

House Bill 4638
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3918 to read as follows:
CHAPTER 3918. LEANDER MUNICIPAL MANAGEMENT DISTRICT NO. 1
SUBCHAPTER A. GENERAL PROVISIONS
Sec. 3918.0101. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "City" means Leander.
(3) "Director" means a board member.
(4) "District" means the Leander Municipal Management District No. 1.
Sec. 3918.0102. CREATION AND NATURE OF DISTRICT. The Leander Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.
Sec. 3918.0103. 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, tourism, recreation, the arts, entertainment, economic development, safety, and the public welfare in the district.
(d) This chapter and the creation of the district may not be interpreted to relieve the city from providing the level of

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services provided as of the effective date of the Act enacting this chapter to the area in the district. The district is created to supplement and not to supplant city services provided in the district.

Sec. 3918.0104. 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; and
- (3) developing or expanding transportation and commerce.

(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 community and business center;

(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;

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district; and

(5) promote and secure expanded and improved transportation and pedestrian facilities and systems designed

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to benefit the land and property in the district, the employees, employers, and consumers in the district, and the general public.

(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 road, transportation, and pedestrian facilities and systems and are considered to be a street, transportation, or pedestrian improvement.

(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. 3918.0105. 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. 3918.0106. 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; or

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(3) an enterprise zone created under Chapter 2303, 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:

(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. 3918.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICT LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

Sec. 3918.0108. LIMITED WAIVER OF SOVEREIGN IMMUNITY. The district is considered to have waived sovereign immunity to suit by the city for the purpose of adjudicating a claim for breach of the development agreement described by Section 3918.0302.

Sec. 3918.0109. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3918.0110. CONFLICT OF LAWS. In the event of a conflict between this chapter and any other law, this chapter prevails.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3918.0201. GOVERNING BODY; TERMS. (a) The

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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 after the fourth anniversary of the date of the directors' appointment.

(b) The board may not create an executive committee to exercise the powers of the board.

Sec. 3918.0202. QUALIFICATIONS OF DIRECTORS. To be qualified to serve as a director, a person must be:

(1) an owner of property in the district;

(2) an owner of stock or a partnership or membership interest, whether beneficial or otherwise, of a corporate owner of an interest in property in the district;

(3) 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

(4) an agent, employee, or tenant of a person described by Subdivision (1), (2), or (3).

Sec. 3918.0203. APPOINTMENT OF DIRECTORS. The governing body of the city shall appoint directors from persons recommended by the board.

Sec. 3918.0204. 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.

Sec. 3918.0205. 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. 3918.0206. COMPENSATION; EXPENSES. (a) A director may not receive compensation for service on the board.

(b) A director is entitled to reimbursement for necessary and

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Sec. 3918.0207. 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:

- (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. 3918.0208. BOARD MEETINGS. (a) The board shall hold meetings at a place accessible to the public.

(b) The board must post notice of each meeting with the city secretary not later than 72 hours before the scheduled time of the meeting.

Sec. 3918.0209. INITIAL DIRECTORS. (a) On or after January 1, 2022, the owner or owners of a majority of the assessed value of 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 a list of persons 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 following the second anniversary of the date of the appointment and which two positions expire

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(e) This section expires September 1, 2027.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3918.0301. GENERAL POWERS AND DUTIES. (a) The district has the powers and duties necessary to accomplish the purposes for which the district is created.

(b) The board may not take any action or exercise any power granted under this chapter other than to hold an initial organizational meeting until the development agreement described by Section 3918.0302 is approved by the city and executed by the parties to the agreement.

Sec. 3918.0302. DEVELOPMENT AGREEMENT. (a) The city, the district, the owner of the majority of the land in the district, and any other entities the city determines are necessary to the agreement may execute a development agreement if approved by the city.

(b) This chapter expires on the fourth anniversary of the effective date of the Act enacting this chapter if the development agreement under Subsection (a) is not executed before that date.

Sec. 3918.0303. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any 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) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

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(d) A district improvement project or service must comply with:

- (1) any city zoning and subdivision requirements; and
- (2) city codes and ordinances.

(e) The district may not provide, conduct, or authorize an improvement project on any street, highway, right-of-way, or easement owned or controlled by the city unless the governing body of the city by resolution consents to the improvement.

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

- (1) in the district; or
- (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. 3918.0304. 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. 3918.0305. LAW ENFORCEMENT SERVICES. To protect the public interest, with the consent of the city by resolution, the district may contract with a qualified party, including the city, to provide supplemental and enhanced law enforcement and security services in the district for a fee.

Sec. 3918.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The district, in coordination with the city, may engage in activities that accomplish the economic development purposes of the district.

(b) The district may establish and provide for the

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administration of one or more programs with the prior consent of the governing body of the city in accordance with the development agreement 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, and Subchapter A, Chapter 1509, Government Code, provide to a municipality.

Sec. 3918.0307. 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 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. 3918.0308. 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 or remove territory as described by Subsection (a) only if the governing body of the city by

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Sec. 3918.0309. EXEMPT PROPERTY. The district may not impose an impact fee, assessment, tax, or other charge on property owned by the city, the county, or other political subdivision or on property exempted under this section except as provided by Subchapter H, Chapter 375, Local Government Code.
Sec. 3918.0310. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS
Sec. 3918.0401. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution with the prior consent of the governing body of the city in accordance with the development agreement shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of district money.
Sec. 3918.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment to finance improvement projects and services authorized by this chapter in all or any definable part of the district in the manner provided by Subchapter F, Chapter 375, Local Government Code.
(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:
(1) are a first and prior lien against the property assessed;
(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

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

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

(d) The board may make a correction to or deletion from the assessment roll after providing notice and holding a hearing as provided by Subchapter F, Chapter 375, Local Government Code.

Sec. 3918.0403. TAX AND ASSESSMENT ABATEMENTS. Without additional procedures, the district may enter into a tax abatement agreement.

Sec. 3918.0404. USE OF ELECTRICAL OR OPTICAL LINES. (a) The district may impose an assessment to pay the cost of:

(1) burying, relocating, or removing electrical power lines, telephone lines, cable or fiber-optic lines, or any other type of electrical or optical line;

(2) removing poles and any elevated lines using the poles; and

(3) reconnecting the lines described by Subdivision (2) to the buildings or other improvements to which the lines were connected.

(b) The assessment under Subsection (a) may not be imposed on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of a telecommunications provider as defined by Section 51.002, Utilities Code, or a cable service provider or video service provider as defined by Section 66.002, Utilities Code, unless

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

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

(d) The board may make a correction to or deletion from the assessment roll after providing notice and holding a hearing as provided by Subchapter F, Chapter 375, Local Government Code.

Sec. 3918.0403. USE OF ELECTRICAL OR OPTICAL LINES. (a) The district may impose an assessment to pay the cost of:

(1) burying, relocating, or removing electrical power lines, telephone lines, cable or fiber-optic lines, or any other type of electrical or optical line;

(2) removing poles and any elevated lines using the poles; and

(3) reconnecting the lines described by Subdivision (2) to the buildings or other improvements to which the lines were connected.

