

Chapter 649

1 AN ACT

2 relating to the creation of the XS Ranch Municipal Utility
3 District; providing authority to impose a tax and issue bonds;
4 granting a limited power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8306 to read as follows:

8 CHAPTER 8306. XS RANCH MUNICIPAL UTILITY DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8306.001. DEFINITIONS. In this chapter:

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

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

14 (3) "Director" means a board member.

15 (4) "District" means the XS Ranch Municipal Utility
16 District.

17 Sec. 8306.002. NATURE OF DISTRICT. The district is a
18 municipal utility district created under Section 59, Article XVI,
19 Texas Constitution.

20 Sec. 8306.003. CONFIRMATION AND DIRECTORS' ELECTION
21 REQUIRED. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five permanent
23 directors as provided by Section 49.102, Water Code.

24 Sec. 8306.004. CONSENT OF MUNICIPALITY REQUIRED. The

1 temporary directors may not hold an election under Section 8306.003
2 until each municipality in whose corporate limits or
3 extraterritorial jurisdiction the district is located, including
4 the City of Bastrop, has consented by ordinance or resolution to the
5 creation of the district and to the inclusion of land in the
6 district.

7 Sec. 8306.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
8 The district is created to serve a public purpose and benefit.

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

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

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

16 Sec. 8306.006. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act creating this chapter.

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

23 (1) organization, existence, or validity;

24 (2) right to issue any type of bond for the purposes
25 for which the district is created or to pay the principal of and
26 interest on a bond;

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 [Sections 8306.007-8306.050 reserved for expansion]

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8306.051. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8306.052, directors serve
7 staggered four-year terms.

8 Sec. 8306.052. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Mark Engels;

11 (2) Mark Oldemeyer;

12 (3) James Michael Sulester, Jr.;

13 (4) William Faust; and

14 (5) Don Montague.

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

16 (1) the date permanent directors are elected under
17 Section 8306.003; or

18 (2) the fourth anniversary of the effective date of
19 the Act creating this chapter.

20 (c) If permanent directors have not been elected under
21 Section 8306.003 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8306.003; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

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

9 [Sections 8306.053-8306.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8306.101. 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. 8306.102. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 8306.103. 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. 8306.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
26 project must meet all applicable construction standards, zoning and
27 subdivision requirements, and regulations of each municipality in

1 whose corporate limits or extraterritorial jurisdiction the road
2 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,
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. 8306.105. COMPLIANCE WITH MUNICIPAL ORDINANCE OR
12 RESOLUTION. (a) The district shall comply with all applicable
13 requirements of any ordinance or resolution that is adopted under
14 Section 54.016 or 54.0165, Water Code, and that consents to the
15 creation of the district or to the inclusion of land in the
16 district.

17 (b) Land in the district that is located in the City of
18 Bastrop's extraterritorial jurisdiction is subject to municipal
19 ordinances applicable to extraterritorial areas, unless the
20 municipality's governing body waives compliance.

21 Sec. 8306.106. CONTRACT WITH CERTAIN MUNICIPALITIES
22 REQUIRED. (a) The district may not exercise the powers and duties
23 of a municipal utility district under this chapter unless the
24 district enters into a written contract with any municipality in
25 whose extraterritorial jurisdiction the district is wholly or
26 partly located that:

27 (1) provides for the continuation of the

1 extraterritorial status of the district or the district's
2 annexation by the municipality;

3 (2) ensures that any development in the district
4 occurs in a manner that furthers the health, safety, and welfare of
5 the residents of the district; and

6 (3) includes other terms and consideration that the
7 municipality determines to be reasonable and appropriate.

8 (b) A contract under this section may be renewed or extended
9 for successive periods not to exceed 15 years.

10 (c) If the district does not enter into a contract under
11 this section before the later of September 1, 2009, or the 30th day
12 after the effective date of the Act creating this chapter, the
13 board, at the board's sole discretion, may adopt an order
14 dissolving the district if the district has no assets or
15 obligations. If an order dissolving the district is adopted under
16 this subsection, an original or certified copy of the order must be
17 filed with the commission and in the real property records of any
18 county in which the district is located.

19 Sec. 8306.107. EFFECT OF CHAPTER ON CITY OF BASTROP.
20 Nothing in this chapter abrogates, diminishes, or otherwise alters
21 any rights, powers, privileges, or functions of the City of Bastrop
22 provided by the general law of this state, including Chapter 42,
23 Local Government Code, and Chapter 54, Water Code, related to the
24 creation of special districts in its extraterritorial
25 jurisdiction.

26 Sec. 8306.108. LIMITATION ON USE OF EMINENT DOMAIN. The
27 district may not exercise the power of eminent domain outside the

1 district to acquire a site or easement for:

2 (1) a road project authorized by Section 8306.103; or

3 (2) a recreational facility as defined by Section
4 49.462, Water Code.

5 Sec. 8306.109. DIVISION OF DISTRICT. (a) The district may
6 be divided into two or more new districts only if:

7 (1) the district has no outstanding bonded debt;

8 (2) the district is not imposing ad valorem taxes; and

9 (3) the requirements of Subsection (i) are satisfied.

