

By: Moody

H.B. No. 4730

Substitute the following for H.B. No. 4730:

By: Button

C.S.H.B. No. 4730

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the City of El Paso Municipal Management District No. 1; providing authority to issue bonds; providing authority to impose assessments, fees, or taxes.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3972 to read as follows:

CHAPTER 3972. CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3972.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of El Paso.

(3) "Director" means a board member.

(4) "District" means the City of El Paso Municipal Management District No. 1.

Sec. 3972.0102. CREATION AND NATURE OF DISTRICT. The City of El Paso Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3972.0103. PURPOSE; LEGISLATIVE FINDINGS. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter.

(b) By creating the district and in authorizing the city and

1 other political subdivisions to contract with the district, the
2 legislature has established a program to accomplish the public
3 purposes set out in Section 52-a, Article III, Texas Constitution.

4 (c) The creation of the district is necessary to promote,
5 develop, encourage, and maintain employment, commerce,
6 transportation, housing, tourism, recreation, the arts,
7 entertainment, economic development, safety, and the public
8 welfare in the district.

9 (d) The district is created to supplement and not to
10 supplant city services provided in the district.

11 Sec. 3972.0104. FINDINGS OF BENEFIT AND PUBLIC USE. (a)
12 All land and other property included in the district will benefit
13 from the improvements and services to be provided by the district
14 under powers conferred by Sections 52 and 52-a, Article III, and
15 Section 59, Article XVI, Texas Constitution, and other powers
16 granted under this chapter.

17 (b) The district is created to serve a public use and
18 benefit.

19 (c) The creation of the district is in the public interest
20 and is essential to further the public purposes of:

21 (1) developing and diversifying the economy of the
22 state;

23 (2) eliminating unemployment and underemployment;

24 (3) developing or expanding transportation and
25 commerce; and

26 (4) providing quality residential housing.

27 (d) The district will:

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

4 (2) provide needed funding for the district to
5 preserve, maintain, and enhance the economic health and vitality of
6 the district territory as a residential community and business
7 center; and

8 (3) promote the health, safety, welfare, and enjoyment
9 of the public by providing pedestrian ways and by landscaping and
10 developing certain areas in the district, which are necessary for
11 the restoration, preservation, and enhancement of scenic beauty.

12 (e) Pedestrian ways along or across a street, whether at
13 grade or above or below the surface, and street lighting, street
14 landscaping, parking, and street art objects are parts of and
15 necessary components of a street and are considered to be a street
16 or road improvement.

17 (f) The district will not act as the agent or
18 instrumentality of any private interest even though the district
19 will benefit many private interests as well as the public.

20 Sec. 3972.0105. INITIAL DISTRICT TERRITORY. (a) The
21 district is initially composed of the territory described by
22 Section 2 of the Act enacting this chapter.

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

27 (1) organization, existence, or validity;

1 (2) right to issue any type of bonds for the purposes
2 for which the district is created or to pay the principal of and
3 interest on the bonds;

4 (3) right to impose or collect an assessment or tax; or

5 (4) legality or operation.

6 Sec. 3972.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

7 (a) All or any part of the area of the district is eligible to be
8 included in:

9 (1) a tax increment reinvestment zone created under
10 Chapter 311, Tax Code;

11 (2) a tax abatement reinvestment zone created under
12 Chapter 312, Tax Code;

13 (3) an enterprise zone created under Chapter 2303,
14 Government Code; or

15 (4) an industrial district created under Chapter 42,
16 Local Government Code.

17 (b) If the city creates a tax increment reinvestment zone
18 described by Subsection (a), the city and the board of directors of
19 the zone, by contract with the district, may grant money deposited
20 in the tax increment fund to the district to be used by the district
21 for:

22 (1) the purposes permitted for money granted to a
23 corporation under Section 380.002(b), Local Government Code; and

24 (2) any other district purpose, including the right to
25 pledge the money as security for any bonds or other obligations
26 issued by the district.

27 (c) A tax increment reinvestment zone created by the city in

1 the district is not subject to the limitations provided by Section
2 311.006, Tax Code.

3 Sec. 3972.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
4 DISTRICT LAW. Except as otherwise provided by this chapter,
5 Chapter 375, Local Government Code, applies to the district.

6 Sec. 3972.0108. ENFORCEABILITY OF MUNICIPAL CONSENT
7 AGREEMENT. (a) Any agreement between the district and a
8 municipality related to the municipality's consent to the creation
9 of the district is valid and enforceable.

10 (b) On the issuance of bonds by the district, the district
11 is considered to have waived sovereign immunity to suit by a
12 municipality for the purpose of adjudicating a claim for breach of
13 an agreement described by this section.

