

CHAPTER 588

H.B. No. 2337

AN ACT

relating to the boundaries of the El Paso County Lower Valley Water District Authority.

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

SECTION 1. Section 2, Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 2. (a) The authority shall *include* [~~comprise~~] all of the territory *contained within the following described areas* [~~as follows~~]:

Beginning at the most southerly point of the incorporated boundary of the City of El Paso, Texas, said point also being common to the United States Mexico boundary; Thence, Northerly following along the existing city limits boundary a distance of 6.0 miles (approximately) to the North right-of-way line of U.S. Interstate 10;

Thence, Easterly following along the North right-of-way line of U.S. Interstate 10 a distance of .85 miles (approximately) to a point;

Thence, Northerly along the boundary of the Horizon Water District a distance of 1.2 miles (approximately) to a point on the common corner of W. J. Rand Survey 315 ½ and C.D. Stewart Survey 317, 318 and 319;

Thence, West following along the boundary of the Horizon Water District along the common line of W.J. Rand Survey 315 ½ and C.D. Stewart Survey 317 a distance of 1.0 mile to the common corner of O.A. Danielson Surveys 315 and 316, W.J. Rand Survey 315 ½ and C.D. Stewart Survey 317;

Thence, North following along the boundary of the Horizon Water District along the common line of W.J. Rand Survey 315 ½ and O.A. Danielson Survey 315 a distance of 1.0 mile to the common corner of O.A. Danielson Survey 312 and 315, W.J. Rand Survey 315 ½ and Block 79, TSP 3, Section 17 of the T & P R.R. Surveys;

Thence, East following along the boundary of the Horizon Water District along the common line of W.J. Rand Survey 315 ½ and Block 79, TSP 3, Section 17 of the T & P

R.R. Surveys a distance of 1.0 mile to the common corner of Sections 17 and 18, Block 79, TSP 3 of the T & P R.R. Surveys, W.J. Rand Survey 315 ½ and C.D. Stewart Survey 319;

Thence, North following along the boundary of the Horizon Water District along the common line of Sections 17 and 18, Block 79, TSP 3 of the T & P R.R. Surveys a distance of 1.0 miles to the common corner of Sections 15, 16, 17 and 18, Block 79, TSP 3 of the T & P R.R. Surveys;

Thence, East following along the boundary of the Horizon Water District along the common line of Sections 15 and 18, Block 79, TSP 3 of the T & P R.R. Surveys a distance of 1.0 mile to the common corner of Sections 14, 15, 18 and 19, Block 79, TSP 3 of the T & P R.R. Surveys;

Thence, South following along the boundary of the Horizon Water District along the common line of Sections 18 and 19, Block 79, TSP 3 of the T & P R.R. Surveys a distance of 1.0 mile to the common corner of Sections 18, 19 and 22 of the T & P R.R. Surveys and C.D. Stewart Survey 319;

Thence, East following along the boundary of the Horizon Water District along the common line of Sections 19 and 22, Block 79, TSP 3 of the T & P R.R. Surveys a distance of 1.0 mile to the common corner of Sections 19, 20, 21 and 22, Block 79, TSP 3 of the T & P R.R. Surveys;

Thence, South following along the boundary of the Horizon Water District along the common line of Sections of 21 and 22, Block 79, TSP 3 of the T & P R.R. Surveys a distance of .5 mile to a point;

Thence, West following along the boundary of the Horizon Water District a distance of .5 mile (approximately) to a point;

Thence, South following along the boundary of the Horizon Water District a distance of .5 mile (approximately) to the common line of Section 22, Block 79, TSP 3 of the T & P R.R. Surveys and C.D. Stewart Survey 320;

Thence, East following along the boundary of the Horizon Water District and the common line of Section 22, Block 79, TSP 3 of the T & P R.R. Surveys and C.D. Stewart Survey 320 a distance of .5 mile (approximately) to the common corner of Sections 21 and 22, Block 79, TSP 3 of the T & P R.R. Surveys, C.D. Stewart 320 and W.J. Rand Survey 325;

Thence, South following along the boundary of the Horizon Water District and the common line of C.D. Stewart Survey 320 and W.J. Rand Survey 325 a distance of 1.0 mile to the common corner of C.D. Stewart Surveys 320, 321, 322 and W.J. Rand Survey 325;

