By:  Talarico (Senate Sponsor - Schwertner) H.B. No. 4689

(In the Senate - Received from the House May 13, 2019; May 14, 2019, read first time and referred to Committee on Intergovernmental Relations; May 17, 2019, reported favorably by the following vote: Yeas 7, Nays 0; May 17, 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 Round Rock 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 8094 to read as follows:

CHAPTER 8094. ROUND ROCK MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8094.0101.  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 Round Rock Municipal Utility District No. 1.

Sec. 8094.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8094.0103.  CONFIRMATION AND DIRECTOR 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. 8094.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8094.0103 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. 8094.0105.  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. 8094.0106.  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. 8094.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 8094.0202, directors serve staggered four-year terms.

Sec. 8094.0202.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  Mitch Schwartz;

(2)  Tim Agee;

(3)  Dwain Halm;

(4)  Moses Kim; and

(5)  Steve Tucker.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8094.0103; 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 8094.0103 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 8094.0103; 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. 8094.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8094.0302.  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. 8094.0303.  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. 8094.0304.  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. 8094.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8094.0401.  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 8094.0403.

(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.

Sec. 8094.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8094.0401, 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. 8094.0403.  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. BONDS AND OTHER OBLIGATIONS

Sec. 8094.0501.  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. 8094.0502.  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. 8094.0503.  BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2.  The Round Rock Municipal Utility District No. 1 initially includes all the territory contained in the following area:

TRACT A-1

BEING ALL OF THAT CERTAIN 64.513 ACRE TRACT OF LAND OUT OF AND PART OF THE HENRY MILLARD SURVEY, ABSTRACT NUMBER 452, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARY DESCRIBED AS BEING ALL OF TRACT A: TRACT I, THAT CERTAIN 64.508 ACRE TRACT OF LAND CONVEYED TO CREEK BEND LAND HOLDINGS, LLC RECORDED IN DOCUMENT NUMBER 2009047398, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.), SAID 64.513 ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING, at a 1/2" iron rod found for the northwestern corner of that certain remainder of 196.96 acre tract of land conveyed to Stephen Pritchard Trust and Nancy K.P. Ohlendorf Family Trust in Volume 1980, Page 972, Deed Records, Williamson County, Texas (D.R.W.C.TX.), also being the southwestern corner of that certain remainder of 104.6 acre tract of land conveyed to Michael and Nancy Ohlendorf recorded in Document Number 2011085212 (O.P.R.W.C.TX.), and also being in the eastern right-of-way line of County Road 110 (R.O.W. varies),

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said County Road, S21°29'00"E, a distance of 210.29 feet to a point for the northwestern corner and the POINT OF BEGINNING of the herein described tract,

THENCE, with the common boundary line of said 64.504 acre tract and said remainder of 196.96 acre tract, the following seven (7) courses and distances, numbered 1 through 7,

1.  N68°00'19"E, passing at a distance of 0.30 feet, a 1/2" iron rod found, continuing for a total of 696.23 feet to a point,

2.  N09°35'20"W, a distance of 95.12 feet to a 1/2" iron rod found,

3.  N81°24'19"E, a distance of 329.97 feet to a 1/2" iron rod found,

4.  S02°42'11"E, a distance of 17.58 feet to a 1/2" iron rod found,

5.  N68°02'31"E, a distance of 1429.27 feet to a 1/2" iron rod found for the northeastern corner of said 64.504 acre tract,

6.  S22°04'24"E, a distance of 1099.73 feet to a 1/2" iron rod found at a fence corner, and

7.  S66°33'19"W, a distance of 2773.39 feet to a point for the southwestern corner of said 64.508 acre tract, also being in the eastern right-of-way line of said County, Road 110,

THENCE, with the common boundary line of said 64.508 acre tract and said County Road 110, the following two (2) courses and distances, Numbered 1 and 2,

1.  N21°30'28"W, a distance of 953.75 feet to a 1/2" iron rod found,

2.  N21°29'00"W, a distance of 209.69 feet to the POINT OF BEGINNING and containing 64.513 acres of land.

TRACT A-2

BEING ALL OF THAT CERTAIN 55.176 ACRE TRACT OF LAND OUT OF AND PART OF THE HENRY MILLARD SURVEY, ABSTRACT NUMBER 452, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARY DESCRIBED AS BEING A PORTION OF TRACT A: TRACT II, THAT CERTAIN REMAINDER OF 55.34 ACRE TRACT OF LAND CONVEYED TO LONE MOUNTAIN PROPERTIES, LLC RECORDED IN DOCUMENT NUMBER 2009005145, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.), SAID 55.176 ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1:

BEGINNING, at a 1/2" iron rod found for the most northerly northwestern corner of said remainder of 55.34 acre tract, also being the northeastern corner of that certain remainder of 34.70 acre tract of land (Tract 1) conveyed to Henry Development, LTD, recorded in Document Number 2004089842 (O.P.R.W.C.TX.), and also being at a point of curvature for a curve to the left in the southern right-of-way line of University Boulevard (200' R.O.W.), and the POINT OF BEGINNING for the herein described tract,

THENCE, with the common boundary line of said remainder of 55.35 acre tract and said University Boulevard, the following two (2) courses and distances, numbered 1 and 2,

1.  With said curve to the left, having a radius of 8563.00 feet, an arc length of 450.41 FEET, and whose chord bears N70°08'55"E, a distance of 450.36 feet to a capped iron rod found stamped "J S COALTER", and

2.  N68°38'27"E, a distance of 1514.12 feet to a 5/8" iron rod found, being the northeastern corner of said remainder of 55.34 acre tract, also being the northwestern corner of that certain remainder of 60 acre tract of land conveyed to Audell Payne in Volume 456, Page 486, Deed Records, Williamson County, Texas,

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said remainder of 60 acre tract, the following two (2) courses and distances, Numbered 1 and 2,

1.  S21°47'47"E, a distance of 903.92 feet to a 3/8" iron rod found, and

2.  N63°45'30"E, a distance of 87.68 feet to a 3/8" iron rod found, being an exterior corner in the eastern boundary line of said remainder of 55.34, also being the northwest corner of that certain 75 acre tract of land conveyed to Veterans Land Board recorded in Volume 781, Page 247, Deed Records Williamson County, Texas,

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said 75 acre tract, S21°35'40"E, a distance of 268.79 feet to a 1/2" iron rod found, being the southeastern corner of said remainder of 55.34 acre tract, also being the northeastern corner of that certain remainder of 104.6 acre tract conveyed to Michael and Nancy Ohlendorf recorded in Document Number 2011085212 (O.P.R.W.C.TX.),

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said remainder of 104.6 acre tract, S68°34'49"W, a distance of 2056.46 feet to a point, being the southwestern corner of said remainder of 55.34 acre tract, also being the southeastern corner of that certain 0.07 acre tract of land (Tract II) conveyed to Henry Development, LTD. recorded in Document Number 2017045283 (O.P.R.W.C.TX.),

THENCE, with said common boundary line of said remainder of 55.34 acre tract, said 0.07 acre (Tract II), that certain 0.18 acre tract of land (Tract I) conveyed to Henry Development record in said Document Number 2017045283, that certain 0.14 acre tract of land conveyed to Henry Development, LTD. in Document Number 2017074516 (O.P.R.W.C.TX.), and said remainder of 34.70 acre tract (Tract 1), the following four (4) courses and distances, numbered 1 through 4,

1.  N21°27'32"W, a distance of 104.85 feet to a 1/2" iron rod found,

2.  N19°57'22"W, a distance of 30.33 feet to a 1/2" iron rod found,

3.  N22°42'01"W, a distance of 29.77 feet to a 1/2" iron rod found, and

4.  N21°32'01"W, a distance of 1014.31 feet to the POINT OF BEGINNING and containing 53.237 acres of land.

TRACT 2:

BEGINNING, at a 1/2" iron rod found for the most westerly northwestern corner of said remainder of 55.34 acre tract acre tract, being in the eastern right-of-way line of County Road 110 (R.O.W. varies), and also being the southwestern corner of that certain 2.07 acre tract of land conveyed (Tract 2) to Henry Development, LTD. recorded in Document Number 2004089842 (O.P.R.W.C.TX.), and being the northwestern corner and the POINT OF BEGINNING for the herein described tract,

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said 2.07 acre tract, N68°32'30"E, passing at 2766.90 feet a capped iron rod found for the southwest corner of that certain 0.14 acre tract of land conveyed to Henry Development LTD. recorded in Document Number 2017074513 (O.P.R.W.C.TX.) and continuing for a total distance of 2796.42 feet to a capped iron rod found, being the southwest corner of that certain 0.18 acre tract of land (Tract I) conveyed to Henry Development, LTD. and the northwest corner of that certain 0.07 acre tract of land (Tract II) both conveyed to Henry Development LTD. recorded in Document Number 2017045283 (O.P.R.W.C.TX.), and being a southeast corner of said 0.14 acre tract,.

