

1-1 By: Barrientos S.B. No. 1836
1-2 (In the Senate - Filed April 4, 2005; April 6, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 3, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 3, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1836 By: Wentworth

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

1-10 relating to the creation of the Pflugerville Municipal Management
1-11 District No. 1; providing authority to impose a tax and issue bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle C, Title 4, Special District Local Laws
1-14 Code, is amended by adding Chapter 3852 to read as follows:

1-15 CHAPTER 3852. PFLUGERVILLE MUNICIPAL MANAGEMENT DISTRICT NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 3852.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "District" means the Pflugerville Municipal
1-21 Management District No. 1.

1-22 Sec. 3852.002. PFLUGERVILLE MUNICIPAL MANAGEMENT DISTRICT
1-23 NO. 1. The Pflugerville Municipal Management District No. 1 is a
1-24 special district created under Section 59, Article XVI, Texas
1-25 Constitution.

1-26 Sec. 3852.003. 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 Travis
1-31 County, the City of Pflugerville, and other political subdivisions
1-32 to 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 district.

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

1-47 Sec. 3852.004. FINDINGS OF BENEFIT AND PUBLIC
1-48 PURPOSE. (a) The district is created to serve a public use and
1-49 benefit.

1-50 (b) All land and other property included in the district
1-51 will benefit from the improvements and services to be provided by
1-52 the district under powers conferred by Sections 52 and 52-a,
1-53 Article III, and Section 59, Article XVI, Texas Constitution, and
1-54 other powers granted under this chapter.

1-55 (c) The creation of the district is in the public interest
1-56 and is essential to:

1-57 (1) further the public purposes of developing and
1-58 diversifying the economy of the state;

1-59 (2) eliminate unemployment and underemployment; and

1-60 (3) develop or expand transportation and commerce.

1-61 (d) The district will:

1-62 (1) promote the health, safety, and general welfare of
1-63 residents, employers, employees, visitors, and consumers in the

2-1 district and of the public;
2-2 (2) provide needed funding to preserve, maintain, and
2-3 enhance the economic health and vitality of the area as a community
2-4 and business center; and

2-5 (3) promote the health, safety, welfare, and enjoyment
2-6 of the public by providing pedestrian ways and by landscaping and
2-7 developing certain areas in the district, which are necessary for
2-8 the restoration, preservation, and enhancement of scenic and
2-9 aesthetic beauty.

2-10 (e) Hike and bike trails, pedestrian ways along or across a
2-11 street, whether at grade or above or below the surface, and street
2-12 lighting, street landscaping, and street art objects are parts of
2-13 and necessary components of a street and are considered to be a
2-14 street or road improvement in accordance with Section 52, Article
2-15 III, Texas Constitution.

2-16 (f) The district may not act as the agent or instrumentality
2-17 of any private interest even though the district will benefit many
2-18 private interests as well as the public.

2-19 Sec. 3852.005. DISTRICT TERRITORY. (a) The district is
2-20 composed of the territory described by Section 2 of the Act enacting
2-21 this chapter, as that territory may have been modified under:

- 2-22 (1) Section 3852.110;
- 2-23 (2) Subchapter J, Chapter 49, Water Code; or
- 2-24 (3) other law.

2-25 (b) The boundaries and field notes of the district contained
2-26 in Section 2 of the Act enacting this chapter form a closure. A
2-27 mistake in the field notes or in copying the field notes in the
2-28 legislative process does not affect the district's:

- 2-29 (1) organization, existence, or validity;
- 2-30 (2) right to issue any type of bond for a purpose for
2-31 which the district is created or to pay the principal of and
2-32 interest on the bond;
- 2-33 (3) right to impose or collect an assessment or tax; or
- 2-34 (4) legality or operation.

2-35 Sec. 3852.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
2-36 All or any part of the area of the district is eligible to be
2-37 included in:

- 2-38 (1) a tax increment reinvestment zone created by the
2-39 City of Pflugerville under Chapter 311, Tax Code;
- 2-40 (2) a tax abatement reinvestment zone created by the
2-41 City of Pflugerville under Chapter 312, Tax Code; or
- 2-42 (3) an enterprise zone created by the City of
2-43 Pflugerville under Chapter 2303, Government Code.

2-44 Sec. 3852.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
2-45 DISTRICTS LAW. Except as otherwise provided by this chapter,
2-46 Chapter 375, Local Government Code, applies to the district.

2-47 Sec. 3852.008. LIBERAL CONSTRUCTION OF CHAPTER. This
2-48 chapter shall be liberally construed in conformity with the
2-49 findings and purposes stated in this chapter.

2-50 [Sections 3852.009-3852.050 reserved for expansion]

2-51 SUBCHAPTER B. BOARD OF DIRECTORS

2-52 Sec. 3852.051. GOVERNING BODY; TERMS. The district is
2-53 governed by a board of five directors who serve staggered terms of
2-54 four years.

2-55 Sec. 3852.052. COMPENSATION. A director is entitled to
2-56 compensation as provided by Section 49.060, Water Code.

2-57 Sec. 3852.053. ADDITIONAL QUALIFICATIONS. (a) A person is
2-58 eligible for appointment to the board if:

- 2-59 (1) the person:
 - 2-60 (A) owns land in the City of Pflugerville subject
2-61 to taxation; or
 - 2-62 (B) is registered to vote in the City of
2-63 Pflugerville; and

2-64 (2) the appointment of the person under this section
2-65 does not result in more than two board members who were eligible
2-66 solely under this section and not Section 375.063, Local Government
2-67 Code.

2-68 (b) Section 375.063, Local Government Code, does not apply
2-69 to a director appointed under this section.

3-1 Sec. 3852.054. APPOINTMENT OF DIRECTORS. (a) The mayor and
3-2 members of the governing body of the City of Pflugerville shall
3-3 appoint directors from persons recommended by the board. A person
3-4 is appointed if a majority of the members and the mayor vote to
3-5 appoint the person.

3-6 (b) A person may not be appointed to the board if the
3-7 appointment of that person would result in fewer than two-thirds of
3-8 the directors residing in the City of Pflugerville.

3-9 Sec. 3852.055. NONVOTING DIRECTORS. (a) The following
3-10 persons serve as nonvoting directors:

3-11 (1) the directors of the parks and recreation,
3-12 planning and development, and public works departments of the City
3-13 of Pflugerville;

3-14 (2) the chief of police of the City of Pflugerville;

3-15 (3) the executive director of any development
3-16 corporation in the City of Pflugerville;

3-17 (4) the president of each institution of higher
3-18 learning located in the district; and

3-19 (5) the fire chief of any emergency services district
3-20 in the City of Pflugerville.

