

AN ACT

relating to the creation of the Fairfields Municipal Utility District of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8162 to read as follows:

CHAPTER 8162. FAIRFIELDS MUNICIPAL UTILITY DISTRICT OF KAUFMAN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8162.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fairfields Municipal Utility District of Kaufman County.

Sec. 8162.002. NATURE OF DISTRICT. The district is a municipal utility district in Kaufman County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8162.003. FINDING OF PUBLIC USE AND BENEFIT. The district is created to serve a public use and benefit.

Sec. 8162.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8162.023 before September 1, 2009:

1 (1) the district is dissolved September 1, 2009,
2 except that the district shall:

3 (A) pay any debts incurred;

4 (B) transfer to Kaufman County any assets that
5 remain after the payment of debts; and

6 (C) maintain the organization of the district
7 until all debts are paid and remaining assets are transferred; and

8 (2) this chapter expires September 1, 2012.

9 Sec. 8162.005. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act creating this chapter form a closure. A mistake made in the
14 field notes or in copying the field notes in the legislative process
15 does not affect:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to impose taxes; or

19 (3) the legality or operation of the board.

20 [Sections 8162.006-8162.020 reserved for expansion]

21 SUBCHAPTER A-1. TEMPORARY PROVISIONS

22 Sec. 8162.021. TEMPORARY DIRECTORS. (a) The temporary
23 board consists of:

24 (1) Anthony Francis Apollaro Jr.;

25 (2) John Ryan Brown;

26 (3) Mary Patricia Carson;

27 (4) Paris Milton Rutherford IV; and

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1 (5) Marcus Lee Scroggins.

2 (b) If a temporary director fails to qualify for office, the
3 temporary directors who have qualified shall appoint a person to
4 fill the vacancy. If at any time there are fewer than three
5 qualified temporary directors, the Texas Commission on
6 Environmental Quality shall appoint the necessary number of persons
7 to fill all vacancies on the board.

8 (c) Temporary directors serve until the earlier of:

9 (1) the date directors are elected under Section
10 8162.023; or

11 (2) the date this chapter expires under Section
12 8162.004.

13 Sec. 8162.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall convene the organizational meeting of the
17 district at a location in the district agreeable to a majority of
18 the directors. If a location cannot be agreed upon, the
19 organizational meeting shall be at the Kaufman County Courthouse.

20 Sec. 8162.023. CONFIRMATION AND INITIAL DIRECTORS'
21 ELECTION. The temporary directors shall hold an election to
22 confirm the creation of the district and to elect five directors as
23 provided by Section 49.102, Water Code.

24 Sec. 8162.024. INITIAL ELECTED DIRECTORS; TERMS. The
25 directors elected under Section 8162.023 shall draw lots to
26 determine which two shall serve until the first regularly scheduled
27 election of directors and which three shall serve until the second

1 regularly scheduled election of directors.

2 Sec. 8162.025. EXPIRATION OF SUBCHAPTER. This subchapter
3 expires September 1, 2012.

4 [Sections 8162.026-8162.050 reserved for expansion]

5 SUBCHAPTER B. BOARD OF DIRECTORS

6 Sec. 8162.051. DIRECTORS; TERMS. (a) The district is
7 governed by a board of five directors.

8 (b) Directors serve staggered four-year terms.

9 [Sections 8162.052-8162.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8162.101. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 8162.102. ROAD PROJECTS. (a) The district may
17 construct, acquire, improve, maintain, or operate macadamized,
18 graveled, or paved roads or improvements in aid of those roads.

19 (b) A road project must meet all applicable construction
20 standards, zoning and subdivision requirements, and regulations of
21 each municipality in whose corporate limits or extraterritorial
22 jurisdiction the district is located. If the district is not
23 located in the corporate limits or extraterritorial jurisdiction of
24 a municipality, a road project must meet all applicable
25 construction standards, zoning and subdivision requirements, and
26 regulations of each county in which the district is located.

27 (c) The district may not undertake a road project unless

1 each municipality in whose corporate limits or extraterritorial
2 jurisdiction the district is located consents by resolution. If
3 the district is not located in the corporate limits or
4 extraterritorial jurisdiction of a municipality, the district may
5 not undertake a road project unless each county in which the
6 district is located consents by resolution.

7 Sec. 8162.103. ROAD CONTRACTS. The district may contract
8 for a road project in the manner provided by Subchapter I, Chapter
9 49, Water Code.

10 [Sections 8162.104-8162.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8162.151. OPERATION AND MAINTENANCE TAX. The district
13 may impose a tax for any district operation and maintenance purpose
14 in the manner provided by Section 49.107, Water Code.

15 Sec. 8162.152. TAX TO REPAY BONDS. The district may impose
16 a tax to pay the principal of and interest on bonds issued under
17 Section 8162.201.

18 Sec. 8162.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
19 ASSESSMENTS. The district may not impose an impact fee or
20 assessment on the property, including the equipment,
21 rights-of-way, facilities, or improvements, of:

22 (1) an electric utility or a power generation company
23 as defined by Section 31.002, Utilities Code;

24 (2) a gas utility as defined by Section 101.003 or
25 121.001, Utilities Code;

26 (3) a telecommunications provider as defined by
27 Section 51.002, Utilities Code;

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1 (4) a cable operator as defined by 47 U.S.C. Section
2 522; or

3 (5) a person who provides to the public advanced
4 telecommunications services.

5 [Sections 8162.154-8162.200 reserved for expansion]

6 SUBCHAPTER E. BONDS

7 Sec. 8162.201. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. (a) The district may issue bonds or other
9 obligations as provided by Chapters 49 and 54, Water Code, and to
10 finance the construction, maintenance, or operation of projects
11 under Section 8162.102.

