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AN ACT

1
2 relating to the Ranch at Clear Fork Creek Municipal Utility
3 District No. 1; 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 8343 to read as follows:

8 CHAPTER 8343. RANCH AT CLEAR FORK CREEK MUNICIPAL UTILITY DISTRICT
9 NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8343.001. 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) "Director" means a board member.

16 (4) "District" means the Ranch at Clear Fork Creek
17 Municipal Utility District No. 1.

18 Sec. 8343.002. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 8343.003. CONFIRMATION AND DIRECTORS' ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

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1 Sec. 8343.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8343.003
3 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the territory added by Section
5 8343.005 is located has consented by ordinance or resolution to the
6 inclusion of land in the district. Consent of the City of San
7 Marcos is required for the inclusion in the district of the
8 203.47-acre tract described in Section 2 of the Act enacting this
9 chapter.

10 Sec. 8343.005. TERRITORY ADDED. (a) The territory
11 described by Section 2 of the Act enacting this chapter is added to
12 the district's territory as of the effective date of this section.

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

17 (1) organization, existence, or validity;

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

21 (3) right to impose a tax; or

22 (4) legality or operation.

23 [Sections 8343.006-8343.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8343.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Except as provided by Section 8343.052, directors serve

1 staggered four-year terms.

2 Sec. 8343.052. TEMPORARY DIRECTORS. (a) The temporary
3 board consists of:

- 4 (1) Julie Lane;
- 5 (2) Heidi Parker;
- 6 (3) Jerry Valdez;
- 7 (4) Craig Grona; and
- 8 (5) Bruce Aupperle.

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

- 10 (1) the date permanent directors are elected under
- 11 Section 8343.003; or
- 12 (2) the fourth anniversary of the effective date of
- 13 the Act enacting this chapter.

14 (c) If permanent directors have not been elected under
15 Section 8343.003 and the terms of the temporary directors have
16 expired, successor temporary directors shall be appointed or
17 reappointed as provided by Subsection (d) to serve terms that
18 expire on the earlier of:

- 19 (1) the date permanent directors are elected under
- 20 Section 8343.003; or
- 21 (2) the fourth anniversary of the date of the
- 22 appointment or reappointment.

23 (d) If Subsection (c) applies, the owner or owners of a
24 majority of the assessed value of the real property in the district
25 may submit a petition to the commission requesting that the
26 commission appoint as successor temporary directors the five
27 persons named in the petition. The commission shall appoint as

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1 successor temporary directors the five persons named in the
2 petition.

3 [Sections 8343.053-8343.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8343.101. MUNICIPAL UTILITY DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties provided by the
7 general law of this state, including Chapters 49 and 54, Water Code,
8 applicable to municipal utility districts created under Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 8343.102. AUTHORITY FOR ROAD PROJECTS. Under Section
11 52, Article III, Texas Constitution, the district may design,
12 acquire, construct, finance, issue bonds for, improve, operate,
13 maintain, and convey to this state, a county, or a municipality for
14 operation and maintenance macadamized, graveled, or paved roads,
15 including bridges, storm drainage, and other improvements or
16 appurtenances in aid of those roads.

17 Sec. 8343.103. ROAD STANDARDS AND REQUIREMENTS. (a) A
18 road project must meet all applicable construction standards,
19 zoning and subdivision requirements, and regulations of each
20 municipality in whose corporate limits or extraterritorial
21 jurisdiction the road project is located.

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

27 (c) If a municipality or county will maintain and operate

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1 the road, the municipality or county must approve the plans and
2 specifications of the road project.

3 (d) If the state will maintain and operate the road, the
4 Texas Transportation Commission must approve the plans and
5 specifications of the road project.

6 Sec. 8343.104. LIMITATION ON USE OF EMINENT DOMAIN. The
7 district may not exercise the power of eminent domain outside the
8 district to acquire a site or easement for:

- 9 (1) a road project authorized by Section 8343.102; or
- 10 (2) a recreational facility as defined by Section
11 49.462, Water Code.

