

By: Zaffirini

S.B. No. 1838

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Cotton Center Municipal Utility District No. 2 of Caldwell County; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8434 to read as follows:

CHAPTER 8434. COTTON CENTER MUNICIPAL UTILITY DISTRICT NO. 2 OF CALDWELL COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8434.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Cotton Center Municipal Utility District No. 2 of Caldwell County.

Sec. 8434.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8434.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 8434.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8434.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 8434.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

9 (b) The district is created to accomplish the purposes of:

10 (1) a municipal utility district as provided by
11 general law and Section 59, Article XVI, Texas Constitution; and

12 (2) Section 52, Article III, Texas Constitution, that
13 relate to the construction, acquisition, improvement, operation,
14 or maintenance of macadamized, graveled, or paved roads, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8434.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 Sec. 8434.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT
3 REINVESTMENT ZONE. (a) The district is eligible to be included in
4 a tax increment reinvestment zone created under Chapter 311, Tax
5 Code.

6 (b) If the City of Martindale creates a tax increment
7 reinvestment zone described by Subsection (a) that includes all or
8 part of the territory of the district, the City of Martindale and
9 the board of directors of the zone, by contract with the district,
10 may grant money to the district from the tax increment fund to be
11 used for a permissible purpose of the district, including the right
12 to pledge the money as security for a bond or other obligation
13 issued by the district and for any permissible purpose of a
14 corporation under Section 380.002(b), Local Government Code.

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 8434.051. GOVERNING BODY; TERMS. (a) The district is
17 governed by a board of five elected directors.

18 (b) Except as provided by Section 8434.052, directors serve
19 staggered four-year terms.

20 Sec. 8434.052. TEMPORARY DIRECTORS. (a) The temporary
21 board consists of:

22 (1) Brandon D. Rabe;

23 (2) Garrod E. Huebner;

24 (3) Brendan K. Puthoff;

25 (4) Jeremy P. Poloskey; and

26 (5) Brian J. Kaucher.

27 (b) Temporary directors serve until the earlier of:

1 (1) the date permanent directors are elected under
2 Section 8434.003; or

3 (2) the fourth anniversary of the effective date of
4 the Act enacting this chapter.

5 (c) If permanent directors have not been elected under
6 Section 8434.003 and the terms of the temporary directors have
7 expired, successor temporary directors shall be appointed or
8 reappointed as provided by Subsection (d) to serve terms that
9 expire on the earlier of:

10 (1) the date permanent directors are elected under
11 Section 8434.003; or

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

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

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8434.101. GENERAL POWERS AND DUTIES. The district has
23 the powers and duties necessary to accomplish the purposes for
24 which the district is created.

25 Sec. 8434.102. MUNICIPAL UTILITY DISTRICT POWERS AND
26 DUTIES. The district has the powers and duties provided by the
27 general law of this state, including Chapters 49 and 54, Water Code,

1 applicable to municipal utility districts created under Section 59,
2 Article XVI, Texas Constitution.

3 Sec. 8434.103. AUTHORITY FOR ROAD PROJECTS. Under Section
4 52, Article III, Texas Constitution, the district may design,
5 acquire, construct, finance, issue bonds for, improve, operate,
6 maintain, and convey to this state, a county, or a municipality for
7 operation and maintenance macadamized, graveled, or paved roads, or
8 improvements, including storm drainage, in aid of those roads.

9 Sec. 8434.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
10 project must meet all applicable construction standards, zoning and
11 subdivision requirements, and regulations of each municipality in
12 whose corporate limits or extraterritorial jurisdiction the road
13 project is located.

14 (b) If a road project is not located in the corporate limits
15 or extraterritorial jurisdiction of a municipality, the road
16 project must meet all applicable construction standards,
17 subdivision requirements, and regulations of each county in which
18 the road project is located.

19 (c) If the state will maintain and operate the road, the
20 Texas Transportation Commission must approve the plans and
21 specifications of the road project.

22 Sec. 8434.105. COSTS OF ROAD PROJECT. The district may bear
23 the cost of designing, maintaining, improving, and operating a road
24 in the district authorized under Section 8434.103 in accordance
25 with all applicable ordinances and rules of the political
26 subdivision authorized to exercise jurisdiction over the road,
27 regardless of whether the district conveys the road to this state, a

1 county, or a municipality.

2 Sec. 8434.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3 OR RESOLUTION. (a) The district shall comply with all applicable
4 requirements of any ordinance or resolution that is adopted under
5 Section 54.016 or 54.0165, Water Code, and that consents to the
6 creation of the district or to the inclusion of land in the
7 district.

8 (b) In addition to all the rights and remedies provided by
9 other law, if the district violates the terms of an ordinance or
10 resolution described by Subsection (a), the municipality is
11 entitled to injunctive relief or a writ of mandamus issued by a
12 court requiring the district and the district's officials to
13 observe and comply with the terms of the ordinance or resolution.

14 Sec. 8434.107. MUNICIPAL CONSENT. Municipal consent to the
15 creation of the district and to the inclusion of land in the
16 district granted under Section 8434.004 acts as municipal consent
17 to the creation of any new district created by the division of the
18 district and to the inclusion of land in the new district.

19 Sec. 8434.108. EFFECT OF ANNEXATION BY CITY OF MARTINDALE.
20 Notwithstanding Section 54.016(f)(2), Water Code, an allocation
21 agreement between the City of Martindale and the district that
22 provides for the allocation of the taxes or revenues of the district
23 and the city following the date of inclusion of all the district's
24 territory in the corporate limits of the city may provide that the
25 total annual ad valorem taxes collected by the city and the district
26 from taxable property in the district may exceed the city's ad
27 valorem tax on that property.

