

By: Biedermann

H.B. No. 4316

A BILL TO BE ENTITLED

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

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

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

9 CHAPTER 9072. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT

10 DISTRICT NO. 3

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 9072.001. DEFINITIONS. In this chapter:

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

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

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

17 (4) "District" means the Kendall County Water Control
18 and Improvement District No. 3.

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

22 Sec. 9072.003. CONFIRMATION AND DIRECTORS' ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 9072.004. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section 9072.003
4 until 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.

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

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

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

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

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

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

25 (1) organization, existence, or validity;

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

1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

11 (1) R. Hunt Winton III;

12 (2) Chad H. Foster Jr.;

13 (3) David Sawtelle;

14 (4) Craig Leeder; and

15 (5) Zach Feller.

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

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

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

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

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

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

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

10 Sec. 9072.053. NOTICE OF DIRECTOR ELECTIONS. (a) A
11 district shall print notice of an election for the election of
12 directors on a bill or an invoice that the district sends to
13 residents.

14 (b) A notice for a director election must state:

15 (1) the names of the candidates; and

16 (2) the time and place of the election.

17 SUBCHAPTER C. POWERS AND DUTIES

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

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

26 Sec. 9072.103. AUTHORITY FOR ROAD PROJECTS. Under Section
27 52, Article III, Texas Constitution, the district may design,

1 acquire, construct, finance, issue bonds for, improve, operate,
2 maintain, and convey to this state, a county, or a municipality for
3 operation and maintenance macadamized, graveled, or paved roads, or
4 improvements, including storm drainage, in aid of those roads.

5 Sec. 9072.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
6 project must meet all applicable construction standards, zoning and
7 subdivision requirements, and regulations of each municipality in
8 whose corporate limits or extraterritorial jurisdiction the road
9 project is located.

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

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

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

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

26 (1) has no outstanding bonded debt; and

27 (2) is not imposing ad valorem taxes.

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

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

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

12 (e) The board may adopt an order dividing the district
13 before or after the date the board holds an election under Section
14 9072.003 to confirm the district's creation.

15 (f) An order dividing the district shall:

16 (1) name each new district;

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

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

20 and

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

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

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

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

8 Sec. 9072.107. LIMITATION ON USE OF EMINENT DOMAIN. The
9 district may exercise the power of eminent domain only to acquire an
10 easement beneath the surface of real property and only if the
11 easement does not affect the use of the surface of the real property
12 overlying the easement.

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 9072.151. 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 9072.154.

19 (b) The district must hold an election in the manner
20 provided by Chapters 49 and 51, 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. 9072.152. NOTICE OF ELECTIONS REGARDING BONDS. (a) A

1 district shall print notice of an election for the approval of bonds
2 on a bill or an invoice that the district sends to residents.

3 (b) A notice for a bond election must state:

4 (1) the amount of bonds to be issued;

5 (2) the interest rate on the bonds; and

6 (3) the time and place of the election.

7 Sec. 9072.153. OPERATION AND MAINTENANCE TAX. (a) If
8 authorized at an election held under Section 9072.151, the district
9 may impose an operation and maintenance tax on taxable property in
10 the district in accordance with Section 49.107, Water Code.

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

13 Sec. 9072.154. CONTRACT TAXES. (a) In accordance with
14 Section 49.108, Water Code, the district may impose a tax other than
15 an operation and maintenance tax and use the revenue derived from
16 the tax to make payments under a contract after the provisions of
17 the contract have been approved by a majority of the district voters
18 voting at an election held for that purpose.

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

22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

1 purpose.

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

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

13 SECTION 2. The Kendall County Water Control and Improvement
14 District No. 3 initially includes all the territory contained in
15 the following area:

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

21 THENCE, N 88° 43' 53" E, ALONG THE COMMON NORTHERLY LINE OF
22 SAID 203.026 ACRE TRACT, THE SOUTHERLY LINE OF SAID BLUEGRASS
23 SUBDIVISION AND THE SOUTHERLY LINE OF THAT CERTAIN 11.939 ACRE
24 TRACT CONVEYED TO JOSEPH F. ALDERETE AND SUNNIE G. ALDERETE, VOLUME
25 13181 PAGE 686, OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS, A
26 DISTANCE OF 2403.97 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE
27 SOUTHEASTERLY CORNER OF SAID 11.939 ACRE TRACT AND THE

1 SOUTHWESTERLY CORNER OF SAID 11.411 ACRE TRACT FOR AN INTERIOR ELL
2 CORNER OF THIS TRACT;

3 THENCE, N 01° 58' 14" E, ALONG THE COMMON EASTERLY LINE OF SAID
4 11.939 ACRE TRACT AND THE WESTERLY LINE OF SAID 11.411 ACRE TRACT, A
5 DISTANCE OF 563.88 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW
6 PLASTIC CAP STAMPED "SHERWOOD SURVEYING" SITUATED ON THE
7 SOUTHWESTERLY LINE OF SPRING HILL DRIVE FOR THE NORTHWESTERLY
8 CORNER OF SAID 11.411 ACRE TRACT AND A NORTHERLY CORNER OF THIS
9 TRACT;

