

By: Dale

H.B. No. 971

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Leander TODD Municipal Utility
3 District No. 1 of Williamson County; providing authority to impose
4 a tax and issue bonds; 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 8412 to read as follows:

CHAPTER 8412. LEANDER TODD MUNICIPAL UTILITY DISTRICT

NO. 1 OF WILLIAMSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8412.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Leander TODD Municipal
trict No. 1 of Williamson County.

Sec. 8412.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

21 Sec. 8412.003. 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.

1 Sec. 8412.004. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section 8412.003
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. 8412.005. 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. 8412.006. 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. 8412.007. ELIGIBILITY FOR INCLUSION IN TAX INCREMENT

3 REINVESTMENT ZONE. (a) The district is eligible to be included in
4 a tax increment reinvestment zone created under Chapter 311, Tax
5 Code.

6 (b) If the City of Leander has created or creates a tax
7 increment reinvestment zone described by Subsection (a) that
8 includes all or part of the territory of the district, the City of
9 Leander and the board of directors of the zone or a developer of
10 property within the tax increment reinvestment zone that receives
11 or will receive money from the tax increment fund, by contract with
12 the district, may grant money to the district from the tax increment
13 fund to be used for a permissible purpose of the district,
14 including:

15 (1) the right to pledge the money as security for a
16 bond or other obligation issued by the district; and

17 (2) any permissible purpose of a corporation under
18 Section 380.002(b), Local Government Code.

19 [Sections 8412.008-8412.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8412.051. GOVERNING BODY; TERMS. (a) The district is
22 governed by a board of five elected directors.

23 (b) Except as provided by Section 8412.052, directors serve
24 staggered four-year terms.

25 Sec. 8412.052. TEMPORARY DIRECTORS. (a) The temporary
26 board consists of:

27 (1) _____;

(b) Temporary directors serve until the earlier of:

10 (c) If permanent directors have not been elected under
11 Section 8412.003 and the terms of the temporary directors have
12 expired, successor temporary directors shall be appointed or
13 reappointed as provided by Subsection (d) to serve terms that
14 expire on the earlier of:

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

26 [Sections 8412.053-8412.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8412.101. GENERAL POWERS AND DUTIES. The district has
3 the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 8412.102. 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. 8412.103. 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, or
15 improvements, including storm drainage, in aid of those roads.

16 Sec. 8412.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
17 project must meet all applicable construction standards, zoning and
18 subdivision requirements, and regulations of each municipality in
19 whose corporate limits or extraterritorial jurisdiction the road
20 project is located.

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

26 (c) If the state will maintain and operate the road, the
27 Texas Transportation Commission must approve the plans and

1 specifications of the road project.

2 Sec. 8412.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
3 OR RESOLUTION. (a) The district shall comply with all applicable
4 requirements of any ordinance or resolution that is adopted under
5 Section 54.016 or 54.0165, Water Code, and that consents to the
6 creation of the district or to the inclusion of land in the
7 district.

8 (b) In addition to all the rights and remedies provided by
9 other law, if the district violates the terms of an ordinance or
10 resolution described by Subsection (a), the municipality is
11 entitled to injunctive relief or a writ of mandamus issued by a
12 court requiring the district and the district's officials to
13 observe and comply with the terms of the ordinance or resolution.

14 Sec. 8412.106. EFFECT OF ANNEXATION OR INCLUSION WITHIN THE
15 CORPORATE BOUNDARIES OF THE CITY OF LEANDER. Notwithstanding
16 Section 54.016(f)(2), Water Code, an allocation agreement between
17 the City of Leander and the district that provides for the
18 allocation of the taxes or revenues of the district and the city
19 following the date of inclusion of all the district's territory in
20 the corporate limits of the city may provide that the total annual
21 ad valorem taxes collected by the city and the district from taxable
22 property in the district may exceed the city's ad valorem tax on
23 that property.