1 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

2 Sec. 8434.151. DIVISION OF DISTRICT; PREREQUISITES. The
3 district may be divided into two or more new districts only if the
4 district:

5 (1) has never issued any bonds; and

6 (2) is not imposing ad valorem taxes.

7 Sec. 8434.152. LAW APPLICABLE TO NEW DISTRICT. This
8 chapter applies to any new district created by division of the
9 district, and a new district has all the powers and duties of the
10 district.

11 Sec. 8434.153. LIMITATION ON AREA OF NEW DISTRICT. A new
12 district created by the division of the district may not, at the
13 time the new district is created, contain any land outside the area
14 described by Section 2 of the Act enacting this chapter.

15 Sec. 8434.154. DIVISION PROCEDURES. (a) The board, on its
16 own motion or on receipt of a petition signed by the owner or owners
17 of a majority of the assessed value of the real property in the
18 district, may adopt an order dividing the district.

19 (b) The board may adopt an order dividing the district
20 before or after the date the board holds an election under Section
21 8434.003 to confirm the district's creation.

22 (c) An order dividing the district must:

23 (1) name each new district;

24 (2) include the metes and bounds description of the
25 territory of each new district;

26 (3) appoint temporary directors for each new district;

27 and

1 (4) provide for the division of assets and liabilities
2 between the new districts.

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

7 Sec. 8434.155. CONFIRMATION ELECTION FOR NEW DISTRICT. (a)
8 A new district created by the division of the district shall hold a
9 confirmation and directors' election as required by Section
10 8434.003.

11 (b) If the creation of the new district is confirmed, the
12 new district shall provide the election date and results to the
13 commission.

14 Sec. 8434.156. TAX OR BOND ELECTION. Before a new district
15 created by the division of the district may impose a maintenance tax
16 or issue bonds payable wholly or partly from ad valorem taxes, the
17 new district must hold an election as required by this chapter to
18 obtain voter approval.

19 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

20 Sec. 8434.201. ELECTIONS REGARDING TAXES OR BONDS. (a) The
21 district may issue, without an election, bonds and other
22 obligations secured by:

23 (1) revenue other than ad valorem taxes; or

24 (2) contract payments described by Section 8434.203.

25 (b) The district must hold an election in the manner
26 provided by Chapters 49 and 54, Water Code, to obtain voter approval
27 before the district may impose an ad valorem tax or issue bonds

1 payable from ad valorem taxes.

2 (c) The district may not issue bonds payable from ad valorem
3 taxes to finance a road project unless the issuance is approved by a
4 vote of a two-thirds majority of the district voters voting at an
5 election held for that purpose.

6 Sec. 8434.202. OPERATION AND MAINTENANCE TAX. (a) If
7 authorized at an election held under Section 8434.201, the district
8 may impose an operation and maintenance tax on taxable property in
9 the district in accordance with Section 49.107, Water Code.

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

12 Sec. 8434.203. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

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

21 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

22 Sec. 8434.251. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. The district may issue bonds or other obligations
24 payable wholly or partly from ad valorem taxes, impact fees,
25 revenue, contract payments, grants, or other district money, or any
26 combination of those sources, to pay for any authorized district
27 purpose.

1 150 acre tract of land conveyed to John MacMauldin by Deed of record
2 in Volume 359, Page 673 of said Official Public Records, being in
3 the northwesterly line of said Walton Tract 1, at the intersection
4 with the City of Martindale City Limit Line, same being the westerly
5 most corner of a future 5 foot wide City of Martindale Annexation
6 Strip (not yet of record), from which the southwesterly corner of
7 said Walton Tract 1 bears, S49°05'19"W, a distance of 533.94 feet;
8 THENCE, N49°05'19"E, leaving said City of Martindale City Limit
9 Line, along a portion of the southeasterly line of said 150 acre
10 tract of land, being a portion of the northwesterly line of said
11 Walton Tract 1, also being the northwesterly line of said future
12 5 foot wide City of Martindale Annexation Strip, a distance of
13 307.94 feet to the northerly corner of said future 5 foot wide City
14 of Martindale Annexation Strip, for the POINT OF BEGINNING and for
15 the westerly corner hereof;
16 THENCE, N49°05'19"E, leaving the northerly corner of said future
17 5 foot wide City of Martindale Annexation Strip, continuing along a
18 portion of the southeasterly line of said 150 acre tract of land,
19 being a portion of the northwesterly line of said Walton Tract 1,
20 for the northwesterly line hereof, a distance of 2707.52 feet to a
21 point at the intersection with the common line of the City of
22 Martindale ETJ and the City of San Marcos 3.5 Mile ETJ, for the
23 northerly corner hereof;
24 THENCE, leaving the southeasterly line of said 150 acre tract of
25 land, over and across said Walton Tract 1, along said common line of
26 the City of Martindale ETJ and the City of San Marcos 3.5 Mile ETJ,
27 for the northeasterly line hereof, the following four (4) courses

1 and distances:

2 1) S65°05'35"E, a distance of 871.31 feet, for an angle point
3 hereof;

4 2) N69°38'20"E, a distance of 374.12 feet, for an angle point
5 hereof;

6 3) S69°22'30"E, a distance of 631.48 feet to the point of curvature
7 of a curve to the right;

8 4) Along said curve, having a radius of 2746.11 feet, a central
9 angle of 26°52'25", an arc length of 1288.01 feet and a chord which
10 bears, S53°46'19'E, a distance of 1276.24 feet to a point of
11 intersection with the curving northwesterly right-of-way line of
12 State Highway 142 (R.O.W. varies), being the southeasterly line of
13 said Walton Tract 1, for the easterly corner hereof;