12 (b) The district may issue bonds or other obligations
13 payable wholly or partly from ad valorem taxes, impact fees,
14 revenue, grants, or other district money.

15 (c) The district may not issue bonds or other obligations
16 secured wholly or partly by ad valorem taxation to finance projects
17 authorized by Section 8162.102 unless the issuance is approved by a
18 vote of a two-thirds majority of district voters voting at an
19 election called for that purpose.

20 (d) Bonds or other obligations issued or incurred to finance
21 projects authorized by Section 8162.102 may not exceed one-fourth
22 of the assessed value of the real property in the district.

23 [Sections 8162.202-8162.250 reserved for expansion]

24 SUBCHAPTER F. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

25 Sec. 8162.251. DIVISION OF DISTRICT; REQUIREMENTS. (a) At
26 any time before the district issues indebtedness secured by taxes
27 or net revenue, the district may be divided into two or more new

1 districts.

2 (b) A new district created by division of the district must
3 be at least 100 acres.

4 (c) Any new district created by the division of the district
5 may not, at the time the new district is created, contain any land
6 outside the area described by Section 2 of the Act creating this
7 chapter.

8 (d) The board may consider a proposal to divide the district
9 on:

10 (1) a petition of a landowner in the district; or

11 (2) a motion by the board.

12 (e) If the board decides to divide the district, the board
13 shall:

14 (1) set the terms of the division, including names for
15 the new districts and a plan for the payment or performance of any
16 outstanding district obligations; and

17 (2) prepare a metes and bounds description for each
18 proposed district.

19 Sec. 8162.252. ELECTION FOR DIVISION OF DISTRICT.

20 (a) After the board has complied with Section 8162.251(e), the
21 board shall hold an election in the district to determine whether
22 the district should be divided as proposed.

23 (b) The board shall give notice of the election not later
24 than the 35th day before the date of the election. The notice must
25 state:

26 (1) the date and location of the election; and

27 (2) the proposition to be voted on.

1 (c) If a majority of the votes cast are in favor of the
2 division:

3 (1) the district is divided; and

4 (2) not later than the 30th day after the date of the
5 election, the district shall provide written notice of the division
6 to:

7 (A) the Texas Commission on Environmental
8 Quality;

9 (B) the attorney general;

10 (C) the commissioners court of each county in
11 which a new district is located; and

12 (D) any municipality having extraterritorial
13 jurisdiction over territory in each new district.

14 (d) If a majority of the votes cast are not in favor of the
15 division, the district may not be divided.

16 Sec. 8162.253. ELECTION OF DIRECTORS OF NEW DISTRICTS.

17 (a) Not later than the 90th day after the date of an election in
18 favor of the division of the district, the board shall:

19 (1) appoint itself as the board of one of the new
20 districts; and

21 (2) appoint five directors for each of the other new
22 districts.

23 (b) Directors appointed under Subsection (a)(1) serve the
24 staggered terms to which they were elected in the original
25 district. Directors appointed under Subsection (a)(2) serve until
26 the election for directors under Subsection (c).

27 (c) On the uniform election date in May of the first

1 even-numbered year after the year in which the directors are
2 appointed, the appointed board shall hold an election to elect five
3 directors in each district for which directors were appointed under
4 Subsection (a)(2). The directors shall draw lots to determine
5 which two shall serve until the next regularly scheduled election
6 of directors and which three shall serve until the second regularly
7 scheduled election of directors.

8 Sec. 8162.254. CONTINUING POWERS AND OBLIGATIONS OF NEW
9 DISTRICTS. (a) Each new district may incur and pay debts and has
10 all powers of the original district created by this chapter.

11 (b) If the district is divided as provided by this
12 subchapter, the current obligations and any bond authorizations of
13 the district are not impaired. Debts shall be paid by revenue or by
14 taxes or assessments imposed on real property in the district as if
15 the district had not been divided or by contributions from each new
16 district as stated in the terms set by the board under Section
17 8162.251(e).

18 (c) Any other district obligation is divided pro rata among
19 the new districts on an acreage basis or on other terms that are
20 satisfactory to the new districts.

21 Sec. 8162.255. CONTRACT AUTHORITY OF NEW DISTRICTS. The
22 new districts may contract with each other for:

- 23 (1) water and wastewater services; or
- 24 (2) any other matter the boards of the new districts
- 25 consider appropriate.

26 SECTION 2. The Fairfields Municipal Utility District of
27 Kaufman County initially includes all the territory contained in

1 the following described area:
2 TRACT 1
3 BEING a tract of and situated in the Benjamin Kimberling Survey,
4 Abstract No. 265, Joseph Russell Survey, Abstract No. 429, William
5 Clement Survey, Abstract No. 104, Hudson Tabor Survey, Abstract No.
6 542, J. H. Hamilton Survey, Abstract No. 207, A. J. Paschall Survey,
7 Abstract No. 396, E. Helmstetter Survey, Abstract No. 229, W. C.
8 Moody Survey, Abstract No. 322, William McMurry Survey, Abstract
9 No. 348, and the James W. Cude Survey, Abstract No. 90, Kaufman
10 County, Texas, and being a portion of a 834.0416 acre tract of land
11 as described in instrument to H. L. Hunt and recorded in Volume 318,
12 Page 542, a portion of a tract of land as described in instrument to
13 Hunt Oil Company and recorded in Volume 458, Page 2, all of a tract
14 of land as described in instrument to H. L. Hunt as recorded in
15 Volume 1034, Page 877, all of a tract of land as described in
16 instrument to Hunt Oil Company and recorded in Volume 2466, Page
17 210, a portion of a tract of land to H. L. Hunt as described in
18 instrument Volume 322, Page 182, all of a tract of land as described
19 in instrument to H. L. Hunt and recorded in Volume 328, Page 299,
20 all of a tract of land as described in instrument to Hunt Oil
21 Company and recorded in Volume 482, Page 410, all of a tract of land
22 as described in instrument to Hunt Oil Company and recorded in
23 Volume 2484, Page 320, all of a tract of land as described in
24 instrument to Hunt Oil Company and recorded in Volume 2489, Page
25 349, all of a tract of land as described in instrument to Hunt Oil
26 Company and recorded in Volume 2468, Page 127, all of the Deed
27 Records of Kaufman County, Texas, and being more particularly

