

1-1 By: Isaac (Senate Sponsor - Campbell) H.B. No. 4309
1-2 (In the Senate - Received from the House May 19, 2017;
1-3 May 19, 2017, read first time and referred to Committee on
1-4 Administration; May 23, 2017, reported favorably by the following
1-5 vote: Yeas 7, Nays 0; May 23, 2017, 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 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to the creation of the Driftwood Municipal Utility
1-18 District No. 1; granting a limited power of eminent domain;
1-19 providing authority to issue bonds; providing authority to impose
1-20 assessments, fees, and taxes.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-23 Code, is amended by adding Chapter 7983 to read as follows:

1-24 CHAPTER 7983. DRIFTWOOD MUNICIPAL UTILITY DISTRICT NO. 1

1-25 SUBCHAPTER A. GENERAL PROVISIONS

1-26 Sec. 7983.001. DEFINITIONS. In this chapter:

1-27 (1) "Board" means the district's board of directors.

1-28 (2) "Commission" means the Texas Commission on
1-29 Environmental Quality.

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

1-31 (4) "District" means the Driftwood Municipal Utility
1-32 District No. 1.

1-33 Sec. 7983.002. NATURE OF DISTRICT. The district is a
1-34 municipal utility district created under Section 59, Article XVI,
1-35 Texas Constitution.

1-36 Sec. 7983.003. CONFIRMATION AND DIRECTORS' ELECTION
1-37 REQUIRED. The temporary directors shall hold an election to
1-38 confirm the creation of the district and to elect five permanent
1-39 directors as provided by Section 49.102, Water Code.

1-40 Sec. 7983.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 7983.003
1-42 until:

1-43 (1) each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district; and

1-47 (2) the district and each municipality in whose
1-48 corporate limits or extraterritorial jurisdiction the district is
1-49 located have executed an agreement concerning the creation and
1-50 operation of the district.

1-51 Sec. 7983.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-52 The district is created to serve a public purpose and benefit.

1-53 (b) The district is created to accomplish the purposes of:

1-54 (1) a municipal utility district as provided by
1-55 general law and Section 59, Article XVI, Texas Constitution; and

1-56 (2) Section 52, Article III, Texas Constitution, that
1-57 relate to the construction, acquisition, improvement, operation,
1-58 or maintenance of macadamized, graveled, or paved roads, or
1-59 improvements, including storm drainage, in aid of those roads.

1-60 (c) All land and other property included in the district
1-61 will benefit from the improvements and services to be provided by

