

Amend CSHB 2120 by adding the following SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3840 to read as follows:

CHAPTER 3840. BEE CAVE DEVELOPMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3840.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Bee Cave Development District.

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

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

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

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

Sec. 3840.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

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

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

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

(2) eliminate unemployment and underemployment; and

(3) develop or expand transportation and commerce.

(d) The district will:

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

(A) attractive, safe, and convenient street and road improvements;

(B) off-street parking facilities; and

(C) necessary water, sewer, and drainage facilities, including a facility for the improvement of water quality, to serve the district;

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

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

(B) provide a government center; and

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

(e) Pedestrian ways along or across a street, whether at grade or above or below the surface, and street lighting, street landscaping, parking, and street art objects are parts of and necessary components of a street and are considered to be a street

or road improvement.

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

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

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

(1) organization, existence, or validity;

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

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

(4) legality or operation.

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

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

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

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

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

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

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

[Sections 3840.009-3840.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

- (1) a resident of the Village of Bee Cave;
- (2) an owner of property in the district;
- (3) an owner of stock, whether beneficial or otherwise, of a corporate owner of property in the district;
- (4) an owner of a beneficial interest in a trust that owns property in the district; or
- (5) an agent, employee, or tenant of a person described by Subdivision (2), (3), or (4).

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

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

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

Sec. 3840.054. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.

(a) Except as provided by this section:

- (1) a director may participate in all board votes and decisions; and
- (2) Chapter 171, Local Government Code, governs conflicts of interest for directors.

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

vote on that action if:

(1) a majority of the directors have a similar interest in the same entity;

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

(3) the director owns property in the district.

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

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

[Sections 3840.055-3840.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

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

(b) The nonprofit corporation:

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

(2) may implement any project and provide any service authorized by this chapter.

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

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

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

(1) the acquisition, construction, improvement, implementation, maintenance, and operation of a district project;  
or

(2) the provision of a service authorized under this chapter.

(c) A contract under Subsection (b) may:

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

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

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

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

Sec. 3840.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.

To protect the public interest, the district may contract with the Village of Bee Cave for the village to provide law enforcement services in the district for a fee.

Sec. 3840.104. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS.

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

(1) for the issuance of a bond for each improvement project;

(2) of the plans and specifications of an improvement project financed by the bond; and

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

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

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

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

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

[Sections 3840.107-3840.150 reserved for expansion]

SUBCHAPTER D. FINANCIAL PROVISIONS

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

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

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

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

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

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

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

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

(b) This section does not apply to property owned by a municipality.

Sec. 3840.154. ASSESSMENTS. (a) The board by resolution may impose and collect an assessment for any purpose authorized by this chapter.

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

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

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

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

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

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

(2) collect assessments after making the corrections, additions, or deletions.

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

(1) are a first and prior lien against the property assessed;



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

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

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

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

- (1) maintain and operate the district;
- (2) construct or acquire improvements; or
- (3) provide a service.

(b) The board shall determine the tax rate.

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

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

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

(b) The district may issue a bond or other obligation in the form of a bond, note, certificate of participation or other instrument evidencing a proportionate interest in payments to be

made by the district, or other type of obligation.

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

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

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

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

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

[Sections 3840.163-3840.200 reserved for expansion]

#### SUBCHAPTER E. DISSOLUTION

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

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

[Sections 3840.202-3840.250 reserved for expansion]

#### SUBCHAPTER F. ENFORCEMENT POWERS

Sec. 3840.251. INJUNCTIVE RELIEF. (a) If it appears that a person or the district has violated or is violating or threatening to violate this chapter or a rule, permit, or other order of the district issued or adopted under this chapter, a resident of the

Village of Bee Cave may institute an action in a district court for injunctive relief to restrain the person or the district from continuing the violation or threat of violation.