10 (b) This chapter applies to any new district created by the
11 division of the district, and a new district has all the powers and
12 duties of the district.

13 (c) Any new district created by the division of the district
14 may not, at the time the new district is created, contain any land
15 outside the area described by Section 2 of the Act creating this
16 chapter.

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

21 (e) The board may adopt an order dividing the district
22 before or after the date the board holds an election under Section
23 8306.003 to confirm the district's creation.

24 (f) An order dividing the district shall:

25 (1) name each new district;

26 (2) include the metes and bounds description of the
27 territory of each new district;

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

2 and

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

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

9 (h) Any new district created by the division of the district
10 shall hold a confirmation and directors' election as required by
11 Section 8306.003.

12 (i) If the district is located wholly or partly in the
13 corporate limits or the extraterritorial jurisdiction of a
14 municipality, the district may not divide under this section unless
15 the municipality by resolution or ordinance first consents to the
16 division of the district. If the district is not located wholly or
17 partly in the corporate limits or the extraterritorial jurisdiction
18 of a municipality, the district may not divide under this section
19 unless the commissioners court of each county in which the district
20 is wholly or partly located first adopts a resolution or order in
21 support of the division of the district.

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

26 [Sections 8306.110-8306.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8306.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3 district may issue, without an election, bonds and other
4 obligations secured by:

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

6 (2) contract payments described by Section 8306.153.

7 (b) The district must hold an election in the manner
8 provided by Chapters 49 and 54, Water Code, to obtain voter approval
9 before the district may impose an ad valorem tax or issue bonds
10 payable from ad valorem taxes.

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

15 Sec. 8306.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8306.151, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district in accordance with Section 49.107, Water Code.

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

21 Sec. 8306.153. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than
23 an operation and maintenance tax and use the revenue derived from
24 the tax to make payments under a contract after the provisions of
25 the contract have been approved by a majority of the district voters
26 voting at an election held for that purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 [Sections 8306.154-8306.200 reserved for expansion]

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5 Sec. 8306.201. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. The district may issue bonds or other obligations
7 payable wholly or partly from ad valorem taxes, impact fees,
8 revenue, contract payments, grants, or other district money, or any
9 combination of those sources, to pay for any authorized district
10 purpose.

11 Sec. 8306.202. TAXES FOR BONDS. At the time the district
12 issues bonds payable wholly or partly from ad valorem taxes, the
13 board shall provide for the annual imposition of a continuing
14 direct ad valorem tax, without limit as to rate or amount, while all
15 or part of the bonds are outstanding as required and in the manner
16 provided by Sections 54.601 and 54.602, Water Code.

17 Sec. 8306.203. BONDS FOR ROAD PROJECTS. At the time of
18 issuance, the total principal amount of bonds or other obligations
19 issued or incurred to finance road projects and payable from ad
20 valorem taxes may not exceed one-fourth of the assessed value of the
21 real property in the district.

22 SECTION 2. The XS Ranch Municipal Utility District
23 initially includes all the territory contained in the following
24 area:

25 A DESCRIPTION OF 2902.685 ACRES IN THE, THE ISAAC HARRIS SURVEY NO.
26 2, ABSTRACT NO. 38, THE LEMAN BARKER SURVEY NO. 3, ABSTRACT NO. 6,
27 THE S.M. WILLIAMS SURVEY NO. 4, ABSTRACT NO. 71, THE JOSIAH

1 WILBARGER SURVEY NO. 5, ABSTRACT NO. 70, IN BASTROP COUNTY, TEXAS,
2 CONSISTING OF:
3 PART OF A 5566.770 ACRE TRACT (TRACT ONE-D), PART OF A 507.061 ACRE
4 TRACT (TRACT ONE-C), PART OF A 19.149 ACRE TRACT (TRACT FIVE), PART
5 OF A 54.912 ACRE TRACT (TRACT SIX), PART OF A 92.556 ACRE TRACT
6 (TRACT SEVEN), PART OF A 160.346 ACRE TRACT (TRACT EIGHT), AND PART
7 OF A 112.676 ACRE TRACT (TRACT NINE), ALL OF A 2.064 ACRE (TRACT
8 TWO-A), ALL OF A 6.114 ACRE TRACT (TRACT TWO-B), CONVEYED TO XS
9 RANCH FUND VI, L.P. IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN
10 DATED DECEMBER 19, 2006 AND RECORDED IN DOCUMENT NO. 200619026 OF
11 THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS;
12 PART OF A 200.00 ACRE TRACT CONVEYED TO XS RANCH FUND VI, L.P. IN A
13 SPECIAL WARRANTY DEED WITH VENDOR'S LIEN DATED DECEMBER 19, 2006
14 AND RECORDED IN DOCUMENT NO. 200619025 OF THE OFFICIAL PUBLIC
15 RECORDS OF BASTROP COUNTY, TEXAS; *(THE 200.00 ACRE TRACT LIES*
16 *WITHIN THE 5566.770 ACRE TRACT)*
17 PART OF A 758.026 ACRE TRACT AND PART OF A 1164.571 ACRE TRACT
18 CONVEYED TO XS RANCH FUND VI, L.P. IN A SPECIAL WARRANTY DEED DATED
19 JUNE 4, 2007 AND RECORDED IN DOCUMENT NO. 200708067 OF THE OFFICIAL
20 PUBLIC RECORDS OF BASTROP COUNTY, TEXAS;
21 PART OF A 885.050 ACRE TRACT CONVEYED TO XS RANCH FUND VI, L.P. IN A
22 SPECIAL WARRANTY DEED DATED NOVEMBER 9, 2007 AND RECORDED IN
23 DOCUMENT NO. 200716605 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP
24 COUNTY, TEXAS;
25 AND ALL OF A 1.604 ACRE TRACT CONVEYED TO XS RANCH FUND VI, L.P. IN A
26 SPECIAL WARRANTY DEED DATED DECEMBER 22, 2008 AND RECORDED IN
27 DOCUMENT NO. 200816524 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP

1 COUNTY, TEXAS;
2 EXCLUDING THE PORTION OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY
3 (100' WIDTH, 5.595 AC.), WITHIN THE HEREIN DESCRIBED TRACT;
4 SAID 2902.685 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND
5 BOUNDS AS FOLLOWS:
6 BEGINNING at a 1/2" rebar found in the west right-of-way line of
7 State Highway No. 95 (100' right-of-way width), for the
8 northernmost corner of the 2.064 acre tract;
9 THENCE South 04°45'50" West, with the west right-of-way line of
10 State Highway No. 95, a distance of 2204.79 feet to a 1/2" iron pipe
11 found for the southeast corner of the said 6.114 acre tract, being
12 also the northeast corner of an apparent 100' wide railroad
13 reservation described in Volume 1387, Page 49 of the Deed Records of
14 Bastrop County, Texas;
15 THENCE South 38°26'28" West, with the south line of the 6.114 acre
16 tract and the north line of said railroad strip, crossing the Union
17 Pacific 100' right-of-way, a distance of 632.19 feet to a
18 calculated point in the west line of the Union Pacific 100'
19 right-of-way, being also in the east line of the said 5566.770 acre
20 tract;
21 THENCE South 07°14'40" West, with the west line of the 100'
22 right-of-way and the east line of the 5566.770 acre tract, a
23 distance of 702.55 feet to a 5/8" rebar found for the northeast
24 corner of a 90.021 acre tract described in Volume 280, Page 26 of
25 the Deed Records of Bastrop County, Texas, for an angle point in the
26 east line of the 5566.770 acre tract;
27 THENCE with the common line of the 5566.770 acre tract and the

1 90.021 acre tract, the following two (2) courses:

- 2 1. South 41°59'17" West, a distance of 3559.00 feet to a 1/2"
3 rebar with cap set;
- 4 2. South 48°00'02" East, a distance of 1696.00 feet to a 1/2"
5 rebar with cap set in the west line of a 100.714 acre tract
6 described in Volume 276, Page 639 of the Deed Records of
7 Bastrop County, Texas;

8 THENCE South 41°50'22" West with the common line of the 5566.770
9 acre tract and the 100.714 acre tract, a distance of 2626.45 feet to
10 a calculated point;

11 THENCE over and across the 5566.770 acre tract, the following
12 twenty-three (23) courses:

- 13 1. North 67°20'47" West, a distance of 1033.52 feet to a
14 calculated point;
- 15 2. South 59°02'10" West, a distance of 246.73 feet to a
16 calculated point;
- 17 3. North 51°53'33" West, a distance of 1645.53 feet to a
18 calculated point;
- 19 4. North 03°48'51" West, a distance of 381.67 feet to a
20 calculated point;
- 21 5. North 56°27'50" West, a distance of 840.67 feet to a
22 calculated point;
- 23 6. North 49°26'19" East, a distance of 1289.96 feet to a
24 calculated point;
- 25 7. North 10°57'15" West, a distance of 534.42 feet to a
26 calculated point;
- 27 8. North 54°51'57" East, a distance of 279.40 feet to a

- 1 calculated point;
- 2 9. South 74°44'42" East, a distance of 578.94 feet to a
- 3 calculated point;
- 4 10. North 85°24'00" East, a distance of 738.63 feet to a
- 5 calculated point;
- 6 11. North 65°54'29" East, a distance of 1140.23 feet to a
- 7 calculated point;
- 8 12. North 27°07'17" West, a distance of 389.83 feet to a
- 9 calculated point;
- 10 13. North 43°07'42" East, a distance of 916.04 feet to a
- 11 calculated point;
- 12 14. North 07°23'10" West, a distance of 360.23 feet to a
- 13 calculated point;
- 14 15. North 28°42'49" East, a distance of 1078.89 feet to a
- 15 calculated point;
- 16 16. North 87°11'37" East, a distance of 421.70 feet to a
- 17 calculated point;
- 18 17. North 16°31'05" West, a distance of 1395.30 feet to a
- 19 calculated point;
- 20 18. With a curve to the right, having a radius of 1600.00
- 21 feet, a delta angle of 35°22'30", an arc length of 987.86
- 22 feet, and a chord which bears South 75°05'01" West, a distance
- 23 of 972.24 feet to a calculated point;
- 24 19. North 87°13'44" West, a distance of 714.34 feet to a
- 25 calculated point;
- 26 20. With a curve to the left, having a radius of 900.00 feet,
- 27 a delta angle of 13°33'08", an arc length of 212.88 feet, and a

