

By: Spiller

H.B. No. 5414

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Mountain Springs Municipal Utility District of Cooke County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose 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 7982A to read as follows:

CHAPTER 7982A. MOUNTAIN SPRINGS MUNICIPAL UTILITY DISTRICT OF COOKE COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7982A.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 Mountain Springs Municipal Utility District of Cooke County.

Sec. 7982A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7982A.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. 7982A.0104. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 7982A.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 as required by applicable law.

Sec. 7982A.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. 7982A.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. 7982A.0201. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 7982A.0202, directors serve staggered four-year terms.

Sec. 7982A.0202. TEMPORARY DIRECTORS. (a) On or after September 1, 2023, 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 temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 7982A.0103; or

(2) September 1, 2027.

(c) If permanent directors have not been elected under Section 7982A.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 7982A.0103; or

(2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7982A.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 7982A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 7982A.0303. AUTHORITY FOR ROAD PROJECTS. Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 7982A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 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. 7982A.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. 7982A.0306. DIVISION OF DISTRICT. (a) 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.

(b) An order dividing a district may create one or more new districts and may provide for the continuation of the district.

(c) An order dividing the district shall:

- (1) name any new district;
- (2) include the metes and bounds description of the territory of each of the districts;
- (3) appoint temporary directors for any new district;

1 and

2 (4) provide for the division of assets and liabilities
3 between the districts.

4 (d) The board may adopt an order dividing the district
5 before or after the date the board holds an election to confirm the
6 district's creation.

7 (e) The district may be divided only if the district:

8 (1) has never issued any bonds; and

9 (2) is not imposing ad valorem taxes.

10 (f) A new district created by the division of the district
11 may not, at the time the new district is created, contain any land
12 outside the area described by Section 2 of the Act enacting this
13 chapter.

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

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

21 (i) A new district created by the division of the district
22 shall hold a confirmation and directors' election.

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

26 (k) A new district created by the division of the district
27 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.

(1) The district may continue to rely on confirmation, directors', bond, or tax elections held prior to the division.

(m) Municipal consent to the creation of the district and to the inclusion of land in the district 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.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7982A.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 7982A.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. 7982A.0402. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 7982A.0401, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water

1 Code.

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

4 Sec. 7982A.0403. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

14 Sec. 7982A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
15 OBLIGATIONS. The district may issue bonds or other obligations
16 payable wholly or partly from ad valorem taxes, impact fees,
17 revenue, contract payments, grants, or other district money, or any
18 combination of those sources, to pay for any authorized district
19 purpose.

20 Sec. 7982A.0502. TAXES FOR BONDS. At the time the district
21 issues bonds payable wholly or partly from ad valorem taxes, the
22 board shall provide for the annual imposition of a continuing
23 direct ad valorem tax, without limit as to rate or amount, while all
24 or part of the bonds are outstanding as required and in the manner
25 provided by Sections 54.601 and 54.602, Water Code.

26 Sec. 7982A.0503. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects and payable from ad
2 valorem taxes may not exceed one-fourth of the assessed value of the
3 real property in the district.

4 SECTION 2. The Mountain Springs Municipal Utility District
5 of Cooke County initially includes all the territory contained in
6 the following area:

7 Tract 1:

8 Being a tract of land situated in the Charles Martin Survey,
9 Abstract No. 683, the JJ Ozment Survey, Abstract No. 807, the James
10 Martin Survey, Abstract No. 690, and the James Neely Survey,
11 Abstract No. 796, Cooke County, Texas being all of a called 10.02
12 acres tract of land described in Deed to M. B. Rudman, Alvrone
13 Sater, Alvrone Sater Trust No. 3, Alvrone Sater Trust Under Will of
14 I. Rudman, Deseased as recorded in Volume 738, Page 528, Deed
15 Records, Cooke County, Texas, being all of a called 14.90 acres
16 tract of land described in Deed to M. B. Rudman, Alvrone Sater, Will
17 of O. I. Rudman, and Alvrone Sater Trust No. 3 as recorded in Volume
18 743, Page 661, said Deed Records, and being all of a called 15.00
19 acres tract of land (Tract 2), all of a called 28.149 acres tract of
20 land (Tract 3), all of a called 153.51 acres tract of land (Tract
21 5), all of a called 6.376 acres tract of land (Tract 6: Tract Ten),
22 all of a called 5.000 acres tract of land (Tract 6: Tract Twelve),
23 all of a called 5.000 acres tract of land (Tract 6: Tract Fourteen),
24 all of a called 5.000 acres tract of land (Tract 6: Tract Fifteen),
25 all of a called 5.000 acres tract of land (Tract 16), and all of a
26 called 5 acres tract of land (Tract 7) described in Deed to MER
27 Energy, Ltd. as recorded in Volume 1806, Page 263, Official Public

