

1-1 By: Barrientos S.B. No. 1022
1-2 (In the Senate - Filed March 7, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 12, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 12, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1022 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Bee Cave Development District;
1-11 providing authority to impose a tax and issue a bond or similar
1-12 obligation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-15 Code, is amended by adding Chapter 3840 to read as follows:

1-16 CHAPTER 3840. BEE CAVE DEVELOPMENT DISTRICT

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 3840.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the
1-20 district.

1-21 (2) "District" means the Bee Cave Development
1-22 District.

1-23 Sec. 3840.002. BEE CAVE DEVELOPMENT DISTRICT. The Bee Cave
1-24 Development District is a special district created under Section
1-25 59, Article XVI, Texas Constitution.

1-26 Sec. 3840.003. PURPOSE; DECLARATION OF INTENT. (a) The
1-27 creation of the district is essential to accomplish the purposes of
1-28 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
1-29 Texas Constitution, and other public purposes stated in this
1-30 chapter. By creating the district and in authorizing the Village of
1-31 Bee Cave, Travis County, and other political subdivisions to
1-32 contract with the district, the legislature has established a
1-33 program to accomplish the public purposes set out in Section 52-a,
1-34 Article III, Texas Constitution.

1-35 (b) The creation of the district is necessary to promote,
1-36 develop, encourage, and maintain employment, commerce,
1-37 transportation, housing, tourism, recreation, the arts,
1-38 entertainment, economic development, safety, and the public
1-39 welfare in the Village of Bee Cave's business area.

1-40 (c) This chapter and the creation of the district may not be
1-41 interpreted to relieve Travis County or the Village of Bee Cave from
1-42 providing the level of services provided as of September 1, 2005, to
1-43 the area in the district or to release the county or village from
1-44 the obligations of each entity to provide services to that area.
1-45 The district is created to supplement and not to supplant the county
1-46 or village services provided in the area in the district.

1-47 Sec. 3840.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-48 (a) The district is created to serve a public use and benefit.

1-49 (b) All land and other property included in the district
1-50 will benefit from the improvements and services to be provided by
1-51 the district under powers conferred by Sections 52 and 52-a,
1-52 Article III, and Section 59, Article XVI, Texas Constitution, and
1-53 other powers granted under this chapter.

1-54 (c) The creation of the district is in the public interest
1-55 and is essential to:

1-56 (1) further the public purposes of developing and
1-57 diversifying the economy of the state;

1-58 (2) eliminate unemployment and underemployment; and

1-59 (3) develop or expand transportation and commerce.

1-60 (d) The district will:

1-61 (1) promote the health, safety, and general welfare of
1-62 residents, employers, employees, visitors, and consumers in the
1-63 district, and of the public, by providing, operating, and

2-1 maintaining:

2-2 (A) attractive, safe, and convenient street and

2-3 road improvements;

2-4 (B) off-street parking facilities; and

2-5 (C) necessary water, sewer, and drainage

2-6 facilities, including a facility for the improvement of water

2-7 quality, to serve the district;

2-8 (2) provide needed funding for the Village of Bee

2-9 Cave's business area to:

2-10 (A) preserve, maintain, and enhance the economic

2-11 health and vitality of the area as a community and business center;

2-12 and

2-13 (B) provide a government center; and

2-14 (3) promote the health, safety, welfare, and enjoyment

2-15 of the public by providing pedestrian ways, parks, and off-street

2-16 parking, and by landscaping and developing certain areas in the

2-17 district, which are necessary for the restoration, preservation,

2-18 and enhancement of scenic beauty.

2-19 (e) Pedestrian ways along or across a street, whether at

2-20 grade or above or below the surface, and street lighting, street

2-21 landscaping, parking, and street art objects are parts of and

2-22 necessary components of a street and are considered to be a street

2-23 or road improvement.

2-24 (f) The district will not act as the agent or

2-25 instrumentality of any private interest even though the district

2-26 will benefit many private interests as well as the public.

2-27 Sec. 3840.005. DISTRICT TERRITORY. (a) The district is

2-28 composed of the territory described by Section 2 of the Act enacting

2-29 this chapter.

2-30 (b) The boundaries and field notes of the district contained

2-31 in Section 2 of the Act enacting this chapter form a closure. A

2-32 mistake in the field notes or in copying the field notes in the

2-33 legislative process does not in any way affect the district's:

2-34 (1) organization, existence, or validity;

2-35 (2) right to issue any type of bond for a purpose for

2-36 which the district is created or to pay the principal of and

2-37 interest on the bond;

2-38 (3) right to impose or collect an assessment or tax; or

2-39 (4) legality or operation.

2-40 (c) The district boundaries may not be changed. Sections

2-41 375.043 and 375.044, Local Government Code, and Subchapter J,

2-42 Chapter 49, Water Code, do not apply to the district.

2-43 Sec. 3840.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

2-44 All or any part of the area of the district is eligible to be

2-45 included in:

2-46 (1) a tax increment reinvestment zone created by the

2-47 Village of Bee Cave under Chapter 311, Tax Code;

2-48 (2) a tax abatement reinvestment zone created by the

2-49 Village of Bee Cave under Chapter 312, Tax Code; or

2-50 (3) an enterprise zone created by the Village of Bee

2-51 Cave under Chapter 2303, Government Code.

2-52 Sec. 3840.007. APPLICABILITY OF MUNICIPAL MANAGEMENT

2-53 DISTRICTS LAW. Except as otherwise provided by this chapter,

2-54 Chapter 375, Local Government Code, applies to the district.

2-55 Sec. 3840.008. LIBERAL CONSTRUCTION OF CHAPTER. This

2-56 chapter shall be liberally construed in conformity with the

2-57 findings and purposes stated in this chapter.

