

1-1 By: Price (Senate Sponsor - Sparks, et al.) H.B. No. 5355
1-2 (In the Senate - Received from the House May 3, 2023;
1-3 May 4, 2023, read first time and referred to Committee on Local
1-4 Government; May 10, 2023, reported favorably by the following
1-5 vote: Yeas 9, Nays 0; May 10, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the creation of the Prairie View Municipal Management
1-20 District No. 1; providing authority to issue bonds; providing
1-21 authority to impose assessments, fees, and taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-24 Code, is amended by adding Chapter 3939 to read as follows:

1-25 CHAPTER 3939. PRAIRIE VIEW MUNICIPAL MANAGEMENT DISTRICT NO. 1

1-26 SUBCHAPTER A. GENERAL PROVISIONS

1-27 Sec. 3939.0101. DEFINITIONS. In this chapter:

1-28 (1) "Board" means the district's board of directors.

1-29 (2) "City" means the City of Amarillo.

1-30 (3) "Director" means a board member.

1-31 (4) "District" means the Prairie View Municipal
1-32 Management District No. 1.

1-33 (5) "Rail facilities" includes all real and personal
1-34 property owned or held by the district for railroad purposes,
1-35 including land, interests in land, structures, easements, rail
1-36 lines, stations, platforms, rolling stock, garages, equipment, and
1-37 other facilities necessary or convenient for the operation of those
1-38 facilities.

1-39 Sec. 3939.0102. NATURE OF DISTRICT. The Prairie View
1-40 Municipal Management District No. 1 is a special district created
1-41 under Section 59, Article XVI, Texas Constitution.

1-42 Sec. 3939.0103. PURPOSE; DECLARATION OF INTENT. (a) The
1-43 creation of the district is essential to accomplish the purposes of
1-44 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-45 Texas Constitution, and other public purposes stated in this
1-46 chapter.

1-47 (b) By creating the district and in authorizing the city and
1-48 other political subdivisions to contract with the district, the
1-49 legislature has established a program to accomplish the public
1-50 purposes set out in Section 52-a, Article III, Texas Constitution.

1-51 (c) The creation of the district is necessary to promote,
1-52 develop, encourage, and maintain employment, commerce,
1-53 transportation, housing, tourism, recreation, the arts,
1-54 entertainment, economic development, safety, and the public
1-55 welfare in the district.

1-56 (d) This chapter and the creation of the district may not be
1-57 interpreted to relieve the city from providing the level of
1-58 services provided as of the effective date of the Act enacting this
1-59 chapter to the area in the district. The district is created to
1-60 supplement and not to supplant city services provided in the
1-61 district.