H.B. No. 5414

1 Records, Cooke County, Texas, and being more particularly described
2 herein as follows:

3 BEGINNING at a 1/2 inch iron rod found at the intersection of the
4 South line of Burn City Road (a public road) and the East
5 Right-of-Way line of F.M. 372 (a called 100' R.O.W.) for the
6 Northwest corner of said 10.02 acres tract;

7 THENCE North 00 degrees 04 minutes 08 seconds West, with the North
8 line of said 10.02 acres tract, along the South line of said Burns
9 City Road, a distance of 768.43 feet to a 2 inch steel fence corner
10 post found in a West line of said Tract 5 for the Northeast corner of
11 said 10.02 acres tract;

12 THENCE North 00 degrees 04 minutes 08 seconds West, with a West line
13 of said Tract 5, a distance of 18.20 feet to a 5/8 inch iron rod with
14 plastic cap stamped "PLS, INC" (typical) set in said Burns City Road
15 for the Northwest corner of said Tract 5;

16 THENCE with the North line of said Tract 5, along said Burns City
17 Road, the following three (3) courses and distances:

18 1. North 88 degrees 56 minutes 41 seconds East, a distance of
19 1513.55 feet to a 5/8 inch iron rod with plastic cap stamped "PLS,
20 INC" (typical) set for corner;

21 2. South 75 degrees 12 minutes 28 seconds East, a distance of
22 606.25 feet to a 5/8 inch iron rod set for corner;

23 3. North 88 degrees 53 minutes 15 seconds East, a distance of
24 403.19 feet to a 5/8 inch iron rod set for the most Northerly
25 Northeast corner of said Tract 5 and the Northwest corner of said
26 Peggy Lou Stevens Tuck and Rita Sue Stevens Reasor as recorded in
27 Volume 958, Page 537, said Deed Records;

H.B. No. 5414

1 THENCE South 01 degrees 46 minutes 26 seconds East, with an East
2 line of said Tract 5, a distance of 1355.00 feet to a 1/2 inch iron
3 rod capped "RPLS 1849" found for an interior corner thereof;
4 THENCE North 88 degrees 54 minutes 22 seconds East, with a North
5 line of said Tract 5, a distance of 694.93 feet to a 30 inch oak tree
6 fence corner post found for the most Easterly corner thereof;
7 THENCE South 05 degrees 09 minutes 01 seconds East, with the East
8 line of said Tract 5, a distance of 1430.55 feet to a 1/2 inch iron
9 rod found for most Easterly Southeast corner thereof;
10 THENCE South 88 degrees 02 minutes 10 seconds West, a distance of
11 814.96 feet to a 20 inch tree stump found in the East line of a
12 called 41.20 acres tract of land described in Deed to LMAC Property
13 Management, LLC as recorded in Volume 2458, Page 21, said Official
14 Public Records for the most Easterly Southwest corner of said Tract
15 5;
16 THENCE North 00 degrees 12 minutes 38 seconds West, with a West line
17 of said Tract 5 and the East line of said 41.20 acres tract, a
18 distance of 110.12 feet to a 1/2 inch iron rod found for an interior
19 corner of said Tract 5 and the Northeast corner of said 41.20 acres
20 tract;
21 THENCE North 88 degrees 04 minutes 52 seconds West, with a South
22 line of said Tract 5 and the North line of said 41.20 acres tract, a
23 distance of 1,298.11 feet to a 1/2 inch iron rod found in the East
24 line of said Tract 3 for the middle Southwest corner of said Tract 5
25 and the Northwest corner of said 41.20 acres tract;
26 THENCE South 00 degrees 38 minutes 13 seconds East, with the East
27 line of said Tract 3 and the West line of said 41.20 acres tract, a

1 distance of 411.50 feet to a 7 inch steel fence corner post found
2 for the Southeast corner of said Tract 3 and the Northeast corner of
3 a called 10 acres tract of land described in Deed to LMAC Property
4 Management, LLC as recorded in Volume 2246, Page 318, said Official
5 Public Records;