12 [Sections 8343.105-8343.150 reserved for expansion]

13 SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

14 Sec. 8343.151. DIVISION OF DISTRICT; PREREQUISITES. The
15 district may be divided into two or more new districts only if the
16 district:

- 17 (1) has no outstanding bonded debt; and
- 18 (2) is not imposing ad valorem taxes or assessments.

19 Sec. 8343.152. LAW APPLICABLE TO NEW DISTRICT. This
20 chapter applies to any new district created by division of the
21 district, and a new district has all the powers and duties of the
22 district, including the power to divide in accordance with this
23 section.

24 Sec. 8343.153. LIMITATION ON AREA OF NEW DISTRICT. A new
25 district created by the division of the district may not, at the
26 time the new district is created, contain any land outside the
27 combined area of:

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1 (1) the territory of the district at the time the
2 district was initially created; and

3 (2) the area added by Section 8343.005.

4 Sec. 8343.154. DIVISION PROCEDURES. (a) The board, on its
5 own motion or on receipt of a petition signed by the owner or owners
6 of a majority of the assessed value of the real property in the
7 district according to the most recent appraisal roll for each
8 county in which the district is located, may adopt an order dividing
9 the district.

10 (b) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 8343.003 to confirm the district's creation.

13 (c) An order dividing the district:

14 (1) must:

15 (A) name each new district;

16 (B) include the metes and bounds description of
17 the territory of each new district;

18 (C) appoint temporary directors for each new
19 district; and

20 (D) provide for the division of assets and
21 liabilities between or among the new districts; and

22 (2) is subject to a confirmation election in each new
23 district.

24 (d) On or before the 30th day after the date of adoption of
25 an order dividing the district, the district shall file the order
26 with the commission and record the order in the real property
27 records of each county in which the district is located.

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1 Sec. 8343.155. CONFIRMATION ELECTION FOR NEW DISTRICT.

2 (a) A new district created by the division of the district shall
3 hold a confirmation and directors' election as required by Section
4 8343.003.

5 (b) The results of that election must be filed as required
6 by Sections 49.102(e) and (f), Water Code.

7 (c) The division of the district is not effective unless the
8 voters of each proposed new district vote to confirm the creation of
9 their new district.

10 Sec. 8343.156. MUNICIPAL CONSENT. Municipal consent to the
11 creation of the district and to the inclusion of land in the
12 district granted under Section 8343.004 acts as municipal consent
13 to the creation of any new district created by the division of the
14 district and to the inclusion of land in the new district.

15 Sec. 8343.157. TAX OR BOND ELECTION. Before a new district
16 created by the division of the district may impose a maintenance tax
17 or issue bonds payable wholly or partly from ad valorem taxes, the
18 new district must hold an election as required by Chapters 49 and
19 54, Water Code, and this chapter to obtain voter approval.

20 [Sections 8343.158-8343.200 reserved for expansion]

21 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

22 Sec. 8343.201. TAX TO REPAY BONDS. The district may impose
23 a tax to pay the principal of or interest on bonds issued under
24 Section 8343.251.

25 [Sections 8343.202-8343.250 reserved for expansion]

26 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

27 Sec. 8343.251. BONDS FOR ROAD PROJECTS. (a) The district

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1 may not issue bonds payable from ad valorem taxes to finance a road
2 project unless the issuance is approved by a vote of a two-thirds
3 majority of the district voters voting at an election held for that
4 purpose.

5 (b) At the time of issuance, the total principal amount of
6 bonds or other obligations issued or incurred to finance road
7 projects and payable from ad valorem taxes may not exceed
8 one-fourth of the assessed value of the real property in the
9 district.

10 SECTION 2. The Ranch at Clear Fork Creek Municipal Utility
11 District No. 1 includes all the territory contained in the
12 following area in addition to the district's territory immediately
13 before the effective date of this Act:

14 203.47 ACRE TRACT

15 DESCRIBING A TRACT OF LAND CONTAINING 203.47 ACRES IN THE THOMAS
16 YATES SURVEY, ABSTRACT NO. 313, CALDWELL COUNTY, TEXAS, SAID TRACT
17 BEING ALL OF THE FOLLOWING TWO TRACT OF LAND:

18 1) THAT CERTAIN 151.60 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
19 WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON OCTOBER 21, 2009 AND
20 RECORDED IN VOLUME 584 PAGE 282 OF THE OFFICIAL PUBLIC RECORDS OF
21 SAID COUNTY;

22 2) THAT CERTAIN 51.88 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
23 WARRANTY DEED TO WALTON TEXAS, LP, EXECUTED ON OCTOBER 21, 2009 AND
24 RECORDED IN VOLUME 584 PAGE 287 OF THE OFFICIAL PUBLIC RECORDS OF
25 SAID COUNTY;

26 SAID 203.47 ACRE TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED BY
27 METES AND BOUNDS AS FOLLOWS:

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1 BEGINNING at an iron rod found at a fence corner post at the
2 northeast corner of said 151.60 acre tract, same being the
3 northwest corner of that certain 1.38 acre tract described in a deed
4 to Elaine Miranda as recorded in Volume 320, Page 95 of the Deed
5 Records of said County said iron rod found being further described
6 as being in the south right-of-way line of State Highway 21 (100'
7 R.O.W. in this point);

8 THENCE, with the northern most east line of said 151.60 acre tract,
9 same being the west line of said 1.38 acre tract and the west line of
10 The Estates, a subdivision recorded in Cabinet A Slide 132 of the
11 Plat Records of said County, the following three courses:

12 1) S27°16'20"E, 793.34 feet to an iron rod found in a fence;
13 2) S27°27'33"E, 761.39 feet to an iron rod found in a fence;
14 3) S27°10'02"E, 522.10 feet to an iron rod found at a fence corner
15 post at an interior corner of said 151.60 acre tract, same being at
16 the southwest corner of Lot 15 of said The Estates;

17 THENCE, with the southern most north line of said 151.60 acre tract,
18 same being the south line of said The Estates and that certain
19 13.022 acre tract of land described in a deed to Jack B. Turner as
20 recorded in Volume 404 Page 279 of the Deed Records of said County,
21 N62°45'40"E, 1473.53 feet to an iron rod found at a fence post at a
22 northeast corner of said 151.60 acre tract, same being a southeast
23 corner of said 13.022 acre tract;

24 THENCE, continuing with the north line of said 151.60 acre tract,
25 same being the south line of said 13.022 acre tract, N89°46'29"E,
26 37.13 feet to an iron rod found at a fence corner post at a northeast
27 corner of said 151.60 acre tract, same being the southeast corner of

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1 said 13.022 acre tract and in the west line of that certain 405.35
2 acre tract described in a deed to Walton Texas, LP as recorded in
3 Volume 579 Page 211 of the Official Public Records of said County;
4 THENCE, with the southern most east line of said 151.60 acre tract,
5 same being the west line of said 405.39 acre tract, S29°29'14"E,
6 1953.62 feet to an iron rod found at a fence corner post at the
7 southeast corner of said 151.60 acre tract, same being the
8 southwest corner of said 405.239 acre tract and in the north line of
9 that certain tract of land described in a deed to Jerry Lee
10 Burklund, Trustee as recorded in Volume 557 Page 300 of the Official
11 Public Records of said County;
12 THENCE, with the south line of said 151.60 acre tract, same being a
13 north line of said Burkland tract, the following two courses:
14 1) S47°35'03"W, 1245.94 feet to a calculated point in a fence line;
15 2) S47°39'58"W, 517.90 feet to a nail found at a fence corner post
16 at the southwest corner of said 151.60 acre tract, same being at an
17 interior corner of said Burkland tract;
18 THENCE, with the west line of said 151.60 acre tract, same being
19 with an east line of said Burkland tract, N42°52'35"W, 744.04 feet
20 to an iron rod found at a fence corner post at a northeast corner of
21 said Burkland tract, same being at the southeast corner of said
22 51.88 acre tract;
23 THENCE, with the south line of said 51.88 acre tract, same being the
24 north line of said Burkland tract, S47°44'16"W, 565.19 feet to an
25 iron rod found in 8-inch concrete square at the southwest corner of
26 said 51.88 acre tract, same being at the southeast corner of that
27 certain 99.726 acre tract of land described in a deed to Leonard C.