2-1 Sec. 3939.0104. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.
 2-2 (a) All land and other property included in the district will
 2-3 benefit from the improvements and services to be provided by the
 2-4 district under powers conferred by Sections 52 and 52-a, Article
 2-5 III, and Section 59, Article XVI, Texas Constitution, and other
 2-6 powers granted under this chapter.
 2-7 (b) The district is created to serve a public use and
 2-8 benefit.
 2-9 (c) The creation of the district is in the public interest
 2-10 and is essential to further the public purposes of:
 2-11 (1) developing and diversifying the economy of the
 2-12 state;
 2-13 (2) eliminating unemployment and underemployment; and
 2-14 (3) developing or expanding transportation and
 2-15 commerce.
 2-16 (d) The district will:
 2-17 (1) promote the health, safety, and general welfare of
 2-18 residents, employers, potential employees, employees, visitors,
 2-19 and consumers in the district, and of the public;
 2-20 (2) provide needed funding for the district to
 2-21 preserve, maintain, and enhance the economic health and vitality of
 2-22 the district territory as a community and business center;
 2-23 (3) promote the health, safety, welfare, and enjoyment
 2-24 of the public by providing pedestrian ways and by landscaping and
 2-25 developing certain areas in the district, which are necessary for
 2-26 the restoration, preservation, and enhancement of scenic beauty;
 2-27 and
 2-28 (4) provide for water, wastewater, drainage, road,
 2-29 rail, and recreational facilities for the district.
 2-30 (e) Pedestrian ways along or across a street, whether at
 2-31 grade or above or below the surface, and street lighting, street
 2-32 landscaping, parking, and street art objects are parts of and
 2-33 necessary components of a street and are considered to be a street
 2-34 or road improvement.
 2-35 (f) The district will not act as the agent or
 2-36 instrumentality of any private interest even though the district
 2-37 will benefit many private interests as well as the public.
 2-38 Sec. 3939.0105. INITIAL DISTRICT TERRITORY. (a) The
 2-39 district is initially composed of the territory described by
 2-40 Section 2 of the Act enacting this chapter.
 2-41 (b) The boundaries and field notes contained in Section 2 of
 2-42 the Act enacting this chapter form a closure. A mistake in the
 2-43 field notes or in copying the field notes in the legislative process
 2-44 does not affect the district's:
 2-45 (1) organization, existence, or validity;
 2-46 (2) right to issue any type of bonds for the purposes
 2-47 for which the district is created or to pay the principal of and
 2-48 interest on the bonds;
 2-49 (3) right to impose or collect an assessment or tax; or
 2-50 (4) legality or operation.
 2-51 Sec. 3939.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
 2-52 All or any part of the area of the district is eligible to be
 2-53 included in:
 2-54 (1) a tax increment reinvestment zone created under
 2-55 Chapter 311, Tax Code; or
 2-56 (2) a tax abatement reinvestment zone created under
 2-57 Chapter 312, Tax Code.
 2-58 Sec. 3939.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
 2-59 DISTRICTS LAW. Except as otherwise provided by this chapter,
 2-60 Chapter 375, Local Government Code, applies to the district.
 2-61 Sec. 3939.0108. CONSTRUCTION OF CHAPTER. This chapter
 2-62 shall be liberally construed in conformity with the findings and
 2-63 purposes stated in this chapter.
 2-64 SUBCHAPTER B. BOARD OF DIRECTORS
 2-65 Sec. 3939.0201. GOVERNING BODY; TERMS. (a) The district is
 2-66 governed by a board of five elected directors who serve staggered
 2-67 terms of four years.
 2-68 (b) Directors are elected in the manner provided by
 2-69 Subchapter D, Chapter 49, Water Code.

3-1 Sec. 3939.0202. COMPENSATION; EXPENSES. (a) The district
3-2 may compensate each director in an amount not to exceed \$150 for
3-3 each board meeting. The total amount of compensation for each
3-4 director in one year may not exceed \$7,200.

3-5 (b) A director is entitled to reimbursement for necessary
3-6 and reasonable expenses incurred in carrying out the duties and
3-7 responsibilities of the board.

3-8 Sec. 3939.0203. INITIAL DIRECTORS. (a) The initial board
3-9 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>

3-16 (b) Of the initial directors, the terms of directors
3-17 appointed for positions one through three expire June 1, 2025, and
3-18 the terms of directors appointed for positions four and five expire
3-19 June 1, 2027.

3-20 SUBCHAPTER C. POWERS AND DUTIES

3-21 Sec. 3939.0301. GENERAL POWERS AND DUTIES. The district
3-22 has the powers and duties necessary to accomplish the purposes for
3-23 which the district is created.

3-24 Sec. 3939.0302. IMPROVEMENT PROJECTS AND SERVICES. (a) The
3-25 district, using any money available to the district for the
3-26 purpose, may provide, design, construct, acquire, improve,
3-27 relocate, operate, maintain, or finance an improvement project or
3-28 service authorized under this chapter or Chapter 375, Local
3-29 Government Code.

3-30 (b) The district may contract with a governmental or private
3-31 entity to carry out an action under Subsection (a).

3-32 (c) The implementation of a district project or service is a
3-33 governmental function or service for the purposes of Chapter 791,
3-34 Government Code.

3-35 Sec. 3939.0303. NONPROFIT CORPORATION. (a) The board by
3-36 resolution may authorize the creation of a nonprofit corporation to
3-37 assist and act for the district in implementing a project or
3-38 providing a service authorized by this chapter.

3-39 (b) The nonprofit corporation:

3-40 (1) has each power of and is considered to be a local
3-41 government corporation created under Subchapter D, Chapter 431,
3-42 Transportation Code; and

3-43 (2) may implement any project and provide any service
3-44 authorized by this chapter.

3-45 (c) The board shall appoint the board of directors of the
3-46 nonprofit corporation. The board of directors of the nonprofit
3-47 corporation shall serve in the same manner as the board of directors
3-48 of a local government corporation created under Subchapter D,
3-49 Chapter 431, Transportation Code, except that a board member is not
3-50 required to reside in the district.