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said 0.07 acre tract, S21°20'56"E, a distance of 30.40 feet to a point, being the southwestern corner of said 0.07 acre tract, also being in the northern boundary line of that certain remainder of 104.6 acre tract conveyed to Michael and Nancy Ohlendorf in Document Number 2011085212 (O.P.R.W.C.TX.),

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said remainder of 104.6 acre tract, S68°33'00"W, a distance of 2796.45 feet to a 1/2" iron rod found, being the southwestern corner of said remainder of 55.34 acre tract, also being the northwestern corner of said remainder of 104.6 acre tract, and also being in the eastern right-of-way line of said County, Road 110,

THENCE, with the common boundary line of said remainder of 55.34 acre tract and said County, Road 110, N21°16'34"W, a distance of 30.00 feet to the POINT OF BEGINNING and containing 1.939 acres of land.

TRACT 1 - 53.237 ACRES

TRACT 2 - 1.939 ACRES

A-2 TOTAL - 55.176 ACRES

TRACT B-II

BEING ALL OF THAT CERTAIN 104.256 ACRE TRACT OF LAND OUT OF AND PART OF THE HENRY MILLARD SURVEY, ABSTRACT NUMBER 452, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARY DESCRIBED AS BEING A PORTION OF TRACT B: TRACT II, THAT CERTAIN REMAINDER OF 104.6 ACRE TRACT OF LAND CONVEYED TO MICHAEL AND NANCY OHLENDORF RECORDED IN DOCUMENT NUMBER 2011085212, OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.), SAID 104.256 ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2" iron rod found for the northwestern corner of said remainder of 104.6 acre tract,, also being the southwestern corner of that certain remainder of 55.34 acre tract of land conveyed to Lone Mountain Properties, LLC, and also being in the eastern right-of-way line, and also being the northwestern corner and the POINT OF BEGINNING for the herein described tract,

THENCE, with the common boundary line of said remainder of 104.6 acre tract, said remainder of 55.34 acre tract, that certain 0.07 acre tract (Tract II) of land conveyed to Henry Development, LTD. in Document Number 2017045283 (O.P.R.W.C.TX.), N68°34'04"E, and that certain remainder of 55.34 acres of land conveyed to Lone Mountain Properties, LLC. in Document Number 2009005145 (O.P.R.W.C.TX.), a distance of 4957.79 feet to a 1/2" iron rod found, being the northeastern corner of said remainder of 104.6 acre tract, also being the southeastern corner of said remainder of 55.34 acre tract and also being in the western boundary line of that certain 75.00 acre tract of land conveyed to Veterans Land Board in Volume 781, Page 247, Deed Records, Williamson County, Texas,

THENCE, with the common boundary line of said 104.6 acre tract and said 75.00 acre tract, S21°26'17"E, a distance of 913.49 feet to a 1/2" iron rod found, being the southeastern corner of the herein described tract, also being the northeastern corner of that certain remainder of 196.96 acre tract of land conveyed to Stephen Pritchard Trust and Nancy K.P. Ohlendorf Family Trust in Volume 1980, Page 972 Deed Records, Williamson County, Texas,

THENCE, with the common boundary line of said remainder of 104.6 acre tract and said remainder of 196.96 acre tract, S68°30'29"W, a distance of 4957.11 feet to a 1/2" iron rod found, being the southwestern corner of said remainder of 104.6 acre tract, also being the northwestern corner of said remainder of 196.96 acre tract, and also being in the eastern right-of-way line of said County Road 110,

THENCE, with the common boundary line of said remainder of 104.6 acre tract and said County Road 110, the following two (2) courses and distances, numbered 1 and 2,

1.  N21°29'00"W, a distance of 909.64 feet to a 1/2" iron rod found, and

2.  N21°16'34"W, a distance of 9.02 feet to the POINT OF BEGINNING and containing 104.256 acres of land.

TRACT B-III

BEING ALL OF THAT CERTAIN 132.423 ACRE TRACT OF LAND OUT OF AND PART OF THE HENRY MILLARD SURVEY, ABSTRACT NUMBER 452, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING MORE PARTICULARY DESCRIBED AS BEING ALL OF TRACT B: TRACT III, THAT CERTAIN REMAINDER OF 196.96 ACRE TRACT OF LAND CONVEYED TO STEPHEN PRITCHARD TRUST AND NANCY K.P. OHLENDORF FAMILY TRUST RECORDED IN VOLUME 1980, PAGE 972, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.TX.), SAID 132.423 ACRE TRACT OF LAND, BEING MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at a 1/2" iron rod found for the northwestern corner of said remainder of 196.96 acre tract, also being the southwestern corner of that certain remainder of 104.6 acre tract of land conveyed to Michael and Nancy Ohlendorf recorded in Document Number 2011085212 (O.P.R.W.C.TX.), and also being in the eastern right-of-way line of County Road 110 (R.O.W. varies), and the POINT OF BEGINNING for the herein described tract,

