

1 AN ACT

2 relating to capital improvements in certain counties and  
3 municipalities, including through the creation of the Midland  
4 County Utility District; providing authority to impose a tax and  
5 issue bonds; granting a limited power of eminent domain.

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

7 SECTION 1. Subtitle I, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 9016 to read as follows:

9 CHAPTER 9016. MIDLAND COUNTY UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 9016.001. DEFINITIONS. In this chapter:

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

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

15 (3) "County" means Midland County.

16 (4) "Director" means a board member.

17 (5) "District" means the Midland County Utility  
18 District.

19 (6) "Municipality" means a municipality in whose  
20 corporate limits or extraterritorial jurisdiction any part of the  
21 district is located.

22 Sec. 9016.002. NATURE OF DISTRICT. The district is a water  
23 control and improvement district created under Section 59, Article  
24 XVI, Texas Constitution.

1       Sec. 9016.003. CONFIRMATION AND DIRECTORS' ELECTION  
2 REQUIRED. The temporary directors shall hold an election to  
3 confirm the creation of the district and to elect five permanent  
4 directors as provided by Section 49.102, Water Code.

5       Sec. 9016.004. CONSENT OF MUNICIPALITY REQUIRED. The  
6 temporary directors may not hold an election under Section 9016.003  
7 until each municipality has consented by ordinance or resolution to  
8 the creation of the district and to the inclusion of land in the  
9 district.

10       Sec. 9016.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
11 The district is created to serve a public purpose and benefit.

12       (b) The district is created to accomplish the purposes of a  
13 water control and improvement district as provided by general law  
14 and Section 59, Article XVI, Texas Constitution.

15       Sec. 9016.006. INITIAL DISTRICT TERRITORY. (a) The  
16 district is initially composed of the territory described by  
17 Section 2 of the Act enacting this chapter.

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

22           (1) organization, existence, or validity;

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

26           (3) right to impose a tax; or

27           (4) legality or operation.

1 [Sections 9016.007-9016.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 9016.051. GOVERNING BODY; TERMS. (a) Except as  
4 provided by Subsection (c), the district is governed by a board of  
5 five elected directors.

6 (b) Except as provided by Section 9016.052, directors serve  
7 staggered four-year terms.

8 (c) If the municipality annexes any part of the territory of  
9 the district, the municipality shall appoint one ex officio member  
10 to the board to serve as a sixth director.

11 Sec. 9016.052. TEMPORARY DIRECTORS. (a) The temporary  
12 board consists of:

- 13 (1) Shelton Viney;
- 14 (2) Susie Hitchcock-Hall;
- 15 (3) Alan Lang;
- 16 (4) David Orr; and
- 17 (5) Israel Rodriguez.

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

19 (1) the date permanent directors are elected under  
20 Section 9016.003; or

21 (2) September 1, 2015.

22 (c) If permanent directors have not been elected under  
23 Section 9016.003 and the terms of the temporary directors have  
24 expired, successor temporary directors shall be appointed or  
25 reappointed as provided by Subsection (d) to serve terms that  
26 expire on the earlier of:

27 (1) the date permanent directors are elected under

1 Section 9016.003; or

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

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

11 Sec. 9016.053. NOTICE OF MEETINGS. The district shall  
12 provide the municipality with written notice before a meeting of  
13 the board.

14 [Sections 9016.054-9016.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 9016.101. GENERAL POWERS AND DUTIES. The district has  
17 the powers and duties necessary to accomplish the purposes for  
18 which the district is created.

19 Sec. 9016.102. WATER CONTROL AND IMPROVEMENT DISTRICT  
20 POWERS AND DUTIES. The district has the powers and duties provided  
21 by the general law of this state, including Chapters 49 and 51,  
22 Water Code, applicable to water control and improvement districts  
23 created under Section 59, Article XVI, Texas Constitution.

