H.B. No. 5310

AN ACT

relating to the creation of the Tarrant County Municipal Utility District No. 2; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1.  Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8092 to read as follows:

CHAPTER 8092. TARRANT COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8092.0101.  DEFINITIONS. In this chapter:

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

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

(3)  "Director" means a board member.

(4)  "District" means the Tarrant County Municipal Utility District No. 2.

Sec. 8092.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8092.0103.  CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8092.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8092.0103 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8092.0105.  FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b)  The district is created to accomplish the purposes of:

(1)  a municipal utility district as provided by general law and Section 59, Article XVI, Texas Constitution; and

(2)  Section 52, Article III, Texas Constitution, that relate to the construction, acquisition, improvement, operation, or maintenance of macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8092.0106.  INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

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

(1)  organization, existence, or validity;

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

(3)  right to impose a tax; or

(4)  legality or operation.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8092.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 8092.0202, directors serve staggered four-year terms.

Sec. 8092.0202.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  William Christopher Vertin;

(2)  Mattison Margaret Raiford;

(3)  Crystal Maddalena;

(4)  Parker Morgan; and

(5)  Mitchell Henton.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 8092.0103; or

(2)  the fourth anniversary of the effective date of the Act enacting this chapter.

(c)  If permanent directors have not been elected under Section 8092.0103 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1)  the date permanent directors are elected under Section 8092.0103; or

(2)  the fourth anniversary of the date of the appointment or reappointment.

(d)  If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8092.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8092.0302.  MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8092.0303.  AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

Sec. 8092.0304.  ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

(b)  If a road project is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the road project must meet all applicable construction standards, subdivision requirements, and regulations of each county in which the road project is located.

(c)  If the state will maintain and operate the road, the Texas Transportation Commission must approve the plans and specifications of the road project.

Sec. 8092.0305.  COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8092.0306.  DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1)  has no outstanding bonded debt; and

(2)  is not imposing ad valorem taxes.

(b)  This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

(c)  Any new district created by the division of the district may not, at the time the new district is created, contain any land outside the area described by Section 2 of the Act enacting this chapter.

(d)  The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e)  The board may adopt an order dividing the district before or after the date the board holds an election under Section 8092.0103 to confirm the district's creation.

(f)  An order dividing the district shall:

(1)  name each new district;

(2)  include the metes and bounds description of the territory of each new district;

(3)  appoint temporary directors for each new district; and

(4)  provide for the division of assets and liabilities between or among the new districts.

(g)  On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the commission and record the order in the real property records of each county in which the district is located.

(h)  Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8092.0103. If the voters of a new district do not confirm the creation of the new district, the assets, obligations, territory, and governance of the new district revert to the original district.

(i)  If the creation of the new district is confirmed, the new district shall provide the election date and results to the commission.

(j)  Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8092.0104 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(k)  Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8092.0401.  ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1)  revenue other than ad valorem taxes; or

(2)  contract payments described by Section 8092.0403.

(b)  The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c)  The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8092.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8092.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

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

Sec. 8092.0403.  CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b)  A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8092.0501.  AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8092.0502.  TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Sections 54.601 and 54.602, Water Code.

Sec. 8092.0503.  BONDS FOR ROAD PROJECTS. At the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2.  The Tarrant County Municipal Utility District No. 2 initially includes all the territory contained in the following area:

TRACT 1

BEING ALL OF THAT TRACT OF LAND IN TARRANT COUNTY, TEXAS, OUT OF THE W. DAVIDSON SURVEY, ABSTRACT NO. 393, AND BEING ALL OF THAT CALLED 119.2 ACRES OF LAND DESCRIBED AS TRACT TWO IN A DEED TO ROBERT W. TEETER ET AL AS RECORDED IN FILE NO. D208204603 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 2 INCH PIPE FOUND AT THE SOUTHEAST CORNER OF SAID 119.2 ACRES, AT THE SOUTHWEST CORNER OF THAT CALLED 13.232 ACRES OF LAND DESCRIBED IN A DEED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 4688, PAGE 261 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND IN THE NORTH LINE OF THAT CALLED 1.467 ACRES OF LAND DESCRIBED IN A DEED TO KENNY WILSON AS RECORDED IN FILE NO. D218222887 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, FROM WHICH A 1/2 INCH STEEL ROD FOUND CAPPED "BEASLEY" BEARS SOUTH 89 DEGREES 59 MINUTES 15 SECONDS EAST, 152.65 FEET FOR WITNESS AND FROM WHICH A CONCRETE MONUMENT WITH 3 INCH DISK STAMPED "TESCO" BEARS SOUTH 41 DEGREES 50 MINUTES 59 SECONDS EAST, 223.00 FEET FOR WITNESS;