3-51 Sec. 3939.0304. LAW ENFORCEMENT SERVICES. To protect the
3-52 public interest, the district may contract with a qualified party,
3-53 including the city, to provide law enforcement services in the
3-54 district for a fee.

3-55 Sec. 3939.0305. MEMBERSHIP IN CHARITABLE ORGANIZATIONS.
3-56 The district may join and pay dues to a charitable or nonprofit
3-57 organization that performs a service or provides an activity
3-58 consistent with the furtherance of a district purpose.

3-59 Sec. 3939.0306. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
3-60 district may engage in activities that accomplish the economic
3-61 development purposes of the district.

3-62 (b) The district may establish and provide for the
3-63 administration of one or more programs to promote state or local
3-64 economic development and to stimulate business and commercial
3-65 activity in the district, including programs to:

3-66 (1) make loans and grants of public money; and

3-67 (2) provide district personnel and services.

3-68 (c) The district may create economic development programs
3-69 and exercise the economic development powers provided to

4-1 municipalities by:

4-2 (1) Chapter 380, Local Government Code; and

4-3 (2) Subchapter A, Chapter 1509, Government Code.

4-4 Sec. 3939.0307. PARKING FACILITIES. (a) The district may
 4-5 acquire, lease as lessor or lessee, construct, develop, own,
 4-6 operate, and maintain parking facilities or a system of parking
 4-7 facilities, including lots, garages, parking terminals, or other
 4-8 structures or accommodations for parking motor vehicles off the
 4-9 streets and related appurtenances.

4-10 (b) The district's parking facilities serve the public
 4-11 purposes of the district and are owned, used, and held for a public
 4-12 purpose even if leased or operated by a private entity for a term of
 4-13 years.

4-14 (c) The district's parking facilities are parts of and
 4-15 necessary components of a street and are considered to be a street
 4-16 or road improvement.

4-17 (d) The development and operation of the district's parking
 4-18 facilities may be considered an economic development program.

4-19 Sec. 3939.0308. ADDING OR EXCLUDING LAND. The district may
 4-20 add or exclude land in the manner provided by Subchapter J, Chapter
 4-21 49, Water Code, or by Subchapter H, Chapter 54, Water Code.

4-22 Sec. 3939.0309. DISBURSEMENTS AND TRANSFERS OF MONEY. The
 4-23 board by resolution shall establish the number of directors'
 4-24 signatures and the procedure required for a disbursement or
 4-25 transfer of district money.

4-26 Sec. 3939.0310. RAIL FACILITIES. The district may
 4-27 construct, acquire, improve, maintain, finance, and operate rail
 4-28 facilities and improvements for freight, commuter, or other rail
 4-29 purposes.

4-30 Sec. 3939.0311. NO EMINENT DOMAIN POWER. The district may
 4-31 not exercise the power of eminent domain.

4-32 SUBCHAPTER D. ASSESSMENTS

4-33 Sec. 3939.0401. PETITION REQUIRED FOR FINANCING SERVICES
 4-34 AND IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
 4-35 service or improvement project with assessments under this chapter
 4-36 unless a written petition requesting that service or improvement
 4-37 has been filed with the board.

4-38 (b) A petition filed under Subsection (a) must be signed by
 4-39 the owners of a majority of the assessed value of real property in
 4-40 the district subject to assessment according to the most recent
 4-41 certified tax appraisal roll for the county.

4-42 Sec. 3939.0402. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
 4-43 The board by resolution may impose and collect an assessment for any
 4-44 purpose authorized by this chapter in all or any part of the
 4-45 district.

4-46 (b) An assessment, a reassessment, or an assessment
 4-47 resulting from an addition to or correction of the assessment roll
 4-48 by the district, penalties and interest on an assessment or
 4-49 reassessment, an expense of collection, and reasonable attorney's
 4-50 fees incurred by the district:

4-51 (1) are a first and prior lien against the property
 4-52 assessed;

4-53 (2) are superior to any other lien or claim other than
 4-54 a lien or claim for county, school district, or municipal ad valorem
 4-55 taxes; and

4-56 (3) are the personal liability of and a charge against
 4-57 the owners of the property even if the owners are not named in the
 4-58 assessment proceedings.

4-59 (c) The lien is effective from the date of the board's
 4-60 resolution imposing the assessment until the date the assessment is
 4-61 paid. The board may enforce the lien in the same manner that the
 4-62 board may enforce an ad valorem tax lien against real property.