3-21 (b) If a city department described by Subsection (a) is
3-22 consolidated, renamed, or changed, the board may appoint a director
3-23 of the consolidated, renamed, or changed department as a nonvoting
3-24 director. If a city department described by Subsection (a) is
3-25 abolished, the board may appoint a representative of another
3-26 department of the City of Pflugerville that performs duties
3-27 comparable to those performed by the abolished department.

3-28 Sec. 3852.056. CONFLICTS OF INTEREST. (a) Except as
3-29 provided by this section:

3-30 (1) a director may participate in all board votes and
3-31 decisions; and

3-32 (2) Chapter 171, Local Government Code, governs
3-33 conflicts of interest of directors.

3-34 (b) Section 171.004, Local Government Code, does not apply
3-35 to the district. A director who has a substantial interest in a
3-36 business or charitable entity that will receive a pecuniary benefit
3-37 from a board action shall file an affidavit with the board secretary
3-38 declaring the interest. Another affidavit is not required if the
3-39 director's interest changes.

3-40 (c) After the affidavit is filed, the director may
3-41 participate in a discussion or vote on that action if:

3-42 (1) a majority of the directors have a similar
3-43 interest in the same entity; or

3-44 (2) all other similar business or charitable entities
3-45 in the district will receive a similar pecuniary benefit.

3-46 (d) A director who is also an officer or employee of a
3-47 political subdivision may not participate in a discussion of or
3-48 vote on a matter regarding a contract with that same political
3-49 subdivision.

3-50 (e) For purposes of this section, a director has a
3-51 substantial interest in a charitable entity in the same manner that
3-52 a person would have a substantial interest in a business entity
3-53 under Section 171.002, Local Government Code.

3-54 Sec. 3852.057. INITIAL VOTING DIRECTORS. (a) The initial
3-55 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>

3-62 (b) Of the initial directors, the terms of directors
3-63 appointed for positions 1 through 3 expire June 1, 2009, and the
3-64 terms of directors appointed for positions 4 and 5 expire June 1,
3-65 2007.

3-66 (c) Section 3852.054 does not apply to this section.

3-67 (d) This section expires September 1, 2009.

3-68 [Sections 3852.058-3852.100 reserved for expansion]

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SUBCHAPTER C. POWERS AND DUTIES

4-1 Sec. 3852.101. ADDITIONAL DISTRICT POWERS. The district
 4-2 may exercise the powers given to a corporation created under
 4-3 Section 4A or 4B, Development Corporation Act of 1979 (Article
 4-4 5190.6, Vernon's Texas Civil Statutes).

4-5 Sec. 3852.102. EXERCISE OF POWERS OUTSIDE DISTRICT. The
 4-6 district may exercise its powers in an area outside the district if
 4-7 the board determines that exercising those powers benefits the
 4-8 district.

4-9 Sec. 3852.103. NONPROFIT CORPORATION. (a) The board by
 4-10 resolution may authorize the creation of a nonprofit corporation to
 4-11 assist and act for the district in implementing a project or
 4-12 providing a service authorized by this chapter.

4-13 (b) The nonprofit corporation:

4-14 (1) has each power of and is considered for purposes of
 4-15 this chapter to be a local government corporation created under
 4-16 Chapter 431, Transportation Code; and

4-17 (2) may implement any project and provide any service
 4-18 authorized by this chapter.

4-19 (c) The board shall appoint the board of directors of the
 4-20 nonprofit corporation.

4-21 (d) The board of directors of the nonprofit corporation
 4-22 shall serve in the same manner as the board of directors of a local
 4-23 government corporation created under Chapter 431, Transportation
 4-24 Code.

4-25 Sec. 3852.104. RECLAMATION PROJECT. The district may own,
 4-26 operate, or maintain a reclamation project.

4-27 Sec. 3852.105. AGREEMENTS; GRANTS; DONATIONS. (a) The
 4-28 district may enter into an agreement with or accept a donation,
 4-29 grant, or loan from any person.

4-30 (b) A municipality, county, or other political subdivision
 4-31 of this state, or a nonprofit corporation, without further
 4-32 authorization, may contract with the district for:

4-33 (1) the acquisition, construction, improvement,
 4-34 implementation, maintenance, and operation of a district project;
 4-35 or

4-36 (2) the provision of a service authorized under this
 4-37 chapter.

4-38 (c) A contract under Subsection (b) may:

4-39 (1) be for a period and include terms on which the
 4-40 parties agree;

4-41 (2) be payable from taxes or any other source of
 4-42 revenue that may be available for that purpose; and

4-43 (3) provide terms under which taxes or other revenues
 4-44 collected at a district project or from a person using or purchasing
 4-45 a commodity or service at a district project may be paid or rebated
 4-46 to the district.

4-47 (d) The implementation of a project is a governmental
 4-48 function or service for the purposes of Chapter 791, Government
 4-49 Code.

4-50 (e) To the extent of any conflict between this section and
 4-51 any other law, including a charter of a home-rule municipality,
 4-52 this section controls.

4-53 (f) The district, the City of Pflugerville, Travis County,
 4-54 or another political subdivision may use another law to the extent
 4-55 convenient or necessary to carry out any power or authority,
 4-56 express or implied, granted by this section.

4-57 Sec. 3852.106. ECONOMIC DEVELOPMENT PROGRAMS AND OTHER
 4-58 POWERS RELATED TO PLANNING AND DEVELOPMENT. (a) The district may
 4-59 establish and provide for the administration of one or more
 4-60 programs to promote state or local economic development and to
 4-61 stimulate business and commercial activity in the district,
 4-62 including programs to:

4-63 (1) make loans and grants of public money; and

4-64 (2) provide district personnel and services.

4-65 (b) The district has all of the powers of a municipality
 4-66 under Chapter 380, Local Government Code.

4-67 Sec. 3852.107. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT.
 4-68 To protect the public interest, the district may contract with
 4-69

5-1 Travis County or the City of Pflugerville for the county or city to
5-2 provide law enforcement services in the district for a fee.

5-3 Sec. 3852.108. COMPETITIVE BIDDING. Section 375.221, Local
5-4 Government Code, does not apply to a district contract for \$25,000
5-5 or less.

5-6 Sec. 3852.109. APPROVAL BY CITY OF PFLUGERVILLE.
5-7 (a) Except as provided by Subsection (b), the district must obtain
5-8 approval from the City of Pflugerville's governing body:

5-9 (1) for the issuance of a bond other than a refunding
5-10 bond;

5-11 (2) of the plans and specifications of a project to be
5-12 financed by the bond; and

5-13 (3) of the plans and specifications of any district
5-14 project related to the use of land owned by the City of
5-15 Pflugerville, an easement granted by the City of Pflugerville, or a
5-16 right-of-way of a street, road, or highway.