1 chord which bears South 85°59'42" West, a distance of 212.38
2 feet to a calculated point;

3 21. South 79°13'08" West, a distance of 476.34 feet to a
4 calculated point;

5 22. With a curve to the right, having a radius of 700.00
6 feet, a delta angle of 73°16'03", an arc length of 895.13
7 feet, and a chord which bears North 64°08'51" West, a distance
8 of 835.38 feet to a calculated point;

9 23. North 27°30'49" West, a distance of 466.30 feet to a 1/2"
10 rebar with cap set for the northeast corner of a 772.304 acre
11 tract described in Volume 819, Page 733 of the Deed Records of
12 Bastrop County, Texas;

13 THENCE, with the common line of the 5566.770 acre tract and the
14 772.304 acre tract, the following three (3) courses:

15 1. North 47°23'16" West, a distance of 3253.08 feet to a
16 fence corner post found;

17 2. South 44°09'12" West, a distance of 409.37 feet to a fence
18 corner post found;

19 3. North 46°44'34" West, a distance of 1200.96 feet to a
20 fence corner post found;

21 THENCE over and across the 5566.770 acre tract, the 758.026 acre
22 tract, and the 160.346 acre tract the following twenty-three (23)
23 courses:

24 1. South 65°45'02" West, a distance of 660.48 feet to a
25 calculated point;

26 2. With a curve to the right, having a radius of 900.00 feet,
27 a delta angle of 42°24'14", an arc length of 666.08 feet, and a

- 1 chord which bears South $86^{\circ}57'09''$ West, a distance of 650.98
- 2 feet to a calculated point;
- 3 3. North $71^{\circ}50'44''$ West, a distance of 500.53 feet to a
- 4 calculated point;
- 5 4. With a curve to the left, having a radius of 1900.00 feet,
- 6 a delta angle of $18^{\circ}28'28''$, an arc length of 612.64 feet, and a
- 7 chord which bears North $81^{\circ}04'58''$ West, a distance of 609.99
- 8 feet to a calculated point;
- 9 5. South $89^{\circ}40'48''$ West, a distance of 664.30 feet to a
- 10 calculated point;
- 11 6. With a curve to the right, having a radius of 1600.00
- 12 feet, a delta angle of $38^{\circ}47'12''$, an arc length of 1083.13
- 13 feet, and a chord which bears North $70^{\circ}55'36''$ West, a distance
- 14 of 1062.57 feet to a calculated point;
- 15 7. North $51^{\circ}32'00''$ West, a distance of 641.28 feet to a
- 16 calculated point;
- 17 8. With a curve to the left, having a radius of 1100.00 feet,
- 18 a delta angle of $74^{\circ}20'28''$, an arc length of 1427.24 feet, and
- 19 a chord which bears North $88^{\circ}42'14''$ West, a distance of
- 20 1329.22 feet to a calculated point;
- 21 9. South $54^{\circ}07'33''$ West, a distance of 431.02 feet to a
- 22 calculated point;
- 23 10. With a curve to the left, having a radius of 900.00 feet,
- 24 a delta angle of $58^{\circ}45'19''$, an arc length of 922.93 feet, and a
- 25 chord which bears South $24^{\circ}44'53''$ West, a distance of 883.01
- 26 feet to a calculated point;
- 27 11. South $04^{\circ}37'46''$ East, a distance of 806.43 feet to a

- 1 calculated point;
- 2 12. With a curve to the right, having a radius of 1100.00
- 3 feet, a delta angle of 29°21'45", an arc length of 563.72
- 4 feet, and a chord which bears South 10°03'06" West, a distance
- 5 of 557.57 feet to a calculated point;
- 6 13. South 24°43'59" West, a distance of 380.75 feet to a
- 7 calculated point;
- 8 14. South 56°24'48" East, a distance of 1809.63 feet to a
- 9 calculated point;
- 10 15. South 03°40'04" West, a distance of 1811.55 feet to a
- 11 calculated point;
- 12 16. North 82°56'00" East, a distance of 816.20 feet to a
- 13 calculated point;
- 14 17. South 25°05'01" East, a distance of 428.88 feet to a
- 15 calculated point;
- 16 18. North 41°37'32" East, a distance of 617.85 feet to a
- 17 calculated point;
- 18 19. South 55°50'25" East, a distance of 1176.41 feet to a
- 19 calculated point;
- 20 20. South 35°32'16" West, a distance of 1595.04 feet to a
- 21 calculated point;
- 22 21. South 27°24'37" West, a distance of 492.18 feet to a
- 23 calculated point;
- 24 22. South 72°48'51" West, a distance of 779.06 feet to a
- 25 calculated point;
- 26 23. South 41°15'30" East, a distance of 530.59 feet to a 1/2"
- 27 rebar with cap set in a southeast line of the 5566.770 acre

