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Chapter 664

S.B. No. 2273

AN ACT

relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9074 to read as follows:

CHAPTER 9074. KENDALL COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9074.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Kendall County Water Control and Improvement District No. 4.

Sec. 9074.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9074.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

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1 directors as provided by Section 49.102, Water Code.

2 Sec. 9074.004. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section 9074.003
4 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 9074.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

11 (1) a water control and improvement district as
12 provided by general law and Section 59, Article XVI, Texas
13 Constitution; and

14 (2) Section 52, Article III, Texas Constitution, that
15 relate to the construction, acquisition, improvement, operation,
16 or maintenance of macadamized, graveled, or paved roads, or
17 improvements, including storm drainage, in aid of those roads.

18 Sec. 9074.006. INITIAL DISTRICT TERRITORY. (a) The
19 district is initially composed of the territory described by
20 Section 2 of the Act enacting this chapter.

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

25 (1) organization, existence, or validity;

26 (2) right to issue any type of bond for the purposes
27 for which the district is created or to pay the principal of and

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1 interest on a bond;

2 (3) right to impose a tax; or

3 (4) legality or operation.

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 9074.051. GOVERNING BODY; TERMS. (a) The district is
6 governed by a board of five elected directors.

7 (b) Except as provided by Section 9074.052, directors serve
8 staggered four-year terms.

9 Sec. 9074.052. TEMPORARY DIRECTORS. (a) The temporary
10 board consists of:

11 (1) Stacy Keller-Lassiter;

12 (2) Doug Knell;

13 (3) Max Simpson;

14 (4) Victor Cummings; and

15 (5) Kenneth Myers.

16 (b) Temporary directors serve until the earlier of:

17 (1) the date permanent directors are elected under
18 Section 9074.003; or

19 (2) the fourth anniversary of the effective date of
20 the Act enacting this chapter.

21 (c) If permanent directors have not been elected under
22 Section 9074.003 and the terms of the temporary directors have
23 expired, successor temporary directors shall be appointed or
24 reappointed as provided by Subsection (d) to serve terms that
25 expire on the earlier of:

26 (1) the date permanent directors are elected under
27 Section 9074.003; or

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1 (2) the fourth anniversary of the date of the
2 appointment or reappointment.

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

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 9074.101. GENERAL POWERS AND DUTIES. The district has
12 the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 9074.102. WATER CONTROL AND IMPROVEMENT DISTRICT
15 POWERS AND DUTIES. The district has the powers and duties provided
16 by the general law of this state, including Chapters 49 and 51,
17 Water Code, applicable to water control and improvement districts
18 created under Section 59, Article XVI, Texas Constitution.

19 Sec. 9074.103. AUTHORITY FOR ROAD PROJECTS. Under Section
20 52, Article III, Texas Constitution, the district may design,
21 acquire, construct, finance, issue bonds for, improve, operate,
22 maintain, and convey to this state, a county, or a municipality for
23 operation and maintenance macadamized, graveled, or paved roads, or
24 improvements, including storm drainage, in aid of those roads.

25 Sec. 9074.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

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1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

3 (b) If a road project is not located in the corporate limits
4 or extraterritorial jurisdiction of a municipality, the road
5 project must meet all applicable construction standards, zoning and
6 subdivision requirements, and regulations of each county in which
7 the road project is located.

8 (c) If the state will maintain and operate the road, the
9 Texas Transportation Commission must approve the plans and
10 specifications of the road project.

11 Sec. 9074.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
12 OR RESOLUTION. The district shall comply with all applicable
13 requirements of any ordinance or resolution that is adopted under
14 Section 42.042 or 42.0425, Local Government Code, and consents to
15 the creation of the district or to the inclusion of land in the
16 district.

17 Sec. 9074.106. DIVISION OF DISTRICT. (a) The district may
18 be divided into two or more new districts only if the district:

- 19 (1) has no outstanding bonded debt; and
- 20 (2) is not imposing ad valorem taxes.

21 (b) This chapter applies to any new district created by the
22 division of the district, and a new district has all the powers and
23 duties of the district.

24 (c) Any new district created by the division of the district
25 may not, at the time the new district is created, contain any land
26 outside the area described by Section 2 of the Act enacting this
27 chapter.

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

5 (e) The board may adopt an order dividing the district
6 before or after the date the board holds an election under Section
7 9074.003 to confirm the district's creation.

8 (f) An order dividing the district shall:

9 (1) name each new district;

10 (2) include the metes and bounds description of the
11 territory of each new district;

12 (3) appoint temporary directors for each new district;

13 and

14 (4) provide for the division of assets and liabilities
15 between or among the new districts.

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

20 (h) Any new district created by the division of the district
21 shall hold a confirmation and directors' election as required by
22 Section 9074.003.

23 (i) Any new district created by the division of the district
24 must hold an election as required by this chapter to obtain voter
25 approval before the district may impose a maintenance tax or issue
26 bonds payable wholly or partly from ad valorem taxes.