24 Sec. 8412.107. LIMITATION ON USE OF EMINENT DOMAIN. The
25 district may not exercise the power of eminent domain outside the
26 district to acquire a site or easement for:

27 (1) a road project authorized by Section 8412.103; or

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

3 [Sections 8412.108-8412.150 reserved for expansion]

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 8412.151. 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 8412.153.

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. 8412.152. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized at an election held under Section 8412.151, 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. 8412.153. 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 [Sections 8412.154-8412.200 reserved for expansion]

7 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

8 Sec. 8412.201. AUTHORITY TO ISSUE BONDS AND OTHER
9 OBLIGATIONS. The district may issue bonds or other obligations
10 payable wholly or partly from ad valorem taxes, impact fees,
11 revenue, contract payments, tax increment payments, grants, or
12 other district money, or any combination of those sources, to pay
13 for any authorized district purpose.

14 Sec. 8412.202. TAXES FOR BONDS. At the time the district
15 issues bonds payable wholly or partly from ad valorem taxes, the
16 board shall provide for the annual imposition of a continuing
17 direct ad valorem tax, without limit as to rate or amount, while all
18 or part of the bonds are outstanding as required and in the manner
19 provided by Sections 54.601 and 54.602, Water Code.

20 Sec. 8412.203. BONDS FOR ROAD PROJECTS. At the time of
21 issuance, the total principal amount of bonds or other obligations
22 issued or incurred to finance road projects and payable from ad
23 valorem taxes may not exceed one-fourth of the assessed value of the
24 real property in the district.

25 SECTION 2. The Leander TODD Municipal Utility District No.
26 1 of Williamson County initially includes all the territory
27 contained in the following area:

1 TRACT I:

2 THAT CERTAIN 297.47 ACRES, BEING A PART OF THE WILLIAM MANSIL
3 A- 437 AND THE HENRY GARMES SURVEY A-269, WILLIAMSON COUNTY, TEXAS,
4 SAID 297.47 ACRE TRACT BEING FURTHER DESCRIBED AS BEING ALL OF THAT
5 40.17 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JEAN
6 BAPTISTE, LTD. AS RECORDED IN DOCUMENT NO. 9926687 OF THE OFFICIAL
7 PUBLIC RECORDS OF THE SAID COUNTY, AND BEING A PORTION OF THOSE
8 THREE (3) TRACTS OF LAND DESCRIBED IN THE FOLLOWING TWO (2) SPECIAL
9 WARRANTY DEEDS TO THE SAID JEAN BAPTISTE, LTD., RECORDED IN THE SAID
10 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY; 1) DOCUMENT NUMBER
11 9926685, TRACT ONE CONTAINING 199.8712 ACRES AND; 2) DOCUMENT
12 NUMBER 9926686, TRACT ONE CONTAINING 77.49 ACRES AND TRACT TWO
13 CONTAINING 77.484 ACRES, SAID 297.47 ACRE TRACT ALSO BEING EFFECTED
14 BY A BOUNDARY LINE AGREEMENT RECORDED IN DOCUMENT NUMBER 2005050819
15 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS AND
16 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

17 BEGINNING at an iron rod with cap set (grid coordinates,
18 N:10,194,960.701, E:3,075,023.108) in the north line of the said
19 77.49 acre tract, same being a south line of a 4.91 acre tract of
20 land described in a deed to Gary Worth Seaman, et al as recorded in
21 Document Number 9648053 of the Official Public Records of the said
22 County from which an iron rod found at the northwest corner of said
23 77.49 acre tract bears S69°21'36"W at 546.24 feet passing an iron
24 rod with cap found at the northeast corner of that 8.305 acre tract
25 of land described in a Special Warranty Deed to County of Williamson
26 as recorded in Document Number 2005012314 of said Official Public
27 Records, continuing for a total distance of 830.77 feet;

