

1-1 By: Moody (Senate Sponsor - Rodríguez) H.B. No. 4730
 1-2 (In the Senate - Received from the House May 6, 2019;
 1-3 May 15, 2019, read first time and referred to Committee on
 1-4 Intergovernmental Relations; May 20, 2019, reported adversely,
 1-5 with favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 0; May 20, 2019, sent to 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 COMMITTEE SUBSTITUTE FOR H.B. No. 4730 By: Alvarado

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

1-19 relating to the creation of the City of El Paso Municipal Management
 1-20 District No. 1; providing authority to issue bonds; providing
 1-21 authority to impose assessments, fees, or taxes.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-23 SECTION 1. Subtitle C, Title 4, Special District Local Laws
 1-24 Code, is amended by adding Chapter 3972 to read as follows:

1-25 CHAPTER 3972. CITY OF EL PASO MUNICIPAL MANAGEMENT DISTRICT NO. 1
 1-26 SUBCHAPTER A. GENERAL PROVISIONS
 1-27 Sec. 3972.0101. DEFINITIONS. In this chapter:
 1-28 (1) "Board" means the district's board of directors.
 1-29 (2) "City" means the City of El Paso.
 1-30 (3) "Director" means a board member.
 1-31 (4) "District" means the City of El Paso Municipal
 1-32 Management District No. 1.

1-33 Sec. 3972.0102. CREATION AND NATURE OF DISTRICT. The City
 1-34 of El Paso Municipal Management District No. 1 is a special
 1-35 district created under Section 59, Article XVI, Texas Constitution.

1-36 Sec. 3972.0103. PURPOSE; LEGISLATIVE FINDINGS. (a) The
 1-37 creation of the district is essential to accomplish the purposes of
 1-38 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
 1-39 Texas Constitution, and other public purposes stated in this
 1-40 chapter.

1-41 (b) By creating the district and in authorizing the city and
 1-42 other political subdivisions to contract with the district, the
 1-43 legislature has established a program to accomplish the public
 1-44 purposes set out in Section 52-a, Article III, Texas Constitution.

1-45 (c) The creation of the district is necessary to promote,
 1-46 develop, encourage, and maintain employment, commerce,
 1-47 transportation, housing, tourism, recreation, the arts,
 1-48 entertainment, economic development, safety, and the public
 1-49 welfare in the district.

1-50 (d) The district is created to supplement and not to
 1-51 supplant city services provided in the district.

1-52 Sec. 3972.0104. FINDINGS OF BENEFIT AND PUBLIC USE. (a)
 1-53 All land and other property included in the district will benefit
 1-54 from the improvements and services to be provided by the district
 1-55 under powers conferred by Sections 52 and 52-a, Article III, and
 1-56 Section 59, Article XVI, Texas Constitution, and other powers
 1-57 granted under this chapter.

1-58 (b) The district is created to serve a public use and
 1-59 benefit.

1-60 (c) The creation of the district is in the public interest

2-1 and is essential to further the public purposes of:
 2-2 (1) developing and diversifying the economy of the
 2-3 state;
 2-4 (2) eliminating unemployment and underemployment;
 2-5 (3) developing or expanding transportation and
 2-6 commerce; and
 2-7 (4) providing quality residential housing.

2-8 (d) The district will:
 2-9 (1) promote the health, safety, and general welfare of
 2-10 residents, employers, potential employees, employees, visitors,
 2-11 and consumers in the district, and of the public;

2-12 (2) provide needed funding for the district to
 2-13 preserve, maintain, and enhance the economic health and vitality of
 2-14 the district territory as a residential community and business
 2-15 center; and

2-16 (3) promote the health, safety, welfare, and enjoyment
 2-17 of the public by providing pedestrian ways and by landscaping and
 2-18 developing certain areas in the district, which are necessary for
 2-19 the restoration, preservation, and enhancement of scenic beauty.

2-20 (e) Pedestrian ways along or across a street, whether at
 2-21 grade or above or below the surface, and street lighting, street
 2-22 landscaping, parking, and street art objects are parts of and
 2-23 necessary components of a street and are considered to be a street
 2-24 or road improvement.

2-25 (f) The district will not act as the agent or
 2-26 instrumentality of any private interest even though the district
 2-27 will benefit many private interests as well as the public.

2-28 Sec. 3972.0105. INITIAL DISTRICT TERRITORY. (a) The
 2-29 district is initially composed of the territory described by
 2-30 Section 2 of the Act enacting this chapter.

2-31 (b) The boundaries and field notes contained in Section 2 of
 2-32 the Act enacting this chapter form a closure. A mistake in the
 2-33 field notes or in copying the field notes in the legislative process
 2-34 does not affect the district's:

2-35 (1) organization, existence, or validity;

2-36 (2) right to issue any type of bonds for the purposes
 2-37 for which the district is created or to pay the principal of and
 2-38 interest on the bonds;

2-39 (3) right to impose or collect an assessment or tax; or

2-40 (4) legality or operation.

2-41 Sec. 3972.0106. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

2-42 (a) All or any part of the area of the district is eligible to be
 2-43 included in:

2-44 (1) a tax increment reinvestment zone created under
 2-45 Chapter 311, Tax Code;

2-46 (2) a tax abatement reinvestment zone created under
 2-47 Chapter 312, Tax Code;

2-48 (3) an enterprise zone created under Chapter 2303,
 2-49 Government Code; or

2-50 (4) an industrial district created under Chapter 42,
 2-51 Local Government Code.

2-52 (b) If the city creates a tax increment reinvestment zone
 2-53 described by Subsection (a), the city and the board of directors of
 2-54 the zone, by contract with the district, may grant money deposited
 2-55 in the tax increment fund to the district to be used by the district
 2-56 for:

2-57 (1) the purposes permitted for money granted to a
 2-58 corporation under Section 380.002(b), Local Government Code; and

2-59 (2) any other district purpose, including the right to
 2-60 pledge the money as security for any bonds or other obligations
 2-61 issued by the district.