(b) The assessment under Subsection (a) may not be imposed on the property, including the equipment, rights-of-way, easements, facilities, or improvements, of a telecommunications provider as defined by Section 51.002, Utilities Code, or a cable service provider or video service provider as defined by Section 66.002, Utilities Code, unless

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in accordance with an agreement with the city.

(c) The district may acquire, operate, or charge fees for the use of the district conduits for:

(1) another person's:

(A) telecommunications network;

(B) fiber-optic cable; or

(C) electronic transmission line; or

(2) any other type of transmission line or supporting facility.

(d) The district may not require a person to use a district conduit.

SUBCHAPTER E. TAXES AND BONDS

Sec. 3918.0501. BONDS AND OTHER OBLIGATIONS.

With the consent of the governing body of the city by resolution in accordance with Section 375.207, Local Government Code, the district may issue 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, or, if an improvement 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, payable in the manner provided by Subchapter A, Chapter 372, Local Government Code.

Sec. 3918.0502. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3918.0503. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3918.0502, the district

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in accordance with an agreement with the city.

(c) The district may acquire, operate, or charge fees for the use of the district conduits for:

(1) another person's:

(A) telecommunications network;

(B) fiber-optic cable; or

(C) electronic transmission line; or

(2) any other type of transmission line or supporting facility.

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SUBCHAPTER E. TAXES AND BONDS

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Sec. 3918.0502. TAX ELECTION REQUIRED. The district must hold an election in the manner provided by Chapter 49, Water Code, or, if applicable, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax.

Sec. 3918.0503. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election under Section 3918.0502, the district

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may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

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

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

Sec. 3918.0504. BONDS SECURED BY REVENUE OR CONTRACT PAYMENTS. The district may issue, without an election, bonds secured by:

- (1) revenue other than ad valorem taxes, including contract revenues; or
- (2) contract payments, provided that the requirements of Section 49.108, Water Code, have been met.

Sec. 3918.0505. BONDS SECURED BY AD VALOREM TAXES; ELECTIONS. (a) If authorized at an election under Section 3918.0502, the district may issue bonds payable from ad valorem taxes.

(b) Section 375.243, Local Government Code, does not apply to the district.

(c) 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 annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of its bonds may be submitted as a single proposition or as several propositions to be voted on at the election.

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may impose an operation and maintenance tax on taxable property in the district in the manner provided by Section 49.107, Water Code, for any district purpose, including to:

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

(b) The board shall determine the operation and maintenance tax rate. The rate may not exceed the rate approved at the election.

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(c) 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 annual ad valorem tax, without limit as to rate or amount, for each year that all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

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Sec. 3918.0506. 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. 3918.0507. EXEMPTION FROM CERTAIN SUPERVISION AND APPROVAL REQUIREMENTS. Section 375.208, Local Government Code, does not apply to the district.

SUBCHAPTER J. DISSOLUTION

Sec. 3918.0901. 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 development agreement described by Section 3918.0302.

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

No equivalent provision.

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Sec. 3918.0506. 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.

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Sec. 3918.0901. 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 development agreement described by Section 3918.0302.

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

SECTION __. (a) Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3992 to read as follows:

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CHAPTER 3992. NEW WAVERLY MUNICIPAL
MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3992.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of New Waverly, Texas.

(3) "Commission" means the Texas Commission on
Environmental Quality.

(4) "Director" means a board member.

(5) "District" means the New Waverly Municipal
Management District No. 1.

Sec. 3992.0102. CREATION AND NATURE OF
DISTRICT. The district is a special district created under
Sections 52 and 52-a, Article III, and Section 59, Article XVI,
Texas Constitution.

Sec. 3992.0103. 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. 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.

(b) 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.

(c) This chapter and the creation of the district may not be
interpreted to relieve the city from providing the level of
services provided to the area in the district as of the effective

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date of the Act enacting this chapter. The district is created to supplement and not to supplant the city services provided in the district.

Sec. 3992.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The district is created to serve a public use and benefit.

(b) 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.

(c) The district is created to accomplish the purposes of a municipal management district as provided by general law and Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

(d) The creation of the district is in the public interest and is essential to:

(1) further the public purposes of developing and diversifying the economy of the state;

(2) eliminate unemployment and underemployment;

(3) develop or expand transportation and commerce; and

(4) provide quality residential housing.

(e) 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 community and business center;

(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

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for the restoration, preservation, and enhancement of scenic beauty; and

(4) provide for water, wastewater, drainage, road, and recreational facilities for the district.

(f) 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.

(g) 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. 3992.0105. DISTRICT TERRITORY. (a) The district is composed of the territory described by Section ____ (b) of the Act enacting this chapter, as that territory may have been modified under other law.

(b) The boundaries and field notes contained in Section ____ (b) 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 contract;

(3) authority to borrow money or issue bonds or other obligations or to pay the principal and interest of the bonds or other obligations;

(4) right to impose or collect an assessment, or collect other revenue; or

(5) legality or operation.

Sec. 3992.0106. APPLICABILITY OF MUNICIPAL MANAGEMENT DISTRICTS LAW. Except as otherwise provided by this chapter, Chapter 375, Local Government Code, applies to the district.

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Sec. 3992.0107. CONSTRUCTION OF CHAPTER. This chapter shall be liberally construed in conformity with the findings and purposes stated in this chapter.

Sec. 3992.0108. CONFLICTS OF LAW. This chapter prevails over any provision of Chapter 375, Local Government Code, that is in conflict or inconsistent with this chapter.

Sec. 3992.0109. CONSENT OF MUNICIPALITY REQUIRED. The board may not hold an election to authorize the issuance of bonds until 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. The city's consent must be granted in the manner provided by Section 54.016, Water Code, for including land within the corporate limits or extraterritorial jurisdiction of a city.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3992.0201. GOVERNING BODY; TERMS. (a) 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.

(b) The governing body of the city, by a majority vote, shall appoint one member of the board.

(c) The commission shall appoint four members of the board in the manner provided by Section 3992.0202.

Sec. 3992.0202. APPOINTMENT BY COMMISSION. (a) Before the term of a director appointed by the commission expires, the board shall recommend to the commission a person to serve as a successor director. The commission shall appoint as director the person recommended by the board.

(b) A person recommended by the board under Subsection (a) must be:

(1) at least 18 years of age;

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- (2) an owner of property in the district;
(3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;
(4) an owner of a beneficial interest in a trust that owns property in the district; or
(5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).
- Sec. 3992.0203. VACANCY. (a) Except as provided by Subsection (b), if a vacancy occurs on the board, the remaining directors shall appoint a director for the remainder of the unexpired term.
(b) If a vacancy occurs in the position of the board member appointed by the city, the city shall appoint a director for the remainder of the unexpired term.
- Sec. 3992.0204. 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 a director may receive each 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. 3992.0205. INITIAL DIRECTORS. (a) On or after the effective date of the Act enacting this chapter, the owner or owners of a majority of the assessed value of the real property in the district according to the most recent certified tax appraisal rolls for the county may submit a petition to the commission requesting that the commission appoint as initial directors four persons named in the petition. The commission shall appoint as initial directors the persons named in the petition.
(b) The initial directors, including the initial city-appointed

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director, shall determine by lot which three positions expire June 1, 2024, and which two positions expire June 1, 2022.

