

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

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.

9 (a) 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 SUBCHAPTER C. POWERS AND DUTIES

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

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

19 Sec. 9072.103. AUTHORITY FOR ROAD PROJECTS. Under Section
20 52, Article III, Texas Constitution, the district may design,
21 acquire, construct, finance, issue bonds for, improve, operate,
22 maintain, and convey to this state, a county, or a municipality for
23 operation and maintenance macadamized, graveled, or paved roads, or
24 improvements, including storm drainage, in aid of those roads.

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

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

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

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

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

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

19 (1) has no outstanding bonded debt; and

20 (2) is not imposing ad valorem taxes.

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

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

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

5 (e) The board may adopt an order dividing the district
6 before or after the date the board holds an election under Section
7 9072.003 to confirm the district's creation.

8 (f) An order dividing the district shall:

- 9 (1) name each new district;
10 (2) include the metes and bounds description of the
11 territory of each new district;
12 (3) appoint temporary directors for each new district;
13 and
14 (4) provide for the division of assets and liabilities
15 between or among the new districts.

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

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

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

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

4 (1) a recreational facility, as defined by Section
5 49.462, Water Code; or

6 (2) a road project authorized by Section 9072.103.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 9072.151. ELECTIONS REGARDING TAXES OR BONDS.

9 (a) The district may issue, without an election, bonds and other
10 obligations secured by:

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

12 (2) contract payments described by Section 9072.153.

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

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

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

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

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

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

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

9 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

27 SECTION 2. The Kendall County Water Control and Improvement

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

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

8 THENCE, N 88° 43' 53" E, ALONG THE COMMON NORTHERLY LINE OF
9 SAID 203.026 ACRE TRACT, THE SOUTHERLY LINE OF SAID BLUEGRASS
10 SUBDIVISION AND THE SOUTHERLY LINE OF THAT CERTAIN 11.939 ACRE
11 TRACT CONVEYED TO JOSEPH F. ALDERETE AND SUNNIE G. ALDERETE, VOLUME
12 13181 PAGE 686, OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS, A
13 DISTANCE OF 2403.97 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE
14 SOUTHEASTERLY CORNER OF SAID 11.939 ACRE TRACT AND THE
15 SOUTHWESTERLY CORNER OF SAID 11.411 ACRE TRACT FOR AN INTERIOR ELL
16 CORNER OF THIS TRACT;

17 THENCE, N 01° 58' 14" E, ALONG THE COMMON EASTERLY LINE OF SAID
18 11.939 ACRE TRACT AND THE WESTERLY LINE OF SAID 11.411 ACRE TRACT, A
19 DISTANCE OF 563.88 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW
20 PLASTIC CAP STAMPED "SHERWOOD SURVEYING" SITUATED ON THE
21 SOUTHWESTERLY LINE OF SPRING HILL DRIVE FOR THE NORTHWESTERLY
22 CORNER OF SAID 11.411 ACRE TRACT AND A NORTHERLY CORNER OF THIS
23 TRACT;

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

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

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

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

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

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

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

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

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

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

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

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

1 ELL CORNER OF THIS TRACT;

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

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

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

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

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

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

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

1 EASTERLY LINE OF SAID 390.8354 ACRE TRACT;

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

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

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

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

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

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

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

24 THENCE, S 08° 49' 02" W, ALONG THE COMMON BOUNDARY LINE OF SAID
25 76.957 ACRE TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, A DISTANCE OF
26 1740.36 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY
27 CORNER OF SAID 76.957 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF

1 SAID 40.0289 ACRE TRACT;

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

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

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

9 THENCE, S 27° 25' 24" W, ALONG THE SOUTHEASTERLY LINE OF SAID
10 2.1303 ACRE TRACT, A DISTANCE OF 133.99 FEET TO A FOUND "X" ON
11 CONCRETE DAM MARKING THE SOUTHERLY CORNER OF SAID 2.1303 ACRE
12 TRACT, BEING IN THE NORTHERLY LINE OF THAT CERTAIN REMAINDER OF
13 236.272 ACRE TRACT CONVEYED TO BALCONES CREEK, LTD. BY DEED OF
14 RECORD IN VOLUME 1194, PAGE 227 OF SAID OFFICIAL PUBLIC RECORDS;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 THENCE, S 70° 14' 35" E, ALONG THE COMMON BOUNDARY LINE OF SAID
8 36.430 ACRE TRACT AND SAID 97.23 ACRE TRACT, A DISTANCE OF 2.12 FEET
9 TO A POINT MARKING THE SOUTHWESTERLY CORNER OF SAID 1.0097 ACRE
10 TRACT AND THE SOUTHEASTERLY CORNER OF SAID 36.430 ACRE TRACT;