2-58 [Sections 3840.009-3840.050 reserved for expansion]

2-59 SUBCHAPTER B. BOARD OF DIRECTORS

2-60 Sec. 3840.051. GOVERNING BODY; TERMS. The district is

2-61 governed by a board of five directors who serve staggered terms of

2-62 four years, with two or three directors' terms expiring July 1 of

2-63 each odd-numbered year.

2-64 Sec. 3840.052. APPOINTMENT. The governing body of the

2-65 Village of Bee Cave shall appoint directors as provided by

2-66 Subchapter D, Chapter 375, Local Government Code, except that:

2-67 (1) a director must reside in the Village of Bee Cave;

2-68 and

2-69 (2) Sections 375.064(a)-(c), Local Government Code,

3-1 do not apply to the district.
3-2 Sec. 3840.053. VACANCY. (a) The governing body of the
3-3 Village of Bee Cave shall appoint a person to fill a board vacancy
3-4 in the same manner as an original appointment.
3-5 (b) Section 375.066, Local Government Code, does not apply
3-6 to the district.
3-7 Sec. 3840.054. CONFLICTS OF INTEREST; ONE-TIME AFFIDAVIT.
3-8 (a) Except as provided by this section:
3-9 (1) a director may participate in all board votes and
3-10 decisions; and
3-11 (2) Chapter 171, Local Government Code, governs
3-12 conflicts of interest for directors.
3-13 (b) Section 171.004, Local Government Code, does not apply
3-14 to the district. A director who has a substantial interest in a
3-15 business or charitable entity that will receive a pecuniary benefit
3-16 from a board action shall file a one-time affidavit declaring the
3-17 interest. An additional affidavit is not required if the
3-18 director's interest changes. After the affidavit is filed with the
3-19 board secretary, the director may participate in a discussion or
3-20 vote on that action if:
3-21 (1) a majority of the directors have a similar
3-22 interest in the same entity;
3-23 (2) all other similar business or charitable entities
3-24 in the district will receive a similar pecuniary benefit; or
3-25 (3) the director owns property in the district.
3-26 (c) A director who is also an officer or employee of a public
3-27 entity may not participate in the discussion of or vote on a matter
3-28 regarding a contract with that public entity.
3-29 (d) For purposes of this section, a director has a
3-30 substantial interest in a charitable entity in the same manner that
3-31 a person would have a substantial interest in a business entity
3-32 under Section 171.002, Local Government Code.
3-33 [Sections 3840.055-3840.100 reserved for expansion]
3-34 SUBCHAPTER C. POWERS AND DUTIES
3-35 Sec. 3840.101. NONPROFIT CORPORATION. (a) The board by
3-36 resolution may, with the consent of the Village of Bee Cave,
3-37 authorize the creation of a nonprofit corporation to assist and act
3-38 for the district in implementing a project or providing a service
3-39 authorized by this chapter.
3-40 (b) The nonprofit corporation:
3-41 (1) has each power of and is considered for purposes of
3-42 this chapter to be a local government corporation created under
3-43 Chapter 431, Transportation Code; and
3-44 (2) may implement any project and provide any service
3-45 authorized by this chapter.
3-46 (c) The board shall appoint the board of directors of the
3-47 nonprofit corporation. The board of directors of the nonprofit
3-48 corporation shall serve in the same manner as the board of directors
3-49 of a local government corporation created under Chapter 431,
3-50 Transportation Code.
3-51 Sec. 3840.102. AGREEMENTS; GRANTS; DONATIONS. (a) The
3-52 district may enter into an agreement with or accept a donation,
3-53 grant, or loan from any person.
3-54 (b) A municipality, county, or other political subdivision
3-55 of this state, without further authorization, may contract with the
3-56 district for:
3-57 (1) the acquisition, construction, improvement,
3-58 implementation, maintenance, and operation of a district project;
3-59 or
3-60 (2) the provision of a service authorized under this
3-61 chapter.
3-62 (c) A contract under Subsection (b) may:
3-63 (1) be for a period and include terms on which the
3-64 parties agree;
3-65 (2) be payable from taxes or any other source of
3-66 revenue that may be available for that purpose; and
3-67 (3) provide terms under which taxes or other revenues
3-68 collected at a district project or from a person using or purchasing
3-69 a commodity or service at a district project may be paid or rebated

4-1 to the district.

4-2 (d) The implementation of a project is a governmental
4-3 function or service for the purposes of Chapter 791, Government
4-4 Code.

4-5 Sec. 3840.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
4-6 To protect the public interest, the district may contract with the
4-7 Village of Bee Cave for the village to provide law enforcement
4-8 services in the district for a fee.

4-9 Sec. 3840.104. APPROVAL OF CERTAIN IMPROVEMENT PROJECTS.

4-10 (a) Except as provided by Subsection (b), the district must obtain
4-11 the approval of the Village of Bee Cave's governing body:

4-12 (1) for the issuance of a bond for each improvement
4-13 project;

4-14 (2) of the plans and specifications of an improvement
4-15 project financed by the bond; and

4-16 (3) of the plans and specifications of any district
4-17 improvement project related to the use of land owned by the Village
4-18 of Bee Cave, an easement granted by the Village of Bee Cave, or a
4-19 right-of-way of a street, road, or highway.

4-20 (b) If the district obtains the approval of the Village of
4-21 Bee Cave's governing body of a capital improvements budget for a
4-22 period not to exceed five years, the district may finance the
4-23 capital improvements and issue bonds specified in the budget
4-24 without further approval of the Village of Bee Cave.

4-25 Sec. 3840.105. NO EMINENT DOMAIN. The district may not
4-26 exercise the power of eminent domain.