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1 Anton as recorded in Volume 113 Page 487 of the Official Public
2 Records of said County;

3 THENCE, with the west line of said 51.88 acre tract, same being the
4 east line of said Anton tract, the following three courses:

5 1) N42°47'25"W, 2554.59 feet to an iron rod found in 8-inch
6 concrete square;

7 2) S48°02'08"W, 56.78 feet to an iron rod found in 8-inch concrete
8 square;

9 3) N42°44'07"W, 379.72 feet to an iron rod found in 8-inch concrete
10 square at the northeast corner of said Anton tract, same being at
11 the southeast corner of that certain 12 acre tract of land described
12 in a Disclaimer of Interest to Atanacio Garcia, recorded in Volume
13 293 Page 233 and Volume 293 Page 235 of the Official Public Records
14 of said County;

15 THENCE, continuing with the west line of said 51.88 acre tract, same
16 being the south and east line of said Garcia tract, the following
17 two courses;

18 1) N46°35'32"E, 57.04 feet to an iron rod found in 8-inch concrete
19 square;

20 2) N42°53'53"W, 1055.86 feet to an iron rod with cap found at the
21 northwest corner of said 51.88 acre tract, same being at the
22 northeast corner of said Garcia tract and being in the south
23 right-of-way line of said State Highway 21;

24 THENCE, with the north line of said 51.88 acre tract, same being
25 with the south right-of-way line of said State Highway No. 21, the
26 following two courses:

27 1) Along a curve to the right having a radius of 5679.58 feet, an

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1 arc length of 289.46 feet, a central angle of 2°55'12" and a chord
2 which bears N58°47'27"E, 289.43 feet to a nail in a concrete
3 monument found;

4 2) N60°18'14"E, a distance of 297.83 feet to an iron rod found at
5 the northeast corner of said 51.88 acre tract in the south
6 right-of-way line of State Highway 21 (100' R.O.W. at this point),
7 same being at the northwest corner of that certain tract of land
8 described in a deed to Jim Mattox, Trustee, recorded in Volume 197
9 Page 926 of the Official Public Records of said County, same being
10 at the northwest corner of a 2.00 acre tract of land;

11 THENCE, with the east line of said 51.88 acre tract, same being the
12 west line of said Mattox tract, the following two courses:

13 1) S44°17'00"E, 103.17 feet to an iron rod with cap found;

14 2) S41°57'16"E, 228.76 feet to an iron rod found at the southwest
15 corner of said 2.00 acre tract, same being at a northwest corner of
16 that certain 151.614 acre tract of land described in a deed to
17 Caldwell 151, L.P. as recorded in Volume 500 Page 358 of the
18 Official Public Records of said County;

19 THENCE, with a north and west line of said 151.60 acre tract, same
20 being the south and east line of said 2.0 acre tract, the following
21 two courses:

22 1) N53°49'23"E, 260.76 feet to an iron rod found;

23 2) N36°12'33"W, 296.20 feet to an iron found in the north line of
24 said 151.60 acre tract, at the northeast corner of said 2.0 acre
25 tract, same being in the south right-of-way line of said State
26 Highway 21;

27 THENCE, with the north line of said 151.60 acre tract, same being

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1 the south right-of-way line of said State Highway 21, N60°15'42"E,
2 1049.38 feet to the POINT OF BEGINNING and containing 203.47 acres
3 of land.

4 50.11 ACRE TRACT

5 DESCRIBING 50.11 ACRES OF LAND BEING A PORTION OF THE THOMAS YATES
6 SURVEY, ABSTRACT 313, CALDWELL COUNTY, TEXAS, SAME ALSO BEING ALL
7 OF THAT CERTAIN 49.97 ACRE TRACT OF LAND DESCRIBED IN A GENERAL
8 WARRANTY DEED TO ROBERT A. SCHMIDT EXECUTED ON FEBRUARY 28, 2008 AND
9 RECORDED IN VOLUME 523 PAGE 505 OF THE OFFICIAL PUBLIC RECORDS OF
10 CALDWELL COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY
11 METES AND BOUNDS AS FOLLOWS:

12 BEGINNING at an iron rod found under a 17" hackberry tree at the
13 south corner of this tract, same being at the east corner of that
14 certain 80.46 tract of land described in deed to William Walter Holz
15 as recorded in Volume 378 Page 47 of the Deed Records of said
16 County, same being in the northwest line of County Road 228 (Farmers
17 Road, R.O.W. varies) from which an iron rod found at the south
18 corner of said 80.46 acre tract bears S47°40'53"W, 940.48 feet;

19 THENCE, with the southwest line of this tract, same being the
20 northeast line of said William Walter Holz tract, N42°35'21"W,
21 3736.46 feet to an iron rod found at the west corner of this tract,
22 same being at the north corner of said 80.46 acre tract and in the
23 southeast line of that certain 405.35 acre tract of land described
24 in a deed to Walton Texas, LP as recorded in Volume 579 Page 211 of
25 the Official Public Records of said County;

26 THENCE, with the northwest line of this tract, same being the
27 southeast line of said Walton Texas, LP tract, N47°30'41"E, 701.29

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1 feet to an iron rod found at the north corner of this tract, same
2 being the west corner of that certain 60.350 acre tract described in
3 a deed to Roland R. Holz as recorded in Volume 88 Page 318 of the
4 Official Public Records of said County;

5 THENCE, with the northern most northeast line of this tract, same
6 being a southwest line of said Roland R. Holz tract, S42°34'31"E,
7 2492.20 feet to an iron rod found at the northern most east corner
8 of this tract, said iron rod found also being in a northeast line of
9 that certain 60.350 acre tract of land described in a deed to
10 Florence M. Holz Vickery as recorded in Volume 88 Page 318 of the
11 Official Public Records of said County;

12 THENCE, with the northern most southeast line of this tract, same
13 being through the interior of said Florence M. Holz Vickery tract,
14 S47°41'08"W, 350.22 feet to an iron rod found at an interior corner
15 of this tract.

16 THENCE, with the southern most northeast line of this tract, same
17 being through the interior of said Florence M. Holz Vickery tract,
18 S42°33'15"E, 1246.36 feet to an iron rod found at the southern most
19 east corner of this tract, same being in the southeast line of said
20 Florence M. Holz Vickery tract and in the northwest line of said
21 County Road 228 from which an iron rod found at the east corner of
22 said Florence M. Holz Vickery tract bears N47°40'12"E, 466.33 feet;

23 THENCE, with the southern most southeast line of this tract, same
24 being the northwest line of said County Road 228, S47°40'53"W,
25 349.71 feet to the POINT OF BEGINNING and containing 50.11 acres of
26 land.

27 192.42 ACRE TRACT

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1 DESCRIBING 192.42 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
2 SURVEY A-123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION OF THAT
3 312.48 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO WALTON
4 TEXAS, LP EXECUTED ON MAY 5, 2009 AND RECORDED IN VOLUME 568 PAGE
5 119 OF THE OFFICIAL PUBLIC RECORDS OF SAID COUNTY, SAID 192.42 ACRES
6 OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
7 FOLLOWS:
8 BEGINNING for reference at an axle found at the east corner of said
9 312.48 acre tract, same being the north corner of that 152.071 acre
10 tract described in a deed to Bryant L Hohertz and wife, Veleria G.
11 Hohertz as recorded in Volume 459 Page 639 of the Deed Records of
12 said County and in the southwest line of the Old Kyle Lockhart Road
13 (R.O.W. varies), from which an iron rod found at the east corner of
14 said 152.071 acre tract, same being a north corner of that 464.83
15 acre tract described in a deed to Walton Texas, LP as recorded in
16 Volume 598 Page 166 of the Deed Records of said County bears
17 S41°18'41"E, 19.83 feet;
18 THENCE, with the southeast line of said 312.48 acre tract,
19 S47°54'11"W, 1897.48 feet to the POINT OF BEGINNING of the herein
20 described tract of land;
21 THENCE, with the southeast line of said 312.48 acre tract, the
22 following three courses:
23 1) S47°54'11"W, 1195.65 feet to an axle found;
24 2) S47°53'46"W, 1921.31 feet to an iron rod with cap (stamped
25 "Hinkle") found at the west corner of said 152.071 acre tract;
26 3) S47°41'17"W, 676.80 feet to a point in the northwest line of
27 that 151.08 acre tract described in a deed to Terrell T. McGee and

