

By: Ogden

S.B. No. 1887

Substitute the following for S.B. No. 1887:

By: Puente

C.S.S.B. No. 1887

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Williamson County Municipal Utility District No. 22; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8135 to read as follows:

CHAPTER 8135. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 22

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8135.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Williamson County Municipal Utility District No. 22.

Sec. 8135.002. NATURE OF DISTRICT. The district is a municipal utility district in Williamson County created under and essential to accomplish the purposes of Sections 52 and 52-a, Article III, Texas Constitution, and Section 59, Article XVI, Texas Constitution.

Sec. 8135.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8135.022 before September 1, 2007:

(1) the district is dissolved September 1, 2007,

except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of debts shall be transferred to Williamson County; and

(C) the organization of the district shall be maintained until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2010.

Sec. 8135.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

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

(1) the organization, existence, or validity of the district;

(2) the right of the district to impose taxes; or

(3) the legality or operation of the district or the board.

[Sections 8135.005-8135.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 8135.021. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Doug Snyder;

(2) Kyle Spears;

(3) Samantha Brown;

1           (4) Kenny Mire; and

2           (5) Gary Fischer.

3           (b) Temporary directors of the district are not required to  
4 own land in or be residents of the district.

5           (c) If a temporary director fails to qualify for office, the  
6 temporary directors who have qualified shall appoint a person to  
7 fill the vacancy. If at any time there are fewer than three  
8 qualified temporary directors, the Texas Commission on  
9 Environmental Quality shall appoint the necessary number of persons  
10 to fill all vacancies on the board.

11           (d) Temporary directors serve until the earlier of:

12               (1) the date directors are elected under Section  
13 8135.022; or

14               (2) the date this chapter expires under Section  
15 8135.003.

16           Sec. 8135.022. CONFIRMATION AND INITIAL DIRECTORS'  
17 ELECTION. (a) The temporary directors shall hold an election to  
18 confirm the creation of the district and to elect five initial  
19 directors as provided by Section 49.102, Water Code.

20           (b) At the confirmation and initial directors' election the  
21 board may submit to the voters a proposition to authorize:

22               (1) an issuance of bonds;

23               (2) a maintenance tax; or

24               (3) a tax to fund payments required under a contract.

25           (c) Section 41.001(a), Election Code, does not apply to a  
26 confirmation and initial directors' election held under this  
27 section.

1       Sec. 8135.023. INITIAL ELECTED DIRECTORS; TERMS. The  
2 directors elected under Section 8135.022 shall draw lots to  
3 determine which two shall serve until the first regularly scheduled  
4 election of directors under Section 8135.052 and which three shall  
5 serve until the second regularly scheduled election of directors.

6       Sec. 8135.024. EXPIRATION OF SUBCHAPTER. This subchapter  
7 expires September 1, 2010.

8       [Sections 8135.025-8135.050 reserved for expansion]

9               SUBCHAPTER B. BOARD OF DIRECTORS

10       Sec. 8135.051. DIRECTORS; TERMS. (a) The district is  
11 governed by a board of five directors.

12       (b) Directors serve staggered four-year terms.

13       Sec. 8135.052. ELECTION OF DIRECTORS. On the uniform  
14 election date in May of each even-numbered year, the appropriate  
15 number of directors shall be elected.

16       [Sections 8135.053-8135.100 reserved for expansion]

17               SUBCHAPTER C. POWERS AND DUTIES

18       Sec. 8135.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
19 DUTIES. The district has the powers and duties provided by the  
20 general law of this state, including Chapters 30, 49, and 54, Water  
21 Code, applicable to municipal utility districts created under  
22 Section 59, Article XVI, Texas Constitution.

23       Sec. 8135.102. ROAD PROJECTS. (a) To the extent authorized  
24 by Section 52, Article III, Texas Constitution, the district may  
25 construct, acquire, improve, maintain, or operate macadamized,  
26 graveled, or paved roads or turnpikes, or improvements in aid of  
27 those roads or turnpikes, inside the district.

1       (b) A road project must meet or exceed all applicable  
2 construction standards, zoning and subdivision requirements, and  
3 regulatory ordinances of each municipality in whose corporate  
4 limits or extraterritorial jurisdiction the district is located.  
5 If the district is located outside the extraterritorial  
6 jurisdiction of a municipality, a road project must meet all  
7 applicable construction standards, zoning and subdivision  
8 requirements, and regulatory ordinances of each county in which the  
9 district is located.

10       (c) The district may not undertake a road project unless  
11 each municipality in whose corporate limits or extraterritorial  
12 jurisdiction the district is located consents by ordinance or  
13 resolution. If the district is located outside the  
14 extraterritorial jurisdiction of a municipality, the district may  
15 not undertake a road project unless each county in which the  
16 district is located consents by ordinance or resolution.

17       Sec. 8135.103. LIMITATION ON USE OF EMINENT DOMAIN. The  
18 district may exercise the power of eminent domain outside the  
19 district only to acquire an easement necessary for a pipeline that  
20 serves the district.

21       Sec. 8135.104. COMPLIANCE WITH MUNICIPAL ORDINANCES. The  
22 district is subject to the requirements of municipal ordinances of  
23 the City of Hutto that apply to areas within the extraterritorial  
24 jurisdiction of the City of Hutto, unless the municipality's  
25 governing body waives compliance.

26       [Sections 8135.105-8135.150 reserved for expansion]

1        SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

2        Sec. 8135.151. DIVISION OF DISTRICT; REQUIREMENTS. (a)  
3        Subject to the approval of the City of Hutto, at any time before the  
4        district issues indebtedness secured by taxes or net revenues, the  
5        district, including any annexed territory, may be divided into two  
6        or more new districts.

7        (b) A new district created by division of the district must  
8        be at least 100 acres.

9        (c) The board by resolution may declare an intent to divide  
10       the district. The resolution must:

11       (1) set the terms of the division, including a plan for  
12       the payment or performance of any outstanding district obligations;  
13       and

14       (2) contain a metes and bounds description for each  
15       new district.