4-27 [Sections 3840.106-3840.150 reserved for expansion]

4-28 SUBCHAPTER D. FINANCIAL PROVISIONS

4-29 Sec. 3840.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
4-30 board by resolution shall establish the number of directors'
4-31 signatures and the procedure required for a disbursement or
4-32 transfer of the district's money.

4-33 Sec. 3840.152. PETITION REQUIRED FOR FINANCING SERVICES AND
4-34 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
4-35 service or improvement project under this chapter unless a written
4-36 petition requesting that service or improvement has been filed with
4-37 the board.

4-38 (b) A petition filed under Subsection (a) must be signed by:

4-39 (1) the owners of a majority of the assessed value of
4-40 real property in the district subject to assessment according to
4-41 the most recent certified tax appraisal roll for Travis County; or

4-42 (2) at least 25 owners of land in the district, if more
4-43 than 25 persons own land in the district according to the most
4-44 recent certified property tax appraisal roll for Travis County.

4-45 Sec. 3840.153. AUTHORITY TO IMPOSE AD VALOREM TAXES,
4-46 ASSESSMENTS, AND IMPACT FEES. (a) The district may impose an ad
4-47 valorem tax, assessment, or impact fee as provided by Chapter 375,
4-48 Local Government Code, on all property in the district, including
4-49 industrial, commercial, or residential property, to:

4-50 (1) finance or provide an improvement or service for a
4-51 project or activity this chapter authorizes the district to
4-52 construct, acquire, or improve; or

4-53 (2) provide or to make a payment under a contract.

4-54 (b) This section does not apply to property owned by a
4-55 municipality.

4-56 Sec. 3840.154. ASSESSMENTS. (a) The board by resolution
4-57 may impose and collect an assessment for any purpose authorized by
4-58 this chapter.

4-59 (b) The district may not impose an assessment against any
4-60 property of the Village of Bee Cave in the district. Payment of an
4-61 assessment by another exempt jurisdiction must be established by
4-62 contract.

4-63 (c) The board may apportion the cost of an improvement
4-64 project or service to be assessed against property in the district
4-65 on all property in the district according to a finding of the board
4-66 that the improvement project or service benefits all property in
4-67 the district.

4-68 (d) The board may include two or more types of improvements
4-69 and services in one assessment proceeding. The board may conduct

5-1 separate assessment proceedings as the district undertakes
 5-2 improvement projects or the provision of services.

5-3 (e) The board may adjust annual assessments for services in
 5-4 accordance with an annual budget the board adopts for the provision
 5-5 of those services. An annual adjustment may not exceed the annual
 5-6 amount set forth in the original assessment proceedings except
 5-7 after public notice and hearing on the increase.

5-8 (f) The board, after notice and hearing as provided by
 5-9 Subchapter F, Chapter 375, Local Government Code, may:

5-10 (1) correct, add to, or delete assessments from its
 5-11 assessment rolls; and

5-12 (2) collect assessments after making the corrections,
 5-13 additions, or deletions.

5-14 Sec. 3840.155. LIENS FOR ASSESSMENTS. (a) An assessment,
 5-15 including an assessment resulting from an addition to or correction
 5-16 of the assessment roll by the district, a reassessment, penalties
 5-17 and interest on an assessment or reassessment, an expense of
 5-18 collection, and reasonable attorney's fees incurred by the
 5-19 district:

5-20 (1) are a first and prior lien against the property
 5-21 assessed;

5-22 (2) are superior to any other lien or claim other than
 5-23 a lien or claim for county, school district, or municipal ad valorem
 5-24 taxes; and

5-25 (3) are the personal liability of and a charge against
 5-26 the owners of the property even if the owners are not named in the
 5-27 assessment proceeding.

5-28 (b) The lien is effective from the date of the board's
 5-29 resolution imposing the assessment until the date the assessment is
 5-30 paid. The board may enforce the lien in the same manner that the
 5-31 board may enforce an ad valorem tax lien against real property.

5-32 Sec. 3840.156. AD VALOREM TAX. (a) If authorized at an
 5-33 election held in accordance with Section 3840.160, the district may
 5-34 impose an annual ad valorem tax on taxable property in the district
 5-35 for any district purpose, including to:

5-36 (1) maintain and operate the district;

5-37 (2) construct or acquire improvements; or

5-38 (3) provide a service.

5-39 (b) The board shall determine the tax rate.

5-40 Sec. 3840.157. CONTRACTS SECURED BY AD VALOREM TAXES. A
 5-41 contract for which the payments are secured wholly or partly by ad
 5-42 valorem taxes may not be executed unless the imposition of the ad
 5-43 valorem taxes to secure the payment of the contract is approved by a
 5-44 majority, or a larger percentage if constitutionally required, of
 5-45 the voters in the district voting at an election held for that
 5-46 purpose.

5-47 Sec. 3840.158. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
 5-48 ASSESSMENTS. The district may not impose an impact fee or
 5-49 assessment on the property of a person that provides gas,
 5-50 electricity, telephone, sewage, or water service to the public.

5-51 Sec. 3840.159. BONDS AND OTHER OBLIGATIONS. (a) The
 5-52 district may issue bonds or other obligations payable wholly or
 5-53 partly from taxes, assessments, impact fees, revenue, grants, or
 5-54 other money of the district, or any combination of those sources of
 5-55 money, to pay for any authorized purpose of the district.

5-56 (b) The district may issue a bond or other obligation in the
 5-57 form of a bond, note, certificate of participation or other
 5-58 instrument evidencing a proportionate interest in payments to be
 5-59 made by the district, or other type of obligation.

