

1-1 By: Zaffirini S.B. No. 1116
1-2 (In the Senate - Filed March 5, 2013; March 12, 2013, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 15, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 15, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Hinojosa</u>	X		
1-10	<u>Nichols</u>	X		
1-11	<u>Garcia</u>	X		
1-12	<u>Paxton</u>	X		
1-13	<u>Taylor</u>	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 1116 By: Nichols

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation, administration, powers, duties,
1-18 functions, operations, and financing of the Crystal Clear Special
1-19 Utility District; providing authority to issue bonds; granting a
1-20 limited power of eminent domain.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle C, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 7206 to read as follows:

1-24 CHAPTER 7206. CRYSTAL CLEAR SPECIAL UTILITY DISTRICT

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7206.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Corporation" means the Crystal Clear Water Supply
1-29 Corporation.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Crystal Clear Special Utility
1-32 District.

1-33 Sec. 7206.002. NATURE OF DISTRICT. The district is a
1-34 special utility district in Comal, Guadalupe, and Hays Counties
1-35 created under and essential to accomplish the purposes of Section
1-36 59, Article XVI, Texas Constitution. The district is created to
1-37 serve a public use and benefit.

1-38 Sec. 7206.003. CONFIRMATION ELECTION REQUIRED. If the
1-39 creation of the district is not confirmed at a confirmation and
1-40 initial directors' election held before September 1, 2016:

1-41 (1) the district is dissolved on September 1, 2016,
1-42 except that the district shall:

1-43 (A) pay any debts incurred;

1-44 (B) transfer to Comal, Guadalupe, or Hays County,
1-45 as appropriate, any assets of the district that remain after the
1-46 payment of debts; and

1-47 (C) maintain the organization of the district
1-48 until all debts are paid and remaining assets are transferred; and

1-49 (2) this chapter expires September 1, 2017.

1-50 Sec. 7206.004. APPLICABILITY OF OTHER LAW. Except as
1-51 otherwise provided by this chapter, Chapters 49 and 65, Water Code,
1-52 apply to the district.

1-53 Sec. 7206.005. INITIAL DISTRICT TERRITORY. (a) The
1-54 district is initially composed of the territory described by
1-55 Section 2 of the Act creating this chapter.

1-56 (b) The boundaries and field notes contained in Section 2 of
1-57 the Act creating this chapter form a closure. A mistake made in the
1-58 field notes or in copying the field notes in the legislative process
1-59 does not affect:

1-60 (1) the organization, existence, or validity of the

2-1 district;
 2-2 (2) the right of the district to issue any type of
 2-3 bond, including a refunding bond, for a purpose for which the
 2-4 district is created or to pay the principal of and interest on a
 2-5 bond; or

2-6 (3) the legality or operation of the district or the
 2-7 board of directors of the district.

2-8 SUBCHAPTER A-1. TEMPORARY PROVISIONS

2-9 Sec. 7206.021. TEMPORARY DIRECTORS. (a) The temporary
 2-10 board of directors of the district is composed of:

- 2-11 (1) Dennis R. Krackau;
 2-12 (2) Jackie E. Carson;
 2-13 (3) Carroll U. Hoffmann;
 2-14 (4) Richard A. Hanz;
 2-15 (5) Jarold R. Hildebrand;
 2-16 (6) James R. Stewart; and
 2-17 (7) Michael L. Cox.

2-18 (b) Each temporary director shall qualify for office as
 2-19 provided by Section 49.055, Water Code.

2-20 (c) If a temporary director fails to qualify for office, the
 2-21 temporary directors who have qualified shall appoint a person to
 2-22 fill the vacancy. If at any time there are fewer than four
 2-23 qualified temporary directors, the Texas Commission on
 2-24 Environmental Quality shall appoint the necessary number of
 2-25 directors to fill all vacancies on the board.

2-26 (d) Temporary directors serve until the earlier of:

- 2-27 (1) the date initial directors are elected under
 2-28 Section 7206.022; or
 2-29 (2) the date this chapter expires under Section
 2-30 7206.003.

