

By: Ogden S.B. No. 1887  
(In the Senate - Filed April 28, 2005; April 29, 2005, read first time and referred to Committee on Intergovernmental Relations; May 4, 2005, reported favorably by the following vote: Yeas 5, Nays 0; May 4, 2005, sent to printer.)

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;

(4) Kenny Mire; and

(5) Gary Fischer.

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

(c) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three

qualified temporary directors, the Texas Commission on Environmental Quality shall appoint the necessary number of persons to fill all vacancies on the board.

(d) Temporary directors serve until the earlier of:  
 (1) the date directors are elected under Section 8135.022; or  
 (2) the date this chapter expires under Section 8135.003.

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

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

(1) an issuance of bonds;  
 (2) a maintenance tax; or  
 (3) a tax to fund payments required under a contract.

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

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

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

[Sections 8135.025-8135.050 reserved for expansion]

#### SUBCHAPTER B. BOARD OF DIRECTORS

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

(b) Directors serve staggered four-year terms.

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

[Sections 8135.053-8135.100 reserved for expansion]

#### SUBCHAPTER C. POWERS AND DUTIES

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

Sec. 8135.102. MUNICIPAL MANAGEMENT DISTRICT POWERS. The district has the powers and duties provided by the general law of this state, including Chapter 375, Local Government Code, applicable to municipal management districts.

Sec. 8135.103. COUNTY DEVELOPMENT DISTRICT POWERS. The district has the powers and duties provided by the general law of this state, including Chapter 383, Local Government Code, applicable to county development districts.

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

[Sections 8135.105-8135.150 reserved for expansion]

#### SUBCHAPTER D. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

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

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

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

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

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

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

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

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

(2) the proposition to be voted on.

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

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

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

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

(1) the Texas Commission on Environmental Quality;

(2) the attorney general;

(3) the commissioners court of each county in which a new district is located; and

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

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

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

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

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

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

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

(2) is not required to own land in or reside in the district for which the director is appointed.

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

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

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

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

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

Sec. 8135.157. CONTRACT AUTHORITY OF NEW DISTRICTS. The

new districts may contract with each other for:

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

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

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

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

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

"EXHIBIT A"

TRACT I:

First Tract:

BEGINNING AT A ST.MD. IN THE S. LINE OF THE MCNUTT LEAGUE BEING THE S.W. CORNER OF A TRACT OF 250 ACRES OF LAND DEEDED TO H.M. MCNUTT BY MARY MCNUTT;  
THENCE EAST 915 VRS. TO THE S.W. CORNER OF THE A.S. WALKER TRACT;  
THENCE NORTH WITH WEST LINE OF SAID A.S. WALKER TRACT TO THE S. EDGE OF THE TIMBER;  
THENCE WEST WITH THE MEANDERS OF SAID TIMBER TO THE EAST LINE OF A TRACT OF LAND SOLD BY H.M. NCNUTT TO BEN SNYDER;  
THENCE NORTH WITH THE SAID E. LINE OF THE SNYDER TRACT 339 VRS. A. STONE MD.;  
THENCE WEST 290 BRS. TO A SMALL SPANISH OAK FOR A CORNER;  
THENCE WITH THE MEANDERS OF A BANK OR BLUFF TO A STAKE IN THE WEST LINE OF THE AFORESAID 250 ACRE TRACT, FROM WHICH A SPANISH OAK BRS. S.50 W 5 VRS.  
THENCE SOUTH 800 VRS. TO THE PLACE OF BEGINNING.

Second Tract:

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

Third Tract:

BEGINNING IN THE CENTER OF BRUSHY CREEK, ON THE A.S. WALKER WEST LINE;  
THENCE SOUTH WITH SAID WALKER'S LINE 300 VRS;  
THENCE NORTH 45 W 143 VRS;  
THENCE NORTH 3 EAST 260 VRS. TO THE CENTER OF SAID BRUSHY CREEK;  
THENCE DOWN SAID CREEK WITH ITS MEANDERS TO THE PLACE OF BEGINNING.  
AS TO TRACT I, THE THREE TRACTS CONTAIN 75-ACRES, MORE OR LESS, AND BEING THE SAME LAND CONVEYED BY W.R. RAY AND WIFE, NANNIE BELLE RAY TO BEN BURSON ON DECEMBER 26, 1907, BY DEED RECORDED IN VOL. 127, PAGE 372, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS.

