

By: Isaac

H.B. No. 4309

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Driftwood Municipal Utility District No. 1; 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7983 to read as follows:

CHAPTER 7983. DRIFTWOOD MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7983.001. 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 Driftwood Municipal Utility District No. 1.

Sec. 7983.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7983.003. 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. 7983.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 7983.003
3 until:

4 (1) each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district; and

8 (2) the district and each municipality in whose
9 corporate limits or extraterritorial jurisdiction the district is
10 located have executed an agreement concerning the creation and
11 operation of the district.

12 Sec. 7983.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
13 The district is created to serve a public purpose and benefit.

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

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

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

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

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

1 (1) developing and diversifying the economy of the
2 state;

3 (2) eliminating unemployment and underemployment;

4 (3) developing or expanding transportation and
5 commerce; and

6 (4) providing quality residential housing.

7 (e) The district will:

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

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

15 (3) promote the health, safety, welfare, and enjoyment
16 of the public by providing pedestrian ways and by landscaping,
17 removing graffiti from, and developing certain areas in the
18 district, which are necessary for the restoration, preservation,
19 and enhancement of scenic beauty.

20 (f) Pedestrian ways along or across a street, whether at
21 grade or above or below the surface, and street lighting, street
22 landscaping, vehicle parking, and street art objects are parts of
23 and necessary components of a street and are considered to be an
24 improvement project that includes a street or road improvement.

25 Sec. 7983.006. INITIAL DISTRICT TERRITORY. (a) The
26 district is initially composed of the territory described by
27 Section 2 of the Act enacting this chapter.

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

5 (1) organization, existence, or validity;

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

9 (3) right to impose a tax; or

10 (4) legality or operation.

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 7983.051. GOVERNING BODY; TERMS. (a) The district is
13 governed by a board of five elected directors.

14 (b) Except as provided by Section 7983.052, directors serve
15 staggered four-year terms.

16 Sec. 7983.052. TEMPORARY DIRECTORS. (a) On or after
17 September 1, 2017, the owner or owners of a majority of the assessed
18 value of the real property in the district may submit a petition to
19 the commission requesting that the commission appoint as temporary
20 directors the five persons named in the petition. The commission
21 shall appoint as temporary directors the five persons named in the
22 petition.

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

24 (1) the date permanent directors are elected under
25 Section 7983.003; or

26 (2) September 1, 2021.

27 (c) If permanent directors have not been elected under

1 Section 7983.003 and the terms of the temporary directors have
2 expired, successor temporary directors shall be appointed or
3 reappointed as provided by Subsection (d) to serve terms that
4 expire on the earlier of:

5 (1) the date permanent directors are elected under
6 Section 7983.003; or

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

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

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 7983.101. GENERAL POWERS AND DUTIES. The district has
18 the powers and duties necessary to accomplish the purposes for
19 which the district is created.

20 Sec. 7983.102. MUNICIPAL UTILITY DISTRICT POWERS AND
21 DUTIES. The district has the powers and duties provided by the
22 general law of this state, including Chapters 49 and 54, Water Code,
23 applicable to municipal utility districts created under Section 59,
24 Article XVI, Texas Constitution.

25 Sec. 7983.103. WATER CONSERVATION FACILITIES. The district
26 may provide for the conservation of water, including by means of the
27 construction, operation, and maintenance of a water conservation

1 facility or water reuse project.

2 Sec. 7983.104. AUTHORITY FOR ROAD PROJECTS. Under Section
3 52, Article III, Texas Constitution, the district may design,
4 acquire, construct, finance, issue bonds for, improve, operate,
5 maintain, and convey to this state, a county, or a municipality for
6 operation and maintenance macadamized, graveled, or paved roads, or
7 improvements, including storm drainage, in aid of those roads.

8 Sec. 7983.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road
9 project must meet all applicable construction standards, zoning and
10 subdivision requirements, and regulations of each municipality in
11 whose corporate limits or extraterritorial jurisdiction the road
12 project is located.

