Union Pacific
4 Railroad;

5 THENCE in a southeasterly direction and crossing the Union Pacific
6 Railroad right-of-way and a tract of land described in a deed to
7 Flying W Properties LTD to the north corner of a 83.73 tract of land
8 described in a deed to Fred W. Heldenfels, IV recorded in Book 1974,
9 Page 368, of the Hays County Deed Records and also a point in the
10 western boundary of the City Limits of San Marcos, Texas;

11 THENCE with the western boundary of the City Limits Line of San
12 Marcos, Texas, in a southeasterly direction to its intersection
13 with the City of San Marcos CCN #10298;

14 THENCE with the City of San Marcos CCN #10298 in a southeasterly
15 direction to its intersection with the centerline of Hays County
16 Road 265 (Francis Harris Lane);

17 THENCE with the centerline of Hays County Road 265 in a southerly
18 and southeasterly direction to a southwest corner of a tract of land
19 described in a deed to Albert Dale Jonas recorded in Book 1530, Page
20 16, of Hays County Deed Records;

21 THENCE with the south line of the Albert Dale Jonas tract in an
22 easterly direction to a point on the Hays County and Guadalupe
23 County Line;

24 THENCE along the Hays County and Guadalupe County Line in a
25 northeasterly direction to its intersection with the southern
26 boundary of the City of San Marcos CCN # 10298;

27 THENCE meandering with the boundary line of City of San Marcos CCN

1 #10298 in a northeasterly direction to its intersection with the
2 City Limits of San Marcos, Texas, and same point being the western
3 corner of a 100.00 Acre Tract of land conveyed to Cottonwood Creek
4 JDR, LTD. by Warranty Deed in Volume 2008, Page 0867, of the
5 Guadalupe County Deed Records;
6 THENCE with the City Limits of San Marcos, Texas, and around the
7 western, southern, and eastern perimeter of said 100.00 Acre Tract
8 to its intersection with the City of San Marcos CCN #10295 southern
9 boundary line same being the Hays County and Guadalupe County Line;
10 THENCE with the southern boundary of the City of San Marcos CCN
11 #10298 in a northeasterly direction to a point at its intersection
12 with the City Limits Line of San Marcos, Texas;
13 THENCE with the boundary of the City Limits Line of San Marcos,
14 Texas, in a southeasterly, then northeasterly direction to a point
15 at its intersection with the western boundary line of the
16 Martindale WSC CCN # 10312;
17 THENCE with the western boundary line of the Martindale WSC CCN
18 #10312 in a southeasterly direction to a point, said point being the
19 northern corner of the western boundary of the Tri-Community WSC
20 CCN #10313 and said point being located along the San Marcos River;
21 THENCE with the San Marcos River in a southerly direction to a point
22 at its intersection with F.M. 1977, said point also being located
23 along the western boundary of the Tri-Community WSC CCN #10313;
24 THENCE with the western boundary of the Tri-Community WSC CCN
25 #10313 in a southeasterly direction to a point, said point being the
26 most southerly corner of CCN #10313 and being located in the San
27 Marcos River;

1 THENCE with the San Marcos River in a southeasterly direction to the
2 POINT OF BEGINNING.
3 WHICH above described territory includes that land lying and being
4 situated in ALL OR PORTIONS of the following surveys:
5 IN GUADALUPE COUNTY, TEXAS: John Wells Survey, Abstract No. 509;
6 John Wells Survey, Abstract No. 435; James P. Hector Survey,
7 Abstract No. 353; James Murphy Survey, Abstract No. 237; Robert
8 Smith Survey, Abstract No. 286; Jose Ramon Bedford Survey, Abstract
9 No. 5; Magarita Cherino Survey, Abstract No. 10; Antonio Maria
10 Esnaurizar Survey, Abstract No. 20; James Hodges Survey, Abstract
11 No. 148; Samuel Williams Survey, Abstract No. 37; Edward C. Pettus
12 Survey, Abstract No. 264; Josias Randolph Survey, Abstract No. 276;
13 Martin Ussery Survey, Abstract No. 324; Joel W. Robinson Survey,
14 Abstract No. 275; James M. Bell Survey, Abstract No. 75; Samuel
15 Highsmith Survey, Abstract No. 25; Henry R. Hunt Survey, Abstract
16 No. 150; Uzziel Wakefield Survey, Abstract No. 327; Frederick
17 Happle Survey, Abstract No. 156; James A. Swift Survey, Abstract
18 No. 292; John Tom Survey, Abstract No. 316; Carlos Espalier Survey,
19 Abstract No. 129; Charles Hall Survey, Abstract No. 162; Matthew
20 Besore Survey, Abstract No. 61; William Griffin Survey, Abstract
21 No. 136; Andrew Neill Survey, Abstract No. 256; John Ussery Survey,
22 Abstract No. 323; James H. Thomas Survey, Abstract No. 311; Robert
23 Scobey Survey, Abstract No. 290; Churchill Fulchear Survey,
24 Abstract No. 130; Young Seltoon Survey, Abstract No. 293; Loria
25 Billings Survey, Abstract No. 55; W. Riley Wood Survey, Abstract
26 No. 345; John McGrabb Survey, Abstract No. 242; Jacob A. Miller
27 Survey, Abstract No. 231; William G. Hunt Survey, Abstract No. 149;