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1 described as follows:

2 BEGINNING at concrete right-of-way monument found at the
3 intersection of the southerly right-of-way line of the Union
4 Pacific Railroad (formerly the Texas & Pacific Railroad) with the
5 westerly right-of-way line of Farm-to-Market Highway No. 429 (F.M.
6 429), a 90 foot wide right-of-way as established by instrument
7 recorded in Volume 355, Page 203 of the Deed Records of Kaufman
8 County, Texas;

9 THENCE, along the westerly right-of-way line of said F.M. 429,
10 South 03 degrees 04 minutes 11 seconds East a distance of 3,527.31
11 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
12 the beginning of a curve to the left having a radius of 565.87 feet;

13 THENCE, continuing along the southwesterly right-of-way line of
14 F.M. 429 and along said curve to the left through a central angle of
15 43 degrees 43 minutes 48 seconds, an arc length of 431.89 feet,
16 being subtended by a chord of South 24 degrees 56 minutes 05 seconds
17 East a distance of 421.48 feet to a 5/8 inch iron rod set with cap
18 stamped "Huitt-Zollars";

19 THENCE, South 46 degrees 47 minutes 59 seconds East continuing
20 along the Southwesterly right-of-way line of F.M. 429 a distance of
21 2,248.36 feet to a 3/8 inch iron rod found for the most Northerly
22 corner of a 5 acre tract of land as described in General Warranty
23 Deed to Harless Steven Rattan and wife, Reva O. Rattan as recorded
24 in Volume 1881, Page 1, Deed Records of Kaufman County, Texas;

25 THENCE, departing the Southwesterly right-of-way line of said FM
26 429, South 43 degrees 22 minutes 31 seconds West along the
27 Northwesterly line of said Rattan Tract, a distance of 838.79 feet

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1 to a 3/8 inch iron rod found for the most Westerly corner of said
2 Rattan Tract;

3 THENCE, South 46 degrees 46 minutes 43 seconds East a distance of
4 259.56 feet to a point for a corner on the southeasterly line of
5 said McCaghren Tract, from which a 3/8 inch iron rod found bears
6 North 87 degrees 13 minutes 08 seconds East, a distance of 0.68 feet
7 and a second 3/8 inch iron rod found bears South 49 degrees 11
8 minutes 33 seconds West, a distance of 2.24 feet;

9 THENCE, South 43 degrees 21 minutes 30 seconds West a distance of
10 1,275.46 feet to a 5/8 inch iron rod set with cap stamped
11 "Huitt-Zollars" at the North corner of said tract of land to H. L.
12 Hunt, as recorded in Volume 1034, Page 877, said point being the
13 North corner of the said William Clements Survey;

14 THENCE, South 47 degrees 03 minutes 28 seconds East with the
15 Northeast line of the said William Clements Survey and continuing
16 with the Northerly Northeast line of the said Joseph Russell Survey
17 a distance of 5,301.60 feet to a bent 5/8 iron rod found, said rod
18 being in the Northwest line of the H. L. Hunt tract as described in
19 Volume 318, Page 542;

20 THENCE, North 43 degrees 07 minutes 35 seconds East along the
21 Northwest line of the H. L. Hunt tract as described in Volume 318,
22 Page 542 a distance of 3,067.25 feet to a 5/8 inch iron rod set with
23 cap stamped "Huitt-Zollars" in the Southwest right-of-way line of
24 F.M. 429 and being the beginning of a non-tangent curve to the left
25 having a radius of 1,190.92 feet;

26 THENCE, in a Southeasterly direction along the Southwest
27 right-of-way line of F.M. 429 along said curve to the left through a

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1 central angle of 04 degree 12 minutes 53 seconds, an arc length of
2 87.61 feet, being subtended by a chord of South 73 degrees 11
3 minutes 23 seconds East a distance of 87.59 feet to a 5/8 inch iron
4 rod set with cap stamped "Huitt-Zollars" in a North line of said H.
5 L. Hunt tract as described in Volume 318, Page 542;
6 THENCE, South 58 degrees 51 minutes 00 seconds East along the North
7 line of the last mentioned H. L. Hunt tract a distance of 58.41 feet
8 to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at the
9 beginning of a curve to the left having a radius of 364.54 feet;
10 THENCE, continuing along the North line of the last mentioned H. L.
11 Hunt tract along said curve to the left through a central angle of
12 56 degrees 25 minutes 53 seconds, an arc length of 359.04 feet,
13 being subtended by a chord of South 87 degrees 03 minutes 57 seconds
14 East a distance of 344.70 feet to a 5/8 inch iron rod set with cap
15 stamped "Huitt-Zollars" in the Southwest right-of-way line of F. M.
16 429;
17 THENCE, continuing along the Southwest right-of-way line of F.M.
18 429 the following courses and distances:
19 South 86 degrees 09 minutes 28 seconds East a distance of 77.03 feet
20 to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at the
21 beginning of a curve to the right having a radius of 671.20 feet;
22 along said curve to the right through a central angle of 40 degrees
23 09 minutes 57 seconds, an arc length of 470.53 feet, being subtended
24 by a chord of South 66 degrees 04 minutes 29 seconds East a distance
25 of 460.95 feet to a 5/8 inch iron rod set with cap stamped
26 "Huitt-Zollars";
27 South 45 degrees 59 minutes 30 seconds East a distance of 2,629.80