14 THENCE, leaving said common line of the City of Martindale ETJ and
15 the City of San Marcos 3.5 Mile ETJ, along a portion of the
16 northwesterly right-of-way line of State Highway 142, being a
17 portion of the irregular southeasterly line of said Walton Tract 1,
18 for a portion of the irregular southeasterly line hereof, the
19 following three (3) courses and distances:

20 1) Along a non-radial compound curve, having a radius of 11389.16
21 feet, a central angle of 00°37'29", an arc length of 124.18 feet and
22 a chord which bears, S49°46'55'W, a distance of 124.18 feet to the
23 end of said curve;

24 2) S50°05'40"W, a distance of 792.65 feet, for an angle point
25 hereof;

26 3) S50°01'18"W, a distance of 1284.94 feet to a point for the
27 easterly corner of that certain 9.45 acre tract of land having been

1 conveyed to Frank L. Caldwell by Deed in Volume 464, Page 657 of
2 said Official Public Records, being an angle point in said
3 irregular easterly line of said Walton Tract 1 and for an angle
4 point hereof;

5 THENCE, leaving the northwesterly right-of-way line of State
6 Highway 142, along the easterly, northwesterly and a portion of the
7 southwesterly lines of said 9.45 acre tract of land, being a portion
8 of the irregular southeasterly line of said Walton Tract 1, for a
9 portion of the irregular southeasterly line hereof, the following
10 seven (7) courses and distances:

11 1) N14°04'46"W, a distance of 440.12 feet, for an angle point
12 hereof;

13 2) N32°41'40"E, a distance of 106.61 feet, for an angle point
14 hereof;

15 3) N38°55'44"W, a distance of 302.19 feet, for an angle point
16 hereof;

17 4) S55°29'57"W, a distance of 241.11 feet, for an angle point
18 hereof;

19 5) S04°06'18"E, a distance of 153.18 feet, for an angle point
20 hereof;

21 6) S52°13'29"W, a distance of 397.30 feet, for an angle point
22 hereof;

23 7) S40°43'27"E, a distance of 349.03 feet to a point for the
24 northerly corner of that certain 0.97 acre tract of land having been
25 conveyed to Hilmer and Frances Bierstedt by Deed in Volume 241,
26 Page 303 of said Official Public Records, for an angle point in the
27 irregular southeasterly line of said Walton Tract 1 and for an angle

1 point hereof;

2 THENCE, leaving the southwesterly line of said 9.45 acre tract of
3 land, along the northwesterly and southwesterly lines of said 0.97
4 acre tract of land, being a portion of the irregular southeasterly
5 line of said Walton Tract 1, for a portion of the irregular
6 southeasterly line hereof, the following two (2) courses and
7 distances:

8 1) $S46^{\circ}11'36''W$, a distance of 141.88 feet, for an angle point
9 hereof;

10 2) $S40^{\circ}58'24''E$, a distance of 311.98 feet to a point in said
11 northwesterly right-of-way line of State Highway 142, being the
12 southerly corner of said 0.97 acre tract of land, for an angle point
13 in the irregular southeasterly line of said Walton Tract 1 and for
14 an angle point hereof;

15 THENCE, $S48^{\circ}50'31''W$, leaving the southerly corner of said 0.97 acre
16 tract of land, along said northwesterly right-of-way line of State
17 Highway 142, being the irregular southeasterly line of said Walton
18 Tract 1, for a portion of the irregular southeasterly line hereof,
19 a distance of 19.66 feet to the intersection with the northeasterly
20 line of said future 5 foot wide City of Martindale Annexation
21 Strip, for the southerly corner hereof;

22 THENCE, leaving the northwesterly right-of-way line of State
23 Highway 142, over and across said Walton Tract 1, along the
24 northeasterly line of said future 5 foot wide City of Martindale
25 Annexation Strip, for the southwesterly line hereof, the following
26 two (2) courses and distances:

27 1) $N73^{\circ}53'09''W$, a distance of 598.09 feet, for an angle point

1 hereof;

2 2) N62°58'50"W, a distance of 2379.20 feet to the POINT OF
3 BEGINNING, and containing an area of 172.5 acres of land, more or
4 less, within these metes and bounds.

5 PARCEL 2 - 42.6 ACRES

6 BEGINNING, at a point in the southeasterly line of that certain
7 150 acre tract of land conveyed to John MacMauldin by Deed of record
8 in Volume 359, Page 673 of said Official Public Records, being in
9 the northwesterly line of said Walton Tract 1, at the intersection
10 with the City of Martindale City Limit Line, same being a point for
11 the westerly most corner of a future 5 foot wide City of Martindale
12 Annexation Strip (not yet of record), for an angle point in the
13 northwesterly line hereof, from which the southwesterly corner of
14 said Walton Tract 1 bears, S49°05'19"W, a distance of 533.94 feet;

15 THENCE, S64°41'04"E, leaving the southeasterly line of said
16 150 acre tract of land, over and across said Walton Tract 1, along
17 said City of Martindale City Limit Line, same being the
18 southwesterly line of said future 5 foot wide City of Martindale
19 Annexation Strip, for a portion of the northwesterly line hereof, a
20 distance of 5.46 feet to a point for southerly corner of said 5 foot
21 wide City of Martindale Annexation Strip, for an angle point
22 hereof;

23 THENCE, leaving said City of Martindale City Limit Line, over and
24 across said Walton Tract 1, along the southwesterly line of said
25 future 5 foot wide City of Martindale Annexation Strip, for a
26 portion of the northwesterly line and the northeasterly line
27 hereof, the following three (3) courses and distances:

1) N49°05'19"E, a distance of 302.37 feet, for the northerly corner hereof;

2) S62°58'50"E, a distance of 2376.31 feet, for an angle point hereof;