2-62 (c) A tax increment reinvestment zone created by the city in
 2-63 the district is not subject to the limitations provided by Section
 2-64 311.006, Tax Code.

2-65 Sec. 3972.0107. APPLICABILITY OF MUNICIPAL MANAGEMENT
 2-66 DISTRICT LAW. Except as otherwise provided by this chapter,
 2-67 Chapter 375, Local Government Code, applies to the district.

2-68 Sec. 3972.0108. ENFORCEABILITY OF MUNICIPAL CONSENT
 2-69 AGREEMENT. (a) Any agreement between the district and a

3-1 municipality related to the municipality's consent to the creation
 3-2 of the district is valid and enforceable.

3-3 (b) On the issuance of bonds by the district, the district
 3-4 is considered to have waived sovereign immunity to suit by a
 3-5 municipality for the purpose of adjudicating a claim for breach of
 3-6 an agreement described by this section.

3-7 Sec. 3972.0109. CONSENT OF MUNICIPALITY AND ENTITLEMENT
 3-8 AGREEMENT REQUIRED. The board may not impose an assessment, issue
 3-9 bonds, or hold an election to authorize the issuance of bonds until:

3-10 (1) the governing body of the city by ordinance or
 3-11 resolution consents to the creation of the district and to the
 3-12 inclusion of land in the district; and

3-13 (2) the city and the owner or owners of a majority of
 3-14 the assessed value of real property in the district negotiate and
 3-15 execute a mutually approved and accepted entitlement agreement
 3-16 regarding the development of land in the district.

3-17 Sec. 3972.0110. CONSTRUCTION OF CHAPTER. This chapter
 3-18 shall be liberally construed in conformity with the findings and
 3-19 purposes stated in this chapter.

3-20 SUBCHAPTER B. BOARD OF DIRECTORS

3-21 Sec. 3972.0201. GOVERNING BODY; TERMS. The district is
 3-22 governed by a board of five directors who serve staggered terms of
 3-23 four years with two or three directors' terms expiring June 1 of
 3-24 each even-numbered year.

3-25 Sec. 3972.0202. QUALIFICATIONS OF DIRECTORS. (a) To be
 3-26 qualified to serve as a director, a person must be:

3-27 (1) a resident of the city who is also a registered
 3-28 voter of the city;

3-29 (2) an owner of property in the district;

3-30 (3) an owner of stock or a partnership or membership
 3-31 interest, whether beneficial or otherwise, of a corporate
 3-32 partnership, limited liability company, or other entity owner of a
 3-33 direct or indirect interest in property in the district;

3-34 (4) an owner of a beneficial interest in a trust, or a
 3-35 trustee in a trust, that directly or indirectly owns property in the
 3-36 district; or

3-37 (5) an agent, employee, or tenant of a person
 3-38 described by Subdivision (2), (3), or (4).

3-39 (b) Section 49.052, Water Code, does not apply to the
 3-40 district.

3-41 Sec. 3972.0203. APPOINTMENT OF DIRECTORS. The governing
 3-42 body of the city shall appoint directors from persons recommended
 3-43 by the board.

3-44 Sec. 3972.0204. VACANCY. (a) If a vacancy occurs on the
 3-45 board, the remaining directors shall appoint a director for the
 3-46 remainder of the unexpired term.

3-47 (b) A director may resign from the board at any time.

3-48 Sec. 3972.0205. OFFICERS. The board shall elect from among
 3-49 the directors a chair, a vice chair, and a secretary. The offices
 3-50 of chair and secretary may not be held by the same person.

3-51 Sec. 3972.0206. COMPENSATION; EXPENSES. (a) The district
 3-52 may compensate each director in an amount not to exceed \$150 for
 3-53 each board meeting. The total amount of compensation for each
 3-54 director in one year may not exceed \$7,200.

3-55 (b) A director is entitled to reimbursement for necessary
 3-56 and reasonable expenses incurred in carrying out the duties and
 3-57 responsibilities of the board.

3-58 Sec. 3972.0207. LIABILITY INSURANCE. The district may
 3-59 obtain and pay for comprehensive general liability insurance
 3-60 coverage from a commercial insurance company or other source that
 3-61 protects and insures a director against personal liability and from
 3-62 all claims relating to:

3-63 (1) actions taken by the director in the director's
 3-64 capacity as a member of the board;

3-65 (2) actions and activities taken by the district; or

3-66 (3) the actions of others acting on behalf of the
 3-67 district.

3-68 Sec. 3972.0208. NO EXECUTIVE COMMITTEE. The board may not
 3-69 create an executive committee to exercise the powers of the board.

4-1 Sec. 3972.0209. BOARD MEETINGS. The board shall hold
4-2 meetings at a place accessible to the public.

4-3 Sec. 3972.0210. INITIAL DIRECTORS. (a) On or after January
4-4 1, 2020, the owner or owners of a majority of the assessed value of
4-5 real property in the district may submit a petition to the governing
4-6 body of the city requesting that the governing body appoint five
4-7 persons as initial directors from a list of persons agreed on by the
4-8 governing body of the city and the owner or owners of a majority of
4-9 the assessed value of real property in the district.

4-10 (b) A petition must name more than five qualified persons.

4-11 (c) The governing body shall appoint as initial directors
4-12 five persons listed in the petition who are qualified to serve as
4-13 directors.

4-14 (d) The initial directors shall determine by lot which three
4-15 positions expire June 1, 2022, and which two positions expire June
4-16 1, 2024.