6 THENCE South 88 degrees 25 minutes 15 seconds West, with the South
7 line of said Tract 3, a distance of 2,114.62 feet to a 1/2 inch iron
8 rod found in the East Right-of-Way line of said F.M. 372 for the
9 Southwest corner of said Tract 3 and the Northwest corner of a
10 called 4 acres tract of land described in Deed to Stuart Kim
11 McFadden and Agnes Ann McFadden as recorded in Volume 1581, Page
12 565, said Official Public Records;

13 THENCE with the West line of said Tract 3, said Tract 6: Tract Ten,
14 and said Tract 2 and with the East Right-of-Way line of said F.M.
15 372, the following eight (8) courses and distances:

16 1. North 01 degrees 18 minutes 24 seconds West, a distance of
17 169.53 feet to a 5/8 inch iron rod set at the beginning of a curve to
18 the right having a radius of 5,679.36 feet;

19 2. Northerly, along the arc of said curve, a distance of 148.36
20 feet with a delta angle of 1 degree 29 minutes 48 seconds, a chord
21 bearing of North 00 degrees 33 minutes 30 seconds West, and a chord
22 length of 148.35 feet to a 5/8 inch iron rod set at the beginning of
23 a compound curve to the right having a radius of 1,859.86 feet;

24 3. Northerly, along the arc of said compound curve, a distance of
25 291.02 feet with a delta angle of 8 degrees 57 minutes 55 seconds, a
26 chord bearing of North 05 degrees 26 minutes 10 seconds East, and a
27 chord length of 290.72 feet to a 5/8 inch iron rod set at the

1 beginning of a compound curve to the right having a radius of
2 5,679.36 feet;
3 4. Northerly along the arc of said compound curve, a distance of
4 148.36 feet with a delta angle of 1 degree 29 minutes 48 seconds, a
5 chord bearing of North 11 degrees 25 minutes 49 seconds East, and a
6 chord length of 148.35 feet to a 5/8 inch iron rod set for corner;
7 5. North 12 degrees 10 minutes 43 seconds East, a distance of
8 113.15 feet to a 5/8 inch iron rod set at the beginning of a curve to
9 the left having a radius of 5,779.36 feet;
10 6. Northerly along the arc of said curve, a distance of 151.63 feet
11 with a delta angle of 1 degree 30 minutes 12 seconds, a chord
12 bearing of North 11 degrees 25 minutes 37 seconds East, and a chord
13 length of 151.62 feet to a 5/8 inch iron rod set at the beginning of
14 a compound curve to the left having a radius of 1,959.86 feet;
15 7. Northerly, along the arc of said compound curve, a distance of
16 316.85 feet with a delta angle of 9 degrees 15 minutes 47 seconds, a
17 chord bearing of North 05 degrees 18 minutes 24 seconds East, and a
18 chord length of 316.50 feet to a 5/8 inch iron rod set at the
19 beginning of a compound curve to the right having a radius of
20 5,779.36 feet;
21 8. Northerly, along the arc of said compound curve, a distance of
22 151.63 feet with a delta angle of 1 degree 30 minutes 12 seconds, a
23 chord bearing of North 00 degrees 48 minutes 48 seconds West, and a
24 chord length of 151.62 to a 5/8 inch iron rod set for corner;
25 THENCE North 01 degrees 33 minutes 44 seconds West, continuing with
26 the West line of said Tract 2 and the East Right-of-Way line of said
27 F.M. 372, passing at a distance of 251.62 feet a 1/2 inch iron rod

H.B. No. 5414

found for the Northwest corner of said Tract 2 and the Southwest corner of said 14.90 acres tract, and continuing along said course, passing at a distance of 1,127.79 feet a 1/2 inch iron rod found for the Northwest corner of said 14.90 acres tract and the Southwest corner of said 10.02 acres tract, and continuing along said course, with the West line of said 10.02 acres tract, for a total distance of 1,690.04 feet to the POINT OF BEGINNING and containing, within the metes and bounds herein recited, 253.103 acres of land, more or less.