14 Sec. 3972.0109. CONSTRUCTION OF CHAPTER. This chapter
15 shall be liberally construed in conformity with the findings and
16 purposes stated in this chapter.

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3972.0201. GOVERNING BODY; TERMS. The district is
19 governed by a board of five directors who serve staggered terms of
20 four years with two or three directors' terms expiring June 1 of
21 each even-numbered year.

22 Sec. 3972.0202. QUALIFICATIONS OF DIRECTORS. (a) To be
23 qualified to serve as a director, a person must be:

24 (1) a resident of the city who is also a registered
25 voter of the city;

26 (2) an owner of property in the district;

27 (3) an owner of stock or a partnership or membership

1 interest, whether beneficial or otherwise, of a corporate
2 partnership, limited liability company, or other entity owner of a
3 direct or indirect interest in property in the district;

4 (4) an owner of a beneficial interest in a trust, or a
5 trustee in a trust, that directly or indirectly owns property in the
6 district; or

7 (5) an agent, employee, or tenant of a person
8 described by Subdivision (2), (3), or (4).

9 (b) Section 49.052, Water Code, does not apply to the
10 district.

11 Sec. 3972.0203. APPOINTMENT OF DIRECTORS. The governing
12 body of the city shall appoint directors from persons recommended
13 by the board.

14 Sec. 3972.0204. VACANCY. (a) If a vacancy occurs on the
15 board, the remaining directors shall appoint a director for the
16 remainder of the unexpired term.

17 (b) A director may resign from the board at any time.

18 Sec. 3972.0205. OFFICERS. The board shall elect from among
19 the directors a chair, a vice chair, and a secretary. The offices
20 of chair and secretary may not be held by the same person.

21 Sec. 3972.0206. LIABILITY INSURANCE. The district may
22 obtain and pay for comprehensive general liability insurance
23 coverage from a commercial insurance company or other source that
24 protects and insures a director against personal liability and from
25 all claims relating to:

26 (1) actions taken by the director in the director's
27 capacity as a member of the board;

- 1 (2) actions and activities taken by the district; or
2 (3) the actions of others acting on behalf of the
3 district.

4 Sec. 3972.0207. NO EXECUTIVE COMMITTEE. The board may not
5 create an executive committee to exercise the powers of the board.

6 Sec. 3972.0208. BOARD MEETINGS. The board shall hold
7 meetings at a place accessible to the public.

8 Sec. 3972.0209. INITIAL DIRECTORS. (a) On or after January
9 1, 2020, the owner or owners of a majority of the assessed value of
10 the real property in the district may submit a petition to the
11 governing body of the city requesting that the governing body
12 appoint five persons as initial directors from among the persons
13 named in the petition.

14 (b) A petition must name more than five qualified persons.

15 (c) If the governing body of the city is not satisfied with
16 the recommended persons, the governing body may request that
17 another petition with additional recommended persons be submitted.

18 (d) The governing body shall appoint as initial directors
19 five persons named in the petition who are qualified to serve as
20 directors.

21 (e) The initial directors shall determine by lot which three
22 positions expire June 1, 2022, and which two positions expire June
23 1, 2024.

24 (f) This section expires September 1, 2025.

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 3972.0301. GENERAL POWERS AND DUTIES. The district
27 has the powers and duties necessary to accomplish the purposes for

1 which the district is created.

2 Sec. 3972.0302. IMPROVEMENT PROJECTS AND SERVICES. (a)
3 The district, using money available to the district for the
4 purpose, may provide, design, construct, acquire, improve,
5 relocate, operate, maintain, or finance an improvement project or
6 service authorized under this chapter or Chapter 375, Local
7 Government Code.

8 (b) The district may contract with a governmental or private
9 entity to carry out an action under Subsection (a).

10 (c) An improvement project described by Subsection (a) may
11 be located:

12 (1) in the district; or

13 (2) in an area outside the district if the project is
14 for the purpose of extending a public infrastructure improvement
15 beyond the district's boundaries to a logical terminus.

16 Sec. 3972.0303. IMPROVEMENT PROJECT AND SERVICE IN
17 DEFINABLE AREA; BENEFIT BASIS. The district may undertake an
18 improvement project or service that confers a special benefit on a
19 definable area in the district and levy and collect a special
20 assessment on benefited property in the district in accordance
21 with:

22 (1) Chapter 372, Local Government Code; or

23 (2) Chapter 375, Local Government Code.

24 Sec. 3972.0304. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
25 district may engage in activities that accomplish the economic
26 development purposes of the district.

27 (b) The district may establish and provide for the

1 administration of one or more programs to promote state or local
2 economic development and to stimulate business and commercial
3 activity in the district, including programs to:

- 4 (1) make loans and grants of public money; and
5 (2) provide district personnel and services.

