

By: Isaac

H.B. No. 4301

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Driftwood Conservation District;  
granting a limited power of eminent domain; providing authority to  
issue bonds; providing authority to impose assessments, fees, and  
taxes.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws  
Code, is amended by adding Chapter 7982 to read as follows:

CHAPTER 7982. DRIFTWOOD CONSERVATION DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7982.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Driftwood Conservation  
District.

Sec. 7982.002. NATURE OF DISTRICT. The district is a  
municipal utility district created under Section 59, Article XVI,  
Texas Constitution.

Sec. 7982.003. CONFIRMATION AND DIRECTORS' ELECTION  
REQUIRED. The temporary directors shall hold an election to  
confirm the creation of the district and to elect five permanent  
directors as provided by Section 49.102, Water Code.

1       Sec. 7982.004. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section 7982.003  
3 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 7982.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
8 The district is created to serve a public purpose and benefit.

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

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

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

16       Sec. 7982.006. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23           (1) organization, existence, or validity;

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

27           (3) right to impose a tax; or

1           (4) legality or operation.

2           Sec. 7982.007. APPLICABILITY OF OTHER LAW. Chapter 257,  
3 Transportation Code, and other general laws applicable to road  
4 districts created under Section 52, Article III, Texas  
5 Constitution, apply to the district.

6                   SUBCHAPTER B. BOARD OF DIRECTORS

7           Sec. 7982.051. GOVERNING BODY; TERMS. (a) The district is  
8 governed by a board of five elected directors.

9           (b) Except as provided by Section 7982.052, directors serve  
10 staggered four-year terms.

11           Sec. 7982.052. TEMPORARY DIRECTORS. (a) On or after the  
12 effective date of the Act enacting this chapter, the owner or owners  
13 of a majority of the assessed value of the real property in the  
14 district may submit a petition to the commission requesting that  
15 the commission appoint as temporary directors the five persons  
16 named in the petition. The commission shall appoint as temporary  
17 directors the five persons named in the petition.

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

19                   (1) the date permanent directors are elected under  
20 Section 7982.003; or

21                   (2) the fourth anniversary of the effective date of  
22 the Act enacting this chapter.

23           (c) If permanent directors have not been elected under  
24 Section 7982.003 and the terms of the temporary directors have  
25 expired, successor temporary directors shall be appointed or  
26 reappointed as provided by Subsection (d) to serve terms that  
27 expire on the earlier of:

1           (1) the date permanent directors are elected under  
2 Section 7982.003; or

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

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

12                           SUBCHAPTER C. POWERS AND DUTIES

13           Sec. 7982.101. GENERAL POWERS AND DUTIES. The district has  
14 the powers and duties necessary to accomplish the purposes for  
15 which the district is created.

16           Sec. 7982.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
17 DUTIES. The district has the powers and duties provided by the  
18 general law of this state, including Chapters 49 and 54, Water Code,  
19 applicable to municipal utility districts created under Section 59,  
20 Article XVI, Texas Constitution.

21           Sec. 7982.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
22 52, Article III, Texas Constitution, the district may design,  
23 acquire, construct, finance, issue bonds for, improve, operate,  
24 maintain, and convey to this state, a county, or a municipality for  
25 operation and maintenance macadamized, graveled, or paved roads, or  
26 improvements, including storm drainage, in aid of those roads.

27           Sec. 7982.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road

1 project must meet all applicable construction standards, zoning and  
2 subdivision requirements, and regulations of each municipality in  
3 whose corporate limits or extraterritorial jurisdiction the road  
4 project is located.

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

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

13 Sec. 7982.105. IMPROVEMENT PROJECTS. (a) The district may  
14 provide or finance, or contract with a governmental or private  
15 person to provide or finance, the following types of projects or  
16 activities in support of or incidental to one of the projects:

17 (1) an improvement project that is a public  
18 improvement, facility, or service that may be provided by a  
19 municipal utility district or a municipal management district,  
20 including:

21 (A) water, wastewater, reclamation, drainage,  
22 road, trail, or bridge improvement;

23 (B) utilization and reuse of treated effluent in  
24 landscape and other features, including temporary holding  
25 features;

26 (C) transportation of treated effluent for  
27 reuse; and

1           (D) injection of treated stormwater runoff or  
2 stormwater collected from roofs into aquifers as storage or to  
3 recharge the aquifer; and

4           (2) the purchase and maintenance of conservation land  
5 for endangered species, including the cost of:

6           (A) any permits relating to endangered species or  
7 the maintenance of the land; and

8           (B) purchasing land or easements for  
9 conservation mitigation.