Tract 2:

Being a tract of land situated in the James Bourland Survey, Abstract No. 183, Cooke County, Texas and being all of a called 141.814 acres tract of land described in Deed to Rose Rudman as recorded in Volume 535, Page 738, Deed Records, Cooke County, Texas, and being more particularly described herein as follows:

BEGINNING at a 2 inch steel fence corner post found in the East Right-of-Way line of F.M. 372 (a called 100' R.O.W.) for the occupied and recognized Southwest corner of said Rudman tract and the Northwest corner of a called 27.00 acres tract of land as deeded to Richard A. Ness and wife, Pamala N. Ness recorded in Volume 1563, Page 831, Official Public Records, Cooke County, Texas and being described in Deed recorded in Volume 616, Page 729, said Deed Records;

THENCE North 00 degrees 05 minutes 37 seconds West, with the West line of said Rudman tract, along the the East line of said F.M. 372, a distance of 1,466.64 feet to a 5/8 inch iron rod with plastic cap stamped "PLS, INC" (typical) set at the beginning of a transition

1 curve to the left having a radius of 3,487.33 feet;
2 THENCE Northerly, along the arc of said curve, with the West line of
3 said Rudman tract and the East line of said F.M. 372, a distance of
4 96.46 feet with a delta angle of 1 degree 35 minutes 05 seconds, a
5 chord bearing of North 00 degrees 52 minutes 46 seconds West, and a
6 chord length of 96.46 feet to a railroad tie fence corner post found
7 for the most Southerly Northwest corner of said Rudman tract and the
8 most Westerly Southwest corner of a called 36.36 acres tract of land
9 described in Deed to T & D Leasing, Inc. as recorded in Volume 1451,
10 Page 341, said Official Public Records, from which a 1/2 inch iron
11 rod found bears South 73 degrees 22 minutes 44 seconds East, a
12 distance of 1.72 feet;
13 THENCE with the common line of said Rudman tract and said 36.36
14 acres tract, generally along and near a fence, the following five
15 (5) courses and distances:
16 1. North 84 degrees 10 minutes 15 seconds East, a distance of
17 198.55 feet to a 1/2 inch iron rod found near a fence corner post for
18 corner;
19 2. South 02 degrees 53 minutes 58 seconds West, a distance of 76.43
20 feet to a 1/2 inch iron rod found near a fence corner post for
21 corner;
22 3. North 82 degrees 47 minutes 53 seconds East, a distance of
23 875.73 feet to a railroad tie fence corner post found for corner;
24 4. North 04 degrees 25 minutes 10 seconds West, a distance of
25 1,105.24 feet to a 1/2 inch iron rod found near a fence corner post
26 for the most Northerly Northwest corner of said Rudman tract;
27 5. North 88 degrees 02 minutes 24 seconds East, a distance of

H.B. No. 5414

580.94 feet to a 1/2 inch iron rod found near a fence corner post for the most Easterly Southeast corner of said 36.36 acres tract and the most Westerly Southwest corner of a called 45.24 acres tract of land described in Deed to Inaganti Rao as recorded in Volume 2023, Page 329, said Official Public Records;

THENCE with the common line of said Rudman tract and said Rao tract, the following four (4) courses and distances:

1. North 88 degrees 39 minutes 11 seconds East, a distance of 265.26 feet to a 18 inch oak tree found for the most Northerly Northeast corner of said Rudman tract;

2. South 01 degrees 23 minutes 38 seconds West, passing at a distance of 837.24 feet a 1/2 inch capped iron rod "RPLS 1896" found on the North bank of Spring Creek Branch for reference, and continuing for a total distance of 847.21 feet to a point in said branch for corner;

3. South 83 degrees 32 minutes 19 seconds East, generally with said branch, a distance of 613.22 feet to a point for corner, from which a 1/2 inch capped iron rod "RPLS 1896" found on the North bank of said branch bears North 01 degrees 37 minutes 55 seconds East, a distance of 9.68 feet;

4. South 89 degrees 05 minutes 05 seconds East, generally with said branch, a distance of 401.96 feet to a 1/2 inch iron rod capped "RPLS 1896" found in the East line of said Robinson Survey and the West line of said Huey Survey and a called 30.62 acres tract of land described in Deed to Jeremy David and Stacie David as recorded in Volume 1337, Page 288, said Official Public Records for the most middle Northeast corner of said Rudman tract and the most Southerly