24 Sec. 9016.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
25 OR RESOLUTION. The district shall comply with all applicable  
26 requirements of any ordinance or resolution that is adopted under  
27 Section 42.042, Local Government Code, and Section 9016.004 and

1 that consents to the creation of the district or to the inclusion of  
2 land in the district.

3 Sec. 9016.104. COMPLIANCE WITH MUNICIPAL REGULATIONS. (a)  
4 Any water, sanitary sewer, drainage, or other infrastructure or  
5 public facilities constructed, acquired, improved, maintained, or  
6 operated by the district shall comply with any applicable  
7 regulations of the municipality in whose corporate limits or  
8 extraterritorial jurisdiction the infrastructure or facilities are  
9 located.

10 (b) Any water system constructed, acquired, improved,  
11 maintained, or operated by the district shall:

12 (1) comply with any applicable regulations of the  
13 municipality regarding specifications for rural density; and

14 (2) contain distribution lines that are:

15 (A) four inches or more in diameter; and

16 (B) sufficient to provide fire hydrant service  
17 according to the municipality's specifications for rural density.

18 Sec. 9016.105. COUNTY RIGHT-OF-WAY. The district must  
19 obtain the approval of the county's governing body of the plans and  
20 specifications of any facilities to be installed on property  
21 located in a county right-of-way.

22 Sec. 9016.106. LIABILITY. (a) Neither the county nor the  
23 municipality is liable for any claims arising from the operation of  
24 the district's water system or other actions or inactions of the  
25 district, including labor, safety, or signage, or contamination or  
26 other environmental issues.

27 (b) Any action taken by the municipality is a governmental

1 function.

2 Sec. 9016.107. COSTS OF LINE RELOCATION. (a) The district  
3 is solely responsible for the expense associated with the  
4 relocation of any district water line required by:

5 (1) the county or a municipality; or

6 (2) a state or federal highway authority, including  
7 the Texas Department of Transportation and the Federal Highway  
8 Administration.

9 (b) The district will not unreasonably delay any requested  
10 line relocation.

11 Sec. 9016.108. SERVICES TO BE PROVIDED BY THE DISTRICT,  
12 COUNTY, OR MUNICIPALITY. (a) The district may enter into an  
13 interlocal contract with the county or municipality to provide  
14 governmental functions, including fire protection, trash  
15 collection and disposal, and ambulance service.

16 (b) Notwithstanding Subsection (a), the municipality is  
17 authorized to provide sewer and drainage service in the district.  
18 The municipality shall establish the amount of the fees to be  
19 charged to recipients of sewer and drainage service under this  
20 subsection.

21 (c) Notwithstanding Subsection (a), the district may not  
22 provide any services within the territorial limits of the  
23 municipality as those limits exist on September 1, 2011.

24 Sec. 9016.109. ANNEXATION BY MUNICIPALITY. (a) The  
25 municipality may annex a part of the territory of the district  
26 without annexing the entire territory of the district.

27 (b) If the municipality annexes all or part of the district:

1           (1) the annexed territory is not removed from the  
2 district; and

3           (2) the district is not:

4                   (A) dissolved; or

5                   (B) prevented from providing district services  
6 to the annexed territory.

7           (c) If any territory inside the district is annexed, the  
8 owner of the property shall pay the same rate of ad valorem tax to  
9 the municipality as other residents of the municipality.

10           (d) By annexing territory in the district, the municipality  
11 does not assume any debt of the district.

12           (e) The district may not contest an annexation by the  
13 municipality.

14           Sec. 9016.110. WATER SERVICE DEADLINE. The district must  
15 begin operation of a water system serving at least a part of the  
16 district not later than the sixth anniversary of the date that  
17 district voters approve the issuance of bonds to provide for the  
18 development of the water system.

