

1-1 By: Zaffirini S.B. No. 2608
 1-2 (In the Senate - Filed April 17, 2023; April 18, 2023, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 24, 2023, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 24, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Springer	X			
1-9 Eckhardt	X			
1-10 Gutierrez			X	
1-11 Hall	X			
1-12 Nichols	X			
1-13 Parker	X			
1-14 Paxton	X			
1-15 West	X			

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

1-19 relating to the creation of the Martindale Municipal Utility
 1-20 District No. 1 of Caldwell County, Texas; granting a limited power
 1-21 of eminent domain; providing authority to issue bonds; providing
 1-22 authority to impose assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 7989A to read as follows:

1-26 CHAPTER 7989A. MARTINDALE MUNICIPAL UTILITY DISTRICT NO. 1 OF
 1-27 CALDWELL COUNTY, TEXAS

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 7989A.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Martindale Municipal Utility
 1-35 District No. 1 of Caldwell County, Texas.

1-36 Sec. 7989A.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 7989A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 7989A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 7989A.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district as required by
 1-49 applicable law.

1-50 Sec. 7989A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7989A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by
 1-61 Section 2 of the Act enacting this chapter.

2-1 (b) The boundaries and field notes contained in Section 2 of
2-2 the Act enacting this chapter form a closure. A mistake made in the
2-3 field notes or in copying the field notes in the legislative process
2-4 does not affect the district's:

- 2-5 (1) organization, existence, or validity;
- 2-6 (2) right to issue any type of bond for the purposes
2-7 for which the district is created or to pay the principal of and
2-8 interest on a bond;
- 2-9 (3) right to impose a tax; or
- 2-10 (4) legality or operation.

2-11 SUBCHAPTER B. BOARD OF DIRECTORS

2-12 Sec. 7989A.0201. GOVERNING BODY; TERMS. (a) The district
2-13 is governed by a board of five elected directors.

2-14 (b) Except as provided by Section 7989A.0202, directors
2-15 serve staggered four-year terms.

2-16 Sec. 7989A.0202. TEMPORARY DIRECTORS. (a) The temporary
2-17 board consists of:

- 2-18 (1) Carson Vaughn;
- 2-19 (2) Jarrold Tyler Karonika;
- 2-20 (3) Randall Lavender;
- 2-21 (4) Jeffrey Grier; and
- 2-22 (5) Josue Limon.

2-23 (b) Temporary directors serve until the earlier of:

- 2-24 (1) the date permanent directors are elected under
2-25 Section 7989A.0103; or
- 2-26 (2) the fourth anniversary of the effective date of
2-27 the Act enacting this chapter.

2-28 (c) If permanent directors have not been elected under
2-29 Section 7989A.0103 and the terms of the temporary directors have
2-30 expired, successor temporary directors shall be appointed or
2-31 reappointed as provided by Subsection (d) to serve terms that
2-32 expire on the earlier of:

- 2-33 (1) the date permanent directors are elected under
2-34 Section 7989A.0103; or
- 2-35 (2) the fourth anniversary of the date of the
2-36 appointment or reappointment.

2-37 (d) If Subsection (c) applies, the owner or owners of a
2-38 majority of the assessed value of the real property in the district
2-39 may submit a petition to the commission requesting that the
2-40 commission appoint as successor temporary directors the five
2-41 persons named in the petition. The commission shall appoint as
2-42 successor temporary directors the five persons named in the
2-43 petition.

2-44 SUBCHAPTER C. POWERS AND DUTIES

2-45 Sec. 7989A.0301. GENERAL POWERS AND DUTIES. The district
2-46 has the powers and duties necessary to accomplish the purposes for
2-47 which the district is created.

2-48 Sec. 7989A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-49 DUTIES. The district has the powers and duties provided by the
2-50 general law of this state, including Chapters 49 and 54, Water Code,
2-51 applicable to municipal utility districts created under Section 59,
2-52 Article XVI, Texas Constitution.

2-53 Sec. 7989A.0303. AUTHORITY FOR ROAD PROJECTS. Under
2-54 Section 52, Article III, Texas Constitution, the district may
2-55 design, acquire, construct, finance, issue bonds for, improve,
2-56 operate, maintain, and convey to this state, a county, or a
2-57 municipality for operation and maintenance macadamized, graveled,
2-58 or paved roads, or improvements, including storm drainage, in aid
2-59 of those roads.

2-60 Sec. 7989A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-61 road project must meet all applicable construction standards,
2-62 zoning and subdivision requirements, and regulations of each
2-63 municipality in whose corporate limits or extraterritorial
2-64 jurisdiction the road project is located.

2-65 (b) If a road project is not located in the corporate limits
2-66 or extraterritorial jurisdiction of a municipality, the road
2-67 project must meet all applicable construction standards,
2-68 subdivision requirements, and regulations of each county in which
2-69 the road project is located.

3-1 (c) If the state will maintain and operate the road, the
3-2 Texas Transportation Commission must approve the plans and
3-3 specifications of the road project.

3-4 Sec. 7989A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-5 ORDINANCE OR RESOLUTION. The district shall comply with all
3-6 applicable requirements of any ordinance or resolution that is
3-7 adopted under Section 54.016 or 54.0165, Water Code, and that
3-8 consents to the creation of the district or to the inclusion of land
3-9 in the district.

