

1-1 By: Rose (Senate Sponsor - Wentworth) H.B. No. 3479
1-2 (In the Senate - Received from the House May 16, 2005;
1-3 May 17, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 20, 2005, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 20, 2005, sent to printer.)

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

1-8 relating to the South Buda Water Control and Improvement District
1-9 No. 1.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-12 Code, is amended by adding Chapter 9004 to read as follows:

1-13 CHAPTER 9004. SOUTH BUDA WATER CONTROL AND IMPROVEMENT DISTRICT
1-14 NO. 1

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 9004.001. DEFINITIONS. In this chapter:

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

1-19 (2) "Director" means a member of the board.

1-20 (3) "District" means the South Buda Water Control and
1-21 Improvement District No. 1.

1-22 Sec. 9004.002. NATURE OF DISTRICT. The district is a water
1-23 control and improvement district in Hays County created under and
1-24 essential to accomplish the purposes of Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 9004.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation
1-28 election held under Section 9004.021 before September 1, 2010:

1-29 (1) the district is dissolved September 1, 2010,
1-30 except that:

1-31 (A) any debts incurred shall be paid;

1-32 (B) any assets that remain after the payment of
1-33 debts shall be transferred to Hays County; and

1-34 (C) the organization of the district shall be
1-35 maintained until all debts are paid and remaining assets are
1-36 transferred; and

1-37 (2) this chapter expires September 1, 2013.

1-38 Sec. 9004.004. DISTRICT TERRITORY. (a) The district
1-39 includes the territory provided by Section 2 of the Act creating
1-40 this chapter, as that territory may have been modified under:

1-41 (1) Subchapter J, Chapter 49, Water Code; or

1-42 (2) other law.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake made in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect:

1-47 (1) the organization, existence, or validity of the
1-48 district;

1-49 (2) the right of the district to impose taxes; or

1-50 (3) the legality or operation of the board.

1-51 Sec. 9004.005. APPLICABILITY OF OTHER LAW; CONFLICTS OF
1-52 LAW. (a) Except as otherwise provided by this chapter, the
1-53 following laws apply to the district:

1-54 (1) Chapters 30, 49, and 51, including Section 51.331,
1-55 Water Code; and

1-56 (2) Chapter 441, Transportation Code, applicable to
1-57 road utility districts created under Section 52, Article III,
1-58 Texas Constitution, to the extent those provisions can apply to the
1-59 district.

1-60 (b) If a provision of Chapter 441, Transportation Code,
1-61 relating to road utility districts, conflicts with this chapter or
1-62 Chapter 30, 49, or 51, Water Code, this chapter or Chapters 30, 49,
1-63 and 51, Water Code, prevail.

1-64 [Sections 9004.006-9004.020 reserved for expansion]

SUBCHAPTER A1. TEMPORARY PROVISIONS

2-1 Sec. 9004.021. CONFIRMATION ELECTION. (a) The board shall
 2-2 hold an election to confirm the validation of the creation of the
 2-3 district.

2-4 (b) The election shall be conducted as provided by Section
 2-5 49.102, Water Code.

2-6 Sec. 9004.022. EXPIRATION OF SUBCHAPTER. This subchapter
 2-7 expires September 1, 2013.

2-8 [Sections 9004.023-9004.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

2-9 Sec. 9004.051. STREET OR SECURITY LIGHTING. The district
 2-10 may purchase, install, operate, or maintain street lighting or
 2-11 security lighting within public utility easements or public
 2-12 rights-of-way in the district.

2-13 SECTION 2. The South Buda Water Control and Improvement
 2-14 District No. 1 includes all the territory contained in the
 2-15 following described area:

2-16 DESCRIPTION OF A 195.47 ACRE TRACT OF LAND SITUATED IN THE JACOB
 2-17 LENTZ SURVEY NO. 32, ABSTRACT NO. 284, AND THE D. D. BURNETT SURVEY
 2-18 NO. 5, ABSTRACT NO. 54, BOTH OF HAYS COUNTY, TEXAS, BEING A PART OF
 2-19 THAT CERTAIN 115.351 ACRE TRACT OF LAND AS DESCRIBED IN A DEED TO
 2-20 THE MEADOWS OF BUDA, LTD., OF RECORD IN VOLUME 2418, PAGE 79 OF THE
 2-21 DEED RECORDS OF HAYS COUNTY, TEXAS, BEING ALSO A PART OF THAT
 2-22 CERTAIN 85.24 ACRE TRACT OF LAND DESCRIBED AS EXHIBIT "A", A PART OF
 2-23 THAT CERTAIN 4.64 ACRE TRACT OF LAND DESCRIBED AS EXHIBIT "C" AND
 2-24 ALL OF THAT CERTAIN 6.86 ACRE TRACT OF LAND DESCRIBED AS EXHIBIT "B"
 2-25 ALL IN A DEED TO THE MEADOWS AT BUDA, LTD., OF RECORD IN VOLUME 2484,
 2-26 PAGE 696 OF THE DEED RECORDS OF HAYS COUNTY, TEXAS, AND BEING A PART
 2-27 OF COUNTY ROAD 132, A NON-DEDICATED RIGHT-OF-WAY, SAID 195.47 ACRE
 2-28 TRACT BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS;

2-29 COMMENCING at a $\frac{1}{2}$ inch iron rod found for the northeast corner of
 2-30 said 115.351 acre tract of land, being also the northwest corner of
 2-31 Lot 8, Block A of Park South, Section 1 a subdivision of record in
 2-32 Cabinet 8, Slides 397-399 of the Plat Records of Hays County, Texas,
 2-33 being also a southeast corner of Lot 9, Block A of said Park South,
 2-34 Section 1 and being the northeast corner of the herein described
 2-35 tract;

2-36 THENCE S 02°31'36" E, with the east line of said 115.351 acre tract,
 2-37 the west line of said Park South, Section 1 and the east line of the
 2-38 herein described tract, for a distance of 1385.72 feet to a
 2-39 calculated angle point;

2-40 THENCE departing the west line of said Park South, Section 1 and
 2-41 over and across said 115.351 acre tract, with the east line of the
 2-42 herein described tract, the following four (4) courses and
 2-43 distances;

2-44 1. S 87°28'24" W for a distance of 271.77 feet to a calculated
 2-45 angle point,

2-46 2. S 21°35'33" W for a distance of 34.84 feet to a calculated
 2-47 angle point,

2-48 3. S 38°41'50" W for a distance of 601.56 feet to a calculated
 2-49 angle point, and

2-50 4. S 02°17'01" E for a distance of 328.93 feet to a calculated
 2-51 angle point being in the south line of said 115.351 acre tract and
 2-52 being in the north line of said County Road 132;

2-53 THENCE N 87°41'08" E, with the south line of said 115.351 acre tract
 2-54 and the north line of said County Road 132, for a distance of 108.72
 2-55 feet to a calculated angle point for the southeast corner of said
 2-56 115.351 acre tract and being in the west line of Interstate Highway
 2-57 35, a varying width right of-way;

2-58 THENCE S 20°57'28" W, departing the south line of said 115.351 acre
 2-59 tract and over and across said County Road 132, for a distance of
 2-60 39.60 feet to a concrete monument found for the northeast corner of
 2-61 said 4.64 acre tract of land described as Exhibit "C" and being in
 2-62 the south line of said County Road 132;

2-63 THENCE S 87°32'17" W, with the south line of said County Road 132 and
 2-64 the north line of said 4.64 acre tract of land described as Exhibit
 2-65 "C", for a distance of 100.00 feet to a calculated angle point;

2-66 THENCE S 02°19'10" E, departing the south line of said County Road
 2-67 132 and over and across said 4.64 acre tract of land described as