4-63 (d) The board may make a correction to or deletion from the
 4-64 assessment roll that does not increase the amount of assessment of
 4-65 any parcel of land without providing notice and holding a hearing in
 4-66 the manner required for additional assessments.

4-67 SUBCHAPTER E. TAXES AND BONDS

4-68 Sec. 3939.0501. TAX ELECTION REQUIRED. (a) The district
 4-69 must hold an election in the manner provided by Chapter 49, Water

5-1 Code, or, if applicable, Chapter 375, Local Government Code, to
 5-2 obtain voter approval before the district may impose an ad valorem
 5-3 tax.

5-4 (b) Section 375.243, Local Government Code, does not apply
 5-5 to the district.

5-6 Sec. 3939.0502. OPERATION AND MAINTENANCE TAX. (a) If
 5-7 authorized by a majority of the district voters voting at an
 5-8 election under Section 3939.0501, the district may impose an
 5-9 operation and maintenance tax on taxable property in the district
 5-10 in the manner provided by Section 49.107, Water Code, for any
 5-11 district purpose, including to:

5-12 (1) maintain and operate the district;

5-13 (2) construct or acquire improvements; or

5-14 (3) provide a service.

5-15 (b) The board shall determine the operation and maintenance
 5-16 tax rate. The rate may not exceed the rate approved at the
 5-17 election.

5-18 Sec. 3939.0503. AUTHORITY TO BORROW MONEY AND TO ISSUE
 5-19 BONDS AND OTHER OBLIGATIONS. (a) The district may borrow money on
 5-20 terms determined by the board.

5-21 (b) The district may issue bonds, notes, or other
 5-22 obligations payable wholly or partly from ad valorem taxes,
 5-23 assessments, impact fees, revenue, contract payments, grants, or
 5-24 other district money, or any combination of those sources of money,
 5-25 to pay for any authorized district purpose.

5-26 Sec. 3939.0504. BONDS SECURED BY REVENUE OR CONTRACT
 5-27 PAYMENTS. The district may issue, without an election, bonds
 5-28 secured by:

5-29 (1) revenue other than ad valorem taxes, including
 5-30 contract revenues; or

5-31 (2) contract payments, provided that the requirements
 5-32 of Section 49.108, Water Code, have been met.

5-33 Sec. 3939.0505. BONDS SECURED BY AD VALOREM TAXES;
 5-34 ELECTIONS. (a) If authorized at an election under Section
 5-35 3939.0501, the district may issue bonds payable from ad valorem
 5-36 taxes.

5-37 (b) At the time the district issues bonds payable wholly or
 5-38 partly from ad valorem taxes, the board shall provide for the annual
 5-39 imposition of a continuing direct annual ad valorem tax, without
 5-40 limit as to rate or amount, for each year that all or part of the
 5-41 bonds are outstanding as required and in the manner provided by
 5-42 Sections 54.601 and 54.602, Water Code.

5-43 (c) All or any part of any facilities or improvements that
 5-44 may be acquired by a district by the issuance of its bonds may be
 5-45 submitted as a single proposition or as several propositions to be
 5-46 voted on at the election.

5-47 Sec. 3939.0506. CONSENT OF MUNICIPALITY REQUIRED. (a) The
 5-48 board may not issue bonds until each municipality in whose
 5-49 corporate limits or extraterritorial jurisdiction the district is
 5-50 located has consented by ordinance or resolution to the creation of
 5-51 the district and to the inclusion of land in the district.

5-52 (b) This section applies only to the district's first
 5-53 issuance of bonds payable from ad valorem taxes.

5-54 SUBCHAPTER I. DISSOLUTION

5-55 Sec. 3939.0901. DISSOLUTION. (a) The board shall dissolve
 5-56 the district on written petition filed with the board by the owners
 5-57 of:

5-58 (1) 66 percent or more of the assessed value subject to
 5-59 assessment by the district of the property in the district based on
 5-60 the most recent certified county property tax rolls; or

5-61 (2) 66 percent or more of the surface area of the
 5-62 district, excluding roads, streets, highways, utility
 5-63 rights-of-way, other public areas, and other property exempt from
 5-64 assessment by the district according to the most recent certified
 5-65 county property tax rolls.