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

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

SECTION \_\_\_\_ . As of the effective date of this Act, the Bee Cave Development District includes all territory contained in the following described area:

BEING A 156.088 ACRE TRACT LOCATED IN THE A. ZILLER SURVEY NUMBER 2 ABSTRACT2529, THE JAS. G. SWISHER SURVEY NUMBER 152 ABSTRACT NUMBER 691, THE WILLIAM P. MOORE SURVEY NUMBER 525 ABSTRACT NUMBER 557, THE ORRAN WADE SURVEY NUMBER 540 ABSTRACT NUMBER 811, AND THE JOHN HOBSON SURVEY NUMBER 527 ABSTRACT NUMBER 387, TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 31.9094 ACRE TRACT DESCRIBED IN A DEED TO TECHNOLOGY PROPERTIES, INC. AND RECORDED IN VOLUME 12101, PAGE 1883, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING ALL OF A 3.662 ACRE TRACT, THE REMAINDER OF A 66.47 ACRE TRACT, THE REMAINDER OF A 45.760 ACRE TRACT, AND ALL OF A 1.633 ACRE TRACT, ALL BEING CONVEYED TO BALDWIN PROPERTIES, LTD. AND DESCRIBED IN DOCUMENT NUMBER 2003036917, OF THE OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING ALL OF THE REMAINDER OF BEE CAVES COMMONS, A SUBDIVISION OF RECORD IN VOLUME 88, PAGE 325, OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 6.009 ACRE TRACT CONVEYED TO WILLIAM J. MADDOX, AND DESCRIBED IN DOCUMENT NUMBER 1999022498, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 5.5 ACRE TRACT CONVEYED TO HIGHLAND HILLS VFW, AND DESCRIBED IN VOLUME 8218, PAGE 501, DEED RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 3.92 ACRE TRACT CONVEYED TO R.C. AND J. PURYEAR, AND DESCRIBED IN VOLUME 11960, PAGE 211, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF TROUBLEMAKER SECTION ONE, A SUBDIVISION OF RECORD IN VOLUME 103, PAGE 74, PLAT RECORDS, TRAVIS COUNTY, TEXAS. SAID 156.088 ACRE

TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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

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

1. S89°30'01"W, a distance of 80.15 feet to a TXDOT concrete monument found,
2. S89°49'16"W, a distance of 62.18 feet to a TXDOT concrete monument found,
3. S80°34'19"W, a distance of 185.07 feet to a 1/2 inch iron rod with plastic cap found, and

4. N89°43'33"W, a distance of 25.52 feet to a TXDOT brass disk in concrete found at the intersection of the north ROW line of said Bee Caves Road and the north ROW line of State Highway 71 (ROW varies), same being a south corner of said 66.47 acre tract

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

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

1. N23°21'07"E, a distance of 261.28 feet to a 1/2 inch iron rod found,

2. N66°37'43"W, a distance of 179.91 feet to a 1/2 inch iron rod found, and

3. S23°21'07"W, a distance of 261.34 feet to a 1/2 inch iron rod with plastic "VARA" cap found in the north ROW line of said State Highway 71, same being the southwest corner of said Village at Bee Caves subdivision, also being a south corner of said 66.47 acre tract.

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

1. N66°38'55"W, a distance of 606.82 feet to a TXDOT brass disk in concrete found,

2. N35°38'36"W, a distance of 38.26 feet to a TXDOT brass disk in concrete found,

3. N66°40'51"W, a distance of 328.08 feet to a TXDOT brass disk in concrete found,

4. N49°47'50"W, a distance of 102.78 feet to a TXDOT brass disk in concrete found,

5. N66°40'13"W, a distance of 459.16 feet to a TXDOT brass disk in

concrete found,

6. N77°51'51"W, a distance of 100.61 feet to a TXDOT brass disk in concrete found,

7. N66°39'08"W, a distance of 426.63 feet to a TXDOT brass disk in concrete found, and

8. N77°08'12"W, a distance of 253.20 feet to a 1/2 inch iron rod found in the east property line of Lot 15, of the Glass-Bohls Subdivision, a subdivision of record in Volume 90, Page 274, Plat Records, Travis County, Texas, same being a southwest corner of said 45.760 acre tract, also being a corner in the north ROW line of said State Highway 71.

