

By: Martinez Fischer

H.B. No. 4460

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of Austin Desired Development Zone  
3 District No. 4; providing authority to levy an assessment, impose  
4 taxes, and issue bonds; and granting a limited power of eminent  
5 domain.

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

7 SECTION 1. Subtitle C, Title 4, Special District Local Laws  
8 Code, is amended by adding Chapter 38\_\_ to read as follows:

9 CHAPTER 38 . Austin Desired Development Zone District No. 4

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 38.001. DEFINITIONS. In this chapter:

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

13 (2) "City" means the City of Austin.

14 (3) "County" means Travis County.

15 (4) "Director" means a board member.

16 (5) "District" means the Austin Desired Development  
17 Zone District No. 4.

18 Sec. 38.002. NATURE OF DISTRICT. Austin Desired  
19 Development Zone District No. 4 is a special district created under  
20 Section 59, Article XVI, Texas Constitution.

21 Sec. 38.003. PURPOSE; DECLARATION OF INTENT. (a) The  
22 creation of the district is essential to accomplish the purposes of  
23 Sections 52 and 52-a, Article III, and Section 59, Article XVI,  
24 Texas Constitution, and other public purposes stated in this

1 chapter. By creating the district and in authorizing the city, the  
2 county, and other political subdivisions to contract with the  
3 district, the legislature has established a program to accomplish  
4 the public purposes set out in Section 52-a, Article III, Texas  
5 Constitution.

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

11 Sec. 38.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
12 The district is created to serve a public use and benefit.

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

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

20 (1) further the public purposes of developing and  
21 diversifying the economy of the state;

22 (2) eliminate unemployment and underemployment; and

23 (3) develop or expand transportation and commerce.

24 (d) The district will:

25 (1) promote the health, safety, and general welfare of  
26 residents, employers, potential employees, employees, visitors,  
27 and consumers in the district, and of the public;

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

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

9           (4) provide for water, wastewater, drainage, road,  
10 and recreational facilities for the district.

11           (e) Pedestrian ways along or across a street, whether at  
12 grade or above or below the surface, and street lighting, street  
13 landscaping, parking, and street art objects are parts of and  
14 necessary components of a street and are considered to be a street  
15 or road improvement.

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

19           Sec. 38.005. INITIAL DISTRICT TERRITORY. (a) The district  
20 is initially composed of the territory described by Section 2 of the  
21 Act enacting this chapter.

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

26           (1) organization, existence, or validity;

27           (2) right to issue any type of bond for the purposes

1 for which the district is created or to pay the principal of and  
2 interest on the bond;

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

4 (4) legality or operation.

5 Sec. 38.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

6 All or any part of the area of the district is eligible to be  
7 included in:

8 (1) a tax increment reinvestment zone created under  
9 Chapter 311, Tax Code;

10 (2) a tax abatement reinvestment zone created under  
11 Chapter 312, Tax Code; or

12 (3) an enterprise zone created under Chapter 2303,  
13 Government Code.

14 Sec. 38.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
15 DISTRICTS LAW. Except as otherwise provided by this chapter,  
16 Chapter 375, Local Government Code, applies to the district.

17 Sec. 38.008. LIBERAL CONSTRUCTION OF CHAPTER. This chapter  
18 shall be liberally construed in conformity with the findings and  
19 purposes stated in this chapter.

20 Sec. 38.009. CONFIRMATION AND DIRECTORS' ELECTION  
21 REQUIRED. The temporary directors shall hold an election to  
22 confirm the creation of the district and to elect four permanent  
23 directors as provided by Section 49.102, Water Code.

24 Sec. 38.010. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
25 temporary directors may not hold an election under Section 38.009  
26 until the city has consented by ordinance or resolution to the  
27 creation of the district and to the inclusion of land in the

1 district.

2 (b) The city may condition its consent to the creation of  
3 the district, to the inclusion of land in the district, and to the  
4 exercise or limitation of powers granted to the district under this  
5 Chapter by requiring the owner of any land included in the district  
6 to negotiate and enter into a written agreement with the City of  
7 Austin under this Chapter and Sections 43.0563 and 212.172, Local  
8 Government Code.