2-1 the district under powers conferred by Sections 52 and 52-a,
 2-2 Article III, and Section 59, Article XVI, Texas Constitution, and
 2-3 other powers granted under this chapter.
 2-4 (d) The creation of the district is in the public interest
 2-5 and is essential to further the public purposes of:
 2-6 (1) developing and diversifying the economy of the
 2-7 state;
 2-8 (2) eliminating unemployment and underemployment;
 2-9 (3) developing or expanding transportation and
 2-10 commerce; and
 2-11 (4) providing quality residential housing.
 2-12 (e) The district will:
 2-13 (1) promote the health, safety, and general welfare of
 2-14 residents, employers, potential employees, employees, visitors,
 2-15 and consumers in the district, and of the public;
 2-16 (2) provide needed funding for the district to
 2-17 preserve, maintain, and enhance the economic health and vitality of
 2-18 the district territory as a residential community and business
 2-19 center; and
 2-20 (3) promote the health, safety, welfare, and enjoyment
 2-21 of the public by providing pedestrian ways and by landscaping,
 2-22 removing graffiti from, and developing certain areas in the
 2-23 district, which are necessary for the restoration, preservation,
 2-24 and enhancement of scenic beauty.
 2-25 (f) Pedestrian ways along or across a street, whether at
 2-26 grade or above or below the surface, and street lighting, street
 2-27 landscaping, vehicle parking, and street art objects are parts of
 2-28 and necessary components of a street and are considered to be an
 2-29 improvement project that includes a street or road improvement.
 2-30 Sec. 7983.006. INITIAL DISTRICT TERRITORY. (a) The
 2-31 district is initially composed of the territory described by
 2-32 Section 2 of the Act enacting this chapter.
 2-33 (b) The boundaries and field notes contained in Section 2 of
 2-34 the Act enacting this chapter form a closure. A mistake made in the
 2-35 field notes or in copying the field notes in the legislative process
 2-36 does not affect the district's:
 2-37 (1) organization, existence, or validity;
 2-38 (2) right to issue any type of bond for the purposes
 2-39 for which the district is created or to pay the principal of and
 2-40 interest on a bond;
 2-41 (3) right to impose a tax; or
 2-42 (4) legality or operation.
 2-43 SUBCHAPTER B. BOARD OF DIRECTORS
 2-44 Sec. 7983.051. GOVERNING BODY; TERMS. (a) The district is
 2-45 governed by a board of five elected directors.
 2-46 (b) Except as provided by Section 7983.052, directors serve
 2-47 staggered four-year terms.
 2-48 Sec. 7983.052. TEMPORARY DIRECTORS. (a) On or after
 2-49 September 1, 2017, the owner or owners of a majority of the assessed
 2-50 value of the real property in the district may submit a petition to
 2-51 the commission requesting that the commission appoint as temporary
 2-52 directors the five persons named in the petition. The commission
 2-53 shall appoint as temporary directors the five persons named in the
 2-54 petition.
 2-55 (b) Temporary directors serve until the earlier of:
 2-56 (1) the date permanent directors are elected under
 2-57 Section 7983.003; or
 2-58 (2) September 1, 2021.
 2-59 (c) If permanent directors have not been elected under
 2-60 Section 7983.003 and the terms of the temporary directors have
 2-61 expired, successor temporary directors shall be appointed or
 2-62 reappointed as provided by Subsection (d) to serve terms that
 2-63 expire on the earlier of:
 2-64 (1) the date permanent directors are elected under
 2-65 Section 7983.003; or
 2-66 (2) the fourth anniversary of the date of the
 2-67 appointment or reappointment.
 2-68 (d) If Subsection (c) applies, the owner or owners of a
 2-69 majority of the assessed value of the real property in the district

3-1 may submit a petition to the commission requesting that the
 3-2 commission appoint as successor temporary directors the five
 3-3 persons named in the petition. The commission shall appoint as
 3-4 successor temporary directors the five persons named in the
 3-5 petition.

3-6 SUBCHAPTER C. POWERS AND DUTIES

3-7 Sec. 7983.101. GENERAL POWERS AND DUTIES. The district has
 3-8 the powers and duties necessary to accomplish the purposes for
 3-9 which the district is created.

3-10 Sec. 7983.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 3-11 DUTIES. The district has the powers and duties provided by the
 3-12 general law of this state, including Chapters 49 and 54, Water Code,
 3-13 applicable to municipal utility districts created under Section 59,
 3-14 Article XVI, Texas Constitution.

3-15 Sec. 7983.103. WATER CONSERVATION FACILITIES. The district
 3-16 may provide for the conservation of water, including by means of the
 3-17 construction, operation, and maintenance of a water conservation
 3-18 facility or water reuse project.

3-19 Sec. 7983.104. AUTHORITY FOR ROAD PROJECTS. Under Section
 3-20 52, Article III, Texas Constitution, the district may design,
 3-21 acquire, construct, finance, issue bonds for, improve, operate,
 3-22 maintain, and convey to this state, a county, or a municipality for
 3-23 operation and maintenance macadamized, graveled, or paved roads, or
 3-24 improvements, including storm drainage, in aid of those roads.

3-25 Sec. 7983.105. ROAD STANDARDS AND REQUIREMENTS. (a) A road
 3-26 project must meet all applicable construction standards, zoning and
 3-27 subdivision requirements, and regulations of each municipality in
 3-28 whose corporate limits or extraterritorial jurisdiction the road
 3-29 project is located.

3-30 (b) If a road project is not located in the corporate limits
 3-31 or extraterritorial jurisdiction of a municipality, the road
 3-32 project must meet all applicable construction standards,
 3-33 subdivision requirements, and regulations of each county in which
 3-34 the road project is located.

3-35 (c) If the state will maintain and operate the road, the
 3-36 Texas Transportation Commission must approve the plans and
 3-37 specifications of the road project.

3-38 Sec. 7983.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
 3-39 OR RESOLUTION. The district shall comply with all applicable
 3-40 requirements of any ordinance or resolution that is adopted under
 3-41 Section 54.016 or 54.0165, Water Code, and that consents to the
 3-42 creation of the district or to the inclusion of land in the
 3-43 district.