Thence, West following along the boundary of the Horizon Water District and also being the common line of C.D. Stewart Surveys 320 and 322 a distance of 1.0 mile to the common corner of C.D. Stewart Surveys 318, 320, 322 and 323;

Thence, South following the boundary of the Horizon Water District and also being the common line of C.D. Stewart Surveys 322 and 323 a distance of 1.0 mile to the common corner of C.D. Stewart Surveys 322, 323 and Leigh Clark Surveys 292 and 293;

Thence, East following the boundary of the Horizon Water District and also being the common line of C.D. Stewart Survey 322 and Leigh Clark Survey 292 a distance of 1.0 mile to the common corner of C.D. Stewart Surveys 321, 322 and Leigh Clark Survey 291 and 292;

Thence, South following the boundary of the Horizon Water District and also being the common line of Leigh Clark Surveys 291 and 292 a distance of 1.0 mile to the common corner of Leigh Clark Surveys 291, 292, 295 and 296;

Thence, West following the boundary of the Horizon Water District and also being the common line of Leigh Clark Surveys 292 and 295 a distance of 1.0 mile to the common corner of Leigh Clark Surveys 292, 293, 294 and 295;

Thence, South following the boundary of the Horizon Water District and also being the common line of Leigh Clark Surveys 294 and 295 a distance of 1.0 mile to the common corner of Leigh Clark Surveys 294 and 295;

Thence, East following the boundary of the Horizon Water District and being the common section lines of several surveys a distance of 6.0 miles to the common corner of Sections 2, 3, 8 and 9, Block 78, TSP 4 of the T & P R.R. Surveys;

Thence, North following the boundary of the Horizon Water District and being the common line of Sections 2 and 3, Block 78, TSP 4 of the T & P R.R. Surveys a distance of 1.0 mile to the common corner of Sections 46 and 47, Block 78, TSP 3 and Sections 2 and 3, Block 78, TSP 4 of the T & P R.R. Surveys;

Thence, East following the boundary of the Horizon Water District and being the common section lines of several surveys a distance of 6.0 miles to the common corner of Sections 46 and 47, Block 77, TSP 3 and Sections 2 and 3, Block 77, TSP 4 of the T & P R.R. Surveys;

Thence, South following along the boundary of the Horizon Water District and being the common line of Sections 2 and 3, Block 77, TSP 4 of the T & P RR Surveys, a distance of one mile to the common corner of Sections 2, 3, 10 and 11, Block 77, TSP 4 of the T & P RR Surveys;

Thence, East following along the boundary of the Horizon Water District and being the common line of Sections 2 and 11, Block 77, TSP 4 of the T & P R.R. Surveys a distance of 1.0 mile to the common corners of Sections 1, 2, 11 and 12, Block 77, TSP 4 of the T & P R.R. Surveys;

Thence South following along the boundary of the Horizon Water District and being the common line of Sections 11 and 12, Block 77, TSP 4 of the T & P R.R. Surveys a distance of 1.0 mile to the common corners of Sections 11, 12, 13 and 14, Block 77, TSP 4 of the T & P R.R. Surveys;

Thence, East following along the boundary of the Horizon Water District and being the common line of Sections 12 and 13, Block 77, TSP 4 of the T & P R.R. Surveys a distance of 1.0 mile to the common line of El Paso County and Hudspeth County;

Thence along said county line, South 11 miles to a point, said point being common to the NE corner of Survey No. 350 and the NW corner of Survey No. 349;

Thence continuing along the Hudspeth-El Paso County line, East 2.0 miles to a point, said point marking the NE corner of Survey No. 348;

Thence continuing along the Hudspeth-El Paso County line, South 4.0 miles to a point;

Thence continuing along the Hudspeth-El Paso County line, East 0.25 miles to the most easterly corner of Survey No. 362;

Thence continuing along the Hudspeth-El Paso County line, South 45° 06' West, 3.2 miles to a point on the United States-Mexico international boundary and as defined by the rectified Rio Grande river channel;

Thence following along said international boundary line in a northwesterly direction, 28 miles (approximately) to the point of beginning of this description. Save and except the existing areas encompassed by the following entities; 1) City of Clint, Texas, 2) El Paso County Water Authority (Horizon), 3) Fabens Water Control and Water Improvement District No. 4, 4) ~~Tornillo Water Supply Corporation~~, 5) Haciendas Del Norte Water Improvement District, 5) [6] San Elizario Municipal Utility District, 6) ~~adn 7)~~ Cuadrilla Water Improvement Corporation, [i] and 7) *the area serviced by the Tornillo Water Supply Corporation, more specifically described as follows:*