THENCE leaving said ROW line and with the east line of said Lot 15, same being a west line of said 45.760 acre tract, N13°22'57"E, a distance of 209.67 feet to a 1/2 inch iron rod found for the northeast corner of said Glass-Bohls Subdivision, same being the southeast corner of a 42.929 acre (Remainder) tract conveyed to

Baldwin Investments and described in Volume 10846, Page 477, Real Property Records, Travis County, Texas, also being a corner in a southwest line of said 45.760 acre tract.

THENCE with the east, north, and west lines of the said 42.929 acre (Remainder) tract, same being south lines of said 45.760 acre tract, the following three (3) courses and distances:

1. N13°22'11"E, a distance of 141.56 feet to a 1/2 inch iron rod with plastic "VARA" cap found,
2. N76°35'16"W, a distance of 247.99 feet to a 1/2 inch iron rod found, and
3. S13°36'24"W, a distance of 141.65 feet to a 1/2 inch iron rod found for the southwest corner of said 42.929 acre (Remainder) tract, same being the northwest corner of said Lot 15, also being a point in an east line of said 45.760 acre tract.

THENCE with the east line of said 45.760 acre tract, same being the west line of said Lot 15, S13°27'17"W, a distance of 174.90 feet to a 1 inch iron pipe found in the east ROW line of R.M. 620, (ROW varies), same being the southwest corner of said Lot 15, also being a south corner of said 45.760 acre tract.

THENCE with the east ROW line of said R.M. 620, same being a south line of said 45.760 acre tract, N54°32'05"W, a distance of 19.86 feet to a 1 inch iron pipe found in the west ROW line of said R.M. 620, same being the southeast corner of a 0.85 acre tract conveyed to Ethel Hudson Thurman, and described in Volume 2876, Page 554, Deed Records, Travis County, Texas, also being a south corner of said 45.760 acre tract.

THENCE with the west line of the said 45.760 acre tract, same being the east line of said 0.85 acre tract and the east and north lines of a 1.24 acre tract conveyed to Shirley Thurman Grumbles, and described in Volume 13323, Page 1016, Real Property Records, Travis County, Texas, N13°14'26"E, a distance of 418.29 feet to a 1/2 inch iron rod found, for the northeast corner of said 1.24 acre tract, same being the southeast corner of said 1.633 acre tract, also being in the east line of said 45.760 acre tract.

THENCE with the south line of the said 1.633 acre tract, same being the north lines of said 1.24 acre tract, N66°47'02"W, a distance of 353.33 feet to a 1/2 inch iron rod found in the east ROW line of said

R.M. 620, same being the northwest corner of said 1.24 acre tract, also being the southwest corner of said 1.633 acre tract.

THENCE with the east ROW line of said R.M. 620, same being the west line of said 1.633 acre tract and said 45.760 acre tract, the following three (3) courses and distances:

1. N15°35'09"W, a distance of 264.34 feet to a TXDOT brass disk in concrete found,
2. N19°46'35"W, a distance of 53.60 feet to a 3/4 inch iron pipe found, and
3. N19°20'10"W, a distance of 38.61 feet to a 3/4 inch iron pipe found in the east ROW line of said R.M. 620, same being a west corner of said 45.760 acre tract, also being an east corner of the Travis County Subdivision No. Two, a subdivision of record in Volume 100, Page 268, Plat Records, Travis County, Texas.



THENCE with the south, east, and north lines of said Travis County Subdivision No. Two, same being west lines of said 45.760 acre tract, the following five (5) courses and distances:

1. N56°11'48"E, a distance of 8.13 feet to a 3/4 inch iron pipe found,
2. S32°51'32"E, a distance of 10.01 feet to a 1/2 inch iron rod found,
3. S47°20'00"E, a distance of 106.22 feet to a 1/2 inch iron rod found,
4. N21°50'40"E, a distance of 582.01 feet to a 1/2 inch iron rod found, and
5. N60°39'51"W, a distance of 359.35 feet to calculated point in the east line of said 6.009 acre tract, same being the northwest corner of said Travis County Subdivision No. Two, also being the west corner of said 45.760 acre tract.

