By:  Wilson (Senate Sponsor - Buckingham) H.B. No. 4669

(In the Senate - Received from the House May 6, 2019; May 7, 2019, read first time and referred to Committee on Intergovernmental Relations; May 15, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 15, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Northeast Burnet County Water 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 8064 to read as follows:

CHAPTER 8064. NORTHEAST BURNET COUNTY WATER DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8064.0101.  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 Northeast Burnet County Water District No. 1.

Sec. 8064.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8064.0103.  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. 8064.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8064.0103 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. 8064.0105.  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 municipal utility 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. 8064.0106.  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. 8064.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 8064.0202, directors serve staggered four-year terms.

Sec. 8064.0202.  TEMPORARY DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, 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 temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8064.0103; 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 8064.0103 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 8064.0103; 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. 8064.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8064.0302.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8064.0303.  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. 8064.0304.  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, 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. 8064.0305.  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 8064.0103 to confirm the creation of the district.

(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 or provide that the owner or owners of a majority of the assessed value of the real property in each new district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition; 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 commission 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 8064.0103.

(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. 8064.0306.  STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with a municipality under Section 43.0751, Local Government Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8064.0401.  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 8064.0403.

(b)  The district must hold an election in the manner provided by Chapters 49 and 54, 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.

(d)  The district may not issue bonds payable wholly or partly from assessments.

Sec. 8064.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8064.0401, 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. 8064.0403.  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. ASSESSMENTS; APPLICABILITY OF IMPACT FEES AND ASSESSMENTS

Sec. 8064.0501.  PETITION REQUIRED FOR FINANCING RECREATIONAL FACILITY OR IMPROVEMENT BY ASSESSMENT. (a) The district may finance a recreational facility or improvement with assessments on residential or commercial property or both residential and commercial property under this subchapter, but only if:

(1)  a written petition requesting that facility or improvement has been filed with the board; and

(2)  the district holds a hearing on the proposed assessments.

(b)  The petition must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 8064.0502.  METHOD OF NOTICE FOR HEARING. The district shall mail notice of the hearing to each property owner in the district who will be subject to the assessment at the current address to be assessed as reflected on the tax rolls. The district may mail the notice by certified or first class United States mail. The board shall determine the method of notice.

Sec. 8064.0503.  ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An assessment or a reassessment imposed under this subchapter by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1)  are a first and prior lien against the property assessed;

(2)  are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3)  are the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(b)  The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(c)  The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 8064.0504.  UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1)  an electric utility or a power generation company as defined by Section 31.002, Utilities Code;

(2)  a gas utility as defined by Section 101.003 or 121.001, Utilities Code;

(3)  a telecommunications provider as defined by Section 51.002, Utilities Code; or

(4)  a person who provides to the public cable television or advanced telecommunications services.

SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

Sec. 8064.0601.  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. 8064.0602.  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 Sections 54.601 and 54.602, Water Code.

Sec. 8064.0603.  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.

SUBCHAPTER G. DEFINED AREAS

Sec. 8064.0701.  AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

Sec. 8064.0702.  PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the defined area or designated property, the board shall hold an election in the defined area or in the designated property only.

(b)  The board may submit the issues to the voters on the same ballot to be used in another election.

Sec. 8064.0703.  DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at the election approve the proposition or propositions, the board shall declare the results and, by order, shall establish the defined area and describe it by metes and bounds or designate the specific property.

(b)  A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Sec. 8064.0704.  TAXES FOR SERVICES, IMPROVEMENTS, AND FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and adoption of the order described by Section 8064.0703, the district may apply separately, differently, equitably, and specifically its taxing power and lien authority to the defined area or designated property to provide money to construct, administer, maintain, and operate services, improvements, and facilities that primarily benefit the defined area or designated property.

Sec. 8064.0705.  ISSUANCE OF BONDS FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under Section 8064.0703 is adopted, the district may issue bonds to provide for any land, improvements, facilities, plants, equipment, and appliances for the defined area or designated property.

