

1-1 By: Campbell S.B. No. 914
 1-2 (In the Senate - Filed February 15, 2017; February 28, 2017,
 1-3 read first time and referred to Committee on Intergovernmental
 1-4 Relations; April 19, 2017, reported favorably by the following
 1-5 vote: Yeas 6, Nays 0, 1 present not voting; April 19, 2017, sent to
 1-6 printer.)

1-7 COMMITTEE VOTE

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

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the creation of the Kendall County Water Control and
 1-19 Improvement District No. 3; granting a limited power of eminent
 1-20 domain; providing authority to issue bonds; providing authority to
 1-21 impose assessments, fees, and taxes.

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

1-23 SECTION 1. Subtitle I, Title 6, Special District Local Laws
 1-24 Code, is amended by adding Chapter 9072 to read as follows:

1-25 CHAPTER 9072. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT

1-26 DISTRICT NO. 3

1-27 SUBCHAPTER A. GENERAL PROVISIONS

1-28 Sec. 9072.001. DEFINITIONS. In this chapter:

1-29 (1) "Board" means the district's board of directors.

1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.

1-33 (4) "District" means the Kendall County Water Control
 1-34 and Improvement District No. 3.

1-35 Sec. 9072.002. NATURE OF DISTRICT. The district is a water
 1-36 control and improvement district created under Section 59, Article
 1-37 XVI, Texas Constitution.

1-38 Sec. 9072.003. CONFIRMATION AND DIRECTORS' ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 9072.004. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section 9072.003
 1-44 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 9072.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a water control and improvement district as
 1-52 provided by general law and Section 59, Article XVI, Texas
 1-53 Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 9072.006. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
 2-2 field notes or in copying the field notes in the legislative process
 2-3 does not affect the district's:

2-4 (1) organization, existence, or validity;

2-5 (2) right to issue any type of bond for the purposes
 2-6 for which the district is created or to pay the principal of and
 2-7 interest on a bond;

2-8 (3) right to impose a tax; or

2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 9072.051. GOVERNING BODY; TERMS. (a) The district is
 2-12 governed by a board of five elected directors.

2-13 (b) Except as provided by Section 9072.052, directors serve
 2-14 staggered four-year terms.

2-15 Sec. 9072.052. TEMPORARY DIRECTORS. (a) The temporary
 2-16 board consists of:

2-17 (1) R. Hunt Winton III;

2-18 (2) Chad H. Foster Jr.;

2-19 (3) David Sawtelle;

2-20 (4) Craig Leeder; and

2-21 (5) Zach Feller.

2-22 (b) Temporary directors serve until the earlier of:

2-23 (1) the date permanent directors are elected under
 2-24 Section 9072.003; or

2-25 (2) the fourth anniversary of the effective date of
 2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
 2-28 Section 9072.003 and the terms of the temporary directors have
 2-29 expired, successor temporary directors shall be appointed or
 2-30 reappointed as provided by Subsection (d) to serve terms that
 2-31 expire on the earlier of:

2-32 (1) the date permanent directors are elected under
 2-33 Section 9072.003; or

2-34 (2) the fourth anniversary of the date of the
 2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
 2-37 majority of the assessed value of the real property in the district
 2-38 may submit a petition to the commission requesting that the
 2-39 commission appoint as successor temporary directors the five
 2-40 persons named in the petition. The commission shall appoint as
 2-41 successor temporary directors the five persons named in the
 2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 9072.101. GENERAL POWERS AND DUTIES. The district has
 2-45 the powers and duties necessary to accomplish the purposes for
 2-46 which the district is created.

2-47 Sec. 9072.102. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-48 POWERS AND DUTIES. The district has the powers and duties provided
 2-49 by the general law of this state, including Chapters 49 and 51,
 2-50 Water Code, applicable to water control and improvement districts
 2-51 created under Section 59, Article XVI, Texas Constitution.

2-52 Sec. 9072.103. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-53 52, Article III, Texas Constitution, the district may design,
 2-54 acquire, construct, finance, issue bonds for, improve, operate,
 2-55 maintain, and convey to this state, a county, or a municipality for
 2-56 operation and maintenance macadamized, graveled, or paved roads, or
 2-57 improvements, including storm drainage, in aid of those roads.

2-58 Sec. 9072.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-59 road project must meet all applicable construction standards,
 2-60 zoning and subdivision requirements, and regulations of each
 2-61 municipality in whose corporate limits or extraterritorial
 2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
 2-64 or extraterritorial jurisdiction of a municipality, the road
 2-65 project must meet all applicable construction standards, zoning and
 2-66 subdivision requirements, and regulations of each county in which
 2-67 the road project is located.