5-17 (b) If the district obtains approval from the City of
5-18 Pflugerville's governing body of a capital improvements budget for
5-19 a period not to exceed five years, the district may finance the
5-20 projects and issue bonds specified in the budget without further
5-21 approval from the City of Pflugerville.

5-22 Sec. 3852.110. ANNEXATION. In addition to the authority to
5-23 annex territory under Subchapter J, Chapter 49, Water Code, the
5-24 district may annex territory located in a reinvestment zone created
5-25 by the City of Pflugerville under Chapter 311, Tax Code, if the
5-26 city's governing body consents to the annexation.

5-27 [Sections 3852.111-3852.150 reserved for expansion]

5-28 SUBCHAPTER D. FINANCIAL PROVISIONS

5-29 Sec. 3852.151. PETITION REQUIRED FOR FINANCING SERVICES AND
5-30 IMPROVEMENTS. (a) The board may not finance a service or an
5-31 improvement project with assessments under this chapter unless a
5-32 written petition requesting that service or improvement is filed
5-33 with the board.

5-34 (b) The petition must be signed by the owners of a majority
5-35 of the assessed value of real property in the area of the district
5-36 that will be subject to the assessment according to the most recent
5-37 certified tax appraisal roll for Travis County.

5-38 Sec. 3852.152. DISBURSEMENTS AND TRANSFERS OF MONEY. The
5-39 board by resolution shall establish the number of directors'
5-40 signatures and the procedure required for a disbursement or
5-41 transfer of the district's money.

5-42 Sec. 3852.153. MAINTENANCE TAX. (a) The district may
5-43 impose an annual ad valorem tax on taxable property in the district
5-44 to maintain and operate the district and the improvements and
5-45 projects constructed or acquired by the district or to provide a
5-46 service only if:

5-47 (1) two-thirds of the directors vote in favor of
5-48 imposing the tax; and

5-49 (2) the tax is authorized at an election held in
5-50 accordance with Section 3852.156.

5-51 (b) The board shall determine the tax rate.

5-52 Sec. 3852.154. ASSESSMENTS; LIENS FOR ASSESSMENTS.
5-53 (a) The board by resolution may impose and collect an assessment
5-54 for any purpose authorized by this chapter only if two-thirds of the
5-55 directors vote in favor of imposing the assessment.

5-56 (b) The board may adjust an annual assessment for a service
5-57 in accordance with an annual budget adopted by the board to provide
5-58 those services. The annual adjustment may not be more than the
5-59 original assessment unless the board provides notice and hearing.

5-60 (c) An assessment, a reassessment, or an assessment
5-61 resulting from an addition to, deletion from, or correction of the
5-62 assessment roll by the district, penalties and interest on an
5-63 assessment or reassessment, an expense of collection, and
5-64 reasonable attorney's fees incurred by the district:

5-65 (1) are a first and prior lien against the property
5-66 assessed;

5-67 (2) are superior to any other lien or claim other than
5-68 a lien or claim for county, school district, or municipal ad valorem
5-69 taxes; and

6-1 (3) are the personal liability of and a charge against
6-2 the owners of the property even if the owners are not named in the
6-3 assessment proceeding.

6-4 (d) The lien is effective from the date of the board's
6-5 resolution imposing the assessment until the date the assessment is
6-6 paid. The board may enforce the lien in the same manner that the
6-7 board may enforce an ad valorem tax lien against real property.

6-8 Sec. 3852.155. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
6-9 ASSESSMENTS. The district may not impose an impact fee or
6-10 assessment on the property of a person who provides to the public
6-11 gas, electric, telephone, sewage, or water service.

6-12 Sec. 3852.156. ELECTIONS REGARDING TAXES OR TAX BONDS.
6-13 (a) In addition to the elections required under Subchapter L,
6-14 Chapter 375, Local Government Code, the district must hold an
6-15 election in the manner provided by that subchapter to obtain voter
6-16 approval before the district may:

- 6-17 (1) impose a maintenance tax;
- 6-18 (2) issue a bond payable from ad valorem taxes; or
- 6-19 (3) secure an agreement wholly or partly from a pledge
6-20 of ad valorem taxes.

6-21 (b) The board may submit multiple purposes in a single
6-22 proposition at an election.

6-23 (c) Section 375.243, Local Government Code, does not apply
6-24 to the district.

6-25 (d) An election under this section may be held on a date
6-26 other than a uniform election date.

6-27 Sec. 3852.157. BONDS AND OTHER OBLIGATIONS. (a) The
6-28 district may issue bonds or other obligations payable wholly or
6-29 partly from taxes, assessments, impact fees, revenue, grants, or
6-30 other money of the district, or any combination of those sources of
6-31 money, to pay for any authorized purpose of the district.

6-32 (b) The district may issue a bond or other obligation in the
6-33 form of a bond, note, certificate of participation or other
6-34 instrument evidencing a proportionate interest in payments to be
6-35 made by the district, or other type of obligation.

6-36 (c) The district may issue a bond to refinance a public
6-37 security issued by the municipality or to finance a district
6-38 project located outside the boundaries of the district if the board
6-39 finds that the refinancing or project wholly or partly furthers the
6-40 purposes of and benefits the district.

6-41 (d) Sections 375.208 and 375.243, Local Government Code, do
6-42 not apply to bonds or other obligations issued under this section
6-43 solely to pay for a project constructed by the municipality and
6-44 payable wholly or partly from payments made by the municipality
6-45 under an agreement authorized under Section 3852.105.

6-46 Sec. 3852.158. ECONOMIC DEVELOPMENT BONDS. The district
6-47 may issue bonds for economic development projects in accordance
6-48 with Section 52-a, Article III, Texas Constitution.

6-49 Sec. 3852.159. MUNICIPALITY NOT OBLIGATED TO PAY DISTRICT
6-50 OBLIGATIONS. Except as provided by Sections 3852.105 and 3852.157
6-51 of this code and Section 375.263, Local Government Code, a
6-52 municipality is not obligated to pay a bond, note, or other
6-53 obligation of the district.

6-54 [Sections 3852.160-3852.200 reserved for expansion]

6-55 SUBCHAPTER E. DISSOLUTION

6-56 Sec. 3852.201. DISSOLUTION OF DISTRICT WITH OUTSTANDING
6-57 DEBT. (a) The board may dissolve the district regardless of
6-58 whether the district has debt. Section 375.264, Local Government
6-59 Code, does not apply to the district.