1 Southeast corner of said Rao tract;
2 THENCE South 00 degrees 00 minutes 45 seconds West, with an East
3 line of said Rudman tract and said Robinson Survey and the West line
4 of said Huey Survey and said David tract, a distance of 923.93 feet
5 to a 1/2 inch iron rod found for an interior corner of said Rudman
6 tract and the Southwest corner of said David tract;
7 THENCE North 88 degrees 02 minutes 53 seconds East, with a North
8 line of said Rudman tract and the South line of said David tract, a
9 distance of 820.68 feet to a 2 inch steel fence corner post found
10 for the most Easterly Northeast corner of said Rudman tract and the
11 most Southerly Southeast corner of said David tract;
12 THENCE South 01 degrees 08 minutes 10 seconds East, with the East
13 line of said Rudman tract, a distance of 815.17 feet to a 1/2 inch
14 iron rod found in the North line of a called 11.245 acres tract of
15 land described in Deed to Landon Hale and Amber Hale as recorded in
16 Volume 2401, Page 742, said Official Public Records for the
17 Southeast corner of said Rudman tract and the Southwest corner of a
18 called 16.54 acres tract of land described in Deed to Richard D.
19 Westbrook and Kelly M. Westbrook as recorded in Volume 1343, Page
20 11, said Official Public Records;
21 THENCE South 88 degrees 33 minutes 50 seconds West, with the South
22 line of said Rudman tract and the North line of said Hale tract,
23 passing at a distance of 743.51 feet a 1/2 inch iron rod capped
24 "RPLS 1896" found for the Northwest corner of said Hale tract and
25 the Northeast corner of a called 22.00 acres tract of land described
26 in Deed to Patricia Marie Aldridge as recorded in Volume 2430, Page
27 67, said Official Public Records, and continuing along said course,

H.B. No. 5414

1 with the North line of said Aldridge tract for a total distance of
2 837.14 feet to a 1/2 inch iron rod found for the Southwest corner of
3 said Huey Survey and the Southeast corner of said Robinson Survey;
4 THENCE South 88 degrees 04 minutes 25 seconds West, continuing with
5 the South line of said Rudman tract and the North line of said
6 Aldridge tract, passing at a distance of 436.23 feet a 1/2 inch iron
7 rod capped "RPLS 1896" found at the Northwest corner of said
8 Aldridge tract, and continuing along said course, passing at 994.87
9 feet a 1/2 inch iron rod capped "RPLS 1896" found at the Northeast
10 corner of a called 22.478 acres tract described in Deed to Michael
11 Dean Sanders and Janet D. Sanders as recorded in Volume 2470, Page
12 517 of said Official Public Records, and continuing along said
13 course, passing at 1435.07 feet a 1/2 inch iron rod capped "RPLS
14 1896" found at the Northwest corner thereof and the Northeast
15 corner of a called 22.478 acres tract described in Deed to Dola
16 Lanette Sanders f/k/a Dola Lanette Schindler as recorded in Volume
17 2470, Page 512 of said Official Public Records, and continuing
18 along said course for a total distance of 2,117.40 feet to a 1/2
19 inch iron rod found for the Northwest corner thereof and the
20 Northeast corner of said Ness tract;
21 THENCE South 88 degrees 24 minutes 36 seconds West, with the South
22 line of said Rudman tract and the North line of said Ness tract, a
23 distance of 693.20 feet to the POINT OF BEGINNING and containing,
24 within the metes and bounds herein recited, 141.299 acres of land,
25 more or less.

26 Tract 3:

27 Being a tract of land situated in the F. L. Green Survey, Abstract

H.B. No. 5414

1 No. 425, the Zilitha Newton Survey, Abstract No. 798, the Walter L.
2 Tubbs Survey, Abstract No. 1732, the Cooke County School Land
3 Survey, Abstract No. 205, the B.B.B. & C. R.R. Co. Survey, Abstract
4 No. 171, and the John W. Elkins Survey, Abstract No. 359, Cooke
5 County, Texas and being part of a called 92-1/2 acres tract of land
6 described in Deed to Alvrone Sater, M. B. Rudman, Alvrone Sater,
7 Trustee of the Alvrone Sater Trust No. 3, Rose Rudman, Trustee for
8 M. B. Rudman and Mike Rudman as recorded in Volume 630, Page 233,
9 Deed Records, Cooke County, Texas, all of a called 171.90 acres
10 tract of land described in Deed to The Rudman Partnership as
11 recorded in Volume 1406, Page 523, Official Public Records, Cooke
12 County, Texas and all of a called 87.183 acres tract of land
13 described in Deed to M. B. Rudman, Alvrone Sater, Trustee, Rose
14 Rudman, Trustee for Alvrone Sater, and Rose Rudman, Trustee for M.
15 B. Rudman, as recorded in Volume 538, Page 436, said Deed Records,
16 and being more particularly described herein as follows:

17 BEGINNING at a 1/2 inch iron rod found for the Southwest corner of
18 the herein described tract at the intersection of Union Grove Road
19 (a public road) and Morrow Road (a public road) and in the West line
20 of said Green Survey common to the East line of said Cooke County
21 School Land Survey at the Southwest corner of said 92-1/2 acres
22 tract and the Northwest corner of a called 10.097 acres tract of
23 land described in Deed to Jason S. Wulzer and Rebecca G. Wulzer as
24 recorded in Volume 2201, Page 521, said Official Public Records;

25 THENCE North 01 degrees 14 minutes 47 seconds West, with the West
26 line of said 92-1/2 acres tract and said Green Survey, a distance of
27 726.65 feet to a 1/2 inch iron rod found for the Southeast corner of

H.B. No. 5414

1 a called 1.50 acres tract of land described in Deed to Emily Gay L.
2 Houser as recorded in Volume 941, Page 18, said Official Public
3 Records;
4 THENCE North 01 degrees 13 minutes 20 seconds West, with the West
5 line of said 92-1/2 acres tract and said Green Survey and the East
6 line of said 1.50 acres tract, a distance of 274.76 feet to a 1/2
7 inch iron rod found for the Northeast corner of said 1.50 acres
8 tract and the most Easterly Southeast corner of a called 25.49 acres
9 tract of land described in said Houser Deed;
10 THENCE North 00 degrees 49 minutes 48 seconds West, with the West
11 line of said 92-1/2 acres tract and said Green Survey and the East
12 line of said 24.49 acres tract, passing at a distance of 63.13 feet
13 a 1/2 inch iron rod found at the Northwest corner of said 92-1/2
14 acres tract and the Southwest corner of said 171.90 acres tract, and
15 continuing along said course, with the West line of said 171.90
16 acres tract for a total distance of 919.34 feet to a 1/2 inch iron
17 rod found for a re-entrant corner of said 171.90 acres tract and the
18 Northeast corner of said 25.49 acres tract;
19 THENCE North 89 degrees 34 minutes 08 seconds West, with a South
20 line of said 171.90 acres tract and the North line of said 25.49
21 acres tract, passing at a distance of 1219.73 feet a 1/2 inch iron
22 rod found at the Northwest corner of said 25.49 acres tract and the
23 most Easterly Northeast corner of a called 30.60 acres tract of land
24 described in Deed to Levi Brandon Hall and Kori Lynn Hall as
25 recorded in Volume 2029, Page 501, said Official Public Records for
26 reference, and continuing along said course for a total distance of
27 1245.60 feet to a 3/8 inch iron rod found in said Morrow Road for the

1 most Westerly Southwest corner of said 171.90 acres tract and an
2 interior corner in the East line of said 30.60 acres tract;
3 THENCE North 00 degrees 05 minutes 38 seconds West, with the West
4 line of said 171.90 acres tract and the East line of said 30.60
5 acres tract, along said Morrow Road, a distance of 210.51 feet to a
6 3/8 inch iron rod found for the most Westerly Northwest corner of
7 said 171.90 acres tract and the Southwest corner of a called 3.75
8 acres tract of land described in Deed to Gerald Childs and Kathryn
9 Childs as recorded in Volume 1015, Page 11, said Official Public
10 Records;
11 THENCE South 89 degrees 36 minutes 43 seconds East, with a North
12 line of said 171.90 acres tract and the South line of said 3.75
13 acres tract, passing the Southeast corner thereof and the Southwest
14 corner of a called 3.75 acres tract of land described in Deed to
15 Gerald Childs and Kathryn Childs as recorded in Volume 1015, Page 8,
16 said Official Public Records, and continuing along said course, a
17 distance of 1242.98 feet to a 1/2 inch iron rod found in the West
18 line of said newton Survey for a re-entrant corner of said 171.90
19 acres tract and the Southeast corner of said 3.75 acres tract
20 (1015/8);
21 THENCE North 00 degrees 48 minutes 16 seconds West, with the West
22 line of said 171.90 acres tract and said Newton Survey, passing the
23 northwest corner of said newton Survey common to the Southwest
24 corner of said Tubbs Survey, and continuing for a total distance of
25 1966.31 feet to a 1/2 inch iron rod found at an angle point in the
26 South line of a called 104.73 acres tract of land described in Deed
27 to J. Kent Sweezey as recorded in Volume 1134, Page 698, said