3-44 Sec. 7983.107. LIMITATION ON GROUNDWATER USE. In providing
 3-45 water services to users in the district, the district may not,
 3-46 except in emergency situations:

3-47 (1) develop groundwater on land owned by the district
 3-48 for use as a potable water source; or

3-49 (2) purchase or lease the rights to groundwater
 3-50 underlying land inside the district for use as a potable water
 3-51 source.

3-52 Sec. 7983.108. DIVISION OF DISTRICT. (a) The district may
 3-53 be divided into two or more new districts only if:

3-54 (1) the district has no outstanding bonded debt; and

3-55 (2) the district is not imposing ad valorem taxes.

3-56 (b) This chapter applies to any new district created by the
 3-57 division of the district, and a new district has all the powers and
 3-58 duties of the district.

3-59 (c) Any new district created by the division of the district
 3-60 may not, at the time the new district is created, contain any land
 3-61 outside the area described by Section 2 of the Act enacting this
 3-62 chapter.

3-63 (d) The board, on its own motion or on receipt of a petition
 3-64 signed by the owner or owners of a majority of the assessed value of
 3-65 the real property in the district, may adopt an order dividing the
 3-66 district.

3-67 (e) The board may adopt an order dividing the district
 3-68 before or after the date the board holds an election under Section
 3-69 7983.003 to confirm the creation of the district.

4-1 (f) An order dividing the district shall:
 4-2 (1) name each new district;
 4-3 (2) include the metes and bounds description of the
 4-4 territory of each new district;
 4-5 (3) appoint temporary directors for each new district;
 4-6 and
 4-7 (4) provide for the division of assets and liabilities
 4-8 between or among the new districts.

4-9 (g) On or before the 30th day after the date of adoption of
 4-10 an order dividing the district, the district shall file the order
 4-11 with the commission and record the order in the real property
 4-12 records of each county in which the district is located.

4-13 (h) Any new district created by the division of the district
 4-14 shall hold a confirmation and directors' election as required by
 4-15 Section 7983.003.

4-16 (i) If the creation of the new district is confirmed, the
 4-17 new district shall provide the election date and results to the
 4-18 commission.

4-19 (j) Any new district created by the division of the district
 4-20 must hold an election as required by this chapter to obtain voter
 4-21 approval before the district may impose a maintenance tax or issue
 4-22 bonds payable wholly or partly from ad valorem taxes.

4-23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4-24 Sec. 7983.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
 4-25 district may issue, without an election, bonds and other
 4-26 obligations secured by:

4-27 (1) revenue other than ad valorem taxes; or

4-28 (2) contract payments described by Section 7983.153.

4-29 (b) The district must hold an election in the manner
 4-30 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 4-31 before the district may impose an ad valorem tax or issue bonds
 4-32 payable from ad valorem taxes.

4-33 (c) The district may not issue bonds payable from ad valorem
 4-34 taxes to finance a road project unless the issuance is approved by a
 4-35 vote of a two-thirds majority of the district voters voting at an
 4-36 election held for that purpose.

4-37 Sec. 7983.152. OPERATION AND MAINTENANCE TAX. (a) If
 4-38 authorized at an election held under Section 7983.151, the district
 4-39 may impose an operation and maintenance tax on taxable property in
 4-40 the district in accordance with Section 49.107, Water Code.

4-41 (b) The board shall determine the tax rate. The rate may not
 4-42 exceed the rate approved at the election.

4-43 Sec. 7983.153. CONTRACT TAXES. (a) In accordance with
 4-44 Section 49.108, Water Code, the district may impose a tax other than
 4-45 an operation and maintenance tax and use the revenue derived from
 4-46 the tax to make payments under a contract after the provisions of
 4-47 the contract have been approved by a majority of the district voters
 4-48 voting at an election held for that purpose.

4-49 (b) A contract approved by the district voters may contain a
 4-50 provision stating that the contract may be modified or amended by
 4-51 the board without further voter approval.

4-52 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-53 Sec. 7983.201. AUTHORITY TO ISSUE BONDS AND OTHER
 4-54 OBLIGATIONS. The district may issue bonds or other obligations
 4-55 payable wholly or partly from ad valorem taxes, impact fees,
 4-56 revenue, contract payments, grants, or other district money, or any
 4-57 combination of those sources, to pay for any authorized district
 4-58 purpose.