5-66 (b) The district may not be dissolved if the district:

5-67 (1) has any outstanding bonded or other indebtedness
 5-68 until that bonded or other indebtedness has been repaid or defeased
 5-69 in accordance with the order or resolution authorizing the issuance

6-1 of the bonded or other indebtedness;
 6-2 (2) has a contractual obligation to pay money until
 6-3 that obligation has been fully paid in accordance with the
 6-4 contract; or

6-5 (3) owns, operates, or maintains public works,
 6-6 facilities, or improvements unless the district has contracted with
 6-7 another party for the ownership and operation or maintenance of the
 6-8 public works, facilities, or improvements.

6-9 (c) Section 375.262, Local Government Code, does not apply
 6-10 to the district.

6-11 SECTION 2. The Prairie View Municipal Management District
 6-12 No. 1 initially includes all territory contained in the following
 6-13 area:

6-14 (a) A 621.87 acre tract of land out of Sections 30 and 31,
 6-15 Block 2, A. B. & M. Survey, Potter County, Texas, and more
 6-16 particularly described as follows:

6-17 BEGINNING at a Gresham Aluminum Cap found on the east
 6-18 right-of-way line of Spur 228 same being the southwest corner of
 6-19 said Section 30 for a corner of this tract.

6-20 THENCE N. 00° 11' 35" E., along said east right-of-way line, a
 6-21 distance of 4161.54 feet to a 1/2" iron rod with a yellow cap
 6-22 inscribed "RPLS 4263" (such type cap and rod hereafter referred to
 6-23 as an OJD Cap) set on said east right-of-way line for the most
 6-24 westerly northwest corner of this tract.

6-25 THENCE N. 87° 28' 24" E., continuing along said right-of-way
 6-26 line, a distance of 1.08 feet to a Gresham Aluminum Cap found for an
 6-27 angle corner of this tract.

6-28 THENCE N. 40° 07' 53" E., along said right-of-way line, a
 6-29 distance of 116.08 feet to TxDot Brass Cap Monument found on the
 6-30 south right-of-way line of Interstate Highway No. 40 for the most
 6-31 northerly northwest corner of this tract.

6-32 THENCE N. 80° 18' 54" E., along said south right-of-way line,
 6-33 a distance of 286.20 feet to a Gresham Aluminum Cap found on said
 6-34 south right-of-way line for an angle corner of this tract.

6-35 THENCE N. 80° 18' 37" E., continuing along said south
 6-36 right-of-way line, a distance of 300.34 feet to a Gresham Aluminum
 6-37 Cap found on said south right-of-way line for an angle corner of
 6-38 this tract.

6-39 THENCE N. 69° 11' 51" E., continuing along said south
 6-40 right-of-way line, a distance of 102.08 feet to a Gresham Aluminum
 6-41 Cap found on said south right-of-way line for an angle corner of
 6-42 this tract.

6-43 THENCE N. 80° 26' 43" E., continuing along said south
 6-44 right-of-way line, a distance of 3052.07 feet to a Gresham Aluminum
 6-45 Cap found on said south right-of-way line same being the beginning
 6-46 of a curve to the right for a corner of this tract.

6-47 THENCE in a northeasterly direction along said curve to the
 6-48 right and said south right-of-way line with a radius equal to
 6-49 5579.58 feet, a long chord bearing of N. 82° 11' 05" E. and a long
 6-50 chord distance of 338.73 feet, a curve distance of 338.78 feet to a
 6-51 Gresham Aluminum Cap found at the end of said curve to the right
 6-52 same being on said south right-of-way line for a corner of this
 6-53 tract.

6-54 THENCE S. 83° 50' 20" E., continuing along said south
 6-55 right-of-way line, a distance of 99.24 feet to a Gresham Aluminum
 6-56 Cap found at the beginning of a curve to the right for an angle
 6-57 corner of this tract.

6-58 THENCE in a northeasterly direction along said curve to the
 6-59 right and said south right-of-way line with a radius equal to
 6-60 5559.58 feet, a long chord bearing of N. 87° 00' 13" E. and a long
 6-61 chord distance of 409.59 feet, a curve distance of 409.68 feet to a
 6-62 Gresham Aluminum Cap found on said curve to the right same being on
 6-63 said south right-of-way line for the most northerly northeast
 6-64 corner of this tract.

6-65 THENCE S. 00° 17' 53" E. a distance of 1324.32 feet to a
 6-66 Gresham Aluminum Cap found for an ell corner of this tract.

