

RCW

PLUM CREEK CONSERVATION DISTRICT

CHAPTER 126⁶⁴

S. B. No. 289

An Act creating "Plum Creek Conservation District" under the provisions of Section 59, Article XVI of the Texas Constitution; prescribing the area and powers of the District; providing that hearing on exclusion of lands or on adoption of plan of taxation shall not be necessary; providing that the ad valorem plan of taxation shall be used by the District; providing for a Board of Directors to control and exercise the District's powers; authorizing the levy and assessment of taxes for improvements, maintenance, operation and administration of the District; authorizing the issuance of bonds in the accomplishment of the District's purposes, and making such bonds eligible for certain investments and to secure deposits of public funds; exempting the District's bonds from taxation; providing for a confirmation election; enacting a savings clause; declaring the District essential; enacting other provisions relating to the subject and purpose of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

District Created

Section 1. Pursuant to and as expressly authorized by Section 59, Article XVI of the Constitution of the State of Texas, and in addition to all other districts into which the state has been divided heretofore, there is hereby created a conservation and reclamation district to be known as "Plum Creek Conservation District," (hereinafter referred to as "District"), which shall be recognized to be a governmental agency, a body politic and corporate, and a political subdivision of this state.

Sec. 2. *POWERS OF DISTRICT* [~~DISTRICTS POWERS~~]. (a) The District shall have and exercise and shall be vested with all the rights, powers, privileges and authority granted water control and improvement districts by Chapter 51, *Water Code* [3A, Title 128 of the Revised Civil Statutes of Texas, 1925, and all amendments thereto heretofore or hereafter enacted], and all other laws of the State of Texas relating to water control and improvement districts, (all such laws being hereinafter referred to as "General Laws"). All such General Laws are hereby incorporated by this reference to the same effect as if set out in full in this Act. To the extent that the provisions of any such General Laws may be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. Without limitation of the generality of the foregoing the District herein created shall be and it is hereby empowered to control, conserve, protect, distribute and utilize the storm and flood waters and unappropriated flow of Plum Creek and its tributaries for all useful purposes permitted by law; also to carry out flood prevention measures with respect to Plum Creek and its tributaries to prevent or aid in preventing damage to the lands of the district and the soil and fertility thereof, to cooperate with all other districts, departments or agencies of the state government, or departments and agencies of the United States government, and to receive and accept technical and financial assistance therefrom in the accomplishment of said purposes. The said District is further authorized and empowered to purchase, construct, or in any other lawful manner to acquire, provide and develop all works, facilities and improvements necessary or useful in fulfilling the purposes of the District or any of them.

(b) *Except as specifically provided by this Act, on approval of the qualified voters of the District at an election called and held for that purpose, the District may exercise the powers granted and shall exercise the duties imposed under Chapter 52, Water Code, for the preservation, conservation, protection, recharge, and prevention of waste and pollution of the underground water of the District, except in those areas of the District that were part of the Barton Springs-Edwards Aquifer Conservation District or the Edwards Underground Water District on January 1, 1989.*

(c) *The Commissioners Court of Caldwell County, on receiving a petition signed by at least 50 registered voters of the District, shall call and hold an election in the*

District to determine whether the District will assume the powers and exercise the duties provided by Chapter 52, Water Code. At the election, the ballots shall be printed to permit voting for or against the proposition: "The assumption by the Plum Creek Conservation District of the powers and duties of an underground water conservation district." The Commissioners Court of Caldwell County shall canvass the votes, and if a majority of the qualified voters of the District favor the proposition, the District may assume the powers and shall exercise the duties of an underground water conservation District under Chapter 52, Water Code, except as specifically provided by Subsection (d) of this section. If a majority of the qualified voters of the District do not approve the proposition, another election on that proposition may not be called by the Commissioners Court of Caldwell County before the first anniversary of the most recent election on that proposition. Except as provided by this subsection, the Election Code applies to an election under this subsection. Caldwell County shall pay the cost of any election held under this subsection.

(d) If the District is authorized by the voters to assume the powers and duties provided by Chapter 52, Water Code, the District may annually levy taxes to pay the maintenance and operating expenses in the area of the District for which authority is granted under Subsection (b) of this section at a rate not to exceed three cents on each \$100 of assessed valuation.

