

## FLYING "L" PUBLIC UTILITY DISTRICT

## CHAPTER 505 \*\*

H. B. No. 1140

An Act creating and establishing, without consent of political subdivisions, a conservation and reclamation district under Article XVI, Section 59, Constitution of Texas, known as "Flying 'L' Public Utility District"; declaring district a governmental agency, body politic and corporate; finding the field notes and boundaries form a closure, and related matters; finding benefit to all property within the district; defining the boundaries; conferring on district the rights, powers, privileges, authority and functions of the general laws of Texas applicable to municipal utility districts created under Chapter 54, Title 4, Water Code, where not in conflict with this Act, and adopting same by reference; naming the first directors of the district; providing for qualifications of directors and the filling of vacancies; providing for terms and elections of directors, and related matters; finding and declaring that the requirements of Article XVI, Section 59(d), Constitution of Texas, have been performed and accomplished; enacting other provisions relating to the above mentioned subjects; providing a severability clause; and declaring an emergency.

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

Section 1. Notwithstanding provisions of the general laws relating to consent by political subdivisions for the creation of conservation and reclamation districts, there is hereby created and established, under and pursuant to the provisions of Article XVI, Section 59 of the Constitution of Texas, a conservation and reclamation district in Bandera County, Texas, to be known as "Flying 'L' Public Utility District," hereinafter called the "district," which shall be a governmental agency and a body politic and corporate. The creation and establishment of the district is hereby declared to be essential to the accomplishment of the purposes of Article XVI, Section 59 of the Constitution of Texas.

Sec. 2. It is determined and found that the boundaries and field notes of the district form a closure. If any mistake is made in copying the field notes in the legislative process or otherwise a mistake is made in the field notes, it shall in no way affect the organization, existence and validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created or to pay the principal and interest thereon, or the right to assess, levy and collect taxes, or in any other manner affect the legality or operation of the district or its governing body.

Sec. 3. It is determined and found that all of the land and other property included within the area and boundaries of the district will be benefited by the works and project which are to be accomplished by the district pursuant to the powers conferred by the provisions of Article XVI, Section 59 of the Constitution of Texas, and that said district is created to serve a public use and benefit.

Sec. 4. The district shall comprise all of the territory contained within the following described area:

Lying wholly in Bandera County, Texas, and being 535.663 acres, more or less, out of the William Kelly Survey No. 35 and the M. G. de

\*\* Vernon's Ann.Civ.St. art. 8280—508, §§

1-8.

los Santos Survey No. 34, and more particularly described by metes and bounds as follows:

Beginning at a point on the west right-of-way line of Bottle Springs Road, which point lies on the common line of said de los Santos Survey No. 34 and Kelly Survey No. 35, said point being S 45° 00' 00" W 3033.33 feet from the northeast corner of said Survey No. 34 and the southeast corner of said Survey No. 35.

THENCE, with a fence and the west right-of-way line of said road, as follows:

- N 43° 50' 00" W 694.44 feet
- N 47° 56' 00" W 546.94 feet
- N 49° 22' 00" W 235.00 feet
- N 58° 24' 00" W 305.56 feet
- N 79° 39' 00" W 244.44 feet
- N 80° 51' 00" W 138.89 feet
- N 47° 40' 00" W 93.89 feet
- N 72° 47' 00" W 687.50 feet to a fence corner for the most northerly corner of the herein described tract.

THENCE, S 40° 11' 00" W 2583.33 feet to a fence corner on the east right-of-way line of Medina Lake Road, for the westernmost corner of this tract.

THENCE, with a fence and the east right-of-way line of Medina Lake Road, as follows:

- S 19' 25' 00" E 40.28 feet
- S 29° 06' 00" E 978.89 feet
- S 09° 25' 00" E 86.39 feet
- S 03° 38' 00" E 254.44 feet
- S 10° 20' 00" E 1433.33 feet
- S 20° 28' 00" E 337.78 feet
- S 29° 05' 00" E 1046.11 feet to a fence corner of the Flying "L" Ranch, same being the westernmost south corner of this tract.

THENCE, with said Flying "L" fence, as follows:

- N 40° 23' 00" E 1882.50 feet
- N 45° 21' 00" E 629.44 feet to an interior corner
- S 28° 37' 00" E 3005.28 feet
- S 42° 59' 00" E 105.83 feet to a point in the center line of Julian Creek for the southernmost southwest corner of this tract.

THENCE, with the meanders of the center line of Julian Creek as follows:

- N 79° 37' 05" E 556.52 feet
- N 30° 45' 51" E 332.71 feet
- N 50° 06' 21" E 121.05 feet
- N 14° 04' 53" E 233.83 feet
- N 50° 30' 36" E 181.58 feet
- N 48° 21' 22" E 376.88 feet
- N 12° 10' 48" W 243.74 feet
- N 30° 56' 40" W 215.63 feet
- N 27° 00' 34" E 195.78 feet
- N 56° 57' 13" E 157.17 feet
- N 74° 50' 04" E 810.69 feet
- N 67° 44' 48" E 350.19 feet
- N 82° 48' 19" E 369.06 feet
- N 74° 02' 44" E 268.55 feet to a point in the west right-of-way line of Bottle Springs Road, for the easternmost southeast corner of this tract.