10          (b) The district may inject stormwater as authorized by  
11 Subsection (a)(1)(D) without the consent, concurrence, or  
12 authorization of a groundwater conservation district, but only if  
13 the district acquires a permit as required by Section 27.011, Water  
14 Code.

15          (c) To finance an improvement project under Subsection  
16 (a)(1), the district may, in the manner authorized by:

17           (1) Chapter 375, Local Government Code, or Chapter 54,  
18 Water Code, use funds derived from:

19                   (A) ad valorem taxes;

20                   (B) sales and use taxes from a strategic  
21 partnership agreement authorized by Section 7982.108;

22                   (C) assessments imposed under Section 7982.201;

23                   (D) revenue from an improvement project;

24                   (E) impact fees; or

25                   (F) any other source; and

26           (2) Sections 375.201 through 375.205, Local  
27 Government Code, enter into obligations, including:

1           (A) lease purchase agreements;

2           (B) certificates of participation in lease  
3 purchase agreements;

4           (C) general obligation bonds and notes and  
5 revenue bonds and notes;

6           (D) combination general obligation and revenue  
7 bonds and notes; and

8           (E) other interest-bearing obligations.

9           (d) Sections 375.161 through 375.163, Local Government  
10 Code, do not apply to an assessment imposed by the district.

11           Sec. 7982.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
12 OR RESOLUTION. The district shall comply with all applicable  
13 requirements of any ordinance or resolution that is adopted under  
14 Section 54.016 or 54.0165, Water Code, and that consents to the  
15 creation of the district or to the inclusion of land in the  
16 district.

17           Sec. 7982.107. DIVISION OF DISTRICT. (a) The district may  
18 be divided into two or more new districts only if the district:

19                   (1) has no outstanding bonded debt; and

20                   (2) is not imposing ad valorem taxes.

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

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

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

5       (e) The board may adopt an order dividing the district  
6 before or after the date the board holds an election under Section  
7 7982.003 to confirm the creation of the district.

8       (f) An order dividing the district shall:

9           (1) name each new district;

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

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

13 and

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

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

20       (h) Any new district created by the division of the district  
21 shall hold a confirmation and directors' election as required by  
22 Section 7982.003.

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

27       Sec. 7982.108. STRATEGIC PARTNERSHIP AGREEMENT. The



1 district may negotiate and enter into a written strategic  
2 partnership agreement with a municipality under Section 43.0751,  
3 Local Government Code.

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 7982.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
6 district may issue, without an election, bonds and other  
7 obligations secured by:

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

9 (2) contract payments described by Section 7982.153.

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

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

18 Sec. 7982.152. OPERATION AND MAINTENANCE TAX. (a) If  
19 authorized at an election held under Section 7982.151, the district  
20 may impose an operation and maintenance tax on taxable property in  
21 the district in accordance with Section 49.107, Water Code.

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

24 Sec. 7982.153. CONTRACT TAXES. (a) In accordance with  
25 Section 49.108, Water Code, the district may impose a tax other than  
26 an operation and maintenance tax and use the revenue derived from  
27 the tax to make payments under a contract after the provisions of

1 the contract have been approved by a majority of the district voters  
2 voting at an election held for that purpose.

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

6 SUBCHAPTER E. ASSESSMENTS; APPLICABILITY OF IMPACT FEES AND  
7 ASSESSMENTS

8 Sec. 7982.201. PETITION REQUIRED FOR FINANCING  
9 RECREATIONAL FACILITY OR IMPROVEMENT BY ASSESSMENT. (a) The  
10 district may finance a recreational facility or improvement,  
11 including an improvement project under Section 7982.105, with  
12 assessments on residential or commercial property or both  
13 residential and commercial property under this subchapter, but only  
14 if:

15 (1) a written petition requesting that facility or  
16 improvement has been filed with the board; and

17 (2) the district holds a hearing on the proposed  
18 assessments.