6-60 (b) If the district has debt when it is dissolved, the
6-61 district shall remain in existence solely for the purpose of
6-62 discharging its debts. The dissolution is effective when all debts
6-63 have been discharged.

6-64 SECTION 2. As of the effective date of this Act, the
6-65 Pflugerville Municipal Management District No. 1 includes all the
6-66 territory contained within the following described area:

6-67 TRACT 1:397.2 ACRES - METES AND BOUNDS DESCRIPTION

6-68 The herein description is based on a combination of field survey
6-69 data and record information of various tracts of land located in the

7-1 John Davis Survey No. 13, the Sefrin Eiselin Survey No. 4, Abstract
7-2 No. 265, the Taylor S. Barnes Survey No. 46, Abstract No. 67 and the
7-3 William Caldwell Survey No. 66, Abstract No. 162 in Travis County,
7-4 Texas and being more particularly described by metes and bounds as
7-5 follows:
7-6 BEGINNING at a found iron rod with an aluminum cap stamped "Texas
7-7 Department of Transportation" found in the south line of a 62.474
7-8 acre remainder of a record 236.03 acre tract of land described in a
7-9 deed to Timmerman & Hagn, Ltd. recorded in Doc. No. 2004025617,
7-10 Official Public Records of Travis County, Texas (O.P.R.T.C.T.); and
7-11 situated in the Sefrin Eiselin Survey No. 4, Abstract No. 265 and
7-12 lying on the north line of a +/-133 acre remainder of a 296.72 acre
7-13 tract described in a deed to Timmerman & Hagn, Ltd. recorded in
7-14 Volume 8394, Page 544, D.R.T.C.T. and lying on the west line of
7-15 State Highway 130 and located 321.79 feet right of Engineers
7-16 Station 1078+62.12, of the State Highway 130 baseline as shown on
7-17 the Texas Turnpike Authority Project No. HP 1196 (1) right-of-way
7-18 plans;
7-19 THENCE with the west line of S.H. 130 and northeasterly line of the
7-20 said 133 acre tract, the following three courses:
7-21 1) south 12°41'25" east, 242.72 feet to an angle point;
7-22 2) south 14°09'23" east, 508.30 feet to an angle point;
7-23 3) south 17°59'46" east, 54.80 feet to a found iron rod with an
7-24 aluminum cap stamped "Texas Department of Transportation" found in
7-25 the east line of the said 133 acre tract and lying on the west line
7-26 of a 77.29 acre remainder of the said 236.03 acre tract and located
7-27 324.33 feet right of Engineers Station 1086+67.74, of the State
7-28 Highway 130 baseline as shown on the Texas Turnpike Authority
7-29 Project No. HP 1196 (1) right-of-way plans;
7-30 THENCE with the west line of S.H. 130 and northeasterly line of the
7-31 said 77.29 acre tract, the following five courses:
7-32 1) south 17°59'55" east, 363.08 feet to an angle point;
7-33 2) south 14°09'23" east, 314.17 feet to an angle point;
7-34 3) south 10°39'58" east, 657.05 feet to an angle point;
7-35 4) south 10°42'32" east, 415.75 feet to an angle point;
7-36 5) south 12°47'49" east, 187.97 feet to a found iron rod with an
7-37 aluminum cap stamped "Texas Department of Transportation" found in
7-38 the east line of the said 77.29 acre tract and being the northwest
7-39 corner of a 23.732 acre remainder of a 97.5 acre tract described in
7-40 a deed to Theodore R. Timmerman recorded in Volume 2470, Page 572,
7-41 D.R.T.C.T.; and located 369.46 feet right of Engineers Station
7-42 1106+02.92, of the State Highway 130 baseline as shown on the Texas
7-43 Turnpike Authority Project No. HP 1196 (1) right-of-way plans;
7-44 THENCE with the west line of S.H. 130 and northeasterly line of the
7-45 said 23.732 acre tract, the following three courses:
7-46 1) south 12°47'56" east, 297.16 feet to an angle point;
7-47 2) south 15°09'32" east, 600.09 feet to an angle point;
7-48 3) south 14°09'23" east, 316.46 feet to a found iron rod with an
7-49 aluminum cap stamped "Texas Department of Transportation" found in
7-50 the east line of the said 23.732 acre tract and lying on the west
7-51 line of a 8.72 acre tract being a remainder of a record 96.90 acre
7-52 tract of land described in a deed to Connie Lorraine Sladek recorded
7-53 in Volume 10530, Page 676, D.R.T.C.T. and located 366.00 feet right
7-54 of Engineers Station 1118+16.46, of the State Highway 130 baseline
7-55 as shown on the Texas Turnpike Authority Project No. HP 1196 (1)
7-56 right-of-way plans;
7-57 THENCE departing the S.H. 130 right-of-way with the common line
7-58 between the said 77.29 and 23.732 acre tracts, south 27°37'50" west,
7-59 955.17 feet to the southeast corner of the said 77.29 acre tract and
7-60 lying on the original north right-of-way line of pecan street, a 60
7-61 foot wide public right-of-way;
7-62 THENCE north 65°02'11" west, 793.74 feet, with the south line of the
7-63 said 77.29 acre tract and the north line of pecan street to the
7-64 southwest corner of the said 77.29 acre tract and southeast corner
7-65 of the said 133 acre tract;
7-66 THENCE along the common line between the said 23.732 acre and 77.29
7-67 acre tracts, north 27°02'59" east, 1458.23 feet to an angle point
7-68 lying on the west line of the current Pflugerville city limit
7-69 established by Ordinance 768-04-12-28;