1 THENCE, with the north line of the said 77.49 acre tract, the
2 following two (2) courses:

3 1) Same being the south line of the said 4.91 acre tract, N
4 69° 21' 36"E, 587.31 feet to a calculated point at the southeast
5 corner of the said 4.91 acre tract, same being the southwest corner
6 of that certain 5.27 acre tract described in a deed to The Moore
7 Company as recorded in Document No. 9644304 of the said Official
8 Public Records;

9 2) Same being the south line of the said 5.27 acre tract, N
10 69° 21' 51" E, 1474.49 feet to an iron rod found at the northeast
11 corner of the said 77.49 acre tract, said iron rod being in the west
12 line of that certain 2.3872 acre tract described in a deed to Benita
13 Cruces as recorded in Document Number 2003040417 of the said
14 Official Public Records;

15 THENCE, with the east line of the said 77.49 acre tract, same
16 being the west line of the said Cruces tract, S22° 33' 24"E, 265.99
17 feet to a calculated point at the northwest corner of the said 40.17
18 acre tract;

19 THENCE, with the north line of the said 40.17 acre tract, the
20 following ten (10) courses:

21 1) Same being the south line of the said Cruces tract, N 88°
22 01' 00" E, 317.05 feet to an iron rod found at the southeast corner
23 of the said Cruces tract, same being the southwest corner of that
24 certain 10.73 acre tract of land described in a deed to Ernest M.
25 Jordan as recorded in Volume 623, Page 350 of the said Official
26 Public Records;

27 2) N 87° 20' 23" E, 255.92 feet to nail found in tree;

1 3) N 87° 25' 06"E, 222.59 feet to a nail found in tree;
2 4) N 88° 38' 50"E, 183.83 feet to a metal fence corner post
3 found at the southeast corner of the said Jordan tract, same being
4 the southwest corner of that certain 10.061 acre tract described in
5 a deed to Teddy Jack Estes as recorded in Volume 2079, Page 729 of
6 the said Official Public Records;
7 5) N 87° 41' 59"E, 181.09 feet to an iron rod found;
8 6) N 89° 52' 01"E, 63.68 feet to a nail found in tree;
9 7) N 88° 10' 32"E, 244.09 feet to a nail found in tree;
10 8) N 85° 41' 55"E, 93.59 feet to a nail found in tree;
11 9) S 88° 05' 09"E, 75.43 feet to a nail found in tree;
12 10) N 86° 33' 20"E, 93.07 feet to a nail found in tree at the
13 northeast corner of the said 40.17 acre tract, same being the
14 southeast corner of the said 10.061 acre tract and in the southwest
15 line of Lot 8, South San Gabriel Ranches, a subdivision recorded in
16 Volume 5, Page 12 of the Plat Records of the said County;
17 THENCE, with an east line of the said 40.17 acre tract, same
18 being the southwest line of the said Lot 8, S 33° 14' 25"E, 246.90
19 feet to a nail found at the south corner of the said Lot 8, same
20 being in the west right-of-way line of County Road 270;
21 THENCE, with the east line of the said 40.17 acre tract and
22 the west line of County Road 270, the following two (2) courses:
23 1) S 17° 20' 59"W, 514.19 feet to a nail found;
24 2) S 11°07' 11"E, 459.93 feet to an iron rod found at the
25 southeast corner of the said 40.17 acre tract, same being a northeast
26 corner of that certain 320.38 acre tract described in a deed to Sam
27 Winters and Roy A. Butler as recorded in Volume 511, Page 54 of the

1 said Official Public Records;

2 THENCE, with the south line of the said 40.17 acre tract and a
3 north line of the said 320.38 acre tract, N 89° 47' 15" W, 1366.91
4 feet to an iron rod found at the southwest corner of the said 40.17
5 acre tract, said iron rod also being in the northeast line of the
6 said 77.484 acre tract and a northwest corner of the said 320.38
7 acre tract;