SECTION 2.  The Northeast Burnet County Water District No. 1 initially includes all the territory contained in the following area:

FIELD NOTES

BEING ALL OF THAT CERTAIN 1863.573 ACRE TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE JAMES H. CRISWELL SURVEY, NO. 64, ABSTRACT NO. 187 1/2, M.M GRANT SURVEY NO. 529, ABSTRACT NO. 369, M.M. GRANT SURVEY NO. 530, ABSTRACT NO. 370, J.H. EVANS SURVEY NO. 1239, ABSTRACT NO. 1164, WILLIAM B. ANDERSON SURVEY NO. 65, ABSTRACT NO. 13, T.C.RY. CO. SURVEY NO. 53, ABSTRACT NO. 1357, JOHN B. BARKER SURVEY NO. 1345, ABSTRACT NO. 1211, WILLIAM G. WILLIAMS SURVEY NO. 931, ABSTRACT NO. 1001, W.C. HEATH SURVEY NO. 1398, ABSTRACT NO. 1310, SARAH SMART SURVEY, NO. 841, ABSTRACT NO. 865, T.C.R.R. CO. SURVEY NO. 91, ABSTRACT NO. 1588, DAVE STEWART SURVEY NO. 5, ABSTRACT NO 806, AND THE S.W. MAYO SURVEY NO. 1156, ABSTRACT NO. 1184, ALL SITUATED IN BURNET COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING ALL OF A CALLED 233.6123 ACRE TRACT OF LAND (EXHIBIT A), SAVE AND EXCEPT A CALLED 10.00 ACRE TRACT OF LAND (EXHIBIT B) CONVEYED TO SWG BRIGGS I, LP. IN DOCUMENT NO. 201610419, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, ALL OF A CALLED 1526.98 ACRE TRACT OF LAND CONVEYED TO SWG BRIGGS I, LP., IN VOLUME 856, PAGE 747, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, AND ALL OF A CALLED 113.00 ACRE TRACT OF LAND CONVEYED TO SWG BRIGGS I, LP., IN DOCUMENT NUMBER 201610423, OFFICIAL PUBLIC RECORDS OF BURNET COUNTY, TEXAS, SAID 1863.573 ACRE TRACT OF LAND BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a at the northernmost corner of said 113.00 acre tract, being at the westernmost corner of A CALLED 31.0236 acre tract of land conveyed to Mike & Deanna Leschber in Document Number 201204123, Official Public Records of Burnet County, Texas, same being in the southeast line of County Road 219 (R.O.W. Varies), for the northeast corner and the POINT OF BEGINNING of the herein described tract of land,

THENCE, with the northeast line of said 113.00 acres, the southwest line of said 31.0236 acres, the southwest line of a called 25.16 acre tract of land conveyed to Danny & Darlene Bannister in Document Number 201605105, Official Public Records of Burnet, County, Texas, and the southwest line of a called 25.18 acre tract of land conveyed to Barbara Cook Irrevocable Trust in Document Number 201604313, Official Public Records of Burnet County, Texas, the following nine (9) courses and distances, numbered 1 through 9,

1)  S21°23'29"E, a distance of 526.92 feet to a point,

2)  S28°33'31"E, a distance of 1017.15 feet to a point,

3)  S08°26'18"W, a distance of 288.16 feet to a point,

4)  N86°24'09"E, a distance of 312.43 feet to a point,

5)  S32°25'56"E, a distance of 358.15 feet to a point,

6)  S29°49'18"E, a distance of 163.65 feet to a point,

7)  S36°39'03"E, a distance of 194.88 feet to a point,

8)  S22°22'24"E, a distance of 94.36 feet to a point, and

9)  S19°03'14"E, a distance of 218.48 feet to a point at the most westerly, southwest corner of said 25.18 acre tract, being the easternmost corner of said 113.00 acre tract, same being in a northwest line of said 1526.98 acre tract of land,

THENCE, N67°56'31"E, with the southeast line of said 25.18 acre tract, a distance of 815.54 feet to a point at an interior corner of said 25.18 acre tract of land,

