

**House Bill 4730**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION

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 other political subdivisions to contract with the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.  
(c) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.  
(d) The district is created to supplement and not to supplant city services provided in the district.

SENATE VERSION (CS)

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Sec. 3972.0104. FINDINGS OF BENEFIT AND PUBLIC USE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district under powers conferred by Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other powers granted under this chapter.  
(b) The district is created to serve a public use and benefit.  
(c) The creation of the district is in the public interest and is essential to further the public purposes of:  
(1) developing and diversifying the economy of the state;  
(2) eliminating unemployment and underemployment;  
(3) developing or expanding transportation and commerce;  
and  
(4) providing quality residential housing.  
(d) The district will:  
(1) promote the health, safety, and general welfare of residents, employers, potential employees, employees, visitors, and consumers in the district, and of the public;  
(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and vitality of the district territory as a residential community and business center; and  
(3) promote the health, safety, welfare, and enjoyment of the public by providing pedestrian ways and by landscaping and developing certain areas in the district, which are necessary for the restoration, preservation, and enhancement of scenic beauty.  
(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street or road improvement.

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

Sec. 3972.0105. 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 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 bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds;

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

(4) legality or operation.

Sec. 3972.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES. (a) All or any part of the area of the district is eligible to be included in:

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

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

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

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

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

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

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

(c) A tax increment reinvestment zone created by the city in the district is not subject to the limitations provided by Section 311.006, Tax Code.

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

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

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

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

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

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

Sec. 3972.0109. CONSENT OF MUNICIPALITY AND ENTITLEMENT AGREEMENT REQUIRED. The board may not impose an assessment, issue bonds, or hold an election to authorize the issuance of bonds until:

(1) the governing body of the city by ordinance or resolution consents to the creation of the district and to the inclusion of land in the district; and

(2) the city and the owner or owners of a majority of the assessed value of real property in the district negotiate and execute a mutually approved and accepted entitlement agreement regarding the development of land in the district.

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

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

(2) an owner of property in the district;

(3) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate partnership, limited liability company, or other entity owner of a direct or indirect interest in property in the district;

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

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

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

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

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

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

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

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

- (1) actions taken by the director in the director's capacity as a member of the board;
- (2) actions and activities taken by the district; or
- (3) the actions of others acting on behalf of the district.

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

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

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

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Sec. 3972.0206. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200.

(b) A director is entitled to reimbursement for necessary and reasonable expenses incurred in carrying out the duties and responsibilities of the board.

Sec. 3972.0207. LIABILITY INSURANCE. The district may obtain and pay for comprehensive general liability insurance coverage from a commercial insurance company or other source that protects and insures a director against personal liability and from all claims relating to:

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(b) A petition must name more than five qualified persons.  
(c) If the governing body of the city is not satisfied with the recommended persons, the governing body may request that another petition with additional recommended persons be submitted.

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

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

(f) This section expires September 1, 2025.  
SUBCHAPTER C. POWERS AND DUTIES

Sec. 3972.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

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

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

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

(1) in the district; or

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and the owner or owners of a majority of the assessed value of real property in the district.

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

(c) The governing body shall appoint as initial directors five persons listed in the petition who are qualified to serve as directors.

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

(e) An initial director is not entitled to compensation under Section 3972.0206.

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

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

(1) Chapter 372, Local Government Code; or

(2) Chapter 375, Local Government Code.

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

(b) The district may establish and provide for the administration of one or more programs to promote state or local economic development and to stimulate business and commercial activity in the district, including programs to:

(1) make loans and grants of public money; and

(2) provide district personnel and services.

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

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

(b) The district's parking facilities serve the public purposes of the district and are owned, used, and held for a public

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purpose even if leased or operated by a private entity for a term of years.

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

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

Sec. 3972.0306. ADDING OR REMOVING TERRITORY.

(a) The board may add or remove territory as provided by Subchapter J, Chapter 49, Water Code.

(b) The district may add territory as described by Subsection (a) only if the governing body of the city by ordinance or resolution consents to the addition.

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

SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

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

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

Sec. 3972.0403. DIVISION PROCEDURES. (a) The board, on its own motion or on receipt of a petition signed

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by an owner of real property in the district, may adopt an order proposing to divide the district.

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

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

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

(3) appoint four initial directors for each new district.

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

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

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

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

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

SUBCHAPTER F. TAXES AND BONDS

Sec. 3972.0601. BONDS AND OTHER OBLIGATIONS.