5-60 Sec. 3840.160. TAX AND BOND ELECTIONS. (a) Except as
 5-61 provided by Subsection (c), the district shall hold an election in
 5-62 the manner provided by Subchapter L, Chapter 375, Local Government
 5-63 Code, to obtain voter approval before the district imposes a
 5-64 maintenance tax or issues bonds payable from ad valorem taxes or
 5-65 assessments.

5-66 (b) The board may include more than one purpose in a single
 5-67 proposition at an election.

5-68 (c) If the district obtains the written consent of all
 5-69 property owners in the district to impose a maintenance tax or issue

6-1 bonds payable from ad valorem taxes or assessments, the district is
6-2 exempt from the election requirement under Subsection (a) and may
6-3 cancel an election called under Subsection (a).

6-4 Sec. 3840.161. MUNICIPALITIES NOT REQUIRED TO PAY DISTRICT
6-5 OBLIGATIONS. Except as provided by Section 375.263, Local
6-6 Government Code, a municipality is not required to pay a bond, note,
6-7 or other obligation of the district.

6-8 Sec. 3840.162. COMPETITIVE BIDDING. Section 375.221, Local
6-9 Government Code, applies to the district only for a contract that
6-10 has a value greater than \$25,000.

6-11 [Sections 3840.163-3840.200 reserved for expansion]

6-12 SUBCHAPTER E. DISSOLUTION

6-13 Sec. 3840.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
6-14 DEBT. (a) The board may dissolve the district regardless of
6-15 whether the district has debt. Section 375.264, Local Government
6-16 Code, does not apply to the district.

6-17 (b) If the district has debt when it is dissolved, the
6-18 district shall remain in existence solely for the purpose of
6-19 discharging its debts. The dissolution is effective when all debts
6-20 have been discharged.

6-21 SECTION 2. As of the effective date of this Act, the Bee
6-22 Cave Development District includes all territory contained in the
6-23 following described area:

6-24 BEING A 156.088 ACRE TRACT LOCATED IN THE A. ZILLER SURVEY NUMBER 2
6-25 ABSTRACT 2529, THE JAS. G. SWISHER SURVEY NUMBER 152 ABSTRACT
6-26 NUMBER 691, THE WILLIAM P. MOORE SURVEY NUMBER 525 ABSTRACT NUMBER
6-27 557, THE ORRAN WADE SURVEY NUMBER 540 ABSTRACT NUMBER 811, AND THE
6-28 JOHN HOBSON SURVEY NUMBER 527 ABSTRACT NUMBER 387, TRAVIS COUNTY,
6-29 TEXAS, AND BEING ALL OF A 31.9094 ACRE TRACT DESCRIBED IN A DEED TO
6-30 TECHNOLOGY PROPERTIES, INC. AND RECORDED IN VOLUME 12101, PAGE
6-31 1883, REAL PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, ALSO BEING ALL
6-32 OF A 3.662 ACRE TRACT, THE REMAINDER OF A 66.47 ACRE TRACT, THE
6-33 REMAINDER OF A 45.760 ACRE TRACT, AND ALL OF A 1.633 ACRE TRACT, ALL
6-34 BEING CONVEYED TO BALDWIN PROPERTIES, LTD. AND DESCRIBED IN
6-35 DOCUMENT NUMBER 2003036917, OF THE OFFICIAL PUBLIC RECORDS, TRAVIS
6-36 COUNTY, TEXAS, ALSO BEING ALL OF THE REMAINDER OF BEE CAVES COMMONS,
6-37 A SUBDIVISION OF RECORD IN VOLUME 88, PAGE 325, OF THE PLAT RECORDS,
6-38 TRAVIS COUNTY, TEXAS, ALSO BEING A PORTION OF A 6.009 ACRE TRACT
6-39 CONVEYED TO WILLIAM J. MADDOX, AND DESCRIBED IN DOCUMENT NUMBER
6-40 1999022498, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, ALSO
6-41 BEING A PORTION OF A 5.5 ACRE TRACT CONVEYED TO HIGHLAND HILLS VFW,
6-42 AND DESCRIBED IN VOLUME 8218, PAGE 501, DEED RECORDS, TRAVIS
6-43 COUNTY, TEXAS, ALSO BEING A PORTION OF A 3.92 ACRE TRACT CONVEYED TO
6-44 R.C. AND J. PURYEAR, AND DESCRIBED IN VOLUME 11960, PAGE 211, REAL
6-45 PROPERTY RECORDS, TRAVIS COUNTY, TEXAS, AND ALSO BEING A PORTION OF
6-46 TROUBLEMAKER SECTION ONE, A SUBDIVISION OF RECORD IN VOLUME 103,
6-47 PAGE 74, PLAT RECORDS, TRAVIS COUNTY, TEXAS. SAID 156.088 ACRE
6-48 TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
6-49 FOLLOWS:

6-50 BEGINNING at a 1/2 inch iron rod found in the north right-of-way
6-51 (ROW) line of Bee Caves Road (R.M. 2244), (ROW varies), same being
6-52 the southeast corner of said 66.47 acre tract, also being the
6-53 southwest corner of Bee Caves Plaza, Section Two, a subdivision of
6-54 record in Document Number 199900247, Official Public Records,
6-55 Travis County, Texas, for the southeast corner of this tract and the
6-56 POINT OF BEGINNING;

6-57 THENCE with the north ROW line of said Bee Caves Road, same being
6-58 the south line of said 66.47 acre tract the following four (4)
6-59 courses and distances:

- 6-60 1. S89°30'01"W, a distance of 80.15 feet to a TXDOT concrete
- 6-61 monument found,
- 6-62 2. S89°49'16"W, a distance of 62.18 feet to a TXDOT concrete
- 6-63 monument found,
- 6-64 3. S80°34'19"W, a distance of 185.07 feet to a 1/2 inch iron rod
- 6-65 with plastic cap found, and
- 6-66 4. N89°43'33"W, a distance of 25.52 feet to a TXDOT brass disk in
- 6-67 concrete found at the intersection of the north ROW line of said Bee
- 6-68 Caves Road and the north ROW line of State Highway 71 (ROW varies),
- 6-69 same being a south corner of said 66.47 acre tract