8-1 THENCE through the said 77.29 acre tract along the said west city
8-2 limit line, north 14°12'03" west, 968.56 feet to the intersection of
8-3 the said west city limit with the approximate centerline of
8-4 Wilbarger Creek;
8-5 THENCE with the approximate centerline meanders of Wilbarger Creek
8-6 through the said 77.29 acre tract and through the 129 acre remainder
8-7 of a 133 acre tract conveyed to Timmerman & Hagn, Ltd. in a deed
8-8 recorded in Volume 8394, Page 544, D.R.T.C.T. and through a 71.5
8-9 acre remainder of a 74.46 acre tract described in a deed to
8-10 Timmerman & Hagn, Ltd. recorded in Volume 12720, Page 2014,
8-11 O.P.R.T.C.T. and through a 62.474 acre remainder of the said 236.03
8-12 acre tract and through a 153.8 acre remainder of a 300.03 acre tract
8-13 described in a deed to Timmerman & Hagn, Ltd. recorded in Doc. No.
8-14 2004025616, O.P.R.T.C.T., the following fifty-four courses:
8-15 1) north 42°04'22" west, 195.44 feet;
8-16 2) north 26°50'28" west, 448.97 feet;
8-17 3) north 02°18'41" east, 239.75 feet;
8-18 4) north 60°14'18" west, 134.55 feet;
8-19 5) south 61°28'25" west, 139.32 feet;
8-20 6) south 36°46'43" west, 167.86 feet;
8-21 7) south 88°35'32" west, 76.74 feet;
8-22 8) north 58°26'43" west, 243.00 feet;
8-23 9) south 66°24'16" west, 112.25 feet;
8-24 10) south 62°38'58" west, 97.70 feet;
8-25 11) north 51°04'22" west, 62.35 feet;
8-26 12) north 34°09'28" west, 200.91 feet;
8-27 13) north 23°56'34" east, 127.94 feet;
8-28 14) north 03°47'52" west, 205.55 feet;
8-29 15) north 01°03'54" west, 121.08 feet;
8-30 16) north 15°44'01" east, 127.41 feet;
8-31 17) north 31°01'44" west, 54.90 feet;
8-32 18) north 66°16'01" west, 77.02 feet;
8-33 19) north 39°29'44" west, 116.77 feet;
8-34 20) north 05°12'36" west, 94.70 feet;
8-35 21) north 25°37'00" east, 240.36 feet;
8-36 22) north 03°14'50" west, 81.81 feet;
8-37 23) north 57°01'50" west, 131.00 feet;
8-38 24) north 27°10'09" west, 123.52 feet;
8-39 25) north 07°21'30" west, 88.08 feet;
8-40 26) north 44°06'28" east, 165.15 feet;
8-41 27) north 30°06'29" west, 122.32 feet;
8-42 28) north 36°55'28" east, 192.68 feet;
8-43 29) south 67°10'46" east, 78.63 feet;
8-44 30) south 16°21'01" east, 141.85 feet;
8-45 31) north 62°14'07" east, 94.03 feet;
8-46 32) north 16°11'32" east, 263.03 feet;
8-47 33) north 23°15'16" west, 280.65 feet;
8-48 34) south 62°45'24" west, 403.17 feet;
8-49 35) north 60°21'14" west, 256.35 feet;
8-50 36) north 31°24'57" west, 154.04 feet;
8-51 37) north 08°27'41" east, 164.44 feet;
8-52 38) north 66°41'07" east, 362.25 feet;
8-53 39) north 14°23'36" east, 423.77 feet;
8-54 40) north 47°18'45" west, 258.08 feet;
8-55 41) south 64°50'25" west, 96.86 feet;
8-56 42) south 35°00'08" west, 192.60 feet;
8-57 43) north 85°22'27" west, 247.67 feet;
8-58 44) north 13°06'02" west, 204.90 feet;
8-59 45) north 31°21'21" east, 283.69 feet;
8-60 46) north 58°02'32" east, 167.84 feet;
8-61 47) south 82°44'37" east, 272.01 feet;
8-62 48) north 20°24'18" east, 286.65 feet;
8-63 49) north 09°13'34" west, 228.08 feet;
8-64 50) north 55°17'10" west, 162.25 feet;
8-65 51) north 31°47'06" west, 184.17 feet;
8-66 52) north 45°38'56" east, 208.89 feet;
8-67 53) north 33°16'06" east, 182.55 feet;
8-68 54) north 60°51'34" east, 130.55 feet to the intersection of the
8-69 centerline of Wilbarger Creek with the curving said west city

9-1 limit;

9-2 THENCE with the west city limit line through the said 153.8 acre

9-3 tract, and through a portion of a 57 acre tract being a remainder of

9-4 a 535 acre tract described in a deed to Timmerman & Hagn, Ltd.

9-5 recorded in Volume 8394, Page 544, D.R.T.C.T., with the curve to the

9-6 right having a radius of 12109.16 feet, a central angle of

9-7 $03^{\circ}10'33''$, a chord bearing and distance of north $06^{\circ}06'47''$ west,

9-8 671.12 feet and an arc length of 671.21 feet to an angle point lying

9-9 on the west line of the current Pflugerville city limit established

9-10 by Ordinance 544-99-05-11;

9-11 THENCE continuing through the said 57 acre and 153.8 acres, with the

9-12 said Pflugerville city limit line, south $24^{\circ}45'43''$ west a distance

9-13 of 1560.60 feet to the beginning of a curve;

9-14 THENCE continuing through the said 153.8 acre tract and through the

9-15 remainder of a 158.22 acre tract described in a deed to Timmerman &

9-16 Hagn, Ltd. recorded in Volume 8394, Page 544, D.R.T.C.T., with the

9-17 curve to the right having a radius of 8419.58 feet, a central angle

9-18 of $02^{\circ}44'00''$, a chord bearing and distance of south $26^{\circ}07'43''$ west,

9-19 401.62 feet and an arc length of 401.66 feet to a Point of Tangency;

9-20 THENCE continuing through the said 158.22 acre tract along the said

9-21 city limit line, south $27^{\circ}29'43''$ west a distance of 1167.07 feet to a

9-22 point on the south line of the said 158.22 acre tract;

9-23 THENCE continuing with the south line of the said 158.22 acre tract,

9-24 north $65^{\circ}55'11''$ west, 1264.53 feet to the southeast corner of a 4.0

9-25 acre tract described in a deed to the City of Pflugerville recorded

9-26 in Document No. 2003187793. O.P.R.T.C.T.;

9-27 THENCE with the common line between the said 157.22 acre and 4.0

9-28 acre tracts, the following five courses:

9-29 1) north $24^{\circ}02'01''$ east, 340.95 feet;

9-30 2) north $65^{\circ}57'17''$ west, 259.81 feet;

9-31 3) south $83^{\circ}32'13''$ west, 260.21 feet;

9-32 4) south $63^{\circ}24'26''$ west, 149.64 feet;

9-33 5) north $88^{\circ}56'57''$ west, 187.19 feet to a point on the east line of

9-34 a 29,667 square foot right-of-way dedication for Old Austin-Hutto

9-35 Road described in a deed to the City of Pflugerville recorded in

9-36 Volume 12618, Page 128, D.R.T.C.T.;

9-37 THENCE with the common line between the said 158.22 acre and the

9-38 current east line of Old Austin-Hutto Road, the following three

9-39 courses:

9-40 1) north $17^{\circ}04'04''$ east, 145.97 feet;

9-41 2) north $17^{\circ}12'49''$ west, 418.53 feet;

9-42 3) north $59^{\circ}49'12''$ west, 290.90 feet to a point on the east line of