2-31 (e) As soon as practicable after all the temporary directors
 2-32 have qualified under Section 49.055, Water Code, the temporary
 2-33 directors shall convene the organizational meeting of the district
 2-34 and elect officers from among the temporary directors.

2-35 Sec. 7206.022. CONFIRMATION AND INITIAL DIRECTORS'
 2-36 ELECTION. (a) Before September 1, 2016, the temporary directors
 2-37 shall hold an election to confirm the creation of the district and
 2-38 to elect seven initial directors in accordance with Chapters 49 and
 2-39 65, Water Code.

2-40 (b) The temporary board of directors shall determine the
 2-41 method for determining the initial term of each person on the
 2-42 initial board of directors. The terms must be clearly stated on the
 2-43 ballot for the confirmation and directors' election.

2-44 (c) Section 41.001(a), Election Code, does not apply to a
 2-45 confirmation and directors' election held as provided by this
 2-46 section.

2-47 (d) The initial directors shall continue to serve until the
 2-48 district directors elected at the first regularly scheduled
 2-49 election of directors under Section 7206.052 qualify for office.

2-50 Sec. 7206.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
 2-51 the creation of the district is confirmed under Section 7206.022,
 2-52 the corporation shall transfer the assets, debts, and contractual
 2-53 rights and obligations of the corporation to the district.

2-54 (b) Not later than the 30th day after the date of the
 2-55 transfer under Subsection (a), the board of directors of the
 2-56 corporation shall commence dissolution proceedings of the
 2-57 corporation.

2-58 (c) On dissolution of the corporation, Certificate of
 2-59 Convenience and Necessity No. 10297 is considered to be held by the
 2-60 district.

2-61 (d) The board of directors of the corporation shall notify
 2-62 the Texas Commission on Environmental Quality of the dissolution of
 2-63 the corporation and of the transfer of Certificate of Convenience
 2-64 and Necessity No. 10297 to the district.

2-65 (e) On receipt of notice under Subsection (d), the Texas
 2-66 Commission on Environmental Quality shall note in its records that
 2-67 Certificate of Convenience and Necessity No. 10297 is held by the
 2-68 district and shall reissue the certificate in the name of the
 2-69 district without further application, notice, or hearing. A

3-1 person, party, or entity does not have any right of protest,
3-2 objection, or administrative review of the transfer prescribed by
3-3 this section.

3-4 Sec. 7206.024. EXPIRATION OF SUBCHAPTER. This subchapter
3-5 expires September 1, 2017.

3-6 SUBCHAPTER B. BOARD OF DIRECTORS

3-7 Sec. 7206.051. DIRECTORS. (a) The district shall be
3-8 governed by a board of not fewer than 5 and not more than 11
3-9 directors, elected in accordance with Section 65.101, Water Code.

3-10 (b) The directors of the district serve staggered
3-11 three-year terms.

3-12 Sec. 7206.052. ELECTION OF DIRECTORS. After the district
3-13 is confirmed under Section 7206.022, the district shall hold an
3-14 election on the uniform election date in November of each year to
3-15 elect the appropriate number of directors.

3-16 SUBCHAPTER C. POWERS AND DUTIES

3-17 Sec. 7206.101. GENERAL POWERS. Except as otherwise
3-18 provided by this chapter, the district has all of the rights,
3-19 powers, privileges, authority, functions, and duties provided by
3-20 the general law of this state, including Chapters 49 and 65, Water
3-21 Code, applicable to special utility districts created under Section
3-22 59, Article XVI, Texas Constitution.

3-23 Sec. 7206.102. WATER SERVICE IMPACT FEE. (a) The district
3-24 may charge a water service impact fee that is not greater than the
3-25 capital recovery fee charged by the corporation on December 31,
3-26 2012, under the corporation's tariff.

3-27 (b) Chapter 395, Local Government Code, does not apply to an
3-28 initial water service impact fee set under Subsection (a).