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said remainder of 104.6 acre tract, N68°30'29"E, a distance of 4957.11 feet to a 1/2" iron rod found, being the northeastern corner of said 196.96 acre tract, also being the southeastern corner of said remainder of 104.6 acre tract, and also being in the eastern boundary line of that certain 75.00 acre tract of land conveyed to the Veterans Land Board in Volume 781, Page 247, Deed Records, Williamson County, Texas,

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said 75.00 acre tract, S21°30'03"E, a distance of 1332.40 feet to a point, being the southeastern corner of said remainder of 196.96 acre tract, also being the northeastern corner of that certain 72.099 acre tract of land conveyed to Eleanor, Jacob, and Dorothea Olson in Volume 595, Page 131, Deed Records, Williamson County, Texas, and also being the southeastern corner of the herein described tract,

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said 72.099 acre tract, S68°30'08"W, a distance of 1252.61 feet to a 1/2" iron rod found, being an angle point in the southern boundary line of said remainder of 196.96 acre tract, also being the northwest corner of said 72.099 acre tract, and also being the northeast corner of that certain 22.31 acre tract of land conveyed to SEDC Devco Inc. recorded in Document Number 2015089805 (O.P.R.W.C.TX.),

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said 22.31 acre tract, the following two (2) courses and distances, numbered 1 and 2,

1.  S12°52'51"W, a distance of 17.02 feet to a 1/2" iron rod found, and

2.  S68°23'05"W, a distance of 1224.09 feet to a capped iron rod found, being the northwest corner of said 22.31 acre tract, also being an interior corner on the south line of said remainder of 196.96 acre tract,

THENCE, with the common boundary corner of said remainder of 196.96 acre tract and said 22.31 acre tract, S21°37'15"E, a distance of 776.54 feet to a 1/2" iron rod found, being a southeast corner of said remainder of 196.96 acre tract, also being the southwest corner of said 22.31 acre tract, and also being the northeast corner of the remainder of that certain 34.74 acre tract of land conveyed to SEDC Devco Inc. recorded in Document Number 2015089800 (O.P.R.W.C.TX.), and also being the northeastern corner of that certain 100 acre tract conveyed to Fred Liardon in Volume 131, Page 131, (D.R.W.C.TX.),

THENCE, with a south line of said remainder of 196.96 acre tract and the north line of said 100 acre tract, S68°37'33"W, a distance of 2472.34 feet to a 1/2" iron rod found, being the southwest corner of said remainder of 196.96 acre tract, also being the northwest corner of said remainder of 34.74 acre tract, also being in the northern boundary line of said 100 acre tract, and also being in the east right-of-way line of said County Road 110, from which a 1/2" iron rod found for the southwest corner of said remainder of 34.74 acre tract bears S21°20'42"E, a distance of 616.07 feet,

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said County Road 110, N21°30'28"W, a distance of 746.93 feet to a point, being the southwestern corner of that certain 64.508 acre tract of land conveyed to Creek Bend Holdings, LLC. in Document Number 2009047398 (O.P.R.W.C.TX.),

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said 64.508 acre tract, the following seven (7) courses and distances, numbered 1 through 7,

1.  N66°33'19"E, a distance of 2473.39 feet to a 1/2" iron rod found,

2.  N22°04'24"W, a distance of 1099.73 feet to a 1/2" iron rod found,

3.  S68°02'31"W, a distance of 1429.27 feet to a 1/2" iron rod found,

4.  N02°42'11"W, a distance of 17.58 feet to a 1/2" iron rod found,

5.  S81°24'19"W, a distance of 329.97 feet to a 1/2" iron rod found,

6.  S09°35'20"E, a distance of 95.12 feet to a point, and

7.  S68°00'19"W, passing at 695.93 feet a 1/2" iron rod found and continuing for a total distance of 696.23 feet to a point, being the northwestern corner of said 64.528 acre tract, also being an exterior corner in the western boundary line of said remainder of 196.96 acre tract, and also being in the eastern right-of-way line of said County, Road 110,

THENCE, with the common boundary line of said remainder of 196.96 acre tract and said County Road 110, N21°29'00"W, a distance of 210.29 feet to the POINT OF BEGINNING and containing 132.423 acres of land.

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 8094, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8094.0306 to read as follows:

Sec. 8094.0306.  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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