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1 wife, Opal H. McGee as recorded in Volume 469 Page 671 of the Deed
2 Records of said County;
3 THENCE, through the interior of said 312.48 acre tract and with the
4 City of San Marcos, Texas 3.5 mile ETJ (extraterritorial
5 jurisdiction), along a curve to the left having a radius of
6 18,480.00 feet, an arc length of 2442.86 feet, a central angle of
7 7°34'26" and a chord which bears N30°17'11"W, 2441.04 feet to a point
8 in the southeast line of County Road #228 (a.k.a. Farmers Road) from
9 which an iron rod found at the west corner of said 312.48 acre tract
10 bears S47°41'37"W, 816.99 feet;
11 THENCE, with the southeast line of said County Road #228,
12 N47°41'37"E, 3203.99 feet to an iron rod with cap (stamped "Hinkle")
13 found at the western most north corner said 312.48 acre tract, same
14 being the west corner of a 17.69 acre tract being the remaining
15 portion of that certain 331.6 acre tract of land described in a deed
16 recorded in Volume 192 Page 649 of the Official Public Records of
17 said County from which an iron rod with cap (stamped "Hinkle") found
18 at the north corner of said 17.69 acre tract bears N47°41'30"E,
19 2040.84 feet;
20 THENCE, with the common lines of said 312.48 acre tract and said
21 17.69 acre tract, the following two courses:
22 1) S42°05'39"E, 380.12 feet to an iron rod with cap (stamped
23 "Hinkle") found at the south corner of said 17.69 acre tract;
24 2) N47°53'56"E, 93.58 feet to a point from which an iron rod found
25 at the east corner of said 17.69 acre tract, same being in the
26 southwest right-of-way line of F.M. 2720 (80' R.O.W.) bears
27 N47°53'56"E, 1890.25 feet;

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1 THENCE, through the interior of said 312.48 acre tract, S42°00'00"E,
2 2018.19 feet the POINT OF BEGINNING and containing 192.42 acres of
3 land.

4 504.46 ACRE TRACT

5 DESCRIBING 504.46 ACRES OF LAND BEING A PORTION OF THE ELBERT HINES
6 SURVEY, ABSTRACT 123, CALDWELL COUNTY, TEXAS, SAME BEING A PORTION
7 OF THAT CERTAIN 682.21 ACRE TRACT OF LAND DESCRIBED IN A SPECIAL
8 WARRANTY DEED TO WALTON TEXAS, LP EXECUTED ON JANUARY 15, 2010 AND
9 RECORDED IN VOLUME 591 PAGE 449 OF THE OFFICIAL PUBLIC RECORDS OF
10 CALDWELL COUNTY, TEXAS, SAID 504.46 ACRES OF LAND BEING MORE
11 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

12 BEGINNING at a point in a southeast line of said 682.21 acre tract
13 from which an iron rod found at the southern most east corner of
14 said 682.21 acre tract, same being the south corner of that 464.83
15 acre tract of land described in a deed to Walton Texas, LP as
16 recorded in Volume 598 Page 166 of the Official Public Records of
17 said County, same also being in the northwest line of that tract of
18 land described in a deed to Bryant L. Hohertz, et ux as recorded in
19 Volume 397 Page 369 of the Official Public Records of said County
20 bears N47°58'32"E, 542.23 feet;

21 THENCE, with the southeast line of said 682.21 acre tract, same
22 being the northwest line of said Bryant L. Hohertz tract,
23 S47°58'32"W, 566.01 feet to an iron rod with aluminum cap (stamped
24 McMillan) found at the south corner of said 0.06 of an acre tract,
25 same being at the west corner of said Hohertz tract, same being in a
26 northeast line of County Road 229;