(c) This section expires September 1, 2025.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3992.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3992.0302. IMPROVEMENT PROJECTS AND SERVICES. The district may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service using money available to the district for the purpose, or contract with a governmental or private entity to 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.

Sec. 3992.0303. LOCATION OF IMPROVEMENT PROJECT. A district improvement project may be located inside or outside of the district.

Sec. 3992.0304. NO EMINENT DOMAIN. The district may not exercise the power of eminent domain.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3992.0401. 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 the district's money.

Sec. 3992.0402. MONEY USED FOR IMPROVEMENTS OR SERVICES. The district may acquire, construct, or finance an improvement project or service authorized by this chapter or Chapter 375, Local Government Code, using any money available to the district for that purpose.

SUBCHAPTER E. TAXES AND BONDS

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Sec. 3992.0501. OPERATION AND MAINTENANCE TAX. The district may impose an operation and maintenance tax on taxable property in the district for any district purpose in the manner provided by Section 49.107, Water Code, if authorized by a majority of the district voters voting at an election held in accordance with the Water Code, the Election Code, and any other applicable law, including for:

- (1) maintaining and operating the district;
- (2) constructing or acquiring improvements; or
- (3) providing a service.

Sec. 3992.0502. 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
- (2) the board 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.

(b) The New Waverly Municipal Management District No. 1 initially includes all the territory contained in the following area:

Tract 1 - 101.605 Acres:

FIELDNOTES TO 101.605 ACRES OF LAND AS SITUATED IN THE CITY OF NEW WAVERLY, IN THE C. A. SLEIGHT SURVEY, A-496, WALKER COUNTY, TEXAS, AND BEING OUT OF THAT CERTAIN CALLED 132.629 ACRE TRACT CONVEYED BY JOE T. HODDE,

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TRUSTEE, TO HMH-WALKER 140 LIMITED BY DEED RECORDED IN VOLUME 255, PAGE 1 OF THE DEED RECORDS OF SAID COUNTY. SAID 101.605 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod set for the north corner of this and of said 132.629 acres on the southwest right-of-way of State Highway 150, same being the east corner of the Emma Reese 1.0 acre tract described in Volume 265, Page 625 of said deed records;

THENCE: S 59° 58' E 647.74 Ft., with said southwest right-of-way, to a 1/2 inch iron rod set for an exterior corner of this tract, same being the north corner of proposed New Waverly Ridge II Commercial Lot 4;

THENCE: S 30° 02' W 600.00 Ft., on a line within said 132.629 acres and with the northwest line said Lot 4 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 300.00 Ft., continuing within said 132.629 acres and with the southwest line of said Lot 4 to its south corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: N 30° 02' E 600.00 Ft., continuing within said 132.629 acres and with the southeast line of said Lot 4 to its east corner, a 1/2 inch iron rod set for an exterior corner of this tract on the northeast line of said 132.629 acres, same being on the southwest right-of-way of said State Highway 150;

THENCE: S 59° 58' E 669.60 Ft., with said southwest right-of-way and 132.629 acre northeast line, to a 1/2 inch iron rod set for an exterior corner of this tract, same being the north corner of proposed New Waverly Ridge II Commercial Lot 1;

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THENCE: S 30° 02' W 600.00 Ft., on a line within said 132.629 acres and with the northwest line of said Lot 1 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 836.94 Ft., continuing within said 132.629 acres and with the southwest lines of said Lot 1, of New Waverly Ridge Commercial Lot 2 as shown on plat recorded in Volume 3, Page 130 of the plat records of said county and of New Waverly Ridge Commercial Lot 3, as shown on plat recorded in Volume 3, Page 154 of said plat records to a 1/2 inch iron rod set for an interior corner of this tract, same being the south corner of said New Waverly Ridge Lot.3;

THENCE: N 30° 02' E 591.12 Ft., continuing on said 132.629 acres and with the southeast lines of said New Waverly Ridge Lot 3 to its east corner, a 1/2 inch iron rod set for an exterior corner of this tract on the southwest right-of-way of said State Highway 150, same being on the northeast line of said 132.629 acres;

THENCE: S 58° 03° E 80.04 Ft., with said southwest right-of-way and being 132.629 acre northeast line, to a 1/2 inch iron rod set for the upper east corner of this tract, same being the north corner of the proposed New Waverly Ridge Commercial Lot 4;

THENCE: N 30° 02' W 588.44 Ft., on a line within said 132.629 acres and with the northwest line of said New Waverly Ridge Lot 4 to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;

THENCE: S 59° 58' E 286.28 Ft., continuing within said 132.629 acres and with the southwest line of said Lot 4 to its south corner, a 1/2 inch iron rod set for the east corner of this tract on the northwest line of New Waverly Ridge

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Commercial Lot 1 as shown on plat recorded in Vole 3, Page 130 of said plat records;
THENCE: S 16° 03' W 516.29 Ft., continuing within said 132.629 acres and with said Lot 1 northwest line to its west corner, a 1/2 inch iron rod set for the lower east corner of this tract on the southeast line of said 132.629 acres, same being on the northwest right-a-way of Longstreet Road;
THENCE: With said 132.629 acre southeast line and Longstreet Road northwest right-of-way as follows:
S 81° 03' W 45.11 Ft. S 80° 05' W 216.95 Ft.
S 77° 48' W 222.57 Ft. S 75° 05' W 122.55 Ft.
to a 1/2 inch iron rod set for an exterior corner of this tract, same being the east corner of the Southwestern Bell Telephone Company 0.057 acre tract described in Volume 423, Page 556 of said deed records;
THENCE: N 10° 43' W 50.00 Ft., on a line within said 132.629 acres and with the northeast line of said 0.057 acre to its north corner, a 1/2 inch iron rod set for an interior corner of this tract;
THENCE: S 75° 05' W 50.00 Ft., continuing within said 132.629 acres and with the northwest line of said 0.057 acre to its west corner, a 1/2 inch iron rod set for an interior corner of this tract;
THENCE: S 10° 43' E 50.00 Ft., continuing within said 132.629 acres and with the southwest line of said 0.057 acre to its south corner, a concrete monument found for exterior corner of this tract on the southeast line of said 132.629 acres, same being on the northwest right-of-way of said Longstreet Road;
THENCE: S 74° 19' W 472.13 Ft. and S 68° 33' W 147.67 Ft., with said 132.629 acre southeast line and Longstreet Road northwest right-of-way, to a 3 inch iron pipe found for the

