

By: Barrientos

S.B. No. 1836

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pflugerville Municipal Management District No. 1; providing authority to impose a tax and issue 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 3852 to read as follows:

CHAPTER 3852. PFLUGERVILLE MUNICIPAL MANAGEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3852.001. DEFINITIONS. In this chapter:

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

(2) "District" means the Pflugerville Municipal Management District No. 1.

Sec. 3852.002. PFLUGERVILLE MUNICIPAL MANAGEMENT DISTRICT NO. 1. The Pflugerville Municipal Management District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3852.003. 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, the City of Pflugerville, and other political subdivisions to contract with the district, the legislature has established a

1 program to accomplish the public purposes set out in Section 52-a,
2 Article III, Texas Constitution.

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

8 (c) This chapter and the creation of the district may not be
9 interpreted to relieve Travis County or the City of Pflugerville
10 from providing the level of services provided as of September 1,
11 2005, to the area in the district or to release the county or the
12 city from the obligations of each entity to provide services to that
13 area. The district is created to supplement and not to supplant the
14 county or city services provided in the area in the district.

15 Sec. 3852.004. FINDINGS OF BENEFIT AND PUBLIC
16 PURPOSE. (a) The district is created to serve a public use and
17 benefit.

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

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

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

27 (2) eliminate unemployment and underemployment; and

1 (3) develop or expand transportation and commerce.

2 (d) The district will:

3 (1) promote the health, safety, and general welfare of
4 residents, employers, employees, visitors, and consumers in the
5 district and of the public;

6 (2) provide needed funding to preserve, maintain, and
7 enhance the economic health and vitality of the area as a community
8 and business center; and

9 (3) promote the health, safety, welfare, and enjoyment
10 of the public by providing pedestrian ways and by landscaping and
11 developing certain areas in the district, which are necessary for
12 the restoration, preservation, and enhancement of scenic and
13 aesthetic beauty.

14 (e) Hike and bike trails, pedestrian ways along or across a
15 street, whether at grade or above or below the surface, and street
16 lighting, street landscaping, and street art objects are parts of
17 and necessary components of a street and are considered to be a
18 street or road improvement in accordance with Section 52, Article
19 III, Texas Constitution.

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

23 Sec. 3852.005. DISTRICT TERRITORY. (a) The district is
24 composed of the territory described by Section 2 of the Act enacting
25 this chapter, as that territory may have been modified under:

26 (1) Section 3852.110;

27 (2) Subchapter J, Chapter 49, Water Code; or

1 (3) other law.

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

6 (1) organization, existence, or validity;

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

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

11 (4) legality or operation.

12 Sec. 3852.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

13 All or any part of the area of the district is eligible to be
14 included in:

15 (1) a tax increment reinvestment zone created by the
16 City of Pflugerville under Chapter 311, Tax Code;

17 (2) a tax abatement reinvestment zone created by the
18 City of Pflugerville under Chapter 312, Tax Code; or

19 (3) an enterprise zone created by the City of
20 Pflugerville under Chapter 2303, Government Code.

21 Sec. 3852.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
22 DISTRICTS LAW. Except as otherwise provided by this chapter,
23 Chapter 375, Local Government Code, applies to the district.

24 Sec. 3852.008. LIBERAL CONSTRUCTION OF CHAPTER. This
25 chapter shall be liberally construed in conformity with the
26 findings and purposes stated in this chapter.

27 [Sections 3852.009-3852.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 3852.051. GOVERNING BODY; TERMS. The district is
3 governed by a board of five directors who serve staggered terms of
4 four years.

5 Sec. 3852.052. COMPENSATION. A director is entitled to
6 compensation as provided by Section 49.060, Water Code.

7 Sec. 3852.053. ADDITIONAL QUALIFICATIONS. (a) A person is
8 eligible for appointment to the board if:

9 (1) the person:

10 (A) owns land in the City of Pflugerville subject
11 to taxation; or

12 (B) is registered to vote in the City of
13 Pflugerville; and

14 (2) the appointment of the person under this section
15 does not result in more than two board members who were eligible
16 solely under this section and not Section 375.063, Local Government
17 Code.

18 (b) Section 375.063, Local Government Code, does not apply
19 to a director appointed under this section.

20 Sec. 3852.054. APPOINTMENT OF DIRECTORS. (a) The mayor and
21 members of the governing body of the City of Pflugerville shall
22 appoint directors from persons recommended by the board. A person
23 is appointed if a majority of the members and the mayor vote to
24 appoint the person.

25 (b) A person may not be appointed to the board if the
26 appointment of that person would result in fewer than two-thirds of
27 the directors residing in the City of Pflugerville.

1 Sec. 3852.055. NONVOTING DIRECTORS. (a) The following
2 persons serve as nonvoting directors:

3 (1) the directors of the parks and recreation,
4 planning and development, and public works departments of the City
5 of Pflugerville;

6 (2) the chief of police of the City of Pflugerville;

7 (3) the executive director of any development
8 corporation in the City of Pflugerville;

9 (4) the president of each institution of higher
10 learning located in the district; and

11 (5) the fire chief of any emergency services district
12 in the City of Pflugerville.

13 (b) If a city department described by Subsection (a) is
14 consolidated, renamed, or changed, the board may appoint a director
15 of the consolidated, renamed, or changed department as a nonvoting
16 director. If a city department described by Subsection (a) is
17 abolished, the board may appoint a representative of another
18 department of the City of Pflugerville that performs duties
19 comparable to those performed by the abolished department.

