

1-1 By: Wentworth S.B. No. 1792
1-2 (In the Senate - Filed March 17, 2005; March 30, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 14, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 14, 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.

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[Sections 9004.006-9004.020 reserved for expansion]

SUBCHAPTER A1. TEMPORARY PROVISIONS

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

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

Sec. 9004.022. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2013.

[Sections 9004.023-9004.050 reserved for expansion]

SUBCHAPTER B. POWERS AND DUTIES

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

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

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

COMMENCING at a ½ inch iron rod found for the northeast corner of said 115.351 acre tract of land, being also the northwest corner of Lot 8, Block A of Park South, Section 1 a subdivision of record in Cabinet 8, Slides 397-399 of the Plat Records of Hays County, Texas, being also a southeast corner of Lot 9, Block A of said Park South, Section 1 and being the northeast corner of the herein described tract;

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

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

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

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

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

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

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

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

THENCE S 87°32'17" W, with the south line of said County Road 132 and the north line of said 4.64 acre Exhibit "C", for a distance of 100.00 feet to a calculated angle point;

THENCE S 02°19'10" E, departing the south line of said County Road

3-1 132 and over and across said 4.64 acre Exhibit "C", for a distance
3-2 of 703.41 feet to a calculated angle point in the south line of said
3-3 4.64 acre Exhibit "C" and being in the north line of a remainder
3-4 parcel of that certain 122.05 acre tract of land as described in a
3-5 deed to Cecil H. Hale of record in Volume 1691, Page 883 of the Deed
3-6 Records of Hays County, Texas;
3-7 THENCE S 87°36'55" W, with the south line of said 4.64 acre Exhibit
3-8 "C" and the north line of a remainder parcel of said 122.05 acre
3-9 tract, for a distance of 137.42 feet to a calculated angle point for
3-10 the southwest corner of said 4.64 acre Exhibit "C", being also the
3-11 northeast corner of a remainder parcel of said 122.05 acre tract,
3-12 being also the southeast corner of said 6.86 acre Exhibit "B";
3-13 THENCE S 21°50'11" W, with the east line of said 6.86 acre Exhibit
3-14 "B" and the west line of a remainder parcel of said 122.05 acre
3-15 tract, for a distance of 696.78 feet to a calculated angle point for
3-16 the southwest corner of a remainder parcel of said 122.05 acre tract
3-17 and being in the east line of said 85.24 acre Exhibit "A";
3-18 THENCE S 26°39'48" W, departing the southwest corner of the
3-19 remainder of said 122.05 acre tract and over and across said 85.24
3-20 acre Exhibit "A" for a distance of 60.21 feet to a calculated angle
3-21 point for the northwest corner of a remainder parcel of said 122.05
3-22 acre tract;
3-23 THENCE S 21°50'11" W, with the east line of said 85.24 acre Exhibit
3-24 "A" and the west line of a remainder parcel of said 122.05 acre
3-25 tract, for a distance of 868.10 feet to a calculated angle point for
3-26 the southeast corner of the herein described tract, being also the
3-27 southeast corner of said 85.24 acre Exhibit "A", being also the
3-28 southwest corner of a remainder parcel of said 122.05 acre tract and
3-29 being in the north line of that certain 3.310 acre tract of land
3-30 described as Tract One in a deed to J. A. Aquirrie Family
3-31 Partnership, LTD., of record in Volume 13332, Page 57 of the Deed
3-32 Records of Hays County, Texas;
3-33 THENCE S 87°59'00" W, with the south line of the herein described
3-34 tract, the south line of said 85.24 acre Exhibit "A" and the north
3-35 line of said 3.310 acre Tract One, for a distance of 1401.50 feet to
3-36 a calculated angle point for the southwest corner of the herein
3-37 described tract, being also the southwest corner of said 85.24 acre
3-38 Exhibit "B", and being the southeast corner of that certain 0.23
3-39 acre tract of land described as Exhibit "D" in said deed to The
3-40 Meadows at Buda, LTD.;
3-41 THENCE N 01°52'52" W, with the east line of said 0.23 acre Exhibit
3-42 "D", the west line of the herein described tract and the west line
3-43 of said 85.24 acre Exhibit "A", for a distance of 1070.12 feet to a
3-44 calculated angle point for the northeast corner of a remainder
3-45 parcel of said 122.05 acre tract;
3-46 THENCE N 01°53'08" W, departing the northeast corner of a remainder
3-47 parcel of said 122.05 acre tract and over and across said 85.24 acre
3-48 Exhibit "A", for a distance of 75.00 feet to a calculated angle
3-49 point for the southeast corner of a remainder parcel of said 122.05
3-50 acre tract;
3-51 THENCE N 01°37'51" W, with the west line of said 85.24 acre Exhibit
3-52 "A" and the east line of a remainder parcel of said 122.05 acre
3-53 tract, for a distance of 1026.22 feet to a calculate point in the
3-54 south line of said County Road 132 and being in the north line of
3-55 said 85.24 acre Exhibit "A";
3-56 THENCE S 87°32'17" W, with the south line of said County Road 132 and
3-57 the north line of said 85.24 acre tract, for a distance of 182.05
3-58 feet to a calculated angle point for the northwest corner of said
3-59 85.24 acre tract and being at the intersection of the south line of
3-60 said County Road 132 and the east line of Loop 4, an 80 foot wide
3-61 right-of-way;
3-62 THENCE N 30°33'02" E, departing the north line of said 85.24 acre
3-63 Exhibit "A" and with the east line of said Loop 4, for a distance of
3-64 50.53 feet to a calculated angle point at the intersection of the
3-65 north line of said County Road 132 and the east line of said Loop 4
3-66 and being the southwest corner of the remainder parcel of that
3-67 certain 320 acre tract of land as described in a deed to John Howe of
3-68 record in Volume 2482, Page 79 of the Deed Records of Hays County,
3-69 Texas;

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

4-44 SECTION 3. The creation of the South Buda Water Control and
4-45 Improvement District No. 1 by the Hays County Commissioners Court
4-46 on January 25, 2005, is validated.

4-47 SECTION 4. (a) The legal notice of the intention to
4-48 introduce this Act, setting forth the general substance of this
4-49 Act, has been published as provided by law, and the notice and a
4-50 copy of this Act have been furnished to all persons, agencies,
4-51 officials, or entities to which they are required to be furnished
4-52 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-53 Government Code.

4-54 (b) The governor, one of the required recipients, has
4-55 submitted the notice and Act to the Texas Commission on
4-56 Environmental Quality.

4-57 (c) The Texas Commission on Environmental Quality has filed
4-58 its recommendations relating to this Act with the governor, the
4-59 lieutenant governor, and the speaker of the house of
4-60 representatives within the required time.

4-61 (d) All requirements of the constitution and laws of this
4-62 state and the rules and procedures of the legislature with respect
4-63 to the notice, introduction, and passage of this Act are fulfilled
4-64 and accomplished.

4-65 SECTION 5. This Act takes effect immediately if it receives
4-66 a vote of two-thirds of all the members elected to each house, as
4-67 provided by Section 39, Article III, Texas Constitution. If this
4-68 Act does not receive the vote necessary for immediate effect, this
4-69 Act takes effect September 1, 2005.

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