Bryan W. Shaw, Ph.D., P.E., *Chairman*
Toby Baker, *Commissioner*
Jon Niermann, *Commissioner*
Richard A. Hyde, P.E., *Executive Director*

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 21, 2017

The Honorable Dan Patrick
Lieutenant Governor of Texas
Capitol Station
PO Box 12068
Austin, Texas 78711

Re: Responsibility of the Texas Commission on Environmental Quality (TCEQ) Pursuant to Article XVI, Section 59(d), Texas Constitution

Senate Bill (SB) 914, as Filed by Senator Donna Campbell - Relating to the creation of the Kendall County Water Control and Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

Dear Governor Patrick:

The following comments are provided pursuant to the Constitutional requirements referenced above. Under those requirements, the TCEQ must submit, to the Governor, Lieutenant Governor and Speaker of the House of Representatives, the TCEQ's recommendations on specific legislation affecting water districts. We recommend that these comments be considered in the evaluation of the proposed legislation.

Sincerely,

Cari-Michel LaCaille, Director
Water Supply Division

cc: Honorable Eddie Lucio, Jr., Chairman, Senate Intergovernmental Relations Committee
Senator Donna Campbell, Texas Senate

Enclosure

SB 914, as Filed by Senator Donna Campbell
Texas Commission on Environmental Quality's Comments

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill creates Kendall County Water Control and Improvement District No. 3 (District) with the powers and duties of a standard water control and improvement district under Water Code Chapters 49 and 51.

Comments on Powers/Duties Different from Similar Types of Districts: This bill grants the District authority for road projects; the bill allows the District to divide and specifies requirements for division. The District may be divided only if the District has no outstanding bonded debt and is not imposing ad valorem taxes. The bill further specifies that on or before the 30th day after the date of adoption of an order dividing the District, the District shall file the order with the TCEQ; limits the District's use of eminent domain. The District may not exercise the power of eminent domain outside the District's boundaries to acquire a site or easement for a recreational facility or a road project; specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; and if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

LETTER OF TRANSMITTAL
TEXAS SENATE
STATE OF TEXAS

SB 914
Bill Number

TO: The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to transmit to you and the Texas Commission on Environmental Quality copies of a bill relating to a conservation and reclamation district and copies of the notice of intention to introduce the bill. One copy is for your files and one for you to forward to the Texas Commission on Environmental Quality, under Section 59(d), Article XVI, Constitution of the State of Texas.

2/15/2017
Date transmitted to
Governor's Office

Patsy Spaw
Secretary of the Senate

TO: Texas Commission on Environmental Quality

SUBJECT: A Bill Relating to a Conservation and Reclamation District

This is to forward to you a copy of a bill relating to conservation and reclamation district and a copy of the notice of intention to introduce the bill.

February 22, 2017
Date transmitted to
Texas Commission on Environmental Quality

Greg Abbott
Governor

TO: The Honorable President of the Senate
The Honorable Speaker of the House of Representatives
The Honorable Governor of Texas

SUBJECT: A Bill Relating to a Conservation and Reclamation District

Attached are recommendations of the Texas Commission on Environmental Quality in compliance with Section 59(d), Article XVI, Constitution of the State of Texas.

Texas Commission on Environmental Quality

By: Campbell S.B. No. 914

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Kendall County Water Control and Improvement District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9072 to read as follows:

CHAPTER 9072. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9072.001. 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 Kendall County Water Control and Improvement District No. 3.

Sec. 9072.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9072.003. 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.

Sec. 9072.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9072.003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 9072.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

(1) a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution; and

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

Sec. 9072.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and

interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9072.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 9072.052, directors serve staggered four-year terms.

Sec. 9072.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) R. Hunt Winton III;

(2) Chad H. Foster Jr.;

(3) David Sawtelle;

(4) Craig Leeder; and

(5) Zach Feller.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 9072.003; or

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

(c) If permanent directors have not been elected under Section 9072.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 9072.003; or

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

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

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9072.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 9072.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9072.103. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 9072.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in

whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 9072.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042 or 42.0425, Local Government Code, and consents to the creation of the district or to the inclusion of land in the district.

Sec. 9072.106. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and

(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c) Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 9072.003 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;

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

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

(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 9072.003.