20 Sec. 3852.056. CONFLICTS OF INTEREST. (a) Except as
21 provided by this section:

22 (1) a director may participate in all board votes and
23 decisions; and

24 (2) Chapter 171, Local Government Code, governs
25 conflicts of interest of directors.

26 (b) Section 171.004, Local Government Code, does not apply
27 to the district. A director who has a substantial interest in a

1 business or charitable entity that will receive a pecuniary benefit
2 from a board action shall file an affidavit with the board secretary
3 declaring the interest. Another affidavit is not required if the
4 director's interest changes.

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

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

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

11 (d) A director who is also an officer or employee of a
12 political subdivision may not participate in a discussion of or
13 vote on a matter regarding a contract with that same political
14 subdivision.

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

19 Sec. 3852.057. INITIAL VOTING DIRECTORS. (a) The initial
20 board consists of the following voting directors:

<u>Pos. No.</u>	<u>Name of Director</u>
<u>1</u>	<u>Tim Timmerman</u>
<u>2</u>	<u>David Seeker</u>
<u>3</u>	<u>Elaine Hebert</u>
<u>4</u>	<u>John Franklin</u>
<u>5</u>	<u>Beverly Burk</u>

27 (b) Of the initial directors, the terms of directors

1 appointed for positions 1 through 3 expire June 1, 2009, and the
2 terms of directors appointed for positions 4 and 5 expire June 1,
3 2007.

4 (c) Section 3852.054 does not apply to this section.

5 (d) This section expires September 1, 2009.

6 [Sections 3852.058-3852.100 reserved for expansion]

7 SUBCHAPTER C. POWERS AND DUTIES

8 Sec. 3852.101. ADDITIONAL DISTRICT POWERS. The district
9 may exercise the powers given to a corporation created under
10 Section 4A or 4B, Development Corporation Act of 1979 (Article
11 5190.6, Vernon's Texas Civil Statutes).

12 Sec. 3852.102. EXERCISE OF POWERS OUTSIDE DISTRICT. The
13 district may exercise its powers in an area outside the district if
14 the board determines that exercising those powers benefits the
15 district.

16 Sec. 3852.103. NONPROFIT CORPORATION. (a) The board by
17 resolution may authorize the creation of a nonprofit corporation to
18 assist and act for the district in implementing a project or
19 providing a service authorized by this chapter.

20 (b) The nonprofit corporation:

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

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

26 (c) The board shall appoint the board of directors of the
27 nonprofit corporation.

1 (d) The board of directors of the nonprofit corporation
2 shall serve in the same manner as the board of directors of a local
3 government corporation created under Chapter 431, Transportation
4 Code.

5 Sec. 3852.104. RECLAMATION PROJECT. The district may own,
6 operate, or maintain a reclamation project.

7 Sec. 3852.105. AGREEMENTS; GRANTS; DONATIONS. (a) The
8 district may enter into an agreement with or accept a donation,
9 grant, or loan from any person.

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

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

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

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

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

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

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

27 (d) The implementation of a project is a governmental

1 function or service for the purposes of Chapter 791, Government
2 Code.

3 (e) To the extent of any conflict between this section and
4 any other law, including a charter of a home-rule municipality,
5 this section controls.

6 (f) The district, the City of Pflugerville, Travis County,
7 or another political subdivision may use another law to the extent
8 convenient or necessary to carry out any power or authority,
9 express or implied, granted by this section.

10 Sec. 3852.106. ECONOMIC DEVELOPMENT PROGRAMS AND OTHER
11 POWERS RELATED TO PLANNING AND DEVELOPMENT. (a) The district may
12 establish and provide for the administration of one or more
13 programs to promote state or local economic development and to
14 stimulate business and commercial activity in the district,
15 including programs to:

16 (1) make loans and grants of public money; and

17 (2) provide district personnel and services.

18 (b) The district has all of the powers of a municipality
19 under Chapter 380, Local Government Code.

20 Sec. 3852.107. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
21 To protect the public interest, the district may contract with
22 Travis County or the City of Pflugerville for the county or city to
23 provide law enforcement services in the district for a fee.

24 Sec. 3852.108. COMPETITIVE BIDDING. Section 375.221, Local
25 Government Code, does not apply to a district contract for \$25,000
26 or less.

27 Sec. 3852.109. APPROVAL BY CITY OF PFLUGERVILLE.

1 (a) Except as provided by Subsection (b), the district must obtain
2 approval from the City of Pflugerville's governing body:

3 (1) for the issuance of a bond other than a refunding
4 bond;

5 (2) of the plans and specifications of a project to be
6 financed by the bond; and

7 (3) of the plans and specifications of any district
8 project related to the use of land owned by the City of
9 Pflugerville, an easement granted by the City of Pflugerville, or a
10 right-of-way of a street, road, or highway.

11 (b) If the district obtains approval from the City of
12 Pflugerville's governing body of a capital improvements budget for
13 a period not to exceed five years, the district may finance the
14 projects and issue bonds specified in the budget without further
15 approval from the City of Pflugerville.

16 Sec. 3852.110. ANNEXATION. In addition to the authority to
17 annex territory under Subchapter J, Chapter 49, Water Code, the
18 district may annex territory located in a reinvestment zone created
19 by the City of Pflugerville under Chapter 311, Tax Code, if the
20 city's governing body consents to the annexation.

21 [Sections 3852.111-3852.150 reserved for expansion]

22 SUBCHAPTER D. FINANCIAL PROVISIONS

23 Sec. 3852.151. PETITION REQUIRED FOR FINANCING SERVICES AND
24 IMPROVEMENTS. (a) The board may not finance a service or an
25 improvement project with assessments under this chapter unless a
26 written petition requesting that service or improvement is filed
27 with the board.