27 THENCE, with the southwest line of said 682.21 acre tract, same

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1 being a northeast line of said County Road 229, N40°53'25"W, 49.97
2 feet to an iron rod with aluminum cap (stamped McMillan) found at
3 the west corner of said 682.21 acre tract, same being at the north
4 corner of said County Road 229;
5 THENCE, with the southeast line of said 682.21 acre tract, same
6 being the northwest line of said County Road 229, the following five
7 courses:
8 1) S48°51'40"W, 690.95 feet to a fence post;
9 2) S41°44'13"W, 568.69 feet to a fence post;
10 3) S45°26'54"W, 317.44 feet to a fence post;
11 4) S46°24'07"W, 411.51 feet to a fence post;
12 5) S47°39'48"W, 610.37 feet to a fence post at the south corner of
13 said 682.21 acre tract, same being the east corner of that 296.5
14 acre tract described in a deed to Dan M. Connolly as recorded in
15 Volume 346 Page 920 of the Official Public Records of said County;
16 THENCE, with the southwest line of said 682.21 acre tract, same
17 being the northeast line of said 296.5 acre tract and the northeast
18 line of that 100.339 acre tract described in a deed to Nellie Hampe
19 Partnership I, Ltd. as recorded in Volume 140 Page 342 of the
20 Official Public Records of said County, N41°42'59"W, 5724.07 feet to
21 a fence corner post at the south corner of that 152.071 acre tract
22 described in a deed to Bryant L. Hohertz and wife, Veleria G.
23 Hohertz as recorded in Volume 459 Page 639 of the Official Public
24 Records of said County;
25 THENCE, with the southern most northwest line of said 682.21 acre
26 tract, same being the southeast line of said 152.071 acre tract,
27 N48°01'02"E, 1920.06 feet to an iron rod with aluminum cap found at

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1 an interior corner of said 682.21 acre tract, same being the east
2 corner of said 152.071 acre tract;
3 THENCE, with the northeast line of said 152.071 acre tract,
4 N41°44'15"W, 3397.52 feet to an iron rod with cap (stamped Hinkle)
5 found at an interior corner of said 152.071 acre tract, from which a
6 car axle found in the northwest line of said 152.071 acre tract,
7 same being the southeast line of that 331.6 acre tract described in
8 a deed to Dorothy Doehne as recorded in Volume 192 Page 649 of the
9 Official Public Records of said County bears N40°41'06"W, 20.09
10 feet;
11 THENCE, with the northern most southeast line of said 152.071 acre
12 tract, N47°53'54"E, 1196.11 feet to a point;
13 THENCE, through the interior of said 682.21 acre tract, S42°00'00"E,
14 9091.90 feet to the POINT OF BEGINNING and containing 504.46 acres
15 of land
16 185.83 ACRE TRACT
17 Tract 1:
18 BEING 48.95 ACRES OF LAND SITUATED IN THE ELBERT HINES LEAGUE,
19 A-123, CALDWELL COUNTY, TEXAS, AND BEING A PART OF A TRACT REFERRED
20 TO AS 339.5 ACRES IN A PARTITION DEED TO FLORENCE HOME, VOLUME 249
21 AT PAGE 39, DEED RECORDS OF CALDWELL COUNTY, TEXAS. SAID 48.95 ACRE
22 TRACT AS OCCUPIED UPON THE GROUND IS DESCRIBED BY METES AND BOUNDS
23 AS FOLLOWS:
24 BEGINNING at a corner post being the occupied Southwest corner of
25 said 339.5 acre tract, the occupied Southeast corner of a tract
26 referred to as the E. Schroeder tract, in the Southeast line of said
27 Hines League, the Northwest line of a gravel road, from which said

