S.B. No. 2577

AN ACT

relating to the creation of the Atascosa 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 7957A to read as follows:

CHAPTER 7957A. ATASCOSA COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7957A.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 Atascosa County Municipal Utility District No. 2.

Sec. 7957A.0102.  NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7957A.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. 7957A.0104.  CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7957A.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. 7957A.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. 7957A.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. 7957A.0201.  GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b)  Except as provided by Section 7957A.0202, directors serve staggered four-year terms.

Sec. 7957A.0202.  TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1)  Bruce Bartlett;

(2)  G. Bailey Woods, Jr.;

(3)  Sloan Thomas;

(4)  Andrew B. Price; and

(5)  Foard Houston.

(b)  Temporary directors serve until the earlier of:

(1)  the date permanent directors are elected under Section 7957A.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 7957A.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 7957A.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. 7957A.0301.  GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 7957A.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. 7957A.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. 7957A.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. 7957A.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. 7957A.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)  A 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 7957A.0103 to confirm the district's creation.

(f)  An order dividing the district must:

(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 7957A.0103.

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

(j)  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.

(k)  Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 7957A.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.

Sec. 7957A.0307.  STRATEGIC PARTNERSHIP AGREEMENT. The district may negotiate and enter into a written strategic partnership agreement with a municipality under Section 43.0751, Local Government Code.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7957A.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 7957A.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. 7957A.0402.  OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7957A.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. 7957A.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. 7957A.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. 7957A.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. 7957A.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 Atascosa County Municipal Utility District No. 2 initially includes all the territory contained in the following area:

Being a boundary survey of 0.616 acre, more or less, of land lying in Atascosa County, Texas, being out of and a part of E.S. Harper Survey 1202, Abstract No. 366, Atascosa County, Texas. Said 0.616 acre being bounded on the northwest by the fenced southeasterly margin of F.M. 1470 (Leming Drive); on the northeast by 11.25 acres, James P. Shone, et ux., Book 857, Page 700 of the Atascosa County Deed Records; and on the southeast by 4.52 acres simultaneously surveyed this same day. Said 0.616 acre being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2" diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at a found broken TxDOT Type I right-of-way monument at the intersection of F.M. 1470 and an unnamed county road, marking a deflection point of the herein described tract;

THENCE: N 26° 16' 04" E, with the southwesterly margin of F.M. 1470 and the herein described tract for a distance of 25.94 feet to a 3" diameter pipe 3-way fence corner post at a point on the ostensible common survey line of said Survey 1202 and I. Wautz Survey 1176, Abstract No. 895, marking a deflection point of said 11.25 acres, and marking the north corner of the herein described tract, from which a found TxDOT Type I right-of-way monument bears N 15° 48' 34" E at a distance of 24.43 feet;

THENCE: S 35° 21' 31" E, generally with the fence, with the ostensible common survey line of said Survey 1202 and said Survey 1176, and with the common boundary line of said 11.25 acres and the herein described tract for a distance of 1154.04 feet to a 3" diameter pipe fence angle post marking a deflection point of said 11.25 acres, marking the west corner of said 4.52 acres, and marking a deflection point of the herein described tract;

THENCE: S 56° 44' 15" E, with the common boundary line of said 4.52 acres and the herein described tract for a distance of 50.89 feet to an unmarked corner marking a deflection point of said 4.52 acres, and marking the east corner of the herein described tract;

THENCE: With the southwesterly margin of said unnamed county road and the herein described tract for the following two (2) calls:

1.)  N 79° 52' 38" W, for a distance of 59.02 feet to an unmarked corner marking a deflection point of the herein described tract;

2.)  N 35° 21' 31" W, for a distance of 1147.02 feet to the Place of Beginning and containing 0.616 acre, more or less, of land within the herein described boundary according to an actual on the ground survey made by Smyth Surveyors, Inc. and completed on November 30, 2022.