Beginning at the intersection of the northwesterly line of Section 12, Blk L. (University Lands and the southerly R.O.W. line of Interstate I-10,

Thence along said R.O.W. as follows:

S 57° 19' 42" E 441.77 ft

Thence S 49° 51' 53" E 2948.41 ft

Thence S 42° 24' 05" E 902.93 ft

Thence S 47° 35' 55" W 50.00 ft

Thence S 42° 24' 05" E 1006.67 ft

Thence S 02° 43' 47" E 339.67 ft

Thence S 17° 35' 35" W 450.37 ft
 Thence S 37° 42' 40" W 270.87 ft
 Thence S 42° 24' 05" E 130.00 ft
 Thence N 57° 29' 10" E 270.87 ft
 Thence N 77° 35' 55" E 450.37 ft
 Thence S 82° 04' 23" E 339.67 ft
 Thence S 42° 24' 05" E 995.67 ft
 Thence N 47° 35' 55" E 50.00 ft
 Thence S 42° 24' 05" E 4599.41 ft
 Thence S 47° 35' 55" E 100.00 ft
 Thence S 42° 24' 05" E 5588.73 ft
 Thence S 56° 49' 28" E 4869.65 ft
 Thence S 45° 02' 52" W 51.09 ft
 Thence S 56° 49' 28" E 5195.17 ft
 Thence N 33° 10' 32" E 50.00 ft
 Thence S 56° 49' 28" E 7298.60 ft
 Thence S 33° 10' 32" W 50.00 ft
 Thence S 56° 49' 28" E 1305.61 ft to point of intersection of said southerly R.O.W. of I-10 and the east line of William C. Stanley Survey #51, said line being the common line El Paso and Hudspeth Counties;
 Thence S 45° 00' 00" W 6442.98 to EAST corner Tr 4B, Bk 10, Lower Valley Survey
 Thence S 44° 54' W 1774.39 ft to South corner TR 3B, Bk 10, Lower Valley Survey
 Thence S 45° 01' 51" W 507 ft along the common county line El Paso-Hudspeth counties to a point on the easterly R.O.W. of the Rio Grande Restification Project El Paso-Juarez Valley and said being 213.25 ft east of the said base line;
 Thence N 48° 59' 11" W 1110.90 ft along R.O.W. to sta 72 + 384.76 (Mrts)
 Thence N 48° 59' 11" W 1205.05 ft to P.T. sta. 72 + 017.46 (mtrs)
 Thence 1378.88 ft around arc of curve to left-R=2191.46 ft delta=36° 03' 03"
 Thence N 85° 02' 14" W 609.68 ft
 Thence N 04° 42' 24" E 808.43 ft
 Thence N 02° 04' 41" W 172.08 ft
 Thence N 17° 13' 47" W 202.26 ft
 Thence N 33° 05' 54" W 208.00 ft
 Thence N 51° 47' 09" W 169.32 ft
 Thence S 77° 34' W 44.30 ft
 Thence S 75° 09' W 152.16 ft
 Thence S 51° 11" W 15.21 ft
 Thence S 57° 59" E 114.50 ft
 Thence S 51° 47' E 154.0 ft
 Thence S 33° 06' E 160.1 ft
 Thence S 17° 13' E 159.4 ft
 Thence S 02° 05' E 141.80 ft
 Thence S 04° 42' W 684.10 ft
 Thence S 67° 58' W 114.50 ft
 Thence N 85° 02' 14" W 1070.10 ft on line 406.52' E of Base line
 Thence N 48° 23' E 209.09 ft