3-10 Sec. 7989A.0306. DIVISION OF DISTRICT. (a) The board, on
3-11 its own motion or on receipt of a petition signed by the owner or
3-12 owners of a majority of the assessed value of the real property in
3-13 the district, may adopt an order dividing the district.

3-14 (b) An order dividing a district may create one or more new
3-15 districts and may provide for the continuation of the district.

3-16 (c) An order dividing the district shall:

3-17 (1) name any new district;

3-18 (2) include the metes and bounds description of the
3-19 territory of each of the districts;

3-20 (3) appoint temporary directors for any new district;
3-21 and

3-22 (4) provide for the division of assets and liabilities
3-23 between the districts.

3-24 (d) The board may adopt an order dividing the district
3-25 before or after the date the board holds an election to confirm the
3-26 district's creation.

3-27 (e) The district may be divided only if the district:

3-28 (1) has never issued any bonds; and

3-29 (2) is not imposing ad valorem taxes.

3-30 (f) A new district created by the division of the district
3-31 may not, at the time the new district is created, contain any land
3-32 outside the area described by Section 2 of the Act enacting this
3-33 chapter.

3-34 (g) On or before the 30th day after the date of adoption of
3-35 an order dividing the district, the district shall file the order
3-36 with the commission and record the order in the real property
3-37 records of each county in which the district is located.

3-38 (h) This chapter applies to any new district created by the
3-39 division of the district, and a new district has all the powers and
3-40 duties of the district.

3-41 (i) A new district created by the division of the district
3-42 shall hold a confirmation and directors' election.

3-43 (j) If the creation of the new district is confirmed, the
3-44 new district shall provide the election date and results to the
3-45 commission.

3-46 (k) A new district created by the division of the district
3-47 must hold an election as required by this chapter to obtain voter
3-48 approval before the district may impose a maintenance tax or issue
3-49 bonds payable wholly or partly from ad valorem taxes.

3-50 (l) The district may continue to rely on confirmation,
3-51 directors', bond, or tax elections held prior to the division.

3-52 (m) Municipal consent to the creation of the district and to
3-53 the inclusion of land in the district acts as municipal consent to
3-54 the creation of any new district created by the division of the
3-55 district and to the inclusion of land in the new district.

3-56 Sec. 7989A.0307. STRATEGIC PARTNERSHIP AGREEMENT. The
3-57 district may negotiate and enter into a written strategic
3-58 partnership agreement under Section 43.0751, Local Government
3-59 Code, with a municipality in whose extraterritorial jurisdiction
3-60 the district is located.

3-61 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-62 Sec. 7989A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-63 The district may issue, without an election, bonds and other
3-64 obligations secured by:

3-65 (1) revenue other than ad valorem taxes; or

3-66 (2) contract payments described by Section
3-67 7989A.0403.

3-68 (b) The district must hold an election in the manner
3-69 provided by Chapters 49 and 54, Water Code, to obtain voter approval

4-1 before the district may impose an ad valorem tax or issue bonds
4-2 payable from ad valorem taxes.

4-3 (c) The district may not issue bonds payable from ad valorem
4-4 taxes to finance a road project unless the issuance is approved by a
4-5 vote of a two-thirds majority of the district voters voting at an
4-6 election held for that purpose.

4-7 Sec. 7989A.0402. OPERATION AND MAINTENANCE TAX. (a) If
4-8 authorized at an election held under Section 7989A.0401, the
4-9 district may impose an operation and maintenance tax on taxable
4-10 property in the district in accordance with Section 49.107, Water
4-11 Code.

4-12 (b) The board shall determine the tax rate. The rate may not
4-13 exceed the rate approved at the election.

4-14 Sec. 7989A.0403. CONTRACT TAXES. (a) In accordance with
4-15 Section 49.108, Water Code, the district may impose a tax other than
4-16 an operation and maintenance tax and use the revenue derived from
4-17 the tax to make payments under a contract after the provisions of
4-18 the contract have been approved by a majority of the district voters
4-19 voting at an election held for that purpose.

4-20 (b) A contract approved by the district voters may contain a
4-21 provision stating that the contract may be modified or amended by
4-22 the board without further voter approval.

4-23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-24 Sec. 7989A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
4-25 OBLIGATIONS. The district may issue bonds or other obligations
4-26 payable wholly or partly from ad valorem taxes, impact fees,
4-27 revenue, contract payments, grants, or other district money, or any
4-28 combination of those sources, to pay for any authorized district
4-29 purpose.

4-30 Sec. 7989A.0502. TAXES FOR BONDS. At the time the district
4-31 issues bonds payable wholly or partly from ad valorem taxes, the
4-32 board shall provide for the annual imposition of a continuing
4-33 direct ad valorem tax, without limit as to rate or amount, while all
4-34 or part of the bonds are outstanding as required and in the manner
4-35 provided by Sections 54.601 and 54.602, Water Code.

4-36 Sec. 7989A.0503. BONDS FOR ROAD PROJECTS. At the time of
4-37 issuance, the total principal amount of bonds or other obligations
4-38 issued or incurred to finance road projects and payable from ad
4-39 valorem taxes may not exceed one-fourth of the assessed value of the
4-40 real property in the district.