8 THENCE, with the northeast line of the said 77.484 and
9 199.8712 acre tract same being a southwest line of the said 320.38
10 acre tract as described in the said boundary line agreement
11 recorded in Document Number 2005050819, S 21° 03' 19" E, 2,658.04
12 feet to an iron rod found at the southeast corner of the said
13 199.8712 acre tract, same being an interior corner of the said
14 320.38 acre tract;

15 THENCE, with the common line of the said 199.8712 acre tract
16 and the said 320.38 acre tract, the following seven (7) courses:

- 17 1) S 49° 24' 27" W, 431.16 feet to an iron rod found;
- 18 2) S 26° 12' 36" W, 353.97 feet to an iron rod found;
- 19 3) S 69° 48' 07" W, 346.17 feet to a calculated point;
- 20 4) S 51° 43' 53" W, 400.61 feet to an iron rod found;
- 21 5) S 84° 57' 19" W, 279.09 feet to an iron rod found;
- 22 6) S 71° 26' 46" W, 416.89 feet to an iron rod found;
- 23 7) N 85° 38' 48" W, 88.64 feet to an iron rod found;

24 THENCE, with the common line of the said 199.8712 acre tract
25 and the said 320.38 acre tract as described in the said boundary
26 line agreement recorded in Document Number 2005050819, S 67° 24' 49"
27 W, 61.70 feet to an iron rod with cap set;

1 THENCE, through the interior of said 199.8712 acre tract, the
2 following two (2) courses:

3 1) N 33° 00 '49" W, 903.85 feet to an iron rod with cap set;
4 2) S 69° 05' 33" W, 764.94 feet to an iron rod with cap set in
5 the east line of that 11.104 acre tract described in said deed
6 recorded in Document Number 2005012314;

7 THENCE, continuing through the interior of the said 199.8712
8 acre tract, and with the east line of that 11.104 acre tract
9 described in said deed recorded in Document Number 2005012314,
10 along a curve to the right having a radius of 5529.58 feet, an arc
11 length of 278.32 feet, a central angle of 2° 53' 02", and a chord
12 which bears N 30° 09' 20" W, 278.29 feet to an iron rod found at the
13 northeast corner of said 11.104 acre tract, on a north line of the
14 said 199.8712 acre tract, same being the south line of that certain
15 tract of land described as 34.9 acres to Louie Bryson and wife, Ruby
16 Bryson and recorded in Volume 525, Page 64 of the said Official
17 Public Records;

18 THENCE, with a common line of the said 199.8712 acre tract and
19 the said 34.9 acre tract, the following two (2) courses:

20 1) N 67° 50' 41"E, 419.72 feet to an iron rod found;
21 2) N 21° 22' 21" W, 393.09 feet to an iron rod found at the
22 southeast corner of that certain 17.46 acre tract described in a
23 deed to West Texas Trading Retirement, Ltd. as recorded in Volume
24 2058, Page 119 of the said Official Public Records;

25 THENCE, with the common line of the said 199.8712 acre tract
26 and the said 17.46 acre tract, the following two (2) courses:

27 1) N 21° 23' 02"W, 306.66 feet to an iron rod found;

1 2) N 21° 10' 03" W, 312.72 feet to an iron rod found at the
2 southeast corner of that certain 5.96 acre tract described in a deed
3 to Gary G. Bonnet as recorded in Volume 2697, Page 599 of the said
4 Official Public Records;

5 THENCE, with a common line of the said 199.8712 acre tract and
6 the said 5.96 acre tract, N 20° 56' 22" W, 312.98 feet to an iron
7 rod found at the northeast corner of the said 5.96 acre tract;

8 THENCE, with the common line of the said 199.8712 acre tract
9 and the said 77.484 acre tract, N 69° 35' 16" E, 65.11 feet to an iron
10 rod with cap set;

11 THENCE, through the interior of the said 77.484 acre tract
12 and said 77.49 acre tract, the following four (4) courses:

13 1) N 13° 48' 31" W, 715.22 feet to an iron rod with cap set;
14 2) N 84° 52' 36" E, 303.74 feet to an iron rod with cap set;
15 3) N 04° 46' 08" W, 951.97 feet to an iron rod with cap set;
16 4) N 20° 34' 25" W, 435.85 feet to the POINT OF BEGINNING and
17 containing 297.47 acre of land.