TRACT II:

BEGINNING AT THE S.E. CORNER OF THE TRACT OWNED BY BURSON FOR S.W. CORNER HEREOF;  
THENCE EAST WITH THE SOUTH LINE OF R. MCNUTT SURVEY 108.7 VRS., A POST FOR S.E. CORNER HEREOF;  
THENCE NORTH 3 EAST 894.3 VRS. TO A STONE IN THE GROUND

FOR THE N.E. CORNER HEREOF, AND ON THE SOUTH MARGIN OF  
A PUBLIC ROAD;  
THENCE NORTH 71-1/4 WEST 191-1/2 VRS. TO THE N.E.  
CORNER OF SAID BURSON TRACT;  
THENCE WITH SAID BURSON EAST LINE ABOUT DUE SOUTH  
565-1/5 VRS. TO A POST;  
THENCE SOUTH 60-3/4 EAST 34-1/5 VRS. A POST FOR CORNER;  
THENCE SOUTH 368-3/4 VRS. TO THE PLACE OF BEGINNING AND  
CONTAINING 24-1/10 ACRES OF LAND, AND BEING THE SAME  
LAND CONVEYED BY H. TIMMERMAN TO BEN BURSON ON NOVEMBER  
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.  
TIMMERMANN 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;  
THENCE NORTH WITH SAID LINE TO BRUSHY CREEK ON  
SHERMAN'S LINE;  
THENCE WEST TO THE PLACE OF BEGINNING, SUPPOSED TO  
CONTAIN 3 ACRES OF LAND, BEING THE SAME LAND DESCRIBED

IN DEED FROM ED M. DOWNING TO BEN BURSON, DATED JANUARY 23, 1931, RECORDED IN VOL. 255, PAGE 558, DEED RECORDS OF WILLIAMSON COUNTY, TEXAS

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

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

TRACT V:

BEGINNING AT THE S.E. CORNER OF BURSON'S TRACT OF LAND, A POST ON THE R. MCNUTT SOUTH LINE, AND NORTH LINE OF THE JAMES H. NEILY SURVEY;  
THENCE EAST 108.7 VRS. A CEDAR POST FOR CORNER;  
THENCE SOUTH 3 WEST 367-1/2 VRS. A CEDAR POST FOR CORNER;  
THENCE SOUTH 50-25 WEST 340.7 VRS. A CEDAR POST FOR CORNER;  
THENCE SOUTH 80-1/3 WEST 764.7 VRS. A CEDAR POST ON WEST LINE AND FLUGER'S EAST LINE;  
THENCE NORTH 704-1/5 VRS. TO A POST FOR N.W. CORNER HEREOF;  
THENCE 927-1/5 VRS. TO THE PLACE OF BEGINNING, AND CONTAINING 108.58 ACRES OF LAND OUT OF THE JAMES H. NEILY SURVEY, PATENT NO. 644, VOL. 2.

TRACT VI:

BEGINNING AT THE NORTHWEST CORNER OF THE ABOVE DESCRIBED TRACT V;  
THENCE NORTH 75 VRS. A POST FOR NORTHWEST CORNER THEREOF;  
THENCE EAST 226 VRS. TO POST FOR NORTHWEST CORNER;  
THENCE SOUTH 75 VRS. A STONE ON NORTH LINE OF SAID TRACT V;  
THENCE WEST 226 VRS TO THE PLACE OF BEGINNING, AND CONTAINING 3 ACRES OF LAND OUT OF THE R. MCNUTT SURVEY, AND BEING THE SAME LAND CONVEYED TO OSCAR MARSHALL BY H. TIMMERMANN, BY DEED DATED NOVEMBER 27, 1912, RECORDED IN BOOK 179, PAGE 549 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS.  
TRACTS V AND VI ABOVE DESCRIBED BEING THE SAME LANDS DESCRIBED IN THAT CERTAIN DEED DATED MAY 9, 1955, FROM OSCAR MARSHALL AND WIFE ALMA MARSHALL, TO R.R. KAY AND RECORDED IN VOL. 405, PAGE 239 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, TO WHICH REFERENCE IS HERE MADE FOR ALL PURPOSES.