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south corner of this and of said 132.629 acres, same being the east corner of the Western Grove Missionary Baptist Church tract which no deed of record was located;
THENCE: N 24° 49' W 170.48 Ft, with the northeast line of said church tract to its north corner, a 1/2 inch iron rod set for an interior corner of this tract;
THENCE: S 53° 09' W 157.03 Ft., with the northwest line of said church tract to its west corner, a 1/2 inch iron rod set for an exterior corner of this tract on the northeast line of Fritz Kelly 2.0 acre tract described in Volume 123, Page 716 of said deed records;
THENCE: N 60° 07' W 1003.34 Ft., with the southwest line of said 132.629 acres and the northeast lines of said 2.0 acres, of the Jimmie Cain Jr. 5.89 acre tract described in Volume 252, Page 75 of the official records of said county, of the Jourdon Sanders 1.0 acre tract described in Volume 395, Page 899 of said deed records and of the Mildred Harris 1.07 acre tract described in Volume 227, Page 285 of said deed records, to a 1 inch iron pipe found for an exterior corner of this tract, same being the south corner of the City of New Waverly 2.8708 acre tract described in Volume 425, Page 874 of said deed records;
THENCE: N 29° 55' E 304.96 Ft., with the southeast line of said 2.8708 acres to its east corner, a 1 inch iron pipe found for an interior corner of this tract;
THENCE: N 60° 07' W 409.90 Ft., with the northeast line of said 2.8708 acres to its north corner, a 1 inch iron pipe found for an interior corner of this tract;
THENCE: S 29° 51' W 304.96 Ft., with the northwest line of said 2.8708 acres to its west corner, a 1 inch iron pipe found for an exterior corner of this tract on the southwest line of said 132.629 acres, same being on the northeast line of the Roy

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Clark 2.44 acre tract described in Volume 311, Page 569 of said deed records;

THENCE: N 60° 07' W 389.41 Ft., with said 132.629 acre southwest line and the northeast lines of said 2.44 acres and of the Patricia L. Crowley 0.771 acre described as Tract One in Volume 248, Page 497 of said official records, to a 1/2 inch iron rod set for an exterior corner of this and of said 132.629 acres on the northeast right-of-way of Interstate Highway 45, same being the north corner of said 0.771 acre;

THENCE: N 11° 12' W 46.73 Ft., with said northeast right-of-way, to a 1/2 inch iron pipe found for the west corner of this and of said 132.629 acres, same being the south corner of the Patricia L. Crowley 2.559 acres described as Tract Two in Volume 248, Page 497 of said official records;

THENCE: N 30° 27' E 507.40 Ft., with the southeast line of said 2.559 acres to its east corner, a 1/2 inch iron rod found for an interior corner of this and of said 132.629 acres, same being the south corner of the Artie L. Moses, et. al., residue of a 15 acre tract described in Volume 272, Page 667 of said official records;

THENCE: N 29° 57' E 542.03 Ft., with the southeast line of said residue of 15 acres to its east corner, a 5/8 inch iron rod found for an interior corner of this and of said 132.629 acres, same being the south corner of the Ned Jourdan 3.842 acre tract described in Volume 390, Page 640 of said deed records;

THENCE: N 29° 47' E 960.15 Ft., with the southeast lines of said 3.842 acres, of the Frances Gillaspie 1.50 acre tract described in Volume 162, Page 85 of said deed records and of said Reese 1.0 acre, to the PLACE OF BEGINNING AND CONTAINING WITHIN THESE BOUNDS 101.605 ACRES OF LAND.

TRACT 2:

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Being 1.07 acres of land, situated in the C.A. SLEIGHT Survey, Abstract No. 496, Walker County, Texas, and being out of and a part of the residue of a called 15.00 acre tract of land described in a Deed Deed from Isom Mickle, et ux. to Lucretia Moses dated 17 Nov. 1925 and recorded in Volume 56, Page 147, Deed Records, Walker County, Texas, said 1.07 acres being more definitely described by metes and bounds as follows:

BEGINNING at the most westerly corner of the said 15 acre tract, same being a northern corner of a called 523.55 acre tract described in a Deed from John Henry Hall et al to Judy C. Campbell recorded in Volume 0861, Page 140, Official Records and being a point in the southeastern line of a called 3.76 acre tract described in a Deed from Joan Lee, Trustee to Ralph A. Cadwallader, recorded in Volume 0787, Page 501, Official Records, Walker County, Texas, found a 3" iron pipe (set a 5/8" iron rod w/cap in center of pipe) for corner;

THENCE S 59°36'04" E along the common boundary line of said 523.55 acre Campbell tract and the said 15 acre Moses tract, a distance of 286.28 feet to a 5/8" iron rod set in the west right-of-way line of Interstate 45, said iron rod being the most southern corner of the herein described 1.07 acre and the southwest corner of a called 7.43 acre tract described in a Deed from Lucretia Moses to the State Highway Commission, dated 5 Aug. 1958 and recorded in Volume 161, Page 111, Deed Records, Walker County, Texas;

THENCE N 11°07'21" W along the said west right-of-way line of Interstate 45, a distance of 435.60 feet to the most northern corner of the herein described 1.07 acre tract, same being a southeast corner of the said 3.76 acre Cadwallader tract, set a 5/8" iron rod w/cap, from which a 1/2" iron rod bears S 29°57'48" W a distance of 1.62 feet, and a 5/8" iron

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rod w/cap brs. N 11°46'38" W a distance of 79.19 feet;
THENCE S 29°57'48" W along the common boundary line of
the said 3.76 acre Cadwallader tract and the said 15 acre
Moses tract, a distance of 326.15 feet to the POINT OF
BEGINNING.

Containing 1.07 acres of land.

TRACT 3:

Being 6.56 acres of land, situated in the C.A. SLEIGHT
Survey, Abstract No. 496, Walker County, Texas, and being
out of and a part of the residue of a called 15.00 acre tract of
land described in a Deed from Isom Mickle, et ux. to Lucretia
Moses dated 17 Nov. 1925 and recorded in Volume 56, Page
147, Deed Records, Walker County, Texas, said 6.56 acres
being more definitely described by metes and bounds as
follows:

BEGINNING at the most southern corner of the said 15 acre
tract, same being the most eastern corner of a called 2.559
acre tract described as Tract 2 in a deed dated 29 March 1995
from Martin J. Ross III, et al to Patricia L. Crowley, recorded
in Volume 0248, Page 497, Official Records, and a point in
the west line of a called 101.65 acre tract described in a Deed
dated 26 April 2006 from HMH-Walker 140 Limited to
Thornberry Family Partnership, recorded in Volume 0745,
Page 678, Official Records, found a 1/2" iron rod for corner;
THENCE N 30°01'04" W along an old barbed wire fence and
with the common line of said 101.65 acre Thornberry and the
15 acre Moses tracts, a distance of 398.88 feet to a 5/8" iron
rod set for the most easterly corner of the said Moses tract,
said iron rod also being the south corner of called 1 acre tract
described in a deed to Emma Reece and recorded in Volume
273, Page 702, Deed Records and from which a iron stake
found (disturbed) brs S 60°38'04" E distance of 1.89 feet and a