4-17 (e) An initial director is not entitled to compensation
4-18 under Section 3972.0206.

4-19 (f) This section expires September 1, 2025.

4-20 SUBCHAPTER C. POWERS AND DUTIES

4-21 Sec. 3972.0301. GENERAL POWERS AND DUTIES. The district
4-22 has the powers and duties necessary to accomplish the purposes for
4-23 which the district is created.

4-24 Sec. 3972.0302. IMPROVEMENT PROJECTS AND SERVICES. (a)
4-25 The district, using money available to the district for the
4-26 purpose, may provide, design, construct, acquire, improve,
4-27 relocate, operate, maintain, or finance an improvement project or
4-28 service authorized under this chapter or Chapter 375, Local
4-29 Government Code.

4-30 (b) The district may contract with a governmental or private
4-31 entity to carry out an action under Subsection (a).

4-32 (c) An improvement project described by Subsection (a) may
4-33 be located:

4-34 (1) in the district; or

4-35 (2) in an area outside the district if the project is
4-36 for the purpose of extending a public infrastructure improvement
4-37 beyond the district's boundaries to a logical terminus.

4-38 Sec. 3972.0303. IMPROVEMENT PROJECT AND SERVICE IN
4-39 DEFINABLE AREA; BENEFIT BASIS. The district may undertake an
4-40 improvement project or service that confers a special benefit on a
4-41 definable area in the district and levy and collect a special
4-42 assessment on benefited property in the district in accordance
4-43 with:

4-44 (1) Chapter 372, Local Government Code; or

4-45 (2) Chapter 375, Local Government Code.

4-46 Sec. 3972.0304. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
4-47 district may engage in activities that accomplish the economic
4-48 development purposes of the district.

4-49 (b) The district may establish and provide for the
4-50 administration of one or more programs to promote state or local
4-51 economic development and to stimulate business and commercial
4-52 activity in the district, including programs to:

4-53 (1) make loans and grants of public money; and

4-54 (2) provide district personnel and services.

4-55 (c) The district may create economic development programs
4-56 and exercise the economic development powers that Chapter 380,
4-57 Local Government Code, provides to a municipality.

4-58 Sec. 3972.0305. PARKING FACILITIES. (a) The district may
4-59 acquire, lease as lessor or lessee, construct, develop, own,
4-60 operate, and maintain parking facilities or a system of parking
4-61 facilities, including lots, garages, parking terminals, or other
4-62 structures or accommodations for parking motor vehicles off the
4-63 streets and related appurtenances.

4-64 (b) The district's parking facilities serve the public
4-65 purposes of the district and are owned, used, and held for a public
4-66 purpose even if leased or operated by a private entity for a term of
4-67 years.

4-68 (c) The district's parking facilities are parts of and
4-69 necessary components of a street and are considered to be a street

5-1 or road improvement.
5-2 (d) The development and operation of the district's parking
5-3 facilities may be considered an economic development program.
5-4 Sec. 3972.0306. ADDING OR REMOVING TERRITORY. (a) The
5-5 board may add or remove territory as provided by Subchapter J,
5-6 Chapter 49, Water Code.
5-7 (b) The district may add territory as described by
5-8 Subsection (a) only if the governing body of the city by ordinance
5-9 or resolution consents to the addition.
5-10 Sec. 3972.0307. NO EMINENT DOMAIN POWER. The district may
5-11 not exercise the power of eminent domain.
5-12 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS
5-13 Sec. 3972.0401. DIVISION OF DISTRICT; PREREQUISITES. The
5-14 district, including territory added to the district under Section
5-15 3972.0306, may be divided into two or more new districts only if the
5-16 district has no outstanding bonded debt. Territory previously
5-17 added to the district under Section 3972.0306 may be included in a
5-18 new district.
5-19 Sec. 3972.0402. LAW APPLICABLE TO NEW DISTRICT. This
5-20 chapter applies to any new district created by division of the
5-21 district, and a new district has all the powers and duties of the
5-22 district.
5-23 Sec. 3972.0403. DIVISION PROCEDURES. (a) The board, on its
5-24 own motion or on receipt of a petition signed by an owner of real
5-25 property in the district, may adopt an order proposing to divide the
5-26 district.
5-27 (b) If the board decides to divide the district, the board
5-28 shall:
5-29 (1) set the terms of the division, including names for
5-30 the new districts and a plan for the payment or performance of any
5-31 outstanding district obligations;
5-32 (2) prepare a metes and bounds description for each
5-33 proposed district; and
5-34 (3) appoint four initial directors for each new
5-35 district.
5-36 (c) The governing body of the city shall appoint one
5-37 director for each new district.
5-38 Sec. 3972.0404. CONTRACT AUTHORITY OF NEW DISTRICTS. The
5-39 new districts may contract with each other for any matter the boards
5-40 of the new districts consider appropriate, including the joint
5-41 construction or financing of a utility improvement.
5-42 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS
5-43 Sec. 3972.0501. DISBURSEMENTS AND TRANSFERS OF MONEY. The
5-44 board by resolution shall establish the number of directors'
5-45 signatures and the procedure required for a disbursement or
5-46 transfer of district money.
5-47 Sec. 3972.0502. TAX AND ASSESSMENT ABATEMENTS. The
5-48 district may designate reinvestment zones and may grant abatements
5-49 of a tax or assessment imposed by the district on property in the
5-50 zones.
5-51 SUBCHAPTER F. TAXES AND BONDS
5-52 Sec. 3972.0601. BONDS AND OTHER OBLIGATIONS. (a) The
5-53 district may issue, by public or private sale, bonds, notes, or
5-54 other obligations payable wholly or partly from ad valorem taxes or
5-55 assessments in the manner provided by Chapter 375, Local Government
5-56 Code, or, if an improvement financed by an obligation issued under
5-57 this section will be conveyed to or operated and maintained by a
5-58 municipality or other retail utility provider pursuant to an
5-59 agreement with the district entered into before the issuance of the
5-60 obligation, in the manner provided by Subchapter A, Chapter 372,
5-61 Local Government Code.
5-62 (b) In exercising the district's borrowing power, the
5-63 district may issue a bond or other obligation in the form of a bond,
5-64 note, certificate of participation or other instrument evidencing a
5-65 proportionate interest in payments to be made by the district, or
5-66 other type of obligation.
5-67 (c) In addition to the sources of money described by
5-68 Subchapter A, Chapter 372, and Subchapter J, Chapter 375, Local
5-69 Government Code, district bonds may be secured and made payable

6-1 wholly or partly by a pledge of any part of the money the district
6-2 receives from improvement revenue or from any other source.

