

AN ACT

relating to the creation of the Prairie View Municipal Management District No. 1; 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 C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3939 to read as follows:

CHAPTER 3939. PRAIRIE VIEW MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3939.0101. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Amarillo.

(3) "Director" means a board member.

(4) "District" means the Prairie View Municipal Management District No. 1.

(5) "Rail facilities" includes all real and personal property owned or held by the district for railroad purposes, including land, interests in land, structures, easements, rail lines, stations, platforms, rolling stock, garages, equipment, and other facilities necessary or convenient for the operation of those facilities.

Sec. 3939.0102. NATURE OF DISTRICT. The Prairie View Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

1       Sec. 3939.0103. PURPOSE; DECLARATION OF INTENT. (a) The  
2 creation of the district is essential to accomplish the purposes of  
3 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
4 Texas Constitution, and other public purposes stated in this  
5 chapter.

6       (b) By creating the district and in authorizing the city and  
7 other political subdivisions to contract with the district, the  
8 legislature has established a program to accomplish the public  
9 purposes set out in Section 52-a, Article III, Texas Constitution.

10       (c) The creation of the district is necessary to promote,  
11 develop, encourage, and maintain employment, commerce,  
12 transportation, housing, tourism, recreation, the arts,  
13 entertainment, economic development, safety, and the public  
14 welfare in the district.

15       (d) This chapter and the creation of the district may not be  
16 interpreted to relieve the city from providing the level of  
17 services provided as of the effective date of the Act enacting this  
18 chapter to the area in the district. The district is created to  
19 supplement and not to supplant city services provided in the  
20 district.

21       Sec. 3939.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

22       (a) All land and other property included in the district will  
23 benefit from the improvements and services to be provided by the  
24 district under powers conferred by Sections 52 and 52-a, Article  
25 III, and Section 59, Article XVI, Texas Constitution, and other  
26 powers granted under this chapter.

27       (b) The district is created to serve a public use and

1 benefit.

2 (c) The creation of the district is in the public interest  
3 and is essential to further the public purposes of:

4 (1) developing and diversifying the economy of the  
5 state;

6 (2) eliminating unemployment and underemployment; and

7 (3) developing or expanding transportation and  
8 commerce.

9 (d) The district will:

10 (1) promote the health, safety, and general welfare of  
11 residents, employers, potential employees, employees, visitors,  
12 and consumers in the district, and of the public;

13 (2) provide needed funding for the district to  
14 preserve, maintain, and enhance the economic health and vitality of  
15 the district territory as a community and business center;

16 (3) promote the health, safety, welfare, and enjoyment  
17 of the public by providing pedestrian ways and by landscaping and  
18 developing certain areas in the district, which are necessary for  
19 the restoration, preservation, and enhancement of scenic beauty;  
20 and

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

23 (e) Pedestrian ways along or across a street, whether at  
24 grade or above or below the surface, and street lighting, street  
25 landscaping, parking, and street art objects are parts of and  
26 necessary components of a street and are considered to be a street  
27 or road improvement.

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

4       Sec. 3939.0105. INITIAL DISTRICT TERRITORY. (a) The  
5 district is initially composed of the territory described by  
6 Section 2 of the Act enacting this chapter.

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

11               (1) organization, existence, or validity;

12               (2) right to issue any type of bonds for the purposes  
13 for which the district is created or to pay the principal of and  
14 interest on the bonds;

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

16               (4) legality or operation.

17       Sec. 3939.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.  
18 All or any part of the area of the district is eligible to be  
19 included in:

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

22               (2) a tax abatement reinvestment zone created under  
23 Chapter 312, Tax Code.

24       Sec. 3939.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT  
25 DISTRICTS LAW. Except as otherwise provided by this chapter,  
26 Chapter 375, Local Government Code, applies to the district.

27       Sec. 3939.0108. CONSTRUCTION OF CHAPTER. This chapter

shall be liberally construed in conformity with the findings and purposes stated in this chapter.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3939.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors who serve staggered terms of four years.