9 (c) An agreement between a municipality and a landowner  
10 entered into prior to the effective date of this chapter and that  
11 complies with this section is validated.

12 (d) Section 54.016, Water Code, does not apply to the  
13 district or to an agreement under this section. An agreement under  
14 this section constitutes the city's consent to the creation of the  
15 district under Section 42.042, Local Government Code.

16 [Sections 38.012 - 38.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 38.051. GOVERNING BODY; TERMS. (a) The district is  
19 governed by a board of seven directors. Four of the directors are  
20 elected. Three of the directors are appointed under Sec. 38.053.

21 (b) Except as provided by Sec. 38.052, directors serve  
22 staggered four-year terms, with two elected directors' terms and  
23 one or two appointed director's terms expiring on June 1 of each  
24 even-numbered year. The term of office for each director first  
25 appointed under Sec. 38.053 shall begin on the date the four  
26 permanent directors are elected under Section 38.009.

27 Sec. 38.052. TEMPORARY DIRECTORS. (a) On or after the

1 effective date of the Act creating this chapter, the owner or owners  
2 of a majority of the assessed value of the real property in the  
3 district as determined by the most recent certified tax appraisal  
4 roll for the county may submit a petition to the Texas Commission on  
5 Environmental Quality requesting that the commission appoint as  
6 temporary directors the four persons named in the petition. The  
7 commission shall appoint as temporary directors the four persons  
8 named in the petition.

9 (b) Temporary directors serve until the earlier of:

10 (1) the date four permanent directors are elected  
11 under Section 38 .009; or

12 (2) the fourth anniversary of the effective date of  
13 the Act creating this chapter.

14 (c) If permanent directors have not been elected under  
15 Section 38.009 and the terms of the temporary directors have  
16 expired, successor temporary directors shall be appointed or  
17 reappointed as provided by Subsection (d) to serve terms that  
18 expire on the earlier of:

19 (1) the date four permanent directors are elected  
20 under Section 38 .009; or

21 (2) the fourth anniversary of the date of the  
22 appointment or reappointment.

23 (d) If Subsection (c) applies, the owner or owners of a  
24 majority of the assessed value of the real property in the district  
25 according to the most recent certified tax appraisal roll for the  
26 county may submit a petition to the commission requesting that the  
27 commission appoint as successor temporary directors the four

1 persons named in the petition. The commission shall appoint as  
2 successor temporary directors the four persons named in the  
3 petition.

4 Sec. 38.053. APPOINTMENT OF DIRECTOR. (a) The City Council  
5 of the city shall appoint one director, and may appoint a second  
6 director after notice is provided by the board to the city under  
7 Subsection (c). A person is appointed if a majority of the members  
8 of the City Council vote to appoint that person.

9 (b) The county Commissioners Court shall appoint one  
10 director. A person is appointed if a majority of the members of the  
11 Commissioners Court vote to appoint that person.

12 (c) The Texas Commission on Environmental Quality shall  
13 appoint one director nominated by the board. The board shall  
14 request the name of a qualified director nominee from each person  
15 who owns at least 25 percent of the surface area of land in the  
16 district, based on the most recent certified tax appraisal roll for  
17 the county. The board shall nominate to the Texas Commission on  
18 Environmental Quality the qualified director nominee whose name was  
19 submitted by the person who owns the largest total surface area of  
20 land in the district. If the board has not received the name of a  
21 qualified director nominee before the 31st day after the date the  
22 board requests the name of a qualified director nominee from every  
23 person who owns at least 25 percent of the surface area of land in  
24 the district, or if no person owns at least 25 percent of the  
25 surface area of land in the district, the board shall notify the  
26 city that it may appoint a second director under Subsection (a), and  
27 no appointment shall be made under this subsection.

1       Sec. 38.054 QUALIFICATIONS OF DIRECTOR. (a) To be  
2 qualified to be elected and serve as an elected director or to be  
3 qualified to be appointed and serve as an appointed director under  
4 Subsection (c) of Section 38 .053, a person must be at least 18  
5 years old and:

6           (1) a resident of the district; or

7           (2) an owner of property in the district.