4-41 SECTION 2. The Martindale Municipal Utility District No. 1
4-42 of Caldwell County, Texas, initially includes all the territory
4-43 contained in the following area:

4-44 Being a 297.008 acre tract of land lying in the Stephen B.
4-45 Morrison Survey No. 2, Abstract No. 19, Caldwell County, Texas,
4-46 said 297.008 acre tract being a portion of a 441 acre tract of land
4-47 described in a Deed of Distribution to Herbert Richard Conrads,
4-48 dated May 10, 1993, and recorded in Volume 90, Page 891, Official
4-49 Public Records of Caldwell County, Texas; said 297.008 acre tract
4-50 being more particularly described as follows:

4-51 BEGINNING: at a point at the intersection of the northeast
4-52 right-of-way line of San Marcos Highway - Highway 80 (varying width
4-53 right-of-way) and a southeast line of the aforementioned 441 acre
4-54 tract, for the most easterly east corner of a 6.702 acre tract of
4-55 land, same being the San Marcos Highway right-of-way, to the State
4-56 of Texas as described and recorded in Volume 144, Page 518, Deed
4-57 Records of Caldwell County, Texas, the west corner of a 168.42 acre
4-58 tract of land as described and recorded in Volume 500, Page 70,
4-59 Official Public Records of Caldwell County, Texas, and a south
4-60 corner of the herein described 297.008 acre tract, from which a 1/2"
4-61 iron rod with plastic cap stamped "CHAPARREL BOUNDARY" found bears
4-62 N48°29'05"E, a distance of 0.73 feet;

4-63 THENCE: leaving a southeast line of the aforementioned 441
4-64 acre tract, along the northeast right-of-way line of the
4-65 aforementioned San Marcos Highway and the northeast line of the
4-66 aforementioned 6.702 acre tract, the following nine (9) courses and
4-67 distances,

4-68 N59°29'04"W, a distance of 145.81 feet (Record -
4-69 N59°06"W) to a TxDOT Type I concrete monument found for an interior

5-1 corner of the herein described 297.008 acre tract,
5-2 S29°59'59"W, a distance of 40.00 feet (Record - S30°54"W
5-3 ~ 40.00') to a 1/2" iron rod with yellow plastic cap stamped
5-4 "CHAPARRAL" found for a south corner of the herein described
5-5 297.008 acre tract,
5-6 N59°48'32"W, a distance of 499.87 feet (Record - N59°06"W
5-7 ~ 500.00) to a 1/2" iron rod with yellow plastic cap stamped
5-8 "CHAPARRAL" found for a west corner of the herein described 297.008
5-9 acre tract,
5-10 N29°56'29"E, a distance of 25.00 feet (Record - N30°54"E
5-11 ~ 25.00') to a broken TxDOT Type I concrete monument found for an
5-12 interior corner of the herein described 297.008 acre tract,
5-13 N59°48'38"W, a distance of 800.15 feet (Record - N59°06"W
5-14 ~ 800.00) to a point for an interior corner of the herein described
5-15 297.008 acre tract, from which a TxDOT Type I concrete monument
5-16 found bears S07°44'41"W, a distance of 0.62 feet,
5-17 S30°10'51"W, a distance of 35.00 feet (Record - S30°54"W
5-18 ~ 35.00') to a point for a south corner of the herein described
5-19 297.008 acre tract, from which a broken TxDOT Type I concrete
5-20 monument found bears S51°34'34"W, a distance of 1.31 feet,
5-21 N59°49'09"W, a distance of 245.20 feet (Record - N59°06"W
5-22 ~ 245.20) to a point for a point of curvature of a curve to the left,
5-23 from which a broken TxDOT Type I concrete monument found, bears
5-24 S25°54'37"W, a distance of 1.33 feet,
5-25 an arc length of 514.45 (Record - 510.00') with said
5-26 curve to the left having a radius of 5,779.58 feet, a delta of
5-27 5°06'00" (Record - 5°06'), and a chord which bears N62°22'09"W, a
5-28 distance of 514.28 to a TxDOT Type I concrete monument found for a
5-29 point of tangency, and
5-30 N64°55'09"W, a distance of 45.76 feet (Record - N64°12"W)
5-31 to a 1/2" iron rod found in a northwest line of said 441 acre tract
5-32 for the most northerly north corner of said 6.702 acre tract, the
5-33 south corner of an 86.44 acre tract of land described as "Tract 3"
5-34 and recorded in Volume 523, Page 710, Official Public Records of
5-35 Caldwell County, Texas, and the west corner of the herein described
5-36 297.008 acre tract;
5-37 THENCE: leaving the northeast right-of-way line of the
5-38 aforementioned San Marcos Highway, along a northwest line of the
5-39 aforementioned 411 acre tract and the southeast line of the
5-40 aforementioned 86.44 acre tract, N48°33'10"E, a distance of 695.34
5-41 feet (Record - N48°19'39"E ~ 693.02') to a 1" iron pipe found for the
5-42 northeast corner of said 86.44 acre tract, the south corner of a
5-43 24.34 acre tract of land as described and recorded in Volume 399,
5-44 Page 459, Deed Records of Caldwell County, Texas, and an angle point
5-45 of the herein described 297.008 acre tract;
5-46 THENCE: continuing along a northwest line of the
5-47 aforementioned 441 acre tract, the southeast line of the
5-48 aforementioned 24.34 acre tract, and the southeast line of an
5-49 18.7578 acre tract of land as described and recorded in Volume 458,
5-50 Page 376, Official Public Records of Real Property of Caldwell
5-51 County, Texas, N48°40'45"E, a distance of 1,974.74 feet (Record -
5-52 N50°E) to a 1/2" iron rod found for the northeast corner of said
5-53 18.7578 acre tract, the south corner of a 126.322 acre tract of land
5-54 described as "Tract 2" and recorded in Document Number 2017001147,
5-55 Official Public Records of Caldwell County, Texas, and an angle
5-56 point of the herein described 297.008 acre tract;
5-57 THENCE: continuing along a northwest line of the
5-58 aforementioned 441 acre tract and the southeast line of the
5-59 aforementioned 126.322 acre tract, N48°36'18"E, a distance of
5-60 1,784.11 feet (Record - N48°36'18"E ~ 1,784.10') to a 1/2" iron rod
5-61 found for the northeast corner of said 126.322 acre tract, the south
5-62 corner of a 126.932 acre tract of land described as "Tract 1" and
5-63 recorded in Document Number 2017001147, Official Public Records of
5-64 Caldwell County, Texas, and an angle point of the herein described
5-65 297.008 acre tract;
5-66 THENCE: continuing along a northwest line of the
5-67 aforementioned 441 acre tract and the southeast line of the
5-68 aforementioned 126.932 acre tract, N48°36'06"E, a distance of
5-69 1,781.08 feet (Record - N50°00'00"E ~ 1,781.08') to a 1/2" iron rod