Being a boundary survey of 101.73 acres, more or less, of land lying in Atascosa County, Texas, being out of and a part of N. Mcada Survey 1198, Abstract No. 566, and also being out of and a part of that same certain tract called Tract II (328.52 acres) as described in conveyance document to The J W Gorman Family Partnership, Ltd., recorded in Document Number 137428 of the Atascosa County Official Public Records, Atascosa County, Texas. Said 101.73 acres being bounded on the southeast by the fenced northwesterly margin of Red Barn Road; on the northeast and northwest by 404.48 acres simultaneously surveyed this same day; and on the southwest by a 40' unnamed county road (unimproved). Said 101.73 acres being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2" diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at an unmarked corner at a point on the fenced northwesterly margin of Red Barn Road, at a point on a southeasterly line of said Tract II, marking an exterior corner of said 404.48 acres, and marking the east corner of the herein described tract, from which a 4.5" diameter pipe fence angle post marking a deflection point of said 404.48 acres bears N 18° 36' 23" E at a distance of 1644.49 feet;

THENCE: Crossing into and across Tract II, and generally with the fence for the following thirteen (13) calls:

1.)  N 72° 35' 23" W, for a distance of 464.92 feet to a leaning 7" diameter cedar fence angle post marking a deflection point of the herein described tract;

2.)  N 24° 16' 53" W, for a distance of 222.53 feet to a 4.5" diameter pipe 2-way fence corner post marking an interior corner of the herein described tract;

3.)  S 66° 54' 13" W, for a distance of 904.65 feet to a 3" diameter pipe 2-way fence corner post marking a deflection point of the herein described tract;

4.)  N 67° 10' 57" W, for a distance of 20.12 feet to a 3" diameter pipe 3-way fence corner post marking a deflection point of the herein described tract;

5.)  S 24° 00' 54" W, for a distance of 183.78 feet to a t- post fence angle post marking a deflection point of the herein described tract;

6.)  S 24° 12' 38" W, for a distance of 641.60 feet to a 3" diameter pipe fence angle post marking a deflection point of the herein described tract;

7.)  S 54° 15' 53" W, for a distance of 625.15 feet to a 3" diameter pipe 2-way fence corner post marking a deflection point of the herein described tract;

8.)  S 02° 26' 22" E, for a distance of 20.35 feet to a 3" diameter pipe fence angle post marking a deflection point of the herein described tract;

9.)  S 18° 20' 46" W, for a distance of 1138.27 feet to a 4.5" diameter pipe 2-way fence corner post at a point on the ostensible common survey line of said Survey 1198 and said Survey 1199, at a point in the northeasterly margin of an unnamed county road, and marking an interior corner of the herein described tract;

10.)  S 70° 45' 38" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 563.24 feet to a 5" diameter cedar fence angle post marking a deflection point of the herein described tract;

11.)  S 70° 57' 07" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 593.07 feet to a t-post fence angle post marking a deflection point of the herein described tract;

12.)  S 70° 48' 28" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 498.03 feet to a 2.5" diameter pipe fence angle post marking a deflection point of the herein described tract;

13.)  S 71° 01' 04" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 62.86 feet to a 4.5" diameter pipe fence angle post at the intersection of Red Barn Road and an unnamed county road, and marking a deflection point of the herein described tract;

THENCE: Generally with the fenced margin of Red Barn Road and the herein described tract for the following two (2) calls:

1.)  N 64° 53' 53" E, for a distance of 36.73 feet to a 4.5" diameter pipe fence angle post marking a deflection point of the herein described tract;

2.)  N 18° 36' 23" E, for a distance of 2924.62 feet to the Place of Beginning and containing 101.73 acres, more or less, of land within the herein described boundary, according to an actual on the ground survey made by Smyth Surveyors, Inc. and completed on October 19, 2022.