THENCE NORTH 89 DEGREES 59 MINUTES 15 SECONDS WEST, 439.80 FEET ALONG A SOUTH LINE OF SAID 119.2 ACRES, THE NORTH LINE OF SAID 1.467 ACRES AND THE NORTH LINE OF THAT CALLED 1.098 ACRES OF LAND DESCRIBED IN A DEED TO SANDRA K. BABCOCK AS RECORDED IN FILE NO. D215271871 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS TO A 5/8 INCH STEEL ROD FOUND ON THE NORTHEAST SIDE OF A CURVE OF BENNETT LAWSON ROAD, AT AN ANGLE POINT OF SAID 119.2 ACRES AND AT THE NORTHWEST CORNER OF SAID 1.098 ACRES;

THENCE ALONG THE COMMON LINE OF SAID BENNETT LAWSON ROAD AND SAID 119.2 ACRES AS FOLLOWS:

NORTH 79 DEGREES 45 MINUTES 12 SECONDS WEST, 191.39 FEET TO A COTTON SPINDLE SET FOR CORNER;

NORTH 88 DEGREES 59 MINUTES 49 SECONDS WEST, 292.83 FEET TO A 1/2 INCH STEEL ROD FOUND CAPPED "METROPLEX";

NORTH 89 DEGREES 18 MINUTES 19 SECONDS WEST, 613.46 FEET TO A 1/2 INCH STEEL ROD FOUND;

SOUTH 88 DEGREES 42 MINUTES 11 SECONDS WEST, 898.44 FEET TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" FOR CORNER;

NORTH 75 DEGREES 13 MINUTES 49 SECONDS WEST, 58.55 FEET TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" FOR CORNER;

NORTH 52 DEGREES 14 MINUTES 38 SECONDS WEST, 819.27 FEET TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" FOR CORNER;

NORTH 38 DEGREES 17 MINUTES 14 SECONDS WEST, 68.49 FEET TO A 1/2 INCH STEEL ROD FOUND CAPPED "METROPLEX";

NORTH 04 DEGREES 09 MINUTES 44 SECONDS WEST, 359.80 FEET TO A 1/2 INCH STEEL ROD FOUND CAPPED "METROPLEX";

NORTH 00 DEGREES 24 MINUTES 15 SECONDS WEST, 1,778.44 FEET TO A 1/2 INCH STEEL ROD FOUND CAPPED "METROPLEX";

NORTH 17 DEGREES 22 MINUTES 01 SECONDS EAST, 69.16 FEET TO A 1/2 INCH STEEL ROD FOUND CAPPED "METROPLEX";

NORTH 64 DEGREES 40 MINUTES 58 SECONDS EAST, 70.84 FEET TO A 1/2 INCH STEEL ROD FOUND WITH YELLOW CAP;

NORTH 85 DEGREES 38 MINUTES 01 SECONDS EAST, 283.50 FEET TO A NAIL FOUND NEAR THE INTERSECTION OF THE SOUTH OF BENNETT LAWSON ROAD AND JESSICA LANE;

