

1-1 By: Barrientos S.B. No. 79
1-2 (In the Senate - Filed July 8, 2005; July 11, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; July 14, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; July 14, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Bee Cave Development District;
1-9 providing authority to impose a tax and issue a bond or similar
1-10 obligation.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-13 Code, is amended by adding Chapter 3840 to read as follows:

1-14 CHAPTER 3840. BEE CAVE DEVELOPMENT DISTRICT

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 3840.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the board of directors of the
1-18 district.

1-19 (2) "District" means the Bee Cave Development
1-20 District.

1-21 Sec. 3840.002. BEE CAVE DEVELOPMENT DISTRICT. The Bee Cave
1-22 Development District is a special district created under Section
1-23 59, Article XVI, Texas Constitution.

1-24 Sec. 3840.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-25 creation of the district is essential to accomplish the purposes of
1-26 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-27 Texas Constitution, and other public purposes stated in this
1-28 chapter. By creating the district and in authorizing the Village of
1-29 Bee Cave, Travis County, and other political subdivisions to
1-30 contract with the district, the legislature has established a
1-31 program to accomplish the public purposes set out in Section 52-a,
1-32 Article III, Texas Constitution.

1-33 (b) The creation of the district is necessary to promote,
1-34 develop, encourage, and maintain employment, commerce,
1-35 transportation, housing, tourism, recreation, the arts,
1-36 entertainment, economic development, safety, and the public
1-37 welfare in the Village of Bee Cave's business area.

1-38 (c) This chapter and the creation of the district may not be
1-39 interpreted to relieve Travis County or the Village of Bee Cave from
1-40 providing the level of services provided as of September 1, 2005, to
1-41 the area in the district or to release the county or village from
1-42 the obligations of each entity to provide services to that area.
1-43 The district is created to supplement and not to supplant the county
1-44 or village services provided in the area in the district.

1-45 Sec. 3840.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-46 (a) The district is created to serve a public use and benefit.

1-47 (b) All land and other property included in the district
1-48 will benefit from the improvements and services to be provided by
1-49 the district under powers conferred by Sections 52 and 52-a,
1-50 Article III, and Section 59, Article XVI, Texas Constitution, and
1-51 other powers granted under this chapter.

1-52 (c) The creation of the district is in the public interest
1-53 and is essential to:

1-54 (1) further the public purposes of developing and
1-55 diversifying the economy of the state;

1-56 (2) eliminate unemployment and underemployment; and

1-57 (3) develop or expand transportation and commerce.

1-58 (d) The district will:

1-59 (1) promote the health, safety, and general welfare of
1-60 residents, employers, employees, visitors, and consumers in the
1-61 district, and of the public, by providing, operating, and
1-62 maintaining:

1-63 (A) attractive, safe, and convenient street and
1-64 road improvements;

2-1 (B) off-street parking facilities; and
2-2 (C) necessary water, sewer, and drainage
2-3 facilities, including a facility for the improvement of water
2-4 quality, to serve the district;

2-5 (2) provide needed funding for the Village of Bee
2-6 Cave's business area to:

2-7 (A) preserve, maintain, and enhance the economic
2-8 health and vitality of the area as a community and business center;
2-9 and

2-10 (B) provide a government center; and

2-11 (3) promote the health, safety, welfare, and enjoyment
2-12 of the public by providing pedestrian ways, parks, and off-street
2-13 parking, and by landscaping and developing certain areas in the
2-14 district, which are necessary for the restoration, preservation,
2-15 and enhancement of scenic beauty.

2-16 (e) Pedestrian ways along or across a street, whether at
2-17 grade or above or below the surface, and street lighting, street
2-18 landscaping, parking, and street art objects are parts of and
2-19 necessary components of a street and are considered to be a street
2-20 or road improvement.

2-21 (f) The district will not act as the agent or
2-22 instrumentality of any private interest even though the district
2-23 will benefit many private interests as well as the public.

2-24 Sec. 3840.005. DISTRICT TERRITORY. (a) The district is
2-25 composed of the territory described by Section 2 of the Act enacting
2-26 this chapter.

2-27 (b) The boundaries and field notes of the district contained
2-28 in Section 2 of the Act enacting this chapter form a closure. A
2-29 mistake in the field notes or in copying the field notes in the
2-30 legislative process does not in any way affect the district's:

2-31 (1) organization, existence, or validity;

2-32 (2) right to issue any type of bond for a purpose for
2-33 which the district is created or to pay the principal of and
2-34 interest on the bond;

2-35 (3) right to impose or collect an assessment or tax; or

2-36 (4) legality or operation.

2-37 (c) The district boundaries may not be changed. Sections
2-38 375.043 and 375.044, Local Government Code, and Subchapter J,
2-39 Chapter 49, Water Code, do not apply to the district.

2-40 Sec. 3840.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-41 All or any part of the area of the district is eligible to be
2-42 included in:

2-43 (1) a tax increment reinvestment zone created by the
2-44 Village of Bee Cave under Chapter 311, Tax Code;

2-45 (2) a tax abatement reinvestment zone created by the
2-46 Village of Bee Cave under Chapter 312, Tax Code; or

2-47 (3) an enterprise zone created by the Village of Bee
2-48 Cave under Chapter 2303, Government Code.

2-49 Sec. 3840.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-50 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-51 Chapter 375, Local Government Code, applies to the district.

2-52 Sec. 3840.008. LIBERAL CONSTRUCTION OF CHAPTER. This
2-53 chapter shall be liberally construed in conformity with the
2-54 findings and purposes stated in this chapter.

2-55 [Sections 3840.009-3840.050 reserved for expansion]

2-56 SUBCHAPTER B. BOARD OF DIRECTORS

2-57 Sec. 3840.051. GOVERNING BODY; TERMS. The district is
2-58 governed by a board of five directors who serve staggered terms of
2-59 four years, with two or three directors' terms expiring July 1 of
2-60 each odd-numbered year.