9-43 Texas Farm to Market Road 685 (F.M. 685);

9-44 THENCE with the west line of the said 158.22 acre tract and the east

9-45 line of F.M. 685, north $26^{\circ}31'09''$ east, 964.80 feet to the northwest

9-46 corner of the said 157.22 acre tract and being the southwest corner

9-47 of a 153.8 acre remainder of a 300.03 acre tract; THENCE with the

9-48 west line of the said 153.8 acre tract and the east line of F.M. 685,

9-49 north $24^{\circ}48'39''$ east, 1850.00 feet to the northwest corner of the

9-50 said 153.8 acre tract and being the southwest corner of the said

9-51 Timmerman & Hagn, Ltd. 57 acre tract; THENCE with the west line of

9-52 the said 153.8 acre tract and the east line of F.M. 685, north

9-53 $24^{\circ}42'36''$ east, 1105.70 feet to the northwest corner of the said 57

9-54 acre tract and being the intersection of the east line of F.M. 685

9-55 with the south line of Pfluger Lane;

9-56 THENCE with the north line of the said 57 acre tract and the south

9-57 line of Pfluger Lane, south $60^{\circ}37'16''$ east, 513.90 feet to the

9-58 northwest corner of a 3.32 acre tract of land described in a deed to

9-59 Texas Utilities Electric Company recorded in Volume 12440, Page

9-60 1318, D.R.T.C.T.;

9-61 THENCE with the west line of the said 3.32 acre tract, south

9-62 $00^{\circ}47'53''$ west, 341.86 feet to the southwest corner of the said 3.32

9-63 acre tract and being the northwest corner of a 6.50 acre tract of

9-64 land described in a deed to TXU Electric recorded in Document No.

9-65 2001051986, O.P.R.T.C.T.;

9-66 THENCE with the common lines between the said 57 acre tract and the

9-67 6.50 acre tract, the following four courses:

9-68 1) south $01^{\circ}04'09''$ east, 343.33 feet;

9-69 2) south $30^{\circ}27'56''$ east, 12.22 feet;

10-1 3) south 60°16'46" east, 528.20 feet;
 10-2 4) north 29°21'16" east, 605.32 feet to the northeast corner of the
 10-3 said 6.50 acre tract and lying on the south line of Pfluger Lane;
 10-4 THENCE with the north line of the said 57 acre tract and the
 10-5 original south line of Pfluger Lane, south 61°06'52" east, 485.19
 10-6 feet to an angle point;
 10-7 THENCE with an east line of the said 57 acre tract, south 23°38'07"
 10-8 west, 16.68 feet to an angle point in the current south line of
 10-9 Pfluger Lane;
 10-10 THENCE with the north line of the said 57 acre tract and the current
 10-11 south line of Pfluger Lane, south 59°22'18" east, 398.75 feet to an
 10-12 angle point lying in the west line of State Highway 130;
 10-13 THENCE with the east line of the said 57 acre tract and the west line
 10-14 of S.H. 130 the following two courses:
 10-15 1) south 28°01'06" east, 299.31 feet;
 10-16 2) south 02°03'15" east, 329.42 feet to the beginning of a curve;
 10-17 THENCE with the curve to the left having a radius of 7701.11 feet, a
 10-18 central angle of 05°19'15", a chord bearing and distance of south
 10-19 03°38'34" east, 714.91 feet and an arc length of 715.17 feet with the
 10-20 west line of S.H. 130 to a point of compound curvature lying on the
 10-21 south line of the said 57 acre tract and north line of the said 153.8
 10-22 acre tract;
 10-23 THENCE along the east line of the said 153.8 acre and with the west
 10-24 line of S.H. 130, the following seven courses:
 10-25 1) with a curve to the left having a radius of 7701.11 feet, a
 10-26 central angle of 02°38'40", a chord bearing and distance of south
 10-27 07°37'31" east, 355.40 feet and an arc length of 355.44 feet to an
 10-28 angle point;
 10-29 2) south 82°30'53" west, 245.91 feet;
 10-30 3) south 07°29'07" east, 100.00 feet;
 10-31 4) north 82°30'53" east, 249.11 feet to a point lying on a curve;
 10-32 5) with a curve to the left having a radius of 7701.11 feet, a
 10-33 central angle of 04°30'45", a chord bearing and distance of south
 10-34 11°56'53" east, 606.37 feet and an arc length of 606.52 feet to a
 10-35 Point of Tangency;
 10-36 6) south 14°09'24" east, 716.33 feet;
 10-37 7) south 14°09'23" east, 602.04 feet to a found iron rod with an
 10-38 aluminum cap stamped "Texas Department of Transportation" found in
 10-39 the south line of 153.8 acre tract and lying on the north line of the
 10-40 said 62.474 acre tract and located 300.00 feet right of Engineers
 10-41 Station 1063+36.11 of the State Highway 130 baseline as shown on the
 10-42 Texas Turnpike Authority Project No. HP 1196 (1) right-of-way
 10-43 plans;
 10-44 THENCE continuing with the west line of S.H. 130 and east line of
 10-45 the said 62.474 acre tract, the following three courses:
 10-46 1) south 14°09'23" east, 810.50 feet to an angle point;
 10-47 2) south 12°09'04" east, 369.79 feet to an angle point;
 10-48 3) south 12°41'28" east, 346.06 feet to the POINT OF BEGINNING and
 10-49 containing 397.2 acres, more or less.
 10-50 BASIS OF BEARINGS:
 10-51 Bearings shown hereon are referenced to grid north for the Texas
 10-52 State Plane Coordinate System, Central Zone NAD 83 per Texas
 10-53 Turnpike Authority right-of-way plans for State Highway 130.
 10-54 TRACT 2:146.3 ACRES - METES AND BOUNDS DESCRIPTION
 10-55 The herein description is based on a combination of field survey
 10-56 data and record information of various tracts of land located in the
 10-57 John Davis Survey No. 13, the George M. Martin Survey No. 9, the E.
 10-58 Kirkland Survey No. 7, Abstract No. 458, the Sefrin Eiselin Survey
 10-59 No. 4, Abstract No. 265, and the J.P. Sherwood Survey in Travis
 10-60 County, Texas and being more particularly described by metes and
 10-61 bounds as follows:
 10-62 BEGINNING at a found iron rod with an aluminum cap stamped "Texas
 10-63 Department of Transportation" located 350.00 feet left of Engineers
 10-64 Station 1045+12.69 of the State Highway 130 baseline and lying on
 10-65 the curving east line of the said State Highway 130 right-of-way as
 10-66 shown on the Texas Turnpike Authority Project No. HP 1196 (1)
 10-67 right-of-way plans and being the northwest corner of a 111.07
 10-68 remainder of a 300.03 acre tract described in a deed to Timmerman &
 10-69 Hagn, Ltd. recorded in Doc. No. 2004025616, Official Public Records