TRACT VII:

THE FOLLOWING PROPERTY OUT OF THE ROBERT MCNUTT SURVEY IN WILLIAMSON COUNTY, TEXAS, AS DESCRIBED AS FOLLOWS:  
BEGINNING AT A POINT IN THE WEST FENCE LINE OF A TRACT OF 65 ACRES OF LAND IN SAID ROBERT MCNUTT SURVEY HERETOFORE CONVEYED TO G.W. BOHLS ET AL AS "FIRST TRACT" IN A DEED RECORDED IN VOL. 243, PAGE 315 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, WHICH SAID POINT OF BEGINNING IS IN THE EAST LINE OF LAND NOW OWNED BY R.R. KAY AND 14 FEET FROM THE S.E. CORNER OF KAY AND THE S.W. CORNER OF SAID 65 ACRE TRACT, WHICH SAID CORNERS ARE IN THE SOUTH LINE OF SAID ROBERT MCNUTT SURVEY, AN IRON PIPE SET FOR THE S.W. CORNER HEREOF;  
THENCE NORTH 3 DEG. 20 MIN. EAST 887.04 VRS. (2464 FT.) WITH THE FENCE ALONG SAID COMMON LINES, CROSSING BRUSHY CREEK AT 2075 FT. TO AN IRON PIPE AT OR NEAR THE N.E. CORNER OF SAID 65 ACRE-TRACT IN THE SOUTH LINE OF AN OLD ROAD NOT USED FOR SOME YEARS, FOR THE N.W.