2-61 Sec. 3840.052. APPOINTMENT. (a) The governing body of the
2-62 Village of Bee Cave shall appoint directors as provided by
2-63 Subchapter D, Chapter 375, Local Government Code, except that to be
2-64 qualified to serve as a director, a person must be at least 18 years
2-65 of age and:

2-66 (1) a resident of the Village of Bee Cave;

2-67 (2) an owner of property in the district;

2-68 (3) an owner of stock, whether beneficial or
2-69 otherwise, of a corporate owner of property in the district;

3-1 (4) an owner of a beneficial interest in a trust that
3-2 owns property in the district; or

3-3 (5) an agent, employee, or tenant of a person
3-4 described by Subdivision (2), (3), or (4).

3-5 (b) Sections 375.063 and 375.064(a)-(c) and (e), Local
3-6 Government Code, do not apply to the district.

3-7 Sec. 3840.053. VACANCY. (a) The governing body of the
3-8 Village of Bee Cave shall appoint a person to fill a board vacancy
3-9 in the same manner as an original appointment.

3-10 (b) Section 375.066, Local Government Code, does not apply
3-11 to the district.

3-12 Sec. 3840.054. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.
3-13 (a) Except as provided by this section:

3-14 (1) a director may participate in all board votes and
3-15 decisions; and

3-16 (2) Chapter 171, Local Government Code, governs
3-17 conflicts of interest for directors.

3-18 (b) Section 171.004, Local Government Code, does not apply
3-19 to the district. A director who has a substantial interest in a
3-20 business or charitable entity that will receive a pecuniary benefit
3-21 from a board action shall file a one-time affidavit declaring the
3-22 interest. An additional affidavit is not required if the
3-23 director's interest changes. After the affidavit is filed with the
3-24 board secretary, the director may participate in a discussion or
3-25 vote on that action if:

3-26 (1) a majority of the directors have a similar
3-27 interest in the same entity;

3-28 (2) all other similar business or charitable entities
3-29 in the district will receive a similar pecuniary benefit; or

3-30 (3) the director owns property in the district.

3-31 (c) A director who is also an officer or employee of a public
3-32 entity may not participate in the discussion of or vote on a matter
3-33 regarding a contract with that public entity.

3-34 (d) For purposes of this section, a director has a
3-35 substantial interest in a charitable entity in the same manner that
3-36 a person would have a substantial interest in a business entity
3-37 under Section 171.002, Local Government Code.

3-38 [Sections 3840.055-3840.100 reserved for expansion]

3-39 SUBCHAPTER C. POWERS AND DUTIES

3-40 Sec. 3840.101. NONPROFIT CORPORATION. (a) The board by
3-41 resolution may, with the consent of the Village of Bee Cave,
3-42 authorize the creation of a nonprofit corporation to assist and act
3-43 for the district in implementing a project or providing a service
3-44 authorized by this chapter.

3-45 (b) The nonprofit corporation:

3-46 (1) has each power of and is considered for purposes of
3-47 this chapter to be a local government corporation created under
3-48 Chapter 431, Transportation Code; and

3-49 (2) may implement any project and provide any service
3-50 authorized by this chapter.

3-51 (c) The board shall appoint the board of directors of the
3-52 nonprofit corporation. The board of directors of the nonprofit
3-53 corporation shall serve in the same manner as the board of directors
3-54 of a local government corporation created under Chapter 431,
3-55 Transportation Code.

3-56 Sec. 3840.102. AGREEMENTS; GRANTS; DONATIONS. (a) The
3-57 district may enter into an agreement with or accept a donation,
3-58 grant, or loan from any person.

3-59 (b) A municipality, county, or other political subdivision
3-60 of this state, without further authorization, may contract with the
3-61 district for:

3-62 (1) the acquisition, construction, improvement,
3-63 implementation, maintenance, and operation of a district project;
3-64 or

3-65 (2) the provision of a service authorized under this
3-66 chapter.

3-67 (c) A contract under Subsection (b) may:

3-68 (1) be for a period and include terms on which the
3-69 parties agree;

4-1 (2) be payable from taxes or any other source of
4-2 revenue that may be available for that purpose; and

4-3 (3) provide terms under which taxes or other revenues
4-4 collected at a district project or from a person using or purchasing
4-5 a commodity or service at a district project may be paid or rebated
4-6 to the district.

4-7 (d) The implementation of a project is a governmental
4-8 function or service for the purposes of Chapter 791, Government
4-9 Code.

4-10 Sec. 3840.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
4-11 To protect the public interest, the district may contract with the
4-12 Village of Bee Cave for the village to provide law enforcement
4-13 services in the district for a fee.

4-14 Sec. 3840.104. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS.

4-15 (a) Except as provided by Subsection (b), the district must obtain
4-16 the approval of the Village of Bee Cave's governing body:

4-17 (1) for the issuance of a bond for each improvement
4-18 project;

4-19 (2) of the plans and specifications of an improvement
4-20 project financed by the bond; and

4-21 (3) of the plans and specifications of any district
4-22 improvement project related to the use of land owned by the Village
4-23 of Bee Cave, an easement granted by the Village of Bee Cave, or a
4-24 right-of-way of a street, road, or highway.

4-25 (b) If the district obtains the approval of the Village of
4-26 Bee Cave's governing body of a capital improvements budget for a
4-27 period not to exceed five years, the district may finance the
4-28 capital improvements and issue bonds specified in the budget
4-29 without further approval of the Village of Bee Cave.

4-30 Sec. 3840.105. NO EMINENT DOMAIN. The district may not
4-31 exercise the power of eminent domain.

4-32 Sec. 3840.106. HOTEL CONSTRUCTION PROHIBITED. (a) In this
4-33 section, "hotel" has the meaning assigned by Section 156.001, Tax
4-34 Code.