19 (b) The petition must be signed by the owners of a majority  
20 of the assessed value of real property in the district subject to  
21 assessment according to the most recent certified tax appraisal  
22 roll for the county.

23 Sec. 7982.202. METHOD OF NOTICE FOR HEARING. The district  
24 shall mail notice of the hearing to each property owner in the  
25 district who will be subject to the assessment at the current  
26 address to be assessed as reflected on the tax rolls. The district  
27 may mail the notice by certified or first class United States mail.

1 The board shall determine the method of notice.

2 Sec. 7982.203. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) An  
3 assessment or a reassessment imposed under this subchapter by the  
4 district, penalties and interest on an assessment or reassessment,  
5 an expense of collection, and reasonable attorney's fees incurred  
6 by the district:

7 (1) are a first and prior lien against the property  
8 assessed;

9 (2) are superior to any other lien or claim other than  
10 a lien or claim for county, school district, or municipal ad valorem  
11 taxes; and

12 (3) are the personal liability of and a charge against  
13 the owners of the property even if the owners are not named in the  
14 assessment proceedings.

15 (b) The lien is effective from the date of the board's  
16 resolution imposing the assessment until the date the assessment is  
17 paid. The board may enforce the lien in the same manner that the  
18 board may enforce an ad valorem tax lien against real property.

19 (c) The board may make a correction to or deletion from the  
20 assessment roll that does not increase the amount of assessment of  
21 any parcel of land without providing notice and holding a hearing in  
22 the manner required for additional assessments.

23 Sec. 7982.204. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
24 ASSESSMENTS. The district may not impose an impact fee or  
25 assessment on the property, including the equipment,  
26 rights-of-way, facilities, or improvements, of:

27 (1) an electric utility or a power generation company

1 as defined by Section 31.002, Utilities Code;

2 (2) a gas utility as defined by Section 101.003 or  
3 121.001, Utilities Code;

4 (3) a telecommunications provider as defined by  
5 Section 51.002, Utilities Code; or

6 (4) a person who provides to the public cable  
7 television or advanced telecommunications services.

8 SUBCHAPTER F. BONDS AND OTHER OBLIGATIONS

9 Sec. 7982.251. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. The district may issue bonds or other obligations  
11 payable wholly or partly from ad valorem taxes, impact fees,  
12 revenue, contract payments, grants, or other district money, or any  
13 combination of those sources, to pay for any authorized district  
14 purpose.

15 Sec. 7982.252. TAXES FOR BONDS. At the time the district  
16 issues bonds payable wholly or partly from ad valorem taxes, the  
17 board shall provide for the annual imposition of a continuing  
18 direct ad valorem tax, without limit as to rate or amount, while all  
19 or part of the bonds are outstanding as required and in the manner  
20 provided by Sections 54.601 and 54.602, Water Code.

21 Sec. 7982.253. BONDS FOR ROAD PROJECTS. At the time of  
22 issuance, the total principal amount of bonds or other obligations  
23 issued or incurred to finance road projects and payable from ad  
24 valorem taxes may not exceed one-fourth of the assessed value of the  
25 real property in the district.

26 SUBCHAPTER G. DEFINED AREAS

27 Sec. 7982.301. AUTHORITY TO ESTABLISH DEFINED AREAS OR

1 DESIGNATED PROPERTY. The district may define areas or designate  
2 certain property of the district to pay for improvements,  
3 facilities, or services that primarily benefit that area or  
4 property and do not generally and directly benefit the district as a  
5 whole.

6 Sec. 7982.302. PROCEDURE FOR ELECTION. (a) Before the  
7 district may impose an ad valorem tax or issue bonds payable from ad  
8 valorem taxes of the defined area or designated property, the board  
9 shall hold an election in the defined area or in the designated  
10 property only.

11 (b) The board may submit the issues to the voters on the same  
12 ballot to be used in another election.