6-1 with yellow plastic cap stamped "CHAPARRAL" found for the northeast
 6-2 corner of said 126.932 acre tract, a south corner of a 2,717.59 acre
 6-3 tract of land as described and recorded in Document Number
 6-4 2020003860, Official Public Records of Caldwell County, Texas, and
 6-5 an angle point of the herein described 297.008 acre tract;

6-6 THENCE: continuing along a northwest line of the
 6-7 aforementioned 441 acre tract and a southeast line of the
 6-8 aforementioned 2,717.59 acre tract, N48°27'27"E, a distance of
 6-9 311.34 feet (Record - N48°38'22"E ~ 311.05') to a rock found for the
 6-10 north corner of said 411 acre tract, an interior corner of said
 6-11 2,717.59 acre tract, and the north corner of the herein described
 6-12 297.008 acre tract;

6-13 THENCE: along the northeast line of the aforementioned 441
 6-14 acre tract and a southwest line of the aforementioned 2,717.59 acre
 6-15 tract, S41°23'14"E, a distance of 2,097.22 feet (Record -
 6-16 S41°23'14"E ~ 755 varas (2,097.22')) to a 1/2" iron rod with plastic
 6-17 cap stamped "MMES RPLS 6490" found for the most northerly east
 6-18 corner of said 411 acre tract, the most westerly north corner of the
 6-19 aforementioned 168.42 acre tract, and the east corner of the herein
 6-20 described 297.008 acre tract;

6-21 THENCE: along a southeast line of the aforementioned 411 acre
 6-22 tract and the northwest line of the aforementioned 168.42 acre
 6-23 tract, S48°28'40"W, a distance of 5,763.12 feet (Record - S50°W) to
 6-24 the PLACE OF BEGINNING and containing 297.008 acres of land.

6-25 Being an 168.524 acre tract of land lying in the S. B.
 6-26 Morrison League, Abstract No. 19, Caldwell County, Texas, said
 6-27 168.524 acre tract being the same 168.42 acre tract of land as
 6-28 described in a Warranty Deed to Lawson Colwell and Gretchen Ann
 6-29 Schmid, as Trustees of the Lawson Colwell Living Trust, dated June
 6-30 18, 2007, and recorded in Volume 500, Page 70, Official Public
 6-31 Records of Caldwell County, Texas; said 168.524 acre tract being
 6-32 more particularly described as follows:

6-33 BEGINNING: at a point found at the intersection of the
 6-34 existing northeast right-of-way line of San Marcos Highway -
 6-35 Highway 80 (varying width right-of-way) and a southeast line of a
 6-36 remaining portion of 441 acre tract of land as described and
 6-37 recorded in Volume 90, Page 891, Official Public Records of Real
 6-38 Property of Caldwell County, Texas, for a west corner of the herein
 6-39 described 168.524 acre tract, from which a 1/2" iron rod with
 6-40 plastic cap found bears N48°29'05"E, a distance of 0.73 feet;

6-41 THENCE: leaving the existing northeast right-of-way line of
 6-42 the aforementioned San Marcos Highway, along the a southeast line
 6-43 of the aforementioned 441 acre tract, N48°28'40"E, a distance of
 6-44 5,763.12 feet (Record - N49°32'30"E ~ 1,958.09') feet (Record -
 6-45 N49°50'04"E ~ 1,412.78') (Record - N49°42'26"E ~ 2,388.57') to a 1/2"
 6-46 iron rod with plastic cap stamped "MMES RPLS 6490" set in a south
 6-47 line of a 2,717.59 acre tract of land as described and recorded in
 6-48 Document #2020003860, Official Public Records of Caldwell County,
 6-49 Texas, for the most westerly north corner of the aforementioned
 6-50 168.42 acre tract, the east corner of said 441 acre tract, and the
 6-51 most westerly north corner of the herein described 168.524 acre
 6-52 tract, from which a rock found for an interior corner of said
 6-53 2,717.59 acre tract and the north corner of said 441 acre tract
 6-54 bears N41°23'14"W, 2,097.22 feet (Record - N40°W ~ 755 varas
 6-55 (2,097.22'));