3-29 (c) The district may increase the water service impact fee
3-30 authorized under Subsection (a) only as provided by Chapter 395,
3-31 Local Government Code, as approved by the Texas Commission on
3-32 Environmental Quality, or as otherwise provided by law.

3-33 Sec. 7206.103. EMINENT DOMAIN. (a) Except as provided by
3-34 Subsection (b), the district has all the power and authority of a
3-35 special utility district under Chapters 49 and 65, Water Code, to
3-36 acquire by condemnation any land, easement, or other property
3-37 located inside or outside the boundaries of the district for any
3-38 district project or purpose.

3-39 (b) The district may not exercise the power of eminent
3-40 domain to condemn land, easements, or other property located
3-41 outside the boundaries of the district for sanitary sewer purposes.

3-42 Sec. 7206.104. SERVICES TO BE PROVIDED BY DISTRICT OR CITY
3-43 OF NEW BRAUNFELS. (a) A structure constructed by the district in
3-44 the corporate limits or extraterritorial jurisdiction of the City
3-45 of New Braunfels must comply with any applicable codes and
3-46 ordinances of the city.

3-47 (b) The district may enter into an interlocal contract with
3-48 the City of New Braunfels to provide governmental services,
3-49 including drainage, solid waste, or fire protection services.

3-50 (c) The district may not provide solid waste collection
3-51 services in the corporate limits of the City of New Braunfels unless
3-52 the governing body of the city consents by resolution or ordinance.

3-53 (d) The district may not provide fire protection services in
3-54 the corporate limits or extraterritorial jurisdiction of the City
3-55 of New Braunfels unless the governing body of the city consents by
3-56 resolution or ordinance.

3-57 SECTION 2. The Crystal Clear Special Utility District
3-58 initially includes all the territory contained in the following
3-59 area:

3-60 BEING that portion of Comal, Guadalupe, and Hays Counties,
3-61 Texas, which has a boundary more particularly described as follows:
3-62 BEGINNING at a point in Guadalupe County where the centerline of the
3-63 San Marcos River crosses the centerline of U.S. Highway 90;
3-64 THENCE in a southeasterly direction, with a line being 5,000 feet
3-65 east of and parallel to County Road 217 (Highsmith Road), to a point
3-66 in the north right-of-way line of Interstate Highway 10;
3-67 THENCE with the north right-of-way line of Interstate Highway 10,
3-68 in a westerly direction, to a point at its intersection with the
3-69 east boundary line of Springs Hill WSC CCN #10666;