27 Sec. 9074.107. LIMITATION ON USE OF EMINENT DOMAIN. The

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1 district may not exercise the power of eminent domain outside the
2 district boundaries to acquire a site or easement for:

3 (1) a recreational facility, as defined by Section
4 49.462, Water Code; or

5 (2) a road project authorized by Section 9074.103.

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 9074.151. ELECTIONS REGARDING TAXES OR BONDS.

8 (a) The district may issue, without an election, bonds and other
9 obligations secured by:

10 (1) revenue other than ad valorem taxes; or

11 (2) contract payments described by Section 9074.153.

12 (b) The district must hold an election in the manner
13 provided by Chapters 49 and 51, Water Code, to obtain voter approval
14 before the district may impose an ad valorem tax or issue bonds
15 payable from ad valorem taxes.

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

20 Sec. 9074.152. OPERATION AND MAINTENANCE TAX. (a) If
21 authorized at an election held under Section 9074.151, the district
22 may impose an operation and maintenance tax on taxable property in
23 the district in accordance with Section 49.107, Water Code.

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

26 Sec. 9074.153. CONTRACT TAXES. (a) In accordance with
27 Section 49.108, Water Code, the district may impose a tax other than

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1 an operation and maintenance tax and use the revenue derived from
2 the tax to make payments under a contract after the provisions of
3 the contract have been approved by a majority of the district voters
4 voting at an election held for that purpose.

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

8 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

9 Sec. 9074.201. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. The district may issue bonds or other obligations
11 payable wholly or partly from ad valorem taxes, impact fees,
12 revenue, contract payments, grants, or other district money, or any
13 combination of those sources, to pay for any authorized district
14 purpose.

15 Sec. 9074.202. TAXES FOR BONDS. At the time the district
16 issues bonds payable wholly or partly from ad valorem taxes, the
17 board shall provide for the annual imposition of a continuing
18 direct ad valorem tax, without limit as to rate or amount, while all
19 or part of the bonds are outstanding as required and in the manner
20 provided by Section 51.433, Water Code.

21 Sec. 9074.203. BONDS FOR ROAD PROJECTS. At the time of
22 issuance, the total principal amount of bonds or other obligations
23 issued or incurred to finance road projects and payable from ad
24 valorem taxes may not exceed one-fourth of the assessed value of the
25 real property in the district.

26 SECTION 2. The Kendall County Water Control and Improvement
27 District No. 4 initially includes all the territory contained in

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1 the following area:
2 Being 151.629 acres of land and being 98.165 acres out of the Miguel
3 Garcia Survey No. 213, Abstract No. 197 and 53.198 acres out of the
4 Juan Ortiz Survey No. 190, Abstract No. 363, Kendall County, Texas,
5 being that same 151.763 acre tract of land as conveyed by deed
6 recorded in Volume 1503, Page 560, Official Public Records of
7 Kendall County, Texas, Said 151.629 acres of land being more
8 particularly described by metes and bounds as follows:
9 BEGINNING at a 1/2" rebar with MDS cap set in the south right-of-way
10 line of State Highway No. 46 (100.00-foot wide right-of-way) at the
11 northwest corner of the called 151.763 acre tract, the northeast
12 corner of the remaining portion of a called 347.5 acre tract
13 recorded in Volume 62 Page 251, Deed Records of Kendall County,
14 Texas, said point being the northwest corner of the tract herein
15 described;
16 THENCE, along the south right-of-way line of State Highway No. 46,
17 the north boundary line of the called 151.763 acre tract, the
18 following courses and distances:
19 North 83°23'20" East, a distance of 1805.20 feet (North 83°45 East, a
20 distance of 1805.2 feet- record), to a 1/2" rebar with MDS cap set
21 for point of curvature of a curve to the left;
22 Curving to the left with a radius of 1482.34 feet (1482.34
23 feet-record), a central angle of 17°07'12" (17°07'-record), a chord
24 bearing and distance of North 74°49'43" East, 441.28 feet, and an
25 arc length of 442.93 feet (442.8 feet-record), to a 1/2" rebar with
26 MDS cap set for point of tangency;
27 North 66°16'07" East, a distance of 142.67 feet (North 66°51' East, a

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1 distance of 142.2 feet- record), to a 1/2" rebar with MDS cap set at
2 the northeast corner of the called 151.763 acre tract, the
3 northwest corner of the remaining portion of a called 300 acre tract
4 recorded in Volume 65, Page 377, Deed Records of Kendall County,
5 Texas, said point being the northeast corner of the tract herein
6 described;

7 THENCE, departing the south right-of-way line of State Highway
8 No. 46, along the east boundary line of the called 151.763 acre
9 tract, the west boundary line of the remaining portion of the called
10 300 acre tract, the following courses and distances:

11 South 00°38'03" West, a distance of 771.60 feet (South 01°02' West, a
12 distance of 771.6 feet- record), to a 4" cedar fence post found for
13 angle point;

14 South 00°31'29" West, a distance of 441.37 feet, (South 00°55' West,
15 a distance of 440.2 feet- record), to a 6" cedar fence post found
16 for corner;

17 North 89°59'11" East, a distance of 253.59 feet, (South 89°35' East,
18 a distance of 252.4 feet - record), to a 4" cedar fence post found
19 for angle point;