(i) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

Sec. 9072.107. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district boundaries to acquire a site or easement for:

(1) a recreational facility, as defined by Section 49.462, Water Code; or

(2) a road project authorized by Section 9072.103.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9072.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9072.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

Sec. 9072.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9072.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 9072.153. CONTRACT TAXES. (a) In accordance with

Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9072.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9072.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section 51.433, Water Code.

Sec. 9072.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Kendall County Water Control and Improvement

District No. 3 initially includes all the territory contained in the following area:

BEGINNING, AT A FOUND 1/2 INCH IRON ROD FOR THE NORTHWESTERLY CORNER OF SAID 203.026 ACRE TRACT SITUATED ON THE EASTERLY LINE OF SAID 390.8354 ACRE TRACT, FOR THE SOUTHWESTERLY CORNER OF LOT 7, BLUEGRASS SUBDIVISION RECORDED IN VOLUME 1 PAGE 259, PLAT RECORDS, KENDALL COUNTY, TEXAS;

THENCE, N 88° 43' 53" E, ALONG THE COMMON NORTHERLY LINE OF SAID 203.026 ACRE TRACT, THE SOUTHERLY LINE OF SAID BLUEGRASS SUBDIVISION AND THE SOUTHERLY LINE OF THAT CERTAIN 11.939 ACRE TRACT CONVEYED TO JOSEPH F. ALDERETE AND SUNNIE G. ALDERETE, VOLUME 13181 PAGE 686, OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS, A DISTANCE OF 2403.97 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE SOUTHEASTERLY CORNER OF SAID 11.939 ACRE TRACT AND THE SOUTHWESTERLY CORNER OF SAID 11.411 ACRE TRACT FOR AN INTERIOR ELL CORNER OF THIS TRACT;

THENCE, N 01° 58' 14" E, ALONG THE COMMON EASTERLY LINE OF SAID 11.939 ACRE TRACT AND THE WESTERLY LINE OF SAID 11.411 ACRE TRACT, A DISTANCE OF 563.88 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" SITUATED ON THE SOUTHWESTERLY LINE OF SPRING HILL DRIVE FOR THE NORTHWESTERLY CORNER OF SAID 11.411 ACRE TRACT AND A NORTHERLY CORNER OF THIS TRACT;

THENCE, ALONG THE SOUTHWESTERLY LINE OF SPRING HILL DRIVE AND THE NORTHEASTERLY LINE OF SAID 11.411 ACRE TRACT, THE FOLLOWING COURSES;

S 85° 54' 52" E, A DISTANCE OF 90.13 FEET TO A SET 1/2 INCH IRON

ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A CORNER;

S 81° 18' 20" E, A DISTANCE OF 159.61 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "PFIEFFER SURVEY" FOR A CORNER;

S 35° 30' 11" E, A DISTANCE OF 96.80 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "PFIEFFER SURVEY" FOR A CORNER;

S 63° 01' 09" E, A DISTANCE OF 209.90 FEET TO A FOUND 1/2 INCH IRON ROD WITH PLASTIC CAP STAMPED "PFIEFFER SURVEY" FOR A CORNER;

S 52° 37' 18" E, A DISTANCE OF 160.01 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A CORNER;

S 26° 32' 38" E, A DISTANCE OF 525.06 FEET TO A FOUND 1/2 INCH IRON ROD AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF SPRING HILL DRIVE AND THE NORTHERLY RIGHT OF WAY LINE OF VALERIE LANE FOR A NORTHEASTERLY CORNER OF THIS TRACT;

THENCE, ALONG THE COMMON NORTHERLY AND EASTERLY LINE OF VALERIE LANE AND THE SOUTHEASTERLY LINE OF SAID 11.411 ACRE TRACT, THE FOLLOWING COURSES:

N 89° 20' 05" W, A DISTANCE OF 241.15 FEET TO A 1/2 INCH IRON ROD FOUND FOR A CORNER OF THIS TRACT;

S 01° 04' 09" E, A DISTANCE OF 224.75 FEET TO A FOUND PK NAIL FOR THE NORTHEASTERLY CORNER OF THAT CERTAIN 2.00 ACRE TRACT DESCRIBED AS A SAVE AND EXCEPT TRACT IN VOLUME 1145, PAGE 349 OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS;