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1 feet to a point for corner, from which a concrete Texas Department
2 of Transportation (TxDOT) monument found bears North 37 degrees 36
3 minutes 31 seconds East, 0.48 feet, said point being the beginning
4 of a non-tangent curve to the right having a radius of 2,819.79
5 feet;
6 along said curve to the right through a central angle of 06 degrees
7 48 minutes 00 seconds, an arc length of 334.66 feet, being subtended
8 by a chord of South 42 degrees 35 minutes 30 seconds East a distance
9 of 334.46 feet to a point for corner, from which a concrete Texas
10 Department of Transportation (TxDOT) monument found bears North 71
11 degrees 55 minutes 44 seconds West, 0.48 feet;
12 South 39 degrees 11 minutes 30 seconds East a distance of 115.12
13 feet to a point for corner, from which a concrete Texas Department
14 of Transportation (TxDOT) monument found bears North 14 degrees 10
15 minutes 37 seconds West, 0.26 feet, said point being the beginning
16 of a curve to the left having a radius of 2,909.79 feet;
17 along said curve to the left through a central angle of 06 degrees
18 12 minutes 00 seconds, an arc length of 314.87 feet, being subtended
19 by a chord of South 42 degrees 17 minutes 30 seconds East a distance
20 of 314.72 feet to a 5/8 inch iron rod set with cap stamped
21 "Huitt-Zollars";
22 South 45 degrees 23 minutes 30 seconds East a distance of 705.00
23 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
24 the beginning of a curve to the left having a radius of 2,909.83
25 feet;
26 along said curve to the left through a central angle of 05 degrees
27 27 minutes 28 seconds, an arc length of 277.18 feet, being subtended

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1 by a chord of South 48 degrees 06 minutes 43 seconds East a distance
2 of 277.07 feet to a 5/8 inch iron rod set with cap stamped
3 "Huitt-Zollars";
4 South 50 degrees 32 minutes 30 seconds East a distance of 154.67
5 feet to a point for corner, from which a concrete Texas Department
6 of Transportation (TxDOT) monument found bears North 66 degrees 02
7 minutes 36 seconds West, 0.30 feet at the beginning of a curve to
8 the right having a radius of 1,387.64 feet;
9 along said curve to the right through a central angle of 07 minutes
10 40 minutes 00 seconds, an arc length of 185.68 feet, being subtended
11 by a chord of South 46 degrees 42 minutes 30 seconds East a distance
12 of 185.54 feet to a 5/8 inch iron rod set with cap stamped
13 "Huitt-Zollars"
14 South 42 degrees 52 minutes 30 seconds East a distance of 316.47
15 feet to a point for corner, said point being in Northwest line of a
16 tract of land described in instrument to Ernest V. Rogers and wife,
17 Cynthia Sue Rogers and recorded in Volume 952, Page 788 of the Deed
18 Records of Kaufman County, Texas, from which a 1/2 inch iron rod
19 found bears South 44 degrees 48 minutes 38 seconds, 0.48 feet;
20 THENCE, South 44 degrees 48 minutes 38 seconds West along the
21 Northwest line of the said Rogers and the southeast line of the said
22 H. L. Hunt tract as described in Volume 458, Page 2, a distance of
23 2,422.47 feet to a fence corner post;
24 THENCE, North 45 degrees 19 minutes 53 seconds West a distance of
25 1,756.49 feet to a fence corner post;
26 THENCE, South 42 degrees 59 minutes 38 seconds West a distance of
27 1,465.41 feet to a fence corner post;

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1 THENCE, South 46 degrees 07 minutes 41 seconds East a distance of
2 1,642.52 feet to a fence corner post;
3 THENCE, South 43 degrees 02 minutes 42 seconds West a distance of
4 888.12 feet to a 10" Hackberry Tree found on the north line of
5 Interstate Highway 20;
6 THENCE, along the north right-of-way line of Interstate Highway 20
7 the following courses and distance:
8 North 74 degrees 59 minutes 38 seconds West a distance of 2,680.90
9 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
10 North 75 degrees 26 minutes 04 seconds West a distance of 1,300.04
11 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
12 North 74 degrees 59 minutes 38 seconds West a distance of 1,600.00
13 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
14 North 66 degrees 27 minutes 38 seconds West a distance of 303.36
15 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
16 North 27 degrees 15 minutes 38 seconds West a distance of 148.64
17 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
18 North 35 degrees 13 minutes 22 seconds East a distance of 249.92
19 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
20 North 44 degrees 22 minutes 22 seconds East a distance of 107.90
21 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
22 North 45 degrees 51 minutes 38 seconds West a distance of 368.81
23 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars at
24 the most Westerly Northwest corner of a tract of land as described
25 in instrument to H. L. Hunt and recorded in Volume 318, Page 542;
26 THENCE, North 43 degrees 06 minutes 41 seconds East along the
27 northwest line of said H. L. Hunt tract as recorded in Volume 318,