18 TRACT II:

19 All that certain 3.185 acres of land out of the residue of the
20 5.96 acre tract described in the deed from Charles B. Smart to Gary
21 G. Bonnet, recorded under Vol. 2697, Pg. 599 in the Official Public
22 Records of Williamson County, Texas, in the William Mansil Survey,
23 A-437, Williamson County, Texas and more particularly described by
24 metes and bounds as follows: (All bearings based on the Texas State
25 Plane Coordinate System Central Zone.

26 BEGINNING at a 1/2" rod found for the southeast corner of the
27 said 5.96 acre tract, common to a point in the west line of 297.47

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1 acre tract described in the deed from Waterstone Jean Baptiste,
2 L.P. to WYA Villages of Messina, Ltd., recorded under Document No.
3 2007004725, in the Official Public Records of Williamson County,
4 Texas, and common to the northeast corner of the residue of the 17.46
5 acre tract described in the deed from J.W. Small to West Texas
6 Trading Retirement, Ltd. recorded under Vol. 2058, Pg. 119, in the
7 Official Records of Williamson County, Texas.

8 THENCE South 70°01'53" West, a distance of 457.08' with the
9 south line of said 5.96 acre tract, common to the north line of said
10 17.46 acre tract to the point of curvature of a curve to the right,
11 having a Delta Angle of 03°12'28", a radius of 5529.58, and from
12 which point the radius bears North 71°58'10" East, in the east
13 right-of-way line of US 183A as described in the deed from Gary G.
14 Bonnet to Williamson County, Texas recorded under Document No.
15 2004090173, in the Official Public Records of Williamson County,
16 Texas, from which a 1/2" iron rod with cap bears North 70°01 '53"
17 East, a distance of 0.21';

18 THENCE along said curve to the right in a northerly
19 direction, with the east right-of-way line of said US 183A, an arc
20 distance of 309.57' to a 1/2" iron rod with cap set for the end of
21 curve in the north line of said 5.96 acre tract, and in a line of the
22 residue of a 372.54 acre tract described in the deed from Jean
23 Baptiste, Ltd. to Waterstone Jean Baptiste, L.P. recorded under
24 Document No. 2004099499 in the Official Public Records of
25 Williamson County, Texas;

26 THENCE North 69°30'19" East, a distance of 432.52', with the
27 north line of said 5.96 acre tract, common to a line of said 372.54

1 acre tract to a 1/2" iron rod found for the northeast corner of the
2 said 5.96 acre tract, common to an angle point in a west line of said
3 297.47 acre tract, from which a 1/2" iron rod found for an angle
4 point of said 297.47 acre tract bears North 69°37' 11" East, a
5 distance of 65.12';

6 THENCE South 20°57'58" East, a distance of 312.96', with the
7 east line of said 5.96 acre tract, common to a west line of the said
8 297.47 acre tract, to the POINT OF BEGINNING of the herein described
9 tract, and containing 3.185 acres of land;

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

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

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

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

1 SECTION 4. (a) Section 8412.107, Special District Local
2 Laws Code, as added by Section 1 of this Act, takes effect only if
3 this Act receives a two-thirds vote of all the members elected to
4 each house.

5 (b) If this Act does not receive a two-thirds vote of all the
6 members elected to each house, Subchapter C, Chapter 8412, Special
7 District Local Laws Code, as added by Section 1 of this Act, is
8 amended by adding Section 8412.107 to read as follows:

9 Sec. 8412.107. NO EMINENT DOMAIN POWER. The district may
10 not exercise the power of eminent domain.

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

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

15 (1) this Act takes effect immediately if it receives a
16 vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution; and

18 (2) if this Act does not receive the vote necessary for
19 immediate effect, this Act takes effect September 1, 2013.