7-1 THENCE with the north ROW line of said State Highway 71, same being
7-2 the south line of said 66.47 acre tract, N66°38'55"W, a distance of
7-3 220.65 feet to a calculated point for a south corner of said 66.47
7-4 acre tract, same being the southeast corner of The Village at Bee
7-5 Caves, Phase 1, a subdivision of record in Volume 100, Page 268,
7-6 Plat Records, Travis County, Texas, also being a point in the north
7-7 ROW line of said State Highway 71.
7-8 THENCE leaving said ROW line and with the east, north, and west
7-9 lines of said Village at Bee Caves subdivision, same being the south
7-10 line of said 66.47 acre tract the following three (3) courses and
7-11 distances:
7-12 1. N23°21'07"E, a distance of 261.28 feet to a 1/2 inch iron rod
7-13 found,
7-14 2. N66°37'43"W, a distance of 179.91 feet to a 1/2 inch iron rod
7-15 found, and
7-16 3. S23°21'07"W, a distance of 261.34 feet to a 1/2 inch iron rod
7-17 with plastic "VARA" cap found in the north ROW line of said State
7-18 Highway 71, same being the southwest corner of said Village at Bee
7-19 Caves subdivision, also being a south corner of said 66.47 acre
7-20 tract.
7-21 THENCE with the north ROW line of said State Highway 71, same being
7-22 the south line of said 66.47 acre tract, the south line of said Bee
7-23 Caves Commons, and said 45.760 acre tract, the following eight (8)
7-24 courses and distances:
7-25 1. N66°38'55"W, a distance of 606.82 feet to a TXDOT brass disk in
7-26 concrete found,
7-27 2. N35°38'36"W, a distance of 38.26 feet to a TXDOT brass disk in
7-28 concrete found,
7-29 3. N66°40'51"W, a distance of 328.08 feet to a TXDOT brass disk in
7-30 concrete found,
7-31 4. N49°47'50"W, a distance of 102.78 feet to a TXDOT brass disk in
7-32 concrete found,
7-33 5. N66°40'13"W, a distance of 459.16 feet to a TXDOT brass disk in
7-34 concrete found,
7-35 6. N77°51'51"W, a distance of 100.61 feet to a TXDOT brass disk in
7-36 concrete found,
7-37 7. N66°39'08"W, a distance of 426.63 feet to a TXDOT brass disk in
7-38 concrete found, and
7-39 8. N77°08'12"W, a distance of 253.20 feet to a 1/2 inch iron rod
7-40 found in the east property line of Lot 15, of the Glass-Bohls
7-41 Subdivision, a subdivision of record in Volume 90, Page 274, Plat
7-42 Records, Travis County, Texas, same being a southwest corner of
7-43 said 45.760 acre tract, also being a corner in the north ROW line of
7-44 said State Highway 71.
7-45 THENCE leaving said ROW line and with the east line of said Lot 15,
7-46 same being a west line of said 45.760 acre tract, N13°22'57"E, a
7-47 distance of 209.67 feet to a 1/2 inch iron rod found for the
7-48 northeast corner of said Glass-Bohls Subdivision, same being the
7-49 south east corner of a 42.929 acre (Remainder) tract conveyed to
7-50 Baldwin Investments and described in Volume 10846, Page 477, Real
7-51 Property Records, Travis County, Texas, also being a corner in a
7-52 southwest line of said 45.760 acre tract.
7-53 THENCE with the east, north, and west lines of the said 42.929 acre
7-54 (Remainder) tract, same being south lines of said 45.760 acre
7-55 tract, the following three (3) courses and distances:
7-56 1. N13°22'11"E, a distance of 141.56 feet to a 1/2 inch iron rod
7-57 with plastic "VARA" cap found,
7-58 2. N76°35'16"W, a distance of 247.99 feet to a 1/2 inch iron rod
7-59 found, and
7-60 3. S13°36'24"W, a distance of 141.65 feet to a 1/2 inch iron rod
7-61 found for the southwest corner of said 42.929 acre (Remainder)
7-62 tract, same being the northwest corner of said Lot 15, also being a
7-63 point in an east line of said 45.760 acre tract.
7-64 THENCE with the east line of said 45.760 acre tract, same being the
7-65 west line of said Lot 15, S13°27'17"W, a distance of 174.90 feet to a
7-66 1 inch iron pipe found in the east ROW line of R.M. 620, (ROW
7-67 varies), same being the southwest corner of said Lot 15, also being
7-68 a south corner of said 45.760 acre tract.
7-69 THENCE with the east ROW line of said R.M. 620, same being a south