16       Sec. 8135.152. DISTRICT DIVISION BY ELECTION. (a) The  
17       board shall hold an election in the district to determine whether  
18       the district should be divided as proposed under Section 8135.151.

19       (b) The board shall give notice of the election not later  
20       than the 20th day before the date of the election. The notice must  
21       state:

22       (1) the date and location of the election; and

23       (2) the proposition to be voted on.

24       (c) If a majority of the votes are cast in favor of the  
25       division, the district is divided.

26       (d) If less than a majority of the votes are cast in favor of  
27       the division, the district may not be divided.

1       (e) The resulting new districts are separate districts and  
2 shall be governed as separate districts.

3       Sec. 8135.153. NOTICE OF DIVISION. Not later than the 30th  
4 day after the date of a division under this subchapter, the district  
5 shall provide written notice of the plan for division to:

6               (1) the Texas Commission on Environmental Quality;  
7               (2) the attorney general;  
8               (3) the commissioners court of each county in which a  
9 new district is located; and

10              (4) each municipality having extraterritorial  
11 jurisdiction over territory in a new district.

12       Sec. 8135.154. DISTRICT NAMES FOLLOWING DIVISION. The  
13 resulting new districts are assigned consecutive letters to be  
14 appended to the name of the original district.

15       Sec. 8135.155. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)  
16 Not later than the 90th day after the date of an election in favor of  
17 the division of the district, the board shall:

18              (1) appoint itself as the board of one of the new  
19 districts; and

20              (2) appoint five directors for each of the other new  
21 districts.

22       (b) A director appointed under Subsection (a)(1) serves the  
23 term to which that director was elected in the original district. A  
24 director appointed under Subsection (a)(2):

25              (1) serves until the election for directors under  
26 Subsection (c); and

27              (2) is not required to own land in or reside in the

1 district for which the director is appointed.

2 (c) On the uniform election date in May of the first  
3 even-numbered year after the year in which the directors are  
4 appointed, an election shall be held to elect five directors in each  
5 district for which directors were appointed under Subsection  
6 (a)(2). Of the five directors elected in each district, the three  
7 directors receiving the greatest number of votes shall serve until  
8 the second regularly scheduled election of directors under  
9 Subsection (d), and the remaining two directors shall serve until  
10 the first regularly scheduled election of directors.

11 (d) Except as provided by Subsection (c), directors serve  
12 staggered four-year terms. On the uniform election date in May of  
13 each even-numbered year, the appropriate number of directors shall  
14 be elected.

15 Sec. 8135.156. CONTINUING POWERS AND OBLIGATIONS OF NEW  
16 DISTRICTS. (a) Each new district may incur and pay debts and has  
17 all powers of the original district created by this chapter.

18 (b) If the district is divided as provided by this  
19 subchapter, the current obligations and any bond authorizations of  
20 the district are not impaired. Debts shall be paid by revenues or  
21 by taxes or assessments imposed on real property in the district as  
22 if the district had not been divided or by contributions from each  
23 new district as stated in the terms set by the board in the plan for  
24 division.

25 (c) Any other district obligation shall be divided pro rata  
26 among the new districts on an acreage basis or on other terms that  
27 are satisfactory to the new districts.



1       Sec. 8135.157. CONTRACT AUTHORITY OF NEW DISTRICTS. The  
2 new districts may contract with each other for:

3               (1) water and wastewater services; or  
4               (2) any other matter the boards of the new districts  
5 consider appropriate.

6       Sec. 8135.158. BOND ISSUANCE BY NEW DISTRICT. A new  
7 district may issue bonds payable wholly or partially from ad  
8 valorem taxes on the approval of a majority of the residents voting  
9 in an election called and held for that purpose.

10       Sec. 8135.159. MAINTENANCE TAX APPROVAL FOR NEW DISTRICT.  
11 A new district may impose a maintenance tax on the approval of a  
12 majority of the residents voting in an election called and held for  
13 that purpose.

14       SECTION 2. The Williamson County Municipal Utility District  
15 No. 22 initially includes the territory contained within the  
16 following area:

17 The boundaries of the district consist of approximately 424.3675  
18 acres of land, more or less, being approximately 490.72 acres of  
19 land, more or less as described in Exhibit A attached hereto and  
20 incorporated herein by reference for all intents and purposes save  
21 and except approximately 66.3525 acres of land, more or less, in  
22 three tracts of land described in Exhibit B attached hereto and  
23 incorporated herein by reference for all intents and purposes.

24                               "EXHIBIT A"

25       TRACT I:

26       First Tract:

27               BEGINNING AT A ST.MD. IN THE S. LINE OF THE MCNUTT

1 LEAGUE BEING THE S.W. CORNER OF A TRACT OF 250 ACRES OF  
2 LAND DEEDED TO H.M. MCNUTT BY MARY MCNUTT;  
3 THENCE EAST 915 VRS. TO THE S.W. CORNER OF THE A.S.  
4 WALKER TRACT;  
5 THENCE NORTH WITH WEST LINE OF SAID A.S. WALKER TRACT  
6 TO THE S. EDGE OF THE TIMBER;  
7 THENCE WEST WITH THE MEANDERS OF SAID TIMBER TO THE  
8 EAST LINE OF A TRACT OF LAND SOLD BY H.M. NCNUTT TO BEN  
9 SNYDER;  
10 THENCE NORTH WITH THE SAID E. LINE OF THE SNYDER TRACT  
11 339 VRS. A. STONE MD.;  
12 THENCE WEST 290 BRS. TO A SMALL SPANISH OAK FOR A  
13 CORNER;  
14 THENCE WITH THE MEANDERS OF A BANK OR BLUFF TO A STAKE  
15 IN THE WEST LINE OF THE AFORESAID 250 ACRE TRACT, FROM  
16 WHICH A SPANISH OAK BRS. S.50 W 5 VRS.  
17 THENCE SOUTH 800 VRS. TO THE PLACE OF BEGINNING.

