By:  Wilson (Senate Sponsor - Schwertner) H.B. No. 5382

(In the Senate - Received from the House May 10, 2023; May 10, 2023, read first time and referred to Committee on Local Government; May 19, 2023, reported favorably by the following vote: Yeas 9, Nays 0; May 19, 2023, sent to printer.)

COMMITTEE VOTE

                 Yea Nay Absent  PNV

Bettencourt       X

Springer          X

Eckhardt          X

Gutierrez         X

Hall              X

Nichols           X

Parker            X

Paxton            X

West              X

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Jarrell Estates Municipal Utility District No. 1; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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

SECTION 1.  Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7962 to read as follows:

CHAPTER 7962. JARRELL ESTATES MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7962.0101.  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 Jarrell Estates Municipal Utility District No. 1.

Sec. 7962.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7962.0103.  CONFIRMATION AND DIRECTORS' 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. 7962.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7962.0103 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. 7962.0105.  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. 7962.0106.  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. 7962.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 7962.0202, directors serve staggered four-year terms.

Sec. 7962.0202.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  Jake Newman;

(2)  Davis Craig;

(3)  Brad Harwick;

(4)  LouAnn Covington; and

(5)  Stephen Fowler.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 7962.0103; 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 7962.0103 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 7962.0103; 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. 7962.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7962.0302.  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. 7962.0303.  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. 7962.0304.  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. 7962.0305.  COMPLIANCE WITH MUNICIPAL REGULATIONS. Any water, sanitary sewer, road, drainage, or other infrastructure or public facilities constructed, acquired, improved, maintained, or operated by the district shall comply with any subdivision or other applicable regulations of any municipality in whose corporate limits or extraterritorial jurisdiction the infrastructure or public facilities are located unless other regulations are specified in a development agreement between the district and the municipality.

Sec. 7962.0306.  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. 7962.0307.  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 7962.0103 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 7962.0103. 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 7962.0104 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.

(l)  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.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7962.0401.  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 7962.0403.

(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. 7962.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7962.0401, 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.

(c)  Section 49.107(f), Water Code, does not apply to reimbursements for projects constructed or acquired under Section 7962.0303.

Sec. 7962.0403.  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. 7962.0501.  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. 7962.0502.  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. 7962.0503.  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 Jarrell Estates Municipal Utility District No. 1 initially includes all the territory contained in the following area:

(a)  BEGINNING: At a 2" pipe post found in the North line of County Road 232 for the lower Southeast corner of a 649.53 Acre Tract (Document #2004074055, Official Public Records, described in Volume 2520, Page 200 and Volume 2598, Page 457, Official Public Records) and an exterior corner of said 3072.64 Acre Tract and of this tract from which a 2" pipe post found in the South line of said county road for the Northwest corner of a 48.65 Acre Tract (surveyed March 10, 2022) bears S 00° 18' 48" W 56.15 feet;

THENCE: Along a fence with the lower East line of said 649.53 Acre Tract and a West line of said 3072.64 Acre Tract and of this tract as follows:

N 04° 31' 43" W 735.20 feet to a 3" pipe post found for an angle point;

N 10° 51' 27" W 14.01 feet to a 3" pipe post found for an interior corner of said 649.53 Acre Tract and an exterior corner of said 3072.64 Acre Tract and of this tract;

THENCE: Along a fence with the upper South line of said 649.53 Acre Tract and a North line of said 3072.64 Acre Tract and of this tract as follows:

N 65° 24' 32" E 680.46 feet to a 2" pipe post found for an angle point;

N 65° 28' 50" E 651.69 feet to a 2" pipe post found for an angle point;

N 68° 01' 01" E 2635.82 feet to a 100D nail set for the Southeast corner of said 649.53 Acre Tract and an interior corner of said 3072.64 Acre Tract and of this tract;