4-59 Sec. 7983.202. TAXES FOR BONDS. At the time the district
 4-60 issues bonds payable wholly or partly from ad valorem taxes, the
 4-61 board shall provide for the annual imposition of a continuing
 4-62 direct ad valorem tax, without limit as to rate or amount, while all
 4-63 or part of the bonds are outstanding as required and in the manner
 4-64 provided by Sections 54.601 and 54.602, Water Code.

4-65 Sec. 7983.203. BONDS FOR ROAD PROJECTS. At the time of
 4-66 issuance, the total principal amount of bonds or other obligations
 4-67 issued or incurred to finance road projects and payable from ad
 4-68 valorem taxes may not exceed one-fourth of the assessed value of the
 4-69 real property in the district.

5-1 SECTION 2. The Driftwood Municipal Utility District No. 1
 5-2 initially includes all the territory contained in the following
 5-3 area:
 5-4 FIELD NOTE DESCRIPTION OF 323.59 ACRES OF LAND OUT OF THE WILLIAM B.
 5-5 TRAVIS SURVEY ABSTRACT No. 15 IN HAYS COUNTY, TEXAS, BEING
 5-6 COMPRISED OF A PORTION OF THAT CERTAIN (117.51 ACRE) TRACT OF LAND
 5-7 AS CONVEYED TO DAMIAN C. MANDOLA AND TRINA M. MANDOLA BY GENERAL
 5-8 WARRANTY DEED RECORDED IN VOLUME 2406 PAGE 685 OF THE OFFICIAL
 5-9 PUBLIC RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF
 5-10 THAT CERTAIN (150.00 ACRE) TRACT OF LAND AS CONVEYED TO DAMIAN C.
 5-11 MANDOLA AND TRINA M. MANDOLA BY WARRANTY DEED RECORDED IN VOLUME
 5-12 2261 PAGE 316 OF THE OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS,
 5-13 AND TOGETHER WITH A PORTION OF THAT CERTAIN (107.00 ACRE) TRACT OF
 5-14 LAND AS CONVEYED TO DAMIAN C. MANDOLA AND WIFE, TRINA M. MANDOLA BY
 5-15 GENERAL WARRANTY DEED RECORDED IN VOLUME 2141 PAGE 753 OF THE
 5-16 OFFICIAL PUBLIC RECORDS OF HAYS COUNTY, TEXAS, AND BEING MORE
 5-17 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 5-18 BEGINNING at a point in the East right-of-way line of F.M. Highway
 5-19 No. 150 for the westerly Northwest corner of that certain (117.51
 5-20 acre) tract of land as conveyed to Damian C. Mandola and Trina M.
 5-21 Mandola by General Warranty Deed recorded in Volume 2406 Page 685 of
 5-22 the Official Public Records of Hays County, Texas, and being in the
 5-23 West line of that certain (890.32 acres less 90.96 acres) tract as
 5-24 conveyed to Wilding, LP by Special Warranty Deed recorded in
 5-25 Document No. 9927839 of the Official Public Records of Hays County,
 5-26 Texas, and for the Northwesterly corner of that certain (374.53
 5-27 acre) tract of land as conveyed to Saber Ventures, L.P. by Special
 5-28 Warranty Deed recorded in Volume 2023 Page 531 of the Official
 5-29 Public Records of Hays County, Texas, and for a Southwesterly
 5-30 corner of that certain (311.44 acre) tract of land as conveyed to AT
 5-31 Holding-Riata, LLC by Special Warranty Deed recorded in Volume 2023
 5-32 Page 547 of the Official Public Records of Hays County, Texas, and
 5-33 being the westerly Northwest corner and PLACE OF BEGINNING of the
 5-34 herein described tract of land, and from which a metal spike found
 5-35 in an asphalt driveway in the East right-of-way line of F.M. Highway
 5-36 No. 150 (at record centerline HWY Station 398+69.3) bears N 20 deg.
 5-37 32' 24" W 895.92 ft., and also from which a capped iron rod found
 5-38 bears N 72 deg. 35' 16" E 0.40 ft.;