3) S73°53'09"E, a distance of 595.36 feet to a point in the northwesterly right-of-way line of State Highway 142 (R.O.W. varies), being the southeasterly line of said Walton Tract 1, also being the southeasterly corner of said future 5 foot wide City of Martindale Annexation Strip, for the easterly corner hereof;

THENCE, S48°50'31"W, leaving the southwesterly line of said future 5 foot wide City of Martindale Annexation Strip, along a portion of the northwesterly right-of-way line of State Highway 142, being a portion of the southeasterly line of said Walton Tract 1, for the southeasterly line hereof, passing at a distance of 296.21 feet said City of Martindale City Limit Line, for a total distance of 440.97 feet to a point for the easterly corner of that certain 0.425 acre tract of land conveyed to Juan and Janie Parra by Deed of record in Volume 259, Page 638 of said Official Public Records, for the southerly corner hereof;

THENCE, N39°18'25"W, leaving the northwesterly right-of-way line of State Highway 142, along the northeasterly line of said 0.425 acre tract of land, being a portion of the southwesterly line of said Walton Tract 1, for a portion of the southwesterly line hereof, a distance of 203.96 feet to a point for the northerly corner of said 0.425 acre tract of land, for an angle point hereof;

THENCE, S47°57'08"W, leaving the northerly corner of said

1 0.425 acre tract of land, along the northwesterly line of said
2 0.425 acre tract of land, the northwesterly line of that certain
3 0.270 acre tract of land conveyed to Frank and Erlinda Parra by Deed
4 of record in Volume 342, Page 129 and the northwesterly line of that
5 certain 0.267 acre tract of land conveyed to Elbira Parra by Deed of
6 record in Volume 527, Page 257, both of said Official Public
7 Records, being a portion of the southwesterly line of said Walton
8 Tract 1, for a portion of the southwesterly line hereof, a distance
9 of 211.52 feet to a point for the northwesterly corner of said
10 0.267 acre tract of land, same being the northerly corner of that
11 certain 0.918 acre tract of land conveyed to B.W. Bowden
12 Properties, Inc. by Deed of record in Volume 510, Page 401, and also
13 being the northeasterly corner of that certain 1.035 acre tract of
14 land conveyed to Donald W. Bagley by Deed of record in Volume 397,
15 Page 220, both of said Official Public Records, for an angle point
16 hereof;

17 THENCE, N70°37'35"W, leaving the northwesterly corner of said
18 0.267 acre tract of land, along the northeasterly line of said
19 1.035 acre tract of land and the northeasterly line of that certain
20 1.035 acre tract of land conveyed to Maebeth Bagley by Deed of
21 record in Volume 501, Page 410 of said Official Public Records,
22 being a portion of the southwesterly line of said Walton Tract 1,
23 for a portion of the southwesterly line hereof, a distance of 444.98
24 feet to a point for the northwesterly corner of said 1.035 acre
25 Maebeth Bagley tract of land, same being the northeasterly corner
26 of that certain 0.563 acre tract of land conveyed to Sharon Peters
27 LLC by Deed of record in Volume 525, Page 818 of said Official

1 Public Records, for an angle point hereof;
2 THENCE, N72°13'49"W, leaving the northwesterly corner of said
3 1.035 acre Maebeth Bagley tract of land, along the northeasterly
4 line of said 0.563 acre tract of land, being a portion of the
5 southwesterly line of said Walton Tract 1, for a portion of the
6 southwesterly line hereof, a distance of 99.83 feet to a point for
7 the northwesterly corner of said 0.563 acre tract of land, same
8 being the northeasterly corner of that certain 1.25 acre tract of
9 land conveyed to Donald Walter Bagley by Deed of record in Volume
10 397, Page 2201 of said Official Public Records, for an angle point
11 hereof;

12 THENCE, N64°56'19"W, leaving the northwesterly corner of said
13 0.563 acre tract of land, along the northeasterly line of said
14 1.25 acre tract of land, being a portion of the southwesterly line
15 of said Walton Tract 1, for a portion of the southwesterly line
16 hereof, a distance of 272.66 feet to a point for the northwesterly
17 corner of said 1.25 acre tract of land, same being the northeasterly
18 corner of that certain 0.75 acre tract of land conveyed to Robert
19 West Bagley and Joanna Kathryn Bagley by Deed of record in Volume
20 66, Page 63 of said Official Public Records, for an angle point
21 hereof;

22 THENCE, leaving the northwesterly corner of said 1.25 acre tract of
23 land, along the northeasterly and northwesterly line of said
24 0.75 acre tract of land, being a portion of the southwesterly line
25 of said Walton Tract 1, for a portion of the southwesterly line
26 hereof, the following two (2) courses and distances:

27 1) N64°33'57"W, a distance of 155.44 feet to a point for the

1 northwest corner of said 0.75 acre tract of land, for an angle point
2 hereof;

3 2) S25°06'36"W, a distance of 210.88 feet to a point in the
4 northeasterly right-of-way line of State Highway 80
5 (R.O.W. varies), for the southwesterly corner of said 0.75 acre
6 tract of land and for an angle point hereof;

7 THENCE, N64°53'28"W, along northeasterly right-of-way line of State
8 Highway 80, being a portion of the southwesterly line of said Walton
9 Tract 1, for a portion of the southwesterly line hereof, a distance
10 of 1894.95 feet to the southeasterly corner of said 150 acre tract
11 of land, being the southwesterly corner of said Walton Tract 1, for
12 the westerly corner hereof;

13 THENCE, N49°05'19"E, leaving the northeasterly right-of-way line of
14 State Highway 80, along the southeasterly line of said 150 acre
15 tract of land, being the northwesterly line of said Walton Tract 1,
16 for a portion of the northwesterly line hereof, a distance of 533.94
17 feet to the POINT OF BEGINNING, and containing an area of 42.6 acres
18 of land, more or less, within these metes and bounds.