1 (b) The petition must be signed by the owners of a majority
2 of the assessed value of real property in the area of the district
3 that will be subject to the assessment according to the most recent
4 certified tax appraisal roll for Travis County.

5 Sec. 3852.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The
6 board by resolution shall establish the number of directors'
7 signatures and the procedure required for a disbursement or
8 transfer of the district's money.

9 Sec. 3852.153. MAINTENANCE TAX. (a) The district may
10 impose an annual ad valorem tax on taxable property in the district
11 to maintain and operate the district and the improvements and
12 projects constructed or acquired by the district or to provide a
13 service only if:

14 (1) two-thirds of the directors vote in favor of
15 imposing the tax; and

16 (2) the tax is authorized at an election held in
17 accordance with Section 3852.156.

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

19 Sec. 3852.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.

20 (a) The board by resolution may impose and collect an assessment
21 for any purpose authorized by this chapter only if two-thirds of the
22 directors vote in favor of imposing the assessment.

23 (b) The board may adjust an annual assessment for a service
24 in accordance with an annual budget adopted by the board to provide
25 those services. The annual adjustment may not be more than the
26 original assessment unless the board provides notice and hearing.

27 (c) An assessment, a reassessment, or an assessment

1 resulting from an addition to, deletion from, or correction of the
2 assessment roll by the district, penalties and interest on an
3 assessment or reassessment, an expense of collection, and
4 reasonable attorney's fees incurred by the district:

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

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

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

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

17 Sec. 3852.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
18 ASSESSMENTS. The district may not impose an impact fee or
19 assessment on the property of a person who provides to the public
20 gas, electric, telephone, sewage, or water service.

21 Sec. 3852.156. ELECTIONS REGARDING TAXES OR TAX BONDS.
22 (a) In addition to the elections required under Subchapter L,
23 Chapter 375, Local Government Code, the district must hold an
24 election in the manner provided by that subchapter to obtain voter
25 approval before the district may:

26 (1) impose a maintenance tax;

27 (2) issue a bond payable from ad valorem taxes; or

1 (3) secure an agreement wholly or partly from a pledge
2 of ad valorem taxes.

3 (b) The board may submit multiple purposes in a single
4 proposition at an election.

5 (c) Section 375.243, Local Government Code, does not apply
6 to the district.

7 (d) An election under this section may be held on a date
8 other than a uniform election date.

9 Sec. 3852.157. BONDS AND OTHER OBLIGATIONS. (a) The
10 district may issue bonds or other obligations payable wholly or
11 partly from taxes, assessments, impact fees, revenue, grants, or
12 other money of the district, or any combination of those sources of
13 money, to pay for any authorized purpose of the district.

14 (b) The district may issue a bond or other obligation in the
15 form of a bond, note, certificate of participation or other
16 instrument evidencing a proportionate interest in payments to be
17 made by the district, or other type of obligation.

18 (c) The district may issue a bond to refinance a public
19 security issued by the municipality or to finance a district
20 project located outside the boundaries of the district if the board
21 finds that the refinancing or project wholly or partly furthers the
22 purposes of and benefits the district.

23 (d) Sections 375.208 and 375.243, Local Government Code, do
24 not apply to bonds or other obligations issued under this section
25 solely to pay for a project constructed by the municipality and
26 payable wholly or partly from payments made by the municipality
27 under an agreement authorized under Section 3852.105.

1 Sec. 3852.158. ECONOMIC DEVELOPMENT BONDS. The district
2 may issue bonds for economic development projects in accordance
3 with Section 52-a, Article III, Texas Constitution.

4 Sec. 3852.159. MUNICIPALITY NOT OBLIGATED TO PAY DISTRICT
5 OBLIGATIONS. Except as provided by Sections 3852.105 and 3852.157
6 of this code and Section 375.263, Local Government Code, a
7 municipality is not obligated to pay a bond, note, or other
8 obligation of the district.

9 [Sections 3852.160-3852.200 reserved for expansion]

10 SUBCHAPTER E. DISSOLUTION

11 Sec. 3852.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
12 DEBT. (a) The board may dissolve the district regardless of
13 whether the district has debt. Section 375.264, Local Government
14 Code, does not apply to the district.

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

19 SECTION 2. As of the effective date of this Act, the
20 Pflugerville Municipal Management District No. 1 includes all the
21 territory contained within the following described area:

22 TRACT 1:397.2 ACRES - METES AND BOUNDS DESCRIPTION

23 The herein description is based on a combination of field survey
24 data and record information of various tracts of land located in the
25 John Davis Survey No. 13, the Sefrin Eiselin Survey No. 4, Abstract
26 No. 265, the Taylor S. Barnes Survey No. 46, Abstract No. 67 and the
27 William Caldwell Survey No. 66, Abstract No. 162 in Travis County,

1 Texas and being more particularly described by metes and bounds as
2 follows:

3 BEGINNING at a found iron rod with an aluminum cap stamped "Texas
4 Department of Transportation" found in the south line of a 62.474
5 acre remainder of a record 236.03 acre tract of land described in a
6 deed to Timmerman & Hagn, Ltd. recorded in Doc. No. 2004025617,
7 Official Public Records of Travis County, Texas (O.P.R.T.C.T.); and
8 situated in the Sefrin Eiselin Survey No. 4, Abstract No. 265 and
9 lying on the north line of a +/-133 acre remainder of a 296.72 acre
10 tract described in a deed to Timmerman & Hagn, Ltd. recorded in
11 Volume 8394, Page 544, D.R.T.C.T. and lying on the west line of
12 State Highway 130 and located 321.79 feet right of Engineers
13 Station 1078+62.12, of the State Highway 130 baseline as shown on
14 the Texas Turnpike Authority Project No. HP 1196 (1) right-of-way
15 plans;