THENCE: Along a fence with the East line of Abstract No. 358, Survey No. 1, and said 649.53 Acre Tract, the lower East line of a 1209.24 Acre Tract (Document #2014012037, Official Public Records), the West line of Survey No. 21, and the upper West line of said 3072.64 Acre Tract and of this tract as follows:

N 21° 16' 42" W 2553.70 feet to a 2" pipe post found for an angle point;

N 21° 14' 51" W 877.13 feet to a steel post found for an angle point;

N 20° 54' 03" W 2216.78 feet to a 3" pipe post found for the Northeast corner of said 649.53 Acre Tract and an angle point of this tract;

S 69° 04' 53" W 13.57 feet with the North line of said 649.53 Acre Tract to a 3" pipe post found for the Southeast corner of said 1209.24 Acre Tract and an angle point of this tract;

N 20° 05' 30" W 1230.33 feet to a 2" pipe post found for an interior corner of said 1209.24 Acre Tract and the upper Northwest corner of said 3072.64 Acre Tract and of this tract;

THENCE: Along a fence with the upper South line of said 1209.24 Acre Tract, the South line of a 5611 Acre Tract (Volume 365, Page 115, Deed Records) and the North line of said 3072.64 Acre Tract and of this tract as follows:

N 68° 20' 52" E 277.73 feet to a 1/2" iron pin found by 10" cedar post for the upper Southeast corner of said 1209.24 Acre Tract, the upper Southwest corner of said 5611 Acre Tract, and an angle point of this tract;

N 68° 26' 45" E 5079.62 feet to a 2" pipe post found for an angle point;

S 86° 22' 04" E 411.00 feet to a 1/2" iron pin found by 6" cedar post for an interior corner of said 5611 Acre Tract and the upper Northeast corner of this tract;

S 20° 51' 48" E 2076.49 feet to a 5/8" iron pin found by 3" pipe post for an exterior corner of said 5611 Acre Tract and an interior corner of this tract;

N 69° 23' 59" E 1379.50 feet to a 3" pipe post found for an interior corner of said 5611 Acre Tract and an exterior corner of this tract;

S 21° 50' 49" E 1736.87 feet to a 3" pipe post found for an angle point;

S 20° 41' 55" E 1761.43 feet to a 3" pipe post found for the lower Southwest corner of said 5611 Acre Tract, an interior corner of said 3072.64 Acre Tract, an exterior corner of a 1205.00 Acre Tract (this day surveyed), and an angle point of this tract;

S 21° 05' 42" E 540.16 feet into said 3072.64 Acre Tract to a 5/8" iron pin set for an interior corner of said 1205.00 Acre Tract and the upper Southeast corner of this tract;

THENCE: S 68° 43' 40" W 5320.62 feet to a 5/8" iron pin set for the Northwest corner of said 1205.00 Acre Tract and an interior corner of this tract;

THENCE: S 21° 02' 32" E 5182.49 feet, at 2584.32 feet pass a 5/8" iron pin set for an angle point of said 1205.00 Acre Tract and the upper Northwest corner of a 514.30 Acre Tract (this day surveyed), continuing to a 5/8" iron pin set for an interior corner of said 514.30 Acre Tract and an exterior corner of this tract;

THENCE: S 68° 57' 28" W 1870.94 feet to a 5/8" iron pin set for the lower Northwest corner of said 514.30 Acre Tract and the lower Southwest corner of this tract;

THENCE: N 20° 44' 59" W 1603.97 feet along a fence with the East line of Survey No. 13 and a 195.5 Acre Tract (Volume 2458, Page 859, Deed Records) and the West line of Survey No. 21 to a 1/2" iron pin found by 10" cedar post for the Northeast corner of Survey No. 13 and said 195.5 Acre Tract, the Southeast corner of Abstract No. 358, and an interior corner of said 3072.64 Acre Tract and of this tract;

THENCE: S 68° 20' 05" W 3102.03 feet along a fence with the North line of Survey No. 13 and the South line of Abstract No. 358 to a 6" cedar post found for an exterior corner of said 3072.64 Acre Tract and of this tract;