6 (c) The district may create economic development programs
7 and exercise the economic development powers that Chapter 380,
8 Local Government Code, provides to a municipality.

9 Sec. 3972.0305. PARKING FACILITIES. (a) The district may
10 acquire, lease as lessor or lessee, construct, develop, own,
11 operate, and maintain parking facilities or a system of parking
12 facilities, including lots, garages, parking terminals, or other
13 structures or accommodations for parking motor vehicles off the
14 streets and related appurtenances.

15 (b) The district's parking facilities serve the public
16 purposes of the district and are owned, used, and held for a public
17 purpose even if leased or operated by a private entity for a term of
18 years.

19 (c) The district's parking facilities are parts of and
20 necessary components of a street and are considered to be a street
21 or road improvement.

22 (d) The development and operation of the district's parking
23 facilities may be considered an economic development program.

24 Sec. 3972.0306. ADDING OR REMOVING TERRITORY. (a) The
25 board may add or remove territory as provided by Subchapter J,
26 Chapter 49, Water Code.

27 (b) The district may add territory as described by

1 Subsection (a) only if the governing body of the city by ordinance
2 or resolution consents to the addition.

3 Sec. 3972.0307. NO EMINENT DOMAIN POWER. The district may
4 not exercise the power of eminent domain.

5 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

6 Sec. 3972.0401. DIVISION OF DISTRICT; PREREQUISITES. The
7 district, including territory added to the district under Section
8 3972.0306, may be divided into two or more new districts only if the
9 district has no outstanding bonded debt. Territory previously
10 added to the district under Section 3972.0306 may be included in a
11 new district.

12 Sec. 3972.0402. LAW APPLICABLE TO NEW DISTRICT. This
13 chapter applies to any new district created by division of the
14 district, and a new district has all the powers and duties of the
15 district.

16 Sec. 3972.0403. DIVISION PROCEDURES. (a) The board, on its
17 own motion or on receipt of a petition signed by an owner of real
18 property in the district, may adopt an order proposing to divide the
19 district.

20 (b) If the board decides to divide the district, the board
21 shall:

22 (1) set the terms of the division, including names for
23 the new districts and a plan for the payment or performance of any
24 outstanding district obligations;

25 (2) prepare a metes and bounds description for each
26 proposed district; and

27 (3) appoint four initial directors for each new

1 district.

2 (c) The governing body of the city shall appoint one
3 director for each new district.

4 Sec. 3972.0404. CONTRACT AUTHORITY OF NEW DISTRICTS. The
5 new districts may contract with each other for any matter the boards
6 of the new districts consider appropriate, including the joint
7 construction or financing of a utility improvement.

8 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

9 Sec. 3972.0501. DISBURSEMENTS AND TRANSFERS OF MONEY. The
10 board by resolution shall establish the number of directors'
11 signatures and the procedure required for a disbursement or
12 transfer of district money.

13 Sec. 3972.0502. TAX AND ASSESSMENT ABATEMENTS. The
14 district may designate reinvestment zones and may grant abatements
15 of a tax or assessment imposed by the district on property in the
16 zones.

17 SUBCHAPTER F. TAXES AND BONDS

18 Sec. 3972.0601. BONDS AND OTHER OBLIGATIONS. (a) The
19 district may issue, by public or private sale, bonds, notes, or
20 other obligations payable wholly or partly from ad valorem taxes or
21 assessments in the manner provided by Chapter 375, Local Government
22 Code. If an improvement financed by an obligation issued under this
23 section will be conveyed to or operated and maintained by a
24 municipality or other retail utility provider pursuant to an
25 agreement with the district entered into before the issuance of the
26 obligation, the district may issue the obligation in the manner
27 provided by Subchapter A, Chapter 372, Local Government Code.

1 (b) In exercising the district's borrowing power, the
2 district may issue a bond or other obligation in the form of a bond,
3 note, certificate of participation or other instrument evidencing a
4 proportionate interest in payments to be made by the district, or
5 other type of obligation.

6 (c) In addition to the sources of money described by
7 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
8 Government Code, district bonds may be secured and made payable
9 wholly or partly by a pledge of any part of the money the district
10 receives from improvement revenue or from any other source.

11 Sec. 3972.0602. OPERATION AND MAINTENANCE TAX. If
12 authorized by a majority of the district voters voting at an
13 election held in accordance with Section 49.107, Water Code, the
14 district may impose an operation and maintenance tax on taxable
15 property in the district in the manner provided by that section for
16 any district purpose, including to:

- 17 (1) maintain and operate the district;
- 18 (2) construct or acquire improvements; or
- 19 (3) provide a service.