5-39 THENCE leaving the East right-of-way line of F.M. Highway No. 150
 5-40 and entering the interior of said Wilding (890.32 acres less 90.96
 5-41 acres) tract with the common line of said Mandola (117.51 acre)
 5-42 tract and said AT-Holding-Riata (311.44 acre) tract, the following
 5-43 four (4) courses;

- 5-44 1) N 72 deg. 35' 16" E 957.58 ft. to a capped iron rod found
- 5-45 (marked "McAngus");
- 5-46 2) N 28 deg. 14' 58" E 1033.24 ft. to a capped iron rod found
- 5-47 (marked "McAngus");
- 5-48 3) N 88 deg. 23' 37" E 3991.58 ft. to a capped iron rod found
- 5-49 (marked "McAngus");
- 5-50 4) S 53 deg 02' 43" E at 1953.44 ft. passing a 1 1/4" iron
- 5-51 pipe found, and continuing with the same bearing for a
- 5-52 total distance of 2042.29 ft. to a point in the
- 5-53 approximate centerline of Onion Creek for the Northeast
- 5-54 corner of said Mandola (117.51 acre) tract and for the
- 5-55 Southeast corner of said AT Holding-Riata (311.44 acre)
- 5-56 tract and for the Northwest corner of that certain
- 5-57 (200.585 acre) tract of land as conveyed to Annaton Land
- 5-58 Company, LLC by Warranty Deed recorded in Volume 4617
- 5-59 Page 374 of the Official Public Records of Hays County,
- 5-60 Texas, and being the Northeast corner of this tract of
- 5-61 land;

5-62 THENCE continuing through the interior of said Wilding (890.32
 5-63 acres less 90.96 acres) tract with the approximate centerline of
 5-64 Onion Creek and with the common line of said Mandola (117.51 acre)
 5-65 tract and said Annaton Land Company (200.585 acre) tract, the
 5-66 following seven (7) courses;

- 5-67 1) S 36 deg. 24' 12" W 252.79 ft.;
- 5-68 2) S 37 deg. 15' 21" W 246.91 ft.;
- 5-69 3) S 41 deg. 42' 31" W 214.94 ft.;