8-1 line of said 45.760 acre tract, N54°32'05"W, a distance of 19.86
8-2 feet to a 1 inch iron pipe found in the west ROW line of said R.M.
8-3 620, same being the southeast corner of a 0.85 acre tract conveyed
8-4 to Ethel Hudson Thurman, and described in Volume 2876, Page 554,
8-5 Deed Records, Travis County, Texas, also being a south corner of
8-6 said 45.760 acre tract.
8-7 THENCE with the west line of the said 45.760 acre tract, same being
8-8 the east line of said 0.85 acre tract and the east and north lines of
8-9 a 1.24 acre tract conveyed to Shirley Thurman Grumbles, and
8-10 described in Volume 13323, Page 1016, Real Property Records, Travis
8-11 County, Texas, N13°14'26"E, a distance of 418.29 feet to a 1/2 inch
8-12 iron rod found, for the northeast corner of said 1.24 acre tract,
8-13 same being the southeast corner of said 1.633 acre tract, also being
8-14 in the east line of said 45.760 acre tract.
8-15 THENCE with the south line of the said 1.633 acre tract, same being
8-16 the north lines of said 1.24 acre tract, N66°47'02"W, a distance of
8-17 353.33 feet to a 1/2 inch iron rod found in the east ROW line of said
8-18 R.M. 620, same being the northwest corner of said 1.24 acre tract,
8-19 also being the southwest corner of said 1.633 acre tract.
8-20 THENCE with the east ROW line of said R.M. 620, same being the west
8-21 line of said 1.633 acre tract and said 45.760 acre tract, the
8-22 following three (3) courses and distances:
8-23 1. N15°35'09"W, a distance of 264.34 feet to a TXDOT brass disk in
8-24 concrete found,
8-25 2. N19°46'35"W, a distance of 53.60 feet to a 3/4 inch iron pipe
8-26 found, and
8-27 3. N19°20'10"W, a distance of 38.61 feet to a 3/4 inch iron pipe
8-28 found in the east ROW line of said R.M. 620, same being a west corner
8-29 of said 45.760 acre tract, also being an east corner of the Travis
8-30 County Subdivision No. Two, a subdivision of record in Volume 100,
8-31 Page 268, Plat Records, Travis County, Texas.
8-32 THENCE with the south, east, and north lines of said Travis County
8-33 Subdivision No. Two, same being west lines of said 45.760 acre
8-34 tract, the following five (5) courses and distances:
8-35 1. N56°11'48"E, a distance of 8.13 feet to a 3/4 inch iron pipe
8-36 found,
8-37 2. S32°51'32"E, a distance of 10.01 feet to a 1/2 inch iron rod
8-38 found,
8-39 3. S47°20'00"E, a distance of 106.22 feet to a 1/2 inch iron rod
8-40 found,
8-41 4. N21°50'40"E, a distance of 582.01 feet to a 1/2 inch iron rod
8-42 found, and
8-43 5. N60°39'51"W, a distance of 359.35 feet to calculated point in
8-44 the east line of said 6.009 acre tract, same being the northwest
8-45 corner of said Travis County Subdivision No. Two, also being the
8-46 west corner of said 45.760 acre tract.
8-47 THENCE with the west line of said Travis County Subdivision No. Two,
8-48 same being the east line of said 6.009 acre tract, the following two
8-49 (2) courses and distances:
8-50 1. S37°13'35"W, a distance of 42.91 feet to a 1/2 inch iron rod
8-51 found, and
8-52 2. S46°05'26"W, a distance of 265.76 feet to a 1/2 inch iron rod
8-53 found in the northeast ROW line of said R.M. 620, same being the
8-54 west corner of said Travis County Subdivision No. Two, also being
8-55 the southeast corner of said 6.009 acre tract.
8-56 THENCE with the north ROW line of said R.M. 620, same being the
8-57 south line of said 6.009 acre tract, N40°02'34"W, a distance of
8-58 60.40 feet to a 1/2 inch iron rod found in the north ROW line of said
8-59 R.M. 620, same being the southwest corner of said 6.009 acre tract,
8-60 also being the southeast corner of the remainder of said 5.5 acre
8-61 tract.
8-62 THENCE with the east line of the remainder of said 5.5 acre tract,
8-63 same being the west line of said 6.009 acre tract, N44°53'05"E, a
8-64 distance of 298.91 feet to a calculated point for a west corner of
8-65 said 6.009 acre tract, same being a west corner of the remainder of
8-66 said 5.5 acre tract.
8-67 THENCE leaving said common line and crossing said 6.009 acre tract,
8-68 said 45.760 acre tract, said 5.5 acre tract, and said 3.92 acre
8-69 tract, the following three (3) courses and distances:

9-1 1. N60°42'58"E, a distance of 367.90 feet to a calculated point,
9-2 2. N29°17'47"W, a distance of 532.97 feet to a calculated point,
9-3 and
9-4 3. S32°43'50"W, a distance of 85.11 feet to a 1 inch iron rod in
9-5 concrete found in the south line of said 3.92 acre tract, same being
9-6 the northwest corner of said 5.5 acre tract, also being the east
9-7 corner of a 6.947 acre tract conveyed to Duane James Terry, and
9-8 described in Volume 12657, Page 1860, Real Property Records, Travis
9-9 County, Texas.

9-10 THENCE with the south and west lines of said 3.92 acre tract, same
9-11 being the north lines of said 6.947 acre tract, the following two
9-12 (2) courses and distances:
9-13 1. N62°10'44"W, a distance of 237.62 feet to a 1/2 inch iron rod
9-14 found, and
9-15 2. N02°07'31"E, a distance of 189.38 feet to a 1 inch iron rod in
9-16 concrete found for a south corner of said Troublemaker subdivision,
9-17 same being the northwest corner of said 3.92 acre tract, also being
9-18 the northeast corner of said 6.947 acre tract.

9-19 THENCE with the south line of said Troublemaker tract, same being
9-20 the north line of said 3.92 acre tract, S77°05'56"E, a distance of
9-21 123.37 feet to a calculated point in said common line.

9-22 THENCE leaving said common line and crossing said Troublemaker
9-23 tract the following two (2) courses and distances:
9-24 1. With the arc of a curve to the left a distance of 1083.76 feet,
9-25 through a central angle of 65°42'33", having a radius of 945.00
9-26 feet, and whose chord bears N72°04'04"W, a distance of 1025.34 feet
9-27 to a calculated point, and
9-28 2. S75°04'40"W, a distance of 31.40 feet to a calculated point in
9-29 the west line of said Troublemaker tract, same being the east line
9-30 of said R.M. 620.