1 J. G. King Survey, Abstract No. 208; William P. King Survey,
2 Abstract No. 207; Robert Hall Survey, Abstract No. 158; Harriet
3 Cottle Survey, Abstract No. 13; Geo. Blair Survey, Abstract No. 50;
4 J. Hampton Kuykendall Survey, Abstract No. 199; Michael Miller
5 Survey, Abstract No. 219; William H. Hunter Survey, Abstract No.
6 152; Edwin R. Kellett Survey, Abstract No. 198; Robert M.
7 Cartwright Survey, Abstract No. 83; James Latham Survey, Abstract
8 No. 209; Robert Smith Survey, Abstract No. 33; John B. Cowan Survey,
9 Abstract No. 84; J. Benton Johnson Survey, Abstract No. 191;
10 William Burnett Survey, Abstract No. 73; Uzziel Wakefield Survey,
11 Abstract No. 326; Michael Cody Survey, Abstract No. 99; Michael
12 Cody Survey, Abstract No. 86; Edward Pettus Survey, Abstract No.
13 31; William J. Ragsdale Survey, Abstract No. 268; Solomon Barnes
14 Survey, Abstract No. 56; John Jones Survey, Abstract No. 189;
15 Gustavus Chatwell Survey, Abstract No. 85; James W. Keller Survey,
16 Abstract No. 201; George Allen Survey, Abstract No. 1; Charles
17 Henderson Survey, Abstract No. 147; Christoval Rubio Survey,
18 Abstract No. 274; Wm. Perkins Survey, Abstract No. 263; James
19 Nashley Survey, Abstract No. 254; H. E. Jordt Survey, Abstract No.
20 195; Wm. Perkins Survey, Abstract No. 263; James B. Cowan Survey,
21 Abstract No. 81; John Wells Survey, Abstract No. 339; Cyrus
22 Campbell Survey, Abstract No. 8; Andrew Mitchell Survey, Abstract
23 No. 220; S. A. & M. G. R. R. Co. Survey, Abstract No. 308; Benjamin
24 & Graves Fulcher Survey, Abstract No. 21; James T. Murphy Survey,
25 Abstract No. 233; and

26 In COMAL COUNTY, Texas: Antonio Maria Esnaurizar Survey, Abstract
27 No. 1; Orilla Russell Survey, Abstract No. 485; Nancy Kenner Survey,

1 Abstract No. 306; Samuel Craft Sr. Survey, Abstract No. 98; and
2 And in HAYS COUNTY, Texas: Samuel Craft Sr. Survey, Abstract No. 89;
3 Antonio Maria Esnaurizar Survey, Abstract No. 6; John Owens Survey,
4 Abstract No. 356; Thomas Bell Survey, Abstract No. 47; and Charles
5 Henderson Survey, Abstract No. 226.

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

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor, the
18 lieutenant governor, and the speaker of the house of
19 representatives within the required time.

20 (d) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

24 SECTION 4. (a) Section 7206.103, Special District Local
25 Laws Code, as added by Section 1 of this Act, takes effect only if
26 this Act receives a two-thirds vote of all the members elected to
27 each house.

1 (b) If this Act does not receive a two-thirds vote of all the
2 members elected to each house, Subchapter C, Chapter 7206, Special
3 District Local Laws Code, as added by Section 1 of this Act, is
4 amended by adding Section 7206.103 to read as follows:

5 Sec. 7206.103. NO EMINENT DOMAIN POWER. The district may
6 not exercise the power of eminent domain.

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

10 SECTION 5. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2013.