THENCE with the west line of said Travis County Subdivision No. Two, same being the east line of said 6.009 acre tract, the following two (2) courses and distances:

1. S37°13'35"W, a distance of 42.91 feet to a 1/2 inch iron rod found, and
2. S46°05'26"W, a distance of 265.76 feet to a 1/2 inch iron rod found in the northeast ROW line of said R.M. 620, same being the west corner of said Travis County Subdivision No. Two, also being the southeast corner of said 6.009 acre tract.

THENCE with the north ROW line of said R.M. 620, same being the south line of said 6.009 acre tract, N40°02'34"W, a distance of 60.40 feet to a 1/2 inch iron rod found in the north ROW line of said R.M. 620, same being the southwest corner of said 6.009 acre tract, also being the southeast corner of the remainder of said 5.5 acre tract.

THENCE with the east line of the remainder of said 5.5 acre tract, same being the west line of said 6.009 acre tract, N44°53'05"E, a distance of 298.91 feet to a calculated point for a west corner of said 6.009 acre tract, same being a west corner of the remainder of said 5.5 acre tract.

THENCE leaving said common line and crossing said 6.009 acre tract, said 45.760 acre tract, said 5.5 acre tract, and said 3.92 acre

tract, the following three (3) courses and distances:

1. N60°42'58"E, a distance of 367.90 feet to a calculated point,
2. N29°17'47"W, a distance of 532.97 feet to a calculated point,  
and
3. S32°43'50"W, a distance of 85.11 feet to a 1 inch iron rod in concrete found in the south line of said 3.92 acre tract, same being the northwest corner of said 5.5 acre tract, also being the east corner of a 6.947 acre tract conveyed to Duane James Terry, and described in Volume 12657, Page 1860, Real Property Records, Travis County, Texas.

THENCE with the south and west lines of said 3.92 acre tract, same being the north lines of said 6.947 acre tract, the following two (2) courses and distances:

1. N62°10'44"W, a distance of 237.62 feet to a 1/2 inch iron rod found, and
2. N02°07'31"E, a distance of 189.38 feet to a 1 inch iron rod in concrete found for a south corner of said Troublemaker subdivision, same being the northwest corner of said 3.92 acre tract, also being the northeast corner of said 6.947 acre tract.

THENCE with the south line of said Troublemaker tract, same being the north line of said 3.92 acre tract, S77°05'56"E, a distance of 123.37 feet to a calculated point in said common line.

THENCE leaving said common line and crossing said Troublemaker tract the following two (2) courses and distances:

1. With the arc of a curve to the left a distance of 1083.76 feet, through a central angle of  $65^{\circ}42'33''$ , having a radius of 945.00 feet, and whose chord bears  $N72^{\circ}04'04''W$ , a distance of 1025.34 feet to a calculated point, and
2.  $S75^{\circ}04'40''W$ , a distance of 31.40 feet to a calculated point in the west line of said Troublemaker tract, same being the east line of said R.M. 620.

THENCE with the east ROW line of said R.M. 620, same being the west line of said Troublemaker tract, the following two (2) courses and distances:

1.  $N18^{\circ}04'22''W$ , a distance of 272.77 feet to a TXDOT type II monument found, and
2. With the arc of a curve to the left a distance of 240.18 feet, through a central angle of  $10^{\circ}12'24''$ , having a radius of 1348.24 feet, and whose chord bears  $N20^{\circ}32'19''W$ , a distance of 239.86 feet to a calculated point in said ROW line, same being the northwest corner of said Troublemaker tract, also being the southwest corner of an 819.739 acre tract conveyed to the City of Austin and described in Volume 12124, Page 143, Real Property Records, Travis County, Texas.