9-31 THENCE with the east ROW line of said R.M. 620, same being the west
9-32 line of said Troublemaker tract, the following two (2) courses and
9-33 distances:
9-34 1. N18°04'22"W, a distance of 272.77 feet to a TXDOT type II
9-35 monument found, and
9-36 2. With the arc of a curve to the left a distance of 240.18 feet,
9-37 through a central angle of 10°12'24", having a radius of 1348.24
9-38 feet, and whose chord bears N20°32'19"W, a distance of 239.86 feet
9-39 to a calculated point in said ROW line, same being the northwest
9-40 corner of said Troublemaker tract, also being the southwest corner
9-41 of an 819.739 acre tract conveyed to the City of Austin and
9-42 described in Volume 12124, Page 143, Real Property Records, Travis
9-43 County, Texas.

9-44 THENCE with the north line of said Troublemaker tract, same being
9-45 the south line of said 819.739 acre tract, N88°45'35"E, a distance
9-46 of 190 feet to a calculated point in said common line.

9-47 THENCE leaving said common line and crossing said Troublemaker
9-48 tract the following three (3) courses and distances:
9-49 1. S09°31'59"W, a distance of 208.34 feet to a calculated point,
9-50 2. S18°04'22"E, a distance of 167.41 feet to a calculated point,
9-51 and
9-52 3. With the arc of a curve to the right a distance of 1303.65 feet,
9-53 through a central angle of 70°47'59", having a radius of 1055.00
9-54 feet, and whose chord bears S67°28'29"E, a distance of 1222.28 feet
9-55 to a calculated point in the south line of said Troublemaker tract,
9-56 same being the north line of said 3.92 acre tract.

9-57 THENCE with the north line of said 3.92 acre tract, same being the
9-58 south line of said Troublemaker tract, S77°02'56"E, a distance of
9-59 230.18 feet to a cotton spindle found for the southeast corner of
9-60 said Troublemaker tract, same being a southwest corner of said
9-61 819.739 acre tract, also being a point in the north line of said
9-62 3.92 acre tract.

9-63 THENCE with the north line of said 3.92 acre tract, same being a
9-64 south line of said 819.739 acre tract, S77°22'13"E, a distance of
9-65 164.44 feet to a ½ inch iron rod found for the northeast corner of
9-66 said 3.92 acre tract, same being a point in the south line of said
9-67 819.739 acre tract, also being the northwest corner of said 6.009
9-68 acre tract.

9-69 THENCE with the north line of said 6.009 acre tract, same being a

10-1 south line of said 819.739 acre tract, S76°46'31"E, a distance of
10-2 276.72 feet to a calculated point in said common line.
10-3 THENCE leaving said common line and crossing said 3.92 acre tract
10-4 and said 6.009 acre tract the following seven (7) courses and
10-5 distances:
10-6 1. S63°22'07"W, a distance of 143.52 feet to a calculated point,
10-7 2. N70°03'44"W, a distance of 137.19 feet to a calculated point,
10-8 3. S59°02'55"W, a distance of 262.60 feet to a calculated point,
10-9 4. S29°17'47"E, a distance of 196.22 feet to a calculated point,
10-10 5. N60°42'13"E, a distance of 120.12 feet to a calculated point,
10-11 6. S49°44'17"E, a distance of 85.54 feet to a calculated point, and
10-12 7. S29°17'47"E, a distance of 175.95 feet to a calculated point in
10-13 the south line of said 6.009 acre tract, same being a north line of
10-14 said 45.760 acre tract.
10-15 THENCE with the south line of said 6.009 acre tract, same being the
10-16 north line of said 45.760 acre tract, S77°06'32"E, a distance of
10-17 146.00 feet to a 3/4 inch iron pipe found for an east corner of said
10-18 6.009 acre tract, same being a point in the west line of a 462.4037
10-19 acre tract conveyed to the City of Austin and described in Volume
10-20 12396, Page 1204, Real Property Records, Travis County, Texas.
10-21 THENCE with the east and north lines of said 45.760 acre tract and
10-22 said 66.47 acre tract, same being the west and south lines of said
10-23 462.4037 acre tract and a 12.268 acre tract conveyed to the L.C.R.A.
10-24 and described in Document Number 2001056302, Official Public
10-25 Records, Travis County, Texas, the following two (2) courses and
10-26 distances:
10-27 1. S12°35'44"W, a distance of 327.14 feet to a 3/4 inch iron pipe
10-28 found, and
10-29 2. S70°13'01"E, a distance of 1884.98 feet to a 1/2 inch iron rod
10-30 with plastic cap found, for a southeast corner of said 462.4037 acre
10-31 tract, same being the west corner of said 3.662 acre tract, also
10-32 being a point in the north line of said 66.47 acre tract.
10-33 THENCE with the common line of said 3.662 acre tract and said
10-34 462.4037 acre tract the following five (5) courses and distances:
10-35 1. N61°00'54"E, a distance of 196.44 feet to a 1/2 inch iron rod
10-36 with plastic cap found,
10-37 2. N87°33'49"E, a distance of 433.24 feet to a 1/2 inch iron rod
10-38 found,
10-39 3. N65°19'12"E, a distance of 38.74 feet to a 1/2 inch iron rod
10-40 found,
10-41 4. N87°43'36"E, a distance of 647.80 feet to a 1/2 inch iron rod
10-42 found, and
10-43 5. N45°10'09"E, a distance of 75.12 feet to a 1/2 inch iron rod
10-44 found for the southeast corner of said 462.4037 acre tract, same
10-45 being a point in the southwest line of Lake Pointe Phase II, a
10-46 subdivision of record in Volume 97, Page 84, Plat Records, Travis
10-47 County, Texas, also being the northeast corner of said 3.662 acre
10-48 tract.
10-49 THENCE with the east lines of said 3.662 acre tract and said 31.9094
10-50 acre tract, same being the southwest line of said Lake Pointe
10-51 subdivision, S41°11'34"E, a distance of 1845.56 feet to a 1/2 inch
10-52 iron rod found, in the curving north ROW line of said Bee Caves
10-53 Road, same being the east corner of said 31.9094 acre tract, also
10-54 being the south corner of said Lake Pointe subdivision.
10-55 THENCE with the south line of said 31.9094 acre tract, same being
10-56 the north ROW line of said Bee Caves Road the following two (2)
10-57 courses and distances:
10-58 1. With the arc of a curve to the left a distance of 56.87 feet,
10-59 through a central angle of 1°38'15", having a radius of 1989.93
10-60 feet, and whose chord bears S54°32'32"W, a distance of 56.87 feet to
10-61 a calculated point, from which a TXDOT type II monument found bears,
10-62 S53°43'25"W, a distance of 0.21 feet, and
10-63 2. S53°43'07"W, a distance of 808.02 feet to a 5/8 inch iron rod
10-64 found in the north ROW line of said Bee Caves Road, same being the
10-65 south corner of said 31.9094 acre tract, also being the southeast
10-66 corner of Lot 2, of Bee Caves Plaza Section One, a subdivision of
10-67 record in Volume 97, Page 106, Plat Records, Travis County, Texas.
10-68 THENCE leaving said ROW line and with the east line of said Lot 2,
10-69 same being a west line of said 31.9094 acre tract, N18°13'50"W, at an