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1 Page 542 a distance of 24.21 feet to a 5/8 inch iron rod set with cap
2 stamped "Huitt-Zollars at the south corner of said H. L. Hunt tract
3 as recorded in Volume 1034, Page 877;
4 THENCE, North 46 degrees 18 minutes 38 seconds West along the
5 Southwest line of said H. L. Hunt tract as recorded in Volume 1034,
6 Page 877 a distance of 5,289.65 feet to a 1/2 iron rod found at the
7 west corner of the last mentioned H. L. Hunt tract;
8 THENCE, North 43 degrees 04 minutes 01 seconds East along the
9 Northwest line of the last mentioned H. L. Hunt tract a distance of
10 0.56 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars
11 in the north right-of-way line of Airport Road as established by
12 instrument to the City of Terrell for road right-of-way dated July
13 27, 2004;
14 THENCE, along the North right-of-way line of Airport Road the
15 following courses and distances:
16 North 46 degrees 42 minutes 19 seconds West a distance of 136.81
17 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
18 North 46 degrees 21 minutes 25 seconds West a distance of 480.30
19 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
20 North 46 degrees 08 minutes 50 seconds West a distance of 582.25
21 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
22 North 46 degrees 42 minutes 43 seconds West a distance of 195.07
23 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
24 North 48 degrees 12 minutes 12 seconds West a distance of 100.52
25 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;
26 North 49 degrees 05 minutes 54 seconds West a distance of 151.43
27 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars;

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1 North 45 degrees 04 minutes 36 seconds West a distance of 1,121.91
2 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars in
3 the Northwest line of the said Hunt Oil Company tract as recorded in
4 Volume 2466, Page 210;
5 THENCE, South 43 degrees 35 minutes 44 seconds West along the
6 Northwest line of the last mentioned Hunt Oil Company tract a
7 distance of 91.96 feet to a cut cross found in concrete at the West
8 corner of the said Hunt Oil Company tract as recorded in Volume
9 2466, Page 210, said corner also being the south corner of the said
10 H. L. Hunt tract as recorded in Volume 328, Page 299;
11 THENCE, North 42 degrees 27 minutes 27 seconds West along the
12 Southwest line of the said H. L. Hunt tract as recorded in Volume
13 328, Page 299 a distance of 769.09 feet to a 5/8 inch iron rod set
14 with cap stamped "Huitt-Zollars;
15 THENCE, North 46 degrees 19 minutes 18 seconds West continuing
16 along the Southwest line of the last mention H. L. Hunt tract a
17 distance of 2,272.73 feet to a cut cross set in concrete at the west
18 corner of the last mentioned H. L. Hunt tract;
19 THENCE, North 64 degrees 21 minutes 57 seconds East along a
20 Northwest line of the last mention H. L. Hunt tract a distance of
21 1,775.49 feet to a fence corner, same being a large tree;
22 THENCE, North 30 degrees 23 minutes 40 seconds East along a West
23 line of the last mention H. L. Hunt tract a distance of 166.50 feet
24 to a railroad spike set in tree root;
25 THENCE, North 14 degrees 01 minute 46 seconds West continuing along
26 a Southwest line of the last mention H. L. Hunt tract a distance of
27 226.95 feet to a 5/8 inch iron rod set with cap stamped

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1 "Huitt-Zollars in fence line;
2 THENCE, North 21 degrees 49 minutes 11 seconds West continuing
3 along a Southwest line of the last mention H. L. Hunt tract and
4 along a fence line a distance of 294.75 feet to a fence corner post;
5 THENCE, North 27 degrees 38 minutes 46 seconds West continuing
6 along a Southwest line of the last mention H. L. Hunt tract and
7 along a fence line a distance of 785.05 feet to a fence corner post;
8 THENCE, North 25 degrees 07 minutes 59 seconds West continuing
9 along a Southwest line of the last mention H. L. Hunt tract and
10 along a fence a distance of 520.74 feet to a 1/2 iron rod found with
11 cap stamped "Neagles RPLS 5239";
12 THENCE, North 73 degrees 05 minutes 55 seconds West a distance of
13 742.11 feet to a 5/8 inch iron rod found;
14 THENCE, South 64 degrees 39 minutes 12 seconds West continuing a
15 Southeast line of the last mention H. L. Hunt tract a distance of
16 382.45 feet to a fence corner post;
17 THENCE, North 46 degrees 40 minutes 18 seconds West continuing
18 along a Southwest line of the last mention H. L. Hunt tract and
19 along a fence line and an extension thereof a distance of 287.37
20 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars in
21 the centerline of a road at the most northerly west corner of the
22 last mentioned H. L. Hunt tract, from which a 1/2 inch iron rod
23 found bears North 63 degrees 28 minutes 24 seconds West, 2.38 feet;
24 THENCE, North 43 degrees 13 minutes 19 seconds East along a
25 Northwest line of the last mentioned H.L. Hunt and along the
26 centerline of a road a distance of 1,259.54 feet to a 5/8 inch iron
27 rod set with cap stamped "Huitt-Zollars in the centerline of