18 Second Tract:

19 BEGINNING AT THE S.W. CORNER OF THE WALKER TRACT;  
20 THENCE NORTH 373 VRS.;  
21 THENCE EAST 29 1/2 VRS.;  
22 THENCE SOUTH 373 VRS;  
23 THENCE WEST 29 1/2 VRS. TO THE BEGINNING.

24 Third Tract:

25 BEGINNING IN THE CENTER OF BRUSHY CREEK, ON THE A.S.  
26 WALKER WEST LINE;  
27 THENCE SOUTH WITH SAID WALKER'S LINE 300 VRS;

1       THENCE NORTH 45 W 143 VRS;  
2       THENCE NORTH 3 EAST 260 VRS. TO THE CENTER OF SAID  
3       BRUSHY CREEK;  
4       THENCE DOWN SAID CREEK WITH ITS MEANDERS TO THE PLACE  
5       OF BEGINNING.  
6       AS TO TRACT I, THE THREE TRACTS CONTAIN 75-ACRES, MORE  
7       OR LESS, AND BEING THE SAME LAND CONVEYED BY W.R. RAY  
8       AND WIFE, NANNIE BELLE RAY TO BEN BURSON ON DECEMBER  
9       26, 1907, BY DEED RECORDED IN VOL. 127, PAGE 372, DEED  
10      RECORDS OF WILLIAMSON COUNTY, TEXAS.

11      TRACT II:

12      BEGINNING AT THE S.E. CORNER OF THE TRACT OWNED BY  
13      BURSON FOR S.W. CORNER HEREOF;  
14      THENCE EAST WITH THE SOUTH LINE OF R. MCNUTT SURVEY  
15      108.7 VRS., A POST FOR S.E. CORNER HEREOF;  
16      THENCE NORTH 3 EAST 894.3 VRS. TO A STONE IN THE GROUND  
17      FOR THE N.E. CORNER HEREOF, AND ON THE SOUTH MARGIN OF  
18      A PUBLIC ROAD;  
19      THENCE NORTH 71-1/4 WEST 191-1/2 VRS. TO THE N.E.  
20      CORNER OF SAID BURSON TRACT;  
21      THENCE WITH SAID BURSON EAST LINE ABOUT DUE SOUTH  
22      565-1/5 VRS. TO A POST;  
23      THENCE SOUTH 60-3/4 EAST 34-1/5 VRS. A POST FOR CORNER;  
24      THENCE SOUTH 368-3/4 VRS. TO THE PLACE OF BEGINNING AND  
25      CONTAINING 24-1/10 ACRES OF LAND, AND BEING THE SAME  
26      LAND CONVEYED BY H. TIMMERMAN TO BEN BURSON ON NOVEMBER  
27      27, 1912, BY DEED RECORDED IN VOL. 155, PAGE 159, DEED

RECORDS OF WILLIAMSON COUNTY, TEXAS.

TRACT III:

BEING A PORTION OF THE ROBERT MCNUTT LEAGUE AND OFF OF  
AND ENTIRELY ACROSS THE EAST SIDE OF A TRACT OF LAND  
94.89 ACRES, CONVEYED TO JOE D. CRAWFORD BY H.  
TIMMERMAN BY DEED DATED JANUARY 1, 1910, AND RECORDED  
IN VOL. 138, PAGE 287, DEED RECORDS OF WILLIAMSON  
COUNTY, TEXAS, AND MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE S.E. CORNER OF SAID 94.89 ACRE TRACT,  
SAME BEING THE S.E. CORNER OF THIS TRACT;

THENCE NORTH WITH FENCE FOR EAST LINE 722 VRS. TO THE  
N.E. CORNER OF SAID 94.89 ACRE TRACT, ALSO THE N.E.  
CORNER OF THIS TRACT;

THENCE WEST WITH FENCE 120 VRS. TO AN IRON ROD IN  
GROUND FOR N.W. CORNER OF THIS TRACT;

THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID 94.89  
ACRE TRACT FOR S.W. CORNER OF THIS TRACT;

THENCE EAST 120 VRS. WITH FENCE TO THE PLACE OF  
BEGINNING AND CONTAINING 15.34 ACRES OF LAND, AND  
BEING THE SAME TRACT CONVEYED BY J.D. CRAWFORD AND WIFE  
JULIA CRAWFORD, TO BEN BURSON BY DEED DATED NOVEMBER 7,  
1912, RECORDED IN VOL. 155, PAGE 156, DEED RECORDS OF  
WILLIAMSON COUNTY, TEXAS.

TRACT IV:

First Tract:

ABOUT 4 ACRES OF LAND OFF OF THE SOUTH END OF A TRACT OF  
99-1/4 ACRES OUT OF THE ROBERT MCNUTT LEAGUE,

DESCRIBED AS SIXTH TRACT IN DEED FROM B.L. RAY AND  
WIFE, TO ED M. DOWNING, DATED THE 23RD DAY OF OCTOBER,  
1929, AND RECORDED IN VOL. 244, PAGE 520, DEED RECORDS  
OF WILLIAMSON COUNTY, TEXAS, DESCRIBED AS FOLLOWS:  
BEGINNING AT THE S.W. CORNER OF SAID 99-1/4 ACRE TRACT  
FOR THE S.W. CORNER HEREOF;  
THENCE NORTH 3 EAST ABOUT 300 VRS. TO POINT IN SOUTH  
LINE OF PUBLIC ROAD, FOR N.W. CORNER HEREOF;  
THENCE IN AN EASTERLY DIRECTION WITH THE SOUTH LINE OF  
SAID ROAD TO POINT WHERE THE SAID SOUTHLINE CROSSES THE  
EASTLINE OF THE 99-1/4 ACRE TRACT FOR N.E. CORNER  
HEREOF;  
THENCE SOUTH WITH THE EAST LINE OF SAID 99-1/4 ACRE  
TRACT TO THE S.E. CORNER OF SAME IN CENTER OF CHANNEL  
OF BRUSHY CREEK;  
THENCE UP SAID CREEK WITH ITS MEANDERS TO THE PLACE OF  
BEGINNING, AND CONTAINING 4 ACRES OF LAND, MORE OR  
LESS.