(a) The district may issue, by public or private sale, bonds, notes, or other obligations payable wholly or partly from ad valorem taxes or assessments in the manner provided by Chapter 375, Local Government Code. If an improvement

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financed by an obligation issued under this section will be conveyed to or operated and maintained by a municipality or other retail utility provider pursuant to an agreement with the district entered into before the issuance of the obligation, the district may issue the obligation in the manner provided by Subchapter A, Chapter 372, Local Government Code.

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

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

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

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

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

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

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financed by an obligation issued under this section will be conveyed to or operated and maintained by a municipality or other retail utility provider pursuant to an agreement with the district entered into before the issuance of the obligation, in the manner provided by Subchapter A, Chapter 372, Local Government Code.

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

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

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

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

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

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

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(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:  
(A) pay the interest on the bonds or other obligations as the interest becomes due; and  
(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

SUBCHAPTER G. SPECIAL BOND PROVISIONS

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

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

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

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

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

Sec. 3972.0704. REQUIREMENTS FOR ADVERTISING BOND ISSUE. A district may not advertise for an issuance of bonds until the completion of at least 25 percent of the projected value of the improvements, including houses and

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(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount sufficient to:  
(A) pay the interest on the bonds or other obligations as the interest becomes due; and  
(B) create a sinking fund for the payment of the principal of the bonds or other obligations when due or the redemption price at any earlier required redemption date.

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

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other buildings, that are liable for district assessments and necessary to support the district bonds.

Sec. 3972.0705. REQUIREMENTS FOR BOND ISSUE.

The district may not issue bonds until:

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

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

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

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

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

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

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

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

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

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other buildings, that are liable for district assessments and necessary to support the district bonds.

Sec. 3972.0705. REQUIREMENTS FOR BOND ISSUE.

The district may not issue bonds until:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SUBCHAPTER I. DISSOLUTION**

Sec. 3972.0901. DISSOLUTION BY CITY. (a) The city may dissolve the district in the manner provided by Section 375.263, Local Government Code, only if the city also complies with any dissolution procedures in the entitlement agreement described by Section 3972.0109.

(b) In the case of a conflict between Section 375.263, Local Government Code, and the entitlement agreement, the entitlement agreement controls.

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SECTION 2. The City of El Paso Municipal Management District No. 1 initially includes all territory contained in the following area:

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

METES AND BOUNDS - AREA 2

650.600 acres (28,340,145 square feet)

A Portion of Sections 11, 14 & 19, Block 81,

Township 1, Texas & Pacific Railroad Company Surveys  
City of El Paso, El Paso County, Texas

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

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

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SECTION 2. Same as House version.

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5337" cap found for the common corner of Sections 89, 19, 22 & 23, Block 81, bears North 87°57'17" West, 92.85 feet; THENCE North 02°08'51" East, with the east right-of-way line of Martin Luther King, Jr. Boulevard, a distance of 860.05 feet to a 1/2-inch iron rod with plastic cap set for corner;

THENCE North 01°35'21" East, the east right-of-way line of Martin Luther King, Jr. Boulevard, a distance of 4432.74 feet to a point for corner;

THENCE North 01°35'21" East, the east right-of-way line of Martin Luther King, Jr. Boulevard, a distance of 5424.52 feet to a point for corner;

THENCE North 01°35'21" East, the east right-of-way line of Martin Luther King, Jr. Boulevard, a distance of 725.66 feet to a point for corner;

THENCE South 86°53'30" East, leaving the east right-of-way line of Martin Luther King, Jr. Boulevard, a distance of 2528.30 feet to a 1/2-inch iron rod with plastic cap set for corner in the west line of a tract of land described in Deed to El Paso Electric Company, recorded in Volume 1338, Page 471 of the Real Property Records of El Paso County, Texas;

THENCE South 02°04'19" West, with the west line of the El Paso Electric Company tract, a distance of 6102.12 feet to a 1/2-inch iron rod with plastic cap set for corner;

THENCE South 01°58'57" West, with the west line of the El Paso Electric Company tract, a distance of 5293.60 feet to a 1/2-inch iron rod with plastic cap set for corner in the north right-of-way line of Loma Real Avenue;