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found 5/8" iron rod w/cap brs. N 30°01'04"E a distance of 143.36 feet;

THENCE N 60°38'04 W along the common line of said 1 acre Reece and 15 acre Moses tracts, at a calculated distance of 285 feet pass the southwest corner of said 1 acre Reece tract, same being the southeast corner of a called 1 acre tract described in a deed to Carolyn Anderson and recorded in Volume 389, Page 642, Deed Records, and continuing on a total distance of 570 feet to a found 3/8"x2" flat iron stake (set a 5/8" iron rod w/cap beside) for a reentrant corner of the said 15 acre Moses tract and the most westerly corner of said 1 acre Anderson tract;

THENCE N 29°21'56" E with the common boundary line of the 1 acre Anderson tract and the 15 acre Moses tract, a distance of 142.33 to a 5/8" iron rod set for corner, said iron rod being the northwest corner of said 1 acre Anderson tract and a point in the south line of a 2 acre tract described in a deed to Lula Rogers, et al, and recorded in Volume 83, Page 596, Deed Records, Walker County, Texas;

THENCE N 60°44'12" W along common line of said 2 acre Rogers and 15 acre Moses tracts, at a distance of 97.32 feet pass a found 5"x 3.5" wagon axle housing for the west corner of said 2 acre Rogers tract and the south corner of the residue a called 7 acre tract described in a deed to Harrison Hector and recorded in Volume 83, Page 595, Deed Records, and continuing on for a total distance of 338.96 to a set 5/8" iron rod for the most north corner of the herein described tract, said iron rod being in the east right-of-way of said Interstate 45 and being the southern corner of a called 2.67 acre tract described in a deed to the State Highway Commission and recorded in Volume 161, Page 161, Deed Records, Walker County, Texas;

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THENCE S 11°09'E with the said east right-of-way line of Interstate 45 a distance of 716.09 feet to a point for corner, said point being in the southwest line of the said 15 acre tract and being the most northern corner of the said Crowley 2.559 acre tract and from which the center of a 3" galvanized fence post brs S 63°43'36"E a distance of 0.42 feet, a 1/2" iron pipe (disturbed) brs S58°20'05"W a distance of 1.06 feet and a 5/8" iron rod with cap (set for reference) brs N 72° W a distance of 0.21 feet;

THENCE S 61°07'56" W with the common line of said 2.559 acre P. Crowley and 15 acre Moses tracts, a distance of 439.22 feet to the PLACE OF' BEGINNING.

Containing 6.56 acres of land.

Tract 4 - 4.846 ACRES:

A tract or parcel of land containing 4.846 acres (211,071 square feet) out of the C.A. Sleight 1/3 League, Abstract No. 496, Walker County, Texas, being all of the called 3.842 acre tract and all of the called 1.000 acre tract conveyed to Ned Jordan, Jr., as recorded in Volume 390, Page 640 of the Walker County Deed Records (W.C.D.R.), said 4.846 acres being more particularly described by metes and bounds as follows: (The basis of bearing for this description is the monumented north line of the subject tract called SOUTH 61 degrees 05 minutes 45 seconds EAST, as recorded in said Volume 390, Page 640)

BEGINNING at a 1/2-inch iron rod found at the northwest corner of said 1.000 acre tract and the northwest corner of the herein described tract, being the northeast corner of the 2 acre tract conveyed to Edward Crawford, as recorded in Volume 83, Page 596 of the W.C.D.R., and the southwest corner of the 1.50 acre tract conveyed to Frances Gillaspie, as recorded in Volume 162, Page 85 of the W.C.D.R., lying at the terminus

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of Colony Road;

THENCE SOUTH 61 degrees 05 minutes 45 seconds EAST along the south line of said 1.50 acre tract, at 264.05 feet passing a 5/8-inch iron rod found at the northeast corner of said 1.000 acre tract and continuing for a total distance of 473.50 feet to a 5/8-inch iron rod found at the northeast corner of the herein described tract;

THENCE SOUTH 29 degrees 32 minutes 14 seconds WEST, 444.11 feet (called S 29 Deg. 37'03" W, 444.12') along the west line of the 101.605 acre tract conveyed to the Thornberry Family Partnership, Ltd., as recorded in Volume 776, Page 655 of the Official Public Records of Walker County (O.P.R.W.C.), to a 5/8-inch iron rod found at the southeast corner of the herein described tract;

THENCE NORTH 61 degrees 05 minutes 45 seconds WEST, 477.09 feet (called 476.47') along the north lines of a 1 acre tract, described as a save & except tract to Emma Reese and another 1 acre tract conveyed to Carolyn Anderson, as recorded in Volume 389, Page 642 of the W.C.D.R., to a 5/8-inch iron rod found at the southwest corner of the herein described tract;

THENCE NORTH 30 degrees 00 minutes 00 seconds EAST along the east line of said 2 acre Crawford tract, at 279.16 feet passing the southwest corner of said 1.000 acre Jordan tract, and continuing for a total distance of 444.17 feet to the POINT OF BEGINNING of the herein described tract, containing 4.846 acres (211,071 square feet) of land. Drawing No. B-502 was prepared to accompany this description, and is on file in the office of C&R Surveying, Inc.

Tract 5:

Field Notes to 3.285 acres of land situated in the City of New Waverly, in the C.A. Sleight Survey, A-496, Walker County,

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Texas, and being out of the 124.818 acres residue of that certain called 132.629 acres tract conveyed by Joe. T. Hode, Trustee, to HMW-I40 Walker Limited by deed recorded in volume 253, page 1 of the deed records of said Walker County, Texas, said 3.285 acres being more particularly described by metes and bounds as follows;

BEGINNING at a 5/8 inch iron rod found for the northeast corner of this and of said 124.818 acre residue tract, same being the northwest corner of the Earl Biscamp 3.00 acre tract described in Volume 338, Page 735 of the official records of said County and being on the south right of way of State Highway 150;

THENCE: S 26°58' W 429.09 ft., with the west line of said 3.00 acres to its southwest corner, a 5/8 inch iron rod found for an interior corner of this tract, same being the northwest corner of commercial lot 1 of New Waverly Ridge Subdivision as shown on plat recorded in Volume 3, Page 130 of the plat records of said County;

THENCE: S 16°03' W 157.08 ft., with the west line of said Lot 1, to a 1/2 inch iron rod set for the southeast corner of this tract;

THENCE: N 59°58' W 286.28 ft., on a line within said 132.629 acres, to a 1/2 inch iron rod set for the southwest corner of this tract;

THENCE: N 30°02' W 588.44 ft., continuing within said 132.629 acres, to a 1/2 inch iron rod set for the northwest corner of this tract on the south right of way of State Highway 150, same being the north line of said 132.629 acres;