20 Sec. 3972.0603. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
21 the time bonds or other obligations payable wholly or partly from ad
22 valorem taxes are issued:

23 (1) the board shall impose a continuing direct annual
24 ad valorem tax for each year that all or part of the bonds are
25 outstanding; and

26 (2) the district annually shall impose an ad valorem
27 tax on all taxable property in the district in an amount sufficient

1 to:

2 (A) pay the interest on the bonds or other
3 obligations as the interest becomes due; and

4 (B) create a sinking fund for the payment of the
5 principal of the bonds or other obligations when due or the
6 redemption price at any earlier required redemption date.

7 SUBCHAPTER G. SPECIAL BOND PROVISIONS

8 Sec. 3972.0701. APPLICABILITY. This subchapter applies
9 only to bonds payable wholly or partly from revenue derived from
10 assessments on real property in the district.

11 Sec. 3972.0702. CONFLICT OF LAWS. In the event of a
12 conflict between this subchapter and any other law, this subchapter
13 prevails.

14 Sec. 3972.0703. WRITTEN AGREEMENT REGARDING SPECIAL
15 APPRAISALS. Before the district may issue bonds, the district and
16 any person to whom the board intends that proceeds of the bonds be
17 distributed, including the developer, another owner of land in the
18 district, and any entity acting as a lender to the developer or
19 other landowner for the purpose of a project relating to the
20 district, must enter into a written agreement that:

21 (1) waives for the term of the agreement the right to a
22 special appraisal with respect to taxation by the district under
23 Subchapters B, C, D, E, F, and H, Chapter 23, Tax Code; and

24 (2) remains in effect for 30 years and is binding on
25 the parties, on entities related to or affiliated with the parties,
26 and on their successors and assignees.

27 Sec. 3972.0704. REQUIREMENTS FOR ADVERTISING BOND ISSUE. A

1 district may not advertise for an issuance of bonds until the
2 completion of at least 25 percent of the projected value of the
3 improvements, including houses and other buildings, that are liable
4 for district assessments and necessary to support the district
5 bonds.

6 Sec. 3972.0705. REQUIREMENTS FOR BOND ISSUE. The district
7 may not issue bonds until:

8 (1) the district submits to the Texas Commission on
9 Environmental Quality:

10 (A) an engineer's report describing the project
11 for which the bonds will provide funding, including data, profiles,
12 maps, plans, and specifications related to the project; and

13 (B) a cash flow analysis to determine the
14 projected rate of assessment, which includes the following
15 assumptions:

16 (i) each ending balance for debt service in
17 the analysis is not less than 25 percent of the following year's
18 debt service requirement;

19 (ii) interest income is only shown on the
20 ending balance for debt service for the first two years; and

21 (iii) the projected rate of assessment is
22 level or decreasing for the life of the bonds issued by the
23 district;

24 (2) the completion of at least 75 percent of the
25 projected value of the improvements, including houses and other
26 buildings, that are liable for district assessments and necessary
27 to support the district bonds; and

1 (3) the district has obtained an independent market
2 study from a firm recognized in the area of real estate market
3 analysis supporting the development projects for the real property
4 that is liable for district assessments and necessary to support
5 the district bonds.

6 Sec. 3972.0706. REQUIREMENTS FOR COLLECTION OF REVENUE TO
7 PAY BONDS. The district may not collect an assessment to be used
8 for the payment of bonds until:

9 (1) the completion of at least 95 percent of the
10 underground water, wastewater, and drainage facilities financed
11 from bond proceeds that are necessary to serve the projected
12 build-out, as certified by the district's engineer;

13 (2) the district or other appropriate party has
14 secured the groundwater, surface water, and water discharge permits
15 that are necessary to secure capacity to support the projected
16 build-out;

17 (3) the completion of at least 95 percent of lift
18 station, water plant, and sewage treatment plant capacity
19 sufficient to serve the connections constructed in the project for
20 a period of not less than 18 months, as certified by the district's
21 engineer; and

22 (4) the completion of at least 95 percent of the
23 streets and roads that are necessary to provide access to the areas
24 served by utilities and financed by the proceeds of bonds issued by
25 the district, as certified by the district's engineer and
26 constructed in accordance with municipal or county standards.

27 SECTION 2. The City of El Paso Municipal Management

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

3 3,643.3423 acres of land located in El Paso County, Texas, being
4 that certain 3,699.05 acres described as "Area 2" (650.600 acres),
5 "Area 3" (2,045.343 acres) and "Area 4" (1,003.107 acres), as
6 described below, LESS AND EXCEPT that certain 5.0000 acre tract,
7 and that certain 50.7077 acre tract, as described below.