13 Sec. 7982.303. DECLARING RESULT AND ISSUING ORDER. (a) If  
14 a majority of the voters voting at the election approve the  
15 proposition or propositions, the board shall declare the results  
16 and, by order, shall establish the defined area and describe it by  
17 metes and bounds or designate the specific property.

18 (b) A court may not review the board's order except on the  
19 ground of fraud, palpable error, or arbitrary and confiscatory  
20 abuse of discretion.

21 Sec. 7982.304. TAXES FOR SERVICES, IMPROVEMENTS, AND  
22 FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter  
23 approval and adoption of the order described by Section 7982.303,  
24 the district may apply separately, differently, equitably, and  
25 specifically its taxing power and lien authority to the defined  
26 area or designated property to provide money to construct,  
27 administer, maintain, and operate services, improvements, and

1 facilities that primarily benefit the defined area or designated  
2 property.

3 Sec. 7982.305. ISSUANCE OF BONDS FOR DEFINED AREA OR  
4 DESIGNATED PROPERTY. After the order under Section 7982.303 is  
5 adopted, the district may issue bonds to provide for any land,  
6 improvements, facilities, plants, equipment, and appliances for  
7 the defined area or designated property.

8 SECTION 2. The Driftwood Conservation District initially  
9 includes all the territory contained in the following area:

10 Tract I

11 FIELDNOTE DESCRIPTION of a 394.112 acre tract out of the  
12 Freelove Woody Survey No. 23, Hays County, Texas, being a portion  
13 of that 700.03 acre tract conveyed to John Richard Rutherford by  
14 deed recorded in Volume 1214, Page 548 of the Deed Records of Hays  
15 County, Texas; the said 394.112 acre tract is more particularly  
16 described by metes and bounds as follows:

17 BEGINNING at a calculated point for the most westerly corner  
18 of the said 700.03 acre tract, being on the southerly line of that  
19 100 acre tract conveyed to Masa Scott Roberts by deed recorded in  
20 Volume 301, Page 865 of the said Deed Records, and a point in the  
21 northerly right-of-way line of State Highway FM 967 (80.00'  
22 right-of-way), from which a TxDOT concrete highway monument found  
23 bears N41 10'07"Q, 85.92 feet;

24 THENCE, leaving the northerly right-of-way line of State  
25 Highway FM 967, with the common line between the said 700.03 acre  
26 tract and the said 100 acre tract, for the following two (2)  
27 courses:

1           1. N88 43'28"E at .25 feet pass a 1/2" iron rod found,  
2 for a total distance of 2005.48 feet to a 60d nail found in a fence  
3 corner post for the southeast corner of the said 100 acre tract;

4           2. N00 59'15"W, 515.50 feet to a 5/8" iron rod found  
5 stamped "Kent McMillon, Land Surveyor, RPLS 4341", for a northwest  
6 corner of the said 700.03 acre tract, being on a westerly line of  
7 the remainder of that 535.13 acre tract conveyed to Michael Giles  
8 Rutherford, Jr., John Richard Rutherford and Sally Anne Rutherford  
9 by deed recorded in Volume 1214, Page 531 of the said Deed Records,  
10 from which a 1/2 " iron rod found for the northeast corner of the  
11 said 100 acre tract bears N00 59'15"W, 523.55 feet;

12           THENCE, N89 02'23"E, leaving the easterly line of the said  
13 100 acre tract, across the said 535.13 acre tract, with northerly  
14 line of the said 700.03 acre tract, 5479.22 feet to a 1/2 " iron rod  
15 set with plastic cap for the northeast corner of the herein  
16 described tract, being in the westerly line of the remainder of that  
17 652.60 acre tract also conveyed to Michael Giles Rutherford, Jr.,  
18 John Richard Rutherford and Sally Anne Rutherford by deed recorded  
19 in Volume 1214, Page 531 of the said Deed Records;

20           THENCE, leaving the said remainder of the 535. 13 acre tract  
21 and the 652.60 acre tract, across the said 700.03 acre tract for the  
22 following three (3) courses:

23           1) S00 15'40 E, 514.97 feet to a 1/2" iron rod set with  
24 plastic cap;

25           2) S89 02'23"W, 15.17 feet to a fence corner post found;