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

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

21 Sec. 7983.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
22 OR RESOLUTION. The district shall comply with all applicable
23 requirements of any ordinance or resolution that is adopted under
24 Section 54.016 or 54.0165, Water Code, and that consents to the
25 creation of the district or to the inclusion of land in the
26 district.

27 Sec. 7983.107. DIVISION OF DISTRICT. (a) The district may

1 be divided into two or more new districts only if:

2 (1) the district has no outstanding bonded debt; and

3 (2) the district is not imposing ad valorem taxes.

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

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

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

15 (e) The board may adopt an order dividing the district
16 before or after the date the board holds an election under Section
17 7983.003 to confirm the creation of the district.

18 (f) An order dividing the district shall:

19 (1) name each new district;

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

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

23 and

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

26 (g) On or before the 30th day after the date of adoption of
27 an order dividing the district, the district shall file the order

1 with the commission and record the order in the real property
2 records of each county in which the district is located.

3 (h) Any new district created by the division of the district
4 shall hold a confirmation and directors' election as required by
5 Section 7983.003.

6 (i) If the creation of the new district is confirmed, the
7 new district shall provide the election date and results to the
8 commission.

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

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 7983.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
15 district may issue, without an election, bonds and other
16 obligations secured by:

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

18 (2) contract payments described by Section 7983.153.

19 (b) The district must hold an election in the manner
20 provided by Chapters 49 and 54, Water Code, to obtain voter approval
21 before the district may impose an ad valorem tax or issue bonds
22 payable from ad valorem taxes.

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

27 Sec. 7983.152. OPERATION AND MAINTENANCE TAX. (a) If

1 authorized at an election held under Section 7983.151, the district
2 may impose an operation and maintenance tax on taxable property in
3 the district in accordance with Section 49.107, Water Code.

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

6 Sec. 7983.153. CONTRACT TAXES. (a) In accordance with
7 Section 49.108, Water Code, the district may impose a tax other than
8 an operation and maintenance tax and use the revenue derived from
9 the tax to make payments under a contract after the provisions of
10 the contract have been approved by a majority of the district voters
11 voting at an election held for that purpose.

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

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 7983.201. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, contract payments, grants, or other district money, or any
20 combination of those sources, to pay for any authorized district
21 purpose.

22 Sec. 7983.202. TAXES FOR BONDS. At the time the district
23 issues bonds payable wholly or partly from ad valorem taxes, the
24 board shall provide for the annual imposition of a continuing
25 direct ad valorem tax, without limit as to rate or amount, while all
26 or part of the bonds are outstanding as required and in the manner
27 provided by Sections 54.601 and 54.602, Water Code.

1 Sec. 7983.203. BONDS FOR ROAD PROJECTS. At the time of
2 issuance, the total principal amount of bonds or other obligations
3 issued or incurred to finance road projects and payable from ad
4 valorem taxes may not exceed one-fourth of the assessed value of the
5 real property in the district.

6 SECTION 2. The Driftwood Municipal Utility District No. 1
7 initially includes all the territory contained in the following
8 area:

9 FIELD NOTE DESCRIPTION OF 323.59 ACRES OF LAND OUT OF THE WILLIAM B.
10 TRAVIS SURVEY ABSTRACT No. 15 IN HAYS COUNTY, TEXAS, BEING
11 COMPRISED OF A PORTION OF THAT CERTAIN (117.51 ACRE) TRACT OF LAND
12 AS CONVEYED TO DAMIAN C. MANDOLA AND TRINA M. MANDOLA BY GENERAL
13 WARRANTY DEED RECORDED IN VOLUME 2406 PAGE 685 OF THE OFFICIAL
14 PUBLIC RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF
15 THAT CERTAIN (150.00 ACRE) TRACT OF LAND AS CONVEYED TO DAMIAN C.
16 MANDOLA AND TRINA M. MANDOLA BY WARRANTY DEED RECORDED IN VOLUME
17 2261 PAGE 316 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
18 AND TOGETHER WITH A PORTION OF THAT CERTAIN (107.00 ACRE) TRACT OF
19 LAND AS CONVEYED TO DAMIAN C. MANDOLA AND WIFE, TRINA M. MANDOLA BY
20 GENERAL WARRANTY DEED RECORDED IN VOLUME 2141 PAGE 753 OF THE
21 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE
22 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