THENCE, S21°01'35"E, continuing with a northeast line of said 1526.98 acre tract, the southwest line of said 25.18 acre tract, the southwest line of a called 25.10 acre tract of land conveyed to Pamela Cannavan in Volume 1214, Page 561, Official Public Records of Burnet County, Texas, the southwest line of a called 25.092 acre tract of land conveyed to David & Melody Baker in Document Number 201100991, Official Public Records of Burnet County, Texas, and the southwest line of a called 25.13 acre tract of land conveyed to K.D. Rhodes Ranch, LLC. in Document Number 200702836, Official Public Records of Burnet, County, Texas, a distance of 3532.45 feet to a point at the southernmost corner of said 25.13 acre tract, being in the northwest line of a called 31.44 acre tract of land conveyed to Daniel & Diann Davis in Volume 1032, Page 314m, Official Public Records of Burnet, County, Texas,

THENCE, S67°36'29"W, with the northwest line of said 31.44 acre and a southeast line of said 1526.98 acre tract of land, a distance of 281.44 feet to a point at the westernmost corner of said 31.44 acre tract,

THENCE, continuing with a northeast line of said 1526.98 acre tract, the southwest line of said 31.44 acre tract, the southwest line of a called 50.0 acre tract of land conveyed to Andres & Jacqueline Gonzales in Volume 632, Page 553, Official Public Records of Burnet County, Texas, and a southwest line of a called 79.88 acre tract of land (Tract Three) conveyed to Kevin & Faith McAndrew in Document Number 20906099, Official Public Records of Burnet County, Texas, the following four (4) courses and distances, numbered 1 through 4,

1)  S21°06'12"E, a distance of 924.69 feet to a point,

2)  S25°03'14"E, a distance of 415.81 feet to a point,

3)  S20°46'52"E, a distance of 563.14 feet to a point, and

4)  S21°06'08"E, a distance of 745.00 feet to a point at an interior corner of said 79.88 acre tract, being at the easternmost corner of said 1526.98 acre tract, for the easternmost corner of the herein described tract of land,

THENCE, S68°34'51"W, with a southeast line of said 1526.98 acre tract, a northwest line of said 79.88 acre tract, and the northwest line of Lots 18 & 19, Spring Creek Estates, a subdivision recorded in Volume 2, Page 29A, Plat Records of Burnet county, Texas, a distance of 2652.74 feet to a point at the westernmost corner of said Lot 18, being at a south corner of said 1526.98 acre tract, same being in the northeast line of a called 107.9 acre tract of land conveyed to Charles & Nancy Stovall in Document Number 201803478, Official Public Records of Burnet County, Texas,

THENCE, N21°32'12"W, with a southwest line of said 1526.98 acre tract and the northeast line of said 107.9 acre tract of land, a distance of 1043.80 feet to a point at the north corner of said 107.9 acre tract of land,

THENCE, with a southeast line of said 1526.98 acre tract, the southeast line of said 223.6123 acre tract, the northwest line of said 107.9 acre tract, the northwest line of a called 317.74 acre tract of land, (Tract 1) conveyed to Jadenyx, LP. in Volume 1196, Page 271, Official Public Records of Burnet County, Texas, and the northwest line of a called 232.06 acre tract of land (Tract 3) conveyed to Jadenyx, LP. in Volume 1196, Page 271, Official Public Records of Burnet County, Texas, the following two (2) courses and distances, numbered 1 and 2,

1)  S68°29'04"W, a distance of 1840.13 feet to a point, and

2)  S68°51'14"W, a distance of 5049.97 feet to a point at the west corner of said 232.06 acre tract, being at the southernmost corner of said 223.6123 acre tract, same being in the northeast line of a called 469.21 acre tract of land conveyed to Billie Stiles in Volume 1458, Page 914, Official Public Records of Burnet County, Texas, for the southwest corner of the herein described tract of land,

THENCE, with the common line of said 469.21 acre tract of land and said 223.6123 acre tract of land, the following two (2) courses and distances, numbered 1 and 2,

1)  N21°32'07"W, a distance of 2024.80 feet to a point at the northernmost corner of said 469.21 acre tract of land, and