7-1 CORNER HEREOF;  
 7-2 THENCE SOUTH 77 DEG. 45 MIN. EAST, 201.6 VRS. (560 FT.)  
 7-3 TO A BEND IN THE ROAD LINE;  
 7-4 THENCE SOUTH 87 DEG. EAST, 252.0 VRS. (700 FT.) TO AN  
 7-5 IRON STAKE SET IN THE ROAD LINE FOR THE N.E. CORNER  
 7-6 HEREOF, SAME BEING THE N.E. CORNER OF SAID 65 ACRE  
 7-7 TRACT, ON OR NEAR THE EAST LINE OF SAID ROBERT MCNUTT  
 7-8 SURVEY;  
 7-9 THENCE SOUTH 10 DEG. WEST, 731.53 VRS. (2032 FT.) TO AN  
 7-10 IRON PIPE FOR THE S.E. CORNER HEREOF (AT 310 FT.)  
 7-11 CROSSED CENTER OF BRUSHY CREEK, AT 415 FT. SPRING  
 7-12 BRANCH, LEAVE SPRING BRANCH AT 555 FT., CROSS SPRING  
 7-13 BRANCH AT 1848 FT. AND AT 2032 FT. IN ALL THE S.E.  
 7-14 CORNER HEREOF);  
 7-15 THENCE NORTH 88 DEG. 40 MIN. WEST, AT 126.5 FT. PASSED  
 7-16 THROUGH A 9" ELM, AT 193 FT. CROSSED THE CENTER OF  
 7-17 SPRING BRANCH, AND AT 220.5 FT. IN ALL (79.38 VRS.) TO  
 7-18 A 5" ASH TREE MARKED "V" IN THE S.W. SIDE, 6' FROM THE  
 7-19 GROUND;  
 7-20 THENCE SOUTH 69 DEG. 20 MIN. WEST, 314.1 VRS. (872.5  
 7-21 FT.) TO THE PLACE OF BEGINNING, AND CONTAINING 56.48  
 7-22 ACRES OF LAND, AS SURVEYED BY W.F. FOREST, REGISTERED  
 7-23 PUBLIC SURVEYOR, #101, ON APRIL 6, 1957;  
 7-24 AND BEING THE SAME PROPERTY DESCRIBED IN THAT CERTAIN  
 7-25 DEED DATED APRIL 29, 1957, FROM THEO TIMMERMANN, ET AL,  
 7-26 TO R.R. KAY, RECORDED IN VOL. 485, PAGE 215 OF THE DEED  
 7-27 RECORDS OF WILLIAMSON COUNTY, TEXAS TO WHICH REFERENCE  
 7-28 IS HERE MADE FOR ALL PURPOSES.  
 7-29 TRACTS VIII AND IX HEREIN DESCRIBED BEING A PART OF THE M.D. WALDING  
 7-30 SURVEY, ABSTRACT 675, IN WILLIAMSON COUNTY, TEXAS, AND BEING OFF  
 7-31 THE NORTH END OF A TRACT OF 301.6 ACRES OF LAND DESCRIBED IN DEED TO  
 7-32 WM. KLATTENHOFF, RECORDED IN VOL. 23, PAGE 591 OF THE DEED RECORDS  
 7-33 OF WILLIAMSON COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS:  
 7-34 TRACT VIII:  
 7-35 BEGINNING AT THE N.W. CORNER OF THE TRACT 301.6 ACRES  
 7-36 DESCRIBED IN DEED TO W.M. KLATTENHOFF RECORDED IN VOL.  
 7-37 23, PAGE 591 OF THE DEED RECORDS OF WILLIAMSON COUNTY,  
 7-38 TEXAS, AND THE N.W. CORNER OF THE WALDING SURVEY, IN  
 7-39 THE EAST LINE OF THE MCNUTT SURVEY AND OF R.R. KAY'S  
 7-40 LAND, IN THE CENTER OF BRUSHY CREEK;  
 7-41 THENCE DOWN THE CENTER OF BRUSHY CREEK WITH ITS  
 7-42 MEANDERS AS FOLLOWS:  
 7-43 NORTH 71 EAST, 72.0 VRS.;  
 7-44 NORTH 50 DEG. 10 MIN. EAST, 140.4 VRS.;  
 7-45 NORTH 66 DEG. 10 MIN EAST, 151.2 VRS.;  
 7-46 NORTH 71 EAST, 180.0 VRS.;  
 7-47 NORTH 81 DEG. 30 MIN. EAST, 266.4 VRS; AND  
 7-48 SOUTH 86 DEG. 10 MIN. EAST, 196.92 VRS. TO THE N.E.  
 7-49 CORNER OF SAID 301.6 ACRE TRACT;  
 7-50 THENCE SOUTH 10 WEST, AT 15.84 VRS. SET AN IRON PIPE ON  
 7-51 THE BANK AND CONTINUING 104.4 VRS. IN ALL, SET AN IRON  
 7-52 STAKE IN THE CENTER OF AN OLD ABANDONED ROAD AT A  
 7-53 CORNER OF THE SAID 301.6 ACRE TRACT AND OF A TRACT  
 7-54 DESCRIBED IN A DEED TO WM. R. BRIGHT, RECORDED IN VOL.  
 7-55 338, PAGE 480 OF THE DEED RECORDS OF WILLIAMSON COUNTY,  
 7-56 TEXAS;  
 7-57 THENCE SOUTH 80 WEST, WITH THE CENTER OF SAID OLD ROAD,  
 7-58 181.08 VRS. TO AN IRON PIPE SET AT A BEND IN THE ROAD,  
 7-59 ANOTHER CORNER OF THE BRIGHT AND KLATTENHOFF TRACTS;  
 7-60 THENCE SOUTH 10 DEG. 20 MIN. WEST, WITH THE CENTER OF  
 7-61 THE OLD ROAD (46 FEET WIDE), 812.16 VRS. TO A POINT IN  
 7-62 THE WEST RIGHT-OF-WAY LINE OF PRESENT FARM ROAD #685;  
 7-63 THENCE SOUTH 27 DEG. 30 MIN. WEST WITH SAID WEST  
 7-64 RIGHT-OF-WAY, AT 600.12 VRS. PASS A CONCRETE ROW  
 7-65 MARKER, AND CONTINUING 841.97 VRS. IN ALL TO AN IRON  
 7-66 PIPE SET 3.8 FEET PAST A POINT IN LINE WITH THE CENTER  
 7-67 OF A SMALL BOX CULVERT, FOR THE S.E. CORNER HEREOF;  
 7-68 THENCE WEST 379.98 VRS. TO AN IRON PIPE SET IN A FENCE;  
 7-69 THENCE NORTH 9 DEG. 40 MIN. EAST, WITH THE FENCE, 108