4-1 THENCE following the Springs Hill WSC CCN #10666 boundary line in a
4-2 northerly, westerly, then southerly direction, until it intersects
4-3 with the north right-of-way line of Interstate Highway 10;
4-4 THENCE with the north right-of-way line of Interstate Highway 10,
4-5 in a westerly direction, to its intersection with the east City
4-6 Limit Line of Seguin, Texas;
4-7 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
4-8 then westerly direction, to its intersection with an eastern line
4-9 of the City of Seguin CCN #10698;
4-10 THENCE with the City of Seguin CCN #10698 line, in a northerly
4-11 direction, to a point at its intersection of the Springs Hill WSC
4-12 CCN #10666 boundary;
4-13 THENCE with the boundary of Springs Hill WSC CCN #10666 in a
4-14 northerly direction to the City Limit Line of Seguin, Texas;
4-15 THENCE with the City Limit Line of Seguin, Texas, in a northerly,
4-16 then westerly direction, to its intersection with the eastern
4-17 boundary of Springs Hill WSC CCN #10666;
4-18 THENCE meandering with the boundary line of Springs Hill WSC CCN
4-19 #10666 in a northwesterly direction to a point on the east boundary
4-20 line of the 810.54 acre tract of land described in the deed to
4-21 Normandy Terrace, Inc. recorded in the Guadalupe County Deed
4-22 Records;
4-23 THENCE with the eastern boundary of the 810.54 acre Normandy
4-24 Terrace Inc. tract in a northern direction to its northeast corner;
4-25 THENCE with the northern boundary of the 810.54 acre Normandy
4-26 Terrace Inc. tract in a westerly direction to the centerline of
4-27 Guadalupe County Road 140 (Schwarzlose Rd.);
4-28 THENCE with the centerline of Guadalupe County Road 140
4-29 (Schwarzlose Rd.), in a southerly direction to its intersection
4-30 with the boundary line of New Braunfels Utility CCN #10677;
4-31 THENCE with the boundary line of the New Braunfels Utility CCN
4-32 #10677, in a westerly, then northwesterly direction, crossing the
4-33 Comal County and Guadalupe County Line to its intersection with the
4-34 City Limits Line of New Braunfels, Texas;
4-35 THENCE with the City Limits Line of New Braunfels, Texas, in an
4-36 northeasterly, then northwesterly direction to a south corner of a
4-37 75.805 acre tract of land described in a deed to State of Texas FBO
4-38 Permanent School Fund recorded in Document # 200506039320, of the
4-39 Comal County Deed Records;
4-40 THENCE with the southeast line of the 75.805 acre State of Texas FBO
4-41 Permanent School Fund tract to its east corner, said east corner
4-42 being on the southwest line of the 119.882 acre tract described in a
4-43 deed to Marvin Kraft, Jr., et al, recorded in Book 1015, Page 444,
4-44 of the Comal County Deed Records;
4-45 THENCE with the northeast line of the 75.805 acre State of Texas FBO
4-46 Permanent School Fund tract and the west line of the 119.882 acre
4-47 Kraft tract, to the west corner of the 119.882 acre Kraft tract;
4-48 THENCE with the northern and eastern property boundaries of the
4-49 119.882 acre Kraft tract to its east corner, same being the south
4-50 corner of a 1,015.537 acre tract of land described in a deed to the
4-51 State of Texas FBO Permanent School Fund recorded in Document
4-52 #200506041691, of the Comal County Deed Records;
4-53 THENCE with the southern and northeastern property boundary of the
4-54 1,015.537 acre State of Texas FBO Permanent School Fund tract to a
4-55 point on the east right-of-way of Interstate Highway 35 for its
4-56 north corner;
4-57 THENCE with the east right-of-way line of Interstate Highway 35, in
4-58 a southwesterly direction, to its intersection with an eastern
4-59 boundary of the City Limit Line of New Braunfels, Texas;
4-60 THENCE with the City Limit Line of New Braunfels, Texas, in a
4-61 northwesterly and southwesterly direction to its intersection with
4-62 the northeast line of the 2.545 acre tract of land described in a
4-63 deed to Hitzfelder Family Partners LTD recorded in Book 98060, Page
4-64 1608, of the Comal County Deed Records;
4-65 THENCE with the northeast line of the 2.545 acre Hitzfelder Family
4-66 Partners LTD tract, in a northwest direction to its north corner and
4-67 to an east corner of a 20.009 acre tract of land described in a deed
4-68 to HPT TA Properties Trust recorded in Document #200706011233, of
4-69 the Comal County Deed Records;