6-3 Sec. 3972.0602. OPERATION AND MAINTENANCE TAX. If
6-4 authorized by a majority of the district voters voting at an
6-5 election held in accordance with Section 49.107, Water Code, the
6-6 district may impose an operation and maintenance tax on taxable
6-7 property in the district in the manner provided by that section for
6-8 any district purpose, including to:

- 6-9 (1) maintain and operate the district;
- 6-10 (2) construct or acquire improvements; or
- 6-11 (3) provide a service.

6-12 Sec. 3972.0603. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
6-13 the time bonds or other obligations payable wholly or partly from ad
6-14 valorem taxes are issued:

- 6-15 (1) the board shall impose a continuing direct annual
6-16 ad valorem tax for each year that all or part of the bonds are
6-17 outstanding; and
- 6-18 (2) the district annually shall impose an ad valorem
6-19 tax on all taxable property in the district in an amount sufficient
6-20 to:

6-21 (A) pay the interest on the bonds or other
6-22 obligations as the interest becomes due; and

6-23 (B) create a sinking fund for the payment of the
6-24 principal of the bonds or other obligations when due or the
6-25 redemption price at any earlier required redemption date.

6-26 SUBCHAPTER G. SPECIAL BOND PROVISIONS

6-27 Sec. 3972.0701. APPLICABILITY. This subchapter applies
6-28 only to bonds payable wholly or partly from revenue derived from
6-29 assessments on real property in the district.

6-30 Sec. 3972.0702. CONFLICT OF LAWS. In the event of a
6-31 conflict between this subchapter and any other law, this subchapter
6-32 prevails.

6-33 Sec. 3972.0703. WRITTEN AGREEMENT REGARDING SPECIAL
6-34 APPRAISALS. Before the district may issue bonds, the district and
6-35 any person to whom the board intends that proceeds of the bonds be
6-36 distributed, including the developer, another owner of land in the
6-37 district, and any entity acting as a lender to the developer or
6-38 other landowner for the purpose of a project relating to the
6-39 district, must enter into a written agreement that:

- 6-40 (1) waives for the term of the agreement the right to a
6-41 special appraisal with respect to taxation by the district under
6-42 Subchapters B, C, D, E, F, and H, Chapter 23, Tax Code; and
- 6-43 (2) remains in effect for 30 years and is binding on
6-44 the parties, on entities related to or affiliated with the parties,
6-45 and on their successors and assignees.

6-46 Sec. 3972.0704. REQUIREMENTS FOR ADVERTISING BOND ISSUE. A
6-47 district may not advertise for an issuance of bonds until the
6-48 completion of at least 25 percent of the projected value of the
6-49 improvements, including houses and other buildings, that are liable
6-50 for district assessments and necessary to support the district
6-51 bonds.

6-52 Sec. 3972.0705. REQUIREMENTS FOR BOND ISSUE. The district
6-53 may not issue bonds until:

6-54 (1) the district submits to the Texas Commission on
6-55 Environmental Quality:

6-56 (A) an engineer's report describing the project
6-57 for which the bonds will provide funding, including data, profiles,
6-58 maps, plans, and specifications related to the project; and

6-59 (B) a cash flow analysis to determine the
6-60 projected rate of assessment, which includes the following
6-61 assumptions:

6-62 (i) each ending balance for debt service in
6-63 the analysis is not less than 25 percent of the following year's
6-64 debt service requirement;

6-65 (ii) interest income is only shown on the
6-66 ending balance for debt service for the first two years; and

6-67 (iii) the projected rate of assessment is
6-68 level or decreasing for the life of the bonds issued by the
6-69 district;

7-1 (2) the completion of at least 75 percent of the
7-2 projected value of the improvements, including houses and other
7-3 buildings, that are liable for district assessments and necessary
7-4 to support the district bonds; and

7-5 (3) the district has obtained an independent market
7-6 study from a firm recognized in the area of real estate market
7-7 analysis supporting the development projects for the real property
7-8 that is liable for district assessments and necessary to support
7-9 the district bonds.

7-10 Sec. 3972.0706. REQUIREMENTS FOR COLLECTION OF REVENUE TO
7-11 PAY BONDS. The district may not collect an assessment to be used
7-12 for the payment of bonds until:

7-13 (1) the completion of at least 95 percent of the
7-14 underground water, wastewater, and drainage facilities financed
7-15 from bond proceeds that are necessary to serve the projected
7-16 build-out, as certified by the district's engineer;

7-17 (2) the district or other appropriate party has
7-18 secured the groundwater, surface water, and water discharge permits
7-19 that are necessary to secure capacity to support the projected
7-20 build-out;

7-21 (3) the completion of at least 95 percent of lift
7-22 station, water plant, and sewage treatment plant capacity
7-23 sufficient to serve the connections constructed in the project for
7-24 a period of not less than 18 months, as certified by the district's
7-25 engineer; and

7-26 (4) the completion of at least 95 percent of the
7-27 streets and roads that are necessary to provide access to the areas
7-28 served by utilities and financed by the proceeds of bonds issued by
7-29 the district, as certified by the district's engineer and
7-30 constructed in accordance with municipal or county standards.