6-56 THENCE: along a northeast line of the aforementioned 168.42
 6-57 acre tract and a southwest line of the aforementioned 2,717.59 acre
 6-58 tract, S42°36'01"E, a distance of 55.19 feet (Record - S41°48'14"E ~
 6-59 56.85') to a fence corner post found with washer stamped "PROTECH"
 6-60 for an interior corner of said 168.42 acre tract, a south corner of
 6-61 said 2,717.59 acre tract, and an interior corner of the herein
 6-62 described 168.524 acre tract;

6-63 THENCE: along a northwest line of the aforementioned 168.42
 6-64 acre, N64°34'26"E, a distance of 13.67 feet (Record - N60°35'24"E ~
 6-65 13.82') to a fence corner post found with washer stamped "PROTECH"
 6-66 for a north corner of said 168.42 acre tract, the west corner of an
 6-67 abandoned roadway, and a north corner of the herein described
 6-68 168.524 acre tract;

6-69 THENCE: along a northeast line of the aforementioned 168.42

7-1 acre tract and the southwest line of the aforementioned abandoned
 7-2 roadway, S41°38'26"E, a distance of 1,268.41 feet (Record -
 7-3 S40°06'26"E ~ 1.265.75') to a 3-inch diameter metal fence corner
 7-4 post found, for the northeast corner of said 168.42 acre tract and
 7-5 the north corner of 55.29 acre tract of land as described and
 7-6 recorded in Volume 415, Page 667, Official Public Records of Real
 7-7 Property of Caldwell County, Texas, and the east corner of the
 7-8 herein described 168.524 acre tract;

7-9 THENCE: along the southeast line of the aforementioned 168.42
 7-10 acre tract, the northwest line of the aforementioned 55.29 acre
 7-11 tract, the northwest line of a 18.76 acre "Tract 1" tract of land
 7-12 and the northwest line of a 21.44 acre "Tract 2" tract of land as
 7-13 described and recorded in Document #2015006288, Official Public
 7-14 Records of Caldwell County Texas, the northwest line of a 42.464
 7-15 acre tract of land as described and recorded in Volume 3, Page 113,
 7-16 Deed Records of Caldwell County, Texas, and the northwest line of a
 7-17 16.602 acre tract of land as described and recorded in Document
 7-18 #2015002213, Official Public Records of Real Property of Caldwell
 7-19 County, Texas the following six (6) courses and distances:

7-20 S48°39'40"W, a distance of 391.45 feet (Record - S49°50'21"W ~
 7-21 391.38') to a 2-inch diameter metal fence corner post found for an
 7-22 angle point of the herein described 168.524 acre tract,

7-23 S48°24'28"W, a distance of 423.75 feet (Record - S49°45'57"W
 7-24 ~423.51') to a 2-inch diameter metal fence corner post found for an
 7-25 angle point of the herein described 168.524 acre tract,

7-26 S48°23'57"W, a distance of 497.23 feet (Record - S49°49'38"W ~
 7-27 497.45') to a 3-inch diameter metal fence corner post found for an
 7-28 angle point of the herein described 168.524 acre tract,

7-29 S49°06'01"W, a distance of 632.02 feet (Record - S50°16'45"W ~
 7-30 632.36') to a 2-inch diameter metal fence corner post found for an
 7-31 angle point of the herein described 168.524 acre tract,

7-32 S49°04'22"W, a distance of 1,071.61 feet (Record - S50°17'34W
 7-33 ~ 683.86' and S50°31'44"W ~ 401.67') to a point in fence for an angle
 7-34 point of the herein described 168.524 acre tract, and

7-35 S48°33'16"W. a distance of 2,363.51 feet (Record - S49°50'56"W
 7-36 ~ 2,347.82') to a point, lying in the existing northeast
 7-37 right-of-way line of the aforementioned San Marcos Highway, for a
 7-38 point of curvature of a curve to the left, the south corner of said
 7-39 168.42 acre tract, and the south corner of the herein described
 7-40 168.524 acre tract, from which a 3/8" iron rod found bears
 7-41 N48°33'16"E, 1.63 feet;

7-42 Being an 133.368 acre tract of land lying in the Stephen B.
 7-43 Morrison Survey No. 2, Abstract No. 19, Caldwell County, Texas,
 7-44 said 133.368 acre tract being a portion of a 441 acre tract of land
 7-45 as described in a Deed of Distribution to Herbert Richard Conrads,
 7-46 dated May 10, 1993, and recorded in Volume 90, Page 891, Official
 7-47 Public Records of Real Property of Caldwell County, Texas; said
 7-48 133.368 acre tract being more particularly described as follows:

7-49 BEGINNING: at a 1/2" iron rod with yellow plastic cap stamped
 7-50 "FENSTERMAKER 10028501" found at the intersection of the southwest
 7-51 right-of-way line of San Marcos Highway - Highway 80 (varying width
 7-52 right-of-way) and a southeast line of the aforementioned 441 acre
 7-53 tract, for the most easterly south corner of a 6.702 acre tract of
 7-54 land, same being the San Marcos Highway right-of-way, to the State
 7-55 of Texas, recorded in Volume 144, Page 518, Deed Records of Caldwell
 7-56 County, Texas, and the most northerly east corner of the herein
 7-57 described 133.368 acre tract;