8       (b) A director appointed under Section 38.052 or Subsection  
9 (a) or (b) of Section 38.053 must be at least 18 years old.

10       (c) A person who qualifies to serve as a director under this  
11 section is subject to Section 375.072, Local Government Code.

12       Sec. 38.055. DIRECTOR VACANCY. A vacancy in the office of  
13 an elected director shall be filled for the unexpired term by the  
14 majority vote of the remaining members of the board. A vacancy in  
15 the office of a director appointed under Section 38 .053 shall be  
16 filled for the unexpired term by a new director appointed under that  
17 section.

18       Sec. 38.056. QUORUM. (a) A majority of the directors  
19 constitutes a quorum, and a concurrence of a majority of the  
20 directors is required for any official action of the district  
21 unless a lesser or greater number of votes is provided by other law.  
22 The written consent of at least two-thirds of the directors is  
23 required to authorize the levy of assessments, the levy of taxes,  
24 the imposition of impact fees, or the issuance of bonds.

25       (b) For purposes of determining the requirements for a  
26 majority of the board under this section, the following are not  
27 counted:



1           (1) a board position vacant for any reason, including  
2 death, resignation, or disqualification; or

3           (2) a director who is abstaining from participation in  
4 a vote because of a conflict of interest.

5           Sec. 38.057. COMPENSATION. A director is entitled to  
6 receive fees of office and reimbursement for actual expenses as  
7 provided by Section 49.060, Water Code.

8           [Sections 38.058 - 38.100 reserved for expansion]

9                   SUBCHAPTER C. POWERS AND DUTIES

10           Sec. 38.101. GENERAL POWERS AND DUTIES. The district has  
11 the powers and duties provided by:

12           (1) the general laws relating to conservation and  
13 reclamation districts created under Section 59, Article XVI, Texas  
14 Constitution, including Chapters 49 and 54, Water Code;

15           (2) Section 52, Article III, Texas Constitution,  
16 including the power to design, acquire, construct, finance, issue  
17 bonds for, improve, operate, maintain, and convey to this state, a  
18 county, or a municipality for operation and maintenance  
19 macadamized, graveled, or paved roads, or improvements, including  
20 storm drainage, in aid of those roads;

21           (3) Subchapter A, Chapter 372, Local Government Code,  
22 in the same manner as a municipality or a county;

23           (4) Chapter 375, Local Government Code;

24           (5) Chapter 380, Local Government Code, in the same  
25 manner as a municipality;

26           (6) Chapter 394, Local Government Code, to a housing  
27 finance corporation created and operating under that chapter, in

1 the same manner as a housing finance corporation;

2 (7) Subchapter C, Chapter 402, Local Government Code,  
3 in the same manner as a municipality; and

4 (8) Chapters 501, 502, and 505, Local Government  
5 Code, in the same manner as a municipality to which one or more of  
6 those chapters applies.

7 Sec. 38.102. AGREEMENTS; GRANTS. (a) The district may make  
8 an agreement with or accept a gift, grant, or loan from any person.  
9 A service agreement made by the district shall be terminable at will  
10 and without penalty upon 30 days notice of termination, unless the  
11 district secures the written consent of the City of Austin to  
12 modify or exclude those termination provisions, except for service  
13 agreements with the following persons or entities:

14 (1) a developer of land within the district, as  
15 defined by Section 49.052(d), Water Code;

16 (2) a government agency, entity, or political  
17 subdivision;

18 (3) a retail public utility or electric cooperative,  
19 concerning water, wastewater, gas, electricity, telecommunication,  
20 drainage, or other utility services and facilities; or

21 (4) a provider of services relating to solid waste  
22 collection, transfer, processing, reuse, resale, disposal, and  
23 management.

24 (b) The implementation of a project is a governmental  
25 function or service for the purposes of Chapter 791, Government  
26 Code.

27 (c) The board may enter into a contract with the board of

1 directors of a tax increment reinvestment zone created under  
2 Chapter 311, Tax Code, and the governing body of the municipality or  
3 county that created the zone to manage the zone or implement the  
4 project plan and reinvestment zone financing plan.