THENCE: S 58°03' E 225.49 ft., with said north line and south right of way, to the place of beginning and containing within these bounds 3.285 acres of land. [FA1(2)]

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SECTION 2. The Leander Municipal Management District No. 1 initially includes all territory contained in the following area:

Being all of that certain tract or parcel of land containing 115.7076 acres, more or less, comprised of those three (3) certain tracts of land containing 22.781 acres, more or less, our of the William Mancil Survey, Abstract No. 437 in Leander, Williamson County, Texas, more described by metes and bounds shown on Exhibit "A-1" attached hereto; 47.5871 acres, more or less, in the Talbot Chambers Survey, Abstract No. 125 in Leander, Williamson County, Texas, more described by metes and bounds shown on Exhibit "A-2" attached hereto; 47.3395 acres, more or less, in the Talbot Chambers Survey, Abstract No. 125 in Leander, Williamson County, Texas, more described by metes and bounds shown on Exhibit "A-3" attached hereto

EXHIBIT A-1

Talbot Chambers Survey, Abstract No. 125

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 47.5871 ACRES (2,072,892 SQUARE FEET) OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF A CALLED 269.836 ACRE TRACT CONVEYED TO RB 270 PARTNERSHIP, RECORDED IN DOCUMENT NO. 2004036768 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS (O.P.R.W.C.T.), SAID 47.5871 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod with "Ward-5811" cap found in the curving east right-of-way line of Mel Mathis

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SECTION 2. Same as House version.

CONFERENCE

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Boulevard (right-of-way varies), and being the southwest corner of a called 9.850 acre tract conveyed to Area Leander 1 LP, recorded in Document No. 2016069577 (O.P.R.W.C.T.) and being in the north line of said 269.836 acre tract, for the northwest corner and POINT OF BEGINNING hereof, from which a 1/2-inch iron rod with "Ward-5811" cap found at point of tangency in the east right-of-way line of said Mel Mathis Boulevard, and being in the west line of said 9.850 acre Area Leander 1 LP tract, bears, 24.13 feet along the arc of a curve to the right, having a radius of 999.00 feet, and whose chord bears N18°36'59"W, a distance of 24.13 feet; THENCE, leaving the east right-of-way line of said Mel Mathis Boulevard, with the north line of said 269.836 acre RB 270 Partnership tract and the south line of said 9.850 acre Area Leander 1 LP tract, the following three (3) courses and distances:

- 1) N70°42'41"E, a distance of 938.70 feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) N70°36'57"E, a distance of 53.16 feet to a 1/2-inch iron rod found for an angle point hereof, and
- 3) N71°20'07"E, a distance of 79.42 feet to a 1/2-inch iron rod found for the northeast corner hereof, said point being the southeast corner of said 9.850 acre Area Leander 1 LP tract, and being in the north line of said 269.836 acre RB 270 Partnership tract, and being in the west right-of-way line of US Highway 183A (400' right-of-way, conveyed in Document No(s). 2004068741 and 2004088731 (O.P.R.W.C.T.); THENCE, leaving the north line of said 269.836 acre RB 270 Partnership tract, with the west right-of-way line of said US Highway 183A, over and across said 269.836 acre RB 270 Partnership tract, S56°03'41"E, passing at a distance of 524.73 feet a TxDOT Type II Brass Disc Monument with "CTRMA"

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stamp found, and continuing for a total distance of 1,299.85 feet to a 1/2-inch iron rod with "KHA" cap found for the southeast corner hereof, said point being the northeast corner of a called 100.000 acre tract, conveyed to Austin Community College District recorded in Document No. 2010030836 (O.P.R.W.C.T.), from which a TxDOT Type II Brass Disc Monument with "CTRMA" stamp found at a point of curvature in the west right-of-way line of said US Highway 183A, and being in the east line of said 100.000 acre Austin Community College District tract bears, S56°03'41"E, a distance of 724.81 feet;

THENCE, over and across said 269.836 acre RB 270 Partnership tract, with the north line of said 100.000 acre Austin Community College District tract, the following three (3) courses and distances:

- 1) S33°55'23"W, a distance of 371.76 feet to a 5/8-inch iron rod with aluminum "MWM" cap found for a point of curvature hereof,
- 2) 390.32 feet along the arc or a curve to the right, having a radius of 630.00 feet, and whose chord bears S51°42'47"W, a distance of 384.11 feet to a 5/8-inch iron rod with aluminum "MWM" cap found for a point of tangency hereof, and
- 3) S69°24'42"W, a distance of 1,157.38 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the southwest corner hereof, said point being the northwest corner of said 100.000 acre Austin Community College District tract, and being in the east right-of-way line of said Mel Mathis Boulevard;

THENCE, over and across said 269.836 acre RB 270 Partnership tract, with the east right-of-way line of said Mel Mathis Boulevard, and the west line of the herein described tract the following two (2) courses and distances:

- 1) N20°34'14"W, a distance of 1,393.85 feet to a 1/2-inch

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iron rod with "Ward-5811" cap set for a point of curvature hereof, and

2) 22.41 along the arc of a curve to the right, having a radius of 999.00 feet, and whose chord bears N19°55'40"W, a distance of 22.41 feet to the POINT OF BEGINNING, and containing 47.5871 Acres (2,072,892 Square Feet) more or less.

NOTE:

All bearings are based on the Texas State Plane Coordinate System, Grid North, Central Zone (4203), all distances were adjusted to surface using a combined scale factor of 1.000138805545. See attached sketch (reference drawing: 00508 47 Acre Tract.dwg)

EXHIBIT A-2

DOROTHY R. WINTERS EXEMPT FAMILY TRUST
WILLIAM MANCIL SURVEY, ASTRACT NO. 437
22.781 ACRES (992,343 SQ. FT.)

DESCRIPTION OF 22.781 ACRES (992,343 SQ. FT.) OF LAND SITUATED IN WILLIAMSON COUNTY, TEXAS, OUT OF THE WILLIAM MANCIL SURVEY, ASTRACT NO. 437, BEING A PORTION OF A 159.838 ACRE TRACT DESCRIBED IN A DEED OF RECORD TO DOROTHY R. WINTERS EXEMPT FAMILY TRUST IN DOCUMENT NO. 2014021295 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 22.781 ACRES (992,343 SQ. FT.), BEING TWO TRACTS OF LAND MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

TRACT 1:

BEGINNING at a 1/2" iron rod found in the easterly line of a 100 foot wide right-of-way for railroad purposes, quitclaimed to the City of Austin by deed of record in Volume 1417, Page

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282, Official Records of Williamson County, Texas, same being the westerly line of said 159.838 Acre Tract, at the southwesterly corner of a 3.733 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2004068740, Official Public Records of Williamson County, Texas, for the northwesterly corner of the herein described tract;

THENCE over and across said 159.838 Acre Tract, with the southerly line of said 3.733 Acre Tract, same being the northerly line of the herein described tract the following two (2) courses:

1. N71°51'31"E, a distance of 261.37 feet to a 1/2" iron rod found;
2. N71°29'44"E, a distance of 843.54 feet to an iron rod with cap found at the most westerly corner of a 163 square foot tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway R.O.W. width varies) by deed of record in Document No. 2010082651, Official Public Records of Williamson County, Texas;

THENCE N72°06'36"E, continuing over and across said 159.838 Acre Tract with the southerly line of said 163 square foot tract, same being the northerly line of the herein described tract, a distance of 81.22 feet to an iron rod with cap found in the westerly line of a 2.124 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2006066934, Official Public Records of Williamson County, Texas, at the southwesterly corner of said 163 Square Foot Tract;

THENCE continuing over and across said 159.838 Acre Tract with the westerly and southerly lines of said 2.124 Acre Tract,

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same being the northerly line of the herein described tract the following two (2) courses:

1. S16°45'56"E, a distance of 8.41 feet to a cotton spindle found at the southwesterly corner of said 2.124 Acre Tract ;
2. N69°57'17"E, a distance of 39.44 feet to an iron rod with G&R Cap set at the northwesterly corner of a 0.821 acre tract conveyed to The City of Leander, Texas for street right-of-way purposes (Mel Mathis Avenue-80' R.O.W.) by deed of record in Document No. 2012077074, Official Public Records of Williamson County, Texas, for the northeasterly corner of the herein described tract;

THENCE continuing over and across said 159.838 Acre Tract with the westerly line of said 0.821 Acre Tract, same being the easterly line of the herein described tract the following two (2) courses:

1. S71°55'56"E, a distance of 420.33 feet to an iron rod with G&R Cap set at the point of curvature of a curve to the left;
2. Along said curve to the left, having a radius of 1079.00 feet, an arc length of 25.93 feet and a chord which bears S18°37'14"E, a distance of 25.93 feet to an iron rod with G&R Cap set in the northerly line of a 269.836 acre tract described in a deed of record to RB 270 Partnership in Document No. 2004036768, Official Public Records of Williamson County Texas, same being the southerly line of said 159.838 Acre Tract, for the southeasterly corner of the herein described tract;

THENCE with the southerly line of said 159.838 Acre Tract, same being in part the northerly line of said 269.836 Acre Tract and in part the northerly line of Lot 2, San Gabriel Park, a subdivision of record in Cabinet Y. Slides 364-367, Plat Records of Williamson County Texas, the following five (5) courses:

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1. S70°42'59"W, a distance of 3.13 feet to an iron rod with G&R Cap set at the common northerly corner of said 269.836 Acre Tract and said Lot 2;
 2. S71°12'01"W, a distance of 61.83 feet to a 1/2" iron rod found;
 3. S69°02'16"W, a distance of 90.38 feet to a 1/2" iron rod found;
 4. S70°43'16"W a distance of 728.63 feet to a 1/2" iron rod found;
 5. S70°11'21"W, a distance of 314.93 feet to a 1/2" iron rod found in the easterly line of said 100 foot wide right-of-way for railroad purposes and the westerly line of said 159.838 Acre Tract, for the southwesterly corner of the herein described tract;
- THENCE N21°11'57"W, with the common line of said 100 foot wide right-of-way for railroad purposes and said 159.838 Acre Tract, a distance of 477.91 feet to the POINT OF BEGINNING, containing an area of 12.931 acres (563,261 sq. ft.) of land, more or less.

TRACT 2:

BEGINNING at a cotton spindle found in the westerly line of a 24.697 acre tract, conveyed to Williamson County, Texas for Highway 183-A right-of-way purposes (400' R.O.W.) by deed of record in Document No. 2004068741, Official Public Records of Williamson County, Texas, for the northeasterly corner of the herein described tract;

THENCE S56°04'40"E, over and across said 159.818 Acre Tract, with the westerly line of said 24.697 Acre Tract, same being the easterly line of the herein described tract, a distance of 712.18 feet to a 1/2" iron rod found in northerly line of a 269.836 acre tract described in a deed of record to RB 270 Partnership in Document No. 2004036768, Official Public

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Records of Williamson County Texas, for the southeasterly corner of the herein described tract;

THENCE with the common line of said 159.838 Acre Tract and said 269.836 Acre Tract the following three (3) courses:

1. S71°18'14"W, a distance of 79.46 feet to a 1/2" iron rod found;
2. S70°37'32"W, a distance of 53.16 feet to a 1/2" iron rod found;
3. S70°42'59"W, a distance of 938.59 feet to an iron rod with G&R Cap set at the southeasterly corner of a 0.821 acre tract conveyed to The City of Leander, Texas for street right-of-way purposes (Mel Mathis Avenue - 80' R.O.W.) by deed of record in Document No. 2012077074, Official Public Records of Williamson County, Texas, for the southwesterly corner of the herein described tract;

THENCE leaving the common line of said 159.838 Acre Tract and said 269.836 Acre Tract and continuing over and across said 159.838 Acre Tract with the easterly line of said 0.821 Acre Tract, same being the westerly line of the herein described tract, the following two (2) courses:

1. Along a curve to the right, having a radius of 999.00 feet, an arc length of 24.05 feet and a chord which bears N18°37'19"W, a distance of 24.05 feet to an iron rod with G&R Cap set at the end of said curve
2. N17°55'56"W, a distance of 423.28 feet to an iron rod with G&R Cap set in the southerly line of a 2.124 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2006066934, Official Public Records of Williamson County, Texas, for the northwesterly corner of the herein described tract;

THENCE N69°57'17"E, continuing over and across said

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159.838 Acre Tract with the southerly line of said 2.124 Acre Tract, same being the northerly line of the herein described tract, a distance of 115.16 feet to an iron rod with cap found at the southwesterly corner of a 0.808 acre tract conveyed to Williamson County, Texas for street right-of-way purposes (San Gabriel Parkway - R.O.W. width varies) by deed of record in Document No. 2010082651, Official Public Records of Williamson County, Texas;

THENCE continuing over and across said 159.838 Acre Tract with the southerly line of said 0.808 Acre Tract, same being the northerly line of the herein described tract, the following two (2) courses:

1. Along a curve to the left, having a radius of 1113.00 feet, an arc length of 444.24 feet and a chord which bears N59°35'56"E, a distance of 441.30 feet to an iron rod with cap found at the end of said curve;
2. N48°11'55"E, a distance of 93.35 feet to the POINT OF BEGINNING, containing an area of 9.850 (429,082 sq. ft.) acres of land, more or less. FOR A TOTAL AREA OF 22.781 (992,343 SQ. FT.) ACRES OF LAND WITHIN TRACTS 1 AND 2.