Territory Comprising the District

Sec. 3. The District hereby created and established, situated wholly within Caldwell and Hays Counties, Texas, shall comprise all territory located within the boundaries described as follows:

Beginning at a point which is located in the most southerly southeast corner of Caldwell County, Texas near the confluence of Plum Creek and the San Marcos River. More specifically the point can be identified as being in the southeast line of the Silas Fuqua League 2122.4 feet North 30 East from the southeast corner of said League and being also the point of intersection of the southeast line of said League and the center line of the old San Antonio and Aransas Pass Railroad right of way;

Thence North 30 East along the southeast line of the Silas Fuqua League a distance of 6902 varas to the northeast corner of said League;

Thence North 60 West along the north line of the Silas Fuqua League a distance of 360 varas to the southeast corner of a 260 acre tract of land owned by G. C. King and described in Vol. 109 pg. 263 of Caldwell County Deed Records;

Thence North 1 deg East along the East line of said G. C. King 260 acre tract a distance of 2620 varas to the King northeast corner, said point being also in the southline of the W. J. Sneed League, and being 600 varas South 89 East of the southwest corner of said League;

Thence South 89 East along the south line of the W. J. Sneed League a distance of 4400 varas to the southeast corner of said League;

Thence North 1 deg East along the south line of the W. J. Sneed League a distance of 5000 varas to the northeast corner of said League;

Thence South 89 East along the south line of the Robert Davidson 1300 acre Survey a distance of 218 varas to the southeast corner of said Davidson Survey.

Thence North 1 deg East along the east line of said Robert Davidson Survey a distance of 330 varas to a point, said point being the south west corner of the P. Elkins 160 acre Survey;

Thence South 89 East along the south line of the P. Elkins 160 acre Survey a distance of 800 varas to its southeast corner;

Thence North 1 deg East along the east line of the P. Elkins Survey and the J. D. Williams 160 acre Survey a distance of 2258 varas to the

northeast corner of said J. D. Williams 160 acre Survey, said point being also in the south line of the Joshua Williams 160 acre Survey;

Thence South 89 East along the south line of said Joshua Williams 160 acre Survey a distance of 150 varas to the southeast corner of said Joshua Williams Survey.

Thence North 1 deg East along the east line of said Joshua Williams 160 acre Survey a distance of 950 varas to the northeast corner of this Survey, said corner being also in the southeast corner of the John Bowman 320 acre Survey;

Thence South 89 East along the south line of said John Bowman Survey a distance of 200 varas to the southeast corner of said Survey;

Thence North 1 deg East along the east line of said John Bowman 320 acre Survey 1345 varas to the northeast corner of said John Bowman Survey;

Thence North 89 West along the north line of said John Bowman Survey a distance of 90 varas to a point which is the southwest corner of the Joseph Bowman Survey of one labor;

Thence North 1 deg East along the west line of the Joseph Bowman Survey a distance of 1000 varas to its northwest corner, said point being in the south line of the Edward Brown one third League;

Thence South 89 East along the south line of said Edward Brown one third league a distance of 1376 varas to its southeast corner;

Thence North 1 deg East along the east line of said Edward Brown one third League and continuing on the same line extended along the west line of the H. and T. C. Rwy. Co. Survey No. 9 and the west line of the J. C. Darst 320 acre Survey a total distance of 5150 varas to the northwest corner of the J. C. Darst Survey, said point being also in the south line of the Isaac Campbell 640 acre Survey;

Thence East along the south line of the Isaac Campbell Survey a distance of 2105.75 varas to the southwest corner of a 135 acre tract formerly owned by W. W. Halsell;

Thence North 45 West along the W. W. Halsell southwest line a distance of 1360.5 varas to the northwest corner of said Halsell Tract;

Thence North 45 East along the northwest line of the Halsell tract a distance of 399 varas to the northeast corner of said tract said point being also in the southwest line of the Moses Gage League;

Thence South 45 East along the southwest line of the Moses Gage League, a distance of 1012 varas to the southeast corner of the Milton Jowers 91.4 acre tract, said point being also 804.4 varas North 45 east of the southeast corner of the Moses Gage League;

Thence North 30 East a distance of 2281 varas to a point, said point being the northeast corner of a 157.1 acre tract conveyed to Horace Ridout by George Burkhart and recorded in Vol. V Pg. 380 of Caldwell County Deed Records;

Thence North 60 west a distance of 431.4 varas to a point, said point being the southwest corner of a 36 acre tract of land once owned by G. A. McGee;

Thence North 30 East a distance of 1588 varas to a point in the northeast line of the Moses Gage League, said point being 1208.4 varas North 60 West of the northeast corner of said Gage League;