5 Sec. 38.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT AND  
6 FIRE-FIGHTING SERVICES. (a) To protect the public interest, the  
7 district may contract with a qualified party, including the county  
8 or the city, for the provision of law enforcement services in the  
9 district for a fee.

10 (b) The district may provide fire-fighting services under  
11 Section 49.351, Water Code and has the powers and duties of a  
12 municipality under Section 775.022, Health & Safety Code.

13 Sec. 38.104. ECONOMIC DEVELOPMENT PROGRAMS. The district  
14 may establish and provide for the administration of one or more  
15 programs to promote state or local economic development and to  
16 stimulate business and commercial activity in the district,  
17 including programs to:

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

19 (2) provide district personnel and services.

20 Sec. 38.105. STRATEGIC PARTNERSHIP AGREEMENT. The district  
21 may negotiate and enter into a written strategic partnership with  
22 the City of Austin under Section 43.0751, Local Government Code. A  
23 power granted to the district under this Chapter may be restricted  
24 or prohibited by the terms and conditions of an agreement between  
25 the City of Austin and the district under this section.

26 Sec. 38.106. LIMITED EMINENT DOMAIN. (a) The district may  
27 exercise the power of eminent domain under Section 49.222, Water

1 Code.

2 (b) The district may not exercise the power of eminent  
3 domain outside the district boundaries to acquire:

4 (1) a site for a water treatment plant, water storage  
5 facility, wastewater treatment plant, or wastewater disposal  
6 plant; or

7 (2) a recreational facility as defined by Section  
8 49.462, Water Code.

9 Sec. 38.107. ANNEXATION OR EXCLUSION OF LAND BY DISTRICT.

10 (a) The district may annex land as provided by Subchapter J,  
11 Chapter 49, Water Code.

12 (b) The district may exclude land as provided by Subchapter  
13 J, Chapter 49, Water Code. Section 375.044(b), Local Government  
14 Code, does not apply to the district.

15 Sec. 38.108. SUITS. The District shall not be a voluntary  
16 party to any suit against the city by a district resident or a  
17 person who owns property in the district unless the district has  
18 standing to bring the suit.

19 [Sections 38 .109 - 38 .150 reserved for expansion]

20 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

21 Sec. 38.151. PUBLIC TRANSIT SYSTEM. (a) The district may  
22 acquire, lease as lessor or lessee, construct, develop, own,  
23 operate, and maintain a public transit system to serve the area  
24 within the boundaries of the district.

25 (b) The district may contract with a regional transit  
26 authority for the provision of a public transit system and public  
27 transit services.

1       Sec. 38.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
2 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease  
3 as lessor or lessee, construct, develop, own, operate, and maintain  
4 parking facilities or a system of parking facilities, including:

5           (1) lots, garages, parking terminals, or other  
6 structures or accommodations for parking motor vehicles off the  
7 streets; and

8           (2) equipment, entrances, exits, fencing, and other  
9 accessories necessary for safety and convenience in parking  
10 vehicles.

11       (b) A parking facility of the district may be leased to, or  
12 operated for the district by, an entity other than the district.

13       (c) The district's parking facilities are a program  
14 authorized by the legislature under Section 52-a, Article III,  
15 Texas Constitution.

16       (d) The district's parking facilities serve the public  
17 purposes of the district and are owned, used, and held for a public  
18 purpose even if leased or operated by a private entity for a term of  
19 years.

20       (e) The district's public parking facilities and any lease  
21 to a private entity are exempt from the payment of ad valorem taxes  
22 and state and local sales and use taxes.

23       Sec. 38.153. RULES. The district may adopt rules covering  
24 its public transit system or its public parking system.

25       Sec. 38.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR PARKING  
26 FACILITIES. (a) The district may use any of its resources,  
27 including revenue, assessments, taxes, or grant or contract

1 proceeds, to pay the cost of acquiring or operating a public transit  
2 system or public parking facilities.

3 (b) The district may:

4 (1) set, charge, impose, and collect fees, charges, or  
5 tolls for the use of the public transit system or the public  
6 parking facilities; and

7 (2) issue bonds or notes to finance the cost of these  
8 facilities.