8-1 VRS. TO AN IRON PIPE SET IN THE GROUND;  
 8-2 THENCE WEST 83.77 VRS. TO AN IRON STAKE SET AT A FENCE  
 8-3 CORNER, THE S.E. OF 35 ACRE TRACT OWNED BY TIMMERMAN &  
 8-4 BOHLS, THE N.E. CORNER OF A TRACT OF 200 ACRES OWNED BY  
 8-5 KLATTENHOFF;  
 8-6 THENCE NORTH 10 DEG. EAST, WITH A FENCE ALONG THE WEST  
 8-7 LINE OF SAID 301.6 ACRE TRACT ABOVE DESCRIBED, AND WITH  
 8-8 THE WEST LINE OF SAID WALDING SURVEY, AT ABOUT 600 VRS.  
 8-9 PASS THE N.E. CORNER OF THE JAMES N. NEILLY SURVEY AND  
 8-10 THE S.E. CORNER OF THE R. MCNUTT SURVEY, AT 715.88 VRS.  
 8-11 PASS THE S.E. CORNER OF THE R.R. KAY TRACT, AND  
 8-12 CONTAINING IN ALL 1334.52 VRS TO THE PLACE OF BEGINNING  
 8-13 AND CONTAINING 189.92 ACRES OF LAND.

TRACT IX:

8-14 BEGINNING AT A FENCE CORNER IN THE EAST RIGHT-OF-WAY  
 8-15 LINE OF FARM ROAD #685; THE S.E. CORNER OF TRACT VIII  
 8-16 ABOVE, BEARS NORTH 75 DEG. 05 MIN. WEST; 36.86 VRS AND  
 8-17 SOUTH 27 DEG. 30 MIN. WEST, 55.73 VRS., AN IRON PIPE  
 8-18 SET FOR THE S.W. CORNER OF THIS TRACT;  
 8-19 THENCE NORTH 27 DEG. 30 MIN. EAST, WITH THE  
 8-20 RIGHT-OF-WAY LINE, 574.74 VRS. TO A ROW MARKER FOR  
 8-21 CORNER;  
 8-22 THENCE SOUTH 59 DEG. 30 MIN. EAST, AT 20.12 VRS. PASS A  
 8-23 ROW MARKER IN THE WEST LINE OF AN OLD ABANDONED ROAD,  
 8-24 AND CONTINUING IN ALL, 28.62 VRS. TO THE CENTER OF SAID  
 8-25 ROAD; THENCE SOUTH 10 WEST WITH THE CENTER OF THE OLD  
 8-26 ROAD 555.12 VRS.;  
 8-27 THENCE NORTH 75 DEG. 05 MIN. WEST, AT 8 VRS. PASS A FENCE  
 8-28 CORNER IN THE WEST LINE OF SAID OLD ROAD (THE ROW MARKER IN THE WEST  
 8-29 LINE OF SAID OLD ROAD MENTIONED ABOVE BEARS NORTH 10 EAST 557.28  
 8-30 VRS.) WITH AN OLD FENCE, AND CONTINUING IN ALL 201.6 VRS. TO THE  
 8-31 PLACE OF BEGINNING AND CONTAINING 11.30 ACRES OF LAND, OF WHICH 0.8  
 8-32 ACRES IS IN THE OLD ROAD.  
 8-33

"EXHIBIT B"