11-1 of Travis County, Texas (O.P.R.T.C.T.); and being the westerly
 11-2 southwest corner of a calculated 146 acre remainder of a 535 acre
 11-3 tract described in a deed to Timmerman & Hagn, Ltd. recorded in
 11-4 Volume 8394, Page 544, D.R.T.C.T., said point also lying on the east
 11-5 line of the current Pflugerville city limit established by
 11-6 Ordinance 768-04-12-28;
 11-7 THENCE with the east right-of-way of State Highway 130 along the
 11-8 west and north lines of the said 146 acre tract, the following five
 11-9 courses:
 11-10 1) with a curve to the right having a radius of 11109.16 feet, a
 11-11 central angle of 03°36'05", a chord bearing and distance of north
 11-12 06°14'55" west, 698.17 feet and an arc length of 698.28 feet to an
 11-13 angle point;
 11-14 2) north 04°05'35" east, 466.69 feet;
 11-15 3) north 46°20'42" east, 43.29 feet;
 11-16 4) south 61°16'45" east, 557.45 feet to a point in the said city
 11-17 limit line;
 11-18 5) THENCE on the said east city limit line, north 27°23'31" east,
 11-19 12.89 feet to an angle point on the original south right of way of
 11-20 Pfluger Lane, a 60 foot wide public right-of way annexed by the City
 11-21 of Pflugerville by Ordinance 730-03-12-16;
 11-22 THENCE with the original south right-of-way of Pfluger Lane and
 11-23 said city limit, with the north line of the said 146 acre tract,
 11-24 south 60°35'24" east, 4117.77 feet to the beginning of a curve;
 11-25 THENCE continuing with the north line of the 146 acre tract and with
 11-26 the original south line of Pfluger Lane and said city limit, with
 11-27 the curve to the right having a radius of 471.08 feet, a central
 11-28 angle of 23°47'15", a chord bearing and distance of south 48°41'13"
 11-29 east, 194.18 feet and an arc length of 195.58 feet to a Point of
 11-30 Reverse Curvature;
 11-31 THENCE continuing with the north line of the said 146 acre tract
 11-32 with the original south line of Pfluger Lane and said city limit
 11-33 line with a curve to the left having a radius of 501.50 feet, a
 11-34 central angle of 03°41'31", a chord bearing and distance of south
 11-35 38°38'21" east, 32.31 feet, and an arc length of 32.32 feet to a
 11-36 point in the west line of the current Pflugerville city limit
 11-37 established by Ordinance 744-04-03-23;
 11-38 THENCE along the said west city limit line and the east line of the
 11-39 said 146 acre tract, south 26°33'46" west, 31.44 feet to northwest
 11-40 corner of a 34.618 acre remainder of a 58.08 acre tract described in
 11-41 a deed to Robert Nicholas and Sally Nicholas recorded in Volume
 11-42 11418, Page 1139, D.R.T.C.T., point lying on the current south
 11-43 right-of-way line of Pfluger Lane;
 11-44 THENCE departing Pfluger Lane with the common line between the said
 11-45 146 and 34.618 acre tracts, south 27°04'11" west, 416.82 feet with
 11-46 the west line of a tract annexed by the City of Pflugerville by
 11-47 Ordinance 768-04-12-28; to an angle point;
 11-48 THENCE through the said 146 acre tract on a course generally
 11-49 parallel and 500 foot south of the current south line of Pfluger
 11-50 Lane, north 60°35'24" west, 2377.73 feet to an angle point in the
 11-51 east line of a 0.781 acre tract described in a deed to Mark William
 11-52 Hodgson recorded in Volume 12398, Page 0400, D.R.T.C.T.;
 11-53 THENCE with the common lines between the said 146 acre and 0.781
 11-54 acre tracts, the following three courses:
 11-55 1) north 29°24'50" east, 54.87 feet;
 11-56 2) north 60°35'10" west, 170.00 feet;
 11-57 3) south 29°24'50" west, 54.88 feet to an angle point;
 11-58 THENCE continuing through the said 146 acre tract, on a course
 11-59 parallel and 500 foot south of the current south line of Pfluger
 11-60 Lane, north 60°35'24" west, 1190.60 feet to an angle point;
 11-61 THENCE with a line parallel to and 600 foot east of the east line of
 11-62 the State Highway 130 right-of-way, through the said 146 acre tract
 11-63 and through the said 111.07 acre remainder of a 300.03 acre tract
 11-64 and through a 47.131 acre remainder of a 236.03 acre tract described
 11-65 in a deed to Timmerman & Hagn, Ltd. recorded in Doc. No. 20425617,
 11-66 O.P.R.T.C.T.; and through a 53.728 acre remainder of a 97.5 acre
 11-67 tract of land described in a deed to Theodore R. Timmerman recorded
 11-68 in Volume 2470, Page 572, D.R.T.C.T. the following five courses:
 11-69 1) south 27°23'31" west, 335.01 feet;