Thence North 60 West along the northeast line of the Moses Gage League, also the southwest line of the G. W. James Survey a distance of 5336.15 varas to the southwest corner of the W. D. Moore 119.3 acre tract;

Thence North 30 East along the line between the W. D. Moore 119.3 acre tract and the M. T. Baker 167 acre tract and continuing along

the same line a total distance of 2104 varas to the southeast corner of the M. M. Taylor 226 $\frac{1}{4}$ acre tract;

Thence North 60 West along the M. M. Taylor 226 $\frac{1}{4}$ acre southwest line a distance of 2442 varas to a point for corner;

Thence North 30 East 230 varas to a point for corner;

Thence North 60 West 885 varas to a point in the northwest line of the G. W. James Survey, said point being 212 varas south 30 west from the northwest corner of the James Survey;

Thence South 30 West along the northwest line of the G. W. James Survey a distance of 288 varas to the northeast corner of the C. M. Cannon one third League Survey;

Thence North 45 West along the northeast line of said C. M. Cannon Survey a distance of 2825 varas to the north corner of said survey;

Thence South 30 West along the Northwest line of the C. M. Cannon one third League Survey a distance of 918 varas to the southeast corner of the N. V. Lawler Preemption Survey;

Thence North 45 West along the northeast line of the N. V. Lawler Survey and continuing along said line as it becomes the northeast line of the B. Perkins Survey and continuing a total distance of 2928 varas to the northeast corner of said Perkins Survey;

Thence South 30 West along the northwest line of the B. Perkins and Stephen Goodman Surveys a total distance of 2082 varas to the northwest corner of said Stephen Goodman Survey;

Thence North 45 West along the southwest line of Joseph Burleson, William Templin, Jonathan Burleson and Isaac Allen Surveys a total distance of 10169 varas to the southwest corner of the Thomas J. Hatton Survey;

Thence North 45 East along the southeast line of the Thomas J. Hatton Survey a distance of 835 varas to the southeast corner of said T. J. Hatton Survey;

Thence North 45 West along the northeast line of the Thomas J. Hatton Survey a distance of 5650 varas to the southeast corner of the W. F. Forister 114.28 acre tract;

Thence South 31 $\frac{1}{2}$ West along the southeast line of said Forister tract a distance of 860 varas to the southwest corner of said Forister tract;

Thence North 45 West along the southwest line of the Thomas J. Hatton Survey a distance of 2580 varas to the northwest corner of the Raney and Stromberg 154.75 acre tract;

Thence North 45 East along the northwest line of said Raney and Stromberg tract a distance of 847 varas to the northeast corner of said tract, said corner being also in the northeast line of the Thomas J. Hatton Survey;

Thence North 45 West along the northeast line of said Hatton Survey a distance of 1777 varas to the northeast corner of said Hatton Survey, said point being also the Old San Antonio Road;

Thence South 61 West along the Travis-Caldwell county line a distance of 320 varas to a point and continuing along said county line south 45 west a distance of 540 varas to a point which is the northwest corner of the Thomas J. Hatton Survey, said point being further defined as the point of intersection of the Old Colony Line with the Old San Antonio Road also being the point of intersection of the Hays-Travis County line with the northwest line of Caldwell County;

Thence North 50 deg 29 min East along the Hays-Travis County line a distance of 10,756.3 varas to a point in the east line of the William Porter Survey No. 6;

Thence entering Hays County, south 1 deg 21 min east along the east line of the William Porter Survey a distance of 1870 varas to the southeast corner of said Porter Survey;

Thence West along the South line of said Wm. Porter Survey a distance of 2750 varas to the southwest corner of said survey, said point being also in the east line of a 52.6 acre tract of land patented to D. C. Burleson;

Thence South 284 varas to the southeast corner of said D. C. Burleson Survey;

Thence West along the South line of said D. C. Burleson 52.6 acre Survey a distance of 108 varas to the southwest corner of said survey said point being the most southerly southeast corner of the George Herder Survey and also the northeast corner of a 207.2 acre survey of land patented in the name of Willis A. Moore;

Thence South along the East line of said Willis A. Moore Survey a distance of 335 varas to the north line of the J. B. Eaves Survey;

Thence South $87\frac{1}{4}$ West along the line between the Willis A. Moore Survey and the J. B. Eaves Survey a distance of 2577 varas to the east line of a 134 acre Survey made in the name of D. Burnett and referred to as Survey No. 5:

Thence North along the East line of said Burnett Survey a distance of 234 varas to the most easterly northeast corner of said Burnett Survey;

Thence West along the North line of said D. Burnett Survey No. 5 a distance of 652 Varas to a point for corner;

Thence North, continuing along the boundary of said Burnett Survey, a distance of 225 varas to a point which is the southeast corner of the J. Lentz Survey;

Thence West along the North lines of the D. D. Burnett Surveys No. 5 and 6, Survey No. 7 made in the name of R. T. Hughes and the J. Bunton Survey, a total distance of 2500 varas to the northwest corner of said J. Bunton Survey, said point being also in the east line of the M. M. McCarver Survey;

Thence South along the West line of said J. Bunton Survey and continuing in the same straight line along, the west lines of the R. T. Hughes Survey No. 8, the M. M. Justice Survey No. 12 and the Thomas G. Allen Survey a total distance of 3937 varas to a point for corner;

Thence South $36\frac{1}{2}$ West a distance of 300 varas to the northeast corner of a 320 acre Survey for Jesse Day;

Thence West along the North line of said Jesse Day Survey a distance of 2688 varas to the northwest corner of said Survey;

Thence South 45 East along the southwest line of said J. Day Survey a distance of 365 varas to the northeast corner of the H. Loller Survey;

Thence West along the North line of said Henry Loller Survey a distance of 2650 varas to the northwest corner of said H. Loller Survey;

Thence South 45 East along the southwest line of said Henry Loller Survey a distance of 4350 varas to the southwest corner of said Survey, said point being also in the northwest line of the Z. Hinton Survey No. 12;

Thence South 45 West along the northwest line of said Z. Hinton Survey a distance of 2220 varas to a point which lies 2886 varas North 45 East from the northwest corner of said Z. Hinton Survey;

Thence South 45 East across the Z. Hinton Survey a distance of 2099 varas to the Northwest corner of the John Jones Survey;

Thence South 45 East along the southwest line of said John Jones Survey a distance of 85 varas to the northeast corner of the James Williams Survey;

Thence South 45 East along the Northeast line of said James Williams Survey a distance of 1443 varas to the northeast corner of an 89.66 acre tract of land once owned by C. B. Donaldson;

Thence South 45 West along the northwest line of said Donaldson tract a distance of 350.5 varas to the northwest corner of said tract;

Thence South 45 East along the southwest line of said Donaldson tract a distance of 1443 varas to the northwest line of the William Hemphill Survey;

Thence South 45 West along the northwest line of said Hemphill Survey a distance of 1467.0 varas to the northeast corner of a 600 acre tract of land once owned by T. C. Johnson and described in Vol. 39, pg. 374 of Hays County Deed Records;

Thence South 45 East along the northeast line of said T. C. Johnson tract a distance of 2510 varas to the southeast corner of said tract, said point being also in the northwest corner of the S. T. Crews 225 acre tract;

Thence South 45 East along the southwest line of said S. T. Crews Tract a distance of 1535.1 varas to the southwest corner of said tract;

Thence North 45 East along the southeast line of said Crews tract a distance of 559.3 varas to the northeast corner of a 308 acre tract of land belonging to T. C. Johnson;

Thence South 44 deg 25 min East along the northeast line of said T. C. Johnson property a distance of 1078.7 varas to a point in the Old San Antonio Road, said Road being also the Caldwell-Hays County Line;

Thence North 50 East along the Caldwell-Hays County line a distance of 8 varas to the northeast corner of the Damasco Cortez 49.5 acre tract and also the northwest corner of the Mrs. John Schrantz 100 acre tract, both tracts being a part of the Thomas Yates Survey;

Thence South 40 East across the Old San Antonio Road along the southwest line of said Schrantz tract a distance of 1564.6 varas to the southwest corner of said tract;

Thence North 50 East along the southeast line of said Schrantz tract a distance of 139.75 varas to the northwest corner of the Emile Raabe 100 acre tract;

Thence South 40 East along the southwest line of said Raabe tract and continuing along the same line as it becomes the southwest line of the Fritz Germer 100 acre tract a distance of 1686.5 varas to the southwest corner of said Germer tract, said point being in the common line between the Thomas Yates and Thomas Maxwell Surveys;

Thence North 50 East along said common Survey line a distance of 1417.3 varas to the northeast corner of the Thomas Maxwell Survey;

Thence South 40 East along the northeast line of the Thomas Maxwell Survey a distance of 5000 varas to the southeast corner of said Maxwell Survey;