Being a boundary survey of 404.48 acres, more or less, of land lying in Atascosa County, Texas, being out of and parts of N. Mcada Survey 1198, Abstract No. 566, I. Wautz Survey 1175, Abstract No. 896, M. Moritz Survey 1292, Abstract No. 586, G. Hectorne Survey 1199, Abstract No. 370, and W. Morrow Survey 1200, Abstract No. 589, being out of and a part of John T. Horton Ranch, recorded in Slide 25-A of the Atascosa County New Plat Cabinet, and also being comprised of a composite of those same certain tracts called Tract II (328.52 acres), Tract IV (remainder of 184.3 acres), and Tract V (101.87 acres) as described in conveyance document to The J W Gorman Family Partnership, Ltd., recorded in Document Number 137428 of the Atascosa County Official Public Records, Atascosa County, Texas. Said 404.48 acres being bounded on the northwest by the following: 1.) fenced southeasterly margin of F.M. 1470 (Leming Drive), 2.) 26.73 acres, Maurilio Gonzales, Jr., PID: 16584 of the Atascosa County Appraisal District, 3.) 81.60 acres, James P. Shone, et ux., Book 707, Page 93 of the Atascosa County Deed Records, and 4.) 11.25 acres, James P. Shone, et ux., Book 857, Page 700 of the Atascosa County Deed Records; on the southeast by the fenced northwesterly margin of Red Barn Road; and on the southwest by the following: 1.) 100 acres, Carolyn Daniel, Document Number 143664 of the Atascosa County Official Public Records, and 2.) 311.94 acres simultaneously surveyed this same day. Said 404.48 acres being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2" diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at a found TxDOT Type II right-of-way monument at a point on the southeasterly margin of F.M. 1470, and marking the north corner of the herein described tract;

THENCE: S 46° 38' 59" E, generally with the fence, and with the southeasterly margin of F.M. 1470 and the herein described tract for a distance of 60.45 feet to a found TxDOT Type II right- of-way monument at the intersection of F.M. 1470 and Red Barn Road, and marking an exterior corner of the herein described tract;

THENCE: Generally with the fenced margin of Red Barn Road and the herein described tract for the following four (4) calls:

1.)  S 18° 25' 10" W, passing the ostensible common survey line of said Survey 1175 and said Survey 1292 for a distance of 939.25 feet to a 4.5" diameter pipe fence angle post marking a deflection point of the herein described tract;

2.)  S 19° 27' 20" E, passing the ostensible common survey line of said Survey 1175 and said Survey 1198, continuing on the same course for a distance of 194.92 feet to a 4.5" diameter pipe fence angle post marking a deflection point of the herein described tract;

3.)  S 18° 36' 23" W, for a distance of 1644.49 feet to an unmarked corner marking an exterior corner of the herein described tract;

THENCE: Crossing into and across Tract II, and generally with the fence for the following thirteen (13) calls:

14.)  N 72° 35' 23" W, for a distance of 464.92 feet to a leaning 7" diameter cedar fence angle post marking a deflection point of the herein described tract;

15.)  N 24° 16' 53" W, for a distance of 222.53 feet to a 4.5" diameter pipe 2-way fence corner post marking an interior corner of the herein described tract;

16.)  S 66° 54' 13" W, for a distance of 904.65 feet to a 3" diameter pipe 2-way fence corner post marking a deflection point of the herein described tract;

17.)  N 67° 10' 57" W, for a distance of 20.12 feet to a 3" diameter pipe 3-way fence corner post marking a deflection point of the herein described tract;

18.)  S 24° 00' 54" W, for a distance of 183.78 feet to a t- post fence angle post marking a deflection point of the herein described tract;

19.)  S 24° 12' 38" W, for a distance of 641.60 feet to a 3" diameter pipe fence angle post marking a deflection point of the herein described tract;

20.)  S 54° 15' 53" W, for a distance of 625.15 feet to a 3" diameter pipe 2-way fence corner post marking a deflection point of the herein described tract;

21.)  S 02° 26' 22" E, for a distance of 20.35 feet to a 3" diameter pipe fence angle post marking a deflection point of the herein described tract;

22.)  S 18° 20' 46" W, for a distance of 1138.27 feet to a 4.5" diameter pipe 2-way fence corner post at a point on the ostensible common survey line of said Survey 1198 and said Survey 1199, at a point in the northeasterly margin of an unnamed county road, and marking an interior corner of the herein described tract;

23.)  S 70° 45' 38" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 563.24 feet to a 5" diameter cedar fence angle post marking a deflection point of the herein described tract;

24.)  S 70° 57' 07" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 593.07 feet to a t-post fence angle post marking a deflection point of the herein described tract;

25.)  S 70° 48' 28" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 498.03 feet to a 2.5" diameter pipe fence angle post marking a deflection point of the herein described tract;

26.)  S 71° 01' 04" E, with the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the northeasterly margin of an unnamed county road for a distance of 62.86 feet to a 4.5" diameter pipe fence angle post at the intersection of Red Barn Road and an unnamed county road, and marking a deflection point of the herein described tract;

THENCE: Generally with the fenced margin of Red Barn Road and the herein described tract for the following three (3) calls:

3.)  S 10° 11' 13" W, with the southeasterly margin of said unnamed county road and the herein described tract for a distance of 40.83 feet to a 4.5" diameter pipe fence angle post at the intersection of Red Barn Road and an unnamed county road, and marking a deflection point of the herein described tract;

4.)  S 18° 05' 52" E, for a distance of 63.42 feet to a 4.5" diameter pipe fence angle post marking a deflection point of the herein described tract;

5.)  S 19° 15' 01" W, passing the ostensible common survey line of said Survey 1199 and said Survey 1200, continuing on the same course for a distance of 2557.83 feet to a leaning 9" diameter creosote fence angle post marking the east corner of said 100 acres, and marking the south corner of the herein described tract;

THENCE: Generally with the fence, and with the common boundary lines of said 100 acres and the herein described tract for the following four (4) calls:

1.)  N 70° 50' 51" W, for a distance of 951.03 feet to a 4.5" diameter pipe 3-way fence corner post marking an interior corner of said 100 acres, and marking an exterior corner of the herein described tract;

2.)  N 19° 24' 09" E, for a distance of 331.50 feet to an unmarked corner marking an exterior corner of said 100 acres, and marking an interior corner of the herein described tract;

3.)  N 43° 41' 40" W, at 52.90 feet passing a 3" diameter pipe 3-way fence corner post, continuing on the same course for a total distance of 635.25 feet to a 3" diameter pipe fence angle post marking a deflection point of said 100 acres, and marking a deflection point of the herein described tract;

4.)  N 53° 40' 55" W, for a distance of 154.71 feet to a 3" diameter pipe 2-way fence corner post marking the north corner of said 100 acres, marking the east corner of said 311.94 acres, and marking a deflection point of the herein described tract;

THENCE: N 56° 44' 15" W, crossing into and across said Tract V and said Tract IV, and with the common boundary line of said 311.94 acres, crossing the ostensible common survey line of said Survey 1199 and said Survey 1200, continuing on the same course, crossing the ostensible common survey line of said Survey 1176 and said Survey 1199, continuing on the same course for a distance of 2768.17 feet to a 3" diameter pipe fence angle post marking a deflection point of said 11.25 acres, marking a deflection point of said 311.94 acres, and marking the west corner of the herein described tract;

THENCE: Generally with the fence, and with the common boundary lines of said 11.25 acres and the herein described tract for the following two (2) calls:

1.)  S 79° 52' 38" E, for a distance of 79.02 feet to a 3" diameter pipe fence angle post, marking the south corner of said 11.25 acres, and marking an interior corner of the herein described tract;

2.)  N 53° 53' 08" E, for a distance of 296.62 feet to a found leaning 1/2" diameter rebar marking the common corner of said 11.25 acres and said 81.60 acres, and marking a deflection point of the herein described tract;

THENCE: Generally with the fence, and with the common boundary line of said 81.60 acres and the herein described tract for the following four (4) calls:

1.)  N 53° 51' 54" E, for a distance of 1255.14 feet to a 4.5" diameter pipe 3-way fence corner post at a point on the ostensible common survey line of said Survey 1198 and said Survey 1199, marking an exterior corner of said 81.60 acres, and marking an interior corner of the herein described tract;

2.)  N 70° 48' 28" W, with the ostensible common survey line of said Survey 1198 and said Survey 1199 for a distance of 12.11 feet to a 4.5" diameter pipe 2-way fence corner post marking the ostensible common survey corner of said Survey 1198 and said Survey 1199, at a point on the ostensible southeasterly survey line of said Survey 1176, marking an interior corner of said 81.60 acres, and marking an exterior corner of the herein described tract;

3.)  N 55° 07' 54" E, with the ostensible common survey line of said Survey 1176 and said Survey 1198 for a distance of 625.25 feet to a 3" diameter pipe 2-way fence corner post marking the ostensible common survey corner of said Survey 1176 and said Survey 1175, marking an exterior corner of said 81.60 acres, and marking an interior corner of the herein described tract;

4.)  N 35° 15' 11" W, with the ostensible common survey line of said Survey 1175 and said Survey 1176 for a distance of 532.31 feet to a 3" diameter pipe 3-way fence corner post marking the south corner of said 26.73 acres, and marking an interior corner of the herein described tract;