Thence N 85° 02' 14" W 1167.88 ft on line 510.00' E of Base line
 Thence S 32° 12' 46" W 357.84 ft
 Thence N 85° 02' 14" W 5561.00 ft on line 191.86' E of Base line
 Thence N 26° 41' E 30.0 ft to point being 221.85' E from Base line
 Thence N 85° 02' 14" W 4678.7 ft
 Thence S 04° 51' W 30 ft to point being 191.86' E from Base line
 Thence N 85° 02' 14" W 4271.64 ft
 Thence N 16° 30" W 30.0 ft to point 221.85' E from Base line
 Thence N 85° 02' 14" W 3449.27 ft
 Thence S 45° 07' W 97.08 ft to point being 147.64' E of Base line
 Thence N 85° 02' 14" W 549.2 ft to P.T. Curve Station 64 + 894.92(mtrs)
 Thence 2628.17 ft around arc of curve to right delta = 42° 51' 30" R=3513.51 ft to
 P.C. station 64 + 060.19 (mtrs)
 Thence N 42° 10' 44" W. 3763.77 ft
 Thence S 47° 49' 16" W. 42.65 ft to point 104.99' E of Base line
 Thence N 42° 10' 44" W. 1653.54 ft
 Thence N 47° 49' 16" E 26.25 ft to point 131.33' E of Base line
 Thence N 42° 10' 44" W 2814.95 ft
 Thence S 47° 49' 16" W 3.28 ft to point 127.96' E of Base line
 Thence N 42° 10' 44" W 1013.78 ft
 Thence S 47° 49' 16" W 22.97 ft to point 104.99' E of Base line
 Thence N 42° 10' 44" W 78.74 to P.T. station 61 + 223.70 (mtrs)
 Thence 1399.72 ft around arc of curve to left; delta=18° 2' 10", R=4405.82 ft to
 P.C.P.J. Sta=807.23 (mtrs)
 Thence 867.16 ft around arc of compound cover to the left delta=9° 38' 10"
 R=5156.09 ft to point on curve
 Thence N 74° 36' 39" E, 226.38 ft
 Thence N 81° 23' 21" W, 1629 ft
 Thence N 89° 09' 02" W 2646.19 ft to intersection with the East line of Fabens
 Wastewater channel;
 Thence along easterly line of said Fabens Wastewater channel to its intersection
 with the common line of Surveys 167 and 168 of the San Elizario Grant, Block 47
 Thence N 43° 12' E 3167.8 ft to centerline of road and to the most easterly corner of
 said Survey 167
 Thence N 46° 48' W 55.55 ft along centerline road to the southwest corner of Survey
 142
 Thence N 43° 00' E 1445.0' along common line Surveys 141 142 to foothills
 Thence S 50° 42' E 314.11 ft
 Thence S 61° 52' E 277.11 ft
 Thence S 45° 32' E 155.56 ft
 Thence N 43° 00' E 139.44 ft
 Thence S 55° 40' E 557.78 ft
 Thence S 86° 05' E 302.50 ft
 Thence S 81° 57' E 361.94 ft
 Thence S 43° 12' W 425.83 ft
 Thence S 46° 09' E 631.39 ft
 Thence S 75° 58' E 267.83 ft

Thence N 83° 04' E 398.50 ft

Thence S 48° 14' E 463.86 ft

Thence S 24° 13' E 470.08 ft

Thence S 17° 58' E 210.28 ft

Thence S 38° 52' W 200.00 ft

Thence S 57° 37' W 549.89 ft

Thence S 74° 37" W 200.00ft

Thence S 80° 57' W 155.19 ft

Thence N 86° 48' W 100.11 ft

Thence S 80° 32' W 140.17 ft

Thence N 06° 28' W 83.11 ft

Thence S 30° 03' E 100.11 ft

Thence S 00° 12' W 157.22 ft

Thence S 44° 28' E 400.50 ft

Thence S 55° 33' E 300.36 ft

Thence S 69° 48' E 200.28 ft

Thence S 75° 08' E 1101.36 ft

Thence S 16° 16' E 344.44 ft

Thence S 61° 31' E 600.83 ft

Thence S 48° 42' E 623.89 ft

Thence S 89° 19' E 1128.05 ft

Thence S 49° 46' E 307.88 ft

Thence S 84° 32' E 178.83 ft

Thence S 32° 26' E 277.22 ft

Thence S 11° 08' E 145.17 ft

Thence S 27° 25' W 96.81 ft

Thence S 38° 33' W 379.39 ft

Thence S 35° 58' W 390.47 ft

Thence S 28° 58' W 206.67 ft

Thence S 31° 07' E 236.67 ft

Thence S 02° 13' E 317.08 ft

Thence N 45° 20' E 1700.55 ft

Thence S 44° 40' E 1912.63 to common corner Survey 292-427 Section 9

Thence N 52° 30' E 1337.50 to common corner M.R. Hemley Survey 427 Sections 9-10-11