7-31 SUBCHAPTER I. DISSOLUTION

7-32 Sec. 3972.0901. DISSOLUTION BY CITY. (a) The city may
7-33 dissolve the district in the manner provided by Section 375.263,
7-34 Local Government Code, only if the city also complies with any
7-35 dissolution procedures in the entitlement agreement described by
7-36 Section 3972.0109.

7-37 (b) In the case of a conflict between Section 375.263, Local
7-38 Government Code, and the entitlement agreement, the entitlement
7-39 agreement controls.

7-40 SECTION 2. The City of El Paso Municipal Management
7-41 District No. 1 initially includes all territory contained in the
7-42 following area:

7-43 3,643.3423 acres of land located in El Paso County, Texas, being
7-44 that certain 3,699.05 acres described as "Area 2" (650.600 acres),
7-45 "Area 3" (2,045.343 acres) and "Area 4" (1,003.107 acres), as
7-46 described below, LESS AND EXCEPT that certain 5.0000 acre tract,
7-47 and that certain 50.7077 acre tract, as described below.

7-48 METES AND BOUNDS - AREA 2

7-49 650.600 acres (28,340,145 square feet)

7-50 A Portion of Sections 11, 14 & 19, Block 81,

7-51 Township 1, Texas & Pacific Railroad Company Surveys City of El
7-52 Paso, El Paso County, Texas

7-53 BEING a portion of Sections 11, 14 & 19, Block 81, Township 1, Texas
7-54 & Pacific Railroad Company Surveys City of El Paso, El Paso County,
7-55 Texas, being a portion of a tract of land described in Deed to City
7-56 of El Paso, recorded in Volume 1176, Page 504 of the Deed Records of
7-57 El Paso County, Texas, being a portion of a tract of land described
7-58 in Deed to The City of El Paso, recorded in Volume 1186, Page 183,
7-59 Deed Records of El Paso County, Texas, being a portion of a tract of
7-60 land described in Deed to The City of El Paso, recorded in Volume
7-61 1272, Page 231 of the Deed Records of El Paso County, Texas and
7-62 being more particularly described by metes and bounds as follows:

7-63 BEGINNING at a 1/2-inch iron rod with plastic cap set for the
7-64 intersection of east right-of-way line of Martin Luther King, Jr.
7-65 Boulevard (a 160-foot wide public right of way) and the north
7-66 right-of-way line of Loma Real Avenue (a public right-of-way), for
7-67 the southwest corner of said premises, from which a 1/2-inch iron
7-68 rod with plastic "TX 5337" cap found for the common corner of
7-69 Sections 89, 19, 22 & 23, Block 81, bears North 87°57'17" West, 92.85

8-1 feet;

8-2 THENCE North 02°08'51" East, with the east right-of-way line of

8-3 Martin Luther King, Jr. Boulevard, a distance of 860.05 feet to a

8-4 1/2-inch iron rod with plastic cap set for corner;

8-5 THENCE North 01°35'21" East, the east right-of-way line of Martin

8-6 Luther King, Jr. Boulevard, a distance of 4432.74 feet to a point

8-7 for corner;

8-8 THENCE North 01°35'21" East, the east right-of-way line of Martin

8-9 Luther King, Jr. Boulevard, a distance of 5424.52 feet to a point

8-10 for corner;

8-11 THENCE North 01°35'21" East, the east right-of-way line of Martin

8-12 Luther King, Jr. Boulevard, a distance of 725.66 feet to a point for

8-13 corner;

8-14 THENCE South 86°53'30" East, leaving the east right-of-way line of

8-15 Martin Luther King, Jr. Boulevard, a distance of 2528.30 feet to a

8-16 1/2-inch iron rod with plastic cap set for corner in the west line

8-17 of a tract of land described in Deed to El Paso Electric Company,

8-18 recorded in Volume 1338, Page 471 of the Real Property Records of El

8-19 Paso County, Texas;

8-20 THENCE South 02°04'19" West, with the west line of the El Paso

8-21 Electric Company tract, a distance of 6102.12 feet to a 1/2-inch

8-22 iron rod with plastic cap set for corner;

8-23 THENCE South 01°58'57" West, with the west line of the El Paso

8-24 Electric Company tract, a distance of 5293.60 feet to a 1/2-inch

8-25 iron rod with plastic cap set for corner in the north right-of-way

8-26 line of Loma Real Avenue;

8-27 THENCE North 87°57'17" West, with the north right-of-way line of

8-28 Loma Real Avenue, a distance of 2448.11 feet to the POINT OF

8-29 BEGINNING and containing 650.600 acres (28,340,145 square feet) of

8-30 land, more or less.

8-31 "This document was prepared under 22 TAC §663.21, does not reflect

8-32 the results of an on the ground survey, and is not to be used to

8-33 convey or establish interests in real property except those rights

8-34 and interests implied or established by the creation or

8-35 reconfiguration of the boundary of the political subdivision for

8-36 which it was prepared."