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

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

**METES AND BOUNDS - AREA 3**

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

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

BEING a portion of Sections 11, 12, 13, 14, 19, 20 & 21, Block 81, Township 1, Texas & Pacific Railroad Company Surveys City of El Paso, El Paso County, Texas, being a portion of a tract of land described in Deed to City of El Paso, recorded in Volume 1176, Page 504 of the Deed Records of El Paso County, Texas, being a portion of a tract of land described in Deed to The City of El Paso, recorded in Volume 1186, Page 183, Deed Records of El Paso County, Texas, being a portion of a tract of land described in Deed to The City of El Paso, recorded in Volume 1272, Page 231 of the Deed Records of El Paso County, Texas, being a portion of a tract of land described in Deed to El Paso Water Utilities Board, recorded in Volume 1263, Page 146 of the Deed Records of El Paso County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2-inch iron rod with plastic cap set on the west light-of-way line of McCombs Street, dedicated to the State of Texas by Deed recorded in Volume 1410, Page 576 of the Deed Records of El Paso County, Texas (a 150-foot wide public right of-way) from which a Concrete TxDot Monument with bronze cap found for the common corner of

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Sections 20 & 21, Block 81 and Sections 19 & 30, Block 80, bears South 87°58'34" East, 75.00 feet;  
THENCE South 02°01'26" West, with the west right-of-way line of Mccombs Street, a distance of 526.41 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner in the north right-of-way line of U.S. Highway 54 (a 400-foot wide public right-of-way);  
THENCE South 51°37'59" West, with the north right-of-way line of U.S. Highway 54, a distance of 1124.39 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
THENCE North 38°22'40" West, leaving the north right-of-way line of U.S. Highway 54, a distance of 1647.88 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
THENCE North 87°58'27" West, with the south line of said premises, a distance of 3283.45 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
THENCE North 87°57'17" West, with the south line of said premises, a distance of 2539.39 feet to a 1/2-inch iron rod with plastic cap set for corner in the east line of a tract of land described in Deed to El Paso Electric Company, recorded in Volume 1338, Page 471 of the Real Property Records of El Paso County, Texas;  
THENCE North 01°58'57" East, with the east line of said El Paso Electric Company tract, a distance of 5293.68 feet to a 1/2-inch iron rod with plastic cap set for corner;  
THENCE North 02°04'19" East, with the east line of said El Paso Electric Company tract, a distance of 6098.32 feet to a 1/2-inch iron rod with plastic cap set for corner;  
THENCE South 86°53'15" East, leaving the east line of said El Paso Electric Company tract, a distance of 7744.48 feet to

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a 1/2-inch iron rod with plastic cap set for corner in the west right-of-way line of Mccombs Street;

THENCE South 02°05'16" West, with the west right-of-way line of Mccombs Street, a distance of 660.46 feet to a 1/2-inch iron rod with plastic cap set for corner;

THENCE South 02°03'39" West, with the west right-of-way line of Mccombs Street, a distance of 5288.97 feet to a 1/2-inch iron rod with plastic cap set for corner;

THENCE South 01°56'52" West, a distance of 5296.37 feet to the POINT OF BEGINNING and containing 2,045.343 acres (89,095,150 square feet) of land, more or less.

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

METES AND BOUNDS - AREA 4

1003.107 acres (43,695,333 square feet)

A Portion of Sections 7, 17, 18, 19, 20 & 30, Block 80, Township 1, Texas & Pacific Railroad Company Surveys City of El Paso, El Paso County, Texas

BEING a tract of land situated in Sections 7, 17, 18, 19, 20 & 30, Block 80, Township 1 of the Texas & Pacific Railroad Company Survey, City of El Paso, El Paso County, Texas, being a portion of a tract of land described in Deed to The City of El Paso, recorded in Volume 1186, Page 183 of the Deed Records of El Paso County, Texas, being a portion of a tract of land described in Deed to El Paso Natural Gas Company, recorded in Volume 307, Page 91 of the Deed Records of El Paso County, Texas, being a portion of a tract of land described in Deed to City of El Paso, recorded in

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Volume 1176, Page 504 of the Deed Records of El Paso County, Texas, being a portion of a tract of land described in Deed to The City of El Paso, recorded in Volume 1186, Page 178 of the Deed Records of El Paso County, being a portion of a tract of land described in Deed to El Paso Water Utilities Board, recorded in Volume 1616, Page 219 & Volume 1263, Page 1476 of the Deed Records of El Paso County, Texas, being a portion of a tract of land described and conveyed in Deed's to City of El Paso, recorded in Volume 4614, Pages 353, 361, 369 & 377 of the Deed Records of El Paso County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING at a 1/2-inch iron rod with plastic cap set for the intersection of east right of-way line of Mccombs Street, dedicated to the State of Texas by Deed recorded in Volume 1410, Page 576 of the Deed Records of El Paso County, Texas (a 150-foot wide public right-of-way) and the north right-of-way line of U.S. Highway 54 (a 400-foot wide public right-of-way) for the southwest corner of the subject property;