7-58 THENCE: along a southeast line of the aforementioned 441 acre
 7-59 tract, S48°31'55"W (Record - S50°W), passing a point for the north
 7-60 corner of a 54.52 acre tract of land as described and recorded in
 7-61 Document Number 135033, Official Public Records of Caldwell County,
 7-62 Texas, at a distance of 42.06 feet, also passing a 5/8" iron rod
 7-63 with aluminum cap (not legible) found for the most northerly west
 7-64 corner of said 54.52 acre tract and the north corner of a 40 acre
 7-65 tract of land as described and recorded in Volume 275, Page 888,
 7-66 Official Public Records of Caldwell County, Texas, at a distance of
 7-67 207.11, also passing 1/2" iron rod with yellow cap stamped
 7-68 "FENSTERMAKER 10028501" found for reference to the centerline of
 7-69 Morrison Creek at a distance of 1,792.94 feet, a total distance of

8-1 1,905.02 feet to a point in the centerline of said Morrison Creek
8-2 and an interior corner of the herein described 133.368 acre tract;
8-3 THENCE: along the centerline of the aforementioned Morrison
8-4 Creek, a northeast line of the aforementioned 441 acre tract, and
8-5 the southwest line of the aforementioned 40 acre tract, the
8-6 following twenty-two (22) courses and distances,
8-7 S00°53'25"W a distance of 21.26 feet to a point for an angle
8-8 point of the herein described 133.368 acre tract,
8-9 S21°04'32"E, a distance of 36.87 feet to a point for an angle
8-10 point of the herein described 133.368 acre tract,
8-11 S17°15'03"E, a distance of 96.31 feet to a point for an angle
8-12 point of the herein described 133.368 acre tract,
8-13 S07°41'41"E, a distance of 48.19 feet to a point for an angle
8-14 point of the herein described 133.368 acre tract,
8-15 S04°52'24"W, a distance of 44.12 feet to a point for an angle
8-16 point of the herein described 133.368 acre tract,
8-17 S24°28'00"W, a distance of 50.20 feet to a point for an angle
8-18 point of the herein described 133.368 acre tract,
8-19 S53°10'53"W, a distance of 33.12 feet to a point for an angle
8-20 point of the herein described 133.368 acre tract,
8-21 S64°41'55"W, a distance of 39.10 feet to a point for an angle
8-22 point of the herein described 133.368 acre tract,
8-23 S81°19'50"W, a distance of 30.45 feet to a point for an angle
8-24 point of the herein described 133.368 acre tract,
8-25 S50°22'34"W, a distance of 48.44 feet to a point for an angle
8-26 point of the herein described 133.368 acre tract,
8-27 S64°10'49"W, a distance of 51.50 feet to a point for an angle
8-28 point of the herein described 133.368 acre tract,
8-29 S80°30'20"W, a distance of 83.42 feet to a point for an angle
8-30 point of the herein described 133.368 acre tract,
8-31 S60°40'09"W, a distance of 21.15 feet to a point for an angle
8-32 point of the herein described 133.368 acre tract,
8-33 S03°58'32"E, a distance of 38.09 feet to a point for an angle
8-34 point of the herein described 133.368 acre tract,
8-35 S14°39'02"W, a distance of 41.21 feet to a point for an angle
8-36 point of the herein described 133.368 acre tract,
8-37 S09°39'06"E, a distance of 23.28 feet to a point for an angle
8-38 point of the herein described 133.368 acre tract,
8-39 S26°38'10"E, a distance of 51.18 feet to a point for an angle
8-40 point of the herein described 133.368 acre tract,
8-41 S13°00'17"E, a distance of 83.32 feet to a point for an angle
8-42 point of the herein described 133.368 acre tract,
8-43 S25°51'11"E, a distance of 100.46 feet to a point for an angle
8-44 point of the herein described 133.368 acre tract,
8-45 S36°01'22"E, a distance of 91.17 feet to a point for an angle
8-46 point of the herein described 133.368 acre tract,
8-47 S40°12'01"E, a distance of 113.87 feet to a point for an angle
8-48 point of the herein described 133.368 acre tract, and
8-49 S43°59'42"E, a distance of 196.24 feet to a point for most
8-50 southerly east corner of said 441 acre tract, the south corner of
8-51 said 40 acre tract, the most southerly west corner of the
8-52 aforementioned 54.52 acre tract, the north corner of 2.0 acre tract
8-53 of land as described and recorded in Document Number 2016-003354,
8-54 Official Public Records of Caldwell County, Texas, and the most
8-55 southerly east corner of the herein described 133.368 acre tract;
8-56 THENCE: leaving the centerline of the aforementioned
8-57 Morrison Creek, along a southeast line of the aforementioned 441
8-58 acre tract and the northwest line of the aforementioned 2.0 acre
8-59 tract, S47°51'47"W, passing a 1/2" iron rod with plastic cap stamped
8-60 "MMES RPLS 6490" set for a point of reference of the centerline of
8-61 Morrison Creek at a distance of 20.00 feet, a total distance of
8-62 191.94 feet (Record - S50°W ~ 194.44') to a 3/4" iron rod found in
8-63 the limits of S.E. River Road (variable width right-of-way) for the
8-64 south corner of said 441 acre tract and the south corner of the
8-65 herein described 133.368 acre tract;
8-66 THENCE: along the southwest lines of the aforementioned 441
8-67 acre tract, and within the limits of the aforementioned S.E. River
8-68 Road, the following five (5) courses and distances,
8-69 N69°38'13"W, a distance of 139.15 feet (Record - N67°30"W ~ 60