Second Tract:

BEING DESCRIBED AS SEVENTH TRACT IN THE DEED NEXT ABOVE  
MENTIONED, AND DESCRIBED AS FOLLOWS: A TRACT OF  
TIMBERED LAND ON THE SOUTH SIDE OF BRUSHY CREEK;  
BEGINNING AT THE S.W. CORNER OF SHERMAN'S WOODLAND  
TRACT, RUNNING SOUTH 245 VRS. TO ST.MD ON WEST RUBLE'S  
LINE;  
THENCE EAST WITH SAID LANE TO THE EAST LINE OF SURVEY  
SOLD BY JAMES WILLIAMS TO H.M. MCNUTT;

1       THENCE NORTH WITH SAID LINE TO BRUSHY CREEK ON  
2       SHERMAN'S LINE;

3       THENCE WEST TO THE PLACE OF BEGINNING, SUPPOSED TO  
4       CONTAIN 3 ACRES OF LAND, BEING THE SAME LAND DESCRIBED  
5       IN DEED FROM ED M. DOWNING TO BEN BURSON, DATED JANUARY  
6       23, 1931, RECORDED IN VOL. 255, PAGE 558, DEED RECORDS  
7       OF WILLIAMSON COUNTY, TEXAS

8       THE FIRST AND SECOND TRACT OF TRACT IV BEING THE  
9       SEPARATE PROPERTY OF ALMA MARSHALL, AND SET ASIDE TO  
10      HER IN A PARTITION DEED DATED FEBRUARY 4, 1943, AND  
11      RECORDED IN VOL. 315, PAGE 399, DEED RECORDS OF  
12      WILLIAMSON COUNTY, TEXAS, AND REFERENCE IS MADE TO  
13      SAID DEED FOR A FULL DESCRIPTION OF THE SAME.

14     TRACTS I, II, III AND IV ABOVE DESCRIBED BEING THE SAME LANDS  
15     DESCRIBED IN A DEED DATED MAY 9, 1955, FROM OSCAR MARSHALL AND WIFE,  
16     ALMA MARSHALL, TO R.R. KAY, AND RECORDED IN VOL. 405, PAGE 235 OF  
17     THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, TO WHICH REFERENCE IS  
18     HERE MADE FOR ALL PURPOSES.

19     TRACT V:

20       BEGINNING AT THE S.E. CORNER OF BURSON'S TRACT OF LAND,  
21       A POST ON THE R. MCNUTT SOUTH LINE, AND NORTH LINE OF  
22       THE JAMES H. NEILY SURVEY;

23       THENCE EAST 108.7 VRS. A CEDAR POST FOR CORNER;

24       THENCE SOUTH 3 WEST 367-1/2 VRS. A CEDAR POST FOR  
25       CORNER;

26       THENCE SOUTH 50-25 WEST 340.7 VRS. A CEDAR POST FOR  
27       CORNER;

1        THENCE SOUTH  $80\frac{1}{3}$  WEST 764.7 VRS. A CEDAR POST ON  
2        WEST LINE AND FLUGER'S EAST LINE;  
3        THENCE NORTH  $704\frac{1}{5}$  VRS. TO A POST FOR N.W. CORNER  
4        HEREOF;  
5        THENCE  $927\frac{1}{5}$  VRS. TO THE PLACE OF BEGINNING, AND  
6        CONTAINING 108.58 ACRES OF LAND OUT OF THE JAMES H.  
7        NEILY SURVEY, PATENT NO. 644, VOL. 2.

8        TRACT VI:

9        BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE  
10       DESCRIBED TRACT V;  
11       THENCE NORTH 75 VRS. A POST FOR NORTHWEST CORNER  
12       THEREOF;  
13       THENCE EAST 226 VRS. TO POST FOR NORTHWEST CORNER;  
14       THENCE SOUTH 75 VRS. A STONE ON NORTH LINE OF SAID  
15       TRACT V;  
16       THENCE WEST 226 VRS TO THE PLACE OF BEGINNING, AND  
17       CONTAINING 3 ACRES OF LAND OUT OF THE R. MCNUTT SURVEY,  
18       AND BEING THE SAME LAND CONVEYED TO OSCAR MARSHALL BY  
19       H. TIMMERMAN, BY DEED DATED NOVEMBER 27, 1912,  
20       RECORDED IN BOOK 179, PAGE 549 OF THE DEED RECORDS OF  
21       WILLIAMSON COUNTY, TEXAS.

22       TRACTS V AND VI ABOVE DESCRIBED BEING THE SAME LANDS  
23       DESCRIBED IN THAT CERTAIN DEED DATED MAY 9, 1955, FROM  
24       OSCAR MARSHALL AND WIFE ALMA MARSHALL, TO R.R. KAY AND  
25       RECORDED IN VOL. 405, PAGE 239 OF THE DEED RECORDS OF  
26       WILLIAMSON COUNTY, TEXAS, TO WHICH REFERENCE IS HERE  
27       MADE FOR ALL PURPOSES.