19           Sec. 9016.111. LIMITATION ON USE OF EMINENT DOMAIN. The  
20 district may not exercise the power of eminent domain:

21                   (1) outside the district to acquire a site or easement  
22 for a recreational facility as defined by Section 49.462, Water  
23 Code;

24                   (2) in the corporate limits of the municipality as  
25 those limits exist on September 1, 2011; or

26                   (3) outside the county.

27           Sec. 9016.112. PROHIBITION ON DIVISION OF DISTRICT. The

1 district may not divide into two or more districts.

2 [Sections 9016.113-9016.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 9016.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
5 district may issue, without an election, bonds and other  
6 obligations secured by:

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

8 (2) contract payments described by Section 9016.153.

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

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

17 Sec. 9016.152. OPERATION AND MAINTENANCE TAX. (a) If  
18 authorized at an election held under Section 9016.151, the district  
19 may impose an operation and maintenance tax on taxable property in  
20 the district in accordance with Section 49.107, Water Code.

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

23 Sec. 9016.153. CONTRACT TAXES. (a) In accordance with  
24 Section 49.108, Water Code, the district may impose a tax other than  
25 an operation and maintenance tax and use the revenue derived from  
26 the tax to make payments under a contract after the provisions of  
27 the contract have been approved by a majority of the district voters



1 voting at an election held for that purpose.

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

5 [Sections 9016.154-9016.200 reserved for expansion]

6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

7 Sec. 9016.201. AUTHORITY TO ISSUE BONDS AND OTHER  
8 OBLIGATIONS. The district may issue bonds or other obligations  
9 payable wholly or partly from ad valorem taxes, impact fees,  
10 revenue, contract payments, grants, or other district money, or any  
11 combination of those sources, to pay for any authorized district  
12 purpose.

13 Sec. 9016.202. TAXES FOR BONDS. At the time the district  
14 issues bonds payable wholly or partly from ad valorem taxes, the  
15 board shall provide for the annual imposition of a continuing  
16 direct ad valorem tax, without limit as to rate or amount, while all  
17 or part of the bonds are outstanding as required and in the manner  
18 provided by Section 51.433, Water Code.

19 Sec. 9016.203. LIMITATION ON TAX RATE. Notwithstanding any  
20 other provision of this chapter, the projected combined operation,  
21 maintenance, and debt service tax rates as of the date of the  
22 issuance of any bonds, as described by the commission in a  
23 commission order approving the issuance of the bonds, may not  
24 exceed 65 cents for each \$100 of assessed valuation of property in  
25 the district.

26 Sec. 9016.204. BONDS AND OTHER OBLIGATIONS NOT TO BE PAID BY  
27 MUNICIPALITY OR COUNTY. Bonds or other obligations of the

1 district:

2 (1) may not be paid wholly or partly by taxes imposed  
3 by the county or the municipality;

4 (2) are not debts of the county or municipality; and

5 (3) do not give rise to a claim against the county or  
6 municipality.

7 SECTION 2. The Midland County Utility District initially  
8 includes all the territory contained in the following area:

9 54,050 Acres of Land

10 Located in Various Sections and Blocks,

11 T&P RR Co. Survey, Midland County, Texas.

12 Boundary Being More Fully Described By Metes and Bounds As Follows:

13 BEGINNING at (Y= 10,677,038' and X= 1,736,917') a point in the west  
14 line of Section 7, Block 39, T2S and a southerly line of Midland  
15 city limits and being the most westerly northwest corner of this  
16 tract;

17 THENCE S 14°19' E, a distance of 2685 feet to the southwest corner of  
18 said Section 7 and being an ell corner of this tract;

19 THENCE N 75°10' E with the south right-of-way line of West County  
20 Road 120, a distance of 7031 feet to a point in the north line of  
21 Section 17 this block for a point of deflection of this tract;

22 THENCE S 64°46' E, a distance of 4725 feet to a point in the east line  
23 of said Section 17 and in the west right-of-way line of South County  
24 Road 1210 also being a point of deflection of this tract;

