

By: Barrientos

S.B. No. 1022

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Bee Cave Development District;
authorizing the imposition of a tax and the issuance of bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 4, Special District Local Laws
Code, is amended by adding Chapter 3818 to read as follows:

CHAPTER 3818. BEE CAVE DEVELOPMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3818.001. DEFINITIONS. In this chapter:

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

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

Sec. 3818.002. BEE CAVE DEVELOPMENT DISTRICT. The Bee Cave
Development District is a special district created under Section
59, Article XVI, Texas Constitution.

Sec. 3818.003. 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 Travis
County, Village of Bee Cave, 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,

1 Article III, Texas Constitution.

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

7 (c) This chapter and the creation of the district may not be
8 interpreted to relieve Travis County or the Village of Bee Cave from
9 providing the level of services provided as of the effective date of
10 the Act creating this chapter to the area in the district or to
11 release the county or village from the obligations of each entity to
12 provide services to that area. The district is created to
13 supplement and not to supplant the village services provided in the
14 area in the district.

15 Sec. 3818.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

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

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

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

26 (2) eliminate unemployment and underemployment; and

27 (3) develop or expand transportation and commerce.

1 (d) Each improvement project or service authorized by this
2 chapter is essential to carry out a public purpose and will benefit:

3 (1) all land and property in the district;

4 (2) the employees, employers, and consumers of the
5 district; and

6 (3) the public.

7 (e) The district will:

8 (1) promote the health, safety, and general welfare of
9 residents, employers, employees, visitors, and consumers in the
10 district, and of the public;

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

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

16 (B) provide a government center for the village;

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

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

23 (B) off-street parking facilities; and

24 (C) necessary water, sewer, and drainage
25 facilities, including water quality, to serve the area within the
26 district; and

27 (4) promote the health, safety, welfare, and enjoyment

1 of the public by providing pedestrian ways, parks, and off-street
2 parking and by landscaping and developing certain areas in the
3 district, which are necessary for the restoration, preservation,
4 and enhancement of scenic and aesthetic beauty.

5 (f) Pedestrian ways along or across a street, at grade or
6 above or below the surface, and street lighting, street
7 landscaping, and street art objects are parts of and necessary
8 components of a street and are considered to be a street or road
9 improvement.

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

13 Sec. 3818.005. DISTRICT TERRITORY. (a) The district is
14 composed of the territory described by Section 2 of the Act creating
15 this chapter.

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

20 (1) organization, existence, or validity;

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

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

25 (4) legality or operation.

26 Sec. 3818.006. ELIGIBILITY FOR REINVESTMENT OR ENTERPRISE
27 ZONES. (a) All or any part of the area of the district is

1 eligible, regardless of other statutory criteria, to be included
2 in:

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

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

7 (b) All or any part of the area of the district is eligible
8 to be nominated for inclusion in an enterprise zone by the Village
9 of Bee Cave under Chapter 2303, Government Code.

10 Sec. 3818.007. APPLICABILITY OF OTHER LAW. Except as
11 otherwise provided by this chapter, Chapter 375, Local Government
12 Code, applies to the district, the board, and district employees.

13 Sec. 3818.008. RELATION TO OTHER LAW. This chapter
14 prevails over a law to which this chapter refers that is in conflict
15 with or is inconsistent with this chapter.

16 Sec. 3818.009. LIBERAL CONSTRUCTION OF CHAPTER. This
17 chapter shall be liberally construed in conformity with the
18 findings and purposes stated in this chapter.

19 [Sections 3818.010-3818.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 3818.051. BOARD OF DIRECTORS. The district is
22 governed by a board of five directors appointed under this
23 subchapter.

24 Sec. 3818.052. APPOINTED DIRECTORS. (a) The governing
25 body of the Village of Bee Cave shall appoint directors, each of
26 whom must be at least 18 years old and meet one of the following
27 criteria:

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

9 (b) A person may not be appointed to the board if the
10 appointment of that person would result in less than three of the
11 directors residing in the Village of Bee Cave.

12 (c) The appointed directors serve staggered terms of four
13 years, with two directors' terms expiring July 1 of an odd-numbered
14 year and three directors' terms expiring July 1 of the following
15 odd-numbered year.

16 (d) The governing body of the Village of Bee Cave shall
17 appoint a director to fill a vacancy that occurs on the board.

18 (e) District directors are public officials entitled to
19 governmental immunity for their official actions.