9-1 varas (166.67')) to a 3/4" iron rod leaning found for an angle point
9-2 of the herein described 133.368 acre tract,
9-3 N85°43'19"W, a distance of 376.67 feet (Record - N84°W ~ 136.5
9-4 varas (379.17')) to a MAG nail with washer stamped "MMES RPLS 6490"
9-5 set for an angle point of the herein described 133.368 acre tract,
9-6 N76°13'19"W, a distance of 1,294.19 feet (Record - N74°30'W ~
9-7 469 varas (1,302.78')) to a 60D nail found for an angle point of the
9-8 herein described 133.368 acre tract,
9-9 N70°01'56"W, a distance of 572.17 feet (Record - N68°30'W ~ 208
9-10 varas (577.16')) to a MAG nail with washer stamped "MMES RPLS 6490"
9-11 set for an angle point of the herein described 133.368 acre tract,
9-12 and
9-13 N41°01'56"W, a distance of 151.30 feet (Record - N39°30'W ~ 55
9-14 varas (152.78')) to a 1/2" iron rod found for the most southerly
9-15 west corner of said 441 acre tract, the south corner of a 1.0466
9-16 acre tract of land described and recorded in Volume 335, Page 922,
9-17 Official Public Records of Caldwell County, Texas, and the most
9-18 southerly west corner of the herein described 133.368 acre tract;
9-19 THENCE: leaving the aforementioned S.E. River Road, along a
9-20 northwest line of the aforementioned 441 acre tract and the
9-21 southwest line of the aforementioned 1.0466 acre tract,
9-22 N49°29'46"E, a distance of 400.02 feet (Record - N50°E) to a 60D nail
9-23 found for the northeast corner of said 1.0466 acre tract and an
9-24 angle point of the herein described 133.368 acre tract;
9-25 THENCE: continuing along a northwest line of the
9-26 aforementioned 441 acre tract, the southeast line of a 0.7904 of an
9-27 acre tract of land described and recorded in Volume 561, Page 583,
9-28 Official Public Records of Caldwell County, Texas, the southeast
9-29 line of a 40 acre tract of land described as "Tract 1 - Tract 5" and
9-30 recorded in Volume 101, Page 433, Official Public Records of
9-31 Caldwell County, Texas, the southeast line of a 1/3 of an acre tract
9-32 of land described and recorded in Volume 277, Page 548, Deed Records
9-33 of Caldwell County, Texas, the southeast line of a 1/3 acre tract of
9-34 land as described and recorded in Volume 277, Page 548, Deed Records
9-35 of Caldwell County, Texas, and the southeast line of a 2.0 acre
9-36 tract of land described and recorded in Volume 92, Page 634, Deed
9-37 Records of Caldwell County, Texas, N49°12'28"E (Record - N50°E),
9-38 passing a 1/2" iron rod with plastic cap stamped "MMES RPLS 6490"
9-39 set for a point of reference of the centerline of Hemphill Creek at
9-40 a distance of 1,786.98 feet, a total distance of 1,813.63 feet to a
9-41 point in the centerline of said Hemphill Creek, for an interior
9-42 corner of said 441 acre tract, the east corner of said 2.0 acre
9-43 tract, and an interior corner of the herein described 133.368 acre
9-44 tract;
9-45 THENCE: along the southwest lines of the aforementioned 441
9-46 acre tract, the northeast line of the aforementioned 2.0 acre
9-47 tract, the northeast lines of the aforementioned 40 acre tract, and
9-48 the centerline of aforementioned Hemphill Creek the following
9-49 fifteen (15) courses and distances,
9-50 N76°05'27"W, a distance of 19.82 feet to a point for an angle
9-51 point of the herein described 133.368 acre tract,
9-52 N85°59'21"W, a distance of 35.03 feet to a point for an angle
9-53 point of the herein described 133.368 acre tract,
9-54 N73°49'55"W, a distance of 27.15 feet to a point for an angle
9-55 point of the herein described 133.368 acre tract,
9-56 N61°01'47"W, a distance of 44.86 feet to a point for an angle
9-57 point of the herein described 133.368 acre tract,
9-58 N44°28'47"W, a distance of 98.19 feet to a point for an angle
9-59 point of the herein described 133.368 acre tract,
9-60 N33°28'48"W, a distance of 42.01 feet to a point for an angle
9-61 point of the herein described 133.368 acre tract,
9-62 N17°36'42"W, a distance of 70.02 feet to a point for an angle
9-63 point of the herein described 133.368 acre tract,
9-64 N00°24'46"E, a distance of 41.36 feet to a point for an angle
9-65 point of the herein described 133.368 acre tract,
9-66 N11°57'46"W, a distance of 70.04 feet to a point for an angle
9-67 point of the herein described 133.368 acre tract,
9-68 N43°00'52"W, a distance of 29.10 feet to a point for an angle
9-69 point of the herein described 133.368 acre tract,

10-1 N87°46'17"W, a distance of 29.31 feet to a point for an angle
 10-2 point of the herein described 133.368 acre tract,
 10-3 S82°58'32"W, a distance of 34.18 feet to a point for an angle
 10-4 point of the herein described 133.368 acre tract,
 10-5 S72°52'38"W, a distance of 70.24 feet to a point for an angle
 10-6 point of the herein described 133.368 acre tract,
 10-7 S80°59'30"W, a distance of 113.36 feet to a point for an angle
 10-8 point of the herein described 133.368 acre tract, and
 10-9 S89°34'24"W, a distance of 58.00 feet to a point for the south
 10-10 corner of a 8.05 acre tract of land as described and recorded in
 10-11 Volume 582, Page 205, Official Public Records of Caldwell County,
 10-12 Texas, and the most northerly west corner of the herein described
 10-13 133.368 acre tract;