2-68 (c) If the state will maintain and operate the road, the
 2-69 Texas Transportation Commission must approve the plans and

3-1 specifications of the road project.
3-2 Sec. 9072.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3-3 OR RESOLUTION. The district shall comply with all applicable
3-4 requirements of any ordinance or resolution that is adopted under
3-5 Section 42.042 or 42.0425, Local Government Code, and consents to
3-6 the creation of the district or to the inclusion of land in the
3-7 district.
3-8 Sec. 9072.106. DIVISION OF DISTRICT. (a) The district may
3-9 be divided into two or more new districts only if the district:
3-10 (1) has no outstanding bonded debt; and
3-11 (2) is not imposing ad valorem taxes.
3-12 (b) This chapter applies to any new district created by the
3-13 division of the district, and a new district has all the powers and
3-14 duties of the district.
3-15 (c) Any new district created by the division of the district
3-16 may not, at the time the new district is created, contain any land
3-17 outside the area described by Section 2 of the Act enacting this
3-18 chapter.
3-19 (d) The board, on its own motion or on receipt of a petition
3-20 signed by the owner or owners of a majority of the assessed value of
3-21 the real property in the district, may adopt an order dividing the
3-22 district.
3-23 (e) The board may adopt an order dividing the district
3-24 before or after the date the board holds an election under Section
3-25 9072.003 to confirm the district's creation.
3-26 (f) An order dividing the district shall:
3-27 (1) name each new district;
3-28 (2) include the metes and bounds description of the
3-29 territory of each new district;
3-30 (3) appoint temporary directors for each new district;
3-31 and
3-32 (4) provide for the division of assets and liabilities
3-33 between or among the new districts.
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 Texas Commission on Environmental Quality and record the
3-37 order in the real property records of each county in which the
3-38 district is located.
3-39 (h) Any new district created by the division of the district
3-40 shall hold a confirmation and directors' election as required by
3-41 Section 9072.003.
3-42 (i) Any new district created by the division of the district
3-43 must hold an election as required by this chapter to obtain voter
3-44 approval before the district may impose a maintenance tax or issue
3-45 bonds payable wholly or partly from ad valorem taxes.
3-46 Sec. 9072.107. LIMITATION ON USE OF EMINENT DOMAIN. The
3-47 district may not exercise the power of eminent domain outside the
3-48 district boundaries to acquire a site or easement for:
3-49 (1) a recreational facility, as defined by Section
3-50 49.462, Water Code; or
3-51 (2) a road project authorized by Section 9072.103.
3-52 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS
3-53 Sec. 9072.151. ELECTIONS REGARDING TAXES OR BONDS.
3-54 (a) The district may issue, without an election, bonds and other
3-55 obligations secured by:
3-56 (1) revenue other than ad valorem taxes; or
3-57 (2) contract payments described by Section 9072.153.
3-58 (b) The district must hold an election in the manner
3-59 provided by Chapters 49 and 51, Water Code, to obtain voter approval
3-60 before the district may impose an ad valorem tax or issue bonds
3-61 payable from ad valorem taxes.
3-62 (c) The district may not issue bonds payable from ad valorem
3-63 taxes to finance a road project unless the issuance is approved by a
3-64 vote of a two-thirds majority of the district voters voting at an
3-65 election held for that purpose.
3-66 Sec. 9072.152. OPERATION AND MAINTENANCE TAX. (a) If
3-67 authorized at an election held under Section 9072.151, the district
3-68 may impose an operation and maintenance tax on taxable property in
3-69 the district in accordance with Section 49.107, Water Code.

4-1 (b) The board shall determine the tax rate. The rate may not
 4-2 exceed the rate approved at the election.

4-3 Sec. 9072.153. CONTRACT TAXES. (a) In accordance with
 4-4 Section 49.108, Water Code, the district may impose a tax other than
 4-5 an operation and maintenance tax and use the revenue derived from
 4-6 the tax to make payments under a contract after the provisions of
 4-7 the contract have been approved by a majority of the district voters
 4-8 voting at an election held for that purpose.

4-9 (b) A contract approved by the district voters may contain a
 4-10 provision stating that the contract may be modified or amended by
 4-11 the board without further voter approval.

4-12 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-13 Sec. 9072.201. AUTHORITY TO ISSUE BONDS AND OTHER
 4-14 OBLIGATIONS. The district may issue bonds or other obligations
 4-15 payable wholly or partly from ad valorem taxes, impact fees,
 4-16 revenue, contract payments, grants, or other district money, or any
 4-17 combination of those sources, to pay for any authorized district
 4-18 purpose.