4-35 (b) The district may not build a hotel or finance or
4-36 construct a facility or other improvement to enhance or benefit a
4-37 hotel in the district. A hotel may not be connected to or use a
4-38 facility or other improvement financed or constructed by the
4-39 district.

4-40 [Sections 3840.107-3840.150 reserved for expansion]

4-41 SUBCHAPTER D. FINANCIAL PROVISIONS

4-42 Sec. 3840.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-43 board by resolution shall establish the number of directors'
4-44 signatures and the procedure required for a disbursement or
4-45 transfer of the district's money.

4-46 Sec. 3840.152. PETITION REQUIRED FOR FINANCING SERVICES AND
4-47 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
4-48 service or improvement project under this chapter unless a written
4-49 petition requesting that service or improvement has been filed with
4-50 the board.

4-51 (b) A petition filed under Subsection (a) must be signed by:

4-52 (1) the owners of a majority of the assessed value of
4-53 real property in the district subject to assessment according to
4-54 the most recent certified tax appraisal roll for Travis County; or

4-55 (2) at least 25 owners of land in the district, if more
4-56 than 25 persons own land in the district according to the most
4-57 recent certified property tax appraisal roll for Travis County.

4-58 Sec. 3840.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,
4-59 ASSESSMENTS, AND IMPACT FEES. (a) The district may impose an ad
4-60 valorem tax, assessment, or impact fee as provided by Chapter 375,
4-61 Local Government Code, on all property in the district, including
4-62 industrial, commercial, or residential property, to:

4-63 (1) finance or provide an improvement or service for a
4-64 project or activity this chapter authorizes the district to
4-65 construct, acquire, or improve; or

4-66 (2) provide or to make a payment under a contract.

4-67 (b) This section does not apply to property owned by a
4-68 municipality.

4-69 Sec. 3840.154. ASSESSMENTS. (a) The board by resolution

5-1 may impose and collect an assessment for any purpose authorized by
5-2 this chapter.

5-3 (b) The district may not impose an assessment against any
5-4 property of the Village of Bee Cave in the district. Payment of an
5-5 assessment by another exempt jurisdiction must be established by
5-6 contract.

5-7 (c) The board may apportion the cost of an improvement
5-8 project or service to be assessed against property in the district
5-9 on all property in the district according to a finding of the board
5-10 that the improvement project or service benefits all property in
5-11 the district.

5-12 (d) The board may include two or more types of improvements
5-13 and services in one assessment proceeding. The board may conduct
5-14 separate assessment proceedings as the district undertakes
5-15 improvement projects or the provision of services.

5-16 (e) The board may adjust annual assessments for services in
5-17 accordance with an annual budget the board adopts for the provision
5-18 of those services. An annual adjustment may not exceed the annual
5-19 amount set forth in the original assessment proceedings except
5-20 after public notice and hearing on the increase.

5-21 (f) The board, after notice and hearing as provided by
5-22 Subchapter F, Chapter 375, Local Government Code, may:

5-23 (1) correct, add to, or delete assessments from its
5-24 assessment rolls; and

5-25 (2) collect assessments after making the corrections,
5-26 additions, or deletions.

5-27 Sec. 3840.155. LIENS FOR ASSESSMENTS. (a) An assessment,
5-28 including an assessment resulting from an addition to or correction
5-29 of the assessment roll by the district, a reassessment, penalties
5-30 and interest on an assessment or reassessment, an expense of
5-31 collection, and reasonable attorney's fees incurred by the
5-32 district:

5-33 (1) are a first and prior lien against the property
5-34 assessed;

5-35 (2) are superior to any other lien or claim other than
5-36 a lien or claim for county, school district, or municipal ad valorem
5-37 taxes; and

5-38 (3) are the personal liability of and a charge against
5-39 the owners of the property even if the owners are not named in the
5-40 assessment proceeding.

5-41 (b) The lien is effective from the date of the board's
5-42 resolution imposing the assessment until the date the assessment is
5-43 paid. The board may enforce the lien in the same manner that the
5-44 board may enforce an ad valorem tax lien against real property.

5-45 Sec. 3840.156. AD VALOREM TAX. (a) If authorized at an
5-46 election held in accordance with Section 3840.160, the district may
5-47 impose an annual ad valorem tax on taxable property in the district
5-48 for any district purpose, including to:

5-49 (1) maintain and operate the district;

5-50 (2) construct or acquire improvements; or

5-51 (3) provide a service.

5-52 (b) The board shall determine the tax rate.

5-53 Sec. 3840.157. CONTRACTS SECURED BY AD VALOREM TAXES. A
5-54 contract for which the payments are secured wholly or partly by ad
5-55 valorem taxes may not be executed unless the imposition of the ad
5-56 valorem taxes to secure the payment of the contract is approved by a
5-57 majority, or a larger percentage if constitutionally required, of
5-58 the voters in the district voting at an election held for that
5-59 purpose.

5-60 Sec. 3840.158. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
5-61 ASSESSMENTS. The district may not impose an impact fee or
5-62 assessment on the property of a person that provides gas,
5-63 electricity, telephone, sewage, or water service to the public.

5-64 Sec. 3840.159. BONDS AND OTHER OBLIGATIONS. (a) The
5-65 district may issue bonds or other obligations payable wholly or
5-66 partly from taxes, assessments, impact fees, revenue, grants, or
5-67 other money of the district, or any combination of those sources of
5-68 money, to pay for any authorized purpose of the district.

5-69 (b) The district may issue a bond or other obligation in the

6-1 form of a bond, note, certificate of participation or other
6-2 instrument evidencing a proportionate interest in payments to be
6-3 made by the district, or other type of obligation.

6-4 Sec. 3840.160. TAX AND BOND ELECTIONS. (a) Except as
6-5 provided by Subsection (c), the district shall hold an election in
6-6 the manner provided by Subchapter L, Chapter 375, Local Government
6-7 Code, to obtain voter approval before the district imposes a
6-8 maintenance tax or issues bonds payable from ad valorem taxes or
6-9 assessments.