20 South 89°55'19" East, a distance of 443.77 feet, (South 89°30' East,
21 a distance of 445.4 feet- record), to a 10" cedar fence post found
22 for corner;

23 South 00°13'00" West, a distance of 1959.06 feet, (South 00°37' West,
24 a distance of 1959.6 feet-record), to a 10" cedar fence post found
25 at the southeast corner of the called 151.763 acre tract, the
26 southwest corner of the remaining portion of the called 300 acre
27 tract, being in the north boundary line of a called 293.6 acre tract

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1 recorded in Volume 63, Page 209, Deed Records of Kendall County,
2 Texas, said point being the southeast corner of the tract herein
3 described;

4 THENCE, along the south boundary line of the called 151.763 acre
5 tract, the north boundary line of the called 293.6 acre tract, the
6 following courses and distances:

7 North 88°47'20" West, a distance of 431.20 feet, (North 88°20' West,
8 a distance of 433.6 feet- record), to a 6" cedar fence post found
9 for angle point;

10 North 88°42'19" West, a distance of 1219.83 feet, (North 88°24' West,
11 a distance of 1218.1 feet-record), to a 1/2" rebar found at the
12 southwest corner of the called 151.763 acre tract, the northwest
13 corner of the called 293.6 acre tract, being in the east boundary
14 line of the remaining portion of a called 347.5 acre tract recorded
15 in Volume 62, Page 251, Deed Records of Kendall County, Texas, said
16 point being the southwest corner of the tract herein described;

17 THENCE, along the west boundary line of the called 151.763 acre
18 tract, the east boundary line of the remaining portion of the called
19 347.5 acre tract, the following courses and distances:

20 North 02°12'22" West, a distance of 60.45 feet, (North 01°56' West, a
21 distance of 61.1 feet- record), to a 6" cedar fence post found for
22 angle point;

23 North 00°26'13" West, a distance of 160.10 feet, (North 00°04' East,
24 a distance of 160.2 feet- record), to a 6" cedar fence post found
25 for angle point;

26 North 15°10'34" East, a distance of 159.00 feet, (North 15°34' East,
27 a distance of 159.2 feet- record), to a 6" cedar fence post found

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- 1 for corner;
- 2 North 89°33'27" West, a distance of 432.92 feet, (North 89°11' West,
- 3 a distance of 433.9 feet- record), to a 1/2" rebar found for corner;
- 4 North 11°27'38" West, a distance of 311.00 feet, (North 11°08' West,
- 5 a distance of 311.0 feet- record), to a 1/2" rebar with MOS cap set
- 6 for angle point;
- 7 North 15°40'38" West, a distance of 61.30 feet, (North 15°21' West, a
- 8 distance of 61.3 feet- record), to a 1/2" rebar with MOS cap set for
- 9 angle point;
- 10 North 24°30'38" West, a distance of 52.70 feet, (North 24°11' West, a
- 11 distance of 52.7 feet- record), to a 1/2" rebar with MOS cap set for
- 12 angle point;
- 13 North 37°04'09" West, a distance of 277.35 feet, (North 36°34' West,
- 14 a distance of 279.3 feet- record), to a 4" cedar fence post found
- 15 for angle point;
- 16 North 35°05'53" West, a distance of 231.81 feet, (North 34°58' West,
- 17 a distance of 230.6 feet- record), to a 6" cedar fence post found
- 18 for angle point;
- 19 North 28°41'45" West, a distance of 287.05 feet, (North 28°15' West,
- 20 a distance of 287.1 feet- record), to a 6" cedar fence post found
- 21 for angle point;
- 22 North 27°47'44" West, a distance of 697.77 feet, (North 27°26' West,
- 23 a distance of 697.6 feet- record), to a 10" cedar fence post found
- 24 for angle point;
- 25 North 16°56'28" West, a distance of 168.46 feet, (North 16°55' West,
- 26 a distance of 169.0 feet- record), to a 10" cedar fence post found
- 27 for angle point;

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1 North 07°27'01" West, a distance of 529.32 feet, (North 06°50' West,
2 a distance of 529.2 feet- record), to the POINT OF BEGINNING and
3 containing 151.629 acres of land, more or less.
4 Being 990.604 acres of land and being:
5 Tract 1, a called 347.5 acre tract of land out of the Juan Ortiz
6 Survey No. 190, Abstract No. 363, Kendall County, Texas, being that
7 same tract conveyed by deed recorded in Volume 62, Page 251, Deed
8 Records of Kendall County, Texas; save and except that certain 1.16
9 acre tract conveyed by deed to Kendall County for road widening
10 purposes recorded in Volume 66, Page 412, Deed Records of the
11 Kendall County, Texas;
12 Tract 2, a called 300 acre tract of land, being 194 acres out of the
13 Miguel Garcia Survey No. 213, Abstract No. 197, 84 acres out of the
14 A.M. Holbrook Survey No. 439, Abstract No. 263, and 22 acres out of
15 the C. Volk Survey No. 115, Abstract No. 673, Kendall County,
16 Texas, and being that same tract conveyed by deed recorded in Volume
17 65, Page 377, Deed Records of Kendall County, Texas, Volume 65, Page
18 378, Deed Records of Kendall County, Texas, and Volume 65, Page 380,
19 Deed Records of Kendall County, Texas; save and except that certain
20 2.24 acre tract conveyed by deed to Kendall County for road widening
21 purposes recorded in Volume 66, Page 413, Deed Records of the
22 Kendall County, Texas;
23 Tract 3, a called 67 acre tract of land out of the Juan Ortiz Survey
24 No. 190, Abstract No. 363, Kendall County, Texas, being that same
25 tract conveyed by deed recorded in Volume 63, Page 208, Deed Records
26 of Kendall County, Texas;
27 Tract 4, a called 293.6 acre tract of land, being 383.6 acres out of