Thence South 50 West along the southeast line of the Thomas Maxwell Survey a distance of 1223 varas to the northeast corner of the Hector McNeal Survey;

Thence South 40 East along the northeast line of said McNeal Survey a distance of 5100 varas to its southeast corner;

Thence South 50 West along the Southeast line of the Hector McNeal Survey a distance of 2306 varas to the northwest corner of the James D. Dial Survey;

Thence South 40 East along the southwest line of the James D. Dial Survey a distance of 2887 varas to its southwest corner, said corner being also in the northwest line of the Andrew Churchill Survey;

Thence North 50 East along the common line between the James D. Dial Survey and the Andrew Churchill Survey a distance of 301 varas to a point which is the northeast corner of the B. E. Barber 100 acre tract and the northwest corner of the T. Kinney 133.8 acre tract;

Thence South 40 East along the southwest line of said T. Kinney 133.8 acre tract and continuing along the same straight line a distance of 3928 varas to the southwest corner of the A. P. Doyle 50 acre tract;

Thence North 50 East along the southeast line of said A. P. Doyle 50 acre tract a distance of 355 varas to the southeast corner of said tract;

Thence South 40 East along the southwest line of the J. C. Roberts 202 acre tract a distance of 987 varas to its southwest corner, said point being in the southeast line of the A. Churchill Survey and being 1133.4 varas South 50 West from the southeast corner of said Churchill Survey;

Thence South 50 West along the southeast line of the A. Churchill Survey a distance of 132 varas to the northwest corner of the W. C. Horner 197 acre tract;

Thence South 40 East along the southwest line of said W. C. Horner tract and continuing along the same line extended a total distance of 2168 varas to the northwest corner of the Lewis Rodenburg 151.4 acre tract;

Thence North 50 East along the northwest line of said Lewis Rodenburg tract a distance of 1301 varas to the northeast corner of said tract, said point being also in the northeast line of the Nancy Reavill Survey;

Thence South 40 East along the northeast line of the Nancy Reavill Survey and continuing along the same straight line as it becomes the James Berry Survey northeast line and the Washington Curtis Survey northeast line a total distance of 7507.2 varas to a point which lies in the west right of way line of State Highway 29;

Thence along the west right of way line of said Highway 29 following these courses and distances: South 2 deg 36 min West a distance of 3364.35 feet to the P. C. of a curve to the right (curve data: I-11 deg 40 min rt, D-1 deg 1 min, T-579.57 feet, L-1155.15 feet); Thence around said curve a distance of 1155.15 feet to its P. T.; Thence South 14 deg 16 West a distance of 862.4 feet to the P. C. of a Curve to the left (curve data: I-16 deg 25 min 1 ft, D-1 deg 28 min, T-559.99 feet, L-1112.26 feet); Thence around said curve a distance of 1112.26 feet to its P. T.

Thence South 2 deg 09 min East a distance of 2033.2 feet to the P. C. of a curve to the left (curve data: I-21 deg 04 min 1 ft, D-1 deg 29 min, T-721.8 feet, L-1427.30 feet); Thence around said curve a distance of 1427.30 feet to its P. T.;

Thence South 23 deg 13 min East a distance of 3737.6 feet to the P. C. of a curve to the right (curve data: I-8 deg 41 min rt, D-1 deg 0.6 min, T-432.38 feet, L-859.7 feet); Thence around said curve a distance of 859.7 feet to its P. T.;

Thence South 14 deg 32 min East a distance of 1268 feet to the southeast line of the Solomon Seal Survey;

Thence South 30 West along the southeast line of said Seals Survey a distance of 2352.8 varas to the center line of State Highway 80;

Thence along the center line of State Highway 80, following these courses and distances: South 60 deg 14 min East a distance of 1979.55 feet to the P. C. of a curve to the left (curve data: I-23 deg 18 min lt, D-10 deg.); Thence around said curve a distance of 233 feet to its P. T.;

Thence South 83 deg 32 min East a distance of 246.23 feet to a point, said point being the intersection of the center lines of North Cypress Street and Austin Street in the City of Luling;

Thence South 7 West along the center line of Cypress Street a distance of 880 feet to the center line of the Southern Pacific Railroad property;

Thence South 83 East along the center line of the Railroad property a distance of 2578.5 feet to the east line of Cedar Street;

Thence South 7 West along the east line of said Cedar Street a distance of 140 feet to the center line of U. S. Highway 90;