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

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

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

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

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

1 S 78° 21' 51" W, A DISTANCE OF 1594.30 FEET TO A FOUND 1/2 INCH
2 IRON ROD IN THE EASTERLY RIGHT-OF-WAY LINE OF UPPER BALCONES ROAD
3 FOR THE WESTERNMOST SOUTHWESTERLY CORNER HEREOF;
4 THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF UPPER
5 BALCONES ROAD, THE FOLLOWING COURSES:
6 N 21° 24' 28" W, A DISTANCE OF 702.03 FEET TO A SET 1/2 INCH
7 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
8 N 10° 04' 11" W, A DISTANCE OF 69.72 FEET TO A SET 1/2 INCH IRON
9 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
10 N 08° 00' 25" W, A DISTANCE OF 297.59 FEET TO A FOUND 1/2 INCH
11 IRON ROD;
12 N 08° 10' 05" W, A DISTANCE OF 43.41 FEET TO A SET 1/2 INCH IRON
13 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
14 N 03° 52' 51" W, A DISTANCE OF 107.16 FEET TO A SET 1/2 INCH
15 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
16 N 03° 16' 49" W, A DISTANCE OF 119.06 FEET TO A SET 1/2 INCH
17 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
18 N 00° 22' 45" W, A DISTANCE OF 151.30 FEET TO A SET 1/2 INCH
19 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
20 N 05° 31' 35" W, A DISTANCE OF 281.80 FEET TO A FOUND 1/2 INCH
21 IRON ROD;
22 N 05° 14' 21" W, A DISTANCE OF 491.54 FEET TO A FOUND 1/2 INCH
23 IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 31.823 ACRE
24 TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 96.338 ACRE
25 TRACT CONVEYED TO WILLIAM ROBERT SMITH III BY DEED OF RECORD IN
26 VOLUME 1365, PAGE 681 OF SAID OFFICIAL PUBLIC RECORDS, FOR THE
27 WESTERNMOST NORTHWESTERLY CORNER HEREOF;

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

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

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

8 N 79° 52' 56" E, A DISTANCE OF 898.04 FEET TO A FOUND 1/2 INCH
9 IRON ROD WITH PFIEFFER SURVEY CAP MARKING THE NORTHEASTERLY CORNER
10 OF SAID 31.823 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF SAID
11 27.94 ACRE TRACT;

12 THENCE, N 73° 11' 05" E, ALONG THE COMMON BOUNDARY LINE OF SAID
13 96.338 ACRE TRACT AND SAID 27.94 ACRE TRACT, A DISTANCE OF 1400.68
14 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER
15 OF SAID 96.338 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF SAID
16 27.94 ACRE TRACT, SAME BEING IN THE WESTERLY LINE OF SAID 390.8354
17 ACRE TRACT AND AN INTERIOR ELL CORNER HEREOF;

18 THENCE, N 00° 19' 46" E, ALONG THE EASTERLY LINES OF SAID
19 96.338 ACRE TRACT AND THE EASTERLY LINE OF THAT CERTAIN 183.328 ACRE
20 TRACT CONVEYED TO DOLORES ANN HOLMAN BY DEED OF RECORD IN VOLUME 92,
21 PAGE 259 OF SAID DEED RECORDS, BEING THE WESTERLY LINE OF SAID
22 390.8354 ACRE TRACT, A DISTANCE OF 2888.59 FEET TO A FOUND 1/2 INCH
23 IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 390.8354 ACRE
24 TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 40.592 ACRE
25 TRACT CONVEYED TO PATRICK EITTER AND SPOUSE GISELLE EITTER BY DEED
26 OF RECORD IN VOLUME 1381, PAGE 542 OF SAID OFFICIAL PUBLIC RECORDS,
27 FOR THE NORTHERNMOST NORTHWESTERLY CORNER HEREOF;

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

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

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

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

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

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

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

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

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

1 Environmental Quality.

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

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

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

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

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

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

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