4-19 Sec. 9072.202. TAXES FOR BONDS. At the time the district
 4-20 issues bonds payable wholly or partly from ad valorem taxes, the
 4-21 board shall provide for the annual imposition of a continuing
 4-22 direct ad valorem tax, without limit as to rate or amount, while all
 4-23 or part of the bonds are outstanding as required and in the manner
 4-24 provided by Section 51.433, Water Code.

4-25 Sec. 9072.203. BONDS FOR ROAD PROJECTS. At the time of
 4-26 issuance, the total principal amount of bonds or other obligations
 4-27 issued or incurred to finance road projects and payable from ad
 4-28 valorem taxes may not exceed one-fourth of the assessed value of the
 4-29 real property in the district.

4-30 SECTION 2. The Kendall County Water Control and Improvement
 4-31 District No. 3 initially includes all the territory contained in
 4-32 the following area:

4-33 BEGINNING, AT A FOUND 1/2 INCH IRON ROD FOR THE NORTHWESTERLY
 4-34 CORNER OF SAID 203.026 ACRE TRACT SITUATED ON THE EASTERLY LINE OF
 4-35 SAID 390.8354 ACRE TRACT, FOR THE SOUTHWESTERLY CORNER OF LOT 7,
 4-36 BLUEGRASS SUBDIVISION RECORDED IN VOLUME 1 PAGE 259, PLAT RECORDS,
 4-37 KENDALL COUNTY, TEXAS;

4-38 THENCE, N 88° 43' 53" E, ALONG THE COMMON NORTHERLY LINE OF
 4-39 SAID 203.026 ACRE TRACT, THE SOUTHERLY LINE OF SAID BLUEGRASS
 4-40 SUBDIVISION AND THE SOUTHERLY LINE OF THAT CERTAIN 11.939 ACRE
 4-41 TRACT CONVEYED TO JOSEPH F. ALDERETE AND SUNNIE G. ALDERETE, VOLUME
 4-42 13181 PAGE 686, OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS, A
 4-43 DISTANCE OF 2403.97 FEET TO A 1/2 INCH IRON ROD FOUND FOR THE
 4-44 SOUTHEASTERLY CORNER OF SAID 11.939 ACRE TRACT AND THE
 4-45 SOUTHWESTERLY CORNER OF SAID 11.411 ACRE TRACT FOR AN INTERIOR ELL
 4-46 CORNER OF THIS TRACT;

4-47 THENCE, N 01° 58' 14" E, ALONG THE COMMON EASTERLY LINE OF SAID
 4-48 11.939 ACRE TRACT AND THE WESTERLY LINE OF SAID 11.411 ACRE TRACT, A
 4-49 DISTANCE OF 563.88 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW
 4-50 PLASTIC CAP STAMPED "SHERWOOD SURVEYING" SITUATED ON THE
 4-51 SOUTHWESTERLY LINE OF SPRING HILL DRIVE FOR THE NORTHWESTERLY
 4-52 CORNER OF SAID 11.411 ACRE TRACT AND A NORTHERLY CORNER OF THIS
 4-53 TRACT;

4-54 THENCE, ALONG THE SOUTHWESTERLY LINE OF SPRING HILL DRIVE AND
 4-55 THE NORTHEASTERLY LINE OF SAID 11.411 ACRE TRACT, THE FOLLOWING
 4-56 COURSES;

4-57 S 85° 54' 52" E, A DISTANCE OF 90.13 FEET TO A SET 1/2 INCH IRON
 4-58 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A
 4-59 CORNER;

4-60 S 81° 18' 20" E, A DISTANCE OF 159.61 FEET TO A FOUND 1/2 INCH
 4-61 IRON ROD WITH PLASTIC CAP STAMPED "PFIEFFER SURVEY" FOR A CORNER;

4-62 S 35° 30' 11" E, A DISTANCE OF 96.80 FEET TO A FOUND 1/2 INCH
 4-63 IRON ROD WITH PLASTIC CAP STAMPED "PFIEFFER SURVEY" FOR A CORNER;

4-64 S 63° 01' 09" E, A DISTANCE OF 209.90 FEET TO A FOUND 1/2 INCH
 4-65 IRON ROD WITH PLASTIC CAP STAMPED "PFIEFFER SURVEY" FOR A CORNER;

4-66 S 52° 37' 18" E, A DISTANCE OF 160.01 FEET TO A SET 1/2 INCH
 4-67 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A
 4-68 CORNER;