THENCE, with the said west right-of-way line of Bottle Springs Road, as follows:

N 25° 58' 00" W 266.11 feet  
 N 53° 26' 00" W 172.50 feet  
 N 71° 03' 00" W 108.33 feet  
 N 69° 58' 00" W 383.89 feet  
 N 72° 01' 00" W 452.78 feet  
 N 77° 02' 00" W 311.11 feet  
 N 76° 12' 00" W 380.56 feet  
 N 64° 54' 00" W 178.06 feet  
 N 62° 08' 00" W 519.72 feet  
 N 29° 01' 00" W 913.89 feet  
 N 28° 07' 00" W 607.50 feet  
 N 30° 02' 00" W 150.00 feet  
 N 37° 19' 00" W 119.44 feet  
 N 43° 50' 00" W 386.11 feet to the place of beginning.

Containing 535.663 acres of land, more or less.

Sec. 5. The district is hereby vested with, and shall have and exercise, all of the rights, powers, privileges, authority and functions conferred by the general laws of this state applicable to municipal utility districts, including without limitation those conferred by Chapter 54, Title 4, Water Code, but if any provision of such general laws shall be in conflict or inconsistent with the provisions of this Act, the provisions of this Act shall prevail. All such general laws applicable to municipal utility districts not in conflict or inconsistent with the provisions of this Act are hereby adopted and incorporated by reference with the same effect as if copied in full in this Act.

Sec. 6. Immediately after this Act becomes effective, the following named persons shall be the directors of the district and shall constitute the board of directors of the district:

Gilligan Kelly  
 Frank Pearson  
 Robert McInnerney  
 Howard Banister  
 Richard Olivere

Said persons shall qualify to serve as directors prior to the first meeting of the board of directors. Should any of the above named directors fail to qualify for any reason, the remaining named directors shall appoint someone to fill such vacancy or vacancies; provided, however, that if at any time the number of qualified directors shall be less than three because of the failure or refusal of one or more directors to qualify or serve or because of his or their death or incapacitation, or for any such other reason, the Texas Water Rights Commission shall appoint the necessary number of directors to fill all vacancies on the board. The directors above named or their duly appointed and qualified successor or successors shall serve until the second Saturday in January, 1973. Succeeding directors shall be elected or appointed and shall serve for the term and in the manner provided by Chapter 54, Title 4, Water Code.

Sec. 7. The Legislature specifically finds and declares that the requirements of Article XVI, Section 59(d) of the Constitution of Texas have been performed and accomplished in due course and time and order, and that the Legislature has the power and authority to enact this Act.

Sec. 8. If any word, phrase, clause, paragraph, sentence, part, portion, or provision of this Act or the application thereof to any persons or

circumstances shall be held to be invalid or unconstitutional, the remainder of the Act shall nevertheless be valid and the Legislature hereby declares that this Act would have been enacted without such invalid or unconstitutional word, phrase, clause, paragraph, sentence, part, portion or provision.

Sec. 9. The fact that the district's works, projects and conservation measures are immediately and urgently needed in the district hereby establishes and creates an emergency and an imperative public necessity requiring the Constitutional Rule that bills be read on three several 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 by the House on April 29, 1971: Yeas 139, Nays 0; and, pursuant to the provisions of Section 59(d), Article XVI of the Constitution of Texas, a copy was transmitted to the Governor on March 15, 1971, and the recommendation of the Texas Water Rights Commission was filed with the Speaker of the House on March 30, 1971; and that the House adopted H.C.R. No. 151 authorizing certain corrections on May 18, 1971: Yeas 139, Nays 0; passed by the Senate on May 13, 1971: Yeas 31, Nays 0; and that the Senate adopted H.C.R. No. 151 authorizing certain corrections on May 18, 1971: Yeas 30, Nays 0.

Approved May 29, 1971.

Effective May 29, 1971.

---

**SHERIFFS AND CONSTABLES—RESERVE DEPUTIES—  
APPOINTMENT, DUTIES, ETC.**

**CHAPTER 506**

**S. B. No. 43**

**An Act relating to the appointment, powers and duties of reserve deputy sheriffs and reserve deputy constables; providing a severability clause; and declaring an emergency.**

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

Section 1.<sup>89</sup> (a) The Commissioners Court of any county in the State may authorize the sheriff of the county to appoint reserve deputy sheriffs, or any constable of the county to appoint reserve deputy constables, who shall be subject to serve as peace officers during the actual discharge of their official duties upon call of the sheriff, in the case of deputy sheriffs, or of the constable, in the case of deputy constables.

(b) The Commissioners Court may limit the number of reserve deputy sheriffs or reserve deputy constables who may be appointed.

(c) Such reserve deputy sheriffs shall serve at the discretion of the sheriff and may be called into service at any time the sheriff considers it necessary to have additional officers to preserve the peace and enforce the law; and such reserve deputy constables shall serve at the discretion of the constable and may be called into service at any time the constable

<sup>89</sup>. Vernon's Ann.Civ.St. art. 6869.1, § 1.