12-1 2) south 08°43'50" east, 962.07 feet;
12-2 3) south 14°09'23" east, 1613.54 feet;
12-3 4) south 18°43'49" east, 501.37 feet
12-4 5) south 14°12'03" east, 2477.04 feet to a point on the east line of
12-5 the said 53.728 acre tract and lying on the west line of a 54.94 acre
12-6 remainder of a 96.90 acre tract of land described in a deed to
12-7 Connie Lorraine Sladek recorded in Volume 10530, Page 676,
12-8 D.R.T.C.T.;
12-9 THENCE with the common line between the said 53.728 and 54.94 acre
12-10 tracts, south 27°37'30" west, 899.73 feet to an iron rod with an
12-11 aluminum cap stamped "Texas Department of Transportation" and
12-12 located 342.43 feet left of Engineers Station 1110+23.76 of the
12-13 said State Highway 130 baseline for the south corner of the said
12-14 53.728 acre tract and lying on the east line of State Highway 130;
12-15 said point also lying on the east line of the current Pflugerville
12-16 city limit established by Ordinance 768-04-12-28;
12-17 THENCE with common line between the said 53.728 and 47.131 acre
12-18 tracts, with the east line of State Highway 130, the following three
12-19 courses:
12-20 1) north 14°12'03" west, 3123.77 feet to an angle point;
12-21 2) north 18°43'49" west, 501.60 feet to an iron rod with an
12-22 aluminum cap stamped "Texas Department of Transportation" and
12-23 located 300.00 feet left of Engineers Station 1074+00.00 of the
12-24 said State Highway 130 baseline;
12-25 3) north 14°09'23" west, 521.55 feet to an iron rod with an
12-26 aluminum cap stamped "Texas Department of Transportation" and
12-27 located 300.00 feet left of Engineers Station 1068+78.45 of the
12-28 said State Highway 130 baseline for the southwest corner of the said
12-29 111.07 acre tract and being the northwest corner of the said 47.131
12-30 acre tract;
12-31 THENCE continuing with the east line the State Highway 130 and with
12-32 the west line of the said 111.07 and 146 acre tracts the following
12-33 three courses:
12-34 1) north 14°09'23" west, 1144.38 feet;
12-35 2) north 08°43'50" west, 1055.19 feet to an iron rod with an
12-36 aluminum cap stamped "Texas Department of Transportation" and
12-37 located 350.00 feet left of Engineers Station 1046+48.90 of the
12-38 said State Highway 130 baseline;
12-39 3) with the curve to the right having a radius of 11109.16 feet, a
12-40 central angle of 0°40'52", a chord bearing and distance of north
12-41 08°23'24" west, 132.05 feet and an arc length of 132.05 feet to the
12-42 POINT OF BEGINNING and containing 146.3 acres, more or less.
12-43 BASIS OF BEARINGS:
12-44 Bearings shown hereon are referenced to grid north for the Texas
12-45 State Plane Coordinate System, Central Zone NAD 83 per Texas
12-46 Turnpike Authority right-of-way plans for State Highway 130.
12-47 TRACT 3: 29.8 ACRES - METES AND BOUNDS DESCRIPTION
12-48 The herein description is based on a combination of field survey
12-49 data and record information of various tracts of land located in the
12-50 John Davis Survey No. 13 in Travis County, Texas and being more
12-51 particularly described by metes and bounds as follows:
12-52 BEGINNING for reference at an iron rod with an aluminum cap stamped
12-53 "Texas Department of Transportation" found in the south line of a
12-54 149.599 acre tract of land (save and except 2.751 acres) described
12-55 in a deed to Terrabrook Falcon Ridge, L.P. recorded in Doc. No.
12-56 2000105424, Official Public Records of Travis County, Texas
12-57 (O.P.R.T.C.T.), said 149.599 acre tract annexed into the City of
12-58 Pflugerville by Ordinance No. 607 00 11-28 and lying in the north
12-59 line of Pfluger Lane, a 60 foot wide public right-of-way annexed
12-60 into the City of Pflugerville by Ordinance No. 730-03-12-16 and
12-61 located 958.16 feet left of Engineers Station 1035+21.45, of the
12-62 State Highway 130 baseline as shown on the Texas Turnpike Authority
12-63 Project No. HP 1196 (1) right-of-way plans. THENCE with the south
12-64 line of the said 149.599 acre tract with the north line of said
12-65 Pfluger Lane, south 60°36'00" east, a distance of 882.40 feet to the
12-66 southeast corner of the said 149.599 acre tract and being the
12-67 southwest corner of the said 197.89 acre tract and being the same
12-68 tract called 197.27 acres described in a deed to Timmerman & Hagn,
12-69 Ltd. recorded in Volume 3310, Page 1434, Deed Records of Travis

13-1 County Texas (D.R.T.C.T.) and being the POINT OF BEGINNING;
 13-2 THENCE, departing the north line of Pflugger Line along the common
 13-3 line between the said 149.599 acre and 197.89 acre tracts with the
 13-4 current Pflugerville city limit, north 27°35'36" east, a distance of
 13-5 500.26 feet to a point for a corner;
 13-6 THENCE through the said 197.89 acre tract on a line parallel to and
 13-7 500 foot north of the current north right-of-way of Pflugger Lane,
 13-8 south 60°34'24" east, a distance of 2593.00 feet to a point on the
 13-9 east line of the said 197.89 acre tract and on the west line of a
 13-10 50.00 acre tract described in a deed to the Preismeyer Family, L.P.
 13-11 recorded in Volume 13091, Page 0010, D.R.T.C.T. and lying on the
 13-12 west line of the current Pflugerville city limit established by
 13-13 Ordinance 768-04-12-28;
 13-14 THENCE with the common line between the said 197.89 and 50.00 acre
 13-15 tracts with the west line of the said Pflugerville city limit, south
 13-16 27°35'36" west, 500.26 feet to the southeast corner of the 197.89
 13-17 acre tract and lying on the current north line of Pflugger Lane and
 13-18 the north line of the current Pflugerville city limit established
 13-19 by Ordinance 730-03-12-16;
 13-20 THENCE with the south line of the said 197.89 acre tract and the
 13-21 north line of the said Pflugerville city limit and the current north
 13-22 line of Pflugger Lane, north 60°34'24" west, distance of 2593.00 feet
 13-23 to the POINT OF BEGINNING and containing 29.8 acres, more or less.

13-24 BASIS OF BEARINGS:
 13-25 Bearings shown hereon are referenced to grid north for the Texas
 13-26 State Plane Coordinate System, Central Zone NAD 83 per Texas
 13-27 Turnpike Authority right-of-way plans for State Highway 130.

13-28 SECTION 3. The legislature finds that:

13-29 (1) proper and legal notice of the intention to
 13-30 introduce this Act, setting forth the general substance of this
 13-31 Act, has been published as provided by law, and the notice and a
 13-32 copy of this Act have been furnished to all persons, agencies,
 13-33 officials, or entities to which they are required to be furnished by
 13-34 the constitution and laws of this state, including the governor,
 13-35 who has submitted the notice and Act to the Texas Commission on
 13-36 Environmental Quality;

13-37 (2) the Texas Commission on Environmental Quality has
 13-38 filed its recommendations relating to this Act with the governor,
 13-39 lieutenant governor, and speaker of the house of representatives
 13-40 within the required time;

13-41 (3) the general law relating to consent by political
 13-42 subdivisions to the creation of districts with conservation,
 13-43 reclamation, and road powers and the inclusion of land in those
 13-44 districts has been complied with; and

13-45 (4) all requirements of the constitution and laws of
 13-46 this state and the rules and procedures of the legislature with
 13-47 respect to the notice, introduction, and passage of this Act have
 13-48 been fulfilled and accomplished.

13-49 SECTION 4. This Act takes effect immediately if it receives
 13-50 a vote of two-thirds of all the members elected to each house, as
 13-51 provided by Section 39, Article III, Texas Constitution. If this
 13-52 Act does not receive the vote necessary for immediate effect, this
 13-53 Act takes effect September 1, 2005.

13-54 * * * * *