6-67 THENCE S. 89° 43' 42" E. a distance of 660.15 feet to a Gresham
 6-68 Aluminum Cap found on the west right-of-way line of F.M. Highway
 6-69 No. 1912 for the most easterly northeast corner of this tract.

7-1 THENCE S. 00° 17' 55" W., along said west right-of-way line, a
7-2 distance of 2296.12 feet to a Gresham Aluminum Cap found on said
7-3 west right-of-way line for an angle corner of this tract.

7-4 THENCE S. 00° 30' 16" E., continuing along said west
7-5 right-of-way line, a distance of 249.29 feet to a Gresham Aluminum
7-6 Cap found on said west right-of-way line for an ell corner of this
7-7 tract.

7-8 THENCE S. 89° 52' 38" W. a distance of 788.09 feet to a Gresham
7-9 Aluminum Cap found for an ell corner of this tract.

7-10 THENCE S. 00° 06' 07" W. a distance of 2131.04 feet to a
7-11 Gresham Aluminum Cap found for an ell corner of this tract.

7-12 THENCE S. 80° 34' 32" E. a distance of 789.43 feet to a Gresham
7-13 Aluminum Cap found on said west right-of-way line for an ell corner
7-14 of this tract.

7-15 THENCE S. 01° 23' 32" W., along said west right-of-way line, a
7-16 distance of 222.12 feet to a Gresham Aluminum Cap found at the
7-17 intersection of said west right-of-way line and the northerly
7-18 right-of-way line of B. S. N. F. Railroad the southeast corner of
7-19 this tract.

7-20 THENCE N. 80° 33' 44" W., along said northerly right-of-way
7-21 line, a distance of 5315.27 feet to a Gresham Aluminum Cap found on
7-22 said east right-of-way line of said Spur 228 for the southwest
7-23 corner of this tract.

7-24 THENCE N. 00° 11' 35" E., along said east right-of-way line, a
7-25 distance of 536.60 feet to the place of BEGINNING and containing
7-26 621.87 acres of land.

7-27 (b) An 11.30 acre± tract of land in Section 37, Block 2, A.B.
7-28 & M. Survey, Potter County, Texas and being all of a 6.3 acre and a
7-29 5.00 acre tract of land as described in that certain instrument of
7-30 conveyance recorded under Clerk's File No. 2020OPR0012200 of the
7-31 Official Public Records of Potter County, Texas. Said 11.30 acre±
7-32 tract of land having been surveyed on the ground by Furman Land
7-33 Surveyors, Inc. on March 28, 2022 and being more particularly
7-34 described by metes and bounds as follows:

7-35 COMMENCING at a 2 inch iron pipe found as called for at the
7-36 Northeast corner of said Section 37, Block 2, A.B. & M. Survey,
7-37 Potter County, Texas;

7-38 THENCE South 00° 04' 30" West (base line) along the East line
7-39 of said Section 37, a distance of 2782.61 feet to a point, from
7-40 whence a 2 inch iron pipe found as called for at the Southeast
7-41 corner of said Section 37 bears South 00° 04' 30" West, 2495.32 feet;

7-42 THENCE North 89° 55' 30" West, 119.69 feet to a 1/2 inch iron
7-43 rod found as called for in the West monumented right-of-way line of
7-44 Spur 228 (Volume 826, Page 117), same point being the most Easterly
7-45 Northeast corner of a 365.69 acre tract of land as described in that
7-46 certain instrument of conveyance recorded in Volume 3753, Page 786
7-47 of the Official Public Records of Potter County, Texas and also
7-48 being the Southeast corner of the herein described tract of land,
7-49 from whence a 5/8 inch iron rod with cap stamped "RPLS 5437" found
7-50 as called for at the Southeast corner of said 365.69 acre tract of
7-51 land bears South 00° 04' 35" West, 3018.41 feet;

7-52 THENCE South 85° 34' 44" West, 652.59 feet to a 1/2 inch iron
7-53 rod found as called for, same point being an interior jog corner of
7-54 said 365.69 acre tract of land and also being the Southwest corner
7-55 of this tract of land;

7-56 THENCE North 00° 03' 09" East, 726.94 feet to a 1/2 inch iron
7-57 rod found as called for at the Southwest corner of a 4.92 acre tract
7-58 of land as described in that certain instrument of conveyance
7-59 recorded under Clerk's File No. 1302993 of the Official Public
7-60 Records of Potter County, Texas, same point being the Northwest
7-61 corner of this tract of land;

7-62 THENCE North 80° 28' 11" East, 660.12 feet to a 1/2 inch iron
7-63 rod found in the West monumented right-of-way line of said Spur 228
7-64 at the Southeast corner of said 4.92 acre tract of land, same point
7-65 being the Northeast corner of this tract of land;

7-66 THENCE South 00° 04' 30" West, 785.93 feet to the PLACE OF
7-67 BEGINNING and containing a computed area of 11.30 acres of land,
7-68 more or less.