2)  S69°04'28"W, a distance of 1682.57 feet to a point in the northwest line of said 469.21 acre tract, being at a southwest corner of said 223.6123 acre tract, same being at the easternmost corner of a called 160.45 acre tract of land conveyed to Floyd & Tammy Cantwell in Document Number 200910400, Official Public Records of Burnet County, Texas, for a southwest corner of the herein described tract of land,

THENCE, N21°13'36"W, with a southwest line of said 223.6123 acre tract, the northeast line of said 160.45 acre tract and the northeast line of a called 14.0 acre tract of land conveyed to SWG Briggs I, LP. in Document Number 201610417, Official Public Records of Burnet County, Texas, a distance of 1973.11 feet to a point in the southwest line of said 223.6123 acre tract, being in the northeast line of said 14.0 acre tract, same being at the southernmost corner of a called 10.00 acre tract of land conveyed to Wayne & Leigh Anne Eaton in Volume 975, Page 166, Official Public Records of Burnet County, Texas,

THENCE, with the southeast and northeast line of said 10.00 acre tract and over and across said 223.6123 acre tract of land, the following two (2) courses and distances, numbered 1 and 2,

1)  N69°01'35"E, a distance of 660.01 feet to a point at the east corner of said 10.00 acre tract, and

2)  N21°13'36"W, a distance of 660.00 feet to a point at the northernmost corner of said 10.00 acre tract, being a northwest line of said 223.6123 acre tract of land, same being in the southeast line of FM 2657 (80' R.O.W.), for a west corner of the herein described tract of land,

THENCE, with the southeast line of said FM 2657, the northwest line of said 223.6123 acre tract and the northwest line of said 1526.98 acre tract of land, the following nine (9) courses and distances, numbered 1 through 9,

1)  N69°01'35"E, a distance of 680.27 feet to a point at the beginning of a curve to the left,

2)  Along said curve to the left, having a radius of 1185.92 feet, an arc length of 1092.68 feet, and a chord that bears N42°38'30"E, a distance of 1054.44 feet to a point,

3)  N16°14'45"E, a distance of 1349.29 feet to a point at the beginning of a curve to the left,

4)  Along said curve to the left, having a radius of 2904.79 feet, an arc length of 769.66 feet, and a chord that bears N08°39'20"E, a distance of 767.41 feet to a point,

5)  N01°04'37"E, a distance of 1877.79 feet to a point at the beginning of a curve to the right,

6)  Along said curve to the right, having a radius of 1105.92 feet, an arc length of 637.44 feet, and a chord that bears N17°32'25"E, a distance of 628.65 feet to a point,

7)  N42°28'01"E, a distance of 97.25 feet to a point at the beginning of a curve to the right,

8)  Along said curve to the right, having a radius of 1095.92 feet, an arc length of 162.19 feet, and a chord that bears N43°19'43"E, a distance of 162.04 feet to a point, and

9)  N47°34'39"E, a distance of 657.87 feet to a point at the intersection of the southeast line of said FM 2657 and the south line of County Road 219 (R.O.W. Varies), being at a north corner of said 1526.98 acre tract of land, for a north corner of the herein described tract of land,

THENCE, with the south line of said County Road 219, the north line of said 1526.98 acre tract, and the north line of said 113.00 acre tract, the following eight (8) courses and distances, numbered 1 through 8,

1)  S54°06'13"E, a distance of 57.20 feet to a point,

2)  S72°29'38"E, a distance of 88.74 feet to a point,

3)  N69°30'23"E, a distance of 313.21 feet to a point,

4)  N86°15'23"E, a distance of 719.11 feet to a point,

5)  S54°47'06"E, a distance of 233.00 feet to a point,

6)  S85°05'04"E, a distance of 2003.08 feet to a point,

7)  N86°10'53"E, a distance of 53.79 feet to a point,

8)  N68°21'35"E, a distance of 1753.54 feet to the POINT OF BEGINNING and containing 1863.573 acres of land.

BEARING BASIS: 1526.98 Acres, Volume 856, Page 747, Official Public Records of Burnet County, Texas.

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) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8064, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8064.0307 to read as follows:

Sec. 8064.0307.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b)  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, 2019.

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