6-10 (b) The board may include more than one purpose in a single
6-11 proposition at an election.

6-12 (c) If the district obtains the written consent of all
6-13 property owners in the district to impose a maintenance tax or issue
6-14 bonds payable from ad valorem taxes or assessments, the district is
6-15 exempt from the election requirement under Subsection (a) and may
6-16 cancel an election called under Subsection (a).

6-17 Sec. 3840.161. MUNICIPALITIES NOT REQUIRED TO PAY DISTRICT
6-18 OBLIGATIONS. Except as provided by Section 375.263, Local
6-19 Government Code, a municipality is not required to pay a bond, note,
6-20 or other obligation of the district.

6-21 Sec. 3840.162. COMPETITIVE BIDDING. Section 375.221, Local
6-22 Government Code, applies to the district only for a contract that
6-23 has a value greater than \$25,000.

6-24 [Sections 3840.163-3840.200 reserved for expansion]

6-25 SUBCHAPTER E. DISSOLUTION

6-26 Sec. 3840.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
6-27 DEBT. (a) The board may dissolve the district regardless of
6-28 whether the district has debt. Section 375.264, Local Government
6-29 Code, does not apply to the district.

6-30 (b) If the district has debt when it is dissolved, the
6-31 district shall remain in existence solely for the purpose of
6-32 discharging its debts. The dissolution is effective when all debts
6-33 have been discharged.

6-34 [Sections 3840.202-3840.250 reserved for expansion]

6-35 SUBCHAPTER F. ENFORCEMENT POWERS

6-36 Sec. 3840.251. INJUNCTIVE RELIEF. (a) If it appears that
6-37 a person or the district has violated or is violating or threatening
6-38 to violate this chapter or a rule, permit, or other order of the
6-39 district issued or adopted under this chapter, a resident of the
6-40 Village of Bee Cave may institute an action in a district court for
6-41 injunctive relief to restrain the person or the district from
6-42 continuing the violation or threat of violation.

6-43 (b) On application for injunctive relief and a finding that
6-44 a person or the district is violating or threatening to violate this
6-45 chapter or a rule, permit, or other order of the district under this
6-46 chapter, the district court shall grant injunctive relief as the
6-47 facts warrant.

6-48 (c) Venue for an action seeking injunctive relief is in a
6-49 district court in Travis County.

6-50 SECTION 2. As of the effective date of this Act, the Bee
6-51 Cave Development District includes all territory contained in the
6-52 following described area:

6-53 BEING A 156.088 ACRE TRACT LOCATED IN THE A. ZILLER SURVEY NUMBER 2
6-54 ABSTRACT 2529, THE JAS. G. SWISHER SURVEY NUMBER 152 ABSTRACT
6-55 NUMBER 691, THE WILLIAM P. MOORE SURVEY NUMBER 525 ABSTRACT NUMBER
6-56 557, THE ORRAN WADE SURVEY NUMBER 540 ABSTRACT NUMBER 811, AND THE
6-57 JOHN HOBSON SURVEY NUMBER 527 ABSTRACT NUMBER 387, TRAVIS COUNTY,
6-58 TEXAS, AND BEING ALL OF A 31.9094 ACRE TRACT DESCRIBED IN A DEED TO
6-59 TECHNOLOGY PROPERTIES, INC. AND RECORDED IN VOLUME 12101, PAGE
6-60 1883, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING ALL
6-61 OF A 3.662 ACRE TRACT, THE REMAINDER OF A 66.47 ACRE TRACT, THE
6-62 REMAINDER OF A 45.760 ACRE TRACT, AND ALL OF A 1.633 ACRE TRACT, ALL
6-63 BEING CONVEYED TO BALDWIN PROPERTIES, LTD. AND DESCRIBED IN
6-64 DOCUMENT NUMBER 2003036917, OF THE OFFICIAL PUBLIC RECORDS, TRAVIS
6-65 COUNTY, TEXAS, ALSO BEING ALL OF THE REMAINDER OF BEE CAVES COMMONS,
6-66 A SUBDIVISION OF RECORD IN VOLUME 88, PAGE 325, OF THE PLAT RECORDS,
6-67 TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 6.009 ACRE TRACT
6-68 CONVEYED TO WILLIAM J. MADDOX, AND DESCRIBED IN DOCUMENT NUMBER
6-69 1999022498, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO

7-1 BEING A PORTION OF A 5.5 ACRE TRACT CONVEYED TO HIGHLAND HILLS VFW,
7-2 AND DESCRIBED IN VOLUME 8218, PAGE 501, DEED RECORDS, TRAVIS
7-3 COUNTY, TEXAS, ALSO BEING A PORTION OF A 3.92 ACRE TRACT CONVEYED TO
7-4 R.C. AND J. PURYEAR, AND DESCRIBED IN VOLUME 11960, PAGE 211, REAL
7-5 PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF
7-6 TROUBLEMAKER SECTION ONE, A SUBDIVISION OF RECORD IN VOLUME 103,
7-7 PAGE 74, PLAT RECORDS, TRAVIS COUNTY, TEXAS. SAID 156.088 ACRE
7-8 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
7-9 FOLLOWS:

7-10 BEGINNING at a 1/2 inch iron rod found in the north right-of-way
7-11 (ROW) line of Bee Caves Road (R.M. 2244), (ROW varies), same being
7-12 the southeast corner of said 66.47 acre tract, also being the
7-13 southwest corner of Bee Caves Plaza, Section Two, a subdivision of
7-14 record in Document Number 199900247, Official Public Records,
7-15 Travis County, Texas, for the southeast corner of this tract and the
7-16 POINT OF BEGINNING;