19 PARCEL 3 - 51.7 ACRES

20 BEGINNING, at a point in the southwesterly right-of-way line of
21 State Highway 80 (R.O.W. varies), being the easterly corner that
22 certain 1.0 acre tract of land conveyed to Bluebonnet Electric
23 Co-operative (Record Deed not available) and also being the
24 northerly corner of said Walton Tract 2, for the northerly corner
25 hereof;

26 THENCE, S64°57'52"E, leaving the easterly corner of said 1.0 acre
27 Bluebonnet Electric Co-operative tract of land, along the

1 southwesterly right-of-way line of State Highway 80, being the
2 northeasterly line of said Walton Tract 2, for a portion of the
3 northeasterly line hereof, a distance of 1821.24 feet to a point for
4 the northerly corner of that certain 1.0 acre tract of land conveyed
5 to Robert W. and Amanda Bagley by Deed of record in Volume 64,
6 Page 190 of said Official Public Records, for an angle point
7 hereof;

8 THENCE, leaving the southwesterly right-of-way line of State
9 Highway 80, along the northwesterly, southwesterly and a portion of
10 the southeasterly line of said 1.0 acre Bagley tract of land, being
11 a portion of the northeasterly line of said Walton Tract 2, for a
12 portion of the northeasterly line hereof, the following three (3)
13 courses and distances:

14 1) S22°22'16"W, a distance of 207.40 feet to a point for the
15 westerly corner of said 1.0 acre Bagley tract of land, for an angle
16 point hereof;

17 2) S66°39'52"E, a distance of 231.91 feet to a point for the
18 southerly corner of said 1.0 acre Bagley tract of land, for an angle
19 point hereof;

20 3) N44°15'05"E, a distance of 92.60 feet to a point for the
21 westerly corner of that certain 3.12 acre tract of land conveyed to
22 Crown Seed USA Inc. by Deed of record in Volume 624, Page 508 of
23 said Official Public Records, for an angle point hereof;

24 THENCE, S42°28'23"E, leaving the southeasterly line of said
25 1.0 acre Bagley tract of land, along the southwesterly line of said
26 3.12 acre tract of land, being a portion of the northeasterly line
27 of said Walton Tract 2, for a portion of the northeasterly line

1 hereof, a distance of 470.30 feet to a point in the southwesterly
2 line of that certain 1.04 acre tract of land conveyed to Jeffrey D.
3 and Lori L. Caldwell by Deed of record in Volume 454, Page 825 of
4 said Official Public Records, same being the northerly corner of
5 that certain 2.71 acre tract of land conveyed to Crown Seed USA Inc.
6 by Deed of record in Volume 599, Page 585 of said Official Public
7 Records, for the easterly corner hereof;

8 THENCE, leaving the southwesterly line of said 1.04 acre tract of
9 land, along the northwesterly and a portion of the southwesterly
10 line of said 2.71 acre tract of land, being a portion of the
11 southeasterly line of said Walton Tract 2, for a portion of the
12 southeasterly line hereof, the following two (2) courses and
13 distances:

14 1) S47°46'15"W, a distance of 443.05 feet to a point for the
15 westerly corner of said 2.71 acre tract of land, for an angle point
16 hereof;

17 2) S40°42'01"E, a distance of 97.89 feet to a point for the
18 northerly corner of that certain 0.919 acre tract of land conveyed
19 to David E. and Deanna M. Murdoch by Deed of record in Volume 146,
20 Page 646 of said Official Public Records, for an angle point
21 hereof;

22 THENCE, S48°17'46"W, leaving the southwesterly line of said
23 2.71 acre tract of land, along the northwesterly line of said 0.919
24 acre tract of land, being a portion of the southeasterly line of
25 said Walton Tract 2, for a portion of the southeasterly line hereof,
26 a distance of 188.79 feet to a point for the westerly corner of said
27 0.919 acre tract of land, same being the northerly corner of that

1 certain 0.54 acre tract of land conveyed to Frank Rodriguez Jr. by
2 Deed of record in Volume 335, Page 120 of said Official Public
3 Records, for an angle point hereof;

4 THENCE, S48°12'41"W, leaving the westerly corner of said 0.919 acre
5 tract of land, along the northwesterly line of said 0.54 acre tract
6 of land and the northwesterly line of that certain 0.475 acre tract
7 of land conveyed to George Jr. and Wanda Gail Rasmussen by Deed of
8 record in Volume 520, Page 498 of said Official Public Records,
9 being a portion of the southeasterly line of said Walton Tract 2,
10 for a portion of the southeasterly line hereof, a distance of 218.54
11 feet to a point for the westerly corner of said 0.475 acre tract of
12 land, same being an easterly corner of that certain 1.594 acre tract
13 of land conveyed to Mitchell Todd Warner by Deed of record in
14 Volume 291, Page 767 of said Official Public Records, for the
15 southerly corner hereof;

16 THENCE, leaving the westerly corner of said 0.475 acre tract of
17 land, along a portion of the northeasterly and the northwesterly
18 line of said 1.594 acre tract of land, being a portion of the
19 southwesterly line of said Walton Tract 2, for a portion of the
20 southwesterly line hereof, the following two (2) courses and
21 distances:

22 1) N42°36'27"W, a distance of 295.13 feet to a point for the
23 northerly corner of said 1.594 acre tract of land, for an angle
24 point hereof;

25 2) S50°02'58"W, a distance of 92.21 feet to a point for the
26 northerly corner of that certain 0.982 acre tract of land conveyed
27 to John Mark and Kristine Joanne Caldwell by Deed of record in