1    TRACT VII:

2           THE FOLLOWING PROPERTY OUT OF THE ROBERT MCNUTT SURVEY  
3           IN WILLIAMSON COUNTY, TEXAS, AS DESCRIBED AS FOLLOWS:

4           BEGINNING AT A POINT IN THE WEST FENCE LINE OF A TRACT  
5           OF 65 ACRES OF LAND IN SAID ROBERT MCNUTT SURVEY  
6           HERETOFORE CONVEYED TO G.W. BOHLS ET AL AS "FIRST  
7           TRACT" IN A DEED RECORDED IN VOL. 243, PAGE 315 OF THE  
8           DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, WHICH SAID  
9           POINT OF BEGINNING IS IN THE EAST LINE OF LAND NOW  
10          OWNED BY R.R. KAY AND 14 FEET FROM THE S.E. CORNER OF  
11          KAY AND THE S.W. CORNER OF SAID 65 ACRE  
12          TRACT, WHICH SAID CORNERS ARE IN THE SOUTH LINE OF SAID  
13          ROBERT MCNUTT SURVEY, AN IRON PIPE SET FOR THE S.W.  
14          CORNER HEREOF;

15          THENCE NORTH 3 DEG. 20 MIN. EAST 887.04 VRS. (2464 FT.)  
16          WITH THE FENCE ALONG SAID COMMON LINES, CROSSING  
17          BRUSHY CREEK AT 2075 FT. TO AN IRON PIPE AT OR NEAR THE  
18          N.E. CORNER OF SAID 65 ACRE-TRACT IN THE SOUTH LINE OF  
19          AN OLD ROAD NOT USED FOR SOME YEARS, FOR THE N.W.  
20          CORNER HEREOF;

21          THENCE SOUTH 77 DEG. 45 MIN. EAST, 201.6 VRS. (560 FT.)  
22          TO A BEND IN THE ROAD LINE;

23          THENCE SOUTH 87 DEG. EAST, 252.0 VRS. (700 FT.) TO AN  
24          IRON STAKE SET IN THE ROAD LINE FOR THE N.E. CORNER  
25          HEREOF, SAME BEING THE N.E. CORNER OF SAID 65 ACRE  
26          TRACT, ON OR NEAR THE EAST LINE OF SAID ROBERT MCNUTT  
27          SURVEY;



1        THENCE SOUTH 10 DEG. WEST, 731.53 VRS. (2032 FT.) TO AN  
2        IRON PIPE FOR THE S.E. CORNER HEREOF (AT 310 FT.)  
3        CROSSED CENTER OF BRUSHY CREEK, AT 415 FT. SPRING  
4        BRANCH, LEAVE SPRING BRANCH AT 555 FT., CROSS SPRING  
5        BRANCH AT 1848 FT. AND AT 2032 FT. IN ALL THE S.E.  
6        CORNER HEREOF);

7        THENCE NORTH 88 DEG. 40 MIN. WEST, AT 126.5 FT. PASSED  
8        THROUGH A 9" ELM, AT 193 FT. CROSSED THE CENTER OF  
9        SPRING BRANCH, AND AT 220.5 FT. IN ALL (79.38 VRS.) TO  
10       A 5" ASH TREE MARKED "V" IN THE S.W. SIDE, 6' FROM THE  
11       GROUND;

12       THENCE SOUTH 69 DEG. 20 MIN. WEST, 314.1 VRS. (872.5  
13       FT.) TO THE PLACE OF BEGINNING, AND CONTAINING 56.48  
14       ACRES OF LAND, AS SURVEYED BY W.F. FOREST, REGISTERED  
15       PUBLIC SURVEYOR, #101, ON APRIL 6, 1957;

16       AND BEING THE SAME PROPERTY DESCRIBED IN THAT CERTAIN  
17       DEED DATED APRIL 29, 1957, FROM THEO TIMMERMANN, ET AL,  
18       TO R.R. KAY, RECORDED IN VOL. 485, PAGE 215 OF THE DEED  
19       RECORDS OF WILLIAMSON COUNTY, TEXAS TO WHICH REFERENCE  
20       IS HERE MADE FOR ALL PURPOSES.

21       TRACTS VIII AND IX HEREIN DESCRIBED BEING A PART OF THE M.D. WALDING  
22       SURVEY, ABSTRACT 675, IN WILLIAMSON COUNTY, TEXAS, AND BEING OFF  
23       THE NORTH END OF A TRACT OF 301.6 ACRES OF LAND DESCRIBED IN DEED TO  
24       WM. KLATTENHOFF, RECORDED IN VOL. 23, PAGE 591 OF THE DEED RECORDS  
25       OF WILLIAMSON COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS:

26       TRACT VIII:

27       BEGINNING AT THE N.W. CORNER OF THE TRACT 301.6 ACRES

DESCRIBED IN DEED TO W.M. KLATTENHOFF RECORDED IN VOL.  
23, PAGE 591 OF THE DEED RECORDS OF WILLIAMSON COUNTY,  
TEXAS, AND THE N.W. CORNER OF THE WALDING SURVEY, IN  
THE EAST LINE OF THE MCNUTT SURVEY AND OF R.R. KAY'S  
LAND, IN THE CENTER OF BRUSHY CREEK;  
THENCE DOWN THE CENTER OF BRUSHY CREEK WITH ITS  
MEANDERS AS FOLLOWS:  
NORTH 71 EAST, 72.0 VRS.;  
NORTH 50 DEG. 10 MIN. EAST, 140.4 VRS.;  
NORTH 66 DEG. 10 MIN EAST, 151.2 VRS.;  
NORTH 71 EAST, 180.0 VRS.;  
NORTH 81 DEG. 30 MIN. EAST, 266.4 VRS; AND  
SOUTH 86 DEG. 10 MIN. EAST, 196.92 VRS. TO THE N.E.  
CORNER OF SAID 301.6 ACRE TRACT;  
THENCE SOUTH 10 WEST, AT 15.84 VRS. SET AN IRON PIPE ON  
THE BANK AND CONTINUING 104.4 VRS. IN ALL, SET AN IRON  
STAKE IN THE CENTER OF AN OLD ABANDONED ROAD AT A  
CORNER OF THE SAID 301.6 ACRE TRACT AND OF A TRACT  
DESCRIBED IN A DEED TO WM. R. BRIGHT, RECORDED IN VOL.  
338, PAGE 480 OF THE DEED RECORDS OF WILLIAMSON COUNTY,  
TEXAS;  
THENCE SOUTH 80 WEST, WITH THE CENTER OF SAID OLD ROAD,  
181.08 VRS. TO AN IRON PIPE SET AT A BEND IN THE ROAD,  
ANOTHER CORNER OF THE BRIGHT AND KLATTENHOFF TRACTS;  
THENCE SOUTH 10 DEG. 20 MIN. WEST, WITH THE CENTER OF  
THE OLD ROAD (46 FEET WIDE), 812.16 VRS. TO A POINT IN  
THE WEST RIGHT-OF-WAY LINE OF PRESENT FARM ROAD #685;