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1 College Mound Road;
2 THENCE, South 47 degrees 34 minutes 51 seconds East along a
3 Northeast line of the last mentioned H.L. Hunt and along the
4 centerline of College Mound Road a distance of 1,080.86 feet to a
5 5/8 inch iron rod set with cap stamped "Hultt-Zollars;
6 THENCE, South 73 degrees 23 minutes 16 seconds East continuing
7 along a Northerly line of the last mentioned H.L. Hunt and along the
8 centerline of College Mound Road a distance of 691.14 feet to a
9 metal bar found in the center of a wooden bridge, same being the
10 centerline of Kings Creek;
11 THENCE, North 13 degrees 19 minutes 44 seconds East along the
12 centerline of Kings Creek a distance of 30.33 feet to the Southeast
13 corner of the Greenbelt Addition, recorded in Cabinet 1, Sleeve 324
14 of the Plat Records of Kaufman County, Texas;
15 THENCE, with the Northeasterly line of the said Greenbelt Addition
16 and the centerline of Kings Creek the following courses and
17 distances:
18 North 09 degrees 03 minutes 42 seconds East a distance of 47.11 feet
19 to a point for corner;
20 North 36 degrees 13 minutes 18 seconds West a distance of 36.15 feet
21 to a point for corner;
22 North 74 degrees 58 minutes 16 seconds West a distance of 307.46
23 feet to a point for corner;
24 North 02 degrees 53 minutes 41 seconds West a distance of 38.38 feet
25 to a point for corner;
26 North 44 degrees 58 minutes 25 seconds East a distance of 107.34
27 feet to a point for corner;

Due
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1 North 02 degrees 08 minutes 44 seconds East a distance of 45.54 feet
2 to a point for corner;
3 North 42 degrees 29 minutes 01 second West a distance of 100.80 feet
4 to a point for corner;
5 North 34 degrees 15 minutes 02 seconds East a distance of 116.47
6 feet to a point for corner;
7 North 10 degrees 59 minutes 15 seconds East a distance of 55.00 feet
8 to a point for corner;
9 North 31 degrees 10 minutes 25 seconds West a distance of 171.33
10 feet to a point for corner;
11 North 25 degrees 01 minutes 25 seconds East a distance of 70.09 feet
12 to a point for corner;
13 North 74 degrees 52 minutes 25 seconds East a distance of 120.41
14 feet to a point for corner;
15 North 01 degree 02 minutes 44 seconds East a distance of 52.80 feet
16 to a point for corner;
17 North 18 degrees 07 minutes 02 seconds West a distance of 111.02
18 feet to a point for corner;
19 North 40 degrees 43 minutes 56 seconds East a distance of 40.31 feet
20 to the confluence of Kings Creek and a branch for corner;
21 THENCE, with the Northeasterly line of the said Greenbelt Addition
22 and the centerline of Branch the following courses and distances:
23 North 14 degrees 09 minutes 42 seconds West a distance of 122.13
24 feet to a point for corner;
25 North 73 degrees 19 minutes 07 seconds West a distance of 22.83 feet
26 to a point for corner;
27 North 45 degrees 24 minutes 53 seconds West a distance of 127.01

Over
Tree

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1 feet to a point for corner;
2 North 07 degrees 38 minutes 33 seconds West a distance of 15.00 feet
3 to a point for corner;
4 North 49 degrees 28 minutes 56 seconds West a distance of 46.17 feet
5 to a point for corner;
6 North 18 degrees 48 minutes 09 seconds West a distance of 59.93 feet
7 to a point for corner;
8 North 34 degrees 18 minutes 35 seconds West a distance of 203.21
9 feet to a point for corner;
10 North 74 degrees 55 minutes 58 seconds West a distance of 73.06 feet
11 to a point for corner;
12 North 37 degrees 01 minute 03 seconds West a distance of 284.75 feet
13 to the north corner of said Greenbelt Addition;
14 THENCE, South 42 degrees 27 minutes 36 seconds West along the
15 northwest side of the said Greenbelt Addition a distance of 48.18
16 feet to a fence corner post, said post being in the southwest line
17 of the Hunt Oil Company tract as recorded in Volume 482, Page 410;
18 THENCE, North 46 degrees 55 minutes 28 seconds West along a
19 southwest line of the last mentioned Hunt Oil Company tract and
20 along a fence line a distance of 2,111.39 feet to a fence corner
21 post;
22 THENCE, North 51 degrees 15 minutes 08 seconds East along a
23 northwesterly line of the last mentioned Hunt Oil Company tract and
24 along a fence line passing at 310.00 feet a 5/8 inch iron rod set, in
25 all a distance of 320.00 feet to an inner ell corner of the Hunt Oil
26 Company tract as recorded in Volume 482, Page 410;
27 THENCE, North 63 degrees 38 minutes 20 seconds West along a

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1 southwest line of the last mentioned Hunt Oil Company tract a
2 distance of 324.26 feet to a 5/8 inch iron rod set with cap stamped
3 "Huitt-Zollars";
4 THENCE, North 61 degrees 09 minutes 01 second West continuing along
5 a southwest line of the last mentioned Hunt Oil Company tract a
6 distance of 445.60 feet to a fence corner post in the southerly
7 right-of-way line of the Union Pacific Railroad spur, said post
8 being the beginning of a non-tangent curve to the right having a
9 radius of 795.00 feet;
10 THENCE, along the southerly right-of-way line of the Texas &
11 Pacific Railroad spur and along a curve to the right through a
12 central angle of 20 degrees 21 minutes 36 seconds, an arc length of
13 282.50 feet, being subtended by a chord of North 77 degrees 21
14 minutes 05 seconds East a distance of 281.02 feet to a 5/8 inch iron
15 rod set with cap stamped "Huitt-Zollars" in the south right-of-way
16 line of the Union Pacific Railroad, a 100.00 foot wide
17 right-of-way;
18 THENCE, South 82 degrees 57 minutes 54 seconds East along the south
19 right-of-way line of the Union Pacific Railroad a distance of
20 3,744.63 feet to a 5/8 inch iron rod set with cap stamped
21 "Huitt-Zollars" at the northwest corner of a tract of land as
22 described in instrument to Texas Power and Light Company as
23 recorded in Volume 526, Page 665 of the Deed Records of Kaufman
24 County, Texas;
25 THENCE, South 11 degrees 36 minutes 24 seconds West departing the
26 south right-of-way line of the Union Pacific Railroad and along the
27 west line of the said Texas Power and Light Company tract a distance