1 Volume 464, Page 696, same being the easterly corner of that
2 certain 0.92 acre tract of land conveyed to E & T Real Estate LLC by
3 Deed of record in Volume 640, Page 124, both of said Official Public
4 Records, for an angle point hereof;

5 THENCE, N50°25'05"W, leaving the northerly corner of said
6 0.982 acre tract of land, along the northeasterly line of said
7 0.92 acre tract of land, being a portion of the southwesterly line
8 of said Walton Tract 2, for a portion of the southwesterly line
9 hereof, a distance of 132.17 feet to a point for the northerly
10 corner of said 0.92 acre tract of land, same being the easterly
11 corner of that certain 1.8084 acre tract of land conveyed to John
12 and Debbie Newby by Deed of record in Volume 629, Page 6 of said
13 Official Public Records, for an angle point hereof;

14 THENCE, N50°17'14"W, leaving the northerly corner of said 0.92 acre
15 tract of land, along the northeasterly line of said 1.8084 acre
16 tract of land, being a portion of the southwesterly line of said
17 Walton Tract 2, for a portion of the southwesterly line hereof, a
18 distance of 200.68 feet to a point for the northerly corner of said
19 1.8084 acre tract of land, same being the easterly corner of that
20 certain 2.65 acre tract of land conveyed to Jose A. Lucio by Deed of
21 record in Volume 168, Page 160 of said Official Public Records, for
22 an angle point hereof;

23 THENCE, N50°15'12"W, leaving the northerly corner of said
24 1.8084 acre tract of land, along the northeasterly line of said
25 2.65 acre tract of land and the northeasterly line of that certain
26 0.762 acre tract of land conveyed to Dan Langan by Deed of record in
27 Volume 512, Page 356 of said Official Public Records, being a

1 portion of the southwesterly line of said Walton Tract 2, for a
2 portion of the southwesterly line hereof, a distance of 519.84 feet
3 to a point for the northerly corner of said 0.762 acre tract of
4 land, same being the easterly corner of that certain 0.632 acre
5 tract of land conveyed to Jason Derek McDaniel by Deed of record in
6 Volume 511, Page 346 of said Official Public Records, for an angle
7 point hereof;

8 THENCE, N50°05'12"W, leaving the northerly corner of said
9 0.762 acre tract of land, along the northeasterly line of said
10 0.632 acre tract of land, being a portion of the southwesterly line
11 of said Walton Tract 2, for a portion of the southwesterly line
12 hereof, a distance of 229.50 feet to a point for the northerly
13 corner of said 0.632 acre tract of land, same being the northerly
14 corner of that certain 1.0 acre tract of land conveyed to Robert W.
15 and Amanda Bagley by Deed of record in Volume 64, Page 190, and also
16 being the easterly corner of that certain 21.73 acre tract of land
17 conveyed to Leslie D. and Lorraine Harrison by Deed of record in
18 Volume 464, Page 830, both of said Official Public Records, for an
19 angle point hereof;

20 THENCE, N64°57'41"W, leaving the northerly corner of said 1.0 acre
21 tract of land, along the northeasterly line of said 21.73 acre
22 tract of land, being a portion of the southwesterly line of said
23 Walton Tract 2, for a portion of the southwesterly line hereof, a
24 distance of 1288.02 feet to a point in the southeasterly line of
25 that certain 11.562 acre tract of land conveyed to Robert Deviney
26 and James Deviney and Sandra Deviney by Deed of record in
27 Volume 206, Page 485 of said Official Public Records, same being

1 the northerly corner of said 21.73 acre tract of land and the
2 westerly corner of said Walton Tract 2, for the westerly corner
3 hereof;

4 THENCE, N49°01'38"E, leaving the northerly corner of said 21.73 acre
5 tract of land, along a portion of the southeasterly line of said
6 11.562 acre tract of land and the southeasterly line of said 1.0
7 acre Bluebonnet Electric Co-operative tract of land, being the
8 northwesterly line of said Walton Tract 2, for the northwesterly
9 line hereof, a distance of 889.03 feet to the POINT OF BEGINNING,
10 and containing an area of 51.7 acres of land, more or less, within
11 these metes and bounds.

12 PARCEL 4 - 48.2 ACRES

13 BEGINNING, at a point in the southeasterly right-of-way line of
14 State Highway 142 (R.O.W. varies), being the westerly corner of
15 that certain 17.28 acre tract of land conveyed to Ernest F. Garcia
16 by Deed of record in Volume 395, Page 154 of said Official Public
17 Records, same being the northerly corner of said Walton Tract 3, for
18 the northerly corner hereof;

19 THENCE, S41°49'05"E, leaving the southeasterly right-of-way line of
20 State Highway 142, along the southwesterly line of said 17.28 acre
21 tract of land, being the northeasterly line of said Walton Tract 3,
22 for a portion of the northeasterly line hereof, a distance of 759.20
23 feet to a point for the southerly corner of said 17.28 acre tract of
24 land, same being the westerly corner of that certain 4.000 acre
25 tract of land having been conveyed to Nelda Flores by Deed of record
26 in Volume 291, Page 312 of said Official Public Records, for an
27 angle point hereof;

1 THENCE, S41°57'43"E, leaving the southerly corner of said
2 17.28 acre tract of land, along the southwesterly line of said
3 4.000 acre tract of land, being the northeasterly line of said
4 Walton Tract 3, for a portion of the northeasterly line hereof, a
5 distance of 217.17 feet to a point for the southerly corner of said
6 4.000 acre tract of land, same being the westerly corner of that
7 certain 1.705 acre tract of land conveyed to Guadalupe Alvarez
8 (Record Deed not available), for an angle point hereof;