23 BEGINNING at a point in the East right-of-way line of F.M. Highway
24 No. 150 for the westerly Northwest corner of that certain (117.51
25 acre) tract of land as conveyed to Damian C. Mandola and Trina M.
26 Mandola by General Warranty Deed recorded in Volume 2406 Page 685 of
27 the Official Public Records of Hays County, Texas, and being in the

1 West line of that certain (890.32 acres less 90.96 acres) tract as
2 conveyed to Wilding, LP by Special Warranty Deed recorded in
3 Document No. 9927839 of the Official Public Records of Hays County,
4 Texas, and for the Northwesterly corner of that certain (374.53
5 acre) tract of land as conveyed to Saber Ventures, L.P. by Special
6 Warranty Deed recorded in Volume 2023 Page 531 of the Official
7 Public Records of Hays County, Texas, and for a Southwesterly
8 corner of that certain (311.44 acre) tract of land as conveyed to AT
9 Holding-Riata, LLC by Special Warranty Deed recorded in Volume 2023
10 Page 547 of the Official Public Records of Hays County, Texas, and
11 being the westerly Northwest corner and PLACE OF BEGINNING of the
12 herein described tract of land, and from which a metal spike found
13 in an asphalt driveway in the East right-of-way line of F.M. Highway
14 No. 150 (at record centerline HWY Station 398+69.3) bears N 20 deg.
15 32' 24" W 895.92 ft., and also from which a capped iron rod found
16 bears N 72 deg. 35' 16" E 0.40 ft.;

17 THENCE leaving the East right-of-way line of F.M. Highway No. 150
18 and entering the interior of said Wilding (890.32 acres less 90.96
19 acres) tract with the common line of said Mandola (117.51 acre)
20 tract and said AT-Holding-Riata (311.44 acre) tract, the following
21 four (4) courses;

22 1) N 72 deg. 35' 16" E 957.58 ft. to a capped iron rod found
23 (marked "McAngus");

24 2) N 28 deg. 14' 58" E 1033.24 ft. to a capped iron rod found
25 (marked "McAngus");

26 3) N 88 deg. 23' 37" E 3991.58 ft. to a capped iron rod found
27 (marked "McAngus");

1 4) S 53 deg 02' 43" E at 1953.44 ft. passing a 1 1/4" iron
2 pipe found, and continuing with the same bearing for a
3 total distance of 2042.29 ft. to a point in the
4 approximate centerline of Onion Creek for the Northeast
5 corner of said Mandola (117.51 acre) tract and for the
6 Southeast corner of said AT Holding-Riata (311.44 acre)
7 tract and for the Northwest corner of that certain
8 (200.585 acre) tract of land as conveyed to Annaton Land
9 Company, LLC by Warranty Deed recorded in Volume 4617
10 Page 374 of the Official Public Records of Hays County,
11 Texas, and being the Northeast corner of this tract of
12 land;

13 THENCE continuing through the interior of said Wilding (890.32
14 acres less 90.96 acres) tract with the approximate centerline of
15 Onion Creek and with the common line of said Mandola (117.51 acre)
16 tract and said Annaton Land Company (200.585 acre) tract, the
17 following seven (7) courses;

- 18 1) S 36 deg. 24' 12" W 252.79 ft.;
- 19 2) S 37 deg. 15' 21" W 246.91 ft.;
- 20 3) S 41 deg. 42' 31" W 214.94 ft.;
- 21 4) S 43 deg. 07' 44" W 212.80 ft.;
- 22 5) S 26 deg. 54' 25" W 159.79 ft.;
- 23 6) S 27 deg. 42' 48" E 70.19 ft.;
- 24 7) S 49 deg. 40' 44" W 239.29 ft. to a point for the
25 Southeast corner of said Mandola (117.51 acre) tract
26 and for the Northeast corner of that certain (150.00
27 acre) tract of land as conveyed to Damian C. Mandola and