7-17 THENCE with the north ROW line of said Bee Caves Road, same being
7-18 the south line of said 66.47 acre tract the following four (4)
7-19 courses and distances:

7-20 1. S89°30'01"W, a distance of 80.15 feet to a TXDOT concrete
7-21 monument found,
7-22 2. S89°49'16"W, a distance of 62.18 feet to a TXDOT concrete
7-23 monument found,
7-24 3. S80°34'19"W, a distance of 185.07 feet to a 1/2 inch iron rod
7-25 with plastic cap found, and
7-26 4. N89°43'33"W, a distance of 25.52 feet to a TXDOT brass disk in
7-27 concrete found at the intersection of the north ROW line of said Bee
7-28 Caves Road and the north ROW line of State Highway 71 (ROW varies),
7-29 same being a south corner of said 66.47 acre tract

7-30 THENCE with the north ROW line of said State Highway 71, same being
7-31 the south line of said 66.47 acre tract, N66°38'55"W, a distance of
7-32 220.65 feet to a calculated point for a south corner of said 66.47
7-33 acre tract, same being the southeast corner of The Village at Bee
7-34 Caves, Phase 1, a subdivision of record in Volume 100, Page 268,
7-35 Plat Records, Travis County, Texas, also being a point in the north
7-36 ROW line of said State Highway 71.

7-37 THENCE leaving said ROW line and with the east, north, and west
7-38 lines of said Village at Bee Caves subdivision, same being the south
7-39 line of said 66.47 acre tract the following three (3) courses and
7-40 distances:

7-41 1. N23°21'07"E, a distance of 261.28 feet to a 1/2 inch iron rod
7-42 found,
7-43 2. N66°37'43"W, a distance of 179.91 feet to a 1/2 inch iron rod
7-44 found, and
7-45 3. S23°21'07"W, a distance of 261.34 feet to a 1/2 inch iron rod
7-46 with plastic "VARA" cap found in the north ROW line of said State
7-47 Highway 71, same being the southwest corner of said Village at Bee
7-48 Caves subdivision, also being a south corner of said 66.47 acre
7-49 tract.

7-50 THENCE with the north ROW line of said State Highway 71, same being
7-51 the south line of said 66.47 acre tract, the south line of said Bee
7-52 Caves Commons, and said 45.760 acre tract, the following eight (8)
7-53 courses and distances:

7-54 1. N66°38'55"W, a distance of 606.82 feet to a TXDOT brass disk in
7-55 concrete found,
7-56 2. N35°38'36"W, a distance of 38.26 feet to a TXDOT brass disk in
7-57 concrete found,
7-58 3. N66°40'51"W, a distance of 328.08 feet to a TXDOT brass disk in
7-59 concrete found,
7-60 4. N49°47'50"W, a distance of 102.78 feet to a TXDOT brass disk in
7-61 concrete found,
7-62 5. N66°40'13"W, a distance of 459.16 feet to a TXDOT brass disk in
7-63 concrete found,
7-64 6. N77°51'51"W, a distance of 100.61 feet to a TXDOT brass disk in
7-65 concrete found,
7-66 7. N66°39'08"W, a distance of 426.63 feet to a TXDOT brass disk in
7-67 concrete found, and
7-68 8. N77°08'12"W, a distance of 253.20 feet to a 1/2 inch iron rod
7-69 found in the east property line of Lot 15, of the Glass-Bohls

8-1 Subdivision, a subdivision of record in Volume 90, Page 274, Plat
8-2 Records, Travis County, Texas, same being a southwest corner of
8-3 said 45.760 acre tract, also being a corner in the north ROW line of
8-4 said State Highway 71.
8-5 THENCE leaving said ROW line and with the east line of said Lot 15,
8-6 same being a west line of said 45.760 acre tract, N13°22'57"E, a
8-7 distance of 209.67 feet to a 1/2 inch iron rod found for the
8-8 northeast corner of said Glass-Bohls Subdivision, same being the
8-9 south east corner of a 42.929 acre (Remainder) tract conveyed to
8-10 Baldwin Investments and described in Volume 10846, Page 477, Real
8-11 Property Records, Travis County, Texas, also being a corner in a
8-12 southwest line of said 45.760 acre tract.
8-13 THENCE with the east, north, and west lines of the said 42.929 acre
8-14 (Remainder) tract, same being south lines of said 45.760 acre
8-15 tract, the following three (3) courses and distances:
8-16 1. N13°22'11"E, a distance of 141.56 feet to a 1/2 inch iron rod
8-17 with plastic "VARA" cap found,
8-18 2. N76°35'16"W, a distance of 247.99 feet to a 1/2 inch iron rod
8-19 found, and
8-20 3. S13°36'24"W, a distance of 141.65 feet to a 1/2 inch iron rod
8-21 found for the southwest corner of said 42.929 acre (Remainder)
8-22 tract, same being the northwest corner of said Lot 15, also being a
8-23 point in an east line of said 45.760 acre tract.
8-24 THENCE with the east line of said 45.760 acre tract, same being the
8-25 west line of said Lot 15, S13°27'17"W, a distance of 174.90 feet to a
8-26 1 inch iron pipe found in the east ROW line of R.M. 620, (ROW
8-27 varies), same being the southwest corner of said Lot 15, also being
8-28 a south corner of said 45.760 acre tract.
8-29 THENCE with the east ROW line of said R.M. 620, same being a south
8-30 line of said 45.760 acre tract, N54°32'05"W, a distance of 19.86
8-31 feet to a 1 inch iron pipe found in the west ROW line of said R.M.
8-32 620, same being the southeast corner of a 0.85 acre tract conveyed
8-33 to Ethel Hudson Thurman, and described in Volume 2876, Page 554,
8-34 Deed Records, Travis County, Texas, also being a south corner of
8-35 said 45.760 acre tract.
8-36 THENCE with the west line of the said 45.760 acre tract, same being
8-37 the east line of said 0.85 acre tract and the east and north lines of
8-38 a 1.24 acre tract conveyed to Shirley Thurman Grumbles, and
8-39 described in Volume 13323, Page 1016, Real Property Records, Travis
8-40 County, Texas, N13°14'26"E, a distance of 418.29 feet to a 1/2 inch
8-41 iron rod found, for the northeast corner of said 1.24 acre tract,
8-42 same being the southeast corner of said 1.633 acre tract, also being
8-43 in the east line of said 45.760 acre tract.
8-44 THENCE with the south line of the said 1.633 acre tract, same being
8-45 the north lines of said 1.24 acre tract, N66°47'02"W, a distance of
8-46 353.33 feet to a 1/2 inch iron rod found in the east ROW line of said
8-47 R.M. 620, same being the northwest corner of said 1.24 acre tract,
8-48 also being the southwest corner of said 1.633 acre tract.
8-49 THENCE with the east ROW line of said R.M. 620, same being the west
8-50 line of said 1.633 acre tract and said 45.760 acre tract, the
8-51 following three (3) courses and distances:
8-52 1. N15°35'09"W, a distance of 264.34 feet to a TXDOT brass disk in
8-53 concrete found,
8-54 2. N19°46'35"W, a distance of 53.60 feet to a 3/4 inch iron pipe
8-55 found, and
8-56 3. N19°20'10"W, a distance of 38.61 feet to a 3/4 inch iron pipe
8-57 found in the east ROW line of said R.M. 620, same being a west corner
8-58 of said 45.760 acre tract, also being an east corner of the Travis
8-59 County Subdivision No. Two, a subdivision of record in Volume 100,
8-60 Page 268, Plat Records, Travis County, Texas.
8-61 THENCE with the south, east, and north lines of said Travis County
8-62 Subdivision No. Two, same being west lines of said 45.760 acre
8-63 tract, the following five (5) courses and distances:
8-64 1. N56°11'48"E, a distance of 8.13 feet to a 3/4 inch iron pipe
8-65 found,
8-66 2. S32°51'32"E, a distance of 10.01 feet to a 1/2 inch iron rod
8-67 found,
8-68 3. S47°20'00"E, a distance of 106.22 feet to a 1/2 inch iron rod
8-69 found,