## DESCRIPTION FOR PARCEL 118

8-35 DESCRIPTION OF A 2,841,401 SQUARE FOOT, 65.230 ACRE,  
 8-36 TRACT OF LAND OUT OF THE N.D. WALLING SURVEY NO. 19,  
 8-37 ABSTRACT NO. 675 AND THE ROBERT MCNUTT SURVEY,  
 8-38 ABSTRACT NO. 422, WILLIAMSON COUNTY, TEXAS, BEING PART  
 8-39 OF A 189.92 ACRE TRACT (TRACT VIII), AND A PART OF A  
 8-40 56.48 ACRE TRACT (TRACT VII) BOTH DESCRIBED IN GENERAL  
 8-41 WARRANTY DEEDS DATED JUNE 1, 2000, TO KAY RANCH LIMITED  
 8-42 PARTNERSHIP RECORDED IN DOCUMENT NOS. 2000036589,  
 8-43 2000036590, 2000036591, 2000036592, AND 2000036593,  
 8-44 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS;  
 8-45 SAID 2,841, 401 SQUARE FOOT, 65.230 ACRE TRACT AS SHOWN  
 8-46 ON THE ACCOMPANYING PARCEL PLAT, BEING MORE  
 8-47 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:  
 8-48 COMMENCING for reference at a found 1/2-inch iron rod  
 8-49 at the southernmost southwest corner of said 189.92  
 8-50 acre tract, and an interior ell corner of a 48.8642  
 8-51 acre tract described in a Warranty Deed, dated April 4,  
 8-52 2003, to Tack Development, LTD., recorded in Document  
 8-53 No. 2003031850, Official Public Records of Williamson  
 8-54 County, Texas;  
 8-55 THENCE, N 87°36' 42" E, with the common line between  
 8-56 said 189.92 acre tract and said 48.8642 acre tract, a  
 8-57 distance of 546.75 feet to a set 1/2-inch iron rod with  
 8-58 TxDOT aluminum cap, on the proposed west right-of-way  
 8-59 line of S.H. 130, 327.77 feet right of proposed S.H.  
 8-60 130 baseline station 794+49.45, for the southwest  
 8-61 corner and the POINT OF BEGINNING of this tract;  
 8-62 THENCE, across said 189.92 acre tract with the  
 8-63 proposed west right-of-way line of S.H. 130, the  
 8-64 following four (4) courses:  
 8-65 1) N 01° 52 '37" W, a distance of 1249.76 feet to a set  
 8-66 1/2-inch iron rod with TxDOT aluminum cap (to be  
 8-67 replaced with a TxDOT Type II monument after  
 8-68 right-of-way acquisition is complete), at an angle  
 8-69



point of this tract;  
 2) N 03° 09' 00" W, a distance of 1353.15 feet to 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), 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;

2) THENCE, N 25° 04' 25" E, with the common line between said 11.30 acre tract and said F.M. 685, distance of 339.07 feet to 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), 515.76 feet left of proposed S.H.130 baseline station 790+49.63, on a curve of the proposed east right-of-way line of said S.H.130, for the north corner of this tract;

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

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

COMMENCING AT 1" IRON PIPE FOUND FOR THE NORTHEAST CORNER OF A 8.52 ACRE TRACT DESCRIBED AS THE "FIRST TRACT" AND CONVEYED TO BRUSHY CREEK LTD. BY A DEED RECORDED IN DOCUMENT NO. 9731656 OF THE "OFFICIAL PUBLIC RECORDS" OF WILLIAMSON COUNTY, TEXAS, AND IS THE SOUTHEAST CORNER OF A 56.48 ACRE TRACT DESCRIBED AS "TRACT VII" AND CONVEYED TO JOHN H. HUGGINS, SR. IN THE DEED MENTIONED ABOVE RECORDED IN VOLUME 2338, PAGE 516 OF THE SAID WILLIAMSON COUNTY DEED RECORDS;