20 Sec. 3818.053. RECOMMENDATIONS FOR DIRECTORS. (a) The
21 board shall recommend to the governing body of the Village of Bee
22 Cave persons to serve as successor directors.

23 (b) After reviewing the recommendations, the governing body
24 shall approve or disapprove the directors recommended by the board.

25 (c) If the governing body is not satisfied with the
26 recommendations submitted by the board, the board, on the request
27 of the governing body, shall submit to the governing body

1 additional recommendations.

2 Sec. 3818.054. BOARD VACANCY. (a) A vacancy in the office
3 of director shall be filled by the governing body of the Village of
4 Bee Cave.

5 (b) The remaining members of the board shall recommend to
6 the governing body a person to fill the vacancy for the unexpired
7 term which shall be filled in the manner provided by Sections
8 3818.053(b) and (c).

9 Sec. 3818.055. CONFLICTS OF INTEREST. (a) Except as
10 provided in this section:

11 (1) a director may participate in all board votes and
12 decisions; and

13 (2) Chapter 171, Local Government Code, governs
14 conflicts of interest of board members.

15 (b) Section 171.004, Local Government Code, does not apply
16 to the district. A director who has a substantial interest in a
17 business or charitable entity that will receive a pecuniary benefit
18 from a board action shall file an affidavit with the board secretary
19 declaring the interest. Another affidavit is not required if the
20 director's interest changes.

21 (c) After the affidavit is filed, the director may
22 participate in a discussion or vote on that action if:

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

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

27 (3) the director is a property owner in the district.

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

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

8 [Sections 3818.056-3818.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 3818.101. DISTRICT POWERS. (a) The district has all
11 powers necessary to accomplish the purposes for which the district
12 was created.

13 (b) The district may exercise the powers given to:

14 (1) a corporation created under Section 4B,
15 Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas
16 Civil Statutes); or

17 (2) a housing finance corporation created under
18 Chapter 394, Local Government Code, to provide housing or
19 residential development projects in the district.

20 Sec. 3818.102. NONPROFIT CORPORATION. (a) The board by
21 resolution may, with the consent of the Village of Bee Cave,
22 authorize the creation of a nonprofit corporation to assist and act
23 for the district in implementing a project or providing a service
24 authorized by this chapter.

25 (b) The nonprofit corporation:

26 (1) has each power of and is considered for purposes of
27 this chapter to be a local government corporation created under

1 Chapter 431, Transportation Code; and

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

4 (c) The board shall appoint the board of directors of the
5 nonprofit corporation. The board of directors of the nonprofit
6 corporation shall serve in the same manner as, for the same term as,
7 and on the conditions of the board of directors of a local
8 government corporation created under Chapter 431, Transportation
9 Code.

10 Sec. 3818.103. AGREEMENTS; GRANTS; DONATIONS. (a) The
11 district may enter into an agreement with or accept a donation,
12 grant, or loan from any person.

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

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

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

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

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

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

26 (3) provide terms under which taxes or other revenues
27 collected at a district project or from a person using or purchasing

1 a commodity or service at a district project may be paid or rebated
2 to the district.

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

6 Sec. 3818.104. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
7 To protect the public interest, the district may contract with the
8 Village of Bee Cave for the village to provide law enforcement
9 services to the district for a fee.

10 Sec. 3818.105. COMPETITIVE BIDDING. Section 375.221, Local
11 Government Code, does not apply to a district contract for \$25,000
12 or less.

13 Sec. 3818.106. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS.

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

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

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

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

24 (b) If the district obtains the approval of the Village of
25 Bee Cave's governing body of a capital improvements budget for a
26 period not to exceed five years, the district may finance the
27 capital improvements and issue bonds specified in the budget

1 without the further approval of the Village of Bee Cave.

2 [Sections 3818.107-3818.150 reserved for expansion]

3 SUBCHAPTER D. FINANCIAL PROVISIONS

4 Sec. 3818.151. PETITION REQUIRED FOR FINANCING SERVICES AND
5 IMPROVEMENTS. (a) The board may not finance a service or an
6 improvement project under this chapter unless a written petition
7 requesting that service or improvement is filed with the board.

8 (b) The petition must be signed by:

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

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

15 Sec. 3818.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The
16 board by resolution shall establish the number of directors'
17 signatures and the procedure required for a disbursement or
18 transfer of the district's money.