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1 the David Odom Survey No. 212, Abstract No. 371, and 30 acres out of
2 the Juan Ortiz Survey No. 190, Abstract 363, Kendall County, Texas,
3 and being that same tract described by deed recorded in Volume 63,
4 Page 209, Deed Records of Kendall County, Texas, save and except
5 that certain 120 acre tract of land recorded in Volume 63, Page 215,
6 Deed Records of the Kendall County, Texas;

7 Said 990.604 acres of land being more particularly described by
8 metes and bounds as follows:

9 BEGINNING at a 1/2" rebar with MDS cap set in the south right-of-way
10 line of State Highway No. 46 (100.00-foot wide right-of-way) at the
11 northwest corner of the remaining portion of the called 347.5 acre
12 tract, the southwest corner of a called 1.16 acre tract conveyed to
13 Kendall County for road widening purposes recorded in Volume 66,
14 Page 412, Deed Records of Kendall County, Texas, the northeast
15 corner of a called 8 acre tract recorded in Volume 409, Page 653,
16 Official Public Records of Kendall County, Texas, said point being
17 the northwest corner of the tract herein described;

18 THENCE, along the south right-of-way line of State Highway No. 46,
19 the north boundary line of the remaining portion of the called 347.5
20 acre tract, the following courses and distances:

21 North 57°02'12" East, a distance of 1259.87 feet (North 57°24' East,
22 a distance of 1265.5 feet- record), to a 1/2" rebar with MDS cap set
23 for point of curvature of a curve to the right;

24 Curving to the right with a radius of 5679.97 feet (5679.65
25 feet-record), a central angle of 4°55'00" (04°55'-record), a chord
26 bearing and distance of North 59°29'42" East, 487.26 feet, and an
27 arc length of 487.41 feet (487.4 feet-record), to a 1/2" rebar with

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1 MDS cap set for point of tangency;
2 North 61 °57'12" East, a distance of 298.10 feet (North 62°19' East,
3 a distance of 298.10 feet- record), to a 1/2" rebar with MDS cap set
4 for point of curvature of a curve to the right;
5 Curving to the right with a radius of 1382.39 feet (1382.69
6 feet-record), a central angle of 21°26'08" (21°24'-record), a chord
7 bearing and distance of North 72°40'16" East, 514.17 feet, and an
8 arc length of 517.18 feet (516.14 feet-record), to a 1/2" rebar with
9 MDS cap set for point of tangency;
10 North 83°23'20" East, a distance of 194.60 feet (North 83°45
11 East-record), to a 1/2" rebar with MDS cap set at the northeast
12 corner of the remaining portion of the called 347.5 acre tract, the
13 northwest corner of a called 151.763 acre tract recorded in Volume
14 1503, Page 560, Official Public Records of Kendall County, Texas;
15 THENCE, departing the south right-of-way line of State Highway
16 No. 46, along the east boundary line of the remaining portion of the
17 called 347.5 acre tract, the west boundary line of the called
18 151.763 acre tract, the following courses and distances:
19 South 07°27'01" East, a distance of 529.32 feet, (South 06°50' East,
20 a distance of 529.2 feet- record), to a 10" cedar fence post found
21 for angle point;
22 South 16°56'28" East, a distance of 168.46 feet, (South 16°55' East,
23 a distance of 169.0 feet- record), to a 10" cedar fence post found
24 for angle point;
25 South 27°47'44" East, a distance of 697.77 feet, (South 27°26' East a
26 distance of 697.6 feet- record), to a 6" cedar fence post found for
27 angle point;