9-1 4. N21°50'40"E, a distance of 582.01 feet to a 1/2 inch iron rod
9-2 found, and
9-3 5. N60°39'51"W, a distance of 359.35 feet to calculated point in
9-4 the east line of said 6.009 acre tract, same being the northwest
9-5 corner of said Travis County Subdivision No. Two, also being the
9-6 west corner of said 45.760 acre tract.
9-7 THENCE with the west line of said Travis County Subdivision No. Two,
9-8 same being the east line of said 6.009 acre tract, the following two
9-9 (2) courses and distances:
9-10 1. S37°13'35"W, a distance of 42.91 feet to a 1/2 inch iron rod
9-11 found, and
9-12 2. S46°05'26"W, a distance of 265.76 feet to a 1/2 inch iron rod
9-13 found in the northeast ROW line of said R.M. 620, same being the
9-14 west corner of said Travis County Subdivision No. Two, also being
9-15 the southeast corner of said 6.009 acre tract.
9-16 THENCE with the north ROW line of said R.M. 620, same being the
9-17 south line of said 6.009 acre tract, N40°02'34"W, a distance of
9-18 60.40 feet to a 1/2 inch iron rod found in the north ROW line of said
9-19 R.M. 620, same being the southwest corner of said 6.009 acre tract,
9-20 also being the southeast corner of the remainder of said 5.5 acre
9-21 tract.
9-22 THENCE with the east line of the remainder of said 5.5 acre tract,
9-23 same being the west line of said 6.009 acre tract, N44°53'05"E, a
9-24 distance of 298.91 feet to a calculated point for a west corner of
9-25 said 6.009 acre tract, same being a west corner of the remainder of
9-26 said 5.5 acre tract.
9-27 THENCE leaving said common line and crossing said 6.009 acre tract,
9-28 said 45.760 acre tract, said 5.5 acre tract, and said 3.92 acre
9-29 tract, the following three (3) courses and distances:
9-30 1. N60°42'58"E, a distance of 367.90 feet to a calculated point,
9-31 2. N29°17'47"W, a distance of 532.97 feet to a calculated point,
9-32 and
9-33 3. S32°43'50"W, a distance of 85.11 feet to a 1 inch iron rod in
9-34 concrete found in the south line of said 3.92 acre tract, same being
9-35 the northwest corner of said 5.5 acre tract, also being the east
9-36 corner of a 6.947 acre tract conveyed to Duane James Terry, and
9-37 described in Volume 12657, Page 1860, Real Property Records, Travis
9-38 County, Texas.
9-39 THENCE with the south and west lines of said 3.92 acre tract, same
9-40 being the north lines of said 6.947 acre tract, the following two
9-41 (2) courses and distances:
9-42 1. N62°10'44"W, a distance of 237.62 feet to a 1/2 inch iron rod
9-43 found, and
9-44 2. N02°07'31"E, a distance of 189.38 feet to a 1 inch iron rod in
9-45 concrete found for a south corner of said Troublemaker subdivision,
9-46 same being the northwest corner of said 3.92 acre tract, also being
9-47 the northeast corner of said 6.947 acre tract.
9-48 THENCE with the south line of said Troublemaker tract, same being
9-49 the north line of said 3.92 acre tract, S77°05'56"E, a distance of
9-50 123.37 feet to a calculated point in said common line.
9-51 THENCE leaving said common line and crossing said Troublemaker
9-52 tract the following two (2) courses and distances:
9-53 1. With the arc of a curve to the left a distance of 1083.76 feet,
9-54 through a central angle of 65°42'33", having a radius of 945.00
9-55 feet, and whose chord bears N72°04'04"W, a distance of 1025.34 feet
9-56 to a calculated point, and
9-57 2. S75°04'40"W, a distance of 31.40 feet to a calculated point in
9-58 the west line of said Troublemaker tract, same being the east line
9-59 of said R.M. 620.
9-60 THENCE with the east ROW line of said R.M. 620, same being the west
9-61 line of said Troublemaker tract, the following two (2) courses and
9-62 distances:
9-63 1. N18°04'22"W, a distance of 272.77 feet to a TXDOT type II
9-64 monument found, and
9-65 2. With the arc of a curve to the left a distance of 240.18 feet,
9-66 through a central angle of 10°12'24", having a radius of 1348.24
9-67 feet, and whose chord bears N20°32'19"W, a distance of 239.86 feet
9-68 to a calculated point in said ROW line, same being the northwest
9-69 corner of said Troublemaker tract, also being the southwest corner