EXHIBIT A-3

Talbot Chambers Survey, Abstract No. 125

Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 45.3395 ACRES (1,974,990 SQUARE FEET) OUT OF THE TALBOT CHAMBERS SURVEY, ABSTRACT NO. 125, IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF LOT 2, SAN GABRIEL PARK, A SUBDIVISION RECORDED IN CABINET Y, SLIDES 364-367 OF THE PLAT RECORDS OF WILLIAMSON COUNTY, TEXAS (P.R.W.C.T.), SAID

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45.3395 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND AS FOLLOWS:

BEGINNING, at a 1/2-inch iron rod found in the east right-of-way line of the Capital Metropolitan Transportation Authority Railroad (100' right-of-way), conveyed in Document No. 2000020773 of the Official Public Records of Williamson County, Texas (O.P.R.W.C.T.), being the southwest corner of a called 12.931 acre tract conveyed to Area Leander 1, L.P. in Document No. 2016069577 (O.P.R.W.C.T.), and being the northwest corner of said Lot 2, for the northwest corner hereof, from which a 1/2-inch iron rod found at the intersection of the south right-of-way line of San Gabriel Parkway (right-of-way width varies), partially dedicated in Document No. 2004068740 (O.P.R.W.C.T.), and the east right-of-way line of said Railroad, bears N21°12'43"W, a distance of 477.90 feet;

THENCE, leaving the east right-of-way line of said Railroad, with the common line of said 12.931 acre tract and said Lot 2, the following four (4) courses and distances:

- 1) N70°11'45"E, a distance of 314.90 feet to a 1/2-inch iron rod found for an angle point hereof,
- 2) N70°43'28"E, a distance of 728.71 feet to a 1/2-inch iron rod found for an angle point hereof,
- 3) N69°06'10"E, a distance of 90.47 feet to a 1/2-inch iron rod found for an angle point hereof, and
- 4) N71°06'42"E, a distance of 61.67 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the northeast corner hereof, being an angle point in the west right-of-way line of Mel Mathis Boulevard (right-of-way width varies), partially dedicated in Document No. 2014077239 (O.P.R.W.C.T.), and being the northeast corner of said Lot 2;

THENCE, with the west right-of-way line of said Mel Mathis

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Boulevard and the east line of said Lot 2, the following three (3) courses and distances:

- 1) S20°36'40"E, a distance of 1,117.48 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 2) S20°26'00"E, a distance of 27.68 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, and
- 3) S20°29'52"E, a distance of 128.25 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof;

THENCE, with the east line of said Lot 2, in part being the west right-of-way line of Mel Mathis Boulevard, and in part being the west line of a called 3.827 acre tract conveyed to the City of Leander, Texas in Document No. 2014005725 (O.P.R.W.C.T.), S20°28'10"E, a distance of 493.39 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof and being an angle point in the common line of said Lot 2 and said 3.827 acre tract;

THENCE, continuing with the common line of said Lot 2 and said 3.827 acre tract, the following seven (7) courses and distances:

- 1) S22°49'04"E, a distance of 50.01 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 2) S16°12'32"E, a distance of 67.74 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 3) S21°18'20"E, a distance of 61.32 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 4) S20°56'16"E, a distance of 136.77 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof
- 5) S21°13'59"E, a distance of 70.93 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 6) S25°02'37"E, a distance of 366.51 feet to a Mag nail with "4Ward Boundary" washer set for an angle point hereof, and
- 7) S24°25'23"W, a distance of 17.00 feet to a calculated point

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for southeast corner hereof, from which a 1/2-inch iron rod found for an angle point in the common line of said Lot 2 and said 3.827 acre tract bears S24°25'23"W, a distance of 33.09 feet;

THENCE, over and across said Lot 2, the following twenty-five (25) courses and distances:

- 1) N50°07'41"W, a distance of 60.74 feet to a calculated point for an angle point hereof,
- 2) N73°38'59"W, a distance of 66.59 feet to a calculated point for an angle point hereof,
- 3) N01°56'09"E, a distance of 123.08 feet to a calculated point for an angle point hereof,
- 4) N57°13'47"W, a distance of 201.97 feet to a calculated point for an angle point hereof,
- 5) N26°00'29"W, a distance of 171.59 feet to a calculated point for an angle point hereof,
- 6) N54°28'17"W, a distance of 188.91 feet to a calculated point for an angle point hereof,
- 7) N64°34'23"W, a distance of 73.26 feet to a calculated point for an angle point hereof,
- 8) S70°35'47"W, a distance of 116.88 feet to a calculated point for an angle point hereof,
- 9) N85°17'49"W, a distance of 101.63 feet to a calculated point for an angle point hereof,
- 10) N64°04'31"W, a distance of 40.75 feet to a calculated point for an angle point hereof,
- 11) N23°03'16"W, a distance of 40.58 feet to a calculated point for an angle point hereof,
- 12) N23°06'23"E, a distance of 108.63 feet to a calculated point for an angle point hereof,
- 13) N38°35'17"W, a distance of 36.64 feet to a calculated point for an angle point hereof,

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- 14) N82°04'13"W, a distance of 84.65 feet to a calculated point for an angle point hereof,
- 15) N67°25'14"W, a distance of 33.59 feet to a calculated point for an angle point hereof,
- 16) N28°42'54"W, a distance of 32.70 feet to a calculated point for an angle point hereof,
- 17) N66°18'33"W, a distance of 60.73 feet to a calculated point for an angle point hereof,
- 18) S58°21'10"W, a distance of 86.21 feet to a calculated point for an angle point hereof,
- 19) S46°19'59"W, a distance of 131.18 feet to a calculated point for an angle point hereof,
- 20) S57°26'06"W, a distance of 63.53 feet to a calculated point for an angle point hereof,
- 21) N80°03'30"W, a distance of 169.03 feet to a calculated point for an angle point hereof,
- 22) N51°26'55"W, a distance of 123.90 feet to a calculated point for an angle point hereof,
- 23) N35°13'10"W, a distance of 149.36 feet to a calculated point for an angle point hereof,
- 24) N18°38'44"W, a distance of 183.61 feet to a calculated point for an angle point hereof,
- 25) N32°05'59"W, a distance of 222.61 feet to a calculated point for an angle point hereof, said point being in the east right-of-way line of said Railroad, and being in the west line of said Lot 2, from which a 1/2-inch iron rod with "Ward-5811" cap set in the common line of said Lot 2 and said Railroad, for the northwest corner of a called 0.548 acre right-of-way dedication conveyed in Document No. 2014003534 (O.P.R.W.C.T.), bears S21°06'14"E, a distance of 930.19 feet; THENCE, with the east right-of-way line of said Railroad and the west line of said Lot 2, N21°06'14"W, a distance of 779.40

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feet to the POINT OF BEGINNING, and containing 45.3395 Acres (1,974,990 Square Feet) more or less.

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, 2022.

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SECTION __. (a) The legal notice of the intention to file bills creating each district described by 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 a copy of a bill to create each district described by this Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to each bill to create each district described by 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 each bill to create each district described by this Act are fulfilled and accomplished.
[FA1(1)]

SECTION 4. Same as House version.

CONFERENCE