THENCE, S 89° 29' 44" W, ALONG THE NORTHERLY LINE OF SAID 2.00 ACRE TRACT, A DISTANCE OF 367.05 FEET TO A FOUND 1/2 INCH IRON ROD FOR THE NORTHWESTERLY CORNER OF SAID 2.00 ACRE TRACT AND AN INTERIOR

ELL CORNER OF THIS TRACT;

THENCE, S 00° 13' 21" E, ALONG THE WESTERLY LINE OF SAID 2.00 ACRE TRACT, A DISTANCE OF 236.47 FEET TO A FOUND 8 INCH WOOD POST FOR THE SOUTHWESTERLY CORNER OF SAID 2.00 ACRE TRACT AND AN INTERIOR ELL CORNER OF THIS TRACT;

THENCE, N 89° 47' 41" E, ALONG THE SOUTHERLY LINE OF SAID 2.00 ACRE TRACT, A DISTANCE OF 365.48 FEET TO A FOUND 6 INCH CEDAR POST SITUATED ON THE WESTERLY LINE OF VALERIE LANE FOR THE SOUTHEASTERLY CORNER OF SAID 2.00 ACRE TRACT AND A CORNER OF THIS TRACT;

THENCE, S 00° 10' 18" W, ALONG THE COMMON WESTERLY LINE OF SAID VALERIE LANE AND THE EASTERLY LINE OF SAID 203.026 ACRE TRACT, A DISTANCE OF 2520.79 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" AT THE INTERSECTION OF THE WESTERLY LINE OF VALERIE LANE AND THE NORTHERLY LINE OF COREY ROAD FOR THE SOUTHEASTERLY CORNER OF THIS TRACT;

THENCE, ALONG THE COMMON SOUTHERLY LINE OF SAID 203.026 ACRE TRACT, PARTIALLY ALONG THE SOUTHERLY LINE OF SAID 390.8354 ACRE TRACT AND THE NORTHERLY LINE OF COREY ROAD, THE FOLLOWING COURSES;

S 89° 23' 37" W, A DISTANCE OF 2220.90 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A CORNER;

N 81° 11' 50" W, A DISTANCE OF 1868.37 FEET TO A FOUND 6 INCH WOOD POST AT THE NORTHWESTERLY CORNER OF THE TERMINUS OF CORLEY ROAD;

THENCE, S 01° 30' 22" E, ALONG THE WESTERLY TERMINUS OF CORLEY ROAD, A DISTANCE OF 28.23 FEET TO A FOUND 3/4 INCH IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 76.957 ACRE TRACT, BEING THE

EASTERLY LINE OF SAID 390.8354 ACRE TRACT;

THENCE, S 81° 24' 55" E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD, BEING THE NORTHERLY LINE OF SAID 76.957 ACRE TRACT, A DISTANCE OF 1169.43 FEET TO A FOUND 6 INCH WOOD POST MARKING THE NORTHEASTERLY CORNER OF SAID 76.957 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF THAT CERTAIN 5.794 ACRE TRACT CONVEYED TO CAROLYN G. BIEDENHARN BY DEED OF RECORD IN VOLUME 1455, PAGE 283 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF CORLEY ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID 76.957 ACRE TRACT AND SAID 5.794 ACRE TRACT, THE FOLLOWING COURSES:

S 00° 14' 59" E, A DISTANCE OF 352.90 FEET TO A FOUND 6 INCH WOOD POST;

S 66° 35' 17" W, A DISTANCE OF 55.14 FEET TO A FOUND 1/2 INCH IRON ROD;

S 25° 31' 49" W, A DISTANCE OF 63.64 FEET TO A FOUND 6 INCH WOOD POST;

S 00° 16' 44" E, A DISTANCE OF 181.07 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHWESTERLY CORNER OF SAID 5.794 ACRE TRACT;

N 88° 44' 30" E, A DISTANCE OF 616.61 FEET TO A FOUND 1/2 INCH IRON ROD IN THE WESTERLY LINE OF AN EXISTING 1.418 ACRE ACCESS EASEMENT OF RECORD IN VOLUME 8375, PAGE 676 OF SAID OFFICIAL PUBLIC RECORDS, BEING AN EASTERLY CORNER OF SAID 76.957 ACRE TRACT;

THENCE, S 08° 49' 02" W, ALONG THE COMMON BOUNDARY LINE OF SAID 76.957 ACRE TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, A DISTANCE OF 1740.36 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER OF SAID 76.957 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF

SAID 40.0289 ACRE TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 40.0289 ACRE TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, THE FOLLOWING COURSES:

S 08° 45' 27" W, A DISTANCE OF 1711.94 FEET TO A FOUND 2 INCH METAL POST;

S 28° 28' 37" W, A DISTANCE OF 48.72 FEET TO A 6 INCH WOOD POST MARKING THE SOUTHEASTERLY CORNER OF SAID 40.0289 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF SAID 2.1303 ACRE TRACT;

THENCE, S 27° 25' 24" W, ALONG THE SOUTHEASTERLY LINE OF SAID 2.1303 ACRE TRACT, A DISTANCE OF 133.99 FEET TO A FOUND "X" ON CONCRETE DAM MARKING THE SOUTHERLY CORNER OF SAID 2.1303 ACRE TRACT, BEING IN THE NORTHERLY LINE OF THAT CERTAIN REMAINDER OF 236.272 ACRE TRACT CONVEYED TO BALCONES CREEK, LTD. BY DEED OF RECORD IN VOLUME 1194, PAGE 227 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 2.1303 ACRE TRACT AND SAID REMAINDER OF 236.272 ACRE TRACT, BEING THE APPROXIMATE CENTERLINE OF BALCONES CREEK, THE FOLLOWING COURSES:

N 52° 10' 12" W, A DISTANCE OF 235.12 FEET TO A POINT;

N 42° 58' 10" W, A DISTANCE OF 452.26 FEET TO A POINT MARKING THE NORTHEASTERLY CORNER OF SAID 97.23 ACRE TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINES OF SAID 97.23 ACRE TRACT AND SAID REMAINDER OF 236.272 ACRE TRACT, THE FOLLOWING COURSES:

S 43° 26' 22" W, A DISTANCE OF 45.12 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

S 26° 12' 45" W, A DISTANCE OF 160.75 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

S 19° 12' 45" W, A DISTANCE OF 202.73 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

S 86° 10' 45" W, A DISTANCE OF 14.30 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

S 08° 50' 15" E, A DISTANCE OF 27.58 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

S 22° 15' 30" W, A DISTANCE OF 1741.52 FEET TO FOUND 1/2 INCH IRON ROD WITH SCHWARTZ 4760 RED CAP MARKING THE SOUTHEASTERLY CORNER OF SAID 97.23 ACRE TRACT;

S 89° 59' 22" W, A DISTANCE OF 1293.60 FEET TO A FOUND 1/2 INCH IRON ROD WITH SCHWARTZ 4760 RED CAP MARKING THE SOUTHWESTERLY CORNER OF SAID 97.23 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF SAID REMAINDER OF 236.272 ACRE TRACT, SAME BEING IN THE EASTERLY LINE OF THAT CERTAIN 186.360 ACRE TRACT CONVEYED TO ROBERT B. CALDER BY DEED OF RECORD IN VOLUME 4632, PAGE 1394 OF SAID OFFICIAL PUBLIC RECORDS FOR THE SOUTHERNMOST SOUTHWESTERLY CORNER HEREOF;

THENCE, ALONG THE COMMON BOUNDARY LINES OF SAID 97.23 ACRE TRACT AND SAID 186.360 ACRE TRACT, THE FOLLOWING COURSES:

N 00° 18' 50" W, A DISTANCE OF 594.05 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 00° 08' 26" W, A DISTANCE OF 492.67 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 00° 05' 03" E, A DISTANCE OF 412.91 FEET A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 00° 15' 34" E, A DISTANCE OF 569.88 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 00° 26' 43" E, A DISTANCE OF 121.10 FEET TO A POINT IN THE

APPROXIMATE CENTERLINE OF BALCONES CREEK MARKING THE NORTHWESTERLY CORNER OF SAID 97.23 ACRE TRACT AND BEING THE NORTHEASTERLY CORNER OF SAID 186.360 ACRE TRACT, BEING A POINT IN THE SOUTHERLY LINE OF THAT CERTAIN 36.430 ACRE TRACT CONVEYED TO STANLEY OWENS AND KATIE A. OWENS BY DEED OF RECORD IN VOLUME 1428, PAGE 515 OF SAID OFFICIAL PUBLIC RECORDS;