10-1 of an 819.739 acre tract conveyed to the City of Austin and
 10-2 described in Volume 12124, Page 143, Real Property Records, Travis
 10-3 County, Texas.
 10-4 THENCE with the north line of said Troublemaker tract, same being
 10-5 the south line of said 819.739 acre tract, N88°45'35"E, a distance
 10-6 of 190 feet to a calculated point in said common line.
 10-7 THENCE leaving said common line and crossing said Troublemaker
 10-8 tract the following three (3) courses and distances:
 10-9 1. S09°31'59"W, a distance of 208.34 feet to a calculated point,
 10-10 2. S18°04'22"E, a distance of 167.41 feet to a calculated point,
 10-11 and
 10-12 3. With the arc of a curve to the right a distance of 1303.65 feet,
 10-13 through a central angle of 70°47'59", having a radius of 1055.00
 10-14 feet, and whose chord bears S67°28'29"E, a distance of 1222.28 feet
 10-15 to a calculated point in the south line of said Troublemaker tract,
 10-16 same being the north line of said 3.92 acre tract.
 10-17 THENCE with the north line of said 3.92 acre tract, same being the
 10-18 south line of said Troublemaker tract, S77°02'56"E, a distance of
 10-19 230.18 feet to a cotton spindle found for the southeast corner of
 10-20 said Troublemaker tract, same being a southwest corner of said
 10-21 819.739 acre tract, also being a point in the north line of said
 10-22 3.92 acre tract.
 10-23 THENCE with the north line of said 3.92 acre tract, same being a
 10-24 south line of said 819.739 acre tract, S77°22'13"E, a distance of
 10-25 164.44 feet to a ½ inch iron rod found for the northeast corner of
 10-26 said 3.92 acre tract, same being a point in the south line of said
 10-27 819.739 acre tract, also being the northwest corner of said 6.009
 10-28 acre tract.
 10-29 THENCE with the north line of said 6.009 acre tract, same being a
 10-30 south line of said 819.739 acre tract, S76°46'31"E, a distance of
 10-31 276.72 feet to a calculated point in said common line.
 10-32 THENCE leaving said common line and crossing said 3.92 acre tract
 10-33 and said 6.009 acre tract the following seven (7) courses and
 10-34 distances:
 10-35 1. S63°22'07"W, a distance of 143.52 feet to a calculated point,
 10-36 2. N70°03'44"W, a distance of 137.19 feet to a calculated point,
 10-37 3. S59°02'55"W, a distance of 262.60 feet to a calculated point,
 10-38 4. S29°17'47"E, a distance of 196.22 feet to a calculated point,
 10-39 5. N60°42'13"E, a distance of 120.12 feet to a calculated point,
 10-40 6. S49°44'17"E, a distance of 85.54 feet to a calculated point, and
 10-41 7. S29°17'47"E, a distance of 175.95 feet to a calculated point in
 10-42 the south line of said 6.009 acre tract, same being a north line of
 10-43 said 45.760 acre tract.
 10-44 THENCE with the south line of said 6.009 acre tract, same being the
 10-45 north line of said 45.760 acre tract, S77°06'32"E, a distance of
 10-46 146.00 feet to a 3/4 inch iron pipe found for an east corner of said
 10-47 6.009 acre tract, same being a point in the west line of a 462.4037
 10-48 acre tract conveyed to the City of Austin and described in Volume
 10-49 12396, Page 1204, Real Property Records, Travis County, Texas.
 10-50 THENCE with the east and north lines of said 45.760 acre tract and
 10-51 said 66.47 acre tract, same being the west and south lines of said
 10-52 462.4037 acre tract and a 12.268 acre tract conveyed to the L.C.R.A.
 10-53 and described in Document Number 2001056302, Official Public
 10-54 Records, Travis County, Texas, the following two (2) courses and
 10-55 distances:
 10-56 1. S12°35'44"W, a distance of 327.14 feet to a 3/4 inch iron pipe
 10-57 found, and
 10-58 2. S70°13'01"E, a distance of 1884.98 feet to a 1/2 inch iron rod
 10-59 with plastic cap found, for a southeast corner of said 462.4037 acre
 10-60 tract, same being the west corner of said 3.662 acre tract, also
 10-61 being a point in the north line of said 66.47 acre tract.
 10-62 THENCE with the common line of said 3.662 acre tract and said
 10-63 462.4037 acre tract the following five (5) courses and distances:
 10-64 1. N61°00'54"E, a distance of 196.44 feet to a 1/2 inch iron rod
 10-65 with plastic cap found,
 10-66 2. N87°33'49"E, a distance of 433.24 feet to a 1/2 inch iron rod
 10-67 found,
 10-68 3. N65°19'12"E, a distance of 38.74 feet to a 1/2 inch iron rod
 10-69 found,