Thence along the center line of U. S. Highway 90 following these courses and distances: South 82 deg 18 min East a distance of 810 feet to the P. C. of a curve to the right (curve data: I-13 deg 45 min rt, D-2 deg, T-345.4 feet, L-687.5 feet); Thence around said curve to its P. T.;

Thence South 68 deg 33 min East a distance of 387.7 feet to the P. C. of a curve to the right (curve data: I-16 deg 33 min rt, D-2 deg, T-416.7 feet, L-827.5 feet); Thence around the curve a distance of 827.5 feet to its P. T.;

Thence South 52 East a distance of 1638.8 feet to the P. C. of a curve to the right (curve data: I-6 deg 45 min rt, D-1 deg, T-200.0 feet, L-400 feet); Thence around the curve a distance of 400 feet to its P. T.;

Thence South 41 deg 15 min East a distance of 1494.9 feet to the P. C. of a curve to the left (curve data: I-14 deg 32 min lft, D-2 deg, T-416.2 feet, L-826.7 feet); Thence around the curve a distance of 826.7 feet to its P. T.;

Thence South 57 deg 30 min East a distance of 4103.7 feet to the P. C. of a curve to the left (curve data: I-4 deg lft, D-1 deg, T-200.1 feet, L-400 feet); Thence around said curve a distance of 400 feet to its P. T.;

Thence South 61 deg 30 min East 851 feet to the east line of a 63 acre tract of land conveyed by M. L. Tiller to Clark Etheridge as described in Vol. 204 Page 443 Caldwell County Deed Records;

Thence South 30 West along the southeast line of said 63 acre tract a distance of 762.1 varas to the center line of the Old San Antonio and Aransas Pass Railroad Right of Way;

Thence in a southeasterly direction along the center line of said Railroad around a curve with following data (D-3 deg 30 min, I-38 deg 04 min, L-1087.6 feet) and along said curve a distance of 491 feet to its P. C.;

Thence South 13 deg 32 min East along the center line of said railroad a distance of 2122.9 feet to the P. C. of a curve to the left with following data (I-52 deg 44 min, D-4 deg, L-1318.2 feet) and along said curve a distance of 1318.2 feet to its P. T.

Thence South 66 deg 07 min East a distance of 226.5 feet to the P. C. of a curve to the right with following data (L-1005.4, I-30 deg 10 min rt, D-3 deg) and around said curve a distance of 1005.4 feet to its P. T.;

Thence South 35 deg 57 min East a distance of 1426.9 feet to the P. C. of a curve to the left with following data (I-30 deg 31 min, D-3 deg 30 min, L-871.8 feet) and around said curve a distance of 871.8 feet to its P. T.;

Thence South 66 deg 28 min East crossing Plum Creek, a distance of 798.6 feet to the place of Beginning.

It being hereby found and determined that all of the land included within the boundaries of the District will be benefited and that the District is created to serve a public use and benefit, it shall not be necessary for the Board of Directors to hold a hearing on exclusion of lands, or a hearing on the adoption of a plan of taxation, but by this Act the District shall be created and established within the boundaries hereinabove set forth and the ad valorem plan of taxation shall be used by it.

Governing Body of District

Sec. 4. The management and control of the District is hereby vested in a Board of six (6) Directors. Of this number four (4) Directors shall be resident qualified electors owning taxable property within the area of the District and also Caldwell County, Texas; and, two (2) Directors shall be resident qualified electors owning taxable property within the area of the District and also Hays County, Texas. Said Board of Directors shall have all the powers, authority and duties conferred and imposed upon boards of directors of water control and improvement districts organized under General Law. The Commissioners Court of Caldwell County, Texas, is hereby authorized to appoint the four members from Caldwell County; and the Commissioners Court of Hays County, Texas, is hereby authorized to appoint the two members from Hays County. The four (4) Directors appointed by the Commissioners Court of Caldwell County shall reside as follows: One (1) in the City of Luling; one (1) in the City of Lockhart; and two (2) within the District and Caldwell County, but not in the City of Luling or the City of Lockhart. Two (2) of said Directors shall be appointed for a term expiring January 1, 1959, and two (2) of said Directors for a term expiring January 1, 1961, within the discretion of the Commissioners Court. The two (2) Directors appointed by the Commissioners Court of Hays County shall reside as follows: One (1) in the City of Kyle, and one (1) within the District and Hays County, but not in the City of Kyle. One of said Directors shall be appointed for a term expiring January 1, 1959, and one (1) for a term expiring January 1, 1961, within the discretion of the Commissioners Court. Successors to all the first Directors appointed as aforesaid shall also be appointed by the Commissioners Courts in the manner aforesaid, and shall serve for a term of four years and thereafter until their successors shall have been appointed and qualified. Also any vacancy shall be filled by the Commissioners Court of the respective counties so as to maintain the Board in the manner herein provided. The members of the Board of Directors shall take their official oaths and make and file their official bonds within thirty (30) days after appointment, and shall then meet and organize, all as provided by General Law. The Board of Directors from time to time shall be authorized to make or cause to be made surveys and engineering investigations for the information of the District to facilitate the accomplishment of the purposes for which the District is created and may employ engineers, attorneys or other technical or non-technical employees or assistants, fix the amount and manner of their compensation, and may provide for the payment of expenditures deemed essential to the proper maintenance of the District and its affairs. The Board of Directors shall have authority to fix the fees of each member at not to exceed Fifty Dollars (\$50) per day for each day he spends actually performing his duties, provided that not to exceed Two Hundred Dollars (\$200) shall be paid to members for meetings held in any one month. Also, members of the Board of Directors are entitled to be reimbursed for the mileage expense incurred in actually performing duties as directors at the same rate paid by the state for its employees.