5-1 THENCE with the northeast line of the 20.009 acre HPT TA Properties
5-2 Trust tract, in a northwest direction, to its north corner and to an
5-3 east corner of a 10.182 acre tract of land described in a deed to Rip
5-4 Griffin Truck Service Center, Inc. recorded in Book 97060, Page
5-5 27464, of the Comal County Deed Records;
5-6 THENCE with the northeast line of the 10.182 acre Rip Griffin Truck
5-7 Center, Inc. tract, in a northwest direction, to its north corner
5-8 and to the east corner of a tract of land described in a deed to
5-9 Margyline Hitzfelder recorded in Book 181, Page 617, in the Comal
5-10 County Deed Records;
5-11 THENCE with the northeast line of the Margyline Hitzfelder tract,
5-12 in a northwest direction, to a south corner of a 17.71 acre tract of
5-13 land described in a deed to Papes Family Farm LTD recorded in
5-14 Document #200406007834, in the Comal County Deed Records;
5-15 THENCE with a southeast line of the 17.71 acre Papes Family Farm LTD
5-16 tract of land, in a northeast direction, to its east corner on the
5-17 southwest line of a 44.29 acre tract of land described in a deed to
5-18 Papes Family Farm, LTD., recorded in Document #200406007834, in the
5-19 Comal County Deed Records;
5-20 THENCE with the boundary of the 44.29 acre Papes Family Farm LTD
5-21 tract in a southeast, northeast, then northwest direction, to its
5-22 north corner and the west corner of a 230.695 acre tract of land
5-23 described in a deed to John A., Teresa J. and Andrea J. Ladshaw
5-24 recorded in Book 762, Page 008, of the Comal County Deed Records;
5-25 THENCE with a north line of a 230.695 acre tract, in a northeast
5-26 direction, to its north corner and a west corner of a 9.785 acre
5-27 tract of land described in a deed to John A. Ladshaw recorded in
5-28 Book 378, Page 799, in the Comal County Deed Records;
5-29 THENCE with the boundary of the 9.785 acre John A. Ladshaw tract, in
5-30 a northeast and southeast direction, to its east corner on the west
5-31 right-of-way of Interstate Highway 35;
5-32 THENCE with the west right-of-way line of Interstate Highway 35 in a
5-33 northeasterly direction to a south corner of the 288.433 acre tract
5-34 of land described in a deed to Southstar of Havenwood, LLC, recorded
5-35 in Document #201206016391, of the Comal County Deed Records;
5-36 THENCE with the meanders of the southern and western boundary of the
5-37 288.433 acre Southstar of Havenwood, LLC, tract, in a western
5-38 direction, to its east corner on the southeast right-of-way line of
5-39 F.M. 1102;
5-40 THENCE across F.M. 1102 and with the northwest right-of-way line of
5-41 F.M. 1102 in a northeasterly direction to the south corner of Unit
5-42 #1 of the Havenwood at Hunter's Crossing Subdivision recorded in
5-43 Document #200606015745, of the Comal County Deed Records;
5-44 THENCE with the southwestern boundary of Unit #1 of the Havenwood at
5-45 Hunter's Crossing Subdivision, in a northwest direction, to the
5-46 south corner of Unit #2 of the Havenwood at Hunter's Crossing
5-47 Subdivision recorded as Document #200606040000, of the Comal County
5-48 Deed Records;
5-49 THENCE with the southwest line of Unit #2 of the Havenwood at
5-50 Hunter's Crossing Subdivision to a point on the southeast
5-51 right-of-way of Beaver Lane, said southeast right-of-way of Beaver
5-52 lane being the south boundary of Unit #4 of the Havenwood at
5-53 Hunter's Crossing Subdivision recorded as Document #200706047038,
5-54 of the Comal County Deed Records;
5-55 THENCE with the boundary of Unit #4 of the Havenwood at Hunter's
5-56 Crossing Subdivision, in a southwest, northwest, then northeast
5-57 direction, to the north corner of Unit #4 and the west corner of
5-58 Unit #3 of the Havenwood at Hunter's Crossing Subdivision recorded
5-59 as Document #200606046131, of the Comal County Deed Records;
5-60 THENCE with the boundary of Unit #3 of the Havenwood at Hunter's
5-61 Crossing Subdivision, in a northeast, southeast, then southwest
5-62 direction, to the east corner of Unit #2 of the Havenwood at
5-63 Hunter's Crossing Subdivision recorded as Document #200606040000,
5-64 of the Comal County Deed Records;
5-65 THENCE with the boundary of Unit #2 of the Havenwood at Hunter's
5-66 Crossing Subdivision, in a southwest, then southeast direction, to
5-67 a north corner of Unit #1 of the Havenwood at Hunter's Crossing
5-68 Subdivision recorded as Document #200606015745, of the Comal County
5-69 Deed Records;