THENCE: Generally with the fence, and with the common boundary line of said 26.73 acres and the herein described tract for the following two (2) calls:

1.)  N 54° 27' 18" E, for a distance of 564.53 feet to a 3" diameter pipe 3-way fence corner post marking the east corner of said 26.73 acres, and marking an interior corner of the herein described tract;

2.)  N 07° 14' 52" W, at 1318.99 feet passing a 4.5" diameter pipe 3-way fence corner post, continuing on the same course for a total distance of 1320.13 feet to an unmarked corner at a point on the southeasterly margin of F.M. 1470, marking the north corner of said 26.73 acres, and marking an exterior corner of the herein described tract;

THENCE: N 65° 54' 29" E, with the fenced southeasterly margin of F.M. 1470 and the herein described tract, at 251.24 feet passing a found TxDOT Type II right-of-way monument, continuing on the same course, at 2250.89 feet passing a found TxDOT Type II right- of-way monument, continuing on the same course, at 3750.75 feet passing a found TxDOT Type II right-of-way monument, continuing on the same course for a total distance of 4773.87 feet to the Place of Beginning and containing 404.48 acres, more or less, of land within the herein described boundary, of which approximately 4.52 acres lie within an unnamed county road (40' R.O.W.), of which approximately 2.17 acres lie within Old Pleasanton & Benton Road (60' R.O.W., platted, and unimproved), and of which approximately 4.59 acres lie within enclosure fence (record title unknown), according to an actual on the ground survey made by Smyth Surveyors, Inc. and completed on September 28, 2022.

Being a boundary survey of 4.52 acres, more or less, of land lying in Atascosa County, Texas, and being out of and a part of G. Hectorne Survey 1199, Abstract No. 370, Atascosa County, Texas. Said 4.52 acres being bounded on the northeast by Tract II (328.52 acres), The J W Gorman Family Partnership, Ltd., Document Number 137428 of the Atascosa County Official Public Records; on the northwest by the following: 1.) 81.60 acres, James P. Shone, et ux., Book 707, Page 93 of the Atascosa County Deed Records, and 2.) 11.25 acres, James P. Shone, et ux., Book 857, Page 700 of the Atascosa County Deed Records; on the southwest by 0.616 acre simultaneously surveyed this same day; on the south by Tract IV (184.3 acres) The J W Gorman Family Partnership, Ltd., Document Number 137428 of the Atascosa County Official Public Records; and on the southeast by the fenced northwesterly margin of Red Barn Road. Said 4.52 acres being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2" diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at a 4.5" diameter pipe fence angle post at a point on the ostensible common survey line of said Survey 1199 and N. Mcada Survey 1198, Abstract No. 566, at the intersection of Red Barn Road and an unnamed county road, and marking an exterior corner of the herein described tract;

THENCE: S 10° 11' 13" W, with the southeasterly margin of said unnamed county road and the herein described tract for a distance of 40.83 feet to a 4.5" diameter pipe fence angle post at the intersection of Red Barn Road and an unnamed county road, and marking an exterior corner of the herein described tract;

THENCE: With the southerly margin of said unnamed county road and said 184.3 acres for the following five (5) calls:

1.)  N 70° 52' 16" W, for a distance of 1715.73 feet to an unmarked corner marking a deflection point of the herein described tract;

2.)  N 71° 28' 14" W, for a distance of 1614.73 feet to an unmarked corner marking an interior corner of the herein described tract;

3.)  S 53° 51' 54" W, for a distance of 1234.46 feet to an unmarked corner marking a deflection point of the herein described tract;

4.)  S 53° 53' 08" W, for a distance of 286.02 feet to an unmarked corner marking an exterior corner of the herein described tract;

5.)  N 79° 52' 38" W, for a distance of 68.45 feet to an unmarked corner marking the east corner of said 0.616 acre, and marking a deflection point of the herein described tract;

THENCE: N 56° 44' 15" W, with the common boundary line of said 0.616 acre and the herein described tract for a distance of 50.89 feet to a 3" diameter pipe fence angle post marking a deflection point of said 11.25 acres, marking a deflection point of said 0.616 acre, and marking the west corner of the herein described tract;

THENCE: Generally with the fence, and with the common boundary lines of said 11.25 acres and the herein described tract for the following two (2) calls:

3.)  S 79° 52' 38" E, for a distance of 79.02 feet to a 3" diameter pipe fence angle post, marking the south corner of said 11.25 acres, and marking an interior corner of the herein described tract;

4.)  N 53° 53' 08" E, for a distance of 296.62 feet to a found leaning 1/2" diameter rebar marking the common corner of said 11.25 acres and said 81.60 acres, and marking a deflection point of the herein described tract;

THENCE: N 53° 51' 54" E, generally with the fence, and with the common boundary line of said 81.60 acres and the herein described tract for a distance of 1255.14 feet to a 4.5" diameter pipe 3-way fence corner post at a point on the ostensible common survey line of said Survey 1198 and said Survey 1199, marking an exterior corner of said 81.60 acres, at a point on a southwesterly line of said 328.52 acres, and marking the north corner of the herein described tract;

THENCE: With the ostensible common survey line of said Survey 1198 and said Survey 1199, and with the common boundary lines of said 328.52 acres and the herein described tract for the following two (2) calls:

3.)  S 71° 28' 14" E, for a distance of 1635.61 feet to an unmarked corner marking a deflection point of the herein described tract;

4.)  S 70° 52' 56" E for a distance of 1709.60 feet to the Place of Beginning and containing 4.52 acres, more or less, of land within the herein described boundary according to an actual on the ground survey made by Smyth Surveyors, Inc. and completed on November 30, 2022.

Being a boundary survey of 311.94 acres, more or less, of land lying in Atascosa County, Texas, being out of and parts of G. Hectorne Survey 1199, Abstract No. 370, W. Morrow Survey 1200, Abstract No. 589, C. Horton Survey 1201, Abstract No. 380, and E.S. Harper Survey 1202, Abstract No. 366, being out of and a part of John T. Horton Ranch, recorded in Slide 25-A of the Atascosa County New Plat Cabinet, and also being comprised of a composite of those same certain tracts called Tract III (146.374 acres), Tract IV (remainder of 184.3 acres), Tract V (101.87 acres), and Tract VI (57.46 acres) as described in conveyance document to The J W Gorman Family Partnership, Ltd., recorded in Document Number 137428 of the Atascosa County Official Public Records, Atascosa County, Texas. Said 311.94 acres being bounded on the northwest by the fenced southeasterly margin of F.M. 1470 (Leming Drive); on the northeast by 11.25 acres, James P. Shone, et ux., Book 857, Page 700 of the Atascosa County Deed Records; on the southeast by 100 acres, Carolyn Daniel, Document Number 143664 of the Atascosa County Official Public Records; and on the southwest by the fenced northeasterly margin of Strawberry City Road. Said 311.94 acres being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2" diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at a 3" diameter pipe 2-way fence corner post marking the north corner of said 100 acres, and marking the east corner of the herein described tract;

THENCE: S 18° 52' 45" W, generally with the fence, passing the ostensible common survey line of said Survey 1200 and said Survey 1201, continuing on the same course for a distance of 3122.32 feet to a 3" diameter pipe 3-way fence corner post marking the west corner of said 100 acres, and marking the south corner of the herein described tract;

THENCE: Generally with the fenced northeasterly margin of Strawberry City Road and the herein described tract for the following three (3) calls:

1.)  N 71° 46' 34" W, for a distance of 1069.95 feet to a 3" diameter pipe fence angle post marking a deflection point of the herein described tract;

2.)  N 71° 35' 54" W, for a distance of 405.81 feet to a 3" diameter pipe fence angle post marking a deflection point of the herein described tract;

3.)  N 70° 56' 03" W, for a distance of 2171.57 feet to a found leaning TxDOT Type I right-of-way monument at the intersection of Strawberry City Road and F.M. 1470, and marking a deflection point of the herein described tract;

THENCE: Generally with the fenced southeasterly margin of F.M. 1470 and the herein described tract for the following four (4) calls:

1.)  N 26° 01' 40" W, for a distance of 106.32 feet to a found TxDOT Type II right-of-way monument at a point on the ostensible common survey line of said Survey 1200 and said Survey 1201, and marking the west corner of the herein described tract;