4-69 S 26° 32' 38" E, A DISTANCE OF 525.06 FEET TO A FOUND 1/2 INCH

5-1 IRON ROD AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE
5-2 OF SPRING HILL DRIVE AND THE NORTHERLY RIGHT OF WAY LINE OF VALERIE
5-3 LANE FOR A NORTHEASTERLY CORNER OF THIS TRACT;
5-4 THENCE, ALONG THE COMMON NORTHERLY AND EASTERLY LINE OF
5-5 VALERIE LANE AND THE SOUTHEASTERLY LINE OF SAID 11.411 ACRE TRACT,
5-6 THE FOLLOWING COURSES:
5-7 N 89° 20' 05" W, A DISTANCE OF 241.15 FEET TO A 1/2 INCH IRON
5-8 ROD FOUND FOR A CORNER OF THIS TRACT;
5-9 S 01° 04' 09" E, A DISTANCE OF 224.75 FEET TO A FOUND PK NAIL
5-10 FOR THE NORTHEASTERLY CORNER OF THAT CERTAIN 2.00 ACRE TRACT
5-11 DESCRIBED AS A SAVE AND EXCEPT TRACT IN VOLUME 1145, PAGE 349
5-12 OFFICIAL PUBLIC RECORDS, KENDALL COUNTY, TEXAS;
5-13 THENCE, S 89° 29' 44" W, ALONG THE NORTHERLY LINE OF SAID 2.00
5-14 ACRE TRACT, A DISTANCE OF 367.05 FEET TO A FOUND 1/2 INCH IRON ROD
5-15 FOR THE NORTHWESTERLY CORNER OF SAID 2.00 ACRE TRACT AND AN INTERIOR
5-16 ELL CORNER OF THIS TRACT;
5-17 THENCE, S 00° 13' 21" E, ALONG THE WESTERLY LINE OF SAID 2.00
5-18 ACRE TRACT, A DISTANCE OF 236.47 FEET TO A FOUND 8 INCH WOOD POST FOR
5-19 THE SOUTHWESTERLY CORNER OF SAID 2.00 ACRE TRACT AND AN INTERIOR ELL
5-20 CORNER OF THIS TRACT;
5-21 THENCE, N 89° 47' 41" E, ALONG THE SOUTHERLY LINE OF SAID 2.00
5-22 ACRE TRACT, A DISTANCE OF 365.48 FEET TO A FOUND 6 INCH CEDAR POST
5-23 SITUATED ON THE WESTERLY LINE OF VALERIE LANE FOR THE SOUTHEASTERLY
5-24 CORNER OF SAID 2.00 ACRE TRACT AND A CORNER OF THIS TRACT;
5-25 THENCE, S 00° 10' 18" W, ALONG THE COMMON WESTERLY LINE OF SAID
5-26 VALERIE LANE AND THE EASTERLY LINE OF SAID 203.026 ACRE TRACT, A
5-27 DISTANCE OF 2520.79 FEET TO A SET 1/2 INCH IRON ROD WITH YELLOW
5-28 PLASTIC CAP STAMPED "SHERWOOD SURVEYING" AT THE INTERSECTION OF THE
5-29 WESTERLY LINE OF VALERIE LANE AND THE NORTHERLY LINE OF COREY ROAD
5-30 FOR THE SOUTHEASTERLY CORNER OF THIS TRACT;
5-31 THENCE, ALONG THE COMMON SOUTHERLY LINE OF SAID 203.026 ACRE
5-32 TRACT, PARTIALLY ALONG THE SOUTHERLY LINE OF SAID 390.8354 ACRE
5-33 TRACT AND THE NORTHERLY LINE OF COREY ROAD, THE FOLLOWING COURSES;
5-34 S 89° 23' 37" W, A DISTANCE OF 2220.90 FEET TO A SET 1/2 INCH
5-35 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING" FOR A
5-36 CORNER;
5-37 N 81° 11' 50" W, A DISTANCE OF 1868.37 FEET TO A FOUND 6 INCH
5-38 WOOD POST AT THE NORTHWESTERLY CORNER OF THE TERMINUS OF CORLEY
5-39 ROAD;
5-40 THENCE, S 01° 30' 22" E, ALONG THE WESTERLY TERMINUS OF CORLEY
5-41 ROAD, A DISTANCE OF 28.23 FEET TO A FOUND 3/4 INCH IRON ROD MARKING
5-42 THE NORTHWESTERLY CORNER OF SAID 76.957 ACRE TRACT, BEING THE
5-43 EASTERLY LINE OF SAID 390.8354 ACRE TRACT;
5-44 THENCE, S 81° 24' 55" E, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE
5-45 OF CORLEY ROAD, BEING THE NORTHERLY LINE OF SAID 76.957 ACRE TRACT,
5-46 A DISTANCE OF 1169.43 FEET TO A FOUND 6 INCH WOOD POST MARKING THE
5-47 NORTHEASTERLY CORNER OF SAID 76.957 ACRE TRACT, BEING THE
5-48 NORTHWESTERLY CORNER OF THAT CERTAIN 5.794 ACRE TRACT CONVEYED TO
5-49 CAROLYN G. BIEDENHARN BY DEED OF RECORD IN VOLUME 1455, PAGE 283 OF
5-50 SAID OFFICIAL PUBLIC RECORDS;
5-51 THENCE, LEAVING THE SOUTHERLY RIGHT-OF-WAY LINE OF CORLEY
5-52 ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID 76.957 ACRE TRACT AND
5-53 SAID 5.794 ACRE TRACT, THE FOLLOWING COURSES:
5-54 S 00° 14' 59" E, A DISTANCE OF 352.90 FEET TO A FOUND 6 INCH
5-55 WOOD POST;
5-56 S 66° 35' 17" W, A DISTANCE OF 55.14 FEET TO A FOUND 1/2 INCH
5-57 IRON ROD;
5-58 S 25° 31' 49" W, A DISTANCE OF 63.64 FEET TO A FOUND 6 INCH WOOD
5-59 POST;
5-60 S 00° 16' 44" E, A DISTANCE OF 181.07 FEET TO A FOUND 1/2 INCH
5-61 IRON ROD MARKING THE SOUTHWESTERLY CORNER OF SAID 5.794 ACRE TRACT;
5-62 N 88° 44' 30" E, A DISTANCE OF 616.61 FEET TO A FOUND 1/2 INCH
5-63 IRON ROD IN THE WESTERLY LINE OF AN EXISTING 1.418 ACRE ACCESS
5-64 EASEMENT OF RECORD IN VOLUME 8375, PAGE 676 OF SAID OFFICIAL PUBLIC
5-65 RECORDS, BEING AN EASTERLY CORNER OF SAID 76.957 ACRE TRACT;
5-66 THENCE, S 08° 49' 02" W, ALONG THE COMMON BOUNDARY LINE OF SAID
5-67 76.957 ACRE TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, A DISTANCE OF
5-68 1740.36 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY
5-69 CORNER OF SAID 76.957 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF

6-1 SAID 40.0289 ACRE TRACT;

6-2 THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 40.0289 ACRE

6-3 TRACT AND SAID 1.418 ACRE ACCESS EASEMENT, THE FOLLOWING COURSES:

6-4 S 08° 45' 27" W, A DISTANCE OF 1711.94 FEET TO A FOUND 2 INCH

6-5 METAL POST;

6-6 S 28° 28' 37" W, A DISTANCE OF 48.72 FEET TO A 6 INCH WOOD POST

6-7 MARKING THE SOUTHEASTERLY CORNER OF SAID 40.0289 ACRE TRACT, BEING

6-8 THE NORTHEASTERLY CORNER OF SAID 2.1303 ACRE TRACT;

6-9 THENCE, S 27° 25' 24" W, ALONG THE SOUTHEASTERLY LINE OF SAID

6-10 2.1303 ACRE TRACT, A DISTANCE OF 133.99 FEET TO A FOUND "X" ON

6-11 CONCRETE DAM MARKING THE SOUTHERLY CORNER OF SAID 2.1303 ACRE

6-12 TRACT, BEING IN THE NORTHERLY LINE OF THAT CERTAIN REMAINDER OF

6-13 236.272 ACRE TRACT CONVEYED TO BALCONES CREEK, LTD. BY DEED OF

6-14 RECORD IN VOLUME 1194, PAGE 227 OF SAID OFFICIAL PUBLIC RECORDS;

6-15 THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 2.1303 ACRE

6-16 TRACT AND SAID REMAINDER OF 236.272 ACRE TRACT, BEING THE

6-17 APPROXIMATE CENTERLINE OF BALCONES CREEK, THE FOLLOWING COURSES:

6-18 N 52° 10' 12" W, A DISTANCE OF 235.12 FEET TO A POINT;

6-19 N 42° 58' 10" W, A DISTANCE OF 452.26 FEET TO A POINT MARKING

6-20 THE NORTHEASTERLY CORNER OF SAID 97.23 ACRE TRACT;

6-21 THENCE, ALONG THE COMMON BOUNDARY LINES OF SAID 97.23 ACRE

6-22 TRACT AND SAID REMAINDER OF 236.272 ACRE TRACT, THE FOLLOWING

6-23 COURSES:

6-24 S 43° 26' 22" W, A DISTANCE OF 45.12 FEET TO A SET 1/2 INCH IRON

6-25 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-26 S 26° 12' 45" W, A DISTANCE OF 160.75 FEET TO A SET 1/2 INCH

6-27 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-28 S 19° 12' 45" W, A DISTANCE OF 202.73 FEET TO A SET 1/2 INCH