9 THENCE, S41°59'23"E, leaving the southerly corner of said
10 4.000 acre tract of land, along the southwesterly line of said
11 1.705 acre tract of land, being the northeasterly line of said
12 Walton Tract 3, for a portion of the northeasterly line hereof, a
13 distance of 216.81 feet to a point for the southerly corner of said
14 1.705 acre tract of land, same being the westerly corner of that
15 certain 0.498 acre tract of land conveyed to Steve Morris and wife,
16 Maritsa G. Morris by Deed of record in Volume 393, Page 825 of said
17 Official Public Records, for an angle point hereof;

18 THENCE, S41°50'02"E, leaving the southerly corner of said
19 1.705 acre tract of land, along the southwesterly line of said
20 0.498 acre tract of land, being the northeasterly line of said
21 Walton Tract 3, for a portion of the northeasterly line hereof, a
22 distance of 216.73 feet to a point for the southerly corner of said
23 0.498 acre tract of land, same being the westerly corner of that
24 certain 5.01 acre tract of land conveyed to Merced F. Garcia and
25 wife, Otilia F. Garcia & Patricia Garcia by Deed of record in Volume
26 396, Page 278 of said Official Public Records, for an angle point
27 hereof;

1 THENCE, S41°53'49"E, leaving the southerly corner of said
2 0.498 acre tract of land, along the southwesterly line of said
3 5.01 acre tract of land, being the northeasterly line of said
4 Walton Tract 3, for a portion of the northeasterly line hereof, a
5 distance of 216.46 feet to a point for the southerly corner of said
6 5.01 acre tract of land, same being the westerly corner of that
7 certain 10.0 acre tract of land conveyed to Vivian Gonzales by Deed
8 of record in Volume 20, Page 104 of said Official Public Records,
9 for an angle point hereof;

10 THENCE, S41°59'29"E, leaving the southerly corner of said 5.01 acre
11 tract of land, along a portion of the southwesterly line of said
12 10.0 acre tract of land, being the northeasterly line of said
13 Walton Tract 3, for a portion of the northeasterly line hereof, a
14 distance of 392.06 feet to a point for the northerly corner of a
15 future 5 foot wide City of Martindale Annexation Strip (not yet of
16 record), for the easterly corner hereof;

17 THENCE, S34°06'42"W, leaving the southwesterly line of said
18 10.0 acre tract of land, along the northwesterly line of said
19 future 5 foot wide City of Martindale Annexation Strip, over and
20 across said Walton Tract 3, for the southeasterly line hereof, a
21 distance of 565.46 feet to a point in the City of Martindale City
22 Limit Line, same being the westerly corner of said future 5 foot
23 wide City of Martindale Annexation Strip, for the southerly corner
24 hereof;

25 THENCE, leaving the westerly corner of said future 5 foot wide City
26 of Martindale Annexation Strip, over and across said Walton
27 Tract 3, along said City of Martindale City Limit Line, for a

1 portion of the southwesterly line hereof, the following two (2)
2 courses and distances:

3 1) N65°11'09"W, a distance of 676.57 feet, for an angle point
4 hereof;

5 2) N64°34'00"W, a distance of 1190.39 feet to a point in the
6 northeasterly line of that certain 3.89 acre tract of land conveyed
7 to Martindale Apartments Ltd. by Deed of record in Volume 97, Page
8 746 of said Official Public Records, for an angle point hereof;

9 THENCE, N32°05'06"W, leaving said City of Martindale City Limit
10 Line, along the northeasterly line of said 3.89 acre tract of land,
11 being a portion of the southwesterly line of said Walton Tract 3,
12 for a portion of the southwesterly line hereof, a distance of 494.79
13 feet to a point in the southeasterly right-of-way line of State
14 Highway 142, same being the northerly corner of said 3.89 acre tract
15 of land and the westerly corner of said Walton Tract 3, for the
16 westerly corner hereof;

17 THENCE, leaving the northerly corner of said 3.89 acre tract of
18 land, along the southeasterly right-of-way line of State Highway
19 142, being the northwesterly line of said Walton Tract 3, for the
20 northwesterly line hereof, the following four (4) courses and
21 distances:

22 1) N49°09'30"E, a distance of 316.15 feet, for an angle point
23 hereof;

24 2) N65°48'08"E, a distance of 69.19 feet, for an angle point
25 hereof;

26 3) N49°10'39"E, a distance of 19.56 feet, for an angle point
27 hereof;

1 4) N49°55'15"E, a distance of 789.52 feet to the POINT OF
2 BEGINNING, and containing an area of 48.2 acres of land, more or
3 less, within these metes and bounds.

4 PARCEL 5 - 37.8 ACRES

5 BEGINNING, at a point in the northeasterly right-of-way line of
6 State Highway 80 (R.O.W. varies), being the westerly corner of that
7 certain 33.7 acre portion of that certain 425.95 acre tract of land
8 conveyed to Herbert Richard Conrads by Deed of record in Volume 90,
9 Page 891 of said Official Public Records, same being the southerly
10 corner of said Walton Tract 3, for the southerly corner hereof;

11 THENCE, leaving the westerly corner of said 33.7 acre tract of land,
12 along the northeasterly right-of-way line of State Highway 80,
13 being a portion of the southwesterly line of said Walton Tract 3,
14 for the southwesterly line hereof, the following thirteen (13)
15 courses and distances:

16 1) N64°57'06"W, a distance of 799.01 feet, for an angle point
17 hereof;

18 2) N24°39'33"E, a distance of 5.22 feet, for an angle point hereof;

19 3) N64°53'40"W, a distance of 200.19 feet, for an angle point
20 hereof;

21 4) N25°06'20"E, a distance of 29.79 feet, for an angle point
22 hereof;

23 5) N64°53'40"W, a distance of 300.00 feet, for an angle point
24 hereof;