26           3) S00°27'04"E, 1260. 14 feet to a metal fence corner  
27 post found for an ell corner in the southerly line of the said

1 700.03 acre tract, being on the remainder of that certain tract,  
2 described as First Tract, conveyed to Michael Giles Rutherford by  
3 deed recorded in Volume 197, Page 45 of the said Deed Records, from  
4 which a 5/8" iron rod found with aluminum cap stamped "Kent  
5 McMillan, Land Surveyor, RPLS 4341" bears N87 1'36"E, 1675.22 feet;

6       THENCE, S01°00'52"E, across the said Michael Giles Rutherford  
7 First Tract, with an easterly line of the said 700.03 acre tract,  
8 17.61 feet to a 5/8" iron rod found with aluminum cap stamped "Kent  
9 McMillan, Land Surveyor, RPLS 4341" for the most easterly,  
10 southeast comer of the herein described tract, from which a fence  
11 corner post found for the most southerly, southeast corner of the  
12 aforesaid 700.03 acre tract, being an ell comer of the said Michael  
13 Giles Rutherford tract and the northeast corner of that certain  
14 26.25 acre tract conveyed to Denton E. Ragland, Patrice Ragland and  
15 Marilyn Ragland by deed recorded in Volume 282, Page 373 of the said  
16 Deed Records bears S01°00'52"E, 2121.99 feet;

17       THENCE, leaving the remainder of the said Michael Giles  
18 Rutherford tract, across the said 700.03 acre tract, for the  
19 following twenty-three (23) courses:

20           1) N83°13'49"W, 111.37 feet to a 1/2" iron rod set with  
21 plastic cap;

22           2) N81°56'14"W, 349.24 feet to a 1/2" iron rod set with  
23 plastic cap;

24           3) N71°01'01"W, 274.19 feet to a 1/2" iron rod set with  
25 plastic cap;

26           4) N78°02'17"W, 468.31 feet to a 1/2" iron rod set with  
27 plastic cap;



- 1           5) N82°55' 15"W, 267.33 feet to a 1/2" iron rod set with  
2 plastic cap;
- 3           6) S71°57'45"W, 177.28 feet to a 1/2" iron rod set with  
4 plastic cap;
- 5           7) N78'37'03"W, 375.19 feet to a 1/2" iron rod set with  
6 plastic cap;
- 7           8) S65°03'19"W, 84.41 feet to a 1/2" iron rod set with  
8 plastic cap;
- 9           9) S33°11'56"W, 124.67 feet to a 1/2" iron rod set with  
10 plastic cap;
- 11          10) S01°02'08"W 168.03 feet to a 1/2" iron rod set with  
12 plastic cap;
- 13          11) S27 03' 16"W, 206.14 feet to a 1/2" iron rod set  
14 with plastic cap;
- 15          12) S17°49'54"W, 197.44 feet to a 1/2" iron rod set  
16 with plastic cap;
- 17          13) S30°34'17"W, 272.18 feet to a to a 1/2" iron rod set  
18 with plastic cap;
- 19          14) S12°51'33"W, 225.06 feet to a 1/2" iron rod set  
20 with plastic cap;
- 21          15) S08°30'37"E, 228.34 feet to a 1/2" iron rod set  
22 with plastic cap;
- 23          16) S17°32'26"W 215.74 feet to a 1/2" iron rod set with  
24 plastic cap;
- 25          17) S18°36'23"W, 192.00 feet to a 1/2" iron rod set  
26 with plastic cap;
- 27          18) S01°16'37"E, 177.11 feet to a 1/2" iron rod set

1 with plastic cap:

2           19) S63°12'48"W, 153.98 feet to a 1/2" iron rod set with  
3 plastic cap;

4           20) S45°13'37"W, 150.25 feet to a 1/2" iron rod set  
5 with plastic cap;

6           21) S29°56'27"W, 113.65 to a 1/2" iron rod set with  
7 plastic cap:

8           22) S60°22'29"W, 114.26 feet to a 1/2" iron rod set  
9 with plastic cap;