16 THENCE with the west line of S.H. 130 and northeasterly line of the
17 said 133 acre tract, the following three courses:

- 18 1) south 12°41'25" east, 242.72 feet to an angle point;
- 19 2) south 14°09'23" east, 508.30 feet to an angle point;
- 20 3) south 17°59'46" east, 54.80 feet to a found iron rod with an
21 aluminum cap stamped "Texas Department of Transportation" found in
22 the east line of the said 133 acre tract and lying on the west line
23 of a 77.29 acre remainder of the said 236.03 acre tract and located
24 324.33 feet right of Engineers Station 1086+67.74, of the State
25 Highway 130 baseline as shown on the Texas Turnpike Authority
26 Project No. HP 1196 (1) right-of-way plans;

27 THENCE with the west line of S.H. 130 and northeasterly line of the

1 said 77.29 acre tract, the following five courses:

- 2 1) south 17°59'55" east, 363.08 feet to an angle point;
- 3 2) south 14°09'23" east, 314.17 feet to an angle point;
- 4 3) south 10°39'58" east, 657.05 feet to an angle point;
- 5 4) south 10°42'32" east, 415.75 feet to an angle point;
- 6 5) south 12°47'49" east, 187.97 feet to a found iron rod with an
- 7 aluminum cap stamped "Texas Department of Transportation" found in
- 8 the east line of the said 77.29 acre tract and being the northwest
- 9 corner of a 23.732 acre remainder of a 97.5 acre tract described in
- 10 a deed to Theodore R. Timmerman recorded in Volume 2470, Page 572,
- 11 D.R.T.C.T.; and located 369.46 feet right of Engineers Station
- 12 1106+02.92, of the State Highway 130 baseline as shown on the Texas
- 13 Turnpike Authority Project No. HP 1196 (1) right-of-way plans;

14 THENCE with the west line of S.H. 130 and northeasterly line of the
15 said 23.732 acre tract, the following three courses:

- 16 1) south 12°47'56" east, 297.16 feet to an angle point;
- 17 2) south 15°09'32" east, 600.09 feet to an angle point;
- 18 3) south 14°09'23" east, 316.46 feet to a found iron rod with an
- 19 aluminum cap stamped "Texas Department of Transportation" found in
- 20 the east line of the said 23.732 acre tract and lying on the west
- 21 line of a 8.72 acre tract being a remainder of a record 96.90 acre
- 22 tract of land described in a deed to Connie Lorraine Sladek recorded
- 23 in Volume 10530, Page 676, D.R.T.C.T. and located 366.00 feet right
- 24 of Engineers Station 1118+16.46, of the State Highway 130 baseline
- 25 as shown on the Texas Turnpike Authority Project No. HP 1196 (1)
- 26 right-of-way plans;

27 THENCE departing the S.H. 130 right-of-way with the common line

1 between the said 77.29 and 23.732 acre tracts, south 27°37'50" west,
2 955.17 feet to the southeast corner of the said 77.29 acre tract and
3 lying on the original north right-of-way line of pecan street, a 60
4 foot wide public right-of-way;
5 THENCE north 65°02'11" west, 793.74 feet, with the south line of the
6 said 77.29 acre tract and the north line of pecan street to the
7 southwest corner of the said 77.29 acre tract and southeast corner
8 of the said 133 acre tract;
9 THENCE along the common line between the said 23.732 acre and 77.29
10 acre tracts, north 27°02'59" east, 1458.23 feet to an angle point
11 lying on the west line of the current Pflugerville city limit
12 established by Ordinance 768-04-12-28;
13 THENCE through the said 77.29 acre tract along the said west city
14 limit line, north 14°12'03" west, 968.56 feet to the intersection of
15 the said west city limit with the approximate centerline of
16 Wilbarger Creek;
17 THENCE with the approximate centerline meanders of Wilbarger Creek
18 through the said 77.29 acre tract and through the 129 acre remainder
19 of a 133 acre tract conveyed to Timmerman & Hagn, Ltd. in a deed
20 recorded in Volume 8394, Page 544, D.R.T.C.T. and through a 71.5
21 acre remainder of a 74.46 acre tract described in a deed to
22 Timmerman & Hagn, Ltd. recorded in Volume 12720, Page 2014,
23 O.P.R.T.C.T. and through a 62.474 acre remainder of the said 236.03
24 acre tract and through a 153.8 acre remainder of a 300.03 acre tract
25 described in a deed to Timmerman & Hagn, Ltd. recorded in Doc. No.
26 2004025616, O.P.R.T.C.T., the following fifty-four courses:
27 1) north 42°04'22" west, 195.44 feet;