3-1 Exhibit "C", for a distance of 703.41 feet to a calculated angle
 3-2 point in the south line of said 4.64 acre tract of land described as
 3-3 Exhibit "C" and being in the north line of a remainder parcel of
 3-4 that certain 122.05 acre tract of land as described in a deed to
 3-5 Cecil H. Hale of record in Volume 1691, Page 883 of the Deed Records
 3-6 of Hays County, Texas;
 3-7 THENCE S 87°36'55" W, with the south line of said 4.64 acre tract of
 3-8 land described as Exhibit "C" and the north line of a remainder
 3-9 parcel of said 122.05 acre tract, for a distance of 137.42 feet to a
 3-10 calculated angle point for the southwest corner of said 4.64 acre
 3-11 tract of land described as Exhibit "C", being also the northeast
 3-12 corner of a remainder parcel of said 122.05 acre tract, being also
 3-13 the southeast corner of said 6.86 acre tract of land described as
 3-14 Exhibit "B";
 3-15 THENCE S 21°50'11" W, with the east line of said 6.86 acre tract of
 3-16 land described as Exhibit "B" and the west line of a remainder
 3-17 parcel of said 122.05 acre tract, for a distance of 696.78 feet to a
 3-18 calculated angle point for the southwest corner of a remainder
 3-19 parcel of said 122.05 acre tract and being in the east line of said
 3-20 85.24 acre tract of land described as Exhibit "A";
 3-21 THENCE S 26°39'48" W, departing the southwest corner of the
 3-22 remainder of said 122.05 acre tract and over and across said 85.24
 3-23 acre tract of land described as Exhibit "A" for a distance of 60.21
 3-24 feet to a calculated angle point for the northwest corner of a
 3-25 remainder parcel of said 122.05 acre tract;
 3-26 THENCE S 21°50'11" W, with the east line of said 85.24 acre tract of
 3-27 land described as Exhibit "A" and the west line of a remainder
 3-28 parcel of said 122.05 acre tract, for a distance of 868.10 feet to a
 3-29 calculated angle point for the southeast corner of the herein
 3-30 described tract, being also the southeast corner of said 85.24 acre
 3-31 tract of land described as Exhibit "A", being also the southwest
 3-32 corner of a remainder parcel of said 122.05 acre tract and being in
 3-33 the north line of that certain 3.310 acre tract of land described as
 3-34 Tract One in a deed to J. A. Aquirrie Family Partnership, LTD., of
 3-35 record in Volume 13332, Page 57 of the Deed Records of Hays County,
 3-36 Texas;
 3-37 THENCE S 87°59'00" W, with the south line of the herein described
 3-38 tract, the south line of said 85.24 acre tract of land described as
 3-39 Exhibit "A" and the north line of said 3.310 acre Tract One, for a
 3-40 distance of 1401.50 feet to a calculated angle point for the
 3-41 southwest corner of the herein described tract, being also the
 3-42 southwest corner of said 85.24 acre tract of land described as
 3-43 Exhibit "B", and being the southeast corner of that certain 0.23
 3-44 acre tract of land described as Exhibit "D" in said deed to The
 3-45 Meadows at Buda, LTD.;
 3-46 THENCE N 01°52'52" W, with the east line of said 0.23 acre tract of
 3-47 land described as Exhibit "D", the west line of the herein described
 3-48 tract and the west line of said 85.24 acre tract of land described
 3-49 as Exhibit "A", for a distance of 1070.12 feet to a calculated angle
 3-50 point for the northeast corner of a remainder parcel of said 122.05
 3-51 acre tract;
 3-52 THENCE N 01°53'08" W, departing the northeast corner of a remainder
 3-53 parcel of said 122.05 acre tract and over and across said 85.24 acre
 3-54 tract of land described as Exhibit "A", for a distance of 75.00 feet
 3-55 to a calculated angle point for the southeast corner of a remainder
 3-56 parcel of said 122.05 acre tract;
 3-57 THENCE N 01°37'51" W, with the west line of said 85.24 acre tract of
 3-58 land described as Exhibit "A" and the east line of a remainder
 3-59 parcel of said 122.05 acre tract, for a distance of 1026.22 feet to
 3-60 a calculate point in the south line of said County Road 132 and
 3-61 being in the north line of said 85.24 acre tract of land described
 3-62 as Exhibit "A";
 3-63 THENCE S 87°32'17" W, with the south line of said County Road 132 and
 3-64 the north line of said 85.24 acre tract, for a distance of 182.05
 3-65 feet to a calculated angle point for the northwest corner of said
 3-66 85.24 acre tract and being at the intersection of the south line of
 3-67 said County Road 132 and the east line of Loop 4, an 80 foot wide
 3-68 right-of-way;
 3-69 THENCE N 30°33'02" E, departing the north line of said 85.24 acre