6-29 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-30 S 86° 10' 45" W, A DISTANCE OF 14.30 FEET TO A SET 1/2 INCH IRON

6-31 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-32 S 08° 50' 15" E, A DISTANCE OF 27.58 FEET TO A SET 1/2 INCH IRON

6-33 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-34 S 22° 15' 30" W, A DISTANCE OF 1741.52 FEET TO FOUND 1/2 INCH

6-35 IRON ROD WITH SCHWARTZ 4760 RED CAP MARKING THE SOUTHEASTERLY

6-36 CORNER OF SAID 97.23 ACRE TRACT;

6-37 S 89° 59' 22" W, A DISTANCE OF 1293.60 FEET TO A FOUND 1/2 INCH

6-38 IRON ROD WITH SCHWARTZ 4760 RED CAP MARKING THE SOUTHWESTERLY

6-39 CORNER OF SAID 97.23 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF

6-40 SAID REMAINDER OF 236.272 ACRE TRACT, SAME BEING IN THE EASTERLY

6-41 LINE OF THAT CERTAIN 186.360 ACRE TRACT CONVEYED TO ROBERT B. CALDER

6-42 BY DEED OF RECORD IN VOLUME 4632, PAGE 1394 OF SAID OFFICIAL PUBLIC

6-43 RECORDS FOR THE SOUTHERNMOST SOUTHWESTERLY CORNER HEREOF;

6-44 THENCE, ALONG THE COMMON BOUNDARY LINES OF SAID 97.23 ACRE

6-45 TRACT AND SAID 186.360 ACRE TRACT, THE FOLLOWING COURSES:

6-46 N 00° 18' 50" W, A DISTANCE OF 594.05 FEET TO A SET 1/2 INCH

6-47 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-48 N 00° 08' 26" W, A DISTANCE OF 492.67 FEET TO A SET 1/2 INCH

6-49 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-50 N 00° 05' 03" E, A DISTANCE OF 412.91 FEET A SET 1/2 INCH IRON

6-51 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-52 N 00° 15' 34" E, A DISTANCE OF 569.88 FEET TO A SET 1/2 INCH

6-53 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";

6-54 N 00° 26' 43" E, A DISTANCE OF 121.10 FEET TO A POINT IN THE

6-55 APPROXIMATE CENTERLINE OF BALCONES CREEK MARKING THE NORTHWESTERLY

6-56 CORNER OF SAID 97.23 ACRE TRACT AND BEING THE NORTHEASTERLY CORNER

6-57 OF SAID 186.360 ACRE TRACT, BEING A POINT IN THE SOUTHERLY LINE OF

6-58 THAT CERTAIN 36.430 ACRE TRACT CONVEYED TO STANLEY OWENS AND KATIE

6-59 A. OWENS BY DEED OF RECORD IN VOLUME 1428, PAGE 515 OF SAID OFFICIAL

6-60 PUBLIC RECORDS;

6-61 THENCE, S 70° 14' 35" E, ALONG THE COMMON BOUNDARY LINE OF SAID

6-62 36.430 ACRE TRACT AND SAID 97.23 ACRE TRACT, A DISTANCE OF 2.12 FEET

6-63 TO A POINT MARKING THE SOUTHWESTERLY CORNER OF SAID 1.0097 ACRE

6-64 TRACT AND THE SOUTHEASTERLY CORNER OF SAID 36.430 ACRE TRACT;

6-65 THENCE, N 00° 12' 33" W, ALONG THE EASTERLY LINE OF SAID 36.430

6-66 ACRE TRACT, BEING THE WESTERLY LINES OF SAID 1.0097 ACRE TRACT AND

6-67 SAID 390.8354 ACRE TRACT, A DISTANCE OF 1317.77 FEET TO A FOUND 1/2

6-68 INCH IRON ROD;