THENCE: Along a fence with the East line of said county road and a West line of said 3072.64 Acre Tract and of this tract passing 2" pipe posts found as follows:

N 32° 07' 47" W 379.77 feet to an angle point;

N 33° 01' 44" W 321.50 feet to an angle point;

N 50° 45' 25" W 315.12 feet to an angle point;

N 41° 41' 33" W 368.36 feet to an angle point;

N 17° 54' 39" W 267.13 feet to an angle point;

N 22° 26' 20" W 168.35 feet to an angle point;

N 46° 44' 55" W 100.13 feet to an angle point;

N 71° 41' 21" W 102.15 feet to an angle point;

N 81° 36' 11" W 539.79 feet to the POINT OF BEGINNING.

(b)  BEGINNING: At a 5/8" iron pin set under fence in the West line of a 673.33 Acre Tract (Document #2021159264, Official Public Records) and the lower East line of said 3072.64 Acre Tract for the lower Southeast corner of a 1205.00 Acre Tract (this day surveyed) and the lower Northeast corner of this tract from which a 1/2" iron pin found for an angle point of said 1205.00 Acre Tract bears N 20° 43' 12med" W 159.01 feet;

THENCE: Along a fence with the West line of said 673.33 Acre Tract and the lower East line of said 3072.64 Acre Tract and of this tract as follows:

S 20° 43' 10" E 519.72 feet to a 1/2" iron pin found for an angle point;

S 12° 01' 50" E 291.83 feet to a 5/8" iron pin found for an interior corner of said 673.33 Acre Tract, an exterior corner of said 3072.64 Acre Tract, and the upper Southeast corner of this tract;

THENCE: Along a fence with the North line of Survey No. 20, the lower North line of said 673.33 Acre Tract, and the North line of a 30-foot Nature Trail of Spear's Ranch on Salado Creek Section One (Cabinet T, Slides 209 thru 223, Plat Records), and the South line of Survey No. 21, and a South line of this tract as follows:

S 69° 56' 54" W 252.66 feet to a 1/2" iron pin found by 3" pipe post for the lower Northwest corner of said 673.33 Acre Tract, the Northeast corner of said nature trail, and an angle point of this tract;

S 69° 04' 11" W 416.61 feet to an angle point;

S 69° 08' 40" W 1831.06 feet to an angle point;

S 68° 48' 01" W 760.40 feet to an angle point;

S 67° 55' 49" W 1390.64 feet to an angle point;

S 69° 24' 50" W 1554.14 feet to a 2" pipe post found for the Northwest corner of said nature trail, the Northeast corner of said 67.66 Acre Tract, and an interior corner of this tract;

THENCE: Along a fence with the West line of said nature trail, the East line of said 67.66 Acre Tract, and the lower East line of this tract as follows:

S 02° 25' 02" E 30.04 feet to a 1/2" iron pin found by 26" Live Oak tree for an angle point;

S 26° 21' 04" E 218.30 feet to a 3/8" iron pin found for an angle point;

S 26° 19' 50" E 456.50 feet to a 3/8" iron pin found by 16" Live Oak tree for an angle point;

S 25° 01' 14" E 305.56 feet to an 18" Oak tree found for an angle point;

S 21° 39' 46" E 165.35 feet to a 3/8" iron pin found for an angle point;

S 16° 12' 10" E 339.66 feet to an 18" Cedar tree found for an angle point;

S 14° 12' 03" E 533.49 feet to a 1/2" iron pin found by 18" Oak tree for an angle point;

S 19° 05' 16" E 202.66 feet to a 3/8" iron pin found by 12" Live Oak for an angle point;

S 14° 09' 26" E 650.74 feet to a 3/8" iron pin found by 4" cedar post for an angle point;

S 15° 16' 20" E 383.91 feet to a 10" cedar post found for the Northeast corner of the remainder of a 2161.001 Acre Tract (Document #2000028918, Official Public Records), the Southeast corner of said 67.66 Acre Tract, and the lower Southeast corner of this tract;