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

13 S 85° 54' 52" E, A DISTANCE OF 90.13 FEET TO A SET 1/2 INCH IRON
14 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A
15 CORNER;

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

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

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

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

25 S 26° 32' 38" E, A DISTANCE OF 525.06 FEET TO A FOUND 1/2 INCH
26 IRON ROD AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE
27 OF SPRING HILL DRIVE AND THE NORTHERLY RIGHT OF WAY LINE OF VALERIE

1 LANE FOR A NORTHEASTERLY CORNER OF THIS TRACT;

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

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

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

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

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

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

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

1 FOR THE SOUTHEASTERLY CORNER OF THIS TRACT;

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

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

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

11 THENCE, S 01° 30' 22" E, ALONG THE WESTERLY TERMINUS OF CORLEY
12 ROAD, A DISTANCE OF 28.23 FEET TO A FOUND 3/4 INCH IRON ROD MARKING
13 THE NORTHWESTERLY CORNER OF SAID 76.957 ACRE TRACT, BEING THE
14 EASTERLY LINE OF SAID 390.8354 ACRE TRACT;

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

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

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

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

1 IRON ROD;
2 S 25° 31' 49" W, A DISTANCE OF 63.64 FEET TO A FOUND 6 INCH WOOD
3 POST;
4 S 00° 16' 44" E, A DISTANCE OF 181.07 FEET TO A FOUND 1/2 INCH
5 IRON ROD MARKING THE SOUTHWESTERLY CORNER OF SAID 5.794 ACRE TRACT;
6 N 88° 44' 30" E, A DISTANCE OF 616.61 FEET TO A FOUND 1/2 INCH
7 IRON ROD IN THE WESTERLY LINE OF AN EXISTING 1.418 ACRE ACCESS
8 EASEMENT OF RECORD IN VOLUME 8375, PAGE 676 OF SAID OFFICIAL PUBLIC
9 RECORDS, BEING AN EASTERLY CORNER OF SAID 76.957 ACRE TRACT;
10 THENCE, S 08° 49' 02" W, ALONG THE COMMON BOUNDARY LINE OF SAID
11 76.957 ACRE TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, A DISTANCE OF
12 1740.36 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY
13 CORNER OF SAID 76.957 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF
14 SAID 40.0289 ACRE TRACT;
15 THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 40.0289 ACRE
16 TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, THE FOLLOWING COURSES:
17 S 08° 45' 27" W, A DISTANCE OF 1711.94 FEET TO A FOUND 2 INCH
18 METAL POST;
19 S 28° 28' 37" W, A DISTANCE OF 48.72 FEET TO A 6 INCH WOOD POST
20 MARKING THE SOUTHEASTERLY CORNER OF SAID 40.0289 ACRE TRACT, BEING
21 THE NORTHEASTERLY CORNER OF SAID 2.1303 ACRE TRACT;
22 THENCE, S 27° 25' 24" W, ALONG THE SOUTHEASTERLY LINE OF SAID
23 2.1303 ACRE TRACT, A DISTANCE OF 133.99 FEET TO A FOUND "X" ON
24 CONCRETE DAM MARKING THE SOUTHERLY CORNER OF SAID 2.1303 ACRE
25 TRACT, BEING IN THE NORTHERLY LINE OF THAT CERTAIN REMAINDER OF
26 236.272 ACRE TRACT CONVEYED TO BALCONES CREEK, LTD. BY DEED OF
27 RECORD IN VOLUME 1194, PAGE 227 OF SAID OFFICIAL PUBLIC RECORDS;

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

4 N 52° 10' 12" W, A DISTANCE OF 235.12 FEET TO A POINT;
5 N 42° 58' 10" W, A DISTANCE OF 452.26 FEET TO A POINT MARKING
6 THE NORTHEASTERLY CORNER OF SAID 97.23 ACRE TRACT;

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

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

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

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

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

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

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

23 S 89° 59' 22" W, A DISTANCE OF 1293.60 FEET TO A FOUND 1/2 INCH
24 IRON ROD WITH SCHWARTZ 4760 RED CAP MARKING THE SOUTHWESTERLY
25 CORNER OF SAID 97.23 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF

26 SAID REMAINDER OF 236.272 ACRE TRACT, SAME BEING IN THE EASTERLY
27 LINE OF THAT CERTAIN 186.360 ACRE TRACT CONVEYED TO ROBERT B. CALDER

1 BY DEED OF RECORD IN VOLUME 4632, PAGE 1394 OF SAID OFFICIAL PUBLIC
2 RECORDS FOR THE SOUTHERNMOST SOUTHWESTERLY CORNER HEREOF;