- 1 2) north 26°50'28" west, 448.97 feet;
- 2 3) north 02°18'41" east, 239.75 feet;
- 3 4) north 60°14'18" west, 134.55 feet;
- 4 5) south 61°28'25" west, 139.32 feet;
- 5 6) south 36°46'43" west, 167.86 feet;
- 6 7) south 88°35'32" west, 76.74 feet;
- 7 8) north 58°26'43" west, 243.00 feet;
- 8 9) south 66°24'16" west, 112.25 feet;
- 9 10) south 62°38'58" west, 97.70 feet;
- 10 11) north 51°04'22" west, 62.35 feet;
- 11 12) north 34°09'28" west, 200.91 feet;
- 12 13) north 23°56'34" east, 127.94 feet;
- 13 14) north 03°47'52" west, 205.55 feet;
- 14 15) north 01°03'54" west, 121.08 feet;
- 15 16) north 15°44'01" east, 127.41 feet;
- 16 17) north 31°01'44" west, 54.90 feet;
- 17 18) north 66°16'01" west, 77.02 feet;
- 18 19) north 39°29'44" west, 116.77 feet;
- 19 20) north 05°12'36" west, 94.70 feet;
- 20 21) north 25°37'00" east, 240.36 feet;
- 21 22) north 03°14'50" west, 81.81 feet;
- 22 23) north 57°01'50" west, 131.00 feet;
- 23 24) north 27°10'09" west, 123.52 feet;
- 24 25) north 07°21'30" west, 88.08 feet;
- 25 26) north 44°06'28" east, 165.15 feet;
- 26 27) north 30°06'29" west, 122.32 feet;
- 27 28) north 36°55'28" east, 192.68 feet;

- 1 29) south 67°10'46" east, 78.63 feet;
- 2 30) south 16°21'01" east, 141.85 feet;
- 3 31) north 62°14'07" east, 94.03 feet;
- 4 32) north 16°11'32" east, 263.03 feet;
- 5 33) north 23°15'16" west, 280.65 feet;
- 6 34) south 62°45'24" west, 403.17 feet;
- 7 35) north 60°21'14" west, 256.35 feet;
- 8 36) north 31°24'57" west, 154.04 feet;
- 9 37) north 08°27'41" east, 164.44 feet;
- 10 38) north 66°41'07" east, 362.25 feet;
- 11 39) north 14°23'36" east, 423.77 feet;
- 12 40) north 47°18'45" west, 258.08 feet;
- 13 41) south 64°50'25" west, 96.86 feet;
- 14 42) south 35°00'08" west, 192.60 feet;
- 15 43) north 85°22'27" west, 247.67 feet;
- 16 44) north 13°06'02" west, 204.90 feet;
- 17 45) north 31°21'21" east, 283.69 feet;
- 18 46) north 58°02'32" east, 167.84 feet;
- 19 47) south 82°44'37" east, 272.01 feet;
- 20 48) north 20°24'18" east, 286.65 feet;
- 21 49) north 09°13'34" west, 228.08 feet;
- 22 50) north 55°17'10" west, 162.25 feet;
- 23 51) north 31°47'06" west, 184.17 feet;
- 24 52) north 45°38'56" east, 208.89 feet;
- 25 53) north 33°16'06" east, 182.55 feet;
- 26 54) north 60°51'34" east, 130.55 feet to the intersection of the
- 27 centerline of Wilbarger Creek with the curving said west city

1 limit;
2 THENCE with the west city limit line through the said 153.8 acre
3 tract, and through a portion of a 57 acre tract being a remainder of
4 a 535 acre tract described in a deed to Timmerman & Hagn, Ltd.
5 recorded in Volume 8394, Page 544, D.R.T.C.T., with the curve to the
6 right having a radius of 12109.16 feet, a central angle of
7 $03^{\circ}10'33''$, a chord bearing and distance of north $06^{\circ}06'47''$ west,
8 671.12 feet and an arc length of 671.21 feet to an angle point lying
9 on the west line of the current Pflugerville city limit established
10 by Ordinance 544-99-05-11;
11 THENCE continuing through the said 57 acre and 153.8 acres, with the
12 said Pflugerville city limit line, south $24^{\circ}45'43''$ west a distance
13 of 1560.60 feet to the beginning of a curve;
14 THENCE continuing through the said 153.8 acre tract and through the
15 remainder of a 158.22 acre tract described in a deed to Timmerman &
16 Hagn, Ltd. recorded in Volume 8394, Page 544, D.R.T.C.T., with the
17 curve to the right having a radius of 8419.58 feet, a central angle
18 of $02^{\circ}44'00''$, a chord bearing and distance of south $26^{\circ}07'43''$ west,
19 401.62 feet and an arc length of 401.66 feet to a Point of Tangency;
20 THENCE continuing through the said 158.22 acre tract along the said
21 city limit line, south $27^{\circ}29'43''$ west a distance of 1167.07 feet to a
22 point on the south line of the said 158.22 acre tract;
23 THENCE continuing with the south line of the said 158.22 acre tract,
24 north $65^{\circ}55'11''$ west, 1264.53 feet to the southeast corner of a 4.0
25 acre tract described in a deed to the City of Pflugerville recorded
26 in Document No. 2003187793. O.P.R.T.C.T.;
27 THENCE with the common line between the said 157.22 acre and 4.0

1 acre tracts, the following five courses:

- 2 1) north 24°02'01" east, 340.95 feet;
- 3 2) north 65°57'17" west, 259.81 feet;
- 4 3) south 83°32'13" west, 260.21 feet;
- 5 4) south 63°24'26" west, 149.64 feet;
- 6 5) north 88°56'57" west, 187.19 feet to a point on the east line of
- 7 a 29,667 square foot right-of-way dedication for Old Austin-Hutto
- 8 Road described in a deed to the City of Pflugerville recorded in
- 9 Volume 12618, Page 128, D.R.T.C.T.;

10 THENCE with the common line between the said 158.22 acre and the

11 current east line of Old Austin-Hutto Road, the following three

12 courses:

- 13 1) north 17°04'04" east, 145.97 feet;
- 14 2) north 17°12'49" west, 418.53 feet;
- 15 3) north 59°49'12" west, 290.90 feet to a point on the east line of
- 16 Texas Farm to Market Road 685 (F.M. 685);