6-1 THENCE with the eastern boundary of Unit #1 of the Havenwood at
6-2 Hunter's Crossing Subdivision, in a southeast direction, to its
6-3 southeast corner on the northeast right-of-way line of F.M. 1102;
6-4 THENCE with the northwest right-of-way line of F.M. 1102, in a
6-5 northeasterly direction, merging into F.M. 2439;
6-6 THENCE with the northwest right-of-way line of F.M. 2439 in a
6-7 northeasterly direction and crossing the Comal County and Hays
6-8 County Line to the east corner of a 79.748 acre tract of land
6-9 described in a deed to Flying W Properties LTD recorded in Book
6-10 3257, Page 704, of the Hays County Deed Records;
6-11 THENCE across and perpendicular to F.M. 2439 in a southeasterly
6-12 direction to the southeast right-of-way line of F.M. 2439;
6-13 THENCE with the southeast right-of-way line of F.M. 2439, in a
6-14 northeast direction, to a west corner of a 2.65 acre tract of land
6-15 described in a deed to Frank and Jacqueline Brakley recorded in Book
6-16 2835, Page 823, of Hays County Deed Records;
6-17 THENCE with the southwestern boundary of the 2.65 acre Frank and
6-18 Jacqueline Brakley tract, in a southeast direction, to its south
6-19 corner in the northwest right-of-way line of the Union Pacific
6-20 Railroad;
6-21 THENCE in a southeasterly direction and crossing the Union Pacific
6-22 Railroad right-of-way and a tract of land described in a deed to
6-23 Flying W Properties LTD to the north corner of a 83.73 tract of land
6-24 described in a deed to Fred W. Heldenfels, IV recorded in Book 1974,
6-25 Page 368, of the Hays County Deed Records and also a point in the
6-26 western boundary of the City Limits of San Marcos, Texas;
6-27 THENCE with the western boundary of the City Limits Line of San
6-28 Marcos, Texas, in a southeasterly direction to its intersection
6-29 with the City of San Marcos CCN #10298;
6-30 THENCE with the City of San Marcos CCN #10298 in a southeasterly
6-31 direction to its intersection with the centerline of Hays County
6-32 Road 265 (Francis Harris Lane);
6-33 THENCE with the centerline of Hays County Road 265 in a southerly
6-34 and southeasterly direction to a southwest corner of a tract of land
6-35 described in a deed to Albert Dale Jonas recorded in Book 1530, Page
6-36 16, of Hays County Deed Records;
6-37 THENCE with the south line of the Albert Dale Jonas tract in an
6-38 easterly direction to a point on the Hays County and Guadalupe
6-39 County Line;
6-40 THENCE along the Hays County and Guadalupe County Line in a
6-41 northeasterly direction to its intersection with the southern
6-42 boundary of the City of San Marcos CCN # 10298;
6-43 THENCE meandering with the boundary line of City of San Marcos CCN
6-44 #10298 in a northeasterly direction to its intersection with the
6-45 City Limits of San Marcos, Texas, and same point being the western
6-46 corner of a 100.00 Acre Tract of land conveyed to Cottonwood Creek
6-47 JDR, LTD. by Warranty Deed in Volume 2008, Page 0867, of the
6-48 Guadalupe County Deed Records;
6-49 THENCE with the City Limits of San Marcos, Texas, and around the
6-50 western, southern, and eastern perimeter of said 100.00 Acre Tract
6-51 to its intersection with the City of San Marcos CCN #10295 southern
6-52 boundary line same being the Hays County and Guadalupe County Line;
6-53 THENCE with the southern boundary of the City of San Marcos CCN
6-54 #10298 in a northeasterly direction to a point at its intersection
6-55 with the City Limits Line of San Marcos, Texas;
6-56 THENCE with the boundary of the City Limits Line of San Marcos,
6-57 Texas, in a southeasterly, then northeasterly direction to a point
6-58 at its intersection with the western boundary line of the
6-59 Martindale WSC CCN # 10312;
6-60 THENCE with the western boundary line of the Martindale WSC CCN
6-61 #10312 in a southeasterly direction to a point, said point being the
6-62 northern corner of the western boundary of the Tri-Community WSC
6-63 CCN #10313 and said point being located along the San Marcos River;
6-64 THENCE with the San Marcos River in a southerly direction to a point
6-65 at its intersection with F.M. 1977, said point also being located
6-66 along the western boundary of the Tri-Community WSC CCN #10313;
6-67 THENCE with the western boundary of the Tri-Community WSC CCN
6-68 #10313 in a southeasterly direction to a point, said point being the
6-69 most southerly corner of CCN #10313 and being located in the San