8-37 METES AND BOUNDS - AREA 3

8-38 2,045.343 acres (89,095,150 square feet)

8-39 A Portion of Sections 11, 12, 13, 14, 19, 20 & 21, Block 81, Township

8-40 1, Texas & Pacific Railroad Company Surveys City of El Paso, El Paso

8-41 County, Texas

8-42 BEING a portion of Sections 11, 12, 13, 14, 19, 20 & 21,

8-43 Block 81, Township 1, Texas & Pacific Railroad Company Surveys City

8-44 of El Paso, El Paso County, Texas, being a portion of a tract of land

8-45 described in Deed to City of El Paso, recorded in Volume 1176, Page

8-46 504 of the Deed Records of El Paso County, Texas, being a portion of

8-47 a tract of land described in Deed to The City of El Paso, recorded in

8-48 Volume 1186, Page 183, Deed Records of El Paso County, Texas, being

8-49 a portion of a tract of land described in Deed to The City of El

8-50 Paso, recorded in Volume 1272, Page 231 of the Deed Records of El

8-51 Paso County, Texas, being a portion of a tract of land described in

8-52 Deed to El Paso Water Utilities Board, recorded in Volume 1263, Page

8-53 146 of the Deed Records of El Paso County, Texas and being more

8-54 particularly described by metes and bounds as follows:

8-55 BEGINNING at a 1/2-inch iron rod with plastic cap set on the west

8-56 light-of-way line of Mccombs Street, dedicated to the State of

8-57 Texas by Deed recorded in Volume 1410, Page 576 of the Deed Records

8-58 of El Paso County, Texas (a 150-foot wide public right of-way) from

8-59 which a Concrete TxDot Monument with bronze cap found for the common

8-60 corner of Sections 20 & 21, Block 81 and Sections 19 & 30, Block 80,

8-61 bears South 87°58'34" East, 75.00 feet;

8-62 THENCE South 02°01'26" West, with the west right-of-way line of

8-63 Mccombs Street, a distance of 526.41 feet to a 1/2-inch iron rod

8-64 with plastic "TX 5337" cap found for corner in the north

8-65 right-of-way line of U.S. Highway 54 (a 400-foot wide public

8-66 right-of-way);

8-67 THENCE South 51°37'59" West, with the north right-of-way line of

8-68 U.S. Highway 54, a distance of 1124.39 feet to a 1/2-inch iron rod

8-69 with plastic "TX 5337" cap found for corner;

9-1 THENCE North 38°22'40" West, leaving the north right-of-way line of
 9-2 U.S. Highway 54, a distance of 1647.88 feet to a 1/2-inch iron rod
 9-3 with plastic "TX 5337" cap found for corner;
 9-4 THENCE North 87°58'27" West, with the south line of said premises, a
 9-5 distance of
 9-6 3283.45 feet to a 1/2-inch iron rod with plastic "TX 5337" cap found
 9-7 for corner;
 9-8 THENCE North 87°57'17" West, with the south line of said premises, a
 9-9 distance of 2539.39 feet to a 1/2-inch iron rod with plastic cap set
 9-10 for corner in the east line of a tract of land described in Deed to El
 9-11 Paso Electric Company, recorded in Volume 1338, Page 471 of the Real
 9-12 Property Records of El Paso County, Texas;
 9-13 THENCE North 01°58'57" East, with the east line of said El Paso
 9-14 Electric Company tract, a distance of 5293.68 feet to a 1/2-inch
 9-15 iron rod with plastic cap set for corner;
 9-16 THENCE North 02°04'19" East, with the east line of said El Paso
 9-17 Electric Company tract, a distance of 6098.32 feet to a 1/2-inch
 9-18 iron rod with plastic cap set for corner;
 9-19 THENCE South 86°53'15" East, leaving the east line of said El Paso
 9-20 Electric Company tract, a distance of 7744.48 feet to a 1/2-inch
 9-21 iron rod with plastic cap set for corner in the west right-of-way
 9-22 line of Mccombs Street;
 9-23 THENCE South 02°05'16" West, with the west right-of-way line of
 9-24 Mccombs Street, a distance of 660.46 feet to a 1/2-inch iron rod
 9-25 with plastic cap set for corner;
 9-26 THENCE South 02°03'39" West, with the west right-of-way line of
 9-27 Mccombs Street, a distance of 5288.97 feet to a 1/2-inch iron rod
 9-28 with plastic cap set for corner;
 9-29 THENCE South 01°56'52" West, a distance of 5296.37 feet to the POINT
 9-30 OF BEGINNING and containing 2,045.343 acres (89,095,150 square
 9-31 feet) of land, more or less.
 9-32 "This document was prepared under 22 TAC §663.21, does not reflect
 9-33 the results of an on the ground survey, and is not to be used to
 9-34 convey or establish interests in real property except those rights
 9-35 and interests implied or established by the creation or
 9-36 reconfiguration of the boundary of the political subdivision for
 9-37 which it was prepared."
 9-38 METES AND BOUNDS - AREA 4
 9-39 1003.107 acres (43,695,333 square feet)
 9-40 A Portion of Sections 7, 17, 18, 19, 20 & 30, Block 80, Township 1,
 9-41 Texas & Pacific Railroad Company Surveys City of El Paso, El Paso
 9-42 County, Texas
 9-43 BEING a tract of land situated in Sections 7, 17, 18, 19, 20 & 30,
 9-44 Block 80, Township 1 of the Texas & Pacific Railroad Company Survey,
 9-45 City of El Paso, El Paso County, Texas, being a portion of a tract of
 9-46 land described in Deed to The City of El Paso, recorded in Volume
 9-47 1186, Page 183 of the Deed Records of El Paso County, Texas, being a
 9-48 portion of a tract of land described in Deed to El Paso Natural Gas
 9-49 Company, recorded in Volume 307, Page 91 of the Deed Records of El
 9-50 Paso County, Texas, being a portion of a tract of land described in
 9-51 Deed to City of El Paso, recorded in Volume 1176, Page 504 of the
 9-52 Deed Records of El Paso County, Texas, being a portion of a tract of
 9-53 land described in Deed to The City of El Paso, recorded in Volume
 9-54 1186, Page 178 of the Deed Records of El Paso County, being a
 9-55 portion of a tract of land described in Deed to El Paso Water
 9-56 Utilities Board, recorded in Volume 1616, Page 219 & Volume 1263,
 9-57 Page 1476 of the Deed Records of El Paso County, Texas, being a
 9-58 portion of a tract of land described and conveyed in Deed's to City
 9-59 of El Paso, recorded in Volume 4614, Pages 353, 361, 369 & 377 of the
 9-60 Deed Records of El Paso County, Texas and being more particularly
 9-61 described by metes and bounds as follows;
 9-62 BEGINNING at a 1/2-inch iron rod with plastic cap set for the
 9-63 intersection of east right of-way line of Mccombs Street, dedicated
 9-64 to the State of Texas by Deed recorded in Volume 1410, Page 576 of
 9-65 the Deed Records of El Paso County, Texas (a 150-foot wide public
 9-66 right-of-way) and the north right-of-way line of U.S. Highway 54 (a
 9-67 400-foot wide public right-of-way) for the southwest corner of the
 9-68 subject property;
 9-69 THENCE North 02°01'26" East, with the east right-of-way line of