Tax Elections

Sec. 5. The District may upon a favorable majority vote of the qualified property taxpaying electors of the District, voting at an election held for the purpose, levy, assess and collect annual taxes to provide funds necessary to construct or acquire, maintain and operate works, plants and facilities deemed essential or beneficial to the District and its purposes, and also when so authorized may levy, assess and collect annual taxes to provide funds adequate to defray the cost of the maintenance, operation and administration of the District. Elections for the levy of such taxes shall be ordered by the Board of Directors and shall be held and conducted in

the manner provided by General Law relating to elections for the authorization of bonds of water control and improvement districts. All taxes levied by the District for any purpose shall constitute a lien on the property against which levied and limitation shall not bar the enforcement or collection thereof.

District May Issue Bonds

Sec. 6. In the accomplishment of the purposes for which the District is created, its Board of Directors is hereby authorized to borrow money and to issue bonds in the manner provided by General Law. From the proceeds of the sale of bonds, the District may set aside an amount for the payment of interest expected to accrue during construction, and a reserve interest and sinking fund, and such provisions shall be made in the resolution authorizing the bonds. Proceeds from the sale of bonds may also be used for the payment of all expenses necessarily incurred in accomplishing the purposes for which this District is created, including the expenses of issuing and selling the bonds. Pending the use of bond proceeds for the purpose for which issued, the Board of Directors may invest same in obligations of or guaranteed by the United States of America. All bonds issued by the District shall constitute negotiable instruments within the meaning of the Negotiable Instruments Laws of this state. The Board of Directors is authorized to issue refunding bonds for the purpose of refunding any outstanding bonds authorized by this Act, and the interest thereon without the necessity of an election. Such refunding bonds may be issued to refund more than one series of outstanding bonds, and in the case of bonds secured in whole or in part by net revenues, the District may combine the pledges of the outstanding bonds for the security of the refunding bonds and may secure them by other or additional revenues. Bonds payable wholly from the District's net revenues or from the proceeds of any water contract or contracts, or by any means other than ad valorem taxes may be issued pursuant to resolution of the Board of Directors without the necessity of any hearing or election, provided that such resolution is authorized by unanimous vote of all members of the Board of Directors.

Bonds Eligible for Investment and to Secure Deposits

Sec. 7. All bonds of the District shall be and are hereby declared to be legal and authorized investments for banks, savings banks, trust companies, building and loan associations, savings and loan associations, insurance companies, fiduciaries, trustees, guardians, and sinking funds of cities, towns and villages, counties, school districts or other political subdivisions of the State of Texas, and for all public funds of the State of Texas or its agencies including the State Permanent School Fund. Such bonds shall be eligible to secure deposit of any and all public funds of the State of Texas, and any and all public funds of cities, towns, villages, counties, school districts, or other political subdivisions or corporations of the State of Texas; and such bonds shall be lawful and sufficient security for said deposits to the extent of their value, when accompanied by all unmatured coupons appurtenant thereto.

Bonds Exempt from Taxation

Sec. 8. All bonds issued hereunder and their transfer and the income therefrom, including the profits on the sale thereof, at all times shall be free from taxation by the state or by any municipal corporation, county or other political subdivision or taxing district of the state.