7-1 Marcos River;

7-2 THENCE with the San Marcos River in a southeasterly direction to the

7-3 POINT OF BEGINNING.

7-4 WHICH above described territory includes that land lying and being

7-5 situated in ALL OR PORTIONS of the following surveys:

7-6 IN GUADALUPE COUNTY, TEXAS: John Wells Survey, Abstract No. 509;

7-7 John Wells Survey, Abstract No. 435; James P. Hector Survey,

7-8 Abstract No. 353; James Murphy Survey, Abstract No. 237; Robert

7-9 Smith Survey, Abstract No. 286; Jose Ramon Bedford Survey, Abstract

7-10 No. 5; Magarita Cherino Survey, Abstract No. 10; Antonio Maria

7-11 Esnaurizar Survey, Abstract No. 20; James Hodges Survey, Abstract

7-12 No. 148; Samuel Williams Survey, Abstract No. 37; Edward C. Pettus

7-13 Survey, Abstract No. 264; Josias Randolph Survey, Abstract No. 276;

7-14 Martin Ussery Survey, Abstract No. 324; Joel W. Robinson Survey,

7-15 Abstract No. 275; James M. Bell Survey, Abstract No. 75; Samuel

7-16 Highsmith Survey, Abstract No. 25; Henry R. Hunt Survey, Abstract

7-17 No. 150; Uzziel Wakefield Survey, Abstract No. 327; Frederick

7-18 Happle Survey, Abstract No. 156; James A. Swift Survey, Abstract

7-19 No. 292; John Tom Survey, Abstract No. 316; Carlos Espalier Survey,

7-20 Abstract No. 129; Charles Hall Survey, Abstract No. 162; Matthew

7-21 Besore Survey, Abstract No. 61; William Griffin Survey, Abstract

7-22 No. 136; Andrew Neill Survey, Abstract No. 256; John Ussery Survey,

7-23 Abstract No. 323; James H. Thomas Survey, Abstract No. 311; Robert

7-24 Scobey Survey, Abstract No. 290; Churchill Fulchear Survey,

7-25 Abstract No. 130; Young Seltoon Survey, Abstract No. 293; Loria

7-26 Billings Survey, Abstract No. 55; W. Riley Wood Survey, Abstract

7-27 No. 345; John McGrabb Survey, Abstract No. 242; Jacob A. Miller

7-28 Survey, Abstract No. 231; William G. Hunt Survey, Abstract No. 149;

7-29 J. G. King Survey, Abstract No. 208; William P. King Survey,

7-30 Abstract No. 207; Robert Hall Survey, Abstract No. 158; Harriet

7-31 Cottle Survey, Abstract No. 13; Geo. Blair Survey, Abstract No. 50;

7-32 J. Hampton Kuykendall Survey, Abstract No. 199; Michael Miller

7-33 Survey, Abstract No. 219; William H. Hunter Survey, Abstract No.

7-34 152; Edwin R. Kellett Survey, Abstract No. 198; Robert M.