17 THENCE with the west line of the said 158.22 acre tract and the east

18 line of F.M. 685, north 26°31'09" east, 964.80 feet to the northwest

19 corner of the said 157.22 acre tract and being the southwest corner

20 of a 153.8 acre remainder of a 300.03 acre tract; THENCE with the

21 west line of the said 153.8 acre tract and the east line of F.M. 685,

22 north 24°48'39" east, 1850.00 feet to the northwest corner of the

23 said 153.8 acre tract and being the southwest corner of the said

24 Timmerman & Hagn, Ltd. 57 acre tract; THENCE with the west line of

25 the said 153.8 acre tract and the east line of F.M. 685, north

26 24°42'36" east, 1105.70 feet to the northwest corner of the said 57

27 acre tract and being the intersection of the east line of F.M. 685

1 with the south line of Pfluger Lane;
2 THENCE with the north line of the said 57 acre tract and the south
3 line of Pfluger Lane, south 60°37'16" east, 513.90 feet to the
4 northwest corner of a 3.32 acre tract of land described in a deed to
5 Texas Utilities Electric Company recorded in Volume 12440, Page
6 1318, D.R.T.C.T.;
7 THENCE with the west line of the said 3.32 acre tract, south
8 00°47'53" west, 341.86 feet to the southwest corner of the said 3.32
9 acre tract and being the northwest corner of a 6.50 acre tract of
10 land described in a deed to TXU Electric recorded in Document No.
11 2001051986, O.P.R.T.C.T.;
12 THENCE with the common lines between the said 57 acre tract and the
13 6.50 acre tract, the following four courses:
14 1) south 01°04'09" east, 343.33 feet;
15 2) south 30°27'56" east, 12.22 feet;
16 3) south 60°16'46" east, 528.20 feet;
17 4) north 29°21'16" east, 605.32 feet to the northeast corner of the
18 said 6.50 acre tract and lying on the south line of Pfluger Lane;
19 THENCE with the north line of the said 57 acre tract and the
20 original south line of Pfluger Lane, south 61°06'52" east, 485.19
21 feet to an angle point;
22 THENCE with an east line of the said 57 acre tract, south 23°38'07"
23 west, 16.68 feet to an angle point in the current south line of
24 Pfluger Lane;
25 THENCE with the north line of the said 57 acre tract and the current
26 south line of Pfluger Lane, south 59°22'18" east, 398.75 feet to an
27 angle point lying in the west line of State Highway 130;

1 THENCE with the east line of the said 57 acre tract and the west line
2 of S.H. 130 the following two courses:
3 1) south 28°01'06" east, 299.31 feet;
4 2) south 02°03'15" east, 329.42 feet to the beginning of a curve;
5 THENCE with the curve to the left having a radius of 7701.11 feet, a
6 central angle of 05°19'15", a chord bearing and distance of south
7 03°38'34" east, 714.91 feet and an arc length of 715.17 feet with the
8 west line of S.H. 130 to a point of compound curvature lying on the
9 south line of the said 57 acre tract and north line of the said 153.8
10 acre tract;
11 THENCE along the east line of the said 153.8 acre and with the west
12 line of S.H. 130, the following seven courses:
13 1) with a curve to the left having a radius of 7701.11 feet, a
14 central angle of 02°38'40", a chord bearing and distance of south
15 07°37'31" east, 355.40 feet and an arc length of 355.44 feet to an
16 angle point;
17 2) south 82°30'53" west, 245.91 feet;
18 3) south 07°29'07" east, 100.00 feet;
19 4) north 82°30'53" east, 249.11 feet to a point lying on a curve;
20 5) with a curve to the left having a radius of 7701.11 feet, a
21 central angle of 04°30'45", a chord bearing and distance of south
22 11°56'53" east, 606.37 feet and an arc length of 606.52 feet to a
23 Point of Tangency;
24 6) south 14°09'24" east, 716.33 feet;
25 7) south 14°09'23" east, 602.04 feet to a found iron rod with an
26 aluminum cap stamped "Texas Department of Transportation" found in
27 the south line of 153.8 acre tract and lying on the north line of the

S.B. No. 1836

1 said 62.474 acre tract and located 300.00 feet right of Engineers
2 Station 1063+36.11 of the State Highway 130 baseline as shown on the
3 Texas Turnpike Authority Project No. HP 1196 (1) right-of-way
4 plans;

5 THENCE continuing with the west line of S.H. 130 and east line of
6 the said 62.474 acre tract, the following three courses:

7 1) south 14°09'23" east, 810.50 feet to an angle point;

8 2) south 12°09'04" east, 369.79 feet to an angle point;

9 3) south 12°41'28" east, 346.06 feet to the POINT OF BEGINNING and
10 containing 397.2 acres, more or less.

11 BASIS OF BEARINGS:

12 Bearings shown hereon are referenced to grid north for the Texas
13 State Plane Coordinate System, Central Zone NAD 83 per Texas
14 Turnpike Authority right-of-way plans for State Highway 130.