(b) Directors are elected in the manner provided by Subchapter D, Chapter 49, Water Code.

Sec. 3939.0202. COMPENSATION; EXPENSES. (a) The district may compensate each director in an amount not to exceed \$150 for each board meeting. The total amount of compensation for each director in one year may not exceed \$7,200.

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

Sec. 3939.0203. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Craig Cooper</u>
<u>2</u>	<u>David Grotegut</u>
<u>3</u>	<u>Debra McCart Montgomery</u>
<u>4</u>	<u>Ben Weinheimer</u>
<u>5</u>	<u>Heath Wilson</u>

(b) Of the initial directors, the terms of directors appointed for positions one through three expire June 1, 2025, and the terms of directors appointed for positions four and five expire June 1, 2027.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3939.0301. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 3939.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The district, using any money available to the district for the purpose, may provide, design, construct, acquire, improve, relocate, operate, maintain, or finance an improvement project or service authorized under this chapter or Chapter 375, Local Government Code.

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

(c) The implementation of a district project or service is a governmental function or service for the purposes of Chapter 791, Government Code.

Sec. 3939.0303. NONPROFIT CORPORATION. (a) The board by resolution may authorize the creation of a nonprofit corporation to assist and act for the district in implementing a project or providing a service authorized by this chapter.

(b) The nonprofit corporation:

(1) has each power of and is considered to be a local government corporation created under Subchapter D, Chapter 431, Transportation Code; and

(2) may implement any project and provide any service authorized by this chapter.

(c) The board shall appoint the board of directors of the nonprofit corporation. The board of directors of the nonprofit

1 corporation shall serve in the same manner as the board of directors  
2 of a local government corporation created under Subchapter D,  
3 Chapter 431, Transportation Code, except that a board member is not  
4 required to reside in the district.

5 Sec. 3939.0304. LAW ENFORCEMENT SERVICES. To protect the  
6 public interest, the district may contract with a qualified party,  
7 including the city, to provide law enforcement services in the  
8 district for a fee.

9 Sec. 3939.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.  
10 The district may join and pay dues to a charitable or nonprofit  
11 organization that performs a service or provides an activity  
12 consistent with the furtherance of a district purpose.

13 Sec. 3939.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The  
14 district may engage in activities that accomplish the economic  
15 development purposes of the district.

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

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

21 (2) provide district personnel and services.

22 (c) The district may create economic development programs  
23 and exercise the economic development powers provided to  
24 municipalities by:

25 (1) Chapter 380, Local Government Code; and

26 (2) Subchapter A, Chapter 1509, Government Code.

27 Sec. 3939.0307. PARKING FACILITIES. (a) The district may

1 acquire, lease as lessor or lessee, construct, develop, own,  
2 operate, and maintain parking facilities or a system of parking  
3 facilities, including lots, garages, parking terminals, or other  
4 structures or accommodations for parking motor vehicles off the  
5 streets and related appurtenances.

6 (b) The district's parking facilities serve the public  
7 purposes of the district and are owned, used, and held for a public  
8 purpose even if leased or operated by a private entity for a term of  
9 years.

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

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

15 Sec. 3939.0308. ADDING OR EXCLUDING LAND. The district may  
16 add or exclude land in the manner provided by Subchapter J, Chapter  
17 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

18 Sec. 3939.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
19 board by resolution shall establish the number of directors'  
20 signatures and the procedure required for a disbursement or  
21 transfer of district money.

22 Sec. 3939.0310. RAIL FACILITIES. The district may  
23 construct, acquire, improve, maintain, finance, and operate rail  
24 facilities and improvements for freight, commuter, or other rail  
25 purposes.

26 Sec. 3939.0311. NO EMINENT DOMAIN POWER. The district may  
27 not exercise the power of eminent domain.



SUBCHAPTER D. ASSESSMENTS

Sec. 3939.0401. PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a service or improvement project with assessments under this chapter unless a written petition requesting that service or improvement has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by the owners of a majority of the assessed value of real property in the district subject to assessment according to the most recent certified tax appraisal roll for the county.