25 THENCE S 14°23' E with the west right-of-way line of said South  
26 County Road 1210, a distance of 6340 feet to a point in the north  
27 right-of-way line of West County Road 138 and being an ell corner of

1 this tract;

2 THENCE S 75°41' W with the north right-of-way line of said West  
3 County Road 138, a distance of 3340 feet to a point in the west  
4 right-of-way line of South County Road 1216 and being an ell corner  
5 of this tract;

6 THENCE S 14°52' E with the west right-of-way line of said South  
7 County Road 1216, a distance of 1272 feet to a point in the north  
8 right-of-way line of West County Road 140 and being an ell corner of  
9 this tract;

10 THENCE S 75°29' W with the north right-of-way line of said West  
11 County Road 140, a distance of 1974 feet to a point near the  
12 northwest corner of Section 29, Block 39, T2S and being an ell  
13 corner of this tract;

14 THENCE S 14°16' E, a distance of 26,411 feet to a point near the  
15 southwest corner of Section 6, Block 39, T3S and being the most  
16 southerly southwest corner of this tract;

17 THENCE N 75°59' E, a distance of 15,901 feet to a point in the east  
18 right-of-way line of State Highway 349 and being the most southerly  
19 southeast corner of this tract;

20 THENCE N 14°08' W with the east right-of-way line of said State  
21 Highway 349, a distance of 18,548 feet to a point near the southwest  
22 corner of Condor Aviation Co. Inc. tract and being an ell corner of  
23 this tract;

24 THENCE N 75°17' E, a distance of 5227 feet to a point in the east line  
25 of Section 35, Block 39, T2S and being an ell corner of this tract;

26 THENCE N 14°23' W, a distance of 1604 feet to a point for an ell  
27 corner of this tract;

1 THENCE N 76°20' E, a distance of 5414 feet to a point in the east  
2 right-of-way line of Farm to Market Road 715 and being an ell corner  
3 of this tract;  
4 THENCE N 14°21' W with the east right-of-way line of said Farm to  
5 Market Road 715, a distance of 664 feet to a point for an ell corner  
6 of this tract;  
7 THENCE N 75°23' E, a distance of 2628 feet to a point in the west half  
8 of Section 24, Block 38, T2S and being an ell corner of this tract;  
9 THENCE S 14°03' E, a distance of 8251 feet to a point for an ell  
10 corner of this tract;  
11 THENCE N 76°09' E, a distance of 2658 feet to a point in the east  
12 right-of-way line of South County Road 1160 and being an ell corner  
13 of this tract;  
14 N 14°22' W with the east right-of-way line of said South County Road  
15 1160, a distance of 3359 feet to a point in the south right-of-way  
16 line of East County Road 160 and being an ell corner of this tract;  
17 THENCE N 75°38' E with the south right-of-way line of said East  
18 County Road 160, a distance of 10,581 feet to a point near the  
19 southeast corner of Section 22, Block 38, T2S and being an ell  
20 corner of this tract;  
21 THENCE N 14°07' W with the east line of said Section 22, a distance  
22 of 5353 feet to a point near the northeast corner of said Section 22  
23 and being an ell corner of this tract;  
24 THENCE N 75°40' E, a distance of 1381 feet to a point near the  
25 southeast corner of George V. Anderson Jr. tract and the southwest  
26 corner of Donna Johnson tract also being an ell corner of this  
27 tract;