15 TRACT 2:146.3 ACRES - METES AND BOUNDS DESCRIPTION

16 The herein description is based on a combination of field survey
17 data and record information of various tracts of land located in the
18 John Davis Survey No. 13, the George M. Martin Survey No. 9, the E.
19 Kirkland Survey No. 7, Abstract No. 458, the Sefrin Eiselin Survey
20 No. 4, Abstract No. 265, and the J.P. Sherwood Survey in Travis
21 County, Texas and being more particularly described by metes and
22 bounds as follows:

23 BEGINNING at a found iron rod with an aluminum cap stamped "Texas
24 Department of Transportation" located 350.00 feet left of Engineers
25 Station 1045+12.69 of the State Highway 130 baseline and lying on
26 the curving east line of the said State Highway 130 right-of-way as
27 shown on the Texas Turnpike Authority Project No. HP 1196 (1)

1 right-of-way plans and being the northwest corner of a 111.07
2 remainder of a 300.03 acre tract described in a deed to Timmerman &
3 Hagn, Ltd. recorded in Doc. No. 2004025616, Official Public Records
4 of Travis County, Texas (O.P.R.T.C.T.); and being the westerly
5 southwest corner of a calculated 146 acre remainder of a 535 acre
6 tract described in a deed to Timmerman & Hagn, Ltd. recorded in
7 Volume 8394, Page 544, D.R.T.C.T., said point also lying on the east
8 line of the current Pflugerville city limit established by
9 Ordinance 768-04-12-28;

10 THENCE with the east right-of-way of State Highway 130 along the
11 west and north lines of the said 146 acre tract, the following five
12 courses:

- 13 1) with a curve to the right having a radius of 11109.16 feet, a
14 central angle of 03°36'05", a chord bearing and distance of north
15 06°14'55" west, 698.17 feet and an arc length of 698.28 feet to an
16 angle point;
- 17 2) north 04°05'35" east, 466.69 feet;
- 18 3) north 46°20'42" east, 43.29 feet;
- 19 4) south 61°16'45" east, 557.45 feet to a point in the said city
20 limit line;
- 21 5) THENCE on the said east city limit line, north 27°23'31" east,
22 12.89 feet to an angle point on the original south right of way of
23 Pfluger Lane, a 60 foot wide public right-of way annexed by the City
24 of Pflugerville by Ordinance 730-03-12-16;

25 THENCE with the original south right-of-way of Pfluger Lane and
26 said city limit, with the north line of the said 146 acre tract,
27 south 60°35'24" east, 4117.77 feet to the beginning of a curve;

1 THENCE continuing with the north line of the 146 acre tract and with
2 the original south line of Pfluger Lane and said city limit, with
3 the curve to the right having a radius of 471.08 feet, a central
4 angle of 23°47'15", a chord bearing and distance of south 48°41'13"
5 east, 194.18 feet and an arc length of 195.58 feet to a Point of
6 Reverse Curvature;
7 THENCE continuing with the north line of the said 146 acre tract
8 with the original south line of Pfluger Lane and said city limit
9 line with a curve to the left having a radius of 501.50 feet, a
10 central angle of 03°41'31", a chord bearing and distance of south
11 38°38'21" east, 32.31 feet, and an arc length of 32.32 feet to a
12 point in the west line of the current Pflugerville city limit
13 established by Ordinance 744-04-03-23;
14 THENCE along the said west city limit line and the east line of the
15 said 146 acre tract, south 26°33'46" west, 31.44 feet to northwest
16 corner of a 34.618 acre remainder of a 58.08 acre tract described in
17 a deed to Robert Nicholas and Sally Nicholas recorded in Volume
18 11418, Page 1139, D.R.T.C.T., point lying on the current south
19 right-of-way line of Pfluger Lane;
20 THENCE departing Pfluger Lane with the common line between the said
21 146 and 34.618 acre tracts, south 27°04'11" west, 416.82 feet with
22 the west line of a tract annexed by the City of Pflugerville by
23 Ordinance 768-04-12-28; to an angle point;
24 THENCE through the said 146 acre tract on a course generally
25 parallel and 500 foot south of the current south line of Pfluger
26 Lane, north 60°35'24" west, 2377.73 feet to an angle point in the
27 east line of a 0.781 acre tract described in a deed to Mark William

1 Hodgson recorded in Volume 12398, Page 0400, D.R.T.C.T.;

2 THENCE with the common lines between the said 146 acre and 0.781

3 acre tracts, the following three courses:

4 1) north 29°24'50" east, 54.87 feet;

5 2) north 60°35'10" west, 170.00 feet;

6 3) south 29°24'50" west, 54.88 feet to an angle point;

7 THENCE continuing through the said 146 acre tract, on a course

8 parallel and 500 foot south of the current south line of Pfluger

9 Lane, north 60°35'24" west, 1190.60 feet to an angle point;

10 THENCE with a line parallel to and 600 foot east of the east line of

11 the State Highway 130 right-of-way, through the said 146 acre tract

12 and through the said 111.07 acre remainder of a 300.03 acre tract

13 and through a 47.131 acre remainder of a 236.03 acre tract described

14 in a deed to Timmerman & Hagn, Ltd. recorded in Doc. No. 20425617,

15 O.P.R.T.C.T.; and through a 53.728 acre remainder of a 97.5 acre

16 tract of land described in a deed to Theodore R. Timmerman recorded

17 in Volume 2470, Page 572, D.R.T.C.T. the following five courses:

18 1) south 27°23'31" west, 335.01 feet;

19 2) south 08°43'50" east, 962.07 feet;

20 3) south 14°09'23" east, 1613.54 feet;