7-69 (c) A 365.72 acre tract of land out of Sections 36 and 37,

8-1 Block 2, A. B. & M. Survey, Potter County,
8-2 BEGINNING at an RPLS 5437 Cap found at the intersection of the
8-3 west right-of-way line of Spur 228 and the northerly right-of-way
8-4 line of B. N. S. F. Railroad which bears S. 00° 11' 36" W. a distance
8-5 of 517.52 feet and / N. 89° 48' 07" W. a distance of 119.94 feet from
8-6 a Gresham Aluminum Cap found at the southeast corner of said Section
8-7 37 for the southeast corner of this tract.
8-8 THENCE N. 80° 33' 36" W., along said northerly right-of-way at
8-9 3247.33 feet pass an RPLS 5437 Cap found, a total distance of
8-10 5272.06 feet to an RPLS 5437 Cap found at the intersection said
8-11 northerly right-of-way line and said east right-of-way line of
8-12 Parsley Road for the southwest corner of this tract.
8-13 THENCE N. 89° 54' 23" E. a distance of 329.88 feet to a Miller
8-14 Cap found for an ell corner of this tract.
8-15 THENCE N. 00° 14' 24" E., along said east right-of-way line, a
8-16 distance of 734.90 feet to an RPLS 5437 Cap found at the
8-17 intersection of said east right-of-way line and the southerly
8-18 right-of-way line of Interstate Highway No. 40 for the northwest
8-19 corner of this tract.
8-20 THENCE N. 44° 26' 23" E., along said southerly right-of-way
8-21 line, a distance of 2938.45 feet to a TxDot Brass Cap Monument found
8-22 on said southerly right-of-way line same being at the beginning of a
8-23 curve to the right for a corner of this tract.
8-24 THENCE in a northeasterly direction along said curve to the
8-25 right and said northerly right-of-way line with a radius equal to
8-26 2714.79 feet, a long chord bearing of N. 62° 26' 41" E. and a long
8-27 chord distance of 1677.93 feet, a curve distance of 1705.86 feet to
8-28 a TxDot Brass Cap Monument found at the end of said curve to the
8-29 right same being on said northerly right-of-way line for a corner of
8-30 this tract.
8-31 THENCE N. 80° 27' 32" E., continuing along said northerly
8-32 right-of-way line, a distance of 674.08 feet to a TxDot Brass Cap
8-33 Monument found for an angle corner of this tract.
8-34 THENCE S. 88° 11' 57" E., along said northerly right-of-way
8-35 line, a distance of 101.95 feet to a TxDot Brass Cap Monument found
8-36 for an angle corner of this tract.
8-37 THENCE N. 80° 24' 46" E., along said northerly right-of-way
8-38 line, a distance of 174.69 feet to a Keys Cap found for the most
8-39 northerly northeast corner of this tract.
8-40 THENCE S. 00° 14' 15" W. a distance of 599.85 feet to a Keys
8-41 Cap found for an ell corner of this tract.
8-42 THENCE N. 79° 14' 13" E. a distance of 80.47 feet to a Furman
8-43 Cap found for an ell corner of this tract.
8-44 THENCE S. 00° 10' 13" W. a distance of 1056.85 feet to an RPLS
8-45 5437 Cap found for an ell corner of this tract.
8-46 THENCE N. 85° 41' 53" E. a distance of 652.72 feet to a 1/2"
8-47 iron rod found on the west right-of-way line of Spur 228 for the
8-48 most easterly northeast corner of this tract.
8-49 THENCE S. 00° 12' 04" W., along said west right-of-way line, a
8-50 distance of 3018.76 feet to the place of BEGINNING and containing
8-51 365.72 acres of land.
8-52 (d) A 22.51+/- acre tract of land being a portion of the
8-53 39.51+/- acre remainder of those certain tracts of land out of
8-54 Sections 30 and 31, Block 2, A.B. & M. Survey, Potter County, Texas,
8-55 being described in Volume 968, Page 575 of the Deed Records of
8-56 Potter County, Texas, said 22.51+/- acre tract of land having been
8-57 surveyed on the ground on May 6, 2022 by Furman Land Surveyors, Inc.
8-58 and being described by metes and bounds as follows:
8-59 BEGINNING at a 1/2 inch iron rod with aluminum cap stamped "Gresham
8-60 & Associates, Inc. PLS 1939" found, as called for, in the West
8-61 Right-of-Way line of F.M. Highway 1912 for a corner of that certain
8-62 418.350 acre tract of land being described in that certain
8-63 instrument recorded in Volume 3564, Page 462 of the Official Public
8-64 Records of Potter County, Texas, same being the Southeast corner of
8-65 this tract of land;
8-66 THENCE N. 80° 39' 02" W. 789.36 feet along the South line of said
8-67 39.51+/- acre remainder tract to a 1/2 inch iron rod with aluminum
8-68 cap stamped "Gresham & Associates, Inc. PLS 1939" found as called
8-69 for the Southwest corner of said 39.51+/- acre remainder tract,