10           23) S26 35'43"W, 75.57 feet to a 5/8" iron rod found  
11 with aluminum cap, stamped "Kent McMillan, Land Surveyor, RPLS  
12 4341", on the southerly line of the said 700.03 acre tract, being on  
13 the notherly right-of-way line of the aforesaid Sate Highway FM  
14 967, and being 40.00 feet right of State Highway centerline station  
15 587+49.3;

16           THENCE, with the common line between the said 700.03  
17 acre tract and the said right-of-way line of State Highway FM  
18 967, for the following two (2) courses:

19           1) N89 12'09"W, at 750.58 feet pass a TxDOT concrete  
20 highway monument found, for a total distance of 1247.30 feet to a  
21 calculated point for the point of curvature of a non-tangent curve  
22 to the right, from which a TxDOT concrete highway monument found  
23 bears S01 07'48"W, 0.38 feet, said calculated point being 40.00  
24 feet right of State Highway centerline station 599+95.5;

25           2) With the said curve to the right having a central  
26 angle of 48 00'30", a radius of 1105.92 feet, a chord distance of  
27 899.79 feet (chord bears N65 10'23"W), for an arc distance of 926.66

1 feet to a calculated point for the point of tangency, from which a  
2 TxDOT concrete highway monument found bears N81 52'12"E, 1.37 feet,  
3 said calculated point being 40.00 feet right of State Highway  
4 centerline station 609+55.5;

5       THENCE, N41 10'07"W, continuing with the common line between  
6 the said 700.03 acre tract and the northerly right-of-way line of  
7 State Highway FM967, at 1393.60 feet pass a TxDOT concrete monument  
8 found 0.28 feet to the left, at 2244.39 feet pass a TxDOT concrete  
9 highway monument found, for a total distance of 3675.62 feet to the  
10 PLACE OF BEGINNING, CONTAINING within these metes and bounds  
11 394.112 acres of land area.

12 TRACT II.

13       FIELDNOTE DESCRIPTION of a 128.166 acre tract out of the  
14 Freelove Woody Survey No.23, Hays County, Texas, being a portion of  
15 that 700.03 acre tract conveyed to John Richard Rutherford by deed  
16 recorded in Volume 1214, page 548 of the Deed Records of Hays  
17 County, Texas; the said 128.166 acre tract is more particularly  
18 described by metes and bounds as follows:

19       BEGINNING at a fence corner post found for the most southerly  
20 southeast corner of the said 700.03 acre tract, being the northeast  
21 corner of that 26.25 acre tract conveyed to Denton Ragland, Jr.,  
22 Patrice Ragland and Marilyn Ragland by deed recorded in Volume 282,  
23 Page 372 of the said Deed Records and an ell corner of that certain  
24 tract, described as first tract, conveyed to Michael Giles  
25 Rutherford recorded in Volume 197, page 45 of the said Deed Records,  
26 from which a fence corner post found in the common line between the  
27 said 26.25 acre tract and that certain Michael Giles Rutherford

1 tract bears S00 42'40"E, 446.87 feet;

2       THENCE, N88 53'01"W, leaving the said Michael Giles  
3 Rutherford tract, with the southerly line of the said 700.03 acre  
4 tract, at 21.54 feet pass a 5/8" iron rod found, stamped "Kent  
5 McMillan, Land Surveyor, RPLS 4341", 0.56 feet to the left, at  
6 719.81 feet pass the approximate northwest corner of the said 26.25  
7 acre tract, being approximate northeast corner of the remainder of  
8 that 53.50 acre tract conveyed to Minnie Rogers by deed recorded in  
9 Volume 210, Page 210 of the said Deed Records, for a total distance  
10 of 2711.59 feet to a 5/8" iron pipe found on a curve to the left in  
11 the northerly right of way line of State Highway FM 967;