THENCE NORTH 89 DEGREES 47 MINUTES 50 SECONDS EAST, 295.42 FEET ALONG THE SOUTH LINE OF SAID JESSICA LANE AND A NORTH LINE OF SAID 119.2 ACRES TO A POINT AT THE NORTHEAST CORNER OF SAID 119.2 ACRES AND IN THE SOUTHWEST LINE OF SAID 13.232 ACRES, FROM WHICH A 1/2 INCH STEEL ROD FOUND BEARS NORTH 89 DEGREES 47 MINUTES 50 SECONDS EAST, 0.85 FEET FOR WITNESS AND FROM WHICH A CONCRETE MONUMENT WITH 3 INCH DISK STAMPED "TESCO" BEARS NORTH 41 DEGREES 50 MINUTES 59 SECONDS WEST, 547.49 FEET FOR WITNESS;

THENCE SOUTH 41 DEGREES 50 MINUTES 59 SECONDS EAST, 3,829.89 FEET ALONG THE NORTHEAST LINE OF SAID 119.2 ACRES AND THE SOUTHWEST LINE OF SAID 13.232 ACRES TO THE POINT OF BEGINNING, CONTAINING 119.28 ACRES OF LAND.

TRACT 2

BEING ALL OF THAT TRACT OF LAND IN TARRANT COUNTY, TEXAS, OUT OF THE W. DAVIDSON SURVEY, ABSTRACT NO. 393 AND S. LYNN SURVEY, ABSTRACT NO. 940, AND BEING ALL OF THAT CALLED 253.4 ACRES OF LAND DESCRIBED AS TRACT ONE IN A DEED TO ROBERT W. TEETER ET AL AS RECORDED IN FILE NO. D208204603 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A 60D NAIL FOUND IN THE BASE OF A 30 INCH OAK TREE AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID 253.4 ACRES, AT THE NORTHEAST CORNER OF THAT TRACT OF LAND DESCRIBED IN A DEED TO FLOYD WYNN AND NANCY WYNN AS RECORDED IN VOLUME 12093, PAGE 262 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS, AT THE SOUTHEAST CORNER OF THAT CALLED 9.986 ACRES OF LAND DESCRIBED AS TRACT 1 IN A DEED TO GARY DON JOHNSON AND WIFE, NANCY K. JOHNSON AS RECORDED IN VOLUME 11366, PAGE 1358 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS AND AT THE SOUTHWEST CORNER OF THAT CALLED 21.420 ACRES OF LAND DESCRIBED AS TRACT IV IN A DEED TO TEXAS JPC LLC AS RECORDED IN FILE NO. D218071066 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 48 MINUTES 13 SECONDS EAST, 869.90 FEET A NORTH LINE OF SAID 253.4 ACRES, THE SOUTH LINE OF SAID 21.420 ACRES AND THE SOUTH LINE OF THAT CALLED 2.426 ACRES OF LAND DESCRIBED AS TRACT V IN SAID TEXAS JPC LLC DEED TO A 3/4 INCH STEEL ROD FOUND AT AN ANGLE POINT OF SAID 253.4 ACRES, AT THE SOUTHEAST CORNER OF SAID 2.426 ACRES AND AT THE SOUTHWEST CORNER OF LOT 8, BLOCK 1 OF THE REATA ESTATES AS RECORDED IN CABINET A, SLIDE 11738 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 50 MINUTES 04 SECONDS EAST, 954.44 FEET ALONG A NORTH LINE OF SAID 253.4 ACRES AND THE SOUTH LINE OF LOTS 8-12, BLOCK 1 OF THE SAID REATA ESTATES TO A POINT AT THE MOST NORTHERLY NORTHEAST CORNER OF SAID 253.4 ACRES, AT THE SOUTHEAST CORNER OF SAID LOT 12 AND IN THE WEST LINE OF LOT 9, BLOCK 1 OF THE HIDDEN VALLEY ESTATES AS RECORDED IN CABINET A, SLIDE 5333 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, FROM WHICH A 5/8 INCH STEEL ROD FOUND CAPPED "ANA" BEARS NORTH 89 DEGREES 50 MINUTES 04 SECONDS WEST, 0.81 FEET AND A 1/2 INCH STEEL ROD FOUND BEARS SOUTH 89 DEGREES 26 MINUTES 49 SECONDS EAST, 3.76 FEET FOR WITNESS AND FROM WHICH A 1/2 INCH STEEL ROD FOUND WITH 1-1/2 INCH ALUMINUM CAP STAMPED "TARRANT COUNTY" BEARS NORTH 00 DEGREES 36 MINUTES 52 SECONDS WEST, 1,515.31 FEET FOR WITNESS;