1 THENCE N 14°03' W with the west line of said Donna Johnson tract and  
2 the east line of said George V. Anderson Jr. tract, a distance of  
3 1926 feet to a point near the northwest corner of said Donna Johnson  
4 tract and being an ell corner of this tract;  
5 THENCE N 75°43' E, a distance of 1355 feet to a point in the east  
6 right-of-way line of South County Road 1136 and being an ell corner  
7 this tract;  
8 THENCE N 13°52' W with the east right-of-way line of said South  
9 County Road 1136, a distance of 8663 feet to a point in the  
10 southwesterly right-of-way of State Highway 158 and the south  
11 right-of-way line of East County Road 130 also being an ell corner  
12 of this tract;  
13 THENCE N 75°27' E with the south right-of-way line of said East  
14 County Road 130, a distance of 3996 feet to a point for an ell corner  
15 of this tract;  
16 THENCE N 13°57' W, a distance of 5272 feet to a point in the south  
17 right-of-way line of East County Road 120 and being an ell corner of  
18 this tract;  
19 THENCE N 75°41' E with the south right-of-way line of said East  
20 County road 120, a distance of 14,750 feet to a point for an ell  
21 corner of this tract;  
22 THENCE N 14°17' W, a distance of 5276 feet to a point near the  
23 northwest corner of Section 51, Block 37, T2S and being an ell  
24 corner of this tract;  
25 THENCE N 74°54' E, a distance of 10,567 feet to a point in the east  
26 right-of-way line of Farm to Market Road 1379 and being the most  
27 easterly southeast corner of this tract;

1 THENCE N 13°59' W with the east right-of-way line of said Farm to  
2 Market Road 1379, a distance of 3955 feet to a point of deflection  
3 of this tract;  
4 THENCE N 14°17' W, a distance of 20,565 feet to a point in the  
5 southeasterly right-of-way of Interstate Highway 20 and being the  
6 most easterly northeast corner of this tract;  
7 THENCE S 59°40' W with the southeasterly right-of-way of said  
8 Interstate Highway 20, a distance of 22,345 feet to a point in the  
9 projection of North County Road 1120 and being a point of deflection  
10 of this tract;  
11 THENCE N 14°09' W, a distance of 8118 feet to a point near the  
12 northeast Section 26, Block 38, T1S and being an ell corner of this  
13 tract;  
14 THENCE S 75°33' W with the north line of said Section 26, a distance  
15 of 2741 feet to a point for an ell corner of this tract;  
16 THENCE N 13°46' W, a distance of 3300 feet to a point for an ell  
17 corner of this tract;  
18 THENCE S 75°45' W, a distance of 2696 feet to a point in the west line  
19 of Section 23 and the east line of Section 22, Block 38, T1S and  
20 being an ell corner of this tract;  
21 THENCE S 14°37' E with the west line of said Section 23 and the east  
22 line of said Section 22, a distance of 668 feet to a point for an ell  
23 corner of this tract;  
24 THENCE S 75°34' W, a distance of 7949 feet to a point near the middle  
25 of Section 21, Block 38, T1S and being an ell corner of this tract;  
26 THENCE N 14°18' W, a distance of 2716 feet to a point in the north  
27 line of said Section 21 and being an ell corner of this tract;

1 THENCE S 75°23' W, a distance of 4294 feet to a point in the north  
2 line of Section 20, Block 38, TIS and being a point of deflection of  
3 this tract;  
4 THENCE S 66°10' W, a distance of 3034 feet to a point in an easterly  
5 line of the Midland city limits and being the most northerly  
6 northwest corner of this tract;  
7 THENCE S 14°33' E with said city limits, a distance of 5372 feet to  
8 an ell corner of said city limits and being an ell corner of this  
9 tract;  
10 THENCE S 75°36' W with said city limits, a distance of 2511 feet to  
11 an ell corner of said city limits and being an ell corner of this  
12 tract;  
13 THENCE S 14°34' E with said city limits, a distance of 180 feet to an  
14 ell corner of said city limits and being an ell corner of this  
15 tract;  
16 THENCE S 75°36' W with said city limits, a distance of 835 feet to an  
17 ell corner of said city limits and being an ell corner of this  
18 tract;  
19 THENCE S 14°34' E with said city limits, a distance of 3832 feet to  
20 an ell corner of said city limits and being an ell corner of this  
21 tract;  
22 THENCE N 75°36' E with said city limits, a distance of 2208 feet to  
23 an ell corner of said city limits and being an ell corner of this  
24 tract;  
25 THENCE N 14°34' W with said city limits, a distance of 1204 feet to  
26 an ell corner of said city limits and being an ell corner of this  
27 tract;