1 tract, being in the west line of the 772.304 acre tract;
2 THENCE with said line, the following two (2) courses:
3 1. South 40°53'50" West, a distance of 1367.20 feet to a 1/2"
4 rebar with cap set;
5 2. South 46°37'37" East, a distance of 483.43 feet to a 5/8"
6 rebar found for the northwest corner of a 200 acre save and
7 except tract described in Volume 819, Page 733 of the Deed
8 Records of Bastrop County, Texas;
9 THENCE South 36°09'41" West, with the west line of the 200 acre tract
10 and a southeast line of the 5566.770 acre tract, a distance of
11 1437.09 feet to a calculated point;
12 THENCE over and across the 5566.770 acre tract, the following nine
13 (9) courses:
14 1. North 53°50'19" West, a distance of 703.41 feet to a
15 calculated point;
16 2. With a curve to the left, having a radius of 1500.00 feet,
17 a delta angle of 122°12'39", an arc length of 3199.47 feet,
18 and a chord which bears North 83°24'25" West, a distance of
19 2626.53 feet to a calculated point;
20 3. South 35°29'15" West, a distance of 204.11 feet to a
21 calculated point;
22 4. With a curve to the right, having a radius of 1700.00
23 feet, a delta angle of 37°13'26", an arc length of 1104.45
24 feet, and a chord which bears South 54°05'58" West, a distance
25 of 1085.13 feet to a calculated point;
26 5. South 72°42'41" West, a distance of 218.56 feet to a
27 calculated point;

- 1 6. With a curve to the left, having a radius of 500.00 feet,
2 a delta angle of $64^{\circ}27'29''$, an arc length of 562.50 feet, and a
3 chord which bears South $40^{\circ}28'56''$ West, a distance of 533.31
4 feet to a calculated point;
- 5 7. South $08^{\circ}15'12''$ West, a distance of 227.20 feet to a
6 calculated point;
- 7 8. With a curve to the right, having a radius of 1150.00
8 feet, a delta angle of $76^{\circ}43'42''$, an arc length of 1540.04
9 feet, and a chord which bears South $46^{\circ}37'03''$ West, a distance
10 of 1427.51 feet to a calculated point;
- 11 9. South $29^{\circ}29'11''$ West, a distance of 993.51 feet to a
12 calculated point in the south line of the 5566.770 acre
13 tract, being also the gradient boundary for the north bank of
14 the Colorado River;
- 15 THENCE with the south and west lines of the 5566.770 acre tract,
16 being also the gradient boundary for the north bank and east bank of
17 the Colorado River, the following seventeen (17) courses:
- 18 1. North $61^{\circ}57'52''$ West, a distance of 178.15 feet to a
19 calculated point;
- 20 2. North $56^{\circ}48'32''$ West, a distance of 172.52 feet to a
21 calculated point;
- 22 3. North $34^{\circ}12'07''$ West, a distance of 315.00 feet to a
23 calculated point;
- 24 4. North $17^{\circ}49'08''$ West, a distance of 194.48 feet to a
25 calculated point;
- 26 5. North $00^{\circ}42'03''$ West, a distance of 330.38 feet to a
27 calculated point;

- 1 6. North 05°51'25" East, a distance of 216.57 feet to a
2 calculated point;
 - 3 7. North 34°17'46" East, a distance of 328.17 feet to a
4 calculated point;
 - 5 8. North 78°35'08" East, a distance of 86.26 feet to a
6 calculated point;
 - 7 9. North 25°28'50" East, a distance of 805.50 feet to a
8 calculated point;
 - 9 10. North 19°28'15" East, a distance of 922.47 feet to a
10 calculated point;
 - 11 11. North 19°50'23" East, a distance of 477.86 feet to a
12 calculated point;
 - 13 12. North 21°15'22" East, a distance of 606.54 feet to a
14 calculated point;
 - 15 13. North 23°34'42" East, a distance of 654.28 feet to a
16 calculated point;
 - 17 14. North 17°12'19" East, a distance of 788.35 feet to a
18 calculated point;
 - 19 15. North 16°03'41" East, a distance of 419.54 feet to a
20 calculated point;
 - 21 16. North 21°34'10" East, a distance of 234.05 feet to a
22 calculated point;
 - 23 17. North 09°53'29" East, a distance of 465.10 feet to a
24 calculated point;
- 25 THENCE over and across the 5566.770 acre tract, the 200.00 acre XS
26 Ranch Fund tract, and the said 92.556 acre tract, the following
27 thirty-six (36) courses:

- 1 1. South $88^{\circ}55'07''$ East, a distance of 374.38 feet to a
2 calculated point;
- 3 2. South $24^{\circ}24'39''$ East, a distance of 920.75 feet to a
4 calculated point;
- 5 3. South $79^{\circ}09'15''$ East, a distance of 1405.31 feet to a
6 calculated point;
- 7 4. North $37^{\circ}48'57''$ East, a distance of 547.00 feet to a
8 calculated point;
- 9 5. North $78^{\circ}13'54''$ East, a distance of 790.57 feet to a
10 calculated point;
- 11 6. South $85^{\circ}25'34''$ East, a distance of 743.88 feet to a
12 calculated point;
- 13 7. North $25^{\circ}05'23''$ East, a distance of 584.78 feet to a
14 calculated point;
- 15 8. With a curve to the right, having a radius of 3100.00
16 feet, a delta angle of $45^{\circ}46'39''$, an arc length of 2476.80
17 feet, and a chord which bears North $42^{\circ}01'18''$ West, a distance
18 of 2411.45 feet to a calculated point;
- 19 9. North $19^{\circ}07'58''$ West, a distance of 656.27 feet to a
20 calculated point;
- 21 10. With a curve to the right, having a radius of 1100.00
22 feet, a delta angle of $76^{\circ}28'22''$, an arc length of 1468.17
23 feet, and a chord which bears North $19^{\circ}06'13''$ East, a distance
24 of 1361.60 feet to a calculated point;
- 25 11. North $57^{\circ}20'24''$ East, a distance of 242.50 feet to a
26 calculated point;
- 27 12. North $37^{\circ}30'15''$ West, a distance of 500.90 feet to a

- 1 calculated point;
- 2 13. South 57°45'27" West, a distance of 478.16 feet to a
- 3 calculated point;
- 4 14. South 27°19'56" West, a distance of 623.35 feet to a
- 5 calculated point;
- 6 15. South 42°59'51" West, a distance of 629.53 feet to a
- 7 calculated point;
- 8 16. South 70°39'55" West, a distance of 375.85 feet to a
- 9 calculated point;
- 10 17. South 22°59'19" West, a distance of 223.04 feet to a
- 11 calculated point;
- 12 18. South 17°47'02" East, a distance of 692.62 feet to a
- 13 calculated point;
- 14 19. South 30°57'50" West, a distance of 290.24 feet to a
- 15 calculated point;
- 16 20. North 69°13'40" West, a distance of 385.96 feet to a
- 17 calculated point;
- 18 21. North 40°36'05" West, a distance of 516.27 feet to a
- 19 calculated point;
- 20 22. North 13°39'40" East, a distance of 922.05 feet to a
- 21 calculated point;
- 22 23. North 70°31'47" East, a distance of 653.33 feet to a
- 23 calculated point;
- 24 24. North 18°06'14" West, a distance of 340.39 feet to a
- 25 calculated point;
- 26 25. South 68°59'25" West, a distance of 919.78 feet to a
- 27 calculated point;

- 1 26. North 24°46'31" West, a distance of 445.42 feet to a
- 2 calculated point;
- 3 27. North 63°26'06" East, a distance of 1168.67 feet to a
- 4 calculated point;
- 5 28. South 82°49'32" East, a distance of 896.76 feet to a
- 6 calculated point;
- 7 29. North 14°02'10" East, a distance of 153.92 feet to a
- 8 calculated point;
- 9 30. North 67°58'22" West, a distance of 879.26 feet to a
- 10 calculated point;
- 11 31. North 12°12'02" West, a distance of 471.06 feet to a
- 12 calculated point;
- 13 32. North 87°14'27" West, a distance of 517.02 feet to a
- 14 calculated point;
- 15 33. South 06°23'14" West, a distance of 838.95 feet to a
- 16 calculated point;
- 17 34. South 66°53'37" West, a distance of 507.35 feet to a
- 18 calculated point;
- 19 35. North 22°22'48" West, a distance of 686.34 feet to a
- 20 calculated point;
- 21 36. North 53°53'58" West, a distance of 1429.66 feet to a
- 22 calculated point in the centerline of Wilbarger Creek, being
- 23 the southwest line of the 5566.770 acre tract, and the
- 24 northeast line of a 120.01 acre tract described in Volume
- 25 1023, Page 237 of the Deed Records of Travis County, Texas;
- 26 THENCE with the centerline of Wilbarger Creek, being the southwest
- 27 line of the 5566.770 acre tract, and the northeast line of the

1 120.01 acre tract, the following nine (9) courses:

- 2 1. North 06°03'43" West, a distance of 397.88 feet to a
3 calculated point;
- 4 2. North 67°16'36" West, a distance of 108.33 feet to a
5 calculated point;
- 6 3. South 75°45'13" West, a distance of 428.01 feet to a
7 calculated point;
- 8 4. North 79°09'13" West, a distance of 537.38 feet to a
9 calculated point;
- 10 5. North 50°52'06" West, a distance of 392.75 feet to a
11 calculated point;
- 12 6. North 39°13'33" West, a distance of 286.04 feet to a
13 calculated point;
- 14 7. North 37°23'11" West, a distance of 329.57 feet to a
15 calculated point;
- 16 8. North 46°00'34" West, a distance of 289.79 feet to a
17 calculated point;
- 18 9. North 42°25'33" West, a distance of 290.86 feet to a
19 calculated point;