Sec. 3939.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter in all or any part of the district.

(b) An assessment, a reassessment, or an assessment resulting from an addition to or correction of the assessment roll by the district, penalties and interest on an assessment or reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

(1) are a first and prior lien against the property assessed;

(2) are superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

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

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

5        (d) The board may make a correction to or deletion from the  
6 assessment roll that does not increase the amount of assessment of  
7 any parcel of land without providing notice and holding a hearing in  
8 the manner required for additional assessments.

9                    SUBCHAPTER E. TAXES AND BONDS

10        Sec. 3939.0501. TAX ELECTION REQUIRED. (a) The district  
11 must hold an election in the manner provided by Chapter 49, Water  
12 Code, or, if applicable, Chapter 375, Local Government Code, to  
13 obtain voter approval before the district may impose an ad valorem  
14 tax.

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

17        Sec. 3939.0502. OPERATION AND MAINTENANCE TAX. (a) If  
18 authorized by a majority of the district voters voting at an  
19 election under Section 3939.0501, the district may impose an  
20 operation and maintenance tax on taxable property in the district  
21 in the manner provided by Section 49.107, Water Code, for any  
22 district purpose, including to:

23                    (1) maintain and operate the district;

24                    (2) construct or acquire improvements; or

25                    (3) provide a service.

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

1 election.

2 Sec. 3939.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE  
3 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on  
4 terms determined by the board.

5 (b) The district may issue bonds, notes, or other  
6 obligations payable wholly or partly from ad valorem taxes,  
7 assessments, impact fees, revenue, contract payments, grants, or  
8 other district money, or any combination of those sources of money,  
9 to pay for any authorized district purpose.

10 Sec. 3939.0504. BONDS SECURED BY REVENUE OR CONTRACT  
11 PAYMENTS. The district may issue, without an election, bonds  
12 secured by:

13 (1) revenue other than ad valorem taxes, including  
14 contract revenues; or

15 (2) contract payments, provided that the requirements  
16 of Section 49.108, Water Code, have been met.

17 Sec. 3939.0505. BONDS SECURED BY AD VALOREM TAXES;  
18 ELECTIONS. (a) If authorized at an election under Section  
19 3939.0501, the district may issue bonds payable from ad valorem  
20 taxes.

21 (b) At the time the district issues bonds payable wholly or  
22 partly from ad valorem taxes, the board shall provide for the annual  
23 imposition of a continuing direct annual ad valorem tax, without  
24 limit as to rate or amount, for each year that all or part of the  
25 bonds are outstanding as required and in the manner provided by  
26 Sections 54.601 and 54.602, Water Code.

27 (c) All or any part of any facilities or improvements that

1 may be acquired by a district by the issuance of its bonds may be  
2 submitted as a single proposition or as several propositions to be  
3 voted on at the election.

4 Sec. 3939.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
5 board may not issue bonds until each municipality in whose  
6 corporate limits or extraterritorial jurisdiction the district is  
7 located has consented by ordinance or resolution to the creation of  
8 the district and to the inclusion of land in the district.

9 (b) This section applies only to the district's first  
10 issuance of bonds payable from ad valorem taxes.

11 SUBCHAPTER I. DISSOLUTION

12 Sec. 3939.0901. DISSOLUTION. (a) The board shall dissolve  
13 the district on written petition filed with the board by the owners  
14 of:

15 (1) 66 percent or more of the assessed value subject to  
16 assessment by the district of the property in the district based on  
17 the most recent certified county property tax rolls; or

18 (2) 66 percent or more of the surface area of the  
19 district, excluding roads, streets, highways, utility  
20 rights-of-way, other public areas, and other property exempt from  
21 assessment by the district according to the most recent certified  
22 county property tax rolls.