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1 of 300.79 feet to a 5/8 inch iron rod set with cap stamped
2 "Huitt-Zollars" at the southwest corner of the said Texas Power and
3 Light Company Tract;

4 THENCE, along the southerly line of said Texas Power and Light
5 Company Tract, South 83 degrees 00 minutes 21 seconds East along the
6 south line of the said Texas Power and Light Company tract passing
7 at 110.00 feet a concrete Texas Power & Light Company monument with
8 a brass cap found at the southeast corner of the last mentioned
9 Texas Power and Light Company tract, said monument also being the
10 southwest corner of a tract of land as described in instrument to
11 Texas Power & Light Company as recorded in Volume 195, Page 158 of
12 the Deed Records of Kaufman County, Texas, in all a distance of
13 410.66 feet to a galvanized steel post in concrete stamped "T P & L
14 Co. prop. corner" at the southeast corner of said Texas Power and
15 Light Company Tract;

16 THENCE, along the easterly line of said Texas Power and Light
17 Company Tract (Vol. 195, Page 158) and continuing along the
18 aforementioned Texas Power and Light Company Tract (Vol. 206, Page
19 380) North 11 degrees 27 minutes 59 seconds East a distance of
20 300.44 feet (Deed North 13 degrees 27 minutes 16 seconds East,
21 300.00 feet) to a one inch iron rod found in the south right-of-way
22 line of the Union Pacific Railroad;

23 THENCE, South 82 degrees 57 minutes 54 seconds East along the south
24 right-of-way line of the Union Pacific Railroad a distance of
25 2,270.17 feet to the POINT OF BEGINNING and CONTAINING 2,352.6
26 acres of land, more or less.

27 TRACT 2

S.B. No. 323

1 BEING a tract of land situated in the Benjamin Kimberling Survey,
2 Abstract No. 265, Kaufman County, Texas, and being a portion of a
3 834.0416 acre tract of land as described in instrument to H. L. Hunt
4 as recorded in Volume 318, Page 542, subsequently deeded to Hunt Oil
5 Company in Volume 427, Page 119 of the Deed Records of Kaufman
6 County, Texas, and being a portion of a 22.634 acre tract of land as
7 described in instrument to Hunt Oil Company as recorded in Volume
8 2622, Page 444 of the Deed Records of Kaufman County, Texas, and
9 being all of a 65.24 acre tract of land as described in instrument
10 to Hunt Oil Company as recorded in Volume 2723, Page 294 of the Deed
11 Records of Kaufman County, Texas, and being more particularly
12 described as follows:

13 BEGINNING 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
14 the intersection of the south right-of-way line of Interstate
15 Highway 20, a variable width right-of-way, with the east line of the
16 Kaufman-Van Zandt Baptist Area Church, Inc. tract as described in
17 instrument recorded in Volume 1470, Page 1 of the Deed Records of
18 Kaufman County, Texas;

19 THENCE, along the south right-of-way of Interstate Highway 20 the
20 following:

21 South 74 degrees 59 minutes 38 seconds East a distance of 1,388.56
22 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars";

23 South 74 degrees 06 minutes 45 seconds East a distance of 1,300.15
24 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars",
25 from which a Texas Department of Transportation concrete highway
26 monument found bears South 33 degrees 20 minutes 55 seconds East,
27 1.16 feet;

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1 South 74 degrees 59 minutes 38 seconds East a distance of 2,473.19
2 feet to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" in
3 a southeast line of the said H. L. Hunt tract, from which a Texas
4 Department of Transportation concrete highway monument found bears
5 South 78 degrees 07 minutes 55 seconds East, 1.47 feet;
6 South 74 degrees 59 minutes 38 seconds East a distance of 326.81
7 feet to a five-eighths inch iron rod set with cap stamped
8 "Huitt-Zollars", from which a TxDOT concrete monument found bears
9 South 84 degrees 10 minutes 06 seconds East, 1.13 feet;
10 South 74 degrees 30 minutes 59 seconds East a distance of 600.02
11 feet to a point for corner, from which a TxDOT concrete monument
12 found bears North 47 degrees 49 minutes 51 seconds East, 0.33 feet;
13 South 74 degrees 59 minutes 38 seconds East a distance of 600.00
14 feet to a point for corner, from which a TxDOT concrete monument
15 found bears South 75 degrees 52 minutes 04 seconds East, 0.48 feet;
16 South 73 degrees 33 minutes 42 seconds East a distance of 400.12
17 feet to a point for corner, from which a TxDOT concrete monument
18 found bears North 13 degrees 14 minutes 53 seconds East, 0.48 feet;
19 South 74 degrees 59 minutes 38 seconds East a distance of 78.53 feet
20 to a five-eighths inch iron rod found with cap stamped
21 "Huitt-Zollars" in the southeasterly line of said Hunt Oil Company
22 tract (Vol. 2723, Pg. 294);
23 THENCE, South 46 degrees 58 minutes 57 seconds West along the
24 southeast line of the last mentioned Hunt Oil Company tract a
25 distance of 2,162.15 feet to a fence corner post at the south corner
26 of the said last mentioned Hunt Oil Company tract;
27 THENCE, North 46 degrees 30 minutes 03 seconds West along the

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1 southwest line of the last mentioned Hunt Oil Company tract a
2 distance of 1,628.60 feet to a fence corner post at the west corner
3 of the last mentioned Hunt Oil Company tract, said corner also being
4 a south corner of the said Hunt Oil Company Tract (Vol. 427, Pg.
5 119) and the west corner of said Hunt Oil Company tract (Vol. 2723,
6 Pg. 294);