20 THENCE over and across the 5566.770 acre tract, the 54.912 acre
21 tract, the 885.050 acre tract, the 19.149 acre tract, the 758.026
22 acre tract, the 507.061 acre tract, the 112.676 acre tract, and the
23 1164.571 acre tract, the following forty (40) courses:

- 24 1. North 09°08'59" East, a distance of 1504.58 feet to a
25 calculated point;
- 26 2. North 72°10'52" West, a distance of 1581.36 feet to a
27 calculated point;

- 1 3. North 17°49'08" East, a distance of 445.94 feet to a
2 calculated point;
- 3 4. North 47°07'16" East, a distance of 498.98 feet to a
4 calculated point;
- 5 5. North 37°02'18" West, a distance of 1145.83 feet to a
6 calculated point;
- 7 6. North 15°11'43" East, a distance of 470.98 feet to a
8 calculated point;
- 9 7. North 90°00'00" East, a distance of 230.06 feet to a
10 calculated point;
- 11 8. South 30°57'50" East, a distance of 752.54 feet to a
12 calculated point;
- 13 9. South 88°50'34" East, a distance of 555.63 feet to a
14 calculated point;
- 15 10. South 10°36'04" East, a distance of 1067.53 feet to a
16 calculated point;
- 17 11. South 22°24'35" West, a distance of 608.05 feet to a
18 calculated point;
- 19 12. South 72°10'52" East, a distance of 518.87 feet to a
20 calculated point;
- 21 13. North 19°55'06" East, a distance of 778.72 feet to a
22 calculated point;
- 23 14. North 88°46'47" East, a distance of 377.41 feet to a
24 calculated point;
- 25 15. South 37°05'34" East, a distance of 822.20 feet to a
26 calculated point;
- 27 16. South 11°34'03" West, a distance of 1499.22 feet to a

- 1 calculated point;
- 2 17. South $58^{\circ}11'35''$ East, a distance of 2102.28 feet to a
- 3 calculated point;
- 4 18. North $35^{\circ}16'52''$ East, a distance of 1115.32 feet to a
- 5 calculated point;
- 6 19. South $57^{\circ}36'43''$ East, a distance of 1363.00 feet to a
- 7 calculated point;
- 8 20. North $71^{\circ}33'54''$ East, a distance of 1095.63 feet to a
- 9 calculated point;
- 10 21. With a curve to the left, having a radius of 850.00 feet,
- 11 a delta angle of $36^{\circ}17'42''$, an arc length of 538.45 feet, and a
- 12 chord which bears North $53^{\circ}25'03''$ East, a distance of 529.49
- 13 feet to a calculated point;
- 14 22. North $35^{\circ}16'12''$ East, a distance of 522.93 feet to a
- 15 calculated point;
- 16 23. With a curve to the right, having a radius of 650.00
- 17 feet, a delta angle of $43^{\circ}22'31''$, an arc length of 492.08
- 18 feet, and a chord which bears North $56^{\circ}57'27''$ East, a distance
- 19 of 480.41 feet to a calculated point;
- 20 24. With a curve to the left, having a radius of 850.00 feet,
- 21 a delta angle of $45^{\circ}59'56''$, an arc length of 682.41 feet, and a
- 22 chord which bears North $55^{\circ}38'44''$ East, a distance of 664.23
- 23 feet to a calculated point;
- 24 25. With a curve to the right, having a radius of 650.00
- 25 feet, a delta angle of $15^{\circ}53'36''$, an arc length of 180.30
- 26 feet, and a chord which bears North $40^{\circ}35'34''$ East, a distance
- 27 of 179.73 feet to a calculated point;

- 1 26. North $48^{\circ}32'22''$ East, a distance of 243.99 feet to a
2 calculated point;
- 3 27. South $87^{\circ}53'37''$ East, a distance of 705.41 feet to a
4 calculated point;
- 5 28. North $40^{\circ}45'57''$ East, a distance of 2136.64 feet to a
6 calculated point;
- 7 29. With a curve to the left, having a radius of 1900.00
8 feet, a delta angle of $22^{\circ}14'16''$, an arc length of 737.44
9 feet, and a chord which bears North $29^{\circ}38'49''$ East, a distance
10 of 732.82 feet to a calculated point;
- 11 30. With a curve to the right, having a radius of 1600.00
12 feet, a delta angle of $12^{\circ}12'03''$, an arc length of 340.71
13 feet, and a chord which bears North $24^{\circ}37'42''$ East, a distance
14 of 340.07 feet to a calculated point;
- 15 31. North $62^{\circ}06'07''$ West, a distance of 218.71 feet to a
16 calculated point;
- 17 32. North $79^{\circ}22'49''$ West, a distance of 1163.84 feet to a
18 calculated point;
- 19 33. North $52^{\circ}01'42''$ West, a distance of 606.47 feet to a
20 calculated point;
- 21 34. North $25^{\circ}58'28''$ West, a distance of 1517.59 feet to a
22 calculated point;
- 23 35. North $65^{\circ}15'38''$ West, a distance of 1309.58 feet to a
24 calculated point;
- 25 36. North $36^{\circ}31'44''$ West, a distance of 651.51 feet to a
26 calculated point;
- 27 37. North $07^{\circ}31'14''$ West, a distance of 1224.45 feet to a