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- 1 South 28°41'45" East, a distance of 287.05 feet, (South 28°15' East,
2 a distance of 287.1 feet- record), to a 6" cedar fence post found
3 for angle point;
- 4 South 35°05'53" East, a distance of 231.81 feet, (South 34°58' East,
5 a distance of 230.6- record), to a 4" cedar fence post found for
6 angle point;
- 7 South 37°04'09" East, a distance of 277.35 feet, (South 36°34' East,
8 a distance of 279.3 feet- record), to a 1/2" rebar with MDS cap set
9 for angle point;
- 10 South 24°30'38" East, a distance of 52.70 feet, (South 24°11' East, a
11 distance of 52.7-record), to a 1/2" rebar with MDS cap set for angle
12 point;
- 13 South 15°40'38" East, a distance of 61.30 feet, (South 15°21' East, a
14 distance of 61.3-record), to a 1/2" rebar with MDS cap set for angle
15 point;
- 16 South 11°27'38" East, a distance of 311.00 feet, (South 11°08' East,
17 a distance of 311 .0 feet- record), to a 1/2" rebar found for
18 corner;
- 19 South 89°33'27" East, a distance of 432.92 feet, (South 89°11' east,
20 a distance of 433.9 feet- record), to a 6" cedar fence post found
21 for corner;
- 22 South 15°10'34" West, a distance of 159.00 feet, (South 15°34' West,
23 a distance of 159 .2 feet- record), to a 6" cedar fence post found
24 for angle point;
- 25 South 00°26'13" East, a distance of 160.10 feet, (South 00°04' West,
26 a distance of 160 .2 feet- record), to a 6" cedar fence post found
27 for angle point;

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1 South 02°12'22" East, a distance of 60.45 feet, (South 01°56' East, a
2 distance of 61.1 feet- record), to a 1/2" rebar found at the
3 southwest corner of the called 151.763 acre tract, the northwest
4 corner of a called 293.6 acre tract recorded in Volume 63, Page 209,
5 Deed Records of Kendall County, Texas;

6 THENCE, along the south boundary line of the called 151.763 acre
7 tract, the north boundary line of the called 293.6 acre tract, the
8 following courses and distances:

9 South 88°42'19" East, a distance of 1219.83 feet, (South 88°24' East,
10 a distance of 1218.1 feet - record), to a 6" cedar fence post found
11 for angle point;

12 South 88°47'20" East, a distance of 431.20 feet, (South 88°20' East,
13 a distance of 433.6 feet- record), to a 10" cedar fence post found
14 at the southeast corner of the called 151.763 acre tract, the
15 southwest corner of the remaining portion of the called 300 acre
16 tract;

17 THENCE, along the east boundary line of the called 151.763 acre
18 tract, the west boundary line of the remaining portion of the called
19 300 acre tract, the following courses and distances:

20 North 00°13'00" East, a distance of 1959.06 feet, (North 00°37' East,
21 a distance of 1959 .6 feet-record), to a 10" cedar fence post found
22 for corner;

23 North 89°55'19" West, a distance of 443.77 feet, (North 89°30' West,
24 a distance of 445.4 feet- record), to a 4" cedar fence post found
25 for angle point;

26 South 89°59'11" West, a distance of 253.59 feet, (North 89°35' West,
27 a distance of 252.4 feet - record), to a 6" cedar fence post found

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1 for corner;
2 North 00°31'29" East, a distance of 441.37 feet, (North 00°55' East,
3 a distance of 440.2 feet- record), to a 4" cedar fence post found
4 for angle point;
5 North 00°38'03" East, a distance of 771.60 feet (North 01°02' East, a
6 distance of 771.6 feet- record), to a 1/2" rebar with MDS cap set in
7 the south right-of-way line of State Highway No. 46 at the
8 northeast corner of the called 151.763 acre tract, the northwest
9 corner of the remaining portion of the called 300 acre tract;
10 THENCE, along the south right-of-way line of State Highway No. 46,
11 the north boundary line of the remaining portion of the called 300
12 acre tract, North 66°16'07" East, a distance of 3817.90 feet (North
13 66°36' East-record), to a W' rebar with MDS cap set at the northeast
14 corner of the remaining portion of the called 300 acre tract, the
15 southeast corner of a called 2.24 acre tract conveyed to Kendall
16 County for road widening purposes recorded in Volume 66, Page 413,
17 Deed Records of Kendall County, Texas, the northwest corner of a
18 called 8.103 acre tract recorded in Volume 475, Page 778, Deed
19 Records of Kendall County, Texas;
20 THENCE, departing the south right-of-way line of State Highway
21 No. 46, along the east boundary line of the remaining portion of the
22 called 300 acre tract, the west boundary line of the called 8.103
23 acre tract, the west boundary line of a called 9.000 acre tract
24 recorded in Volume 1094, Page 1035, Official Public Records of
25 Kendall County, Texas, the west boundary line of a called 5.000 acre
26 tract recorded in Volume 488, Page 774, Official Public Records of
27 Kendall County, Texas, and the west boundary line of a called 6.000

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S.B. No. 2273

1 acre tract recorded in Volume 446, Page 211, Official Public
2 Records of Kendall County, Texas, South 00°24'57" West, a distance
3 of 1532.05 feet (South 00°27'49" West, a distance of 1531.94
4 feet-record), to a 1/2" rebar found at the southwest corner of the
5 called 6.000 acre tract, the northwest corner of a called 97.358
6 acre tract recorded in Volume 241, Page 22, Deed Records of Kendall
7 County, Texas;

8 THENCE, continuing along the east boundary line of the remaining
9 portion of the called 300 acre tract, the west boundary line of the
10 called 97.358 acre tract, South 00°00'09" East, a distance of 468.01
11 feet (South 00°08'45" East, a distance of 468.07 feet-record), to a
12 1/2" rebar found for angle point;