Thence N 52° 30' E 1337.50 ft to common corner 9-10-11 (sections)

Thence N 52° 30' E 5277.76 ft to common corner sections 10-11-12-17

Thence N 52° 30' E 4564.42 to southerly R.O.W. 1-10 & the P.O.B.; and

A parcel of land continuing 5 square miles in the county of El Paso, Texas and being more particularly described as follows:

Sections 16 and 18 in Block 78, Township 2, T & P RR Survey, El Paso County, Texas

Section 48, Block 79, Township 2, T & P RR Survey, El Paso County, Texas

Section 2 and 10, Block 79, Township 3, T & P RR Survey, El Paso County, Texas.

(b) It is hereby found that all of the land thus included in said authority will be benefited by the improvements to be acquired and constructed by the authority.

SECTION 2. Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, is amended by adding Section 5A to read as follows:

Sec. 5A. (a) Before the board calls the first election for the authorization of bonds payable in whole or in part from taxes, the board may on its own motion call a hearing on the exclusion of land or other property from the authority as provided by this section.

(b) The board shall call a hearing on the exclusion of land or other property from the authority if any landowner or property owner in the authority files a written petition for exclusion with the secretary of the board before the first election is called for the authorization of bonds payable in whole or in part from taxes.

(c) The board shall give notice of the time and place of the exclusion hearing.

(d)(1) The board shall publish notice of the exclusion hearing once a week for two consecutive weeks in one or more newspapers with general circulation in the authority. The first publication shall appear at least 14 days before the day of the hearing.

(2) The notice shall (A) describe all property, if any, which the board proposes to exclude on its own motion; and

(B) advise all landowners or property owners of their right to present written petitions for exclusion of land or other property and to offer evidence in support of the petitions and their right to protest any proposed exclusion based on either the board's own motion or a petition and to offer evidence in support of the protest.

(e) A petition for exclusion shall be filed with the secretary at least seven days before the exclusion hearing.

(f) A petition for exclusion: (1) if for land, must accurately describe by metes and bounds or lot and block number the land to be excluded; and, if for property, must accurately describe the property to be excluded; and

(2) shall state clearly the particular grounds on which the exclusion is sought.

(g) The board may only consider the grounds stated in the petition for exclusion.

(h) Exclusions from the authority may be made on the grounds that: (1) to retain certain land or other property within the authority's taxing power would be arbitrary and unnecessary to conserve the public welfare, would impair or destroy the value of the property desired to be excluded, and would constitute the arbitrary imposition of a confiscatory burden;

(2) to retain certain land or other property in the authority and to extend to it, either presently or in the future, the benefits, service, or protection of the authority's facilities, would create an undue and uneconomical burden on the remainder of the authority; or

(3) the land or other property desired to be excluded cannot be bettered as to conditions of living and health, or provided with water or sewer service or protected from flood, or drained, or freed from interruption of traffic caused by excess of water on the roads, highways, or other means of transportation serving the land, or otherwise benefited by the authority's proposed improvements.

(i) The board may adjourn the hearing from one day to another and until all persons desiring to be heard are heard. The board shall hear first any protests and evidence against exclusions proposed on the board's own motion.

(j) After considering all relevant evidence presented to it, the board shall make its determination based upon Subsection (h)(1), (2), or (3) of this section. If the board determines that the land or other property should be excluded, the board shall enter an order excluding the land or other property and shall redefine the boundaries of the authority to include land not excluded. A copy of the order excluding the land or other property and redefining the boundaries of the authority shall be filed in the deed records of El Paso County.

SECTION 3. Section 25, Chapter 780, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 25. The board of directors shall designate one or more banks within *El Paso County* [~~the authority~~] to serve as depository or depositories for the funds of the authority. All funds of the authority shall be deposited in such depository bank or banks, except that funds pledged to pay bonds or notes may be deposited with trustee banks named in the trust agreement or bond or note resolution, and except that funds shall be remitted to the bank of payment for the payment of principal of and interest on bonds and notes. To the extent that funds in the depository banks and a trustee bank are not insured by the Federal Deposit Insurance Corporation they shall be secured in the manner provided by law for the security of county funds; or the resolution or trust agreement, or both, securing the bonds or notes, may require that any or all of such funds be secured by obligations of or unconditionally guaranteed by the United States government.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 27, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective Sept. 1, 1987.