7 THENCE, North 46 degrees 52 minutes 48 seconds West along a
8 southwest line of the said Hunt Oil Company tract (Vol. 427, Pg.
9 119) and along a fence line a distance of 744.85 feet to the
10 southeast line of the said Hunt Oil Company tract (Vol. 2622, Pg.
11 444);

12 THENCE, South 44 degrees 33 minutes 51 seconds West along a
13 southeast of the last mentioned Hunt Oil Company tract a distance of
14 1,374.94 feet to a 5/8 inch iron rod set with cap stamped
15 "Huitt-Zollars";

16 THENCE, North 46 degrees 22 minutes 46 seconds West a distance of
17 200.00 feet to a five-eighths inch iron rod found with cap stamped
18 "Huitt-Zollars";

19 THENCE, South 44 degrees 33 minutes 51 seconds West a distance of
20 217.83 feet to a five-eighths inch iron rod found with cap stamped
21 "Huitt-Zollars" on the south line of the last mentioned Hunt Oil
22 Company tract;

23 THENCE, North 46 degrees 22 minutes 46 seconds West a distance of
24 419.46 feet to the west corner of the last mentioned Hunt Oil
25 Company tract, and being on the southeast line of the said Hunt Oil
26 Company (Vol. 427, Pg. 119), from which a five-eighths inch iron rod
27 found with cap stamped "Huitt-Zollars", bears North 44 degrees 37

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1 minutes 00 seconds East a distance of 20.77 feet;
 2 THENCE, South 44 degrees 37 minutes 00 seconds West a distance of
 3 5.65 feet to the southern most corner of the last mentioned Hunt Oil
 4 Company tract, and being in the centerline of County Road 136;
 5 THENCE, North 45 degrees 58 minutes 05 seconds West along a
 6 southwest line of the last mentioned Hunt Oil Company tract and
 7 generally along the centerline of said County Road 136, a distance
 8 of 3,081.35 feet to a PK nail found at the most southerly corner of
 9 said Kaufman-Van Zandt Baptist Area Church, Inc. tract;
 10 THENCE, North 43 degrees 49 minutes 13 seconds East along the east
 11 line of said Kaufman-Van Zandt Baptist Area Church, Inc. tract a
 12 distance of 195.34 feet to a 5/8 inch iron rod set with cap stamped
 13 "Huitt-Zollars";
 14 THENCE, North 14 degrees 34 minutes 18 seconds East continuing
 15 along the east line of said Kaufman-Van Zandt Baptist Area Church,
 16 Inc. tract a distance of 168.66 feet to a the POINT OF BEGINNING and
 17 CONTAINING 201.3 acres of land, more or less.

18 TRACT 3

19 BEING a tract of land situated in the Benjamin Kimberling Survey,
 20 Abstract No. 265 and the Joseph Russell Survey, Abstract No. 429,
 21 Kaufman County, Texas, and being a portion of a tract of 110.5 acre
 22 tract of land as described in instrument to H. L. Hunt as recorded
 23 in Volume 322, Page 129 of the Deed Records of Kaufman County,
 24 Texas, and being more particularly described as follows:

25 BEGINNING 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at
 26 the west corner of said Hunt tract, said point being at the
 27 intersection of the projected centerline of F.M. 429 (formerly

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1 known as College Mound Road) with the centerline of Kaufman County
2 Road No. 309;
3 THENCE, North 43 degrees 58 minutes 52 seconds East along the
4 northwest line of said Hunt tract a distance of 2,252.13 feet to a
5 fence corner post;
6 THENCE, South 46 degrees 32 minutes 42 seconds East along the
7 northeast line of said Hunt tract and along a fence line a distance
8 of 2,129.12 feet to a 5/8 inch iron rod set with cap stamped
9 "Huitt-Zollars" at the east corner of said Hunt tract;
10 THENCE, South 44 degrees 17 minutes 57 seconds West along the
11 southeast line of said Hunt tract and along a fence line a distance
12 of 2,227.72 feet to a 5/8 inch iron rod set with cap stamped
13 "Huitt-Zollars" in the northerly right-of-way line of F.M. 429, a
14 90.0 foot wide right-of-way, as established deed recorded in Volume
15 355, Page 221 of the Deed Records of Kaufman County, Texas;
16 THENCE, North 45 degrees 59 minutes 30 seconds West along the
17 northerly right-of-way line of F.M. 429 a distance of 1,623.46 feet
18 to a 5/8 inch iron rod set with cap stamped "Huitt-Zollars" at the
19 beginning of a curve to the left having a radius of 761.20 feet;
20 THENCE, continuing along the northerly right-of-way line of F.M.
21 429 and along said curve to the left through a central angle of 19
22 degrees 47 minutes 59 seconds, arc length of 263.05 feet, being
23 subtended by a chord of North 55 degrees 53 minutes 30 seconds West
24 a distance of 261.74 feet to a 5/8 inch iron rod set with cap stamped
25 "Huitt-Zollars" in the southwest line of the said Hunt tract;
26 THENCE, North 45 degrees 59 minutes 30 seconds West along the
27 southwest line of the said Hunt tract a distance of 235.34 feet a

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1 the POINT OF BEGINNING and CONTAINING 108.39 acres of land, more or
2 less.

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

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

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

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

21 SECTION 4. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.

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S.B. No. 323

David Dewhurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 323 passed the Senate on April 19, 2007, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 21, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 323 passed the House, with amendment, on May 17, 2007, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
4 PM O'CLOCK

JUN 15 2007
Roger Williams
Secretary of State