13 THENCE, continuing along the east boundary line of the remaining
14 portion of the called 300 acre tract, the west boundary line of the
15 called 97.358 acre tract, South 00°24'40" West, a distance of
16 2771.22 feet (South 00°32'12" East, a distance of 2771.53
17 feet-record), to a 1/2" rebar found at the southeast corner of the
18 remaining portion of the called 300 acre tract, being an angle point
19 in the north boundary line of a called 41.91 acre tract recorded in
20 Volume 619, Page 173, Official Public Records of Kendall County,
21 Texas;

22 THENCE, along the south boundary line of the remaining portion of
23 the called 300 acre tract, the north boundary line of the called
24 41.91 acre tract, North 89°03'39" West, a distance of 885.87 feet
25 (North 88°56'28" West, a distance of 886.60 feet-record), to a 1/2"
26 rebar with MDS cap set at the northeast corner of the remaining
27 portion of the called 413.6 acre tract, the northwest corner of the

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1 called 41.91 acre tract;
2 THENCE, along the east boundary line of the remaining portion of the
3 called 413.6 acre tract, the west boundary line of the called 41.91
4 acre tract, the following courses and distances:
5 South 02°28'57" East, a distance of 436.13 feet (South 02°25'58"
6 East, a distance of 436.13 feet -record), to a 1/2" rebar found for
7 angle point;
8 South 02°17'03" East, a distance of 507.19 feet (South 02°08'19"
9 East, a distance of 507.23 feet-record), to a 1/2" rebar found for
10 angle point;
11 South 01°46'53" East, a distance of 738.18 (South 01°39'35" East, a
12 distance of 738.36 feet- record), to a 1/2" rebar found for an angle
13 point;
14 South 02°05'47" East, a distance of 30.48 feet (South 01°53'04" East,
15 a distance of 30.45 feet- record), to a 1/2" rebar found at the
16 southwest corner of the called 41.91 acre tract, the northwest
17 corner of a called 17.344 acre tract recorded in Volume 739, Page
18 752, Official Public Records of Kendall County, Texas;
19 THENCE, continuing along the east boundary line of the remaining
20 portion of the called 413.6 acre tract, the west boundary line of
21 the called 17.344 acre tract, the following courses and distances:
22 South 02°02'05" East, a distance of 397.23 feet (South 01°55'32"
23 East, a distance of 397.44 feet-record), to a 1/2" rebar found for
24 angle point;
25 South 03°58'20" East, a distance of 140.89 feet (South 03°53'00"
26 West, a distance of 140.81 feet-record), to a P.K. nail in rock
27 found for an angle point;

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1 South 04°00'35" East, a distance of 169.12 (South 03°54'08" East, a
2 distance of 169.10 feet- record), to a 1/2" rebar found at the
3 southwest corner of the called 17.344 acre tract, the northwest
4 corner of a called 14.000 acre tract recorded in Volume 739, Page
5 752, Official Public Records of Kendall County, Texas;

6 THENCE, continuing along the east boundary line of the remaining
7 portion of the called 413.6 acre tract, the west boundary line of
8 the called 14.000, South 03°59'03" East, a distance of 598.44 feet
9 (South 03°54'08" East, a distance of 598.41 feet-record), to a 1/2"
10 rebar found at the southwest corner of the called 14.000 acre tract,
11 the northwest corner of a called 24.757 acre tract recorded in
12 Volume 621, Page 168, Official Public Records of Kendall County,
13 Texas;

14 THENCE, continuing along the east boundary line of the remaining
15 portion of the called 413.6 acre tract, the west boundary line of
16 the called 24.757, South 04°59'06" East, a distance of 473.65 feet
17 (South 04°51'06" East, a distance of 473.98 feet-record), to a P.K.
18 nail found at the southwest corner of the remaining portion of the
19 called 413.6 acre tract, the northeast corner of a called 185.416
20 acre tract recorded in Volume 292, Page 688, Deed Records of Kendall
21 County, Texas;

22 THENCE, along the south boundary line of the remaining portion of
23 the called 413.6 acre tract, the north boundary line of the called
24 185.416 acre tract, the following courses and distances:

25 North 88°02'17" West, a distance of 378.66 feet (North 88°22'35"
26 West, a distance of 378.80 feet-record), to a 1/2" rebar with MDS
27 cap set at the base of a 4" cedar fence post for angle point;