- 6-1 4) S 43 deg. 07' 44" W 212.80 ft.;
- 6-2 5) S 26 deg. 54' 25" W 159.79 ft.;
- 6-3 6) S 27 deg. 42' 48" E 70.19 ft.;
- 6-4 7) S 49 deg. 40' 44" W 239.29 ft. to a point for the
- 6-5 Southeast corner of said Mandola (117.51 acre) tract
- 6-6 and for the Northeast corner of that certain (150.00
- 6-7 acre) tract of land as conveyed to Damian C. Mandola and
- 6-8 Trina C. Mandola by Warranty Deed recorded in Volume
- 6-9 2261 Page 316 of the Official Public Records of Hays
- 6-10 County, Texas, and being an angle corner of this tract,
- 6-11 and from which a 60D nail found on the Northwesterly
- 6-12 side of a 46" Cypress tree (for reference) bears N 85
- 6-13 deg. 04' W 47.70 ft.;
- 6-14 THENCE continuing through the interior of said Wilding (890.32
- 6-15 acres less 90.96 acres) tract with the approximate centerline of
- 6-16 Onion Creek and with the common line of said Mandola (150.00 acre)
- 6-17 tract and said Annaton Land Company (200.585 acre) tract, the
- 6-18 following six (6) courses;
- 6-19 1) S 47 deg. 12' 31" W 253.25 ft.;
- 6-20 2) S 41 deg. 34' 36" W 219.86 ft.;
- 6-21 3) S 41 deg. 33' 07" W 276.42 ft.;
- 6-22 4) S 45 deg. 46' 37" W 288.13 ft.;
- 6-23 5) S 61 deg. 07' 53" W 223.76 ft.;
- 6-24 6) S 58 deg. 51' 17" W 191.85 ft. to a point for the Southeast
- 6-25 corner of said Mandola (150.00 acre) tract and for the
- 6-26 Northeast corner of that certain (107.00 acre) tract of
- 6-27 land as conveyed to Damian C. Mandola and wife, Trina C.
- 6-28 Mandola by General Warranty Deed recorded in Volume
- 6-29 2141 Page 753 of the Official Public Records of Hays
- 6-30 County, Texas, and being an angle corner of this tract,
- 6-31 and from which a 60D nail found on the Westerly side of a
- 6-32 16" Cypress tree bears N 13 deg. 48' W 53.69 ft.;
- 6-33 THENCE continuing through the interior of said Wilding (890.32
- 6-34 acres less 90.96 acres) tract with the approximate centerline of
- 6-35 Onion Creek and with the East line of said Mandola (107.00 acre)
- 6-36 tract, the following five (5) courses;
- 6-37 1) S 41 deg. 08' 03" W 231.01 ft.;
- 6-38 2) S 36 deg. 08' 40" W 248.29 ft.;
- 6-39 3) S 32 deg. 53' 55" W 249.13 ft.;
- 6-40 4) S 30 deg. 05' 08" W 241.12 ft.;
- 6-41 5) S 18 deg. 56' 06" W 233.53 ft. to a point for the Southeast
- 6-42 corner of said Mandola (107.00 acre) tract and for a
- 6-43 Northeasterly corner of that certain (21.512 acre)
- 6-44 tract of land as conveyed to Peter M. Schwab and
- 6-45 Jeanette K. Thornton-Schwab by General Warranty Deed
- 6-46 recorded in Volume 1828 Page 709 of the Official Public
- 6-47 Records of Hays County, Texas, and being the Southeast
- 6-48 corner of this tract, and from which an incised X mark
- 6-49 found in the Westerly end of a concrete dam bears N 09
- 6-50 deg. 00' E 190.41 ft. (for reference);
- 6-51 THENCE leaving the approximate centerline of Onion Creek with the
- 6-52 common line of said Mandola (107.00 acre) tract and said Schwab
- 6-53 (21.512 acre) tract, the following seven (7) courses;
- 6-54 1) N 58 deg. 07' 33" W at 70.67 ft. passing a capped iron rod
- 6-55 found (marked "McAngus") and continuing with the same
- 6-56 bearing for a total distance of 728.64 ft. to a capped
- 6-57 iron rod found (marked "McAngus");
- 6-58 2) N 24 deg. 01' 46" W 456.82 ft. to a capped iron rod found
- 6-59 (marked "McAngus") and from which a 1/2" iron rod found
- 6-60 for an angle corner in the Southwest line of said Schwab
- 6-61 (21.512 acre) tract bears S 46 deg. 21' 25" W 33.18 ft.;
- 6-62 3) N 56 deg. 29' 49" W 518.51 ft. to a capped iron rod found
- 6-63 (marked "McAngus");
- 6-64 4) N 36 deg. 40' 03" W 507.04 ft. to a capped iron rod found
- 6-65 (marked "McAngus");
- 6-66 5) S 56 deg. 30' 23" W 148.91 ft. to a capped iron rod found
- 6-67 (marked "McAngus");
- 6-68 6) N 42 deg. 04' 50" W 1026.81 ft. to a capped iron rod found
- 6-69 (marked "McAngus") on the top of a small earthen stock

7-1 tank dam;

7-2 7) N 84 deg. 13' 38" W 166.65 to a capped iron rod found

7-3 (marked "Landesign") at a metal pipe corner post for a

7-4 game-proof fence for the Southeast corner of that

7-5 certain (9.455 acre) tract of land as conveyed to

7-6 DuchMandola, Ltd. by General Warranty Deed recorded in

7-7 Volume 3775 Page 877 of the Official Public Records of

7-8 Hays County, Texas, and being a Southwesterly angle

7-9 corner of this tract;

7-10 THENCE entering the interior of said Mandola (107.00 acre) tract

7-11 with the East line of said DuchMandola (9.455 acre) tract, the

7-12 following two (2) courses;

7-13 1) N 16 deg. 59' 17" E 432.02 ft. to a 1/2" iron rod found;

7-14 2) S 53 deg. 46' 28" E 67.80 ft. to a capped iron rod found

7-15 (marked "Landesign");

7-16 THENCE continuing through the interior of said Mandola (107.00

7-17 acre) tract and entering the interior of said Mandola (150.00 acre)

7-18 tract, N 38 deg. 11' 23" E 284.33 ft. to a capped iron rod found

7-19 (marked "Landesign") for an angle corner in the East line of that

7-20 certain (6.620 acre) tract of land as conveyed to DuchMandola, Ltd.