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

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

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

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

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

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

South 33°39'07" East, a distance of 1441.10 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;

South 02°22'35" West, a distance of 1516.17 feet to a 1/2-inch iron rod with

plastic "TX 5337" cap found for corner;

South 87°35'40" East, a distance of 2115.02 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;

South 65°17'57" East, a distance of 1547.56 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;

South 45°19'14" East, a distance of 25.54 feet to a 1/2-inch iron rod with

plastic "TX 5337" cap found for corner;

South 45°17'44" East, a distance of 1720.06 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;

South 45°19'14" East, a distance of 71.58 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;

--South 45°12'25" East, a distance of 1315.09 feet to a 1/2-inch iron rod with

plastic "TX 5337" cap found for corner in the north right-of-way line of U.S. Highway 54;

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THENCE with the north right-of-way line of U.S. Highway 54, the following courses and distances to wit:

South 51°37'39" West, a distance of 233.27 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
South 51°37'59" West, a distance of 1314.86 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
North 83°22'01" West, a distance of 48.08 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
South 51°37'59" West, a distance of 120.00 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
South 06°37'59" West, a distance of 48.08 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
South 51°37'59" West, a distance of 7897.13 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
North 63°11'30" West, a distance of 108.92 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found for corner;  
North 88°03'02" West, a distance of 25.46 feet to the POINT OF BEGINNING

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

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

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

Tract 1:

A 5.0000 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas as a portion of the west half of Section 14, Block 81, Township 1, Texas and

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Pacific Railway Company Surveys and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a two inch iron pipe in concrete found for the corner common to Sections 11, 12, 13 and 14, Block 81, Township 1, Texas and Pacific Railway Company Surveys; WHENCE, a 1/2 inch rebar with survey cap No. "TX 5337" found for the corner common to Sections 13, 14, 19 and 20, Block 81, Township 1, Texas and Pacific Railway Company Surveys bears South 02°04'30" West, a distance of 5,358.25 feet; THENCE, leaving the corner common to said Sections 11, 12, 13 and 14, South 45°08'53" West, a distance of 4,011.69 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set on the west boundary line of a 200 feet wide El Paso Electric Company right-of-way for the POINT OF BEGINNING of the parcel herein described; THENCE, following the west boundary line of said 200 feet wide El Paso Electric Company right-of-way, South 02°04'30" West, a distance of 450.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southeast corner of the parcel herein described;

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

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

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

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

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Tract 2:

A 50.7077 acre parcel situate within the corporate limits of the City of El Paso, El Paso County, Texas, as a portion of Section 19, Block 81, Township 1, Texas & Pacific Railway Company Surveys and being more particularly described by metes and bounds as follows:

COMMENCING for reference at a 5/8 inch diameter rebar with an aluminum cap set for the corner common to Sections 19, 20, 21 and 22, Block 81, Township 1, Texas & Pacific Railway Company Surveys; WHENCE, a 1/2 inch rebar found for the corner common to Sections 18, 19, 22 and 23, Block 81, Township 1, Texas & Pacific Railway Company Surveys, bears North 87°57'12" West, a distance of 5,280.47 feet; and WHENCE, a 1/2 inch rebar found for the corner common to Sections 13, 14, 19 and 20, Block 81, Township 1, Texas & Pacific Railway Company Surveys, bears North 01°59'00" East, a distance of 5,294.24 feet; THENCE, following the section line common to said Sections 19 and 20, North 01°59'00" East, a distance of 288.04 feet; THENCE, leaving the section line common to said Sections 19 and 20, North 88°01'00" West, a distance of 38.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the POINT OF BEGINNING and the southeast corner of the parcel herein described;

THENCE, North 87°57'12" West, a distance of 1,640.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the southwest corner of the parcel herein described;

THENCE, North 01°59'00" East, a distance of 1,345.94 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northwest corner of the parcel herein described;



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THENCE, South 88°01'00" East, a distance of 1,640.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set for the northeast corner of the parcel herein described;  
THENCE, South 01°59'00" West, a distance of 1,347.75 feet the to the true POINT OF BEGINNING;  
Said parcel contains 50.7077 acres (2,208,826.1 square feet), more or less, and being subject to all easements of record.

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, lieutenant governor, and 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 have been fulfilled and accomplished.

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

SECTION 4. Same as House version.

CONFERENCE