1 Trina C. Mandola by Warranty Deed recorded in Volume
2 2261 Page 316 of the Official Public Records of Hays
3 County, Texas, and being an angle corner of this tract,
4 and from which a 60D nail found on the Northwesterly
5 side of a 46" Cypress tree (for reference) bears N 85
6 deg. 04' W 47.70 ft.;

7 THENCE continuing through the interior of said Wilding (890.32
8 acres less 90.96 acres) tract with the approximate centerline of
9 Onion Creek and with the common line of said Mandola (150.00 acre)
10 tract and said Annaton Land Company (200.585 acre) tract, the
11 following six (6) courses;

12 1) S 47 deg. 12' 31" W 253.25 ft.;

13 2) S 41 deg. 34' 36" W 219.86 ft.;

14 3) S 41 deg. 33' 07" W 276.42 ft.;

15 4) S 45 deg. 46' 37" W 288.13 ft.;

16 5) S 61 deg. 07' 53" W 223.76 ft.;

17 6) S 58 deg. 51' 17" W 191.85 ft. to a point for the Southeast
18 corner of said Mandola (150.00 acre) tract and for the
19 Northeast corner of that certain (107.00 acre) tract of
20 land as conveyed to Damian C. Mandola and wife, Trina C.
21 Mandola by General Warranty Deed recorded in Volume
22 2141 Page 753 of the Official Public Records of Hays
23 County, Texas, and being an angle corner of this tract,
24 and from which a 60D nail found on the Westerly side of a
25 16" Cypress tree bears N 13 deg. 48' W 53.69 ft.;

26 THENCE continuing through the interior of said Wilding (890.32
27 acres less 90.96 acres) tract with the approximate centerline of

1 Onion Creek and with the East line of said Mandola (107.00 acre)
2 tract, the following five (5) courses;

- 3 1) S 41 deg. 08' 03" W 231.01 ft.;
- 4 2) S 36 deg. 08' 40" W 248.29 ft.;
- 5 3) S 32 deg. 53' 55" W 249.13 ft.;
- 6 4) S 30 deg. 05' 08" W 241.12 ft.;
- 7 5) S 18 deg. 56' 06" W 233.53 ft. to a point for the Southeast
8 corner of said Mandola (107.00 acre) tract and for a
9 Northeasterly corner of that certain (21.512 acre)
10 tract of land as conveyed to Peter M. Schwab and
11 Jeanette K. Thornton-Schwab by General Warranty Deed
12 recorded in Volume 1828 Page 709 of the Official Public
13 Records of Hays County, Texas, and being the Southeast
14 corner of this tract, and from which an incised X mark
15 found in the Westerly end of a concrete dam bears N 09
16 deg. 00' E 190.41 ft. (for reference);

17 THENCE leaving the approximate centerline of Onion Creek with the
18 common line of said Mandola (107.00 acre) tract and said Schwab
19 (21.512 acre) tract, the following seven (7) courses;

- 20 1) N 58 deg. 07' 33" W at 70.67 ft. passing a capped iron rod
21 found (marked "McAngus") and continuing with the same
22 bearing for a total distance of 728.64 ft. to a capped
23 iron rod found (marked "McAngus");
- 24 2) N 24 deg. 01' 46" W 456.82 ft. to a capped iron rod found
25 (marked "McAngus") and from which a 1/2" iron rod found
26 for an angle corner in the Southwest line of said Schwab
27 (21.512 acre) tract bears S 46 deg. 21' 25" W 33.18 ft.;

1 3) N 56 deg. 29' 49" W 518.51 ft. to a capped iron rod found
2 (marked "McAngus");

3 4) N 36 deg. 40' 03" W 507.04 ft. to a capped iron rod found
4 (marked "McAngus");

5 5) S 56 deg. 30' 23" W 148.91 ft. to a capped iron rod found
6 (marked "McAngus");

7 6) N 42 deg. 04' 50" W 1026.81 ft. to a capped iron rod found
8 (marked "McAngus") on the top of a small earthen stock
9 tank dam;