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

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

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

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

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

13 N 00° 26' 43" E, A DISTANCE OF 121.10 FEET TO A POINT IN THE
14 APPROXIMATE CENTERLINE OF BALCONES CREEK MARKING THE NORTHWESTERLY
15 CORNER OF SAID 97.23 ACRE TRACT AND BEING THE NORTHEASTERLY CORNER
16 OF SAID 186.360 ACRE TRACT, BEING A POINT IN THE SOUTHERLY LINE OF
17 THAT CERTAIN 36.430 ACRE TRACT CONVEYED TO STANLEY OWENS AND KATIE
18 A. OWENS BY DEED OF RECORD IN VOLUME 1428, PAGE 515 OF SAID OFFICIAL
19 PUBLIC RECORDS;

20 THENCE, S 70° 14' 35" E, ALONG THE COMMON BOUNDARY LINE OF SAID
21 36.430 ACRE TRACT AND SAID 97.23 ACRE TRACT, A DISTANCE OF 2.12 FEET
22 TO A POINT MARKING THE SOUTHWESTERLY CORNER OF SAID 1.0097 ACRE
23 TRACT AND THE SOUTHEASTERLY CORNER OF SAID 36.430 ACRE TRACT;

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

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

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

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

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

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

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

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

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

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

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

27 N 03° 52' 51" W, A DISTANCE OF 107.16 FEET TO A SET 1/2 INCH

1 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
2 N 03° 16' 49" W, A DISTANCE OF 119.06 FEET TO A SET 1/2 INCH
3 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
4 N 00° 22' 45" W, A DISTANCE OF 151.30 FEET TO A SET 1/2 INCH
5 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
6 N 05° 31' 35" W, A DISTANCE OF 281.80 FEET TO A FOUND 1/2 INCH
7 IRON ROD;
8 N 05° 14' 21" W, A DISTANCE OF 491.54 FEET TO A FOUND 1/2 INCH
9 IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 31.823 ACRE
10 TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 96.338 ACRE
11 TRACT CONVEYED TO WILLIAM ROBERT SMITH III BY DEED OF RECORD IN
12 VOLUME 1365, PAGE 681 OF SAID OFFICIAL PUBLIC RECORDS, FOR THE
13 WESTERNMOST NORTHWESTERLY CORNER HEREOF;
14 THENCE, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF UPPER
15 BALCONES ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID 96.338 ACRE
16 TRACT AND SAID 31.823 ACRE TRACT, THE FOLLOWING COURSES:
17 N 84° 12' 22" E, A DISTANCE OF 488.79 FEET TO A FOUND 1/2 INCH
18 IRON ROD WITH PFIEFFER SURVEY CAP;
19 S 89° 32' 02" E, A DISTANCE OF 1078.27 FEET TO A FOUND 1/2 INCH
20 IRON ROD WITH PFIEFFER SURVEY CAP;
21 N 79° 52' 56" E, A DISTANCE OF 898.04 FEET TO A FOUND 1/2 INCH
22 IRON ROD WITH PFIEFFER SURVEY CAP MARKING THE NORTHEASTERLY CORNER
23 OF SAID 31.823 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF SAID
24 27.94 ACRE TRACT;
25 THENCE, N 73° 11' 05" E, ALONG THE COMMON BOUNDARY LINE OF SAID
26 96.338 ACRE TRACT AND SAID 27.94 ACRE TRACT, A DISTANCE OF 1400.68
27 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER

1 OF SAID 96.338 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF SAID
2 27.94 ACRE TRACT, SAME BEING IN THE WESTERLY LINE OF SAID 390.8354
3 ACRE TRACT AND AN INTERIOR ELL CORNER HEREOF;

4 THENCE, N 00° 19' 46" E, ALONG THE EASTERLY LINES OF SAID
5 96.338 ACRE TRACT AND THE EASTERLY LINE OF THAT CERTAIN 183.328 ACRE
6 TRACT CONVEYED TO DOLORES ANN HOLMAN BY DEED OF RECORD IN VOLUME 92,
7 PAGE 259 OF SAID DEED RECORDS, BEING THE WESTERLY LINE OF SAID
8 390.8354 ACRE TRACT, A DISTANCE OF 2888.59 FEET TO A FOUND 1/2 INCH
9 IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 390.8354 ACRE
10 TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 40.592 ACRE
11 TRACT CONVEYED TO PATRICK EITTER AND SPOUSE GISELLE EITTER BY DEED
12 OF RECORD IN VOLUME 1381, PAGE 542 OF SAID OFFICIAL PUBLIC RECORDS,
13 FOR THE NORTHERNMOST NORTHWESTERLY CORNER HEREOF;

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

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

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

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

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

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

1 IRON ROD;

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

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

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

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

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

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

27 (b) If this Act does not receive a two-thirds vote of all the

1 members elected to each house, Subchapter C, Chapter 9072, Special
2 District Local Laws Code, as added by Section 1 of this Act, is
3 amended by adding Section 9072.107 to read as follows:

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

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

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