19 Sec. 3818.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,
20 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem
21 tax, assessment, or impact fee as provided by Chapter 375, Local
22 Government Code, on all property in the district including
23 industrial, commercial, or residential property in the district,
24 excluding municipal property, to:

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

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

2 Sec. 3818.154. MAINTENANCE TAX. (a) If authorized at an
3 election held in accordance with Section 3818.159, the district may
4 impose an annual ad valorem tax on taxable property in the district
5 to:

6 (1) maintain and operate the district and the
7 improvements constructed or acquired by the district; or

8 (2) provide a service.

9 (b) The board shall determine the tax rate.

10 Sec. 3818.155. CONTRACTS SECURED BY AD VALOREM TAXES. A
11 contract for which the payments are secured wholly or partly by ad
12 valorem taxes may not be executed unless the imposition of the ad
13 valorem taxes to secure the payment of the contract is approved by a
14 majority, or a larger percentage if constitutionally required, of
15 the voters in the district voting at an election held for that
16 purpose.

17 Sec. 3818.156. ASSESSMENTS. (a) The board by resolution
18 may impose and collect an assessment for any purpose authorized by
19 this chapter.

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

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

1 the district.

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

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

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

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

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

17 Sec. 3818.157. LIENS FOR ASSESSMENTS. (a) An assessment,
18 including an assessment resulting from an addition to or correction
19 of the assessment roll by the district, a reassessment, penalties
20 and interest on an assessment or reassessment, an expense of
21 collection, and reasonable attorney's fees incurred by the district:

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

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

27 (3) are the personal liability of and a charge against

1 the owners of the property even if the owners are not named in the
2 assessment proceeding.

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

7 Sec. 3818.158. UTILITY PROPERTY EXEMPT FROM ASSESSMENTS AND
8 IMPACT FEES. The district may not impose an assessment or impact
9 fee on the property of a person that provides gas, electricity,
10 telephone, sewage, or water service to the public.

11 Sec. 3818.159. ELECTIONS REGARDING TAXES OR BOND. (a) In
12 addition to the elections required under Subchapter L, Chapter 375,
13 Local Government Code, the district must hold an election in the
14 manner provided by that subchapter to obtain voter approval before
15 the district may:

16 (1) impose a maintenance tax; or

17 (2) issue a bond payable from ad valorem taxes or
18 assessments.

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

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

26 Sec. 3818.160. MUNICIPALITY NOT REQUIRED TO PAY DISTRICT
27 OBLIGATIONS. Except as provided by Section 375.263, Local

1 Government Code, a municipality is not required to pay a bond, note,
2 or other obligation of the district.

3 [Sections 3818.161-3818.200 reserved for expansion]

4 SUBCHAPTER E. DISSOLUTION

5 Sec. 3818.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
6 DEBT. (a) The board may dissolve the district regardless of
7 whether the district has debt. Section 375.264, Local Government
8 Code, does not apply to the district.

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

13 SECTION 2. The Bee Cave Development District includes all
14 the territory contained in the following described area:

15 BEING A 156.088 ACRE TRACT LOCATED IN THE A. ZILLER SURVEY
16 NUMBER 2 ABSTRACT 2529, THE JAS. G. SWISHER SURVEY NUMBER 152
17 ABSTRACT NUMBER 691, THE WILLIAM P. MOORE SURVEY NUMBER 525
18 ABSTRACT NUMBER 557, THE ORRAN WADE SURVEY NUMBER 540 ABSTRACT
19 NUMBER 811, AND THE JOHN HOBSON SURVEY NUMBER 527 ABSTRACT NUMBER
20 387, TRAVIS COUNTY, TEXAS, AND BEING ALL OF A 31.9094 ACRE TRACT
21 DESCRIBED IN A DEED TO TECHNOLOGY PROPERTIES, INC. AND RECORDED IN
22 VOLUME 12101, PAGE 1883, REAL PROPERTY RECORDS, TRAVIS COUNTY,
23 TEXAS, ALSO BEING ALL OF A 3.662 ACRE TRACT, THE REMAINDER OF A
24 66.47 ACRE TRACT, THE REMAINDER OF A 45.760 ACRE TRACT, AND ALL OF A
25 1.633 ACRE TRACT, ALL BEING CONVEYED TO BALDWIN PROPERTIES, LTD.
26 AND DESCRIBED IN DOCUMENT NUMBER 2003036917, OF THE OFFICIAL PUBLIC
27 RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING ALL OF THE REMAINDER OF