THENCE, S 70° 14' 35" E, ALONG THE COMMON BOUNDARY LINE OF SAID 36.430 ACRE TRACT AND SAID 97.23 ACRE TRACT, A DISTANCE OF 2.12 FEET TO A POINT MARKING THE SOUTHWESTERLY CORNER OF SAID 1.0097 ACRE TRACT AND THE SOUTHEASTERLY CORNER OF SAID 36.430 ACRE TRACT;

THENCE, N 00° 12' 33" W, ALONG THE EASTERLY LINE OF SAID 36.430 ACRE TRACT, BEING THE WESTERLY LINES OF SAID 1.0097 ACRE TRACT AND SAID 390.8354 ACRE TRACT, A DISTANCE OF 1317.77 FEET TO A FOUND 1/2 INCH IRON ROD;

THENCE, N 00° 00' 45" W, ALONG THE EASTERLY LINE OF SAID 36.430 ACRE TRACT AND THE EASTERLY LINE OF THAT CERTAIN 95.268 ACRE TRACT CONVEYED TO SUELTENFUSS RANCH LP BY DEED OF RECORD IN VOLUME 1135, PAGE 820 OF SAID OFFICIAL PUBLIC RECORDS, BEING THE WESTERLY LINE OF SAID 390.8354 ACRE TRACT, A DISTANCE OF 1460.15 FEET TO A FOUND 8 INCH WOOD POST MARKING THE NORTHEASTERLY CORNER OF SAID 95.268 ACRE TRACT, BEING THE SOUTHEASTERLY CORNER OF SAID 62.886 ACRE TRACT;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 95.268 ACRE TRACT AND SAID 62.886 ACRE TRACT, THE FOLLOWING COURSES:

S 80° 52' 53" W, A DISTANCE OF 858.86 FEET TO A FOUND 8 INCH WOOD POST;

N 85° 33' 03" W, A DISTANCE OF 980.80 FEET TO A FOUND 8 INCH WOOD POST;

S 78° 21' 51" W, A DISTANCE OF 1594.30 FEET TO A FOUND 1/2 INCH IRON ROD IN THE EASTERLY RIGHT-OF-WAY LINE OF UPPER BALCONES ROAD FOR THE WESTERNMOST SOUTHWESTERLY CORNER HEREOF;

THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF UPPER BALCONES ROAD, THE FOLLOWING COURSES:

N 21° 24' 28" W, A DISTANCE OF 702.03 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 10° 04' 11" W, A DISTANCE OF 69.72 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 08° 00' 25" W, A DISTANCE OF 297.59 FEET TO A FOUND 1/2 INCH IRON ROD;

N 08° 10' 05" W, A DISTANCE OF 43.41 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 03° 52' 51" W, A DISTANCE OF 107.16 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 03° 16' 49" W, A DISTANCE OF 119.06 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 00° 22' 45" W, A DISTANCE OF 151.30 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

N 05° 31' 35" W, A DISTANCE OF 281.80 FEET TO A FOUND 1/2 INCH IRON ROD;

N 05° 14' 21" W, A DISTANCE OF 491.54 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 31.823 ACRE TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 96.338 ACRE TRACT CONVEYED TO WILLIAM ROBERT SMITH III BY DEED OF RECORD IN VOLUME 1365, PAGE 681 OF SAID OFFICIAL PUBLIC RECORDS, FOR THE WESTERNMOST NORTHWESTERLY CORNER HEREOF;

THENCE, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF UPPER BALCONES ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID 96.338 ACRE TRACT AND SAID 31.823 ACRE TRACT, THE FOLLOWING COURSES:

N 84° 12' 22" E, A DISTANCE OF 488.79 FEET TO A FOUND 1/2 INCH IRON ROD WITH PFIEFFER SURVEY CAP;

S 89° 32' 02" E, A DISTANCE OF 1078.27 FEET TO A FOUND 1/2 INCH IRON ROD WITH PFIEFFER SURVEY CAP;

N 79° 52' 56" E, A DISTANCE OF 898.04 FEET TO A FOUND 1/2 INCH IRON ROD WITH PFIEFFER SURVEY CAP MARKING THE NORTHEASTERLY CORNER OF SAID 31.823 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF SAID 27.94 ACRE TRACT;