12       THENCE, with the common line between the said 700.03 acre  
13 tract and the northerly right-of-way line of State Highway 967,  
14 with the said curve to the left having a central angle of 09 18'06",  
15 a radius of 1949.86 feet, a chord distance of 316.20 feet(chord  
16 bears N84 31'41"W), for an arch distance of 316.55 feet to a 5/8"  
17 iron rod found with aluminum cap stamped "Kent McMillan, Land  
18 Surveyor, RPLS 4341" for the point of tangency and southwest corner  
19 of the herein described tract, said point being 40.00 feet right of  
20 State Highway RM 967 centerline station 587+49.3, from which a 5/8"  
21 iron rod found with aluminum cap stamped "Kent McMillan, Land  
22 Surveyor, RPLS 4341" in the common line between said 700.03 acre  
23 tract and northerly right-of-way line of State Highway FM 967,  
24 being 40.00 feet right of State Highway FM 967 centerline station  
25 599+95.5, bears N89 12'09"W, 1247.30 feet;

26       THENCE, leaving the said northerly right-of-way line of State  
27 Highway FM 967, across the said 700.03 acre tract, for the following

- 1 twenty-three (23) courses:
- 2           1. N26 35'43"E, 75.57 feet to a 1/2" iron rod set with  
3 plastic cap;
  - 4           2. N60 22'29"E, 114.26 feet to a 1/2" iron rod set with  
5 plastic cap;
  - 6           3. N29 56'27"E, 113.65 feet to a 1/2" iron rod set with  
7 plastic cap;
  - 8           4. N45 13'37"E, 150.25 feet to a 1/2" iron rod set with  
9 plastic cap;
  - 10          5. N63 12'48"E, 153.98 feet to a 1/2" iron rod set with  
11 plastic cap;
  - 12          6. N01 16'37"W, 177.11 feet to a 1/2" iron rod set with  
13 plastic cap;
  - 14          7. N18 36'23"E, 192.00 feet to a 1/2" iron rod set with  
15 plastic cap;
  - 16          8. N17 32'26"E, 215.74 feet to a 1/2" iron rod set with  
17 plastic cap;
  - 18          9. N08 30'37"W, 228.34 feet to a 1/2" iron rod set with  
19 plastic cap;
  - 20          10. N12 51'33"E, 225.06 feet to a 1/2" iron rod set  
21 with plastic cap;
  - 22          11. N30 34'17"E, 272.18 feet to a 1/2" iron rod set  
23 with plastic cap;
  - 24          12. N17 49'54"E 197.44 feet to a 1/2" iron rod set with  
25 plastic cap;
  - 26          13. N27 03'16"E, 206.14 feet to a 1/2" iron rod set  
27 with plastic cap;

1           14. N01 02'08"E, 168.03 feet to a 1/2" iron rod set  
2 with plastic cap;  
3           15. N33 11'56"E, 124.67 feet to a 1/2" iron rod set  
4 with plastic cap;  
5           16. N65 03'19"E, 84.41 feet to a 1/2" iron rod set with  
6 plastic cap;  
7           17. S78 37'03"E, 375.19 feet to a 1/2" iron rod set  
8 with plastic cap;  
9           18. N71 57'45"E, 177.28 feet to a 1/2" iron rod set  
10 with plastic cap;  
11          19. S82 55'15"E, 267.33 feet to a 1/2" iron rod set  
12 with plastic cap;  
13          20. S78 02'17"E, 468.31 feet to a 1/2" iron rod set  
14 with plastic cap;  
15          21. S71 01'01"E, 274.19 feet to a 1/2" iron rod set  
16 with plastic cap;  
17          22. S81 56'14"E, 349.24 feet to a 1/2" iron rod set  
18 with plastic cap;  
19          23. S83 13'49"E, 111.37 feet to a 5/8" iron rod found  
20 with aluminum cap stamped "Kent McMillan, Land Surveyor, RPLS 4341"  
21 on an easterly line of the said 700.03 acre tract, being a westerly  
22 line created from the remainder of that certain Michael Giles  
23 Rutherford tract, from which a metal gate post found for an ell  
24 corner of the said 700.03 acre tract bears N01 00'52"W, 17.61 feet;  
25          THENCE, S01 00'52"E, across the said Michael Giles Rutherford  
26 tract, with an easterly line of the said 700.03 acre tract, at a  
27 distance of 1885.44 feet to the left, at 2084.56 feet pass a 5/8"

1 iron rod found, stamped "Kent McMillan, Land Surveyor, RPLS 4341",  
2 0.07 feet to the left, for a total distance of 2104.37 feet to the  
3 PLACE OF BEGINNING, CONTAINING within these metes and bounds of  
4 128.166 acres of land area.