1        THENCE SOUTH 27 DEG. 30 MIN. WEST WITH SAID WEST  
2        RIGHT-OF-WAY, AT 600.12 VRS. PASS A CONCRETE ROW  
3        MARKER, AND CONTINUING 841.97 VRS. IN ALL TO AN IRON  
4        PIPE SET 3.8 FEET PAST A POINT IN LINE WITH THE CENTER  
5        OF A SMALL BOX CULVERT, FOR THE S.E. CORNER HEREOF;  
6        THENCE WEST 379.98 VRS. TO AN IRON PIPE SET IN A FENCE;  
7        THENCE NORTH 9 DEG. 40 MIN. EAST, WITH THE FENCE, 108  
8        VRS. TO AN IRON PIPE SET IN THE GROUND;  
9        THENCE WEST 83.77 VRS. TO AN IRON STAKE SET AT A FENCE  
10       CORNER, THE S.E. OF 35 ACRE TRACT OWNED BY TIMMERMAN &  
11       BOHLS, THE N.E. CORNER OF A TRACT OF 200 ACRES OWNED BY  
12       KLATTENHOFF;  
13       THENCE NORTH 10 DEG. EAST, WITH A FENCE ALONG THE WEST  
14       LINE OF SAID 301.6 ACRE TRACT ABOVE DESCRIBED, AND WITH  
15       THE WEST LINE OF SAID WALDING SURVEY, AT ABOUT 600 VRS.  
16       PASS THE N.E. CORNER OF THE JAMES N. NEILLY SURVEY AND  
17       THE S.E. CORNER OF THE R. MCNUTT SURVEY, AT 715.88 VRS.  
18       PASS THE S.E. CORNER OF THE R.R. KAY TRACT, AND  
19       CONTAINING IN ALL 1334.52 VRS TO THE PLACE OF BEGINNING  
20       AND CONTAINING 189.92 ACRES OF LAND.

21    TRACT IX:

22       BEGINNING AT A FENCE CORNER IN THE EAST RIGHT-OF-WAY  
23       LINE OF FARM ROAD #685; THE S.E. CORNER OF TRACT VIII  
24       ABOVE, BEARS NORTH 75 DEG. 05 MIN. WEST; 36.86 VRS AND  
25       SOUTH 27 DEG. 30 MIN. WEST, 55.73 VRS., AN IRON PIPE  
26       SET FOR THE S.W. CORNER OF THIS TRACT;  
27       THENCE NORTH 27 DEG. 30 MIN. EAST, WITH THE

RIGHT-OF-WAY LINE, 574.74 VRS. TO A ROW MARKER FOR  
CORNER;

THENCE SOUTH 59 DEG. 30 MIN. EAST, AT 20.12 VRS. PASS A  
ROW MARKER IN THE WEST LINE OF AN OLD ABANDONED ROAD,  
AND CONTINUING IN ALL, 28.62 VRS. TO THE CENTER OF SAID  
ROAD; THENCE SOUTH 10 WEST WITH THE CENTER OF THE OLD  
ROAD 555.12 VRS.;

THENCE NORTH 75 DEG. 05 MIN. WEST, AT 8 VRS. PASS A FENCE  
CORNER IN THE WEST LINE OF SAID OLD ROAD (THE ROW MARKER IN THE WEST  
LINE OF SAID OLD ROAD MENTIONED ABOVE BEARS NORTH 10 EAST 557.28  
VRS.) WITH AN OLD FENCE, AND CONTINUING IN ALL 201.6 VRS. TO THE  
PLACE OF BEGINNING AND CONTAINING 11.30 ACRES OF LAND, OF WHICH 0.8  
ACRES IS IN THE OLD ROAD.

"EXHIBIT B"

DESCRIPTION FOR PARCEL 118

DESCRIPTION OF A 2,841,401 SQUARE FOOT, 65.230 ACRE,  
TRACT OF LAND OUT OF THE N.D. WALLING SURVEY NO. 19,  
ABSTRACT NO. 675 AND THE ROBERT MCNUTT SURVEY,  
ABSTRACT NO. 422, WILLIAMSON COUNTY, TEXAS, BEING PART  
OF A 189.92 ACRE TRACT (TRACT VIII), AND A PART OF A  
56.48 ACRE TRACT (TRACT VII) BOTH DESCRIBED IN GENERAL  
WARRANTY DEEDS DATED JUNE 1, 2000, TO KAY RANCH LIMITED  
PARTNERSHIP RECORDED IN DOCUMENT NOS. 2000036589,  
2000036590, 2000036591, 2000036592, AND 2000036593,  
OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS;  
SAID 2,841, 401 SQUARE FOOT, 65.230 ACRE TRACT AS SHOWN  
ON THE ACCOMPANYING PARCEL PLAT, BEING MORE

1 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

2 COMMENCING for reference at a found 1/2-inch iron rod  
3 at the southernmost southwest corner of said 189.92  
4 acre tract, and an interior ell corner of a 48.8642  
5 acre tract described in a Warranty Deed, dated April 4,  
6 2003, to Tack Development, LTD., recorded in Document  
7 No. 2003031850, Official Public Records of Williamson  
8 County, Texas;