1 Official Public Records for the Northwest corner of said 171.90
2 acres tract and said Tubbs Survey and the Northeast corner of a
3 called 4.49 acres tract of land (Tract 1) described in Deed to
4 Rebecca Lynn Ray as recorded in Volume 958, Page 671, said Official
5 Public Records;

6 THENCE North 89 degrees 40 minutes 36 seconds East, with the North
7 line of said 171.90 acres tract and the South line of said 104.73
8 acres tract, a distance of 1121.28 feet to a 60d nail found near an
9 old 6 inch wood post and a 2 inch steel fence corner post in the West
10 line of said 87.183 acres tract for the most Northerly Northeast
11 corner of said 171.90 acres tract, the Northeast corner of said
12 Tubbs Survey and the Southeast corner of said 104.73 acres tract;

13 THENCE North 00 degrees 54 minutes 01 seconds West, with the West
14 line of said 87.183 acres tract and the East line of said 104.73
15 acres tract, a distance of 379.00 feet to a 3/8 inch iron rod found
16 for the Northwest corner of said 87.183 acres tract and the
17 Southwest corner of a called 16.000 acres tract of land described in
18 Deed to Eugenio Jesus Bortone and Andida Rojas Voltani as recorded
19 in Volume 2247, Page 797, said Official Public Records;

20 THENCE North 89 degrees 59 minutes 37 seconds East, with the North
21 line of said 87.183 acres tract and the South line of said 16.000
22 acres tract, a distance of 1464.19 feet to a 3/8 inch iron rod found
23 for a re-entrant corner of said 87.183 acres tract and the Southeast
24 corner of said 16.000 acres tract;

25 THENCE North 00 degrees 06 minutes 49 seconds West, with a West line
26 of said 87.183 acres tract and the East line of said 16.000 acres
27 tract, a distance of 409.76 feet to a 3/8 inch iron rod found for the

H.B. No. 5414

1 most Northerly Northwest corner of said 87.183 acres tract and a
2 re-entrant corner of said 16.000 acres tract;
3 THENCE South 89 degrees 29 minutes 39 seconds East, with the North
4 line of said 87.183 acres tract and a South line of said 16.000
5 acres tract, passing the most Northerly Southeast corner of said
6 16.000 acres tract and the Southwest corner of a called 17.044 acres
7 tract of land described in Deed to Cassie Lee Shelton and Joey Todd
8 Shelton as recorded in Volume 2200, Page 145, said Official Public
9 Records, and continuing along said course, a distance of 431.82
10 feet to a 1/2 inch iron rod found for the most Northerly Northeast
11 corner of said 87.183 acres tract and a re-entrant corner of said
12 17.044 acres tract;
13 THENCE South 00 degrees 10 minutes 12 seconds East, with an East
14 line of said 87.183 acres tract and a West line of said 17.044 acres
15 tract, a distance of 389.89 feet to a 1 inch axle found near a 9 inch
16 wood fence corner post for a re-entrant corner of said 87.183 acres
17 tract and the most Southerly Southwest corner of said 17.044 acres
18 tract;
19 THENCE North 89 degrees 42 minutes 50 seconds East, with a North
20 line of said 87.183 acres tract and the South line of said 17.044
21 acres tract, passing at a distance of 682.15 feet an 8 inch wood
22 fence corner post found for the most Southerly Southeast corner of
23 said 17.044 acres tract and the occupied Southwest corner of a
24 called 4.99 acres tract of land described in Deed to Christopher
25 Payne as recorded in Volume 2087, Page 35, Deed Records, Cooke
26 County, Texas, and continuing along said course for a total
27 distance of 823.68 feet to a 1/2 inch iron rod found at a turn in Mt.

H.B. No. 5414

1 Pleasant Road (a public road) for the Northeast corner of said
2 87.183 acres tract and said B.B.B. & C. R.R. Co. Survey and the
3 Northwest corner of a called 9.55 acres tract of land described in
4 Deed to Kenneth Douglas Passons as recorded in Volume 1967, Page
5 734, said Official Public Records;

6 THENCE South 00 degrees 33 minutes 35 seconds East, with the East
7 line of said 87.183 acres tract and the West line of said 9.55 acres
8 tract, along said Mt. Pleasant Road, passing at a distance of 896.49
9 feet a 1/2 inch square tube found for the Southwest corner of said
10 9.55 acres tract and the Northwest corner of a called 2.789 acres
11 tract of land described in Deed to Roger Duckworth as recorded in
12 Volume 2109, Page 758, said Official Public Records, continuing
13 along said course for a total distance of 1315.55 feet to a "Mag"
14 spike set for the Southeast corner of said 87.183 acres tract and
15 said B.B.B. & C. R.R. Co. Survey and the Northeast corner of JEHL
16 Ranch Estates, an Addition to Cooke County according to the Plat
17 thereof recorded in Cabinet A, Slide 83, Plat Records, Cooke
18 County, Texas;