1 BEE CAVES COMMONS, A SUBDIVISION OF RECORD IN VOLUME 88, PAGE 325,
2 OF THE PLAT RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A
3 6.009 ACRE TRACT CONVEYED TO WILLIAM J. MADDOX, AND DESCRIBED IN
4 DOCUMENT NUMBER 1999022498, OFFICIAL PUBLIC RECORDS, TRAVIS
5 COUNTY, TEXAS, ALSO BEING A PORTION OF A 5.5 ACRE TRACT CONVEYED TO
6 HIGHLAND HILLS VFW, AND DESCRIBED IN VOLUME 8218, PAGE 501, DEED
7 RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 3.92 ACRE
8 TRACT CONVEYED TO R.C. AND J. PURYEAR, AND DESCRIBED IN VOLUME
9 11960, PAGE 211, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND
10 ALSO BEING A PORTION OF TROUBLEMAKER SECTION ONE, A SUBDIVISION OF
11 RECORD IN VOLUME 103, PAGE 74, PLAT RECORDS, TRAVIS COUNTY, TEXAS.
12 SAID 156.088 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
13 AND BOUNDS AS FOLLOWS:

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

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

- 24 1. S89°30'01"W, a distance of 80.15 feet to a TXDOT concrete
25 monument found,
- 26 2. S89°49'16"W, a distance of 62.18 feet to a TXDOT concrete
27 monument found,

1 3. S80°34'19"W, a distance of 185.07 feet to a 1/2 inch iron
2 rod with plastic cap found, and

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

7 THENCE with the north ROW line of said State Highway 71, same
8 being the south line of said 66.47 acre tract, N66°38'55"W, a
9 distance of 220.65 feet to a calculated point for a south corner of
10 said 66.47 acre tract, same being the southeast corner of The
11 Village at Bee Caves, Phase 1, a subdivision of record in Volume
12 100, Page 268, Plat Records, Travis County, Texas, also being a
13 point in the north ROW line of said State Highway 71.

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

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

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

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

27 THENCE with the north ROW line of said State Highway 71, same

1 being the south line of said 66.47 acre tract, the south line of
2 said Bee Caves Commons, and said 45.760 acre tract, the following
3 eight (8) courses and distances:

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

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

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

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

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

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

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

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

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

1 being the south east corner of a 42.929 acre (Remainder) tract
2 conveyed to Baldwin Investments and described in Volume 10846, Page
3 477, Real Property Records, Travis County, Texas, also being a
4 corner in a southwest line of said 45.760 acre tract.

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

8 1. N13°22'11"E, a distance of 141.56 feet to a 1/2 inch iron
9 rod with plastic "VARA" cap found,

10 2. N76°35'16"W, a distance of 247.99 feet to a 1/2 inch iron
11 rod found, and

12 3. S13°36'24"W, a distance of 141.65 feet to a 1/2 inch iron
13 rod found for the southwest corner of said 42.929 acre (Remainder)
14 tract, same being the northwest corner of said Lot 15, also being a
15 point in an east line of said 45.760 acre tract.

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

21 THENCE with the east ROW line of said R.M. 620, same being a
22 south line of said 45.760 acre tract, N54°32'05"W, a distance of
23 19.86 feet to a 1 inch iron pipe found in the west ROW line of said
24 R.M. 620, same being the southeast corner of a 0.85 acre tract
25 conveyed to Ethel Hudson Thurman, and described in Volume 2876,
26 Page 554, Deed Records, Travis County, Texas, also being a south
27 corner of said 45.760 acre tract.

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

9 THENCE with the south line of the said 1.633 acre tract, same
10 being the north lines of said 1.24 acre tract, N66°47'02"W, a
11 distance of 353.33 feet to a 1/2 inch iron rod found in the east ROW
12 line of said R.M. 620, same being the northwest corner of said 1.24
13 acre tract, also being the southwest corner of said 1.633 acre
14 tract.

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

18 1. N15°35'09"W, a distance of 264.34 feet to a TXDOT brass
19 disk in concrete found,

20 2. N19°46'35"W, a distance of 53.60 feet to a 3/4 inch iron
21 pipe found, and

22 3. N19°20'10"W, a distance of 38.61 feet to a 3/4 inch iron
23 pipe found in the east ROW line of said R.M. 620, same being a west
24 corner of said 45.760 acre tract, also being an east corner of the
25 Travis County Subdivision No. Two, a subdivision of record in
26 Volume 100, Page 268, Plat Records, Travis County, Texas.