9 THENCE, N 87°36' 42" E, with the common line between  
10 said 189.92 acre tract and said 48.8642 acre tract, a  
11 distance of 546.75 feet to a set 1/2-inch iron rod with  
12 TxDOT aluminum cap, on the proposed west right-of-way  
13 line of S.H. 130, 327.77 feet right of proposed S.H.  
14 130 baseline station 794+49.45, for the southwest  
15 corner and the POINT OF BEGINNING of this tract;

16 THENCE, across said 189.92 acre tract with the  
17 proposed west right-of-way line of S.H. 130, the  
18 following four (4) courses:

19 1) N 01° 52 '37" W, a distance of 1249.76 feet to a set  
20 1/2-inch iron rod with TxDOT aluminum cap (to be  
21 replaced with a TxDOT Type II monument after  
22 right-of-way acquisition is complete), at an angle  
23 point of this tract;

24 2) N 03° 09' 00" W, a distance of 1353.15 feet to a set  
25 1/2-inch iron rod with TxDOT aluminum cap (to be  
26 replaced with a TxDOT Type II monument after  
27 right-of-way acquisition is complete), at an angle

point of this tract;

3) S 86° 50' 57" W, a distance of 145.00 feet to set 1/2-inch iron rod with TxDOT aluminum cap (to be replaced with a TxDOT Type II monument after right-of-way acquisition is complete), at an angle point of this tract;

4) N 03° 31' 10" W, at a distance of 1,500.00 feet pass a set 1/2-inch iron rod with TxDOT aluminum cap (to be replaced with a TxDOT Type II monument after right-of-way acquisition is complete) on the proposed west right-of-way line of S.H.130, in all a total distance of 1691.73 feet to a set 1/2-inch iron rod with TxDOT aluminum cap, 455.91 feet right of proposed S.H. 130 baseline station 751+55.15, on the north line of said 56.48 acre tract and the south line of a 155 acre tract referenced in a Final Divorce Decree dated June 26, 1989, to Bobby J. Shepherd recorded in Document No. 2000045213, Official Public Records of Williamson County, Texas, for the northwest corner of this tract;

5) THENCE, S 89° 00' 08" E, with the common line between said 56.48 acre tract and said 155 acre tract, a distance of 165.07 feet to a found 1/2-inch iron rod, at the northeast corner of said 56.48 acre tract, a southeast corner of said 155 acre tract and on the west line of a 201.37 acre tract referenced in said Divorce Decree to Linda K. Shepherd, of said Document No.

2000045213, and described in said Trustee's Deed of  
said Volume 1399, Page 172;

6) THENCE, S 07° 40' 07" W, with the common line  
between said 56.48 acre tract and said 201.37 acre  
tract, a distance of 337.66 feet to a calculated point  
at the northwest corner of said 189.92 acre tract and  
the approximate centerline of Brushy Creek;

THENCE, with the north line of said 189.92 acre tract  
and the approximate centerline of Brushy Creek the  
following three (3) courses:

7) N 68° 40' 13" E, a distance of 200.05 feet to a  
calculated point at an angle point of this tract;

8) N 47° 50' 13" E, a distance of 390.00 feet to a  
calculated point at an angle point of this tract;

9) N 63° 50' 13" E, a distance of 192.16 feet to a  
calculated point, on the proposed east right-of-way  
line of S.H.130, 315.31 feet left of proposed S.H.130  
baseline station 751+15.70, for the northeast corner  
of this tract;

DESCRIPTION FOR PARCEL 119

DESCRIPTION OF A 4,201 SQUARE FOOT, 0.096 ACRE TRACT OF  
LAND OUT OF THE N.D. WALLING SURVEY NO. 19, ABSTRACT  
NO. 675, BEING A PART OF AN 11.30 ACRE TRACT DESCRIBED  
AS TRACT IX IN A GENERAL WARRANTY DEED DATED MAY 8,  
2000, TO KAY RANCH LIMITED PARTNERSHIP, RECORDED IN  
DOCUMENT NO. 2000036593, OFFICIAL PUBLIC RECORDS OF  
WILLIAMSON, COUNTY, TEXAS; SAID 4,201 SQUARE FOOT,

0.096 ACRE TRACT AS SHOWN ON THE ACCOMPANYING PARCEL  
PLAT, BEING MORE PARTICULARLY DESCRIBED BY METES AND  
BOUNDS AS FOLLOWS:

COMMENCING for reference at a found 1/2-inch iron rod  
at the southeast corner of said 11.30 acre tract on the  
centerline of an old abandoned road;

THENCE, N 77° 48' 52" W, across said road with the south  
line of said 11.30 acre tract, at a distance of 22.22  
feet pass the west line of said road, at northeast  
corner of a 51.06 acre tract of land described in a  
General Warranty Deed dated August 7, 1987, to Carolyn  
Pfeiffer, recorded in Volume 1571, Page 383, Official  
Records of Williamson County, Texas, continuing with  
the common line between said 11.30 acre tract and said  
51.06 acre tract in all a total distance of 523.25 feet  
to a set 1/2-inch iron rod with TxDOT aluminum cap  
391.90 feet left of proposed S.H. 130 baseline station  
793+58.40, on the proposed east right-of way line of  
S.H.130, for the southeast corner and the POINT OF  
BEGINNING of this tract;

1) THENCE, N 77° 48' 52" W, continuing with the common  
line between said 51.06 acre tract and said 11.30 acre  
tract, at a distance of 36.99 feet pass a found  
1/2-inch iron pipe, in all a total distance of 37.85  
feet to a calculated point on the existing east  
right-of-way line F.M. 685, a 100-foot right-of-way,  
for the southwest corner of this tract;



1        2) THENCE, N 25° 04' 25" E, with the common line  
2        between said 11.30 acre tract and said F.M. 685,  
3        distance of 339.07 feet to a set 1/2-inch iron rod with  
4        TxDOT aluminum cap (to be replaced with a TxDOT Type II  
5        monument after right-of-way acquisition is complete),  
6        515.76 feet left of proposed S.H.130 baseline station  
7        790+49.63, on a curve of the proposed east  
8        right-of-way line of said S.H.130, for the north  
9        corner of this tract;

10       3) THENCE, along said curve to the left, having a  
11       radius of 1500.00 feet, a central angle of 12° 44' 02",  
12       a chord which bears S 18° 42' 25" W, 332.69 feet, and an  
13       arc distance of 333.37 feet to the POINT OF BEGINNING,  
14       containing 4,201 square feet, 0.096 acres of land,  
15       more or less.