23 (b) The district may not be dissolved if the district:

24 (1) has any outstanding bonded or other indebtedness  
25 until that bonded or other indebtedness has been repaid or defeased  
26 in accordance with the order or resolution authorizing the issuance  
27 of the bonded or other indebtedness;

1           (2) has a contractual obligation to pay money until  
2 that obligation has been fully paid in accordance with the  
3 contract; or

4           (3) owns, operates, or maintains public works,  
5 facilities, or improvements unless the district has contracted with  
6 another party for the ownership and operation or maintenance of the  
7 public works, facilities, or improvements.

8           (c) Section 375.262, Local Government Code, does not apply  
9 to the district.

10           SECTION 2. The Prairie View Municipal Management District  
11 No. 1 initially includes all territory contained in the following  
12 area:

13           (a) A 621.87 acre tract of land out of Sections 30 and 31,  
14 Block 2, A. B. & M. Survey, Potter County, Texas, and more  
15 particularly described as follows:

16           BEGINNING at a Gresham Aluminum Cap found on the east  
17 right-of-way line of Spur 228 same being the southwest corner of  
18 said Section 30 for a corner of this tract.

19           THENCE N. 00° 11' 35" E., along said east right-of-way line, a  
20 distance of 4161.54 feet to a 2" iron rod with a yellow cap  
21 inscribed "RPLS 4263" (such type cap and rod hereafter referred to  
22 as an OJD Cap) set on said east right-of-way line for the most  
23 westerly northwest corner of this tract.

24           THENCE N. 87° 28' 24" E., continuing along said right-of-way  
25 line, a distance of 1.08 feet to a Gresham Aluminum Cap found for an  
26 angle corner of this tract.

27           THENCE N. 40° 07' 53" E., along said right-of-way line, a

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1 distance of 116.08 feet to TxDot Brass Cap Monument found on the  
2 south right-of-way line of Interstate Highway No. 40 for the most  
3 northerly northwest corner of this tract.

4       THENCE N. 80° 18' 54" E., along said south right-of-way line,  
5 a distance of 286.20 feet to a Gresham Aluminum Cap found on said  
6 south right-of-way line for an angle corner of this tract.

7       THENCE N. 80° 18' 37" E., continuing along said south  
8 right-of-way line, a distance of 300.34 feet to a Gresham Aluminum  
9 Cap found on said south right-of-way line for an angle corner of  
10 this tract.

11       THENCE N. 69° 11' 51" E., continuing along said south  
12 right-of-way line, a distance of 102.08 feet to a Gresham Aluminum  
13 Cap found on said south right-of-way line for an angle corner of  
14 this tract.

15       THENCE N. 80° 26' 43" E., continuing along said south  
16 right-of-way line, a distance of 3052.07 feet to a Gresham Aluminum  
17 Cap found on said south right-of-way line same being the beginning  
18 of a curve to the right for a corner of this tract.

19       THENCE in a northeasterly direction along said curve to the  
20 right and said south right-of-way line with a radius equal to  
21 5579.58 feet, a long chord bearing of N. 82° 11' 05" E. and a long  
22 chord distance of 338.73 feet, a curve distance of 338.78 feet to a  
23 Gresham Aluminum Cap found at the end of said curve to the right  
24 same being on said south right-of-way line for a corner of this  
25 tract.

26       THENCE S. 83° 50' 20" E., continuing along said south  
27 right-of-way line, a distance of 99.24 feet to a Gresham Aluminum

1 Cap found at the beginning of a curve to the right for an angle  
2 corner of this tract.

3       THENCE in a northeasterly direction along said curve to the  
4 right and said south right-of-way line with a radius equal to  
5 5559.58 feet, a long chord bearing of N. 87° 00' 13" E. and a long  
6 chord distance of 409.59 feet, a curve distance of 409.68 feet to a  
7 Gresham Aluminum Cap found on said curve to the right same being on  
8 said south right-of-way line for the most northerly northeast  
9 corner of this tract.

10       THENCE S. 00° 17' 53" E. a distance of 1324.32 feet to a  
11 Gresham Aluminum Cap found for an ell corner of this tract.