6-69 THENCE, N 00° 00' 45" W, ALONG THE EASTERLY LINE OF SAID 36.430

7-1 ACRE TRACT AND THE EASTERLY LINE OF THAT CERTAIN 95.268 ACRE TRACT
7-2 CONVEYED TO SUELTFENFUSS RANCH LP BY DEED OF RECORD IN VOLUME 1135,
7-3 PAGE 820 OF SAID OFFICIAL PUBLIC RECORDS, BEING THE WESTERLY LINE OF
7-4 SAID 390.8354 ACRE TRACT, A DISTANCE OF 1460.15 FEET TO A FOUND 8
7-5 INCH WOOD POST MARKING THE NORTHEASTERLY CORNER OF SAID 95.268 ACRE
7-6 TRACT, BEING THE SOUTHEASTERLY CORNER OF SAID 62.886 ACRE TRACT;
7-7 THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 95.268 ACRE
7-8 TRACT AND SAID 62.886 ACRE TRACT, THE FOLLOWING COURSES:
7-9 S 80° 52' 53" W, A DISTANCE OF 858.86 FEET TO A FOUND 8 INCH
7-10 WOOD POST;
7-11 N 85° 33' 03" W, A DISTANCE OF 980.80 FEET TO A FOUND 8 INCH
7-12 WOOD POST;
7-13 S 78° 21' 51" W, A DISTANCE OF 1594.30 FEET TO A FOUND 1/2 INCH
7-14 IRON ROD IN THE EASTERLY RIGHT-OF-WAY LINE OF UPPER BALCONES ROAD
7-15 FOR THE WESTERNMOST SOUTHWESTERLY CORNER HEREOF;
7-16 THENCE, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF UPPER
7-17 BALCONES ROAD, THE FOLLOWING COURSES:
7-18 N 21° 24' 28" W, A DISTANCE OF 702.03 FEET TO A SET 1/2 INCH
7-19 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
7-20 N 10° 04' 11" W, A DISTANCE OF 69.72 FEET TO A SET 1/2 INCH IRON
7-21 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
7-22 N 08° 00' 25" W, A DISTANCE OF 297.59 FEET TO A FOUND 1/2 INCH
7-23 IRON ROD;
7-24 N 08° 10' 05" W, A DISTANCE OF 43.41 FEET TO A SET 1/2 INCH IRON
7-25 ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
7-26 N 03° 52' 51" W, A DISTANCE OF 107.16 FEET TO A SET 1/2 INCH
7-27 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
7-28 N 03° 16' 49" W, A DISTANCE OF 119.06 FEET TO A SET 1/2 INCH
7-29 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
7-30 N 00° 22' 45" W, A DISTANCE OF 151.30 FEET TO A SET 1/2 INCH
7-31 IRON ROD WITH YELLOW PLASTIC CAP STAMPED "SHERWOOD SURVEYING";
7-32 N 05° 31' 35" W, A DISTANCE OF 281.80 FEET TO A FOUND 1/2 INCH
7-33 IRON ROD;
7-34 N 05° 14' 21" W, A DISTANCE OF 491.54 FEET TO A FOUND 1/2 INCH
7-35 IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 31.823 ACRE
7-36 TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 96.338 ACRE
7-37 TRACT CONVEYED TO WILLIAM ROBERT SMITH III BY DEED OF RECORD IN
7-38 VOLUME 1365, PAGE 681 OF SAID OFFICIAL PUBLIC RECORDS, FOR THE
7-39 WESTERNMOST NORTHWESTERLY CORNER HEREOF;
7-40 THENCE, LEAVING THE EASTERLY RIGHT-OF-WAY LINE OF UPPER
7-41 BALCONES ROAD, ALONG THE COMMON BOUNDARY LINE OF SAID 96.338 ACRE
7-42 TRACT AND SAID 31.823 ACRE TRACT, THE FOLLOWING COURSES:
7-43 N 84° 12' 22" E, A DISTANCE OF 488.79 FEET TO A FOUND 1/2 INCH
7-44 IRON ROD WITH PFIEFFER SURVEY CAP;
7-45 S 89° 32' 02" E, A DISTANCE OF 1078.27 FEET TO A FOUND 1/2 INCH
7-46 IRON ROD WITH PFIEFFER SURVEY CAP;
7-47 N 79° 52' 56" E, A DISTANCE OF 898.04 FEET TO A FOUND 1/2 INCH
7-48 IRON ROD WITH PFIEFFER SURVEY CAP MARKING THE NORTHEASTERLY CORNER
7-49 OF SAID 31.823 ACRE TRACT, BEING THE NORTHWESTERLY CORNER OF SAID
7-50 27.94 ACRE TRACT;
7-51 THENCE, N 73° 11' 05" E, ALONG THE COMMON BOUNDARY LINE OF SAID
7-52 96.338 ACRE TRACT AND SAID 27.94 ACRE TRACT, A DISTANCE OF 1400.68
7-53 FEET TO A FOUND 1/2 INCH IRON ROD MARKING THE SOUTHEASTERLY CORNER
7-54 OF SAID 96.338 ACRE TRACT, BEING THE NORTHEASTERLY CORNER OF SAID
7-55 27.94 ACRE TRACT, SAME BEING IN THE WESTERLY LINE OF SAID 390.8354
7-56 ACRE TRACT AND AN INTERIOR ELL CORNER HEREOF;
7-57 THENCE, N 00° 19' 46" E, ALONG THE EASTERLY LINES OF SAID
7-58 96.338 ACRE TRACT AND THE EASTERLY LINE OF THAT CERTAIN 183.328 ACRE
7-59 TRACT CONVEYED TO DOLORES ANN HOLMAN BY DEED OF RECORD IN VOLUME 92,
7-60 PAGE 259 OF SAID DEED RECORDS, BEING THE WESTERLY LINE OF SAID
7-61 390.8354 ACRE TRACT, A DISTANCE OF 2888.59 FEET TO A FOUND 1/2 INCH
7-62 IRON ROD MARKING THE NORTHWESTERLY CORNER OF SAID 390.8354 ACRE
7-63 TRACT, BEING THE SOUTHWESTERLY CORNER OF THAT CERTAIN 40.592 ACRE
7-64 TRACT CONVEYED TO PATRICK EITTER AND SPOUSE GISELLE EITTER BY DEED
7-65 OF RECORD IN VOLUME 1381, PAGE 542 OF SAID OFFICIAL PUBLIC RECORDS,
7-66 FOR THE NORTHERNMOST NORTHWESTERLY CORNER HEREOF;
7-67 THENCE, ALONG THE COMMON BOUNDARY LINE OF SAID 390.8354 ACRE
7-68 TRACT AND SAID 40.592 ACRE TRACT, THE FOLLOWING COURSES:
7-69 S 89° 59' 55" E, A DISTANCE OF 377.50 FEET TO A FOUND 1/2 INCH