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1 North 88°19'42" West, a distance of 1644.75 feet (North 88°34'35"
2 West, a distance of 1644.90 feet-record), to a 1/2" rebar with MDS
3 cap set at the base of a 4" cedar fence post for angle point;
4 North 88°24'29" West, a distance of 1491.14 feet (North 88°39' West,
5 a distance of 1490.65 feet-record), to a 1/2" rebar with MDS cap set
6 at the base of a 4" cedar fence post for angle point;
7 North 89°08'09" West, a distance of 168.14 feet (North 89°26'50"
8 West, a distance of 168.35 feet-record), to a P.K. nail set at the
9 base of a 10" cedar fence post for angle point;
10 South 29°52'11" West, a distance of 168.26 feet (South 29°43' West, a
11 distance of 167.60 feet-record), to a P.K. nail set at the base of a
12 8" cedar fence post at the southwest corner of the remaining portion
13 of the called 413.6 acre tract, the southeast corner of the
14 abovementioned 67 acre tract;
15 THENCE, along the south boundary line of the called 67 acre tract,
16 the north boundary line of the called 185.416 acre tract, the
17 following courses and distances:
18 North 89°45'50" West, a distance of 900.15 feet (North 89°58' West, a
19 distance of 900.90 feet-record), to a P.K. nail set at the base of
20 an 8" cedar fence post for angle point;
21 North 89°42'53" West, a distance of 183.99 feet (West, a distance of
22 183.95 feet-record), to a P.K. nail set at the base of a 10" cedar
23 fence post for angle point;
24 North 89°39'40" West, a distance of 322.30 feet (North 89°53'25"
25 West, a distance of 322.30 feet-record), to a P.K. nail at the base
26 of an 8" cedar fence post for the southwest corner of the called 67
27 acre tract;

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1 THENCE, along the west boundary line of the called 67 acre tract,
2 the north boundary line of the called 185.416 acre tract, North
3 38°46'33" West, a distance of 1184.25 feet (North 38°57'50" West, a
4 distance of 1184.40 feet-record), to a 31" Live Oak tree found for
5 angle point, being an exterior corner of the called 185.416 acre
6 tract, an exterior corner of a called 185.358 acre tract recorded in
7 Volume 1271, Page 43, Official Public Records of Kendall County,
8 Texas;

9 THENCE, continuing along the west boundary line of the called 67
10 acre tract, an east boundary line of the called 185.358 acre tract,
11 North 39°44'52" West, a distance of 671.46 feet (North 40°04'15"
12 West, a distance of 671.15 feet-record), to a 1/2" rebar with MDS
13 cap set at the base of an 8" cedar fence post for the northwest
14 corner of the called 67 acre tract, the northeast corner of the
15 called 185.358 acre tract, being in the south boundary line of the
16 remaining portion of the abovementioned 347.5 acre tract;

17 THENCE, along the south boundary line of the remaining portion of
18 the called 347.5 acre tract, the north boundary line of the called
19 185.358 acre tract, the following courses and distances:

20 South 89°54'46" West, a distance of 1050.36 feet (North 88°42'30"
21 West, a distance of 1050.40 feet-record), to a 1/2" rebar with MDS
22 cap set at the base of a 6" cedar fence post for angle point;

23 North 84°35'37" West, a distance of 130.05 feet (North 84°45' West, a
24 distance of 130.55 feet-record), to 12" cedar fence post found at
25 the southwest corner of the remaining portion of the called 347.5
26 acre tract, the southeast corner of the remaining portion of a
27 called 85.656 acre tract recorded in Volume 665, Page 736 Official

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1 Public Records of Kendall County, Texas;
2 THENCE, along the west boundary line of the remaining portion of the
3 called 347.5 acre tract, the east boundary line of the called 85.656
4 acre tract North 00°09'51" West, a distance of 1140.53 feet (North
5 00°06'41" East, a distance of 1141.24 feet-record), to a 1/2" rebar
6 found at the southeast corner of the abovementioned 8 acre tract for
7 an angle point;

8 THENCE, continuing along the west boundary line of the remaining
9 portion of the called 347.5 acre tract, the east boundary line of
10 the called 8 acre tract North 00°11'13" West, a distance of 2520.53
11 feet North 00°06'41" East, a distance of 2519.34 feet-record), to
12 the POINT OF BEGINNING and containing 990.604 acres

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

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

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

27 (d) All requirements of the constitution and laws of this

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S.B. No. 2273

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

4 SECTION 4. (a) Section 9074.107, Special District Local
5 Laws Code, as added by Section 1 of this Act, takes effect only if
6 this Act receives a two-thirds vote of all the members elected to
7 each house.

8 (b) If this Act does not receive a two-thirds vote of all the
9 members elected to each house, Subchapter C, Chapter 9074, Special
10 District Local Laws Code, as added by Section 1 of this Act, is
11 amended by adding Section 9074.107 to read as follows:

12 Sec. 9074.107. NO EMINENT DOMAIN POWER. The district may
13 not exercise the power of eminent domain.

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

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

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S.B. No. 2273

David LaSalle
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 2273 passed the Senate on May 4, 2017, by the following vote: Yeas 31, Nays 0.

Datsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 2273 passed the House on May 24, 2017, by the following vote: Yeas 137, Nays 9, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
3:30 PM O'CLOCK

JUN 12 2017
RRP
Secretary of State

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2273 by Campbell (Relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the Kendall County Water Control and Improvement District No. 4. The district would have authority for road projects. The district would have authority to issue bonds and other obligations, without an election. The district would have authority to impose an operation and maintenance tax and contract tax. The district would not have authority to exercise the power of eminent domain.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

**LEGISLATIVE BUDGET BOARD
Austin, Texas**

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 23, 2017

TO: Honorable Eddie Lucio, Jr., Chair, Senate Committee on Intergovernmental Relations

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2273 by Campbell (Relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), As Introduced

No fiscal implication to the State is anticipated.