1 THENCE N 75°36' E with said city limits, a distance of 1138 feet to  
2 an ell corner of said city limits and being an ell corner of this  
3 tract;  
4 THENCE S 15°14' E with said city limits, a distance of 645 feet to an  
5 ell corner of said city limits and being an ell corner of this  
6 tract;  
7 THENCE N 75°36' E with said city limits, a distance of 4603 feet to  
8 an ell corner of said city limits and being an ell corner of this  
9 tract;  
10 THENCE S 14°35' E with said city limits, a distance of 5122 feet to  
11 an ell corner of said city limits and being an ell corner of this  
12 tract;  
13 THENCE N 75°37' E with said city limits, a distance of 659 feet to an  
14 ell corner of said city limits and being an ell corner of this  
15 tract;  
16 THENCE S 14°36' E with said city limits, a distance of 2879 feet to a  
17 point in the northwesterly right-of-way line of Business Interstate  
18 Highway 20 (US Highway 80) and the most easterly southeast corner of  
19 said city limits also being a point of deflection of this tract;  
20 THENCE N 59°41' E with the northwesterly right-of-way line of said  
21 Business Interstate Highway 20, a distance of 4829 feet to a point  
22 near the northwest corner of Section 40, Block 38, T1S and being a  
23 point of deflection of this tract;  
24 THENCE S 14°24' E, a distance of 7260 feet to a point in the east line  
25 of Section 45, Block 38, T1S and being 1000 feet southerly of the  
26 southeasterly right-of-way line of Interstate Highway 20 and being  
27 a point of deflection of this tract;



1 THENCE S 45°05' W 1000 feet southerly and parallel to the  
2 southeasterly right-of-way line of said Interstate Highway 20, a  
3 distance of 6527 feet to a point in the north line of Section 5,  
4 Block 38, T2S and in the south right-of-way line of Farm to Market  
5 Road 307 also being a point of deflection of this tract;  
6 THENCE N 76°37' E with the south right-of-way line of said Farm to  
7 Market Road 307, a distance of 2882 feet to a point near the  
8 northeast corner of a 320 acre City of Midland tract in Section 4,  
9 Block 38, T2S and being an ell corner of this tract;  
10 THENCE S14°25' E with the east line of said 320 acre tract, a  
11 distance of 5252 feet to a point in the south line of said Section 4  
12 and the north line of Section 9, Block 38, T2S and being an ell  
13 corner of this tract;  
14 THENCE N 75°36' E with the north line of said Section 9, a distance  
15 of 2768 feet to a point near the northeast corner of said Section 9  
16 and in the west right-of-way South County Road 1140 also being an  
17 ell corner of this tract;  
18 THENCE S 14°36' E with the west right-of-way line of said South  
19 County Road 1140, a distance of 5313 feet to a point in the north  
20 right-of-way line of East County Road 120 and being an ell corner of  
21 this tract;  
22 THENCE S 75°56' W with the north right-of-way line of said East  
23 County Road 120, a distance of 5150 to a point in the northeasterly  
24 right-of-way line of State Highway 158 and being a point of  
25 deflection of this tract;  
26 THENCE N 70°55' W with the northeasterly right-of-way line of said  
27 State Highway 158, a distance of 4453 to a point near the most