8 METES AND BOUNDS - AREA 2

9 650.600 acres (28,340,145 square feet)

10 A Portion of Sections 11, 14 & 19, Block 81,
11 Township 1, Texas & Pacific Railroad Company Surveys City of El
12 Paso, El Paso County, Texas

13 BEING a portion of Sections 11, 14 & 19, Block 81, Township 1, Texas
14 & Pacific Railroad Company Surveys City of El Paso, El Paso County,
15 Texas, being a portion of a tract of land described in Deed to City
16 of El Paso, recorded in Volume 1176, Page 504 of the Deed Records of
17 El Paso County, Texas, being a portion of a tract of land described
18 in Deed to The City of El Paso, recorded in Volume 1186, Page 183,
19 Deed Records of El Paso County, Texas, being a portion of a tract of
20 land described in Deed to The City of El Paso, recorded in Volume
21 1272, Page 231 of the Deed Records of El Paso County, Texas and
22 being more particularly described by metes and bounds as follows:

23 BEGINNING at a 1/2-inch iron rod with plastic cap set for the
24 intersection of east right of-way line of Martin Luther King, Jr.
25 Boulevard (a 160-foot wide public right of way) and the north
26 right-of-way line of Loma Real Avenue (a public right-of-way), for
27 the southwest corner of said premises, from which a 1/2-inch iron

1 rod with plastic "TX 5337" cap found for the common corner of
2 Sections 89, 19, 22 & 23, Block 81, bears North 87°57'17" West, 92.85
3 feet;
4 THENCE North 02°08'51" East, with the east right-of-way line of
5 Martin Luther King, Jr. Boulevard, a distance of 860.05 feet to a
6 1/2-inch iron rod with plastic cap set for corner;
7 THENCE North 01°35'21" East, the east right-of-way line of Martin
8 Luther King, Jr. Boulevard, a distance of 4432.74 feet to a point
9 for corner;
10 THENCE North 01°35'21" East, the east right-of-way line of Martin
11 Luther King, Jr. Boulevard, a distance of 5424.52 feet to a point
12 for corner;
13 THENCE North 01°35'21" East, the east right-of-way line of Martin
14 Luther King, Jr. Boulevard, a distance of 725.66 feet to a point for
15 corner;
16 THENCE South 86°53'30" East, leaving the east right-of-way line of
17 Martin Luther King, Jr. Boulevard, a distance of 2528.30 feet to a
18 1/2-inch iron rod with plastic cap set for corner in the west line
19 of a tract of land described in Deed to El Paso Electric Company,
20 recorded in Volume 1338, Page 471 of the Real Property Records of El
21 Paso County, Texas;
22 THENCE South 02°04'19" West, with the west line of the El Paso
23 Electric Company tract, a distance of 6102.12 feet to a 1/2-inch
24 iron rod with plastic cap set for corner;
25 THENCE South 01°58'57" West, with the west line of the El Paso
26 Electric Company tract, a distance of 5293.60 feet to a 1/2-inch
27 iron rod with plastic cap set for corner in the north right-of-way

1 line of Loma Real Avenue;

2 THENCE North 87°57'17" West, with the north right-of-way line of
3 Loma Real Avenue, a distance of 2448.11 feet to the POINT OF
4 BEGINNING and containing 650.600 acres (28,340,145 square feet) of
5 land, more or less.

6 "This document was prepared under 22 TAC §663.21, does not reflect
7 the results of an on the ground survey, and is not to be used to
8 convey or establish interests in real property except those rights
9 and interests implied or established by the creation or
10 reconfiguration of the boundary of the political subdivision for
11 which it was prepared."

12 METES AND BOUNDS - AREA 3

13 2,045.343 acres (89,095,150 square feet)

14 A Portion of Sections 11, 12, 13, 14, 19, 20 & 21, Block 81, Township
15 1, Texas & Pacific Railroad Company Surveys City of El Paso, El Paso
16 County, Texas

17 BEING a portion of Sections 11, 12, 13, 14, 19, 20 & 21,
18 Block 81, Township 1, Texas & Pacific Railroad Company Surveys City
19 of El Paso, El Paso County, Texas, being a portion of a tract of land
20 described in Deed to City of El Paso, recorded in Volume 1176, Page
21 504 of the Deed Records of El Paso County, Texas, being a portion of
22 a tract of land described in Deed to The City of El Paso, recorded in
23 Volume 1186, Page 183, Deed Records of El Paso County, Texas, being
24 a portion of a tract of land described in Deed to The City of El
25 Paso, recorded in Volume 1272, Page 231 of the Deed Records of El
26 Paso County, Texas, being a portion of a tract of land described in
27 Deed to El Paso Water Utilities Board, recorded in Volume 1263, Page

1 146 of the Deed Records of El Paso County, Texas and being more
2 particularly described by metes and bounds as follows:

3 BEGINNING at a 1/2-inch iron rod with plastic cap set on the west
4 light-of-way line of Mccombs Street, dedicated to the State of
5 Texas by Deed recorded in Volume 1410, Page 576 of the Deed Records
6 of El Paso County, Texas (a 150-foot wide public right of-way) from
7 which a Concrete TxDot Monument with bronze cap found for the common
8 corner of Sections 20 & 21, Block 81 and Sections 19 & 30, Block 80,
9 bears South 87°58'34" East, 75.00 feet;

10 THENCE South 02°01'26" West, with the west right-of-way line of
11 Mccombs Street, a distance of 526.41 feet to a 1/2-inch iron rod
12 with plastic "TX 5337" cap found for corner in the north
13 right-of-way line of U.S. Highway 54 (a 400-foot wide public
14 right-of-way);

15 THENCE South 51°37'59" West, with the north right-of-way line of
16 U.S. Highway 54, a distance of 1124.39 feet to a 1/2-inch iron rod
17 with plastic "TX 5337" cap found for corner;

18 THENCE North 38°22'40" West, leaving the north right-of-way line of
19 U.S. Highway 54, a distance of 1647.88 feet to a 1/2-inch iron rod
20 with plastic "TX 5337" cap found for corner;

21 THENCE North 87°58'27" West, with the south line of said premises, a
22 distance of
23 3283.45 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found
24 for corner;

25 THENCE North 87°57'17" West, with the south line of said premises, a
26 distance of 2539.39 feet to a 1/2-inch iron rod with plastic cap set
27 for comer in the east line of a tract of land described in Deed to El

1 Paso Electric Company, recorded in Volume 1338, Page 471 of the Real
2 Property Records of El Paso County, Texas;
3 THENCE North 01°58'57" East, with the east line of said El Paso
4 Electric Company tract, a distance of 5293.68 feet to a 1/2-inch
5 iron rod with plastic cap set for corner;
6 THENCE North 02°04'19" East, with the east line of said El Paso
7 Electric Company tract, a distance of 6098.32 feet to a 1/2-inch
8 iron rod with plastic cap set for corner;
9 THENCE South 86°53'15" East, leaving the east line of said El Paso
10 Electric Company tract, a distance of 7744.48 feet to a 1/2-inch
11 iron rod with plastic cap set for corner in the west right-of-way
12 line of Mccombs Street;
13 THENCE South 02°05'16" West, with the west right-of-way line of
14 Mccombs Street, a distance of 660.46 feet to a 1/2-inch iron rod
15 with plastic cap set for corner;
16 THENCE South 02°03'39" West, with the west right-of-way line of
17 Mccombs Street, a distance of 5288.97 feet to a 1/2-inch iron rod
18 with plastic cap set for corner;
19 THENCE South 01°56'52" West, a distance of 5296.37 feet to the POINT
20 OF BEGINNING and containing 2,045.343 acres (89,095,150 square
21 feet) of land, more or less.

22 "This document was prepared under 22 TAC §663.21, does not reflect
23 the results of an on the ground survey, and is not to be used to
24 convey or establish interests in real property except those rights
25 and interests implied or established by the creation or
26 reconfiguration of the boundary of the political subdivision for
27 which it was prepared."

1 METES AND BOUNDS - AREA 4
2 1003.107 acres (43,695,333 square feet)
3 A Portion of Sections 7, 17, 18, 19, 20 & 30, Block 80, Township 1,
4 Texas & Pacific Railroad Company Surveys City of El Paso, El Paso
5 County, Texas
6 BEING a tract of land situated in Sections 7, 17, 18, 19, 20 & 30,
7 Block 80, Township 1 of the Texas & Pacific Railroad Company Survey,
8 City of El Paso, El Paso County, Texas, being a portion of a tract of
9 land described in Deed to The City of El Paso, recorded in Volume
10 1186, Page 183 of the Deed Records of El Paso County, Texas, being a
11 portion of a tract of land described in Deed to El Paso Natural Gas
12 Company, recorded in Volume 307, Page 91 of the Deed Records of El
13 Paso County, Texas, being a portion of a tract of land described in
14 Deed to City of El Paso, recorded in Volume 1176, Page 504 of the
15 Deed Records of El Paso County, Texas, being a portion of a tract of
16 land described in Deed to The City of El Paso, recorded in Volume
17 1186, Page 178 of the Deed Records of El Paso County, being a
18 portion of a tract of land described in Deed to El Paso Water
19 Utilities Board, recorded in Volume 1616, Page 219 & Volume 1263,
20 Page 1476 of the Deed Records of El Paso County, Texas, being a
21 portion of a tract of land described and conveyed in Deed's to City
22 of El Paso, recorded in Volume 4614, Pages 353, 361, 369 & 377 of the
23 Deed Records of El Paso County, Texas and being more particularly
24 described by metes and bounds as follows;
25 BEGINNING at a 1/2-inch iron rod with plastic cap set for the
26 intersection of east right of-way line of McCombs Street, dedicated
27 to the State of Texas by Deed recorded in Volume 1410, Page 576 of