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1 post a rock monument found bears North 26° West 2.3 feet, for the
2 Southwest corner of the tract;
3 THENCE, with a fence along said Schroeder tract as follows:
4 North 39°49' West 873.2 feet to a fence post;
5 North 42°40' West 340.3 feet to a fence post;
6 North 40°29' West 1206.3 feet to a fence corner post in the Southeast
7 line of a gravel road being the occupied Northeast corner of said
8 Schroeder tract and the Northeast corner of this tract;
9 THENCE, North 49°43' East 826.3 feet with a fence along the
10 Southeast line of said road to a fence post, the intersection of the
11 Southwest line of a gravel road, from which post an iron pin found
12 marking the West corner of the Bryant L. Hohertz et ux tract called
13 168.53 acres out of said 339.5 acres, bears North 48° 53' East 80.0
14 feet, for the Northeast corner of this tract;
15 THENCE, with the Southwest fence line of said road as follows:
16 South 63°05' East 93.0 feet to a fence post;
17 South 41°48' East 2323.5 feet to a fence corner post at the
18 intersection of first said
19 Gravel road from which post the South corner of said 168.53 acre
20 tract bears North 43°
21 33' East 14.3 feet for the Southeast corner of this tract;
22 THENCE South 49°01' West 912.6 feet with the Northwest fence line of
23 said gravel road to the Place of Beginning, containing 48.95 acres
24 of land. As surveyed by Ben H. Chamness, RPS #2225, February, 1980.
25 And being the same property described in Warranty Deed from
26 Florence B. Home to William M. Schroeder, Jr. et al, dated March 6,
27 1980, recorded in Volume 412, Page 61, Deed Records of Caldwell

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1 County, Texas.

2 TOGETHER WITH THE FOLLOWING DESCRIBED TRACT:

3 Tract 2:

4 ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATED IN CALDWELL
5 COUNTY, TEXAS, A PART OF THE ELBERT HINES LEAGUE AND DESCRIBED AS:

6 Beginning at the most North corner of 330 acres, more or less,
7 bought by G. A. Blasienz from H. W. Griffith, et al;

8 THENCE South 40 East 1194.44 feet to a stake for the North corner of
9 a 136.88 acre tract conveyed by the said G. A. Blasienz and wife, to
10 W.S. Schroeder;

11 THENCE South 50 West 4991.67 feet to a stake set for the most West
12 corner of said Schroeder tract on the Northeast line of 50 acres of
13 land conveyed by said G. A. Blasienz and wife, to C. Schulle;

14 THENCE, North 40 West with said line 1194.44 feet to the North
15 corner of said 50 acre tract a stake on the lower line of the public
16 road;

17 THENCE North 50 East 4991.67 feet to the Place of Beginning,
18 containing 136.88 acres of land, Being the same land as described in
19 a deed from R.W. Bartling, et al, to William H. Schroeder, dated
20 February 18, 1916 recorded in Volume 214, Page 477, Deed Records of
21 Caldwell County, Texas

22 SECTION 3. (a) The legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

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1 Government Code.

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

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

9 (d) All requirements of the constitution and laws of this
10 state and the rules and procedures of the legislature with respect
11 to the notice, introduction, and passage of this Act are fulfilled
12 and accomplished.

13 SECTION 4. (a) Section 8343.104, Special District Local
14 Laws Code, as added by Section 1 of this Act, takes effect only if
15 this Act receives a two-thirds vote of all the members elected to
16 each house.

17 (b) If this Act does not receive a two-thirds vote of all the
18 members elected to each house, Subchapter C, Chapter 8343, Special
19 District Local Laws Code, as added by Section 1 of this Act, is
20 amended by adding Section 8343.104 to read as follows:

21 Sec. 8343.104. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

23 (c) This section is not intended to be an expression of a
24 legislative interpretation of the requirements of Subsection (c),
25 Section 17, Article I, Texas Constitution.

26 SECTION 5. Except as provided by Section 4 of this Act:

27 (1) this Act takes effect immediately if it receives a

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1 vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution; and

3 (2) if this Act does not receive the vote necessary for
4 immediate effect, this Act takes effect September 1, 2011 _____

David Keuchner
President of the Senate

Joe Straus
Speaker of the House

I hereby certify that S.B. No. 629 passed the Senate on
March 31, 2011, by the following vote: Yeas 31, Nays 0; and that
the Senate concurred in House amendment on May 27, 2011, by the
following vote: Yeas 31, Nays 0. _____

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 629 passed the House, with
amendment, on May 20, 2011, by the following vote: Yeas 149,
Nays 0, one present not voting. _____

Robert Haney
Chief Clerk of the House

Approved:

Date

Governor

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

JUN 17 2011
Boyd Rutherford
Secretary of State