27 THENCE with the south, east, and north lines of said Travis

1 County Subdivision No. Two, same being west lines of said 45.760
2 acre tract, the following five (5) courses and distances:

3 1. N56°11'48"E, a distance of 8.13 feet to a 3/4 inch iron
4 pipe found,

5 2. S32°51'32"E, a distance of 10.01 feet to a 1/2 inch iron
6 rod found,

7 3. S47°20'00"E, a distance of 106.22 feet to a 1/2 inch iron
8 rod found,

9 4. N21°50'40"E, a distance of 582.01 feet to a 1/2 inch iron
10 rod found, and

11 5. N60°39'51"W, a distance of 359.35 feet to calculated
12 point in the east line of said 6.009 acre tract, same being the
13 northwest corner of said Travis County Subdivision No. Two, also
14 being the west corner of said 45.760 acre tract.

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

18 1. S37°13'35"W, a distance of 42.91 feet to a 1/2 inch iron
19 rod found, and

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

24 THENCE with the north ROW line of said R.M. 620, same being
25 the south line of said 6.009 acre tract, N40°02'34"W, a distance of
26 60.40 feet to a 1/2 inch iron rod found in the north ROW line of said
27 R.M. 620, same being the southwest corner of said 6.009 acre tract,

1 also being the southeast corner of the remainder of said 5.5 acre
2 tract.

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

8 THENCE leaving said common line and crossing said 6.009 acre
9 tract, said 45.760 acre tract, said 5.5 acre tract, and said 3.92
10 acre tract, the following three (3) courses and distances:

11 1. N60°42'58"E, a distance of 367.90 feet to a calculated
12 point,

13 2. N29°17'47"W, a distance of 532.97 feet to a calculated
14 point, and

15 3. S32°43'50"W, a distance of 85.11 feet to a 1 inch iron rod
16 in concrete found in the south line of said 3.92 acre tract, same
17 being the northwest corner of said 5.5 acre tract, also being the
18 east corner of a 6.947 acre tract conveyed to Duane James Terry, and
19 described in Volume 12657, Page 1860, Real Property Records, Travis
20 County, Texas.

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

24 1. N62°10'44"W, a distance of 237.62 feet to a 1/2 inch iron
25 rod found, and

26 2. N02°07'31"E, a distance of 189.38 feet to a 1 inch iron
27 rod in concrete found for a south corner of said Troublemaker

1 subdivision, same being the northwest corner of said 3.92 acre
2 tract, also being the northeast corner of said 6.947 acre tract.

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

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

8 1. With the arc of a curve to the left a distance of 1083.76
9 feet, through a central angle of 65°42'33", having a radius of
10 945.00 feet, and whose chord bears N72°04'04"W, a distance of
11 1025.34 feet to a calculated point, and

12 2. S75°04'40"W, a distance of 31.40 feet to a calculated
13 point in the west line of said Troublemaker tract, same being the
14 east line of said R.M. 620.

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

18 1. N18°04'22"W, a distance of 272.77 feet to a TXDOT type II
19 monument found, and

20 2. With the arc of a curve to the left a distance of 240.18
21 feet, through a central angle of 10°12'24", having a radius of
22 1348.24 feet, and whose chord bears N20°32'19"W, a distance of
23 239.86 feet to a calculated point in said ROW line, same being the
24 northwest corner of said Troublemaker tract, also being the
25 southwest corner of an 819.739 acre tract conveyed to the City of
26 Austin and described in Volume 12124, Page 143, Real Property
27 Records, Travis County, Texas.

1 THENCE with the north line of said Troublemaker tract, same
2 being the south line of said 819.739 acre tract, N88°45'35"E, a
3 distance of 190 feet to a calculated point in said common line.

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

6 1. S09°31'59"W, a distance of 208.34 feet to a calculated
7 point,

8 2. S18°04'22"E, a distance of 167.41 feet to a calculated
9 point, and

10 3. With the arc of a curve to the right a distance of 1303.65
11 feet, through a central angle of 70°47'59", having a radius of
12 1055.00 feet, and whose chord bears S67°28'29"E, a distance of
13 1222.28 feet to a calculated point in the south line of said
14 Troublemaker tract, same being the north line of said 3.92 acre
15 tract.

16 THENCE with the north line of said 3.92 acre tract, same being
17 the south line of said Troublemaker tract, S77°02'56"E, a distance
18 of 230.18 feet to a cotton spindle found for the southeast corner of
19 said Troublemaker tract, same being a southwest corner of said
20 819.739 acre tract, also being a point in the north line of said
21 3.92 acre tract.