1 the Deed Records of El Paso County, Texas (a 150-foot wide public
2 right-of-way) and the north right-of-way line of U.S. Highway 54 (a
3 400-foot wide public right-of-way) for the southwest corner of the
4 subject property;

5 THENCE North 02°01'26" East, with the east right-of-way line of
6 Mccombs Street, a distance of 510.01 feet to a 1/2-inch iron rod
7 with plastic cap set for corner, from which a Concrete TxDot
8 Monument with bronze cap found for the common corner of Sections 30
9 & 19, Block 80 and Sections 20 & 21, Block 81, bears North 86°57'30"
10 West, 75.01 feet;

11 THENCE North 01°56'52" East, with the east right-of-way line of
12 Mccombs Street, a distance of 5296.22 feet to a 1/2-inch iron rod
13 with plastic 'TX 5337" cap found for corner;

14 THENCE North 02°03'39" East, with the east right-of-way line of
15 Mccombs Street, a distance of 5288.02 feet to a 1/2-inch iron rod
16 with plastic cap set for corner;

17 THENCE North 02°05'16" East, with the east right-of-way line of
18 Mccombs Street, a distance of 539.84 feet to a 1/2-inch iron rod
19 with plastic "TX 5337" cap found for the intersection of the south
20 right-of-way line of Stan Roberts Sr. Drive (a 120-foot wide public
21 right-of-way) and the east right-of-way line of Mccombs Street;

22 THENCE South 86°53'15" East, with the south right-of-way line of
23 Stan Roberts Sr. Drive, a distance of 789.26 feet to a 1/2-inch iron
24 rod with plastic "TX 5337" cap found for comer;

25 THENCE leaving the south right-of-way line of Stan Roberts Sr.
26 Drive, the following courses and distances to wit:

27 South 33°39'07" East, a distance of 1441.10 feet to a 1/2-inch

1 iron rod with plastic "TX 5337" cap found for comer;
2 South 02°22'35" West, a distance of 1516.17 feet to a 1/2-inch
3 iron rod with
4 plastic "TX 5337" cap found for corner;
5 South 87°35'40" East, a distance of 2115.02 feet to a 1/2-inch
6 iron rod with plastic "TX 5337" cap found for corner;
7 South 65°17'57" East, a distance of 1547.56 feet to a 1/2-inch
8 iron rod with plastic "TX 5337" cap found for corner;
9 South 45°19'14" East, a distance of 25.54 feet to a 1/2-inch
10 iron rod with
11 plastic "TX 5337" cap found for corner;
12 South 45°17'44" East, a distance of 1720.06 feet to a 1/2-inch
13 iron rod with plastic "TX 5337" cap found for corner;
14 South 45°19'14" East, a distance of 71.58 feet to a 1/2-inch
15 iron rod with plastic "TX 5337" cap found for corner;
16 --South 45°12'25" East, a distance of 1315.09 feet to a
17 1/2-inch iron rod with
18 plastic "TX 5337" cap found for corner in the north
19 right-of-way line of U.S. Highway 54;
20 THENCE with the north right-of-way line of U.S. Highway 54, the
21 following courses and distances to wit:
22 South 51°37'39" West, a distance of 233.27 feet to a 1/2-inch
23 iron rod with plastic "TX 5337" cap found for corner;
24 South 51°37'59" West, a distance of 1314.86 feet to a 1/2-inch
25 iron rod with plastic "TX 5337" cap found for corner;
26 North 83°22'01" West, a distance of 48.08 feet to a 1/2-inch
27 iron rod with plastic "TX 5337" cap found for corner;

1 South 51°37'59" West, a distance of 120.00 feet to a 1/2-inch
2 iron rod with plastic "TX 5337" cap found for corner;

3 South 06°37'59" West, a distance of 48.08 feet to a 1/2-inch
4 iron rod with plastic "TX 5337" cap found for corner;

5 South 51°37'59" West, a distance of 7897.13 feet to a 1/2-inch
6 iron rod with plastic "TX 5337" cap found for corner;

7 North 63°11'30" West, a distance of 108.92 feet to a 1/2-inch
8 iron rod with plastic "TX 5337" cap found for corner;

9 North 88°03'02" West, a distance of 25.46 feet to the POINT OF
10 BEGINNING

11 and containing 1003.107 acres (43,695,333 square feet) of
12 land, more or less.