12       THENCE S. 89° 43' 42" E. a distance of 660.15 feet to a Gresham  
13 Aluminum Cap found on the west right-of-way line of F.M. Highway  
14 No. 1912 for the most easterly northeast corner of this tract.

15       THENCE S. 00° 17' 55" W., along said west right-of-way line, a  
16 distance of 2296.12 feet to a Gresham Aluminum Cap found on said  
17 west right-of-way line for an angle corner of this tract.

18       THENCE S. 00° 30' 16" E., continuing along said west  
19 right-of-way line, a distance of 249.29 feet to a Gresham Aluminum  
20 Cap found on said west right-of-way line for an ell corner of this  
21 tract.

22       THENCE S. 89° 52' 38" W. a distance of 788.09 feet to a Gresham  
23 Aluminum Cap found for an ell corner of this tract.

24       THENCE S. 00° 06' 07" W. a distance of 2131.04 feet to a  
25 Gresham Aluminum Cap found for an ell corner of this tract.

26       THENCE S. 80° 34' 32" E. a distance of 789.43 feet to a Gresham  
27 Aluminum Cap found on said west right-of-way line for an ell corner

1 of this tract.

2       THENCE S. 01° 23' 32" W., along said west right-of-way line, a  
3 distance of 222.12 feet to a Gresham Aluminum Cap found at the  
4 intersection of said west right-of-way line and the northerly  
5 right-of-way line of B. S. N. F. Railroad the southeast corner of  
6 this tract.

7       THENCE N. 80° 33' 44" W., along said northerly right-of-way  
8 line, a distance of 5315.27 feet to a Gresham Aluminum Cap found on  
9 said east right-of-way line of said Spur 228 for the southwest  
10 corner of this tract.

11       THENCE N. 00° 11' 35" E., along said east right-of-way line, a  
12 distance of 536.60 feet to the place of BEGINNING and containing  
13 621.87 acres of land.

14       (b) An 11.30 acre± tract of land in Section 37, Block 2, A.B.  
15 & M. Survey, Potter County, Texas and being all of a 6.3 acre and a  
16 5.00 acre tract of land as described in that certain instrument of  
17 conveyance recorded under Clerk's File No. 20200PR0012200 of the  
18 Official Public Records of Potter County, Texas. Said 11.30 acre±  
19 tract of land having been surveyed on the ground by Furman Land  
20 Surveyors, Inc. on March 28, 2022 and being more particularly  
21 described by metes and bounds as follows:

22       COMMENCING at a 2 inch iron pipe found as called for at the  
23 Northeast corner of said Section 37, Block 2, A.B. & M. Survey,  
24 Potter County, Texas;

25       THENCE South 00° 04' 30" West (base line) along the East line  
26 of said Section 37, a distance of 2782.61 feet to a point, from  
27 whence a 2 inch iron pipe found as called for at the Southeast



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1 corner of said Section 37 bears South 00° 04' 30" West, 2495.32 feet;

2       THENCE North 89° 55' 30" West, 119.69 feet to a 1/2 inch iron  
3 rod found as called for in the West monumented right-of-way line of  
4 Spur 228 (Volume 826, Page 117), same point being the most Easterly  
5 Northeast corner of a 365.69 acre tract of land as described in that  
6 certain instrument of conveyance recorded in Volume 3753, Page 786  
7 of the Official Public Records of Potter County, Texas and also  
8 being the Southeast corner of the herein described tract of land,  
9 from whence a 5/8 inch iron rod with cap stamped "RPLS 5437" found  
10 as called for at the Southeast corner of said 365.69 acre tract of  
11 land bears South 00° 04' 35" West, 3018.41 feet;

12       THENCE South 85° 34' 44" West, 652.59 feet to a 1/2 inch iron  
13 rod found as called for, same point being an interior jog corner of  
14 said 365.69 acre tract of land and also being the Southwest corner  
15 of this tract of land;