5 TRACT III

6 FIELDNOTE DESCRIPTION OF A 0.1793 acre tract of the Freelove  
7 Woody Survey No. 23, Abstract No.20, Hays County, Texas, being a  
8 portion of that certain tract, described as First Tract, conveyed  
9 to Michael Giles Rutherford (First Tract) by deed recorded in  
10 Volume 197, Page 45 of the Deed Records of Hays County, Texas; the  
11 said 0.1793 acre tract is more particularly described by metes and  
12 bounds as follows:

13 BEGINNING at a cotton in spindle found on the easterly line of  
14 that 522.25 acre tract conveyed to Michael Giles Rutherford by deed  
15 recorded in Volume 3799, Page 263 of the Official Public Records of  
16 Hays County, Texas, same being the southwest corner of that 177.762  
17 acre tract described as Exhibit A-1, as conveyed to LSM Ranch, Ltd.  
18 By deed recorded in Volume 1628, Page 206 of the said Deed Records  
19 and the proposed southwest corner of Rim Rock, Phase One, Section  
20 Five, subdivision;

21 THENCE, N87 51'36"E, leaving the easterly line of the said  
22 522.25 acre tract, across the said First Tract, with the southerly  
23 line of the said 177.762 acre tract and proposed Rim Rock, Phase  
24 One, Section Five subdivision, for a distance of 99.82 feet to a  
25 calculated point for the northeast corner of the herein described  
26 tract, same being the most northerly northwest corner of Lot 34,  
27 Block 'A', Rutherford West, Section 2, a subdivision recorded in

1 Book 14, pages 49 through 53 of the Plat Records of Hay County,  
2 Texas, from which a 1/2"iron rod found with plastic cap marked  
3 "Capital Surveying Company, Inc", bears N00 32'40"W, 0.13 feet;

4 THENCE, leaving the southerly line of the said 177.762 acre  
5 tract and proposed Rim Rock, Phase One, Section Five, subdivision,  
6 across the said First Tract, with the westerly and northerly lines  
7 of said Lot 34, Block 'A", for the following two (2) courses:

8 1. S00 32'40"E, 81.34 feet to a 1/2"iron rod found with  
9 plastic cap marked "Capital Surveying Company, Inc., found;

10 2. N88 52'48"W, 99.21 feet 1/2"iron rod found with  
11 plastic cap marked "Capital Surveying Company, Inc., found for the  
12 most westerly northwest corner of aforesaid Lot 34, Block 'A', same  
13 being on the easterly line of the aforesaid 522.25 acre tract and  
14 the southwest corner of the herein described tract;

15 THENCE, N01 00'52"W, leaving the northerly line of said Lot  
16 34, Block 'A', and continuing across the said First Tract, easterly  
17 line of the aforesaid 522.25 acre tract, at a distance of 58.07 feet  
18 pass a 5/8" iron rod, with aluminum cap marked "Kent McMillan,  
19 Surveyor, RPLS 4341", found and continuing for a total distance of  
20 75.68 feel to the PLACE OF BEGINNING, CONTAINING within these metes  
21 and bounds 0.1793 acres of land area.

22 The Bearing Basis for this description is the Texas State  
23 Plane Coordinate System, South Central Zone, NAD 83 Datum, derived  
24 from GPS Survey occupations.

25 SECTION 3. (a) The legal notice of the intention to  
26 introduce this Act, setting forth the general substance of this  
27 Act, has been published as provided by law, and the notice and a



1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

5 (b) The governor, one of the required recipients, has  
6 submitted the notice and Act to the Texas Commission on  
7 Environmental Quality.

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

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

16 SECTION 4. (a) If this Act does not receive a two-thirds  
17 vote of all the members elected to each house, Subchapter C, Chapter  
18 7982, Special District Local Laws Code, as added by Section 1 of  
19 this Act, is amended by adding Section 7982.109 to read as follows:

20 Sec. 7982.109. NO EMINENT DOMAIN POWER. The district may  
21 not exercise the power of eminent domain.

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

25 SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this  
2 Act takes effect September 1, 2017.