4-1 tract of land described as Exhibit "A" and with the east line of
4-2 said Loop 4, for a distance of 50.53 feet to a calculated angle
4-3 point at the intersection of the north line of said County Road 132
4-4 and the east line of said Loop 4 and being the southwest corner of
4-5 the remainder parcel of that certain 320 acre tract of land as
4-6 described in a deed to John Howe of record in Volume 2482, Page 79 of
4-7 the Deed Records of Hays County, Texas;
4-8 THENCE N 87°32'17" E, with the north line of said County Road 132 and
4-9 the south line of the remainder parcel of said 320 acre tract, for a
4-10 distance of 114.35 feet to a calculated angle point for the
4-11 southeast corner of the remainder parcel of said 320 acre tract and
4-12 being the southwest corner of said 115.351 acre tract;
4-13 THENCE N 87°41'08" E, with the north line of said County Road 132 and
4-14 the south line of said 115.351 acre tract, for a distance of 313.48
4-15 feet to a calculated angle point;
4-16 THENCE N 01°50'53" W, departing the north line of said County Road
4-17 132 and over and across said 115.351 acre tract, for a distance of
4-18 1426.35 feet to a calculate point for the most westerly corner of
4-19 the herein described tract, being also in a north line of said
4-20 115.351 acre tract and being in the south line of that certain 1.50
4-21 acre tract of land as described in a deed to Jimmy R. Brewington of
4-22 record in Volume 248, Page 763 of the Deed Records of Hays County,
4-23 Texas;
4-24 THENCE N 87°26'16" E, with the north line of the herein described
4-25 tract, a north line of said 115.351 acre tract and the south line of
4-26 said 1.50 acre tract, for a distance of 1204.05 feet to a ½ inch iron
4-27 rod found for the southeast corner of that certain 20.50 acre tract
4-28 of land as described in a deed to Houston GBC, LTD., of record in
4-29 Volume 2554, Page 256 of the Deed Records of Hays County, Texas;
4-30 THENCE N 02°28'52" W, with a west line of the herein described tract,
4-31 a west line of said 115.351 acre tract and the east line of said
4-32 20.50 acre tract, for a distance of 767.88 feet to a ½ inch iron rod
4-33 found for the northeast corner of said 20.50 acre tract, being also
4-34 the most northerly northwest corner of said 115.351 acre tract,
4-35 being also the most northerly northwest corner of the herein
4-36 described tract and being in the south line of that certain 198.26
4-37 acre tract of land as described in a deed to Penbur Farms, Inc., of
4-38 record in Volume 1093, Page 278 of the Deed Records of Hays County,
4-39 Texas;
4-40 THENCE N 87°33'08" E, with the north line of the herein described
4-41 tract, the north line of said 115.351 acre tract and the south line
4-42 of said 198.26 acre tract, for a distance of 1307.63 feet to an iron
4-43 pipe found for the southeast corner of said 198.26 acre tract, being
4-44 also the southwest corner of said Lot 9, Block A of said Park South,
4-45 Section 1 and being an angle point in the north line of said 115.351
4-46 acre tract;
4-47 THENCE N 88°27'00" E, continuing with the north line of said 115.351
4-48 acre tract and with the south line of said Lot 9, Block A, for a
4-49 distance of 75.73 feet to the POINT OF BEGINNING and containing
4-50 195.47 acres of land.

4-51 SECTION 3. The creation of the South Buda Water Control and
4-52 Improvement District No. 1 by the Hays County Commissioners Court
4-53 on January 25, 2005, is validated.

4-54 SECTION 4. (a) The legal notice of the intention to
4-55 introduce this Act, setting forth the general substance of this
4-56 Act, has been published as provided by law, and the notice and a
4-57 copy of this Act have been furnished to all persons, agencies,
4-58 officials, or entities to which they are required to be furnished
4-59 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-60 Government Code.

4-61 (b) The governor, one of the required recipients, has
4-62 submitted the notice and Act to the Texas Commission on
4-63 Environmental Quality.

4-64 (c) The Texas Commission on Environmental Quality has filed
4-65 its recommendations relating to this Act with the governor, the
4-66 lieutenant governor, and the speaker of the house of
4-67 representatives within the required time.

4-68 (d) All requirements of the constitution and laws of this
4-69 state and the rules and procedures of the legislature with respect

5-1 to the notice, introduction, and passage of this Act are fulfilled
5-2 and accomplished.

5-3 SECTION 5. This Act takes effect immediately if it receives
5-4 a vote of two-thirds of all the members elected to each house, as
5-5 provided by Section 39, Article III, Texas Constitution. If this
5-6 Act does not receive the vote necessary for immediate effect, this
5-7 Act takes effect September 1, 2005.

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