7-35 Cartwright Survey, Abstract No. 83; James Latham Survey, Abstract

7-36 No. 209; Robert Smith Survey, Abstract No. 33; John B. Cowan Survey,

7-37 Abstract No. 84; J. Benton Johnson Survey, Abstract No. 191;

7-38 William Burnett Survey, Abstract No. 73; Uzziel Wakefield Survey,

7-39 Abstract No. 326; Michael Cody Survey, Abstract No. 99; Michael

7-40 Cody Survey, Abstract No. 86; Edward Pettus Survey, Abstract No.

7-41 31; William J. Ragsdale Survey, Abstract No. 268; Solomon Barnes

7-42 Survey, Abstract No. 56; John Jones Survey, Abstract No. 189;

7-43 Gustavus Chatwell Survey, Abstract No. 85; James W. Keller Survey,

7-44 Abstract No. 201; George Allen Survey, Abstract No. 1; Charles

7-45 Henderson Survey, Abstract No. 147; Christoval Rubio Survey,

7-46 Abstract No. 274; Wm. Perkins Survey, Abstract No. 263; James

7-47 Nashley Survey, Abstract No. 254; H. E. Jordt Survey, Abstract No.

7-48 195; Wm. Perkins Survey, Abstract No. 263; James B. Cowan Survey,

7-49 Abstract No. 81; John Wells Survey, Abstract No. 339; Cyrus

7-50 Campbell Survey, Abstract No. 8; Andrew Mitchell Survey, Abstract

7-51 No. 220; S. A. & M. G. R. R. Co. Survey, Abstract No. 308; Benjamin

7-52 & Graves Fulcher Survey, Abstract No. 21; James T. Murphy Survey,

7-53 Abstract No. 233; and

7-54 In COMAL COUNTY, Texas: Antonio Maria Esnaurizar Survey, Abstract

7-55 No. 1; Orilla Russell Survey, Abstract No. 485; Nancy Kenner Survey,

7-56 Abstract No. 306; Samuel Craft Sr. Survey, Abstract No. 98; and

7-57 And in HAYS COUNTY, Texas: Samuel Craft Sr. Survey, Abstract No. 89;

7-58 Antonio Maria Esnaurizar Survey, Abstract No. 6; John Owens Survey,

7-59 Abstract No. 356; Thomas Bell Survey, Abstract No. 47; and Charles

7-60 Henderson Survey, Abstract No. 226.

7-61 SECTION 3. (a) The legal notice of the intention to

7-62 introduce this Act, setting forth the general substance of this

7-63 Act, has been published as provided by law, and the notice and a

7-64 copy of this Act have been furnished to all persons, agencies,

7-65 officials, or entities to which they are required to be furnished

7-66 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

7-67 Government Code.

7-68 (b) The governor, one of the required recipients, has

7-69 submitted the notice and Act to the Texas Commission on

8-1 Environmental Quality.

8-2 (c) The Texas Commission on Environmental Quality has filed
8-3 its recommendations relating to this Act with the governor, the
8-4 lieutenant governor, and the speaker of the house of
8-5 representatives within the required time.

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

8-10 SECTION 4. (a) Section 7206.103, Special District Local
8-11 Laws Code, as added by Section 1 of this Act, takes effect only if
8-12 this Act receives a two-thirds vote of all the members elected to
8-13 each house.

8-14 (b) If this Act does not receive a two-thirds vote of all the
8-15 members elected to each house, Subchapter C, Chapter 7206, Special
8-16 District Local Laws Code, as added by Section 1 of this Act, is
8-17 amended by adding Section 7206.103 to read as follows:

8-18 Sec. 7206.103. NO EMINENT DOMAIN POWER. The district may
8-19 not exercise the power of eminent domain.

8-20 (c) This section is not intended to be an expression of a
8-21 legislative interpretation of the requirements of Subsection (c),
8-22 Section 17, Article I, Texas Constitution.

8-23 SECTION 5. This Act takes effect immediately if it receives
8-24 a vote of two-thirds of all the members elected to each house, as
8-25 provided by Section 39, Article III, Texas Constitution. If this
8-26 Act does not receive the vote necessary for immediate effect, this
8-27 Act takes effect September 1, 2013.

8-28 * * * * *