21 4) south 18°43'49" east, 501.37 feet

22 5) south 14°12'03" east, 2477.04 feet to a point on the east line of

23 the said 53.728 acre tract and lying on the west line of a 54.94 acre

24 remainder of a 96.90 acre tract of land described in a deed to

25 Connie Lorraine Sladek recorded in Volume 10530, Page 676,

26 D.R.T.C.T.;

27 THENCE with the common line between the said 53.728 and 54.94 acre

1 tracts, south 27°37'30" west, 899.73 feet to an iron rod with an
2 aluminum cap stamped "Texas Department of Transportation" and
3 located 342.43 feet left of Engineers Station 1110+23.76 of the
4 said State Highway 130 baseline for the south corner of the said
5 53.728 acre tract and lying on the east line of State Highway 130;
6 said point also lying on the east line of the current Pflugerville
7 city limit established by Ordinance 768-04-12-28;
8 THENCE with common line between the said 53.728 and 47.131 acre
9 tracts, with the east line of State Highway 130, the following three
10 courses:
11 1) north 14°12'03" west, 3123.77 feet to an angle point;
12 2) north 18°43'49" west, 501.60 feet to an iron rod with an
13 aluminum cap stamped "Texas Department of Transportation" and
14 located 300.00 feet left of Engineers Station 1074+00.00 of the
15 said State Highway 130 baseline;
16 3) north 14°09'23" west, 521.55 feet to an iron rod with an
17 aluminum cap stamped "Texas Department of Transportation" and
18 located 300.00 feet left of Engineers Station 1068+78.45 of the
19 said State Highway 130 baseline for the southwest corner of the said
20 111.07 acre tract and being the northwest corner of the said 47.131
21 acre tract;
22 THENCE continuing with the east line the State Highway 130 and with
23 the west line of the said 111.07 and 146 acre tracts the following
24 three courses:
25 1) north 14°09'23" west, 1144.38 feet;
26 2) north 08°43'50" west, 1055.19 feet to an iron rod with an
27 aluminum cap stamped "Texas Department of Transportation" and

1 located 350.00 feet left of Engineers Station 1046+48.90 of the
2 said State Highway 130 baseline;

3 3) with the curve to the right having a radius of 11109.16 feet, a
4 central angle of 0°40'52", a chord bearing and distance of north
5 08°23'24" west, 132.05 feet and an arc length of 132.05 feet to the
6 POINT OF BEGINNING and containing 146.3 acres, more or less.

7 BASIS OF BEARINGS:

8 Bearings shown hereon are referenced to grid north for the Texas
9 State Plane Coordinate System, Central Zone NAD 83 per Texas
10 Turnpike Authority right-of-way plans for State Highway 130.

11 TRACT 3: 29.8 ACRES - METES AND BOUNDS DESCRIPTION

12 The herein description is based on a combination of field survey
13 data and record information of various tracts of land located in the
14 John Davis Survey No. 13 in Travis County, Texas and being more
15 particularly described by metes and bounds as follows:

16 BEGINNING for reference at an iron rod with an aluminum cap stamped
17 "Texas Department of Transportation" found in the south line of a
18 149.599 acre tract of land (save and except 2.751 acres) described
19 in a deed to Terrabrook Falcon Ridge, L.P. recorded in Doc. No.
20 2000105424, Official Public Records of Travis County, Texas
21 (O.P.R.T.C.T.), said 149.599 acre tract annexed into the City of
22 Pflugerville by Ordinance No. 607 00 11-28 and lying in the north
23 line of Pfluger Lane, a 60 foot wide public right-of-way annexed
24 into the City of Pflugerville by Ordinance No. 730-03-12-16 and
25 located 958.16 feet left of Engineers Station 1035+21.45, of the
26 State Highway 130 baseline as shown on the Texas Turnpike Authority
27 Project No. HP 1196 (1) right-of-way plans. THENCE with the south

1 line of the said 149.599 acre tract with the north line of said
2 Pfluger Lane, south 60°36'00" east, a distance of 882.40 feet to the
3 southeast corner of the said 149.599 acre tract and being the
4 southwest corner of the said 197.89 acre tract and being the same
5 tract called 197.27 acres described in a deed to Timmerman & Hagn,
6 Ltd. recorded in Volume 3310, Page 1434, Deed Records of Travis
7 County Texas (D.R.T.C.T.) and being the POINT OF BEGINNING;
8 THENCE, departing the north line of Pfluger Line along the common
9 line between the said 149.599 acre and 197.89 acre tracts with the
10 current Pflugerville city limit, north 27°35'36" east, a distance of
11 500.26 feet to a point for a corner;
12 THENCE through the said 197.89 acre tract on a line parallel to and
13 500 foot north of the current north right-of-way of Pfluger Lane,
14 south 60°34'24" east, a distance of 2593.00 feet to a point on the
15 east line of the said 197.89 acre tract and on the west line of a
16 50.00 acre tract described in a deed to the Preismeyer Family, L.P.
17 recorded in Volume 13091, Page 0010, D.R.T.C.T. and lying on the
18 west line of the current Pflugerville city limit established by
19 Ordinance 768-04-12-28;
20 THENCE with the common line between the said 197.89 and 50.00 acre
21 tracts with the west line of the said Pflugerville city limit, south
22 27°35'36" west, 500.26 feet to the southeast corner of the 197.89
23 acre tract and lying on the current north line of Pfluger Lane and
24 the north line of the current Pflugerville city limit established
25 by Ordinance 730-03-12-16;
26 THENCE with the south line of the said 197.89 acre tract and the
27 north line of the said Pflugerville city limit and the current north

1 line of Pfluger Lane, north 60°34'24" west, distance of 2593.00 feet
2 to the POINT OF BEGINNING and containing 29.8 acres, more or less.

3 BASIS OF BEARINGS:

4 Bearings shown hereon are referenced to grid north for the Texas
5 State Plane Coordinate System, Central Zone NAD 83 per Texas
6 Turnpike Authority right-of-way plans for State Highway 130.

7 SECTION 3. The legislature finds that:

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

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

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

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

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