10-1 Mccombs Street, a distance of 510.01 feet to a 1/2-inch iron rod
10-2 with plastic cap set for corner, from which a Concrete TxDot
10-3 Monument with bronze cap found for the common corner of Sections 30
10-4 & 19, Block 80 and Sections 20 & 21, Block 81, bears North 86°57'30"
10-5 West, 75.01 feet;
10-6 THENCE North 01°56'52" East, with the east right-of-way line of
10-7 Mccombs Street, a distance of 5296.22 feet to a 1/2-inch iron rod
10-8 with plastic 'TX 5337" cap found for corner;
10-9 THENCE North 02°03'39" East, with the east right-of-way line of
10-10 Mccombs Street, a distance of 5288.02 feet to a 1/2-inch iron rod
10-11 with plastic cap set for corner;
10-12 THENCE North 02°05'16" East, with the east right-of-way line of
10-13 Mccombs Street, a distance of 539.84 feet to a 1/2-inch iron rod
10-14 with plastic "TX 5337" cap found for the intersection of the south
10-15 right-of-way line of Stan Roberts Sr. Drive (a 120-foot wide public
10-16 right-of-way) and the east right-of-way line of Mccombs Street;
10-17 THENCE South 86°53'15" East, with the south right-of-way line of
10-18 Stan Roberts Sr. Drive, a distance of 789.26 feet to a 1/2-inch iron
10-19 rod with plastic "TX 5337" cap found for corner;
10-20 THENCE leaving the south right-of-way line of Stan Roberts Sr.
10-21 Drive, the following courses and distances to wit:
10-22 South 33°39'07" East, a distance of 1441.10 feet to a 1/2-inch
10-23 iron rod with plastic "TX 5337" cap found for corner;
10-24 South 02°22'35" West, a distance of 1516.17 feet to a 1/2-inch
10-25 iron rod with
10-26 plastic "TX 5337" cap found for corner;
10-27 South 87°35'40" East, a distance of 2115.02 feet to a 1/2-inch
10-28 iron rod with plastic "TX 5337" cap found for corner;
10-29 South 65°17'57" East, a distance of 1547.56 feet to a 1/2-inch
10-30 iron rod with plastic "TX 5337" cap found for corner;
10-31 South 45°19'14" East, a distance of 25.54 feet to a 1/2-inch
10-32 iron rod with
10-33 plastic "TX 5337" cap found for corner;
10-34 South 45°17'44" East, a distance of 1720.06 feet to a 1/2-inch
10-35 iron rod with plastic "TX 5337" cap found for corner;
10-36 South 45°19'14" East, a distance of 71.58 feet to a 1/2-inch
10-37 iron rod with plastic "TX 5337" cap found for corner;
10-38 --South 45°12'25" East, a distance of 1315.09 feet to a
10-39 1/2-inch iron rod with
10-40 plastic "TX 5337" cap found for corner in the north
10-41 right-of-way line of U.S. Highway 54;
10-42 THENCE with the north right-of-way line of U.S. Highway 54, the
10-43 following courses and distances to wit:
10-44 South 51°37'39" West, a distance of 233.27 feet to a 1/2-inch
10-45 iron rod with plastic "TX 5337" cap found for corner;
10-46 South 51°37'59" West, a distance of 1314.86 feet to a 1/2-inch
10-47 iron rod with plastic "TX 5337" cap found for corner;
10-48 North 83°22'01" West, a distance of 48.08 feet to a 1/2-inch
10-49 iron rod with plastic "TX 5337" cap found for corner;
10-50 South 51°37'59" West, a distance of 120.00 feet to a 1/2-inch
10-51 iron rod with plastic "TX 5337" cap found for corner;
10-52 South 06°37'59" West, a distance of 48.08 feet to a 1/2-inch
10-53 iron rod with plastic "TX 5337" cap found for corner;
10-54 South 51°37'59" West, a distance of 7897.13 feet to a 1/2-inch
10-55 iron rod with plastic "TX 5337" cap found for corner;
10-56 North 63°11'30" West, a distance of 108.92 feet to a 1/2-inch
10-57 iron rod with plastic "TX 5337" cap found for corner;
10-58 North 88°03'02" West, a distance of 25.46 feet to the POINT OF
10-59 BEGINNING
10-60 and containing 1003.107 acres (43,695,333 square feet) of
10-61 land, more or less.
10-62 "This document was prepared under 22 TAC §663.21, does not reflect
10-63 the results of an on the ground survey, and is not to be used to
10-64 convey or establish interests in real property except those rights
10-65 and interests implied or established by the creation or
10-66 reconfiguration of the boundary of the political subdivision for
10-67 which it was prepared."
10-68 LESS AND EXCEPT the following three (3) tracts of land:
10-69 Tract 1:

11-1 A 5.0000 acre parcel situate within the corporate limits of the City
 11-2 of El Paso, El Paso County, Texas as a portion of the west half of
 11-3 Section 14, Block 81, Township 1, Texas and Pacific Railway Company
 11-4 Surveys and being more particularly described by metes and bounds
 11-5 as follows:

11-6 COMMENCING for reference at a two inch iron pipe in concrete found
 11-7 for the corner common to Sections 11, 12, 13 and 14, Block 81,
 11-8 Township 1, Texas and Pacific Railway Company Surveys; WHENCE, a
 11-9 1/2 inch rebar with survey cap No. "TX 5337" found for the corner
 11-10 common to Sections 13, 14, 19 and 20, Block 81, Township 1, Texas
 11-11 and Pacific Railway Company Surveys bears South 02°04'30" West, a
 11-12 distance of 5,358.25 feet; THENCE, leaving the corner common to
 11-13 said Sections 11, 12, 13 and 14, South 45°08'53" West, a distance of
 11-14 4,011.69 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set
 11-15 on the west boundary line of a 200 feet wide El Paso Electric
 11-16 Company right-of-way for the POINT OF BEGINNING of the parcel
 11-17 herein described;

11-18 THENCE, following the west boundary line of said 200 feet wide El
 11-19 Paso Electric Company right-of-way, South 02°04'30" West, a
 11-20 distance of 450.00 feet to a 1/2 inch rebar with survey cap No. "TX
 11-21 5337" set for the southeast corner of the parcel herein described;

11-22 THENCE, leaving the west boundary line of said 200 feet wide El Paso
 11-23 Electric Company right-of-way, North 87°55'30" West, a distance of
 11-24 484.00 feet to a 1/2 inch rebar with survey cap No. "TX 5337" set
 11-25 for the southwest corner of the parcel herein described;

11-26 THENCE, North 02°04'30" East, a distance of 450.00 feet to a 1/2 inch
 11-27 rebar with survey cap No. "TX 5337" set for the northwest corner of
 11-28 the parcel herein described;

11-29 THENCE, South 87°55'30" East, a distance of 484.00 feet to the POINT
 11-30 OF BEGINNING;

11-31 Said parcel containing 5.0000 acres (217,800.0 square feet), more
 11-32 or less, and being subject to all easements of record.

11-33 Tract 2:

11-34 A 50.7077 acre parcel situate within the corporate limits of the
 11-35 City of El Paso, El Paso County, Texas, as a portion of Section 19,
 11-36 Block 81, Township 1, Texas & Pacific Railway Company Surveys and
 11-37 being more particularly described by metes and bounds as follows:

11-38 COMMENCING for reference at a 5/8 inch diameter rebar with an
 11-39 aluminum cap set for the corner common to Sections 19, 20, 21 and
 11-40 22, Block 81, Township 1, Texas & Pacific Railway Company Surveys;
 11-41 WHENCE, a 1/2 inch rebar found for the corner common to Sections 18,
 11-42 19, 22 and 23, Block 81, Township 1, Texas & Pacific Railway Company
 11-43 Surveys, bears North 87°57'12" West, a distance of 5,280.47 feet;
 11-44 and WHENCE, a 1/2 inch rebar found for the corner common to Sections
 11-45 13, 14, 19 and 20, Block 81, Township 1, Texas & Pacific Railway
 11-46 Company Surveys, bears North 01°59'00" East, a distance of 5,294.24
 11-47 feet; THENCE, following the section line common to said Sections 19
 11-48 and 20, North 01°59'00" East, a distance of 288.04 feet; THENCE,
 11-49 leaving the section line common to said Sections 19 and 20, North
 11-50 88°01'00" West, a distance of 38.00 feet to a 1/2 inch rebar with
 11-51 survey cap No. "TX 5337" set for the POINT OF BEGINNING and the
 11-52 southeast corner of the parcel herein described;

11-53 THENCE, North 87°57'12" West, a distance of 1,640.00 feet to a 1/2
 11-54 inch rebar with survey cap No. "TX 5337" set for the southwest
 11-55 corner of the parcel herein described;

11-56 THENCE, North 01°59'00" East, a distance of 1,345.94 feet to a 1/2
 11-57 inch rebar with survey cap No. "TX 5337" set for the northwest
 11-58 corner of the parcel herein described;

11-59 THENCE, South 88°01'00" East, a distance of 1,640.00 feet to a 1/2
 11-60 inch rebar with survey cap No. "TX 5337" set for the northeast
 11-61 corner of the parcel herein described;

11-62 THENCE, South 01°59'00" West, a distance of 1,347.75 feet the to the
 11-63 true POINT OF BEGINNING;

11-64 Said parcel contains 50.7077 acres (2,208,826.1 square
 11-65 feet), more or less, and being subject to all easements of record.

11-66 SECTION 3. (a) The legal notice of the intention to
 11-67 introduce this Act, setting forth the general substance of this
 11-68 Act, has been published as provided by law, and the notice and a
 11-69 copy of this Act have been furnished to all persons, agencies,

12-1 officials, or entities to which they are required to be furnished
12-2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
12-3 Government Code.

12-4 (b) The governor, one of the required recipients, has
12-5 submitted the notice and Act to the Texas Commission on
12-6 Environmental Quality.

12-7 (c) The Texas Commission on Environmental Quality has filed
12-8 its recommendations relating to this Act with the governor,
12-9 lieutenant governor, and speaker of the house of representatives
12-10 within the required time.

12-11 (d) All requirements of the constitution and laws of this
12-12 state and the rules and procedures of the legislature with respect
12-13 to the notice, introduction, and passage of this Act have been
12-14 fulfilled and accomplished.

12-15 SECTION 4. This Act takes effect January 1, 2020.

12-16

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