1 southerly southwest corner of a 365.58 acre City of Midland tract as  
2 described in Volume 2308, Page 3, Official Public Records of  
3 Midland County and the southeast corner of Ralph H White tract also  
4 being a point of deflection of this tract;  
5 THENCE N 15°31' W with the east line of said Ralph H White tract and a  
6 west line of said City of Midland Tract, a distance of 732 feet to a  
7 point near the northeast corner of said Ralph H White tract and  
8 being a point of deflection of this tract;  
9 THENCE N 70°36' W with the north line of said Ralph H White tract, a  
10 distance of 171 feet to a point near the northwest corner of said  
11 Ralph H White tract and in the east line of a 1.00 acre City of  
12 Midland tract as described in Volume 2308, Page 3, Official Public  
13 Records of Midland County and being a point of deflection of this  
14 tract;  
15 THENCE S 15°31' E with the west line of said Ralph H White tract and  
16 the east line of said 1.00 acre City of Midland tract, a distance of  
17 733 feet to a point in the northeasterly right of-way line of said  
18 State Highway 158 and being a point of deflection of this tract;  
19 THENCE N 70°55' W with the south line of said 1.00 acre City of  
20 Midland tract and the northeasterly right-of-way line of said State  
21 Highway 158, a distance of 415 feet to the southwest corner of said  
22 1.00 acre City of Midland tract and being a point of deflection of  
23 this tract;  
24 THENCE N 15°31' W with the west line of said 1.00 acre City of  
25 Midland tract, a distance of 1252 feet to the northwest corner of  
26 said 1.00 acre City of Midland and being a point of deflection of  
27 said 365.58 acre City of Midland tract also being a point of

1 deflection of this tract;  
2 THENCE S 75°57' W with a south line of said 365.58 acre City of  
3 Midland tract, a distance of 1419 feet to a point in the west line of  
4 Section 8, Block 38, T2S and being an ell corner of this tract;  
5 THENCE N 14'10' W with the west line of said Section 8, a distance of  
6 1274 feet to a point near the northwest corner of said Section 8 and  
7 being an ell corner of this tract;  
8 THENCE N 75°49' E with the north line of said Section 8, a distance  
9 of 36 feet to a point near the southeast corner of Section 6, Block  
10 38, T2S and being an ell corner of this tract;  
11 THENCE N 14'12' W with the east line of said Section 6, a distance of  
12 2124 feet to a point 1000 feet southerly of the southeasterly  
13 right-of-way line of said Interstate Highway 20 and being a point of  
14 deflection of this tract;  
15 THENCE S 44°40' W southerly and parallel to the southeasterly  
16 right-of-way line of said Interstate Highway 20, a distance of 3968  
17 feet to a point in the Midland city limits and being a point of  
18 deflection of this tract;  
19 THENCE S 14°09' E with said city limits, a distance of 611 feet to  
20 the most southerly southeast corner of said city limits and being an  
21 ell corner of this tract;  
22 THENCE S 75°32' W with the south line of said city limits, a distance  
23 of 10,595 feet to an ell corner of said city limits and being an ell  
24 corner of this tract;  
25 THENCE S 14°23' E with the said city limits, a distance of 750 feet  
26 to an ell corner of said city limits and being an ell corner of this  
27 tract;

1 THENCE S 75°29' W with said city limits, a distance of 677 feet to an  
2 ell corner of said city limits and being an ell corner of this  
3 tract;  
4 THENCE S 14°32' E with said city limits, a distance of 781 feet to an  
5 ell corner of said city limits and being an ell corner of this  
6 tract;  
7 THENCE S 75°24' W with said city limits, a distance of 1675 feet to  
8 an ell corner of said city limits and being an ell corner of this  
9 tract;  
10 THENCE N 14°23' W with said city limits, a distance of 1041 feet to  
11 an ell corner of said city limits and being an ell corner of this  
12 tract;  
13 THENCE S 75°29' W with said city limits, a distance of 1000 feet to  
14 an ell corner of said city limits and being an ell corner of this  
15 tract;  
16 THENCE N 14°23' W said city limits, a distance of 500 feet to an ell  
17 corner of said city limits and being an ell corner of this tract;  
18 THENCE S 75°37' W with said city limits, a distance of 3137 feet to  
19 an ell corner of said city limits and being an ell corner of this  
20 tract;  
21 THENCE S 14°18' E with said city limits, a distance of 570 feet to an  
22 ell corner of said city limits and being an ell corner of this  
23 tract;  
24 THENCE S 75°42' W with said city limits, a distance of 1660 feet to  
25 an ell corner of said city limits and being an ell corner of this  
26 tract;  
27 THENCE N 14°18' W with said city limits, a distance of 567 feet to an