25 6) N25°06'20"E, a distance of 65.00 feet, for an angle point
26 hereof;

27 7) N64°53'40"W, a distance of 300.00 feet, for an angle point

1 hereof;
2 8) S25°06'20"W, a distance of 50.00 feet, for an angle point
3 hereof;
4 9) N64°53'40"W, a distance of 300.00 feet, for an angle point
5 hereof;
6 10) N26°24'46"E, a distance of 14.78 feet, for an angle point
7 hereof;
8 11) N64°53'40"W, a distance of 400.00 feet, for an angle point
9 hereof;
10 12) S25°06'20"W, a distance of 65.00 feet, for an angle point
11 hereof;
12 13) N64°53'40"W, a distance of 155.67 feet to a point for the
13 southeasterly corner of that certain 0.44 acre tract of land
14 conveyed to Juan C. Ocampo and Maria DeLaluz by Deed of record in
15 Volume 610, Page 520 of said Official Public Records, same being the
16 southwesterly corner of said Walton Tract 3, for an angle point
17 hereof;
18 THENCE, N30°39'55"W, leaving the northeasterly right-of-way line of
19 State Highway 80, along the northeasterly line of said 0.44 acre
20 tract, being a portion of the southwesterly line of said Walton
21 Tract 3, for a portion of the southwesterly line hereof, a distance
22 of 309.75 feet to a point for the southerly corner of that certain
23 3.89 acre tract of land conveyed to Martindale Apartments Ltd. by
24 Deed of record in Volume 97, Page 746 of said Official Public
25 Records, same being the easterly corner of that certain 0.79 acre
26 tract of land conveyed to Robert D. Norris and wife, Dana Kaye
27 Norris by Deed of record in Volume 245, Page 510 of said Official

1 Public Records and also being the northerly corner of said 0.44 acre
2 tract, and for the westerly corner hereof;

3 THENCE, leaving the northerly corner of said 0.44 acre tract, same
4 being the easterly corner of said 0.79 acre tract, along the
5 southeasterly line and a portion of the northeasterly line of said
6 3.89 acre tract, being a portion of the southwesterly line of said
7 Walton Tract 3, for a portion of the northwesterly line hereof, the
8 following two (2) courses and distances:

9 1) N48°39'51"E, a distance of 297.92 feet to a point for the
10 easterly corner of said 3.89 acre tract, for an angle point hereof;

11 2) N32°05'06"W, a distance of 104.72 feet to a point 5.00 feet
12 parallel and southwesterly from the City of Martindale City Limit
13 Line, for an angle point hereof;

14 THENCE, leaving the northeasterly line of said 3.89 acre tract,
15 along a line 5.00 feet parallel and southwesterly from said City of
16 Martindale City Limit Line, over and across said Walton tract 3, for
17 a portion of the northwesterly line hereof, the following two (2)
18 courses and distances:

19 1) S64°34'00"E, a distance of 1182.56 feet, for an angle point
20 hereof;

21 2) S65°11'09"E, a distance of 680.85 feet to a point 5.00 feet
22 parallel and southwesterly from the City of Martindale City Limit
23 Line, for an angle point hereof;

24 THENCE, N34°06'42"E, over and across said Walton Tract 3, for a
25 portion of the northwesterly line hereof, a distance of 5.07 feet to
26 a point in said City of Martindale City Limit Line, for an interior
27 corner of a future 5 foot wide City of Martindale Annexation Strip,

1 and for an angle point hereof;
2 THENCE, leaving said City of Martindale City Limit Line, over and
3 across said Walton Tract 3, along the interior lines of said future
4 5 foot wide City of Martindale Annexation Strip, for a portion of
5 the northwesterly line, the northeasterly line and a portion of the
6 southeasterly line hereof, the following five (5) courses and
7 distances:
8 1) N34°06'42"E, a distance of 558.25 feet to a point for the
9 northerly corner hereof;
10 2) S41°59'29"E, a distance of 33.53 feet, for an angle point
11 hereof;
12 3) S41°57'34"E, a distance of 215.40 feet, for an angle point
13 hereof;
14 4) S41°53'44"E, a distance of 831.66 feet to a point for the
15 easterly corner hereof;
16 5) S48°20'04"W, a distance of 139.08 feet to a point in said City of
17 Martindale City Limit Line, same being an interior corner of said
18 future 5 foot wide City of Martindale Annexation Strip, for an angle
19 point hereof;
20 THENCE, S63°39'51"E, along said City of Martindale City Limit Line,
21 being a southwesterly line of said future 5 foot wide City of
22 Martindale Annexation Strip, over and across said Walton Tract 3,
23 for a portion of the southeasterly line hereof, a distance of
24 5.39 feet to a point in the southeasterly line of said
25 Walton Tract 3, for the southeasterly corner of said future 5 foot
26 wide City of Martindale Annexation Strip, same being the westerly
27 corner of that certain 392.25 acre portion of that certain 425.95

1 acre tract of land conveyed to Herbert Richard Conrads by Deed of
2 record in Volume 90, Page 891 of said Official Public Records, same
3 also being the northerly corner of said 33.7 acre tract of land, for
4 an angle point hereof;

5 THENCE, S48°20'04"W, leaving said City of Martindale City Limit
6 Line, along the northwesterly line of said 33.7 acre tract of land,
7 being a portion of the southeasterly line of said Walton Tract 3,
8 for a portion of the southeasterly line hereof, a distance of 550.94
9 feet to the POINT OF BEGINNING, and containing an area of 37.8 acres
10 of land, more or less, within these metes and bounds.

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

18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor, the
23 lieutenant governor, and the speaker of the house of
24 representatives within the required time.

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 8434, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 8434.109 to read as follows:

6 Sec. 8434.109. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

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

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