7-21 by said General Warranty Deed recorded in Volume 3775 Page 877 of

7-22 the Official Public Records of Hays County, Texas, and being an

7-23 angle corner of this tract;

7-24 THENCE continuing through the interior of said Mandola (150.00

7-25 acre) tract, N 00 deg. 40' 32" W at 433.25 ft. passing a capped iron

7-26 rod found (marked "Landesign") for the Northeast corner of said

7-27 DuchMandola (6.620 acre) tract and continuing with the same bearing

7-28 for a total distance of 819.70 ft. to a capped iron rod found

7-29 (marked "Landesign") in the common line of said Mandola (150.00

7-30 acre) tract and said Mandola (117.51 acre) tract and being an angle

7-31 corner of this tract;

7-32 THENCE with the common line of said Mandola (150.00 acre) tract and

7-33 said Mandola (117.51 acre) tract, the following two (2) courses;

7-34 1) S 88 deg. 25' 14" W 642.66 ft. to a capped iron rod found

7-35 (marked "McAngus");

7-36 2) S 50 deg. 02' 26" W 895.46 ft. to a capped iron rod found

7-37 (marked "Landesign") for an angle corner of this tract,

7-38 and from which a 1/2" iron rod found for an angle corner

7-39 in the common line of said Mandola (150.00 acre) tract

7-40 and said Mandola (117.51 acre) tract bears S 50 deg. 02'

7-41 26" W 17.37 ft.;

7-42 THENCE crossing the interiors of said Mandola (117.51 acre) tract

7-43 and said Mandola (150.00 acre) tract, respectively, the following

7-44 two (2) courses;

7-45 1) 69 deg. 55' 31" W 590.01 ft. to a capped iron rod found

7-46 (marked "Landesign");

7-47 2) S 75 deg. 45' 29" W 370.85 ft. to a point in the East

7-48 right-of-way line of F.M. Highway No. 150 for the

7-49 Northwest corner of said Mandola (150.00 acre) tract

7-50 and for the Southwest corner of said Mandola (117.51

7-51 acre) tract and being the most Southwesterly corner of

7-52 this tract, and from which a concrete monument found in

7-53 the East right-of-way line of F.M. Highway No. 150 (at

7-54 centerline HWY Station 438+31.0) bears S 20 deg. 32' 24"

7-55 E 2810.55 ft., and also from which a 1/2" iron rod found

7-56 bears N 75 deg. 45' 29" E 0.41 ft.;

7-57 THENCE with the East right-of-way line of F.M. Highway No. 150 and

7-58 with the West line of said Mandola (117.51 acre) tract, N 20 deg.

7-59 32' 24" W 254.11 ft. to the PLACE OF BEGINNING, containing 323.59

7-60 acres of land.

7-61 SECTION 3. (a) The legal notice of the intention to

7-62 introduce this Act, setting forth the general substance of this

7-63 Act, has been published as provided by law, and the notice and a

7-64 copy of this Act have been furnished to all persons, agencies,

7-65 officials, or entities to which they are required to be furnished

7-66 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

7-67 Government Code.

7-68 (b) The governor, one of the required recipients, has

7-69 submitted the notice and Act to the Texas Commission on

8-1 Environmental Quality.

8-2 (c) The Texas Commission on Environmental Quality has filed
8-3 its recommendations relating to this Act with the governor, the
8-4 lieutenant governor, and the speaker of the house of
8-5 representatives within the required time.

8-6 (d) All requirements of the constitution and laws of this
8-7 state and the rules and procedures of the legislature with respect
8-8 to the notice, introduction, and passage of this Act are fulfilled
8-9 and accomplished.

8-10 SECTION 4. (a) If this Act does not receive a two-thirds
8-11 vote of all the members elected to each house, Subchapter C, Chapter
8-12 7983, Special District Local Laws Code, as added by Section 1 of
8-13 this Act, is amended by adding Section 7983.109 to read as follows:

8-14 Sec. 7983.109. NO EMINENT DOMAIN POWER. The district may
8-15 not exercise the power of eminent domain.

8-16 (b) This section is not intended to be an expression of a
8-17 legislative interpretation of the requirements of Section 17(c),
8-18 Article I, Texas Constitution.

8-19 SECTION 5. This Act takes effect September 1, 2017.

8-20

* * * * *