16       FIELD NOTE DESCRIPTION OF A TRACT OR PARCEL OF LAND  
17       CONTAINING 1.0265 ACRES SITUATED IN THE JAMES H.  
18       NEILEY SURVEY, ABSTRACT NUMBER 485, WILLIAMSON COUNTY,  
19       TEXAS; BEING A PORTION OF A 108.58 ACRE TRACT DESCRIBED  
20       AS "TRACT V", IN A DEED TO JOHN H. HUGGINS, SR.  
21       RECORDED IN VOLUME 2338, PAGE 516 OF THE DEED RECORDS  
22       OF WILLIAMSON COUNTY, TEXAS, AND IS MORE PARTICULARLY  
23       DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

24       COMMENCING AT 1" IRON PIPE FOUND FOR THE NORTHEAST  
25       CORNER OF A 8.52 ACRE TRACT DESCRIBED AS THE "FIRST  
26       TRACT" AND CONVEYED TO BRUSHY CREEK LTD. BY A DEED  
27       RECORDED IN DOCUMENT NO. 9731656 OF THE "OFFICIAL

1 PUBLIC RECORDS" OF WILLIAMSON COUNTY, TEXAS, AND IS  
2 THE SOUTHEAST CORNER OF A 56.48 ACRE TRACT DESCRIBED AS  
3 "TRACT VII" AND CONVEYED TO JOHN H. HUGGINS, SR. IN  
4 THE DEED MENTIONED ABOVE RECORDED IN VOLUME 2338, PAGE  
5 516 OF THE SAID WILLIAMSON COUNTY DEED RECORDS;  
6 THENCE, S88°10'33"W, WITH THE COMMON LINE BETWEEN THE  
7 8.52 ACRE TRACT AND THE 56.48 ACRE TRACT, 221.32 FEET  
8 TO A 10" WILLOW TREE (WITH EMBEDDED BARB WIRE FENCING);  
9 THENCE, S68°02'17"W, CONTINUING WITH THE ABOVE SAID  
10 COMMON LINE, 853.02 FEET TO A 1/2" IRON ROD FOUND WITH  
11 A PLASTIC CAP (STAMPED "CAPITAL SURVEYING CO. INC.")  
12 FOR THE COMMON WESTERN CORNER OF THE 8.52 ACRE TRACT  
13 AND THE 56.48 ACRE TRACT, A NORTHERLY COMMON CORNER OF  
14 A 35.00 ACRE TRACT DESCRIBED AS THE "SECOND TRACT" AND  
15 CONVEYED TO BRUSHY CREEK LTD. BY THE DEED RECORDED IN  
16 DOCUMENT NO. 9131656 MENTIONED ABOVE, AND THE 108.58  
17 ACRE HUGGINS TRACT; AND IS THE SOUTHEAST CORNER OF A  
18 24.1 ACRE TRACT DESCRIBED AS "TRACT II" IN THE DEED TO  
19 JOHN HUGGINS, SR., AND RECORDED IN VOLUME 2338, PAGE  
20 516 OF THE SAID DEED RECORDS;  
21 THENCE, S00°45'28"W, WITH THE COMMON LINE BETWEEN THE  
22 35 ACRE TRACT AND THE 108.58 ACRE TRACT, 83.38 FEET TO  
23 A 1/2" IRON ROD SET WITH A PLASTIC CAP (STAMPED  
24 "CAPITAL SURVEYING CO. INC."), FOR THE POINT OF  
25 BEGINNING OF THE HEREIN DESCRIBED 1.0265 ACRE TRACT;  
26 THENCE, S00°45'28"W, CONTINUING WITH THE COMMON LINE  
27 BETWEEN THE 108.58 ACRE TRACT AND THE 35 ACRE TRACT,

214.84 FEET TO A 1/2" IRON ROD SET WITH A PLASTIC CAP  
(STAMPED "CAPITAL SURVEYING CO. INC,"), SAID IRON ROD  
BEARS N00°45'28"e, 759.90 FEET FROM A FENCE CORNER POST  
FOUND FOR AN ANGLE POINT IN THIS COMMON LINE;  
THENCE, S83°50'26"W, LEAVING THE SAID COMMON LINE AND  
CROSSING INTO THE 108.58 ACRE TRACT, 184.66 FEET TO A  
1/2" IRON ROD SET WITH A PLASTIC CAP (STAMPED "CAPITAL  
SURVEYING CO. INC."), FOR THE POINT OF CURVATURE OF A  
CURVE TO THE RIGHT;  
THENCE, CONTINUING ACROSS THE 108.58 ACRE TRACT WITH  
THE SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  
164°18'02", A RADIUS OF 75.00 FEET, A LONG CHORD OF  
148.59 FEET (CHORD BEARS N14°15'39"W), FOR AN ARC  
DISTANCE OF 215.07 FEET TO A 1/2" IRON ROD SET WITH A  
PLASTIC CAP (STAMPED "CAPITAL SURVEYING CO. INC.");  
THENCE, N67°53'21"E, 240.74 FEET TO THE POINT OF  
BEGINNING, CONTAINING WITH THESE METES AND BOUND  
1.0265 ACRES OF LAND AREA.

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

(b) The governor, one of the required recipients, has  
submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

6 (d) All requirements of the constitution and laws of this  
7 state and the rules and procedures of the legislature with respect  
8 to the notice, introduction, and passage of this Act are fulfilled  
9 and accomplished.

10 SECTION 4. This Act takes effect September 1, 2005.