22 THENCE with the north line of said 3.92 acre tract, same being
23 a south line of said 819.739 acre tract, S77°22'13"E, a distance of
24 164.44 feet to a 1/2 inch iron rod found for the northeast corner of
25 said 3.92 acre tract, same being a point in the south line of said
26 819.739 acre tract, also being the northwest corner of said 6.009
27 acre tract.

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

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

7 1. S63°22'07"W, a distance of 143.52 feet to a calculated
8 point,

9 2. N70°03'44"W, a distance of 137.19 feet to a calculated
10 point,

11 3. S59°02'55"W, a distance of 262.60 feet to a calculated
12 point,

13 4. S29°17'47"E, a distance of 196.22 feet to a calculated
14 point,

15 5. N60°42'13"E, a distance of 120.12 feet to a calculated
16 point,

17 6. S49°44'17"E, a distance of 85.54 feet to a calculated
18 point, and

19 7. S29°17'47"E, a distance of 175.95 feet to a calculated
20 point in the south line of said 6.009 acre tract, same being a north
21 line of said 45.760 acre tract.

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

1 County, Texas.

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

8 1. S12°35'44"W, a distance of 327.14 feet to a 3/4 inch iron
9 pipe found, and

10 2. S70°13'01"E, a distance of 1884.98 feet to a 1/2 inch iron
11 rod with plastic cap found, for a southeast corner of said 462.4037
12 acre tract, same being the west corner of said 3.662 acre tract,
13 also being a point in the north line of said 66.47 acre tract.

14 THENCE with the common line of said 3.662 acre tract and said
15 462.4037 acre tract the following five (5) courses and distances:

16 1. N61°00'54"E, a distance of 196.44 feet to a 1/2 inch iron
17 rod with plastic cap found,

18 2. N87°33'49"E, a distance of 433.24 feet to a 1/2 inch iron
19 rod found,

20 3. N65°19'12"E, a distance of 38.74 feet to a 1/2 inch iron
21 rod found,

22 4. N87°43'36"E, a distance of 647.80 feet to a 1/2 inch iron
23 rod found, and

24 5. N45°10'09"E, a distance of 75.12 feet to a 1/2 inch iron
25 rod found for the southeast corner of said 462.4037 acre tract, same
26 being a point in the southwest line of Lake Pointe Phase II, a
27 subdivision of record in Volume 97, Page 84, Plat Records, Travis

1 County, Texas, also being the northeast corner of said 3.662 acre
2 tract.

3 THENCE with the east lines of said 3.662 acre tract and said
4 31.9094 acre tract, same being the southwest line of said Lake
5 Pointe subdivision, S41°11'34"E, a distance of 1845.56 feet to a 1/2
6 inch iron rod found, in the curving north ROW line of said Bee Caves
7 Road, same being the east corner of said 31.9094 acre tract, also
8 being the south corner of said Lake Pointe subdivision.

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

12 1. With the arc of a curve to the left a distance of 56.87
13 feet, through a central angle of 1°38'15", having a radius of
14 1989.93 feet, and whose chord bears S54°32'32"W, a distance of 56.87
15 feet to a calculated point, from which a TXDOT type II monument
16 found bears, S53°43'25"W, a distance of 0.21 feet, and

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

23 THENCE leaving said ROW line and with the east line of said
24 Lot 2, same being a west line of said 31.9094 acre tract,
25 N18°13'50"W, at an approximate distance of 308 feet passing the
26 northeast corner of said Lot 2, same being the southeast corner of a
27 4.84 acre tract conveyed to Ted L. Stewart, Trustee, and described

1 in Volume 13047, Page 244, Real Property Records, Travis County,
2 Texas, thence continuing with the west line of said 31.9094 acre
3 tract same being the east line of said 4.84 acre tract, for a total
4 distance of 1027.22 feet to a 1/2 inch iron rod found.

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

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

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

1 less.

2 SECTION 3. (a) The legal notice of the intention to
3 introduce this Act, setting forth the general substance of this
4 Act, has been published as provided by law, and the notice and a
5 copy of this Act have been furnished to all persons, agencies,
6 officials, or entities to which they are required to be furnished
7 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8 Government Code.

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor, the
14 lieutenant governor, and the speaker of the house of
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this
17 state and the rules and procedures of the legislature with respect
18 to the notice, introduction, and passage of this Act are fulfilled
19 and accomplished.

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