16       THENCE North 00° 03' 09" East, 726.94 feet to a 1/2 inch iron  
17 rod found as called for at the Southwest corner of a 4.92 acre tract  
18 of land as described in that certain instrument of conveyance  
19 recorded under Clerk's File No. 1302993 of the Official Public  
20 Records of Potter County, Texas, same point being the Northwest  
21 corner of this tract of land;

22       THENCE North 80° 28' 11" East, 660.12 feet to a 1/2 inch iron  
23 rod found in the West monumented right-of-way line of said Spur 228  
24 at the Southeast corner of said 4.92 acre tract of land, same point  
25 being the Northeast corner of this tract of land;

26       THENCE South 00° 04' 30" West, 785.93 feet to the PLACE OF  
27 BEGINNING and containing a computed area of 11.30 acres of land,

1 more or less.

2 (c) A 365.72 acre tract of land out of Sections 36 and 37,  
3 Block 2, A. B. & M. Survey, Potter County,

4 BEGINNING at an RPLS 5437 Cap found at the intersection of the  
5 west right-of-way line of Spur 228 and the northerly right-of-way  
6 line of B. N. S. F. Railroad which bears S. 00° 11' 36" W. a distance  
7 of 517.52 feet and / N. 89° 48' 07" W. a distance of 119.94 feet from  
8 a Gresham Aluminum Cap found at the southeast corner of said Section  
9 37 for the southeast corner of this tract.

10 THENCE N. 80° 33' 36" W., along said northerly right-of-way at  
11 3247.33 feet pass an RPLS 5437 Cap found, a total distance of  
12 5272.06 feet to an RPLS 5437 Cap found at the intersection said  
13 northerly right-of-way line and said east right-of-way line of  
14 Parsley Road for the southwest corner of this tract.

15 THENCE N. 89° 54' 23" E. a distance of 329.88 feet to a Miller  
16 Cap found for an ell corner of this tract.

17 THENCE N. 00° 14' 24" E., along said east right-of-way line, a  
18 distance of 734.90 feet to an RPLS 5437 Cap found at the  
19 intersection of said east right-of-way line and the southerly  
20 right-of-way line of Interstate Highway No. 40 for the northwest  
21 corner of this tract.

22 THENCE N. 44° 26' 23" E., along said southerly right-of-way  
23 line, a distance of 2938.45 feet to a TxDot Brass Cap Monument found  
24 on said southerly right-of-way line same being at the beginning of a  
25 curve to the right for a corner of this tract.

26 THENCE in a northeasterly direction along said curve to the  
27 right and said northerly right-of-way line with a radius equal to

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2714.79 feet, a long chord bearing of N. 62° 26' 41" E. and a long  
chord distance of 1677.93 feet, a curve distance of 1705.86 feet to  
a TxDot Brass Cap Monument found at the end of said curve to the  
right same being on said northerly right-of-way line for a corner of  
this tract.

THENCE N. 80° 27' 32" E., continuing along said northerly  
right-of-way line, a distance of 674.08 feet to a TxDot Brass Cap  
Monument found for an angle corner of this tract.

THENCE S. 88° 11' 57" E., along said northerly right-of-way  
line, a distance of 101.95 feet to a TxDot Brass Cap Monument found  
for an angle corner of this tract.

THENCE N. 80° 24' 46" E., along said northerly right-of-way  
line, a distance of 174.69 feet to a Keys Cap found for the most  
northerly northeast corner of this tract.

THENCE S. 00° 14' 15" W. a distance of 599.85 feet to a Keys  
Cap found for an ell corner of this tract.

THENCE N. 79° 14' 13" E. a distance of 80.47 feet to a Furman  
Cap found for an ell corner of this tract.

THENCE S. 00° 10' 13" W. a distance of 1056.85 feet to an RPLS  
5437 Cap found for an ell corner of this tract.

THENCE N. 85° 41' 53" E. a distance of 652.72 feet to a 1/2"  
iron rod found on the west right-of-way line of Spur 228 for the  
most easterly northeast corner of this tract.