1 calculated point;
2 38. North 32°33'00" West, a distance of 946.65 feet to a
3 calculated point;
4 39. North 61°27'44" East, a distance of 1606.89 feet to a
5 calculated point;
6 40. South 47°43'25" East, a distance of 806.32 feet to a 5/8"
7 rebar found in a westerly line of the 1164.571 acre tract, for
8 the southwest corner of a 408.48 acre tract described in
9 Volume 1564, Page 319 and Volume 248, Page 498 of the Deed
10 Records of Bastrop County, Texas;
11 THENCE South 47°43'25" East, with the south line of the 408.48 acre
12 tract and a northeasterly line of the 1164.571 acre tract, a
13 distance of 1928.39 feet to a calculated point;
14 THENCE over and across the 1164.571 acre tract and the 507.061 acre
15 tract, the following three (3) courses:
16 1. South 38°42'49" West, a distance of 493.11 feet to a
17 calculated point;
18 2. South 46°27'01" East, a distance of 1528.76 feet to a
19 calculated point;
20 3. South 81°28'08" East, a distance of 962.75 feet to a
21 calculated point in the north line of the 507.061 acre tract,
22 being the south line of the 408.48 acre tract;
23 THENCE South 48°19'36" East, with the north line of the 507.061 acre
24 tract, being the south line of the 408.48 acre tract, a distance of
25 781.94 feet to a 1/2" rebar with cap set for an angle point in said
26 line;
27 THENCE over and across the 507.061 acre tract, the 160.346 acre

1 tract, and the 5566.770 acre tract, and the 100' Union Pacific
2 Railroad right-of-way, the following twenty-one (21) courses:

- 3 1. South 11°34'55" East, a distance of 515.81 feet to a
4 calculated point;
- 5 2. South 52°07'30" East, a distance of 512.21 feet to a
6 calculated point;
- 7 3. South 25°49'14" West, a distance of 1563.95 feet to a
8 calculated point;
- 9 4. South 02°08'03" West, a distance of 752.59 feet to a
10 calculated point;
- 11 5. South 18°10'41" West, a distance of 924.32 feet to a
12 calculated point;
- 13 6. South 23°40'42" East, a distance of 1281.46 feet to a
14 calculated point;
- 15 7. South 15°04'07" West, a distance of 604.81 feet to a
16 calculated point;
- 17 8. South 33°58'48" East, a distance of 1016.87 feet to a
18 calculated point;
- 19 9. South 76°54'29" East, a distance of 794.08 feet to a
20 calculated point;
- 21 10. North 26°05'59" East, a distance of 1877.13 feet to a
22 calculated point;
- 23 11. North 58°17'55" East, a distance of 448.82 feet to a
24 calculated point;
- 25 12. South 73°24'46" East, a distance of 1652.34 feet to a
26 calculated point;
- 27 13. South 62°01'14" East, a distance of 3502.95 feet to a

1 calculated point;
2 14. South 43°06'43" East, a distance of 1021.63 feet to a
3 calculated point;
4 15. South 89°02'43" East, a distance of 1421.13 feet to a
5 calculated point;
6 16. North 76°17'35" East, a distance of 499.72 feet to a
7 calculated point;
8 17. South 86°25'25" East, a distance of 949.14 feet to a
9 calculated point;
10 18. South 57°27'00" East, a distance of 330.12 feet to a
11 calculated point;
12 19. South 30°45'46" East, a distance of 289.38 feet to a
13 calculated point;
14 20. South 06°58'52" West, a distance of 584.55 feet to a
15 calculated point;
16 21. South 82°47'11" East, a distance of 661.94 feet to a 1/2"
17 rebar with cap set in the east line of the 100' Union Pacific
18 Railroad right-of-way, being also in the west line of the
19 2.064 acre tract;
20 THENCE with the east line of the 100' Union Pacific Railroad
21 right-of-way, being also the west line of the 2.064 acre tract, with
22 a curve to the left, having a radius of 1482.37 feet, a delta angle
23 of 01°16'18", an arc length of 32.90 feet, and a chord which bears
24 North 06°36'10" East, a distance of 32.90 feet to a 1/2" rebar with
25 cap set for the northwest corner of the 2.064 acre tract;
26 THENCE North 42°01'01" East, with the north line of the 2.064 acre
27 tract, a distance of 232.14 feet to the POINT OF BEGINNING,

1 containing 2908.28 acres of land, gross acreage, save and except
2 5.595 acres within the Union Pacific Railroad right-of-way, for a
3 net acreage of 2902.685 acres more or less.

4 SECTION 3. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

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

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 4. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2009.

David Dewhurst

President of the Senate

John Strawn

Speaker of the House

I certify that H.B. No. 1841 was passed by the House on May 12, 2009, by the following vote: Yeas 149, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1841 on May 29, 2009, by the following vote: Yeas 146, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1841 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Datsy Spaw

Secretary of the Senate

APPROVED: 19 JUN 09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
7:20 PM 6/19/09

JUN 19 2009

Colby Shuter III