10-14 THENCE: leaving the centerline of the aforementioned
 10-15 Hemphill Creek, along the southeast line of the aforementioned 8.05
 10-16 acre tract, N48°31'37"E (Record - N50°E), passing a 1/2" iron found
 10-17 for a reference point to the centerline of said Hemphill Creek at a
 10-18 distance of 57.28 feet, a total distance of 1,447.28 feet to a point
 10-19 in the south right-of-way line of the aforementioned San Marcos
 10-20 Highway for a point of curvature of a curve to the right, the east
 10-21 corner of said 8.05 acre tract, and the most northerly north corner
 10-22 of the herein described 133.368 acre tract, from which a 1/2" iron
 10-23 rod found bears N48°31'37"E, a distance of 0.53 feet;

10-24 THENCE: along the southwest right-of-way line of the
 10-25 aforementioned San Marcos Highway, an arc length of 312.50 feet
 10-26 with said curve to the right, having a radius of 5,679.58 feet
 10-27 (Record - 5,679.58'), a delta angle of 03°09'09", and a chord which
 10-28 bears S61°23'44"E, a distance of 312.46 feet to a point for a point
 10-29 of tangency of the herein described 133.368 acre tract, from which a
 10-30 broken TxDOT Type I concrete monument found, bears N26°54'38"E, a
 10-31 distance of 1.34 feet;

10-32 THENCE: continuing along the southwest right-of-way line of
 10-33 the aforementioned San Marcos Highway the following six (6) courses
 10-34 and distances,

10-35 S59°49'09"E, a distance of 245.09 feet (Record - S59°06'E ~
 10-36 245.20') to a point for an east corner of the herein described
 10-37 133.368 acre tract, from which a bent 1" iron bar found, bears
 10-38 N59°31'55"E, a distance of 1.01 feet,

10-39 S30°13'40"W, a distance of 10.00 feet (Record - S30°54'W ~
 10-40 10.00') to a 1/2" iron rod with plastic cap stamped "MMES RPLS 6490"
 10-41 set for an interior corner of the herein described 133.368 acre
 10-42 tract,

10-43 S59°49'09"E, a distance of 200.12 feet (Record - S59°06'E ~
 10-44 200.00') to a point for an east corner of the herein described
 10-45 133.368 acre tract, from which a leaning TxDOT Type I concrete
 10-46 monument found, bears N45°05'43"E, a distance of 0.86 feet,

10-47 S30°10'51"W, a distance of 30.00 feet (Record - S30°54'W ~
 10-48 30.00') to a 1/2" iron rod with plastic cap stamped "MMES RPLS 6490"
 10-49 set for an interior corner of the herein described 133.368 acre
 10-50 tract,

10-51 S59°48'27"E, a distance of 599.98 feet (Record - S59°06'E ~
 10-52 600.00') to a TxDOT Type I concrete monument found for an interior
 10-53 corner of the herein described 133.368 acre tract, and

10-54 N30°14'05"E, a distance of 30.00 feet (Record - N30°54'E ~
 10-55 30.00') to a point for a north corner of the herein described
 10-56 133.368 acre tract, from which a broken TxDOT Type I concrete
 10-57 monument found, bears N79°45'24"W, a distance of 1.19 feet;

10-58 THENCE: continuing along the southwest right-of-way line of
 10-59 the aforementioned San Marcos Highway, S59°42'51"E, a distance of
 10-60 591.16 feet (Record - S59°06'E) to the PLACE OF BEGINNING and
 10-61 containing 133.368 acres of land.

10-62 SECTION 3. (a) The legal notice of the intention to
 10-63 introduce this Act, setting forth the general substance of this
 10-64 Act, has been published as provided by law, and the notice and a
 10-65 copy of this Act have been furnished to all persons, agencies,
 10-66 officials, or entities to which they are required to be furnished
 10-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 10-68 Government Code.

10-69 (b) The governor, one of the required recipients, has

11-1 submitted the notice and Act to the Texas Commission on
11-2 Environmental Quality.

11-3 (c) The Texas Commission on Environmental Quality has filed
11-4 its recommendations relating to this Act with the governor, the
11-5 lieutenant governor, and the speaker of the house of
11-6 representatives within the required time.

11-7 (d) All requirements of the constitution and laws of this
11-8 state and the rules and procedures of the legislature with respect
11-9 to the notice, introduction, and passage of this Act are fulfilled
11-10 and accomplished.

11-11 SECTION 4. (a) If this Act does not receive a two-thirds
11-12 vote of all the members elected to each house, Subchapter C, Chapter
11-13 7989A, Special District Local Laws Code, as added by Section 1 of
11-14 this Act, is amended by adding Section 7989A.0308 to read as
11-15 follows:

11-16 Sec. 7989A.0308. NO EMINENT DOMAIN POWER. The district may
11-17 not exercise the power of eminent domain.

11-18 (b) This section is not intended to be an expression of a
11-19 legislative interpretation of the requirements of Section 17(c),
11-20 Article I, Texas Constitution.

11-21 SECTION 5. This Act takes effect immediately if it receives
11-22 a vote of two-thirds of all the members elected to each house, as
11-23 provided by Section 39, Article III, Texas Constitution. If this
11-24 Act does not receive the vote necessary for immediate effect, this
11-25 Act takes effect September 1, 2023.

11-26

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