THENCE, S88°10'33"W, WITH THE COMMON LINE BETWEEN THE 8.52 ACRE TRACT AND THE 56.48 ACRE TRACT, 221.32 FEET TO A 10" WILLOW TREE (WITH EMBEDDED BARB WIRE FENCING); THENCE, S68°02'17"W, CONTINUING WITH THE ABOVE SAID COMMON LINE, 853.02 FEET TO A 1/2" IRON ROD FOUND WITH A PLASTIC CAP (STAMPED "CAPITAL SURVEYING CO. INC.") FOR THE COMMON WESTERN CORNER OF THE 8.52 ACRE TRACT AND THE 56.48 ACRE TRACT, A NORTHERLY COMMON CORNER OF A 35.00 ACRE TRACT DESCRIBED AS THE "SECOND TRACT" AND CONVEYED TO BRUSHY CREEK LTD. BY THE DEED RECORDED IN DOCUMENT NO. 9131656 MENTIONED ABOVE, AND THE 108.58 ACRE HUGGINS TRACT; AND IS THE SOUTHEAST CORNER OF A 24.1 ACRE TRACT DESCRIBED AS "TRACT II" IN THE DEED TO JOHN HUGGINS, SR., AND RECORDED IN VOLUME 2338, PAGE 516 OF THE SAID DEED RECORDS;

THENCE, S00°45'28"W, WITH THE COMMON LINE BETWEEN THE 35 ACRE TRACT AND THE 108.58 ACRE TRACT, 83.38 FEET TO A 1/2" IRON ROD SET WITH A PLASTIC CAP (STAMPED "CAPITAL SURVEYING CO. INC."), FOR THE POINT OF BEGINNING OF THE HEREIN DESCRIBED 1.0265 ACRE TRACT;

11-1       THENCE, S00°45'28"W, CONTINUING WITH THE COMMON LINE  
 11-2       BETWEEN THE 108.58 ACRE TRACT AND THE 35 ACRE TRACT,  
 11-3       214.84 FEET TO A 1/2" IRON ROD SET WITH A PLASTIC CAP  
 11-4       (STAMPED "CAPITAL SURVEYING CO. INC,"), SAID IRON ROD  
 11-5       BEARS N00°45'28"E, 759.90 FEET FROM A FENCE CORNER POST  
 11-6       FOUND FOR AN ANGLE POINT IN THIS COMMON LINE;  
 11-7       THENCE, S83°50'26"W, LEAVING THE SAID COMMON LINE AND  
 11-8       CROSSING INTO THE 108.58 ACRE TRACT, 184.66 FEET TO A  
 11-9       1/2" IRON ROD SET WITH A PLASTIC CAP (STAMPED "CAPITAL  
 11-10      SURVEYING CO. INC."), FOR THE POINT OF CURVATURE OF A  
 11-11      CURVE TO THE RIGHT;  
 11-12      THENCE, CONTINUING ACROSS THE 108.58 ACRE TRACT WITH  
 11-13      THE SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF  
 11-14      164°18'02", A RADIUS OF 75.00 FEET, A LONG CHORD OF  
 11-15      148.59 FEET (CHORD BEARS N14°15'39"W), FOR AN ARC  
 11-16      DISTANCE OF 215.07 FEET TO A 1/2" IRON ROD SET WITH A  
 11-17      PLASTIC CAP (STAMPED "CAPITAL SURVEYING CO. INC.");  
 11-18      THENCE, N67°53'21"E, 240.74 FEET TO THE POINT OF  
 11-19      BEGINNING, CONTAINING WITH THESE METES AND BOUND  
 11-20      1.0265 ACRES OF LAND AREA.

11-21      SECTION 3. (a) The legal notice of the intention to  
 11-22      introduce this Act, setting forth the general substance of this  
 11-23      Act, has been published as provided by law, and the notice and a  
 11-24      copy of this Act have been furnished to all persons, agencies,  
 11-25      officials, or entities to which they are required to be furnished  
 11-26      under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 11-27      Government Code.

11-28      (b) The governor, one of the required recipients, has  
 11-29      submitted the notice and Act to the Texas Commission on  
 11-30      Environmental Quality.

11-31      (c) The Texas Commission on Environmental Quality has filed  
 11-32      its recommendations relating to this Act with the governor, the  
 11-33      lieutenant governor, and the speaker of the house of  
 11-34      representatives within the required time.

11-35      (d) All requirements of the constitution and laws of this  
 11-36      state and the rules and procedures of the legislature with respect  
 11-37      to the notice, introduction, and passage of this Act are fulfilled  
 11-38      and accomplished.

11-39      SECTION 4. This Act takes effect September 1, 2005.

11-40                   \* \* \* \* \*