THENCE SOUTH 00 DEGREES 36 MINUTES 52 SECONDS EAST, 344.09 FEET ALONG A EAST LINE OF SAID 253.4 ACRES AND THE WEST LINE OF LOTS 9 AND 10, BLOCK 1 OF SAID HIDDEN VALLEY ESTATES TO A 1/2 INCH STEEL ROD FOUND CAPPED "HARP 2002" AT AN ANGLE POINT OF SAID 253.4 ACRES, AT THE SOUTHWEST CORNER OF SAID LOT 10 OF HIDDEN VALLEY ESTATES AND AT THE NORTHWEST CORNER OF THAT CALLED 50 ACRES OF LAND DESCRIBED IN A DEED TO RICHARD V. DAUGHERTY AS RECORDED IN VOLUME 11836, PAGE 411 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 45 MINUTES 58 SECONDS EAST, 1,663.93 FEET ALONG A EAST LINE OF SAID 253.4 ACRES AND THE WEST LINE OF SAID 50 ACRES TO A 1/2 INCH STEEL ROD FOUND AT AN ELL CORNER OF SAID 253.4 ACRES AND AT THE SOUTHWEST CORNER OF SAID 50 ACRES;

THENCE SOUTH 89 DEGREES 51 MINUTES 09 SECONDS EAST, 1,320.38 FEET ALONG A NORTH LINE OF SAID 253.4 ACRES AND THE SOUTH LINE OF SAID 50 ACRES TO A 5/8 INCH STEEL ROD FOUND AT AN ELL CORNER OF SAID 253.4 ACRES AND AT THE SOUTHEAST CORNER OF SAID 50 ACRES;

THENCE NORTH 00 DEGREES 08 MINUTES 23 SECONDS EAST, 1,643.61 FEET ALONG A WEST LINE OF SAID 253.4 ACRES AND THE EAST LINE OF SAID 50 ACRES TO A 5/8 INCH STEEL ROD FOUND AT THE MOST EASTERLY NORTHWEST CORNER OF SAID 253.4 ACRES, AT THE NORTHEAST CORNER OF SAID 50 ACRES, AT THE SOUTHEAST CORNER OF LOT 11, BLOCK 1 OF SAID HIDDEN VALLEY ESTATES AND AT THE SOUTHWEST CORNER OF THAT CALLED 40 ACRES OF LAND DESCRIBED IN A DEED TO KATHLEEN M. VOELKEL AS RECORDED IN VOLUME 14510, PAGE 40 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE NORTH 88 DEGREES 57 MINUTES 02 SECONDS EAST, 1,313.56 FEET ALONG A NORTH LINE OF SAID 253.4 ACRES, THE SOUTH LINE OF SAID 40 ACRES, THE SOUTH LINE OF THAT CALLED 2.151 ACRES OF LAND DESCRIBED AS TRACT 1 IN A DEED TO ANTARES GUY AS RECORDED IN FILE NO. D219049813 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS AND THE SOUTH LINE OF THAT CALLED 1.9332 ACRES OF LAND DESCRIBED AS TRACT 1 IN A DEED TO KATHLEEN VOELKEL AS RECORDED IN FILE NO. D217190898 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS TO A POINT IN A 3 INCH STEEL FENCE POST FOUND AT THE MOST EASTERLY NORTHEAST CORNER OF SAID 253.4 ACRES, AT THE SOUTHEAST CORNER OF SAID 1.9332 ACRES AND IN THE WEST LINE OF THAT CALLED 23.616 ACRES OF LAND DESCRIBED IN A DEED TO JCE TRUST AS RECORDED IN VOLUME 9329, PAGE 731 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 23 MINUTES 06 SECONDS WEST, 555.35 FEET ALONG A EAST LINE OF SAID 253.4 ACRES AND THE WEST LINE OF SAID 23.616 ACRES TO A 1/2 INCH STEEL ROD FOUND AT AN ANGLE POINT OF SAID 253.4 ACRES, AT A SOUTHWEST CORNER OF SAID 23.616 ACRES AND AT THE NORTHWEST OR NORTH CORNER OF THAT CALLED 5.242 ACRES OF LAND DESCRIBED IN A DEED TO ROBERT PAUL DENTON AS RECORDED IN FILE NO. D220015759 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 00 DEGREES 11 MINUTES 09 SECONDS EAST, 2,070.50 FEET ALONG A EAST LINE OF SAID 253.4 ACRES, THE WEST LINE OF SAID 5.242 ACRES AND THE WEST LINE OF THAT CALLED 6.68 ACRES OF LAND DESCRIBED IN A DEED TO JOSHUA KEVIN TERRY AND RACHEL TERRY AS RECORDED IN FILE NO. D217044342 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS TO A 1/2 INCH STEEL ROD FOUND CAPPED "METROPLEX" AT THE MOST EASTERLY SOUTHEAST CORNER OF SAID 253.4 ACRES AND IN THE NORTHWEST LINE OF GIBSON CEMETERY ROAD;