10 7) N 84 deg. 13' 38" W 166.65 to a capped iron rod found
11 (marked "Landesign") at a metal pipe corner post for a
12 game-proof fence for the Southeast corner of that
13 certain (9.455 acre) tract of land as conveyed to
14 DuchMandola, Ltd. by General Warranty Deed recorded in
15 Volume 3775 Page 877 of the Official Public Records of
16 Hays County, Texas, and being a Southwesterly angle
17 corner of this tract;

18 THENCE entering the interior of said Mandola (107.00 acre) tract
19 with the East line of said DuchMandola (9.455 acre) tract, the
20 following two (2) courses;

21 1) N 16 deg. 59' 17" E 432.02 ft. to a 1/2" iron rod found;

22 2) S 53 deg. 46' 28" E 67.80 ft. to a capped iron rod found
23 (marked "Landesign");

24 THENCE continuing through the interior of said Mandola (107.00
25 acre) tract and entering the interior of said Mandola (150.00 acre)
26 tract, N 38 deg. 11' 23" E 284.33 ft. to a capped iron rod found
27 (marked "Landesign") for an angle corner in the East line of that

1 certain (6.620 acre) tract of land as conveyed to DuchMandola, Ltd.
2 by said General Warranty Deed recorded in Volume 3775 Page 877 of
3 the Official Public Records of Hays County, Texas, and being an
4 angle corner of this tract;

5 THENCE continuing through the interior of said Mandola (150.00
6 acre) tract, N 00 deg. 40' 32" W at 433.25 ft. passing a capped iron
7 rod found (marked "Landesign") for the Northeast corner of said
8 DuchMandola (6.620 acre) tract and continuing with the same bearing
9 for a total distance of 819.70 ft. to a capped iron rod found
10 (marked "Landesign") in the common line of said Mandola (150.00
11 acre) tract and said Mandola (117.51 acre) tract and being an angle
12 corner of this tract;

13 THENCE with the common line of said Mandola (150.00 acre) tract and
14 said Mandola (117.51 acre) tract, the following two (2) courses;

15 1) S 88 deg. 25' 14" W 642.66 ft. to a capped iron rod found
16 (marked "McAngus");

17 2) S 50 deg. 02' 26" W 895.46 ft. to a capped iron rod found
18 (marked "Landesign") for an angle corner of this tract,
19 and from which a 1/2" iron rod found for an angle corner
20 in the common line of said Mandola (150.00 acre) tract
21 and said Mandola (117.51 acre) tract bears S 50 deg. 02'
22 26" W 17.37 ft.;

23 THENCE crossing the interiors of said Mandola (117.51 acre) tract
24 and said Mandola (150.00 acre) tract, respectively, the following
25 two (2) courses;

26 1) 69 deg. 55' 31" W 590.01 ft. to a capped iron rod found
27 (marked "Landesign");

1 2) S 75 deg. 45' 29" W 370.85 ft. to a point in the East
2 right-of-way line of F.M. Highway No. 150 for the
3 Northwest corner of said Mandola (150.00 acre) tract
4 and for the Southwest corner of said Mandola (117.51
5 acre) tract and being the most Southwesterly corner of
6 this tract, and from which a concrete monument found in
7 the East right-of-way line of F.M. Highway No. 150 (at
8 centerline HWY Station 438+31.0) bears S 20 deg. 32' 24"
9 E 2810.55 ft., and also from which a 1/2" iron rod found
10 bears N 75 deg. 45' 29" E 0.41 ft.;

11 THENCE with the East right-of-way line of F.M. Highway No. 150 and
12 with the West line of said Mandola (117.51 acre) tract, N 20 deg.
13 32' 24" W 254.11 ft. to the PLACE OF BEGINNING, containing 323.59
14 acres of land.

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

22 (b) The governor, one of the required recipients, has
23 submitted the notice and Act to the Texas Commission on
24 Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

6 SECTION 4. (a) If this Act does not receive a two-thirds
7 vote of all the members elected to each house, Subchapter C, Chapter
8 7983, Special District Local Laws Code, as added by Section 1 of
9 this Act, is amended by adding Section 7983.108 to read as follows:

10 Sec. 7983.108. NO EMINENT DOMAIN POWER. The district may
11 not exercise the power of eminent domain.

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

15 SECTION 5. This Act takes effect September 1, 2017.