11-1 approximate distance of 308 feet passing the northeast corner of
11-2 said Lot 2, same being the southeast corner of a 4.84 acre tract
11-3 conveyed to Ted L. Stewart, Trustee, and described in Volume 13047,
11-4 Page 244, Real Property Records, Travis County, Texas, thence
11-5 continuing with the west line of said 31.9094 acre tract same being
11-6 the east line of said 4.84 acre tract, for a total distance of
11-7 1027.22 feet to a 1/2 inch iron rod found.

11-8 THENCE continuing with said common line, N44°29'59"W, a distance of
11-9 147.70 feet to a 1/2 inch iron rod with plastic "VARA" cap found for
11-10 a common corner.

11-11 THENCE continuing with said common line, S89°40'20"W, at an
11-12 approximate distance of 169 feet passing the northwest corner of
11-13 said 4.84 acre tract, same being the northeast corner of Lot 1, of
11-14 said Bee Caves Plaza Section One, thence continuing with a south
11-15 line of said 31.9094 acre tract, same being the north line of said
11-16 Lot 1, at an approximate distance of 346 feet passing the northwest
11-17 corner of said Lot 1, same being the northeast corner of Bee Caves
11-18 Plaza Section Three, a subdivision of record in Volume 101, Page 92,
11-19 Plat Records, Travis County, Texas, thence continuing with the
11-20 north line of said Bee Caves Plaza Section Three, same being a south
11-21 line of said 31.9094 acre tract, a total distance of 657.81 feet to
11-22 a 1/2 inch iron rod found in the east line of said 66.47 acre tract,
11-23 same being the southwest corner of said 31.9094 acre tract, also
11-24 being the northeast corner of said Bee Caves Plaza Section Three.

11-25 THENCE with east line of said 66.47 acre tract, same being the west
11-26 lines of said Bee Caves Plaza Section Three, a 7.69 acre tract
11-27 conveyed to Ted L. Stewart, Trustee, and described in Volume 13047,
11-28 Page 244, Real Property Records, Travis County, Texas, and said Bee
11-29 Caves Plaza Section Two, S10°17'49"E, a distance of 1295.56 feet to
11-30 the POINT OF BEGINNING and containing 156.088 acres of land, more or
11-31 less.

11-32 SECTION 3. Not later than January 1, 2006, the governing
11-33 body of the Village of Bee Cave shall appoint the initial board of
11-34 directors for the Bee Cave Development District under Section
11-35 3840.052, Special District Local Laws Code, as added by this Act.
11-36 The governing body shall stagger the initial directors' terms so
11-37 that three terms expire July 1, 2007, and two terms expire July 1,
11-38 2009.

11-39 SECTION 4. The legislature finds that:

11-40 (1) proper and legal notice of the intention to
11-41 introduce this Act, setting forth the general substance of this
11-42 Act, has been published as provided by law, and the notice and a
11-43 copy of this Act have been furnished to all persons, agencies,
11-44 officials, or entities to which they are required to be furnished by
11-45 the constitution and laws of this state, including the governor,
11-46 who has submitted the notice and Act to the Texas Commission on
11-47 Environmental Quality;

11-48 (2) the Texas Commission on Environmental Quality has
11-49 filed its recommendations relating to this Act with the governor,
11-50 lieutenant governor, and speaker of the house of representatives
11-51 within the required time;

11-52 (3) the general law relating to consent by political
11-53 subdivisions to the creation of districts with conservation,
11-54 reclamation, and road powers and the inclusion of land in those
11-55 districts has been complied with; and

11-56 (4) all requirements of the constitution and laws of
11-57 this state and the rules and procedures of the legislature with
11-58 respect to the notice, introduction, and passage of this Act have
11-59 been fulfilled and accomplished.

11-60 SECTION 5. This Act takes effect immediately if it receives
11-61 a vote of two-thirds of all the members elected to each house, as
11-62 provided by Section 39, Article III, Texas Constitution. If this
11-63 Act does not receive the vote necessary for immediate effect, this
11-64 Act takes effect September 1, 2005.

11-65 * * * * *