The bill would amend the Special District Local Laws Code establishing the Kendall County Water Control and Improvement District No. 4. The district would have authority for road projects. The district would have authority to issue bonds and other obligations, without an election. The district would have authority to impose an operation and maintenance tax and contract tax. The district would not have authority to exercise the power of eminent domain.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

LBB Staff: UP, JGA, GG, BM

LEGISLATIVE BUDGET BOARD
Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

85TH LEGISLATIVE REGULAR SESSION

May 12, 2017

TO: Honorable Jim Murphy, Chair, House Committee on Special Purpose Districts

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB2273 by Campbell (Relating to the creation of the Kendall County Water Control and Improvement District No. 4; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

This bill amends the Special District Local Laws Code by adding Chapter 9074 which creates the Kendall County Water Control and Improvement District No. 4 (District) with the powers and duties of a standard water control and improvement district under Water Code Chapters 49 and 51.

Population - The very specific description of the proposed boundaries does not allow staff to develop precise population estimates. Based on the Original Texas Land Surveys mentioned in SB 2273, staff is unable to determine a population estimate.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Kendall County served by small systems or private wells (County-Other) is 18,525. The Kendall County-Other population projections approved for 2017 State Water Plan projects the population to grow to 21,866 in 2020, 25,866 in 2030 and 30,207 in 2040.

Location - The Proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Kendall County Real Property Records and metes and bounds. Due to the complexity of these boundaries for the various sub areas of the district, staff is able to determine only the general location of the proposed district.

The proposed district's area is approximately 1.54 square miles in southern Kendall County, located northwest of the City of Boerne and north of the City Fair Oak's Ranch. The proposed district does not appear to fall within any existing Certificate of Convenience and Necessity (CCN) Boundaries.

Comments on Powers/Duties Different from Similar Types of Districts: This bill grants the District authority for road projects; the bill allows the District to divide and specifies requirements for division; the District may be divided only if the District has no outstanding bonded debt and is not imposing ad valorem taxes; the bill further specifies that on or before the 30th day after the date of adoption of an order dividing the District, the District shall file the order with the TCEQ; the

bill limits the District's use of eminent domain; the District may not exercise the power of eminent domain outside the District's boundaries to acquire a site or easement for a recreational facility or a road project; the bill specifies that at the time of issuance, the total principal amount of bonds or other obligations issued or incurred to finance road projects and payable from ad valorem taxes may not exceed one-fourth of the assessed value of real property in the District; if the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain; House Bill 4323 by Rep. Biedermann is the companion to this proposed bill.

Overlapping Services: TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use - SB 2273 specifies that "the district has the powers and duties provided by the general law of the state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution".

Within Kendall County, 62 percent of the total water use was groundwater (Trinity Aquifer) in 2014. Eighty seven percent of all the groundwater pumping was for municipal use. The water source of the proposed district might pursue is unknown.

Source Agencies: 582 Commission on Environmental Quality, 580 Water Development Board

LBB Staff: UP, SZ


**SAN ANTONIO EXPRESS NEWS
AFFIDAVIT OF PUBLICATION**

**STATE OF TEXAS:
COUNTY OF BEXAR**

Before me, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Lynette Nelson, who after being duly sworn, says that she is the BOOKKEEPER of THE HEARST CORPORATON (SAN ANTONIO EXPRESS-NEWS DIVISION), a daily newspaper published in Bexar County, Texas and that the publication, of which the annexed is a true copy, was published to wit:


Customer ID: 852644
Customer Name: Sanford Kuhl Hagan Lip
Order ID: 2863809

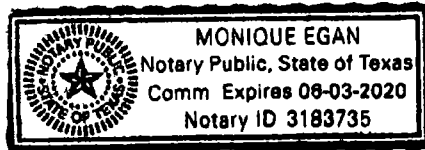
Publication	Pub Date
EN Classified	27-JAN-17


Lynette Nelson
Bookkeeper

Sworn and subscribed to before me, this 2 day of Feb. A.D. 2017

Notary public in and for the State of Texas





**NOTICE OF INTENT TO
INTRODUCE A BILL**

Pursuant to the Constitution and laws of the State of Texas, Notice is hereby given of the intention to apply to the 85th Legislature of the State of Texas at its regular session in Austin, Texas, for the introduction of a bill, the substance of the contemplated law being as follows:

An act relating to the creation, administration, powers, duties, operation, and financing of the Kendall County Water Control and Improvement District No. 4. The Act proposes to create a municipal utility district to be known as the Kendall County Water Control and Improvement District No. 4, being approximately 1142 acres in Kendall County, Texas, located generally three miles east of the City of Boerne, south of State Highway No. 48, subject to approval at a confirmation election.

All interested persons will, therefore, take notice of the matters and facts set out in the foregoing statement of the substance of the contemplated laws as required by the Constitution and laws of the State of Texas.