Confirmation of District

Sec. 9. It is provided that the District herein created shall not exercise any of the powers or authority conferred by this Act unless and until its establishment is confirmed by a majority vote of the qualified electors of the District voting at an election held for the purpose within the District. At such election municipal corporations included within the District shall not constitute separate voting districts but the Board of Directors shall designate such polling place or places within the District as are considered sufficient for the purposes of the election. The officers of each polling place shall consist of one presiding judge, one assistant judge and two clerks. More clerks may be appointed if necessary. If a majority of the qualified electors of the District vote in favor of the confirmation thereof, the Board of Directors shall so declare and thereafter the District shall have all the powers and authority conferred by this Act. The Directors of the District shall have full authority to order an election for the authorization of preliminary bonds at the same time as the election for the confirmation of the District, or at such time thereafter as the Directors may provide, all as authorized by General Law.

Exercise of Eminent Domain

Sec. 10. In the event the District in the exercise of the power of eminent domain or any other power granted hereunder makes necessary the relocation, raising, rerouting or changing of grade of or altering the construction of any highway, railroad, electric transmission line, telephone or telegraph properties and facilities or pipe line, all such necessary relocation, raising, rerouting, changing of grade or alteration of construction, shall be accomplished at the sole expense of the District.

District Declared Essential

Sec. 11. The Legislature hereby declares that the enactment hereof is in fulfillment of a duty conferred upon it by Section 59 of Article XVI of the Constitution of Texas, wherein it is required to pass such laws as may be appropriate in the preservation and conservation of the natural resources of the state; that the District herein created is essential to the accomplishment of such purposes and that this Act therefore operates on a subject in which the state and the public at large are interested. All the terms and provisions of the Act are to be liberally construed to effectuate the purposes herein set forth.

Savings Clause

Sec. 12. Nothing in the Act shall be construed to violate any provision of the Federal or State Constitutions and all acts done under this Act shall be done in such manner as will conform thereto whether herein expressly provided or not. Where any procedure hereunder may be held by any court to be violative of either of such Constitutions the District shall have the power by resolution to provide an alternative procedure conformable to such Constitutions. If any provision of the Act shall be invalid, such fact shall not affect the creation of the District or the validity of any other provision of this Act, and the Legislature here declares that it would have created the District and enacted the valid provisions of this Act notwithstanding the invalidity of any other provision or provisions hereof.

Emergency Measure

Sec. 13. The public importance of the purposes herein contemplated and the fact that material benefits and improvements will result to the ter-

ritory embraced within the District by the enactment hereof; and the fact that the additional water preservation and protection facilities and measures are urgently needed to preserve and control the waters of the District and to prevent floods, creates an emergency and an imperative public necessity that the Constitutional Rule requiring that bills be read on three separate days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Passed the Senate, March 18, 1957: Yeas 30, Nays 0; passed the House, April 17, 1957: Yeas 141, Nays 0.

Approved April 30, 1957.

Effective April 30, 1957.

GONZALES COUNTY AND JUSTICE COURTS—CONCURRENT JURISDICTION

CHAPTER 127⁶⁵

S. B. No. 298

An Act conferring concurrent jurisdiction in the County Court of Gonzales County with the Justice Courts of Gonzales County; conforming the jurisdiction of said courts; providing for appeals from the County Court; making other provisions relating to the jurisdiction of said courts; providing a severability clause; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. In addition to the jurisdiction that is now or may hereafter be conferred upon the County Court of Gonzales County, such court shall have and exercise concurrent jurisdiction with the Justice Courts of Gonzales County in all civil matters which by the Constitution and laws of this state is conferred upon the Justice Courts.

Sec. 2. No appeal shall be taken to the Court of Civil Appeals from any final judgment of said County Court in civil cases of which the County Court has appellate or original concurrent jurisdiction with the Justice Court where the amount in controversy does not exceed One Hundred Dollars (\$100.00) exclusive of interest and costs.

Sec. 3. This Act shall not be construed to deprive the Justice Courts of the jurisdiction now conferred upon them by law, but only to give concurrent original jurisdiction to said County Court over such matters as are specified in Section 1 of this Act, nor shall this Act be construed to deny the right of appeal from the Justice Court to said County Court in any case originally brought in the Justice Court where the right of appeal now exists by law.

Sec. 4. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 5. The fact that the provisions of this Act are needed for a more efficient administration of justice, creates an emergency and an

65. Vernon's Ann.Civ.St. art. 1970—310
note.