11-1 4. N87°43'36"E, a distance of 647.80 feet to a 1/2 inch iron rod
11-2 found, and
11-3 5. N45°10'09"E, a distance of 75.12 feet to a 1/2 inch iron rod
11-4 found for the southeast corner of said 462.4037 acre tract, same
11-5 being a point in the southwest line of Lake Pointe Phase II, a
11-6 subdivision of record in Volume 97, Page 84, Plat Records, Travis
11-7 County, Texas, also being the northeast corner of said 3.662 acre
11-8 tract.
11-9 THENCE with the east lines of said 3.662 acre tract and said 31.9094
11-10 acre tract, same being the southwest line of said Lake Pointe
11-11 subdivision, S41°11'34"E, a distance of 1845.56 feet to a 1/2 inch
11-12 iron rod found, in the curving north ROW line of said Bee Caves
11-13 Road, same being the east corner of said 31.9094 acre tract, also
11-14 being the south corner of said Lake Pointe subdivision.
11-15 THENCE with the south line of said 31.9094 acre tract, same being
11-16 the north ROW line of said Bee Caves Road the following two (2)
11-17 courses and distances:
11-18 1. With the arc of a curve to the left a distance of 56.87 feet,
11-19 through a central angle of 1°38'15", having a radius of 1989.93
11-20 feet, and whose chord bears S54°32'32"W, a distance of 56.87 feet to
11-21 a calculated point, from which a TXDOT type II monument found bears,
11-22 S53°43'25"W, a distance of 0.21 feet, and
11-23 2. S53°43'07"W, a distance of 808.02 feet to a 5/8 inch iron rod
11-24 found in the north ROW line of said Bee Caves Road, same being the
11-25 south corner of said 31.9094 acre tract, also being the southeast
11-26 corner of Lot 2, of Bee Caves Plaza Section One, a subdivision of
11-27 record in Volume 97, Page 106, Plat Records, Travis County, Texas.
11-28 THENCE leaving said ROW line and with the east line of said Lot 2,
11-29 same being a west line of said 31.9094 acre tract, N18°13'50"W, at an
11-30 approximate distance of 308 feet passing the northeast corner of
11-31 said Lot 2, same being the southeast corner of a 4.84 acre tract
11-32 conveyed to Ted L. Stewart, Trustee, and described in Volume 13047,
11-33 Page 244, Real Property Records, Travis County, Texas, thence
11-34 continuing with the west line of said 31.9094 acre tract same being
11-35 the east line of said 4.84 acre tract, for a total distance of
11-36 1027.22 feet to a 1/2 inch iron rod found.
11-37 THENCE continuing with said common line, N44°29'59"W, a distance of
11-38 147.70 feet to a 1/2 inch iron rod with plastic "VARA" cap found for
11-39 a common corner.
11-40 THENCE continuing with said common line, S89°40'20"W, at an
11-41 approximate distance of 169 feet passing the northwest corner of
11-42 said 4.84 acre tract, same being the northeast corner of Lot 1, of
11-43 said Bee Caves Plaza Section One, thence continuing with a south
11-44 line of said 31.9094 acre tract, same being the north line of said
11-45 Lot 1, at an approximate distance of 346 feet passing the northwest
11-46 corner of said Lot 1, same being the northeast corner of Bee Caves
11-47 Plaza Section Three, a subdivision of record in Volume 101, Page 92,
11-48 Plat Records, Travis County, Texas, thence continuing with the
11-49 north line of said Bee Caves Plaza Section Three, same being a south
11-50 line of said 31.9094 acre tract, a total distance of 657.81 feet to
11-51 a 1/2 inch iron rod found in the east line of said 66.47 acre tract,
11-52 same being the southwest corner of said 31.9094 acre tract, also
11-53 being the northeast corner of said Bee Caves Plaza Section Three.
11-54 THENCE with east line of said 66.47 acre tract, same being the west
11-55 lines of said Bee Caves Plaza Section Three, a 7.69 acre tract
11-56 conveyed to Ted L. Stewart, Trustee, and described in Volume 13047,
11-57 Page 244, Real Property Records, Travis County, Texas, and said Bee
11-58 Caves Plaza Section Two, S10°17'49"E, a distance of 1295.56 feet to
11-59 the POINT OF BEGINNING and containing 156.088 acres of land, more or
11-60 less.
11-61 SECTION 3. Not later than January 1, 2006, the governing
11-62 body of the Village of Bee Cave shall appoint the initial board of
11-63 directors for the Bee Cave Development District under Section
11-64 3840.052, Special District Local Laws Code, as added by this Act.
11-65 The governing body shall stagger the initial directors' terms so
11-66 that three terms expire July 1, 2007, and two terms expire July 1,
11-67 2009.
11-68 SECTION 4. The legislature finds that:
11-69 (1) proper and legal notice of the intention to

12-1 introduce this Act, setting forth the general substance of this
12-2 Act, has been published as provided by law, and the notice and a
12-3 copy of this Act have been furnished to all persons, agencies,
12-4 officials, or entities to which they are required to be furnished by
12-5 the constitution and laws of this state, including the governor,
12-6 who has submitted the notice and Act to the Texas Commission on
12-7 Environmental Quality;

12-8 (2) the Texas Commission on Environmental Quality has
12-9 filed its recommendations relating to this Act with the governor,
12-10 lieutenant governor, and speaker of the house of representatives
12-11 within the required time;

12-12 (3) the general law relating to consent by political
12-13 subdivisions to the creation of districts with conservation,
12-14 reclamation, and road powers and the inclusion of land in those
12-15 districts has been complied with; and

12-16 (4) all requirements of the constitution and laws of
12-17 this state and the rules and procedures of the legislature with
12-18 respect to the notice, introduction, and passage of this Act have
12-19 been fulfilled and accomplished.

12-20 SECTION 5. This Act takes effect immediately if it receives
12-21 a vote of two-thirds of all the members elected to each house, as
12-22 provided by Section 39, Article III, Texas Constitution. If this
12-23 Act does not receive the vote necessary for immediate effect, this
12-24 Act takes effect September 1, 2005.

12-25 * * * * *