THENCE: S 71° 03' 19" W 770.90 feet along a fence to a 1/2" iron pin found by 10" creosote post for the Northwest corner of the remainder of said 2161.001 Acre Tract, the Southwest corner of said 67.66 Acre Tract, and the lower Southwest corner of this tract;

THENCE: N 21° 37' 35" W 1396.02 feet along a fence with the East line of Survey No. 13 and a 106.95 Acre Tract (Volume 2255, Page 742, Official Public Records) and the West line of Survey No. 20 to a 1/2" iron pin found by 8" creosote post for the Northeast corner of said 106.95 Acre Tract, an angle point of said 67.66 Acre Tract, an exterior corner of said 3072.64 Acre Tract, and an interior corner of this tract;

THENCE: Along a fence with the North line of said 106.95 Acre Tract and a South line of said 3072.64 Acre Tract and of this tract as follows:

S 68° 18' 48" W 1267.81 feet to a 1/2" iron pin found for an angle point;

S 76° 37' 01" W 136.62 feet to a 40D nail found by Elm for an angle point;

S 83° 29' 14" W 102.48 feet to a 40D nail found by Elm for an angle point;

N 61° 35' 19" W 10.73 feet to a 6" cedar post found for an angle point;

N 87° 05' 38" W 119.71 feet to a 1/2" iron pin found by 2" pipe post for an angle point;

S 06° 13' 12" E 175.36 feet to a 1/2" iron pin found by 2" pipe post for an angle point;

S 56° 36' 48" W 75.04 feet to a 1/2" iron pin found for an angle point;

S 44° 41' 09" W 113.47 feet to a 2" pipe post found for an angle point;

S 42° 07' 36" W 152.96 feet to a 5/8" iron pin set for the Northwest corner of said 106.95 Acre Tract and an exterior corner of said 3072.64 Acre Tract and of this tract;

THENCE: Along a fence with the East line of County Road 232 and a West line of said 3072.64 Acre Tract and of this tract as follows:

N 19° 17' 35" E 134.40 feet to an angle point;

N 24° 00' 25" W 138.58 feet to an angle point;

N 38° 19' 18" W 658.87 feet to a 1/2" iron pin found by 2" pipe post for an angle point;

N 39° 31' 29" W 250.06 feet, at 51.76 feet pass the South terminus of a 50-foot Road Easement (this day surveyed), continuing to an angle point;

N 44° 04' 25" W 261.31 feet to an angle point;

N 44° 10' 37" W 593.32 feet to a 2" pipe post found for an angle point;

N 14° 32' 04" W 211.93 feet to an angle point;

N 04° 30' 47" W 470.65 feet to a 1/2" iron pin found in the South line of a 195.5 Acre Tract (Volume 2458, Page 859, Deed Records) and an exterior corner of said 3072.64 Acre Tract and of this tract;

THENCE: N 68° 15' 37" E 2341.32 feet along a fence to a 10" cedar post found for the Southeast corner of said 195.5 Acre Tract and an interior corner of said 3072.64 Acre Tract and of this tract;

THENCE: N 20° 44' 59" W 702.86 feet along a fence with the East line of Survey No. 13 and said 195.5 Acre Tract and the West line of Survey No. 21 and said 3072.64 Acre Tract to a 5/8" iron pin set for an exterior corner of a 1419.57 Acre Tract (this day surveyed) and the lower Northwest corner of this tract;

THENCE: Crossing said 3072.64 Acre Tract with the North line of this tract as follows:

N 68° 57' 28" E 1870.94 feet to a 5/8" iron pin set for the lower Southeast corner of said 1419.57 Acre Tract and an interior corner of this tract;

N 21° 02' 32" W 2598.17 feet with the lower East line of said 1419.57 Acre Tract to a 5/8" iron pin set for an angle point of said 1205.00 Acre Tract and the upper Northwest corner of this tract;

Continuing with the North line of this tract and the South line of said 1205.00 Acre Tract as follows:

S 64° 48' 25" E 1376.79 feet, at 618.20 feet pass the North terminus of said road easement, continuing to a 5/8" iron pin set for an angle point;

N 72° 00' 34" E 2659.37 feet to a 5/8" iron pin set for an interior corner of said 1205.00 Acre Tract and the upper Northeast corner of this tract;

S 20° 22' 11" E 1911.75 feet to a 5/8" iron pin set for the Southwest corner of said 1205.00 Acre Tract and an interior corner of this tract;

N 67° 49' 03" E 1727.05 feet to the POINT OF BEGINNING.

(c)  BEGINNING: At a 1/2" iron pin found in the West line of County Road 232 and the South line of a 195.5 Acre Tract (Volume 2458, Page 859, Deed Records) for the Northeast corner of this tract from which a 1/2" iron pin found in the East line of said county road for an exterior corner of a 514.30 Acre Tract (this day surveyed) bears N 68° 50' 18" E 54.24 feet;

THENCE: With the West line of said road and the East line of this tract passing 1/2" iron pins found as follows:

S 04° 49' 16" E 455.90 feet to an angle point;

S 14° 52' 48" E 238.88 feet to an angle point;

S 44° 15' 55" E 602.34 feet to an angle point;

S 44° 13' 37" E 256.82 feet to an angle point;

S 39° 27' 01" E 248.02 feet to an angle point;

S 38° 18' 33" E 658.46 feet to an angle point;

S 24° 31' 17" E 109.18 feet to a 1/2" iron pin found for the Southeast corner of this tract;

THENCE: With the North line of said county road and the South line of this tract as follows:

S 18° 59' 07" W 95.53 feet to a 5/8" iron pin set for an angle point;

S 44° 19' 36" W 271.53 feet to a 5/8" iron pin set for an angle point;

S 43° 01' 41" W 369.83 feet to a 1/2" iron pin found for an angle point;

S 42° 33' 02" W 219.62 feet to a 1/2" iron pin found for an angle point;

S 04° 07' 18" W 76.42 feet to a 5/8" iron pin set for an angle point;

S 37° 56' 47" W 139.57 feet, at 79.09 feet pass a found 2" pipe post, continuing to the Southwest corner of this tract;

THENCE: Along the center of North Salado Creek with the East line of a 12.00 Acre Tract (Document #2020075231, Official Public Records) and a 124.74 Acre Tract (Document #2016095553, Official Public Records) and the West line of this tract as follows:

N 41° 03' 59" W 131.42 feet to an angle point;

N 11° 53' 19" W 40.63 feet to an angle point;

N 76° 36' 27" W 45.17 feet to an angle point;

N 30° 48' 05" W 126.68 feet to an angle point;

N 78° 57' 33" W 87.41 feet to an angle point;

N 12° 44' 59" E 79.02 feet to an angle point;

N 11° 00' 13" W 73.47 feet to an angle point;

S 88° 36' 10" W 82.16 feet to an angle point;

N 66° 02' 15" W 98.65 feet to an angle point;

N 06° 27' 32" W 106.86 feet to an angle point;

N 30° 17' 17" E 145.33 feet to an angle point;

N 03° 28' 06" W 75.42 feet to an angle point;

N 37° 44' 59" W 146.89 feet to an angle point;

N 63° 26' 06" W 145.44 feet to an angle point;

N 38° 31' 49" W 136.06 feet to an angle point;

N 12° 39' 09" W 86.38 feet to an angle point;

N 04° 05' 08" W 70.68 feet to an angle point;

S 86° 18' 31" W 52.15 feet to an angle point;

N 76° 52' 51" W 106.01 feet to an angle point;

N 12° 38' 00" W 83.15 feet to an angle point;

N 23° 29' 55" W 105.25 feet to an angle point;

N 10° 37' 11" E 136.64 feet to an angle point;

N 04° 47' 52" W 86.56 feet to an angle point;