19 THENCE South 88 degrees 55 minutes 22 seconds West, with the South
20 line of said 87.183 acres tract and the North line of said JEHL
21 Ranch Estates, passing at a distance of 30.03 feet a 1/2 inch iron
22 rod found for reference, and continuing along said course for a
23 total distance of 866.19 feet to a 60d nail found near a 2 inch steel
24 fence corner post for the Northeast corner of said 171.90 acres
25 tract and the Northwest corner of said JEHL Ranch Estates;

26 THENCE South 01 degrees 14 minutes 57 seconds East, with the East
27 line of said 171.90 acres tract and the West line of said JEHL Ranch

H.B. No. 5414

1 Estates, a distance of 938.59 feet to a 6 inch wood fence corner
2 post found for an angle point corner of said 171.90 acres tract and
3 said JEHL Ranch Estates and being the occupied North corner of a
4 called 11.75 acres tract described in Deed to the United States of
5 America as recorded in Volume 714, Page 536, said Deed Records;
6 THENCE South 01 degrees 24 minutes 32 seconds East, with the East
7 line of said 171.90 acres tract and the West line of said 11.75
8 acres tract, a distance of 1118.34 feet to a 5/8 inch iron rod with
9 plastic cap stamped "PLS, INC" (typical) set at a wood fence corner
10 post for the Southwest corner of said 11.75 acres tract;
11 THENCE South 89 degrees 51 minutes 30 seconds East, with the North
12 line of the herein described tract and the South line of said 11.75
13 acres tract, a distance of 204.57 feet to a 4 inch concrete monument
14 with a brass cap stamped "COE" found at the Northwest corner of a
15 called 10.78 acres tract of land described in Deed to the United
16 States of America as recorded in Volume 714, Page 46, said Deed
17 Records;
18 THENCE South 00 degrees 24 minutes 57 seconds West, with an East
19 line of the herein described tract and the West line of said 10.78
20 acres tract, a distance of 522.82 feet to a 4 inch concrete monument
21 with a brass cap stamped "COE" found for an angle point corner of
22 the herein described tract and said 10.78 acres tract;
23 THENCE South 55 degrees 17 minutes 55 seconds East, with a Northeast
24 line of the herein described tract and the Southwest line of said
25 10.78 acres tract, a distance of 730.65 feet to a 4 inch concrete
26 monument with a brass cap stamped "COE" found in the West
27 Right-of-Way line of F.M. Highway 3002 for the South corner of said

1 10.78 acres tract and a Southeasterly corner of the herein
2 described tract;

3 THENCE South 43 degrees 50 minutes 34 seconds West, with an East
4 line of the herein described tract and the West line of said F.M.
5 3002, a distance of 146.69 feet to a 5/8 inch iron rod set on the
6 North side of said Union Grove Road for corner;

7 THENCE South 00 degrees 26 minutes 27 seconds West, continuing with
8 an East line of the herein described tract and the West line of said
9 F.M. 3002, a distance of 20.44 feet to a 1/2 inch iron rod found in
10 said Union Grove Road and in the South line of said 92 1/2 acres
11 tract for the Southeast corner of the herein described tract and the
12 Northerly Northeast corner of a called 63.61 acres tract described
13 in Deed to ALTI Investments, LLC as recorded in Volume 2142, Page
14 285, said Official Records;

15 THENCE South 89 degrees 13 minutes 07 seconds West, with the South
16 line of said 92-1/2 acres tract, along said Union Grove Road, a
17 distance of 3664.58 feet to the POINT OF BEGINNING and containing,
18 within the metes and bounds herein recited, 340.853 acres of land,
19 more or less.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 4. (a) If this Act does not receive a two-thirds
12 vote of all the members elected to each house, Subchapter C, Chapter
13 7982A, Special District Local Laws Code, as added by Section 1 of
14 this Act, is amended by adding Section 7982A.0307 to read as
15 follows:

16 Sec. 7982A.0307. NO EMINENT DOMAIN POWER. The district may
17 not exercise the power of eminent domain.

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

21 SECTION 5. This Act takes effect September 1, 2023.