THENCE SOUTH 58 DEGREES 52 MINUTES 26 SECONDS WEST, 165.76 FEET ALONG A SOUTHEAST LINE OF SAID 253.4 ACRES AND THE NORTHWEST LINE OF SAID GIBSON CEMETERY ROAD TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" AT A SOUTH CORNER OF SAID 253.4 ACRES AND AT THE EAST CORNER OF THAT CALLED 0.26 ACRES OF LAND DESCRIBED IN A DEED TO MILTON DELBERT CARTER AND WIFE, JIMMIE D. CARTER AS RECORDED IN VOLUME 12978, PAGE 286 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE NORTH 29 DEGREES 48 MINUTES 14 SECONDS WEST, 114.66 FEET ALONG A SOUTHWEST LINE OF SAID 253.4 ACRES, THE NORTHEAST LINE OF SAID 0.26 ACRES AND ALONG THE NORTHEAST LINE OF THAT CALLED 0.086 ACRES OF LAND DESCRIBED IN A DEED TO E. H. CARTER AND WIFE, VELMA V. CARTER TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" AT AN ELL CORNER OF SAID 253.4 ACRES AND AT THE NORTH CORNER OF SAID 0.086 ACRES;

THENCE SOUTH 58 DEGREES 58 MINUTES 05 SECONDS WEST, 130.75 FEET ALONG A SOUTHEAST LINE OF SAID 253.4 ACRES AND THE NORTHWEST LINE OF SAID 0.086 ACRES TO A 1/2 INCH STEEL ROD FOUND AT AN ANGLE POINT OF SAID 253.4 ACRES, AT THE WEST CORNER OF SAID 0.086 ACRES, AT THE WEST CORNER OF SAID 0.26 ACRES AND AT THE NORTH CORNER OF THAT CALLED 0.669 ACRES OF LAND DESCRIBED IN A DEED TO EL DEAN GRAHAM ALDRICH, SR. AND CATHERINE BENNETH ALDRICH AS RECORDED IN FILE NO. D210061249 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 82 DEGREES 50 MINUTES 54 SECONDS WEST, 267.07 FEET ALONG A SOUTHEAST LINE OF SAID 253.4 ACRES, THE NORTHWEST LINE OF SAID 0.669 ACRES AND A NORTHWEST LINE OF THAT CALLED 1.78 ACRES OF LAND DESCRIBED IN A DEED TO JOHN WILLIAM WATSON, JR. AND WIFE, ELIZABETH ANN WATSON AS RECORDED IN VOLUME 6485, PAGE 933 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE SOUTH 89 DEGREES 06 MINUTES 24 SECONDS WEST, 2,043.79 FEET ALONG A SOUTH LINE OF SAID 253.4 ACRES, THE NORTH LINE OF SAID 1.78 ACRES, THE NORTH LINE OF THAT CALLED 1.824 ACRES OF LAND DESCRIBED IN A DEED TO JOHN P. BLANTON AS RECORDED IN FILE NO. D222217134 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF LOT 1 BLOCK 1 OF THE BLANTON ADDITION AS RECORDED IN FILE NO. D219239213 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF THAT CALLED 2.30 ACRES OF LAND DESCRIBED IN A DEED TO RENE LUNA AND SANDY LUNA AS RECORDED IN FILE NO. D216277777 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF LOTS 1 AND 2 OF THE WRIGHT-MOORE ADDITION AS RECORDED IN FILE NO. D220136051 OF THE PLAT RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF 3.078 ACRES AND THAT CALLED 3.929 ACRES OF LAND DESCRIBED IN A DEED TO WILLIE S. WRIGHT AND WIFE, EDNA LEE WRIGHT AS RECORDED IN VOLUME 6610, PAGE 664 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF THAT CALLED 3.502 ACRES OF LAND DESCRIBED IN A DEED TO LARRY E. SMITHERMAN, JR. AS RECORDED IN FILE NO. D206008331 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF THAT CALLED 6.66 ACRES OF LAND DESCRIBED IN A DEED TO STREAMLINE LEASING, INC AS RECORDED IN FILE NO. D218267961 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE NORTH LINE OF THAT CALLED 2.34 ACRES OF LAND DESCRIBED IN A DEED TO STREAMLINE LEASING, INC. AS RECORDED IN FILE NO. D217136197 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS AND THE NORTH LINE OF THAT CALLED 2.276 ACRES OF LAND DESCRIBED IN A DEED TO RICHARD WAYNE BROWN AND WIFE, ALISA GAIL BROWN AS RECORDED IN FILE NO. D206366701 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" AT AN ELL CORNER OF SAID 253.4 ACRES AND AT THE NORTHWEST CORNER OF SAID 2.276 ACRES, FROM WHICH A 1/2 INCH STEEL ROD FOUND BEARS NORTH 89 DEGREES 06 MINUTES 24 SECONDS EAST, 155.57 FEET FOR WITNESS;

THENCE SOUTH 00 DEGREES 20 MINUTES 28 SECONDS EAST, 1,237.57 FEET ALONG A EAST LINE OF SAID 253.4 ACRES, THE WEST LINE OF SAID 2.276 ACRES AND THE WEST LINE OF THAT CALLED 4.683 ACRES OF LAND DESCRIBED IN A DEED TO PATRICIA MARIE BAINES AS RECORDED IN VOLUME 15665, PAGE 438 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS TO A 1/2 INCH STEEL ROD FOUND AT A SOUTH CORNER OF SAID 253.4 ACRES AND AT THE NORTHEAST CORNER OF THAT CALLED 13.232 ACRES OF LAND DESCRIBED IN A DEED TO TEXAS ELECTRIC SERVICE COMPANY AS RECORDED IN VOLUME 4688, PAGE 261 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE NORTH 41 DEGREES 50 MINUTES 59 SECONDS WEST, 3,764.06 FEET ALONG A SOUTHWEST LINE OF SAID 253.4 ACRES AND THE NORTHEAST LINE OF SAID 13.232 ACRES TO A 1/2 INCH STEEL ROD SET CAPPED "BY-LINE SURVEYING" AT A NORTHWEST CORNER OF SAID 253.4 ACRES AND IN THE SOUTH LINE OF JESSICA LANE;

THENCE NORTH 88 DEGREES 33 MINUTES 15 SECONDS EAST, 634.59 FEET ALONG A NORTH LINE OF SAID 253.4 ACRES AND THE SOUTH LINE OF JESSICA LANE TO A 1/2 INCH STEEL ROD FOUND AT AN ANGLE POINT OF SAID 253.4 ACRES AND AT THE SOUTHWEST CORNER OF THAT CALLED 4.0 ACRES OF LAND DESCRIBED IN A DEED TO R. H. FINCHER AND WIFE, AUDREY FINCHER AS RECORDED IN VOLUME 6930, PAGE 982 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS;