N 34° 45' 21" W 139.44 feet to an angle point;

N 06° 54' 40" W 77.72 feet to an angle point;

N 17° 40' 47" E 51.12 feet to an angle point;

N 52° 40' 44" E 193.31 feet to an angle point;

N 18° 45' 31" E 85.20 feet to an angle point;

N 23° 41' 26" W 105.23 feet to an angle point;

N 86° 35' 59" W 152.93 feet to an angle point;

N 60° 31' 27" W 77.06 feet to an angle point;

N 30° 15' 23" W 81.04 feet to an angle point;

N 67° 37' 12" W 107.25 feet to an angle point;

S 79° 56' 22" W 183.67 feet to an angle point;

N 73° 48' 39" W 94.15 feet to an angle point;

S 88° 10' 54" W 91.93 feet to an angle point;

N 53° 44' 46" W 180.85 feet to an angle point;

N 74° 50' 45" W 120.88 feet to an angle point;

N 39° 12' 26" W 60.40 feet to the Southwest corner of said 195.5 Acre Tract and the Northwest corner of this tract;

THENCE: N 68° 20' 39" E 1386.29 feet with the South line of said 195.5 Acre Tract, at 19.37 feet pass a found 12" Pecan stump, continuing along a fence to the POINT OF BEGINNING.

(d)  BEGINNING: At a 2" pipe post found in the South line of County Road 232 and the lower East line of a 649.53 Acre Tract (Document # #2004074055, Official Public Records, described in Volume 2520, Page 200 and Volume 2598, Page 457, Official Public Records) for the Northwest corner of this tract from which a 2" pipe post found in the North line of said county road for the upper Southwest corner of a 1419.57 Acre Tract (this day surveyed) bears N 00° 18' 48" E 56.15 feet;

THENCE: Along a fence with the South and West line of said county road and the North and East line of this tract as follows:

S 83° 15' 32" E 491.41 feet to a 6" cedar post found for an angle point;

S 71° 41' 57" E 76.53 feet to a 6" cedar post found for an angle point;

S 48° 56' 34" E 139.44 feet to a 6" cedar post found for an angle point;

S 19° 57' 48" E 414.71 feet to a 5" cedar post found for an angle point;

S 41° 43' 21" E 317.47 feet to a 5" cedar post found for an angle point;

S 49° 16' 01" E 370.58 feet to a 6" cedar post found for an angle point;

S 32° 42' 02" E 683.73 feet to a 2" pipe post found for the Southeast corner of this tract;

THENCE: S 68° 22' 29" W 1256.52 feet along a fence with the North line of Survey No. 13 and a 195.5 Acre Tract (Volume 2458, Page 859, Deed Records) and the South line of Abstract No. 358, at 1209.80 feet pass a 1/2" iron pin found by 14" Elm, continuing without fence to the Northwest corner of said 195.5 Acre Tract and the lower Southwest corner of this tract;

THENCE: Along the center of North Salado Creek with the North line of a 61.80 Acre Tract (Document #2010063430, Official Public Records) and the South line of this tract as follows:

N 02° 31' 01" W 103.87 feet to an angle point;

N 52° 32' 58" W 74.50 feet to an angle point;

N 84° 29' 40" W 104.92 feet to an angle point;

S 85° 34' 16" W 152.08 feet to an angle point;

N 80° 01' 20" W 218.89 feet to the lower Southeast corner of said 649.53 Acre Tract and the Southwest corner of this tract;

THENCE: With the lower East line of said 649.53 Acre Tract and the West line of this tract as follows:

N 04° 31' 03" E 649.14 feet, at 72.82 feet pass a found 2" pipe post, continuing along a fence to a 12" cedar post found for an angle point;

N 02° 28' 22" E 641.86 feet along a fence to a 2" pipe post found for an angle point;

N 04° 10' 33" W 608.21 feet along a fence to the POINT OF BEGINNING.

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 7962, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7962.0308 to read as follows:

Sec. 7962.0308.  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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