THENCE with the north line of said Troublemaker tract, same being the south line of said 819.739 acre tract,  $N88^{\circ}45'35''E$ , a distance of 190 feet to a calculated point in said common line.

THENCE leaving said common line and crossing said Troublemaker tract the following three (3) courses and distances:

1.  $S09^{\circ}31'59''W$ , a distance of 208.34 feet to a calculated point,
2.  $S18^{\circ}04'22''E$ , a distance of 167.41 feet to a calculated point, and
3. With the arc of a curve to the right a distance of 1303.65 feet, through a central angle of  $70^{\circ}47'59''$ , having a radius of 1055.00 feet, and whose chord bears  $S67^{\circ}28'29''E$ , a distance of 1222.28 feet to a calculated point in the south line of said Troublemaker tract, same being the north line of said 3.92 acre tract.

THENCE with the north line of said 3.92 acre tract, same being the south line of said Troublemaker tract,  $S77^{\circ}02'56''E$ , a distance of

230.18 feet to a cotton spindle found for the southeast corner of said Troublemaker tract, same being a southwest corner of said 819.739 acre tract, also being a point in the north line of said 3.92 acre tract.

THENCE with the north line of said 3.92 acre tract, same being a south line of said 819.739 acre tract, S77°22'13"E, a distance of 164.44 feet to a 1/2 inch iron rod found for the northeast corner of said 3.92 acre tract, same being a point in the south line of said 819.739 acre tract, also being the northwest corner of said 6.009 acre tract.

THENCE with the north line of said 6.009 acre tract, same being a south line of said 819.739 acre tract, S76°46'31"E, a distance of 276.72 feet to a calculated point in said common line.

THENCE leaving said common line and crossing said 3.92 acre tract and said 6.009 acre tract the following seven (7) courses and distances:

1. S63°22'07"W, a distance of 143.52 feet to a calculated point,
2. N70°03'44"W, a distance of 137.19 feet to a calculated point,

3. S59°02'55"W, a distance of 262.60 feet to a calculated point,
4. S29°17'47"E, a distance of 196.22 feet to a calculated point,
5. N60°42'13"E, a distance of 120.12 feet to a calculated point,
6. S49°44'17"E, a distance of 85.54 feet to a calculated point, and
7. S29°17'47"E, a distance of 175.95 feet to a calculated point in the south line of said 6.009 acre tract, same being a north line of said 45.760 acre tract.

THENCE with the south line of said 6.009 acre tract, same being the north line of said 45.760 acre tract, S77°06'32"E, a distance of 146.00 feet to a 3/4 inch iron pipe found for an east corner of said 6.009 acre tract, same being a point in the west line of a 462.4037 acre tract conveyed to the City of Austin and described in Volume 12396, Page 1204, Real Property Records, Travis County, Texas.

THENCE with the east and north lines of said 45.760 acre tract and said 66.47 acre tract, same being the west and south lines of said 462.4037 acre tract and a 12.268 acre tract conveyed to the L.C.R.A. and described in Document Number 2001056302, Official Public Records, Travis County, Texas, the following two (2) courses and distances:

1. S12°35'44"W, a distance of 327.14 feet to a 3/4 inch iron pipe found, and
2. S70°13'01"E, a distance of 1884.98 feet to a 1/2 inch iron rod with plastic cap found, for a southeast corner of said 462.4037 acre tract, same being the west corner of said 3.662 acre tract, also being a point in the north line of said 66.47 acre tract.

THENCE with the common line of said 3.662 acre tract and said 462.4037 acre tract the following five (5) courses and distances:

1. N61°00'54"E, a distance of 196.44 feet to a 1/2 inch iron rod with plastic cap found,
2. N87°33'49"E, a distance of 433.24 feet to a 1/2 inch iron rod found,
3. N65°19'12"E, a distance of 38.74 feet to a 1/2 inch iron rod found,
4. N87°43'36"E, a distance of 647.80 feet to a 1/2 inch iron rod found, and
5. N45°10'09"E, a distance of 75.12 feet to a 1/2 inch iron rod found for the southeast corner of said 462.4037 acre tract, same

being a point in the southwest line of Lake Pointe Phase II, a subdivision of record in Volume 97, Page 84, Plat Records, Travis County, Texas, also being the northeast corner of said 3.662 acre tract.