8-1 IRON ROD;
 8-2 N 89° 38' 49" E, A DISTANCE OF 842.65 FEET TO A FOUND 1/2 INCH
 8-3 IRON ROD;
 8-4 S 89° 14' 25" E, A DISTANCE OF 1323.68 FEET TO A FOUND 1/2 INCH
 8-5 IRON ROD MARKING THE NORTHWESTERLY CORNER OF LOT 6 OF SAID BLUEGRASS
 8-6 SUBDIVISION, BEING THE NORTHEASTERLY CORNER OF SAID 390.8354 ACRE
 8-7 TRACT;

8-8 THENCE, ALONG THE A PORTION OF THE COMMON BOUNDARY LINE OF
 8-9 SAID 390.8354 ACRE TRACT AND SAID BLUEGRASS SUBDIVISION, THE
 8-10 FOLLOWING COURSES:

8-11 S 00° 48' 52" E, A DISTANCE OF 753.20 FEET TO A FOUND 1/2 INCH
 8-12 IRON ROD;

8-13 S 00° 50' 20" E, A DISTANCE OF 736.92 FEET TO THE POINT OF
 8-14 BEGINNING, CONTAINING AN AREA OF 1012.262 ACRES OF LAND, MORE OR
 8-15 LESS.

8-16 SECTION 3. (a) The legal notice of the intention to
 8-17 introduce this Act, setting forth the general substance of this
 8-18 Act, has been published as provided by law, and the notice and a
 8-19 copy of this Act have been furnished to all persons, agencies,
 8-20 officials, or entities to which they are required to be furnished
 8-21 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 8-22 Government Code.

8-23 (b) The governor, one of the required recipients, has
 8-24 submitted the notice and Act to the Texas Commission on
 8-25 Environmental Quality.

8-26 (c) The Texas Commission on Environmental Quality has filed
 8-27 its recommendations relating to this Act with the governor, the
 8-28 lieutenant governor, and the speaker of the house of
 8-29 representatives within the required time.

8-30 (d) All requirements of the constitution and laws of this
 8-31 state and the rules and procedures of the legislature with respect
 8-32 to the notice, introduction, and passage of this Act are fulfilled
 8-33 and accomplished.

8-34 SECTION 4. (a) Section 9072.107, Special District Local
 8-35 Laws Code, as added by Section 1 of this Act, takes effect only if
 8-36 this Act receives a two-thirds vote of all the members elected to
 8-37 each house.

8-38 (b) If this Act does not receive a two-thirds vote of all the
 8-39 members elected to each house, Subchapter C, Chapter 9072, Special
 8-40 District Local Laws Code, as added by Section 1 of this Act, is
 8-41 amended by adding Section 9072.107 to read as follows:

8-42 Sec. 9072.107. NO EMINENT DOMAIN POWER. The district may
 8-43 not exercise the power of eminent domain.

8-44 (c) This section is not intended to be an expression of a
 8-45 legislative interpretation of the requirements of Section 17(c),
 8-46 Article I, Texas Constitution.

8-47 SECTION 5. This Act takes effect immediately if it receives
 8-48 a vote of two-thirds of all the members elected to each house, as
 8-49 provided by Section 39, Article III, Texas Constitution. If this
 8-50 Act does not receive the vote necessary for immediate effect, this
 8-51 Act takes effect September 1, 2017.

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