THENCE, N 73° 11' 05" E, ALONG THE COMMON BOUNDARY LINE OF SAID 96.338 ACRE TRACT AND SAID 27.94 ACRE TRACT, A DISTANCE OF 1400.68 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER OF SAID 96.338 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF SAID 27.94 ACRE TRACT, SAME BEING IN THE WESTERLY LINE OF SAID 390.8354 ACRE TRACT AND AN INTERIOR ELL CORNER HEREOF;

THENCE, N 00° 19' 46" E, ALONG THE EASTERLY LINES OF SAID 96.338 ACRE TRACT AND THE EASTERLY LINE OF THAT CERTAIN 183.328 ACRE TRACT CONVEYED TO DOLORES ANN HOLMAN BY DEED OF RECORD IN VOLUME 92, PAGE 259 OF SAID DEED RECORDS, BEING THE WESTERLY LINE OF SAID 390.8354 ACRE TRACT, A DISTANCE OF 2888.59 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 390.8354 ACRE TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 40.592 ACRE TRACT CONVEYED TO PATRICK EITTER AND SPOUSE GISELLE EITTER BY DEED OF RECORD IN VOLUME 1381, PAGE 542 OF SAID OFFICIAL PUBLIC RECORDS, FOR THE NORTHERNMOST NORTHWESTERLY CORNER HEREOF;

THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 390.8354 ACRE TRACT AND SAID 40.592 ACRE TRACT, THE FOLLOWING COURSES:

S 89° 59' 55" E, A DISTANCE OF 377.50 FEET TO A FOUND 1/2 INCH IRON ROD;

N 89° 38' 49" E, A DISTANCE OF 842.65 FEET TO A FOUND 1/2 INCH IRON ROD;

S 89° 14' 25" E, A DISTANCE OF 1323.68 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE NORTHWESTERLY CORNER OF LOT 6 OF SAID BLUEGRASS SUBDIVISION, BEING THE NORTHEASTERLY CORNER OF SAID 390.8354 ACRE TRACT;

THENCE, ALONG THE A PORTION OF THE COMMON BOUNDARY LINE OF SAID 390.8354 ACRE TRACT AND SAID BLUEGRASS SUBDIVISION, THE FOLLOWING COURSES:

S 00° 48' 52" E, A DISTANCE OF 753.20 FEET TO A FOUND 1/2 INCH IRON ROD;

S 00° 50' 20" E, A DISTANCE OF 736.92 FEET TO THE POINT OF BEGINNING, CONTAINING AN AREA OF 1012.262 ACRES OF LAND, MORE OR LESS.

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

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on

Environmental Quality.

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

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

SECTION 4. (a) Section 9072.107, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9072, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9072.107 to read as follows:

Sec. 9072.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

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

SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

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SAN ANTONIO EXPRESS NEWS
AFFIDAVIT OF PUBLICATION

STATE OF TEXAS:
COUNTY OF BEXAR

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared: Lynette Nelson, who after being duly sworn, says that she is the BOOKKEEPER of THE HEARST CORPORATON (SAN ANTONIO EXPRESS-NEWS DIVISION), a daily newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:

Customer ID: 852644
Customer Name: Sanford Kuhl Hagan Llp
Order ID: 2853111

Publication	Pub Date
EN Classified	09-DEC-16

Lynette Nelson
Lynette Nelson
Bookkeeper

Sworn and subscribed to before me, this 12 day of Dec. A.D. 2016

Notary public in and for the State of Texas

Monique Egan

MONIQUE EGAN
Notary Public, State of Texas
Comm. Expires 06-03-2020
Notary ID 3183735

NOTICE OF INTENT TO INTRODUCE A BILL

Pursuant to the Constitution and laws of the State of Texas, notice is hereby given of the intention to apply to the 85th Legislature of the State of Texas, at its regular session in Austin, Texas, for the introduction of a bill, the substance of the contemplated law being as follows:

An act relating to the creation, administration, powers, duties, operation, and financing of the Kendall County Water Control and Improvement District No. 3.

The Act proposes to create a municipal utility district to be known as the Kendall County Water Control and Improvement District No. 3, being approximately 2055 acres in Kendall County, Texas, located generally between Scenic Loop Road and Upper Balcones Road, north of Balcones Creek, subject to approval at a confirmation election.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated law as required by the Constitution and laws of the State of Texas.