THENCE NORTH 88 DEGREES 46 MINUTES 46 SECONDS EAST, 417.28 FEET ALONG A NORTH LINE OF SAID 253.4 ACRES AND THE SOUTH LINE OF SAID 4.0 ACRES TO A 1/2 INCH STEEL ROD FOUND AT AN ELL CORNER OF SAID 253.4 ACRES AND AT THE SOUTHEAST CORNER OF SAID 4.0 ACRES;

THENCE NORTH 00 DEGREES 00 MINUTES 38 SECONDS WEST, 417.23 FEET ALONG A WEST LINE OF SAID 253.4 ACRES AND THE EAST LINE OF SAID 4.0 ACRES TO A 1/2 INCH STEEL ROD FOUND AT AN ELL CORNER OF SAID 253.4 ACRES AND AT THE NORTHEAST CORNER OF SAID 4.0 ACRES;

THENCE SOUTH 88 DEGREES 47 MINUTES 56 SECONDS WEST, 417.75 FEET ALONG A SOUTH LINE OF SAID 253.4 ACRES AND THE NORTH LINE OF SAID 4.0 ACRES TO A 1/2 INCH STEEL ROD FOUND AT A SOUTHWEST CORNER OF SAID 253.4 ACRES, AT THE NORTHWEST CORNER OF SAID 4.0 ACRES AND IN THE EAST LINE OF THAT CALLED 1.011 ACRES OF LAND DESCRIBED IN A DEED TO ROXANNA WATSON AS RECORDED IN VOLUME 5390, PAGE 348 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS, FROM WHICH A 1/2 INCH STEEL ROD FOUND BEARS SOUTH 00 DEGREES 04 MINUTES 29 SECONDS EAST, 417.36 FEET FOR WITNESS;

THENCE NORTH 00 DEGREES 04 MINUTES 29 SECONDS WEST, 1,094.19 FEET ALONG A WEST LINE OF SAID 253.4 ACRES, THE EAST LINE OF SAID 1.011 ACRES, THE EAST LINE OF THAT CALLED 1.003 ACRES OF LAND DESCRIBED IN A DEED TO STEPHEN CALHOUN AS RECORDED IN FILE NO. D222181416 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE EAST LINE OF THAT CALLED 0.70 ACRES OF LAND DESCRIBED AS TRACT ONE AND THAT CALLED 1.31 ACRES OF LAND DESCRIBED AS TRACT TWO IN A DEED TO ROGER STITES AND WIFE, ROSEMARY STITES AS RECORDED IN FILE NO. D213014048 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE EAST LINE OF THAT CALLED 1.02 ACRES OF LAND DESCRIBED IN A DEED TO PAMELA K. WILSON AS RECORDED IN FILE NO. D222242637 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS, THE EAST LINE OF THAT CALLED 0.4114 ACRES OF LAND DESCRIBED IN A DEED TO JAMES R. PASKEY AS RECORDED IN VOLUME 14715, PAGE 417 OF THE DEED RECORDS OF TARRANT COUNTY, TEXAS, THE EAST LINE OF THAT CALLED 0.53 ACRES OF LAND DESCRIBED IN A DEED TO MARTIN PRECIADO AND LAURENTINA AYALA VELAZQUEZ AS RECORDED IN FILE NO. D217079549 OF THE OFFICIAL PUBLIC RECORDS OF TARRANT COUNTY, TEXAS AND THE EAST LINE OF SAID WYNN TRACT TO THE POINT OF BEGINNING, CONTAINING 253.48 ACRES OF LAND.

SECTION 3.  (a)  The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b)  The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c)  The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d)  All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4.  (a)  If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 8092, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 8092.0307 to read as follows:

Sec. 8092.0307.  NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(b)  This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

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    President of the Senate Speaker of the House

I certify that H.B. No. 5310 was passed by the House on May 9, 2023, by the following vote:  Yeas 108, Nays 34, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 5310 was passed by the Senate on May 19, 2023, by the following vote:  Yeas 26, Nays 4, 1 present, not voting.

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Secretary of the Senate

APPROVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

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                  Governor