9-1 same being the Southwest corner of this tract of land;
9-2 THENCE N. 00° 01' 05" E. 1055.30 feet along the West line of said
9-3 39.51+/- acre remainder tract to a 1/2 inch iron rod with cap
9-4 stamped "FURMAN PRLS" set for the Southwest corner of that certain
9-5 17.00+/- acre tract of land surveyed simultaneously, same being the
9-6 Northwest corner of this tract of land, from whence a 1/2 inch iron
9-7 rod with aluminum cap stamped "Gresham & Associates, Inc. PLS 1939"
9-8 found as called for the Northwest corner of said 39.51+/- acre
9-9 remainder tract bears N. 00° 01' 05" E. 1075.86 feet;
9-10 THENCE S. 89° 43' 55" E. 527.49 feet to a 1/2 inch iron rod with cap
9-11 stamped "FURMAN RPLS" set for an interior corner of this tract of
9-12 land;
9-13 THENCE N. 00° 54' 59" W. 418.00 feet to a 1/2 inch iron rod with cap
9-14 stamped "FURMAN RPLS" set for a jog corner of this tract of land;
9-15 THENCE S. 86° 48' 36" E. 265.00 feet to a 1/2 inch iron rod with cap
9-16 stamped "FURMAN RPLS" set in the West Right-of-Way line of said F.M.
9-17 Highway 1912 for the Southeast corner of said 17.00+/- acre tract of
9-18 land surveyed simultaneously, same being the Northeast corner of
9-19 this tract of land, from whence a 1/2 inch iron rod with aluminum
9-20 cap stamped "Gresham & Associates, Inc. PLS 1939" found as called a
9-21 corner of said 39.51+/- acre remainder tract bears N. 00° 14' 51" E.
9-22 (Base line) 677.00 feet;
9-23 THENCE S. 00° 14' 51" W. 1584.28 feet along the West Right-of-Way
9-24 line of said F.M. Highway 1912 to the PLACE OF BEGINNING and
9-25 containing 22.51 acres of land, more or less.
9-26 SECTION 3. (a) The legal notice of the intention to
9-27 introduce this Act, setting forth the general substance of this
9-28 Act, has been published as provided by law, and the notice and a
9-29 copy of this Act have been furnished to all persons, agencies,
9-30 officials, or entities to which they are required to be furnished
9-31 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
9-32 Government Code.
9-33 (b) The governor, one of the required recipients, has
9-34 submitted the notice and Act to the Texas Commission on
9-35 Environmental Quality.
9-36 (c) The Texas Commission on Environmental Quality has filed
9-37 its recommendations relating to this Act with the governor,
9-38 lieutenant governor, and speaker of the house of representatives
9-39 within the required time.
9-40 (d) All requirements of the constitution and laws of this
9-41 state and the rules and procedures of the legislature with respect
9-42 to the notice, introduction, and passage of this Act have been
9-43 fulfilled and accomplished.
9-44 SECTION 4. This Act takes effect immediately if it receives
9-45 a vote of two-thirds of all the members elected to each house, as
9-46 provided by Section 39, Article III, Texas Constitution. If this
9-47 Act does not receive the vote necessary for immediate effect, this
9-48 Act takes effect September 1, 2023.

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