1 ell corner of said city limits and being an ell corner of this  
2 tract;  
3 THENCE S 75°37' W with said city limits, a distance of 3390 feet to  
4 an ell corner of said city limits and being an ell corner of this  
5 tract;  
6 THENCE S 15°02' E with said city limits, a distance of 709 feet to an  
7 ell corner of said city limits and being an ell corner of this  
8 tract;  
9 THENCE S 74°54' W with said city limits, a distance of 1040 feet to  
10 an ell corner of said city limits and being an ell corner of this  
11 tract;  
12 THENCE S 15°03' E with said city limits, a distance of 90 feet to an  
13 ell corner of said city limits and being an ell corner of this  
14 tract;  
15 THENCE S 75°34' W with said city limits, a distance of 1064 feet to  
16 an ell corner of said city limits and being an ell corner of this  
17 tract;  
18 THENCE N 14°40' W with said city limits, a distance of 817 feet to an  
19 ell corner of said city limits and being an ell corner of this  
20 tract;  
21 THENCE S 75°44' W with said city limits, a distance of 559 feet to a  
22 point of curvature of said city limits and this tract;  
23 THENCE around a curve to the left in a southwesterly direction and  
24 with said city limits, said curve having a radius length of 10,509  
25 feet, a delta angle of 16°04', an arc length of 2947 feet and a chord  
26 length of 2937 feet bearing S 67°42" W to a point of tangency of said  
27 city limits and this tract;

1 THENCE S 59°40' W with said city limits, a distance of 6362 feet to  
2 the Point of Beginning, containing approximately 54,050 acres of  
3 land, more or less.

4 Bearings, distances and coordinates are relative to the Texas  
5 Coordinate System, 1983 NAD, Central Zone based on City of  
6 Midland's G.I.S Digital Map.

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

14 (b) The governor, one of the required recipients, has  
15 submitted the notice and Act to the Texas Commission on  
16 Environmental Quality.

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

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

25 SECTION 4. (a) Section 9016.111, Special District Local  
26 Laws Code, as added by Section 1 of this Act, takes effect only if  
27 this Act receives a two-thirds vote of all the members elected to

1 each house.

2 (b) If this Act does not receive a two-thirds vote of all the  
3 members elected to each house, Subchapter C, Chapter 9016, Special  
4 District Local Laws Code, as added by Section 1 of this Act, is  
5 amended by adding Section 9016.111 to read as follows:

6 Sec. 9016.111. NO EMINENT DOMAIN POWER. The district may  
7 not exercise the power of eminent domain.

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

11 SECTION 5. Section 395.081(a), Local Government Code, is  
12 amended to read as follows:

13 (a) This section applies only to a municipality with a  
14 population of 115,000 [~~105,000~~] or less that constitutes more than  
15 three-fourths of the population of the county in which the majority  
16 of the area of the municipality is located.

17 SECTION 6. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2011.

David Newburn

President of the Senate

Joe Straus  
Speaker of the House

I certify that H.B. No. 3111 was passed by the House on May 11, 2011, by the following vote: Yeas 146, Nays 3, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3111 on May 25, 2011, by the following vote: Yeas 140, Nays 3, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 3111 was passed by the Senate, with amendments, on May 23, 2011, by the following vote: Yeas 30, Nays 0.

Patricia Spaw  
Secretary of the Senate

APPROVED: 17 JUN '11

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
9:00 O'CLOCK

JUN 17 2011  
Debra Mark  
Secretary of State