THENCE with the east lines of said 3.662 acre tract and said 31.9094 acre tract, same being the southwest line of said Lake Pointe subdivision, S41°11'34"E, a distance of 1845.56 feet to a 1/2 inch iron rod found, in the curving north ROW line of said Bee Caves Road, same being the east corner of said 31.9094 acre tract, also being the south corner of said Lake Pointe subdivision.

THENCE with the south line of said 31.9094 acre tract, same being the north ROW line of said Bee Caves Road the following two (2) courses and distances:

1. With the arc of a curve to the left a distance of 56.87 feet, through a central angle of 1°38'15", having a radius of 1989.93 feet, and whose chord bears S54°32'32"W, a distance of 56.87 feet to a calculated point, from which a TXDOT type II monument found bears, S53°43'25"W, a distance of 0.21 feet, and

2. S53°43'07"W, a distance of 808.02 feet to a 5/8 inch iron rod found in the north ROW line of said Bee Caves Road, same being the south corner of said 31.9094 acre tract, also being the southeast corner of Lot 2, of Bee Caves Plaza Section One, a subdivision of record in Volume 97, Page 106, Plat Records, Travis County, Texas.

THENCE leaving said ROW line and with the east line of said Lot 2, same being a west line of said 31.9094 acre tract, N18°13'50"W, at an approximate distance of 308 feet passing the northeast corner of said Lot 2, same being the southeast corner of a 4.84 acre tract conveyed to Ted L. Stewart, Trustee, and described in Volume 13047, Page 244, Real Property Records, Travis County, Texas, thence continuing with the west line of said 31.9094 acre tract same being the east line of said 4.84 acre tract, for a total distance of 1027.22 feet to a 1/2 inch iron rod found.

THENCE continuing with said common line, N44°29'59"W, a distance of 147.70 feet to a 1/2 inch iron rod with plastic "VARA" cap found for a common corner.

THENCE continuing with said common line, S89°40'20"W, at an approximate distance of 169 feet passing the northwest corner of said 4.84 acre tract, same being the northeast corner of Lot 1, of said Bee Caves Plaza Section One, thence continuing with a south line of said 31.9094 acre tract, same being the north line of said Lot 1, at an approximate distance of 346 feet passing the northwest corner of said Lot 1, same being the northeast corner of Bee Caves Plaza Section Three, a subdivision of record in Volume 101, Page 92, Plat Records, Travis County, Texas, thence continuing with the north line of said Bee Caves Plaza Section Three, same being a south line of said 31.9094 acre tract, a total distance of 657.81 feet to a 1/2 inch iron rod found in the east line of said 66.47 acre tract, same being the southwest corner of said 31.9094 acre tract, also being the northeast corner of said Bee Caves Plaza Section Three.

THENCE with east line of said 66.47 acre tract, same being the west lines of said Bee Caves Plaza Section Three, a 7.69 acre tract conveyed to Ted L. Stewart, Trustee, and described in Volume 13047, Page 244, Real Property Records, Travis County, Texas, and said Bee Caves Plaza Section Two, S10°17'49"E, a distance of 1295.56 feet to the POINT OF BEGINNING and containing 156.088 acres of land, more or

less.

SECTION \_\_\_\_\_. Not later than January 1, 2006, the governing body of the Village of Bee Cave shall appoint the initial board of directors for the Bee Cave Development District under Section 3840.052, Special District Local Laws Code, as added by this Act. The governing body shall stagger the initial directors' terms so that three terms expire July 1, 2007, and two terms expire July 1, 2009.

SECTION \_\_\_\_\_. The legislature finds that:

(1) proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor, who has submitted the notice and Act to the Texas Commission on Environmental Quality;



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

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

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

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