2.)  N 19° 25' 08" E, with the ostensible common survey line of said Survey 1200 and said Survey 1201, passing the ostensible common survey corner of said Survey 1200 and said Survey 1201, continuing on the same course, at 2898.84 feet passing a found TxDOT Type II right-of-way monument, continuing on the same course, passing the ostensible common survey line of said Survey 1200 and said Survey 1202, continuing on the same course for a total distance of 4363.12 feet to a found TxDOT Type II right-of-way monument marking a deflection point of the herein described tract;

3.)  N 83° 05' 12" E, for a distance of 66.64 feet to a found broken TxDOT Type I right-of-way monument marking a deflection point of the herein described tract;

4.)  N 26° 16' 04" E, for a distance of 25.94 feet to a 3" diameter pipe 3-way fence corner post at a point on the ostensible common survey line of said Survey 1202 and I. Wautz Survey 1176, Abstract No. 895, marking a deflection point of said 11.25 acres, and marking the north corner of the herein described tract;

THENCE: S 35° 21' 31" E, generally with the fence, with the ostensible common survey line of said Survey 1202 and said Survey 1176, and with the common boundary lines of said 11.25 acres and the herein described tract for a distance of 1154.04 feet to a 3" diameter pipe fence angle post marking a deflection point of said 11.25 acres, and marking a deflection point of the herein described tract;

THENCE: S 56° 44' 15" E, crossing into and across said Tract IV and said Tract V, crossing the ostensible common survey line of said Survey 1176 and said Survey 1199, continuing on the same course, crossing the ostensible common survey line of said Survey 1199 and said Survey 1200, continuing on the same course for a distance of 2768.17 feet to the Place of Beginning and containing 311.94 acres, more or less, of land within the herein described boundary, of which approximately 0.61 acre lie within an unnamed county road (40' R.O.W.), and of which approximately 2.76 acres lie within Old Pleasanton & Benton Road (60' R.O.W., platted, and unimproved), according to an actual on the ground survey made by Smyth Surveyors, Inc. and completed on September 20, 2022.

Being a boundary survey of 399.52 acres, more or less, of land lying in Atascosa County, Texas, being out of and parts of S. Arreola Survey 1120, Abstract No. 37, S. Arreola Survey 1119, Abstract No. 36, I. Wautz Survey 1175, Abstract No. 896, and M. Moritz Survey 1292, Abstract No. 586, and also being that same certain tract called Tract I (400.01 acres) as described in conveyance document to The J W Gorman Family Partnership, Ltd., recorded in Document Number 137428 of the Atascosa County Official Public Records, Atascosa County, Texas. Said 399.52 acres being bounded on the southeast by the fenced northwesterly margin of F.M. 1470 (Leming Drive); on the west by 48.24 acres, Maurilio and Diane Gonzales, Document Number 152961 of the Atascosa County Official Public Records; on the northwest by the following: 1.) 101.21 acres, Maurilio and Diane Gonzales, Jr., Document Number 152953 of the Atascosa County Official Public Records, 2.) 94.42 acres, Maurilio and Diane Gonzales, Document Number 152956 of the Atascosa County Official Public Records, and 3.) 100.00 acres, David L. Domsch, Volume 173, Page 690 of the Atascosa Official Public Records; and on the northeast by the fenced margin of Red Barn Road. Said 399.52 acres being more particularly described by metes and bounds as follows: (The courses, distances, areas and any coordinates cited herein or shown on the corresponding survey plat conform to the Texas Coordinate System, North American Datum 1983, Texas South Central Zone.) (All corners called for as being set are marked on the ground with 1/2" diameter rebar with plastic identification caps stamped "RPLS/6418" attached unless otherwise noted or shown.)

BEGINNING at an unmarked corner at a point on the northwesterly margin of F.M. 1470, marking the southeast corner of said 48.24 acres, and marking the south corner of the herein described tract, from which a found TxDOT Type I right-of-way monument bears S 65° 54' 36" W at a distance of 1453.64 feet;

THENCE: N 07° 18' 28" W, with the common boundary line of said 48.24 acres and the herein described tract, at 0.35 feet passing a 4.5" diameter pipe 3-way fence corner post, continuing on the same course and now generally with the fence for a total distance of 1240.29 feet to a 3" diameter pipe 3-way fence corner post at a point on the ostensible common survey line of said Survey 1175 and S. Arreola Survey 1119, Abstract No. 36, marking a deflection point of said 48.24 acres, marking the south corner of said 101.21 acres, and marking an exterior corner of the herein described tract;