13 "This document was prepared under 22 TAC §663.21, does not reflect
14 the results of an on the ground survey, and is not to be used to
15 convey or establish interests in real property except those rights
16 and interests implied or established by the creation or
17 reconfiguration of the boundary of the political subdivision for
18 which it was prepared."

19 LESS AND EXCEPT the following three (3) tracts of land:

20 Tract 1:

21 A 5.0000 acre parcel situate within the corporate limits of the City
22 of El Paso, El Paso County, Texas as a portion of the west half of
23 Section 14, Block 81, Township 1, Texas and Pacific Railway Company
24 Surveys and being more particularly described by metes and bounds
25 as follows:

26 COMMENCING for reference at a two inch iron pipe in concrete found
27 for the corner common to Sections 11, 12, 13 and 14, Block 81,

1 Township 1, Texas and Pacific Railway Company Surveys; WHENCE, a
2 1/2 inch rebar with survey cap No. "TX 5337" found for the corner
3 common to Sections 13, 14, 19 and 20, Block 81, Township 1, Texas
4 and Pacific Railway Company Surveys bears South 02°04'30" West, a
5 distance of 5,358.25 feet; THENCE, leaving the corner common to
6 said Sections 11, 12, 13 and 14, South 45°08'53" West, a distance of
7 4,011.69 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set
8 on the west boundary line of a 200 feet wide El Paso Electric
9 Company right-of-way for the POINT OF BEGINNING of the parcel
10 herein described;

11 THENCE, following the west boundary line of said 200 feet wide El
12 Paso Electric Company right-of-way, South 02°04'30" West, a
13 distance of 450.00 feet to a 1/2 inch rebar with survey cap No. "TX
14 5337" set for the southeast corner of the parcel herein described;

15 THENCE, leaving the west boundary line of said 200 feet wide El Paso
16 Electric Company right-of-way, North 87°55'30" West, a distance of
17 484.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set
18 for the southwest corner of the parcel herein described;

19 THENCE, North 02°04'30" East, a distance of 450.00 feet to a 1/2 inch
20 rebar with survey cap No. "TX 5337" set for the northwest corner of
21 the parcel herein described;

22 THENCE, South 87°55'30" East, a distance of 484.00 feet to the POINT
23 OF BEGINNING;

24 Said parcel containing 5.0000 acres (217,800.0 square feet), more
25 or less, and being subject to all easements of record.

26 Tract 2:

27 A 50.7077 acre parcel situate within the corporate limits of the

1 City of El Paso, El Paso County, Texas, as a portion of Section 19,
2 Block 81, Township 1, Texas & Pacific Railway Company Surveys and
3 being more particularly described by metes and bounds as follows:
4 COMMENCING for reference at a 5/8 inch diameter rebar with an
5 aluminum cap set for the corner common to Sections 19, 20, 21 and
6 22, Block 81, Township 1, Texas & Pacific Railway Company Surveys;
7 WHENCE, a 1/2 inch rebar found for the corner common to Sections 18,
8 19, 22 and 23, Block 81, Township 1, Texas & Pacific Railway Company
9 Surveys, bears North 87°57'12" West, a distance of 5,280.47 feet;
10 and WHENCE, a 1/2 inch rebar found for the corner common to Sections
11 13, 14, 19 and 20, Block 81, Township 1, Texas & Pacific Railway
12 Company Surveys, bears North 01°59'00" East, a distance of 5,294.24
13 feet; THENCE, following the section line common to said Sections 19
14 and 20, North 01°59'00" East, a distance of 288.04 feet; THENCE,
15 leaving the section line common to said Sections 19 and 20, North
16 88°01'00" West, a distance of 38.00 feet to a 1/2 inch rebar with
17 survey cap No. "TX 5337" set for the POINT OF BEGINNING and the
18 southeast corner of the parcel herein described;
19 THENCE, North 87°57'12" West, a distance of 1,640.00 feet to a 1/2
20 inch rebar with survey cap No. "TX 5337" set for the southwest
21 corner of the parcel herein described;
22 THENCE, North 01°59'00" East, a distance of 1,345.94 feet to a 1/2
23 inch rebar with survey cap No. "TX 5337" set for the northwest
24 corner of the parcel herein described;
25 THENCE, South 88°01'00" East, a distance of 1,640.00 feet to a 1/2
26 inch rebar with survey cap No. "TX 5337" set for the northeast
27 corner of the parcel herein described;

1 THENCE, South 01°59'00" West, a distance of 1,347.75 feet the to the
2 true POINT OF BEGINNING;

3 Said parcel contains 50.7077 acres (2,208,826.1 square
4 feet), more or less, and being subject to all easements of record.

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,
17 lieutenant governor, and speaker of the house of representatives
18 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 have been
22 fulfilled and accomplished.

23 SECTION 4. This Act takes effect January 1, 2020.