THENCE S. 00° 12' 04" W., along said west right-of-way line, a  
distance of 3018.76 feet to the place of BEGINNING and containing  
365.72 acres of land.

(d) A 22.51+/- acre tract of land being a portion of the

H.B. No. 5355

1 39.51+/- acre remainder of those certain tracts of land out of  
2 Sections 30 and 31, Block 2, A.B. & M. Survey, Potter County, Texas,  
3 being described in Volume 968, Page 575 of the Deed Records of  
4 Potter County, Texas, said 22.51+/- acre tract of land having been  
5 surveyed on the ground on May 6, 2022 by Furman Land Surveyors, Inc.  
6 and being described by metes and bounds as follows:

7 BEGINNING at a 1/2 inch iron rod with aluminum cap stamped "Gresham  
8 & Associates, Inc. PLS 1939" found, as called for, in the West  
9 Right-of-Way line of F.M. Highway 1912 for a corner of that certain  
10 418.350 acre tract of land being described in that certain  
11 instrument recorded in Volume 3564, Page 462 of the Official Public  
12 Records of Potter County, Texas, same being the Southeast corner of  
13 this tract of land;

14 THENCE N. 80° 39' 02" W. 789.36 feet along the South line of said  
15 39.51+/- acre remainder tract to a 1/2 inch iron rod with aluminum  
16 cap stamped "Gresham & Associates, Inc. PLS 1939" found as called  
17 for the Southwest corner of said 39.51+/- acre remainder tract,  
18 same being the Southwest corner of this tract of land;

19 THENCE N. 00° 01' 05" E. 1055.30 feet along the West line of said  
20 39.51+/- acre remainder tract to a 1/2 inch iron rod with cap  
21 stamped "FURMAN PRLS" set for the Southwest corner of that certain  
22 17.00+/- acre tract of land surveyed simultaneously, same being the  
23 Northwest corner of this tract of land, from whence a 1/2 inch iron  
24 rod with aluminum cap stamped "Gresham & Associates, Inc. PLS 1939"  
25 found as called for the Northwest corner of said 39.51+/- acre  
26 remainder tract bears N. 00° 01' 05" E. 1075.86 feet;

27 THENCE S. 89° 43' 55" E. 527.49 feet to a 1/2 inch iron rod with cap

1 stamped "FURMAN RPLS" set for an interior corner of this tract of  
2 land;

3 THENCE N. 00° 54' 59" W. 418.00 feet to a 1/2 inch iron rod with cap  
4 stamped "FURMAN RPLS" set for a jog corner of this tract of land;

5 THENCE S. 86° 48' 36" E. 265.00 feet to a 1/2 inch iron rod with cap  
6 stamped "FURMAN RPLS" set in the West Right-of-Way line of said F.M.  
7 Highway 1912 for the Southeast corner of said 17.00+/- acre tract of  
8 land surveyed simultaneously, same being the Northeast corner of  
9 this tract of land, from whence a 1/2 inch iron rod with aluminum  
10 cap stamped "Gresham & Associates, Inc. PLS 1939" found as called a  
11 corner of said 39.51+/- acre remainder tract bears N. 00° 14' 51" E.  
12 (Base line) 677.00 feet;

13 THENCE S. 00° 14' 51" W. 1584.28 feet along the West Right-of-Way  
14 line of said F.M. Highway 1912 to the PLACE OF BEGINNING and  
15 containing 22.51 acres of land, more or less.

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

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

26 (c) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives  
2 within the required time.

3 (d) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act have been  
6 fulfilled and accomplished.

7 SECTION 4. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2023.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I certify that H.B. No. 5355 was passed by the House on May 2, 2023, by the following vote: Yeas 110, Nays 35, 2 present, not voting.

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

I certify that H.B. No. 5355 was passed by the Senate on May 16, 2023, by the following vote: Yeas 26, Nays 4, 1 present, not voting.

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

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

Date

\_\_\_\_\_  
Governor