THENCE: N 54° 01' 39" E, generally with the fence, with the ostensible common survey line of said Survey 1175 and said Survey 1119, and with the common boundary line of said 101.21 acres and the herein described tract, passing the common corner of said 101.21 acres and said 94.42 acres, continuing on the same course and now with the common boundary line of said 94.42 acres and the herein described tract for a distance of 2591.83 feet to a 11" diameter creosote 2-way fence corner post marking the ostensible common survey corner of said Survey 1175 and said Survey 1119, at a point on the ostensible southwesterly survey line of said Survey 1120, marking the east corner of said 94.42 acres, and marking an interior corner of the herein described tract;

THENCE: N 36° 08' 32" W, generally with the diverging fence, with the ostensible common survey line of said Survey 1119 and said Survey 1120, and with the common boundary line of said 94.42 acres and the herein described tract for a distance of 2093.55 feet to a found 5/8" diameter rebar with a plastic cap marked "JOHN HOWARD/RPLS 4611" marking the south corner of said 100.00 acres, and marking an exterior corner of the herein described tract;

THENCE: N 55° 00' 19" E, with the common boundary line of said 100.00 acres and the herein described tract for a distance of 3594.33 feet to a found 5/8" diameter rebar with a plastic cap marked "JOHN HOWARD/RPLS 4611" at a point on the southwesterly margin of Red Barn Road, marking the east corner of said 100.00 acres, and marking the north corner of the herein described tract;

THENCE: S 35° 14' 40" E, generally with the converging fence, and with the southwesterly margin of Red Barn Road and the herein described tract for a distance of 1793.52 feet to a 9" diameter creosote fence angle post marking a deflection point of the herein described tract;

THENCE: Generally with the fenced margin of Red Barn Road and the herein described tract for the following four (4) calls:

4.)  S 34° 53' 17" E, for a distance of 764.74 feet to a 9" diameter creosote fence angle post marking a deflection point of the herein described tract;

5.)  S 13° 30' 50" E, passing the ostensible common survey line of said Survey 1120 and said Survey 1292, continuing on the same course for a distance of 221.66 feet to an 8" diameter creosote fence angle post marking a deflection point of the herein described tract;

6.)  S 15° 45' 50" W, for a distance of 584.06 feet to an 8" diameter creosote fence angle post marking a deflection point of the herein described tract;

7.)  S 18° 08' 23" W, for a distance of 1666.51 feet to a found TxDOT Type II right-of-way monument at the intersection of Red Barn Road and F.M. 1470, and marking a deflection point of the herein described tract;

THENCE: With the fenced northwesterly margin of F.M. 1470 and the herein described tract for the following two (2) calls:

1.)  S 41° 45' 44" W, for a distance of 91.46 feet to an unmarked corner marking a deflection point of the herein described tract, from which point a 4.5" diameter pipe fence angle post bears N 53° 54' 38" W at a distance of 2.48 feet;

2.)  S 65° 54' 36" W, passing the ostensible common survey line of said Survey 1292 and said Survey 1175, continuing on the same course, at 1137.84 feet passing a found TxDOT Type II right-of-way monument, continuing on the same course, at 2637.64 feet passing a found TxDOT Type II right-of-way monument, continuing on the same course, at 3121.06 feet passing a found TxDOT Type II right-of-way monument, continuing on the same course, at 4637.23 feet passing 1.12 feet to the right of a found TxDOT Type II right-of-way monument, continuing on the same course, for a total distance of 4858.45 feet to the Place of Beginning and containing 399.52 acres, more or less, of land within the herein described boundary, according to an actual on the ground survey made by D. G. Smyth & Co., Inc. and completed on August 26, 2022.

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 7957A, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 7957A.0308 to read as follows:

Sec. 7957A.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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I hereby certify that S.B. No. 2577 passed the Senate on May 3, 2023, by the following vote:  Yeas 27, Nays 3, one present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Secretary of the Senate

I hereby certify that S.B. No. 2577 passed the House on May 12, 2023, by the following vote:  Yeas 103, Nays 37, two present not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_    Chief Clerk of the House

Approved:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_             Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_           Governor