9 [Sections 38.155 - 38.200 reserved for expansion]

10 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

11 Sec. 38.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
12 board by resolution shall establish the number of directors'  
13 signatures and the procedure required for a disbursement or  
14 transfer of the district's money.

15 Sec. 38.202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The  
16 district may acquire, construct, finance, operate, or maintain any  
17 improvement or service authorized under this chapter or Chapter  
18 375, Local Government Code, using any money available to the  
19 district.

20 Sec. 38.203. PETITION REQUIRED FOR FINANCING SERVICES AND  
21 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
22 service or improvement project with assessments under this chapter  
23 unless a written petition requesting that service or improvement  
24 has been filed with the board.

25 (b) A petition filed under Subsection (a) must be signed by  
26 the owners of a majority of the assessed value of the real property  
27 in the district subject to assessment as determined by the most

1 recent certified tax appraisal roll for the county.

2 Sec. 38.204. METHOD OF NOTICE FOR HEARING. The district may  
3 mail the notice required by Section 375.115(c), Local Government  
4 Code, by certified or first class United States mail. The board  
5 shall determine the method of notice.

6 Sec. 38.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The  
7 board by resolution may impose and collect an assessment for any  
8 purpose authorized by this chapter in all or any part of the  
9 district.

10 (b) An assessment, a reassessment, or an assessment  
11 resulting from an addition to or correction of the assessment roll  
12 by the district, penalties and interest on an assessment or  
13 reassessment, an expense of collection, and reasonable attorney's  
14 fees incurred by the district:

15 (1) are a first and prior lien against the property  
16 assessed;

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

20 (3) are the personal liability of and a charge against  
21 the owners of the property even if the owners are not named in the  
22 assessment proceedings.

23 (c) The lien is effective from the date of the board's  
24 resolution imposing the assessment until the date the assessment is  
25 paid. The board may enforce the lien in the same manner that the  
26 board may enforce an ad valorem tax lien against real property.

27 (d) The board may make a correction to or deletion from the

1 assessment roll that does not increase the amount of assessment of  
2 any parcel of land without providing notice and holding a hearing in  
3 the manner required for additional assessments.

4 Sec. 38.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
5 ASSESSMENTS. The district may not impose an impact fee or  
6 assessment on the property, including the equipment,  
7 rights-of-way, facilities, or improvements, of:

8 (1) an electric utility or a power generation company  
9 as defined by Section 31.002, Utilities Code;

10 (2) a gas utility as defined by Section 101.003 or  
11 121.001, Utilities Code;

12 (3) a telecommunications provider as defined by  
13 Section 51.002, Utilities Code; or

14 (4) a person who provides to the public cable  
15 television or advanced telecommunications services.

16 Sec. 38.207. RESIDENTIAL PROPERTY. Section 375.161, Local  
17 Government Code, does not apply to the district.

18 Sec. 38.208. OPERATION AND MAINTENANCE TAX. (a) If  
19 authorized at an election held in accordance with Section 38.212,  
20 the district may impose an operation and maintenance tax on taxable  
21 property in the district in accordance with Section 49.107, Water  
22 Code, for any district purpose, including to:

23 (1) maintain and operate the district;

24 (2) construct or acquire improvements; or

25 (3) provide a service.

26 (b) The board shall determine the tax rate. The rate may not  
27 exceed the rate approved at the election.



1       Sec. 38.209. CONTRACT TAXES. (a) In accordance with  
2 Section 49.108, Water Code, the district may impose a tax other than  
3 an operation and maintenance tax and use the revenue derived from  
4 the tax to make payments under a contract after the provisions of  
5 the contract have been approved by a majority of the district  
6 voters voting at an election held for that purpose.

7       (b) A contract approved by the district voters may contain a  
8 provision stating that the contract may be modified or amended by  
9 the board without further voter approval.

10       Sec. 38.210. AUTHORITY TO ISSUE BONDS. (a) The district  
11 may issue by competitive bid bonds, notes, or other obligations  
12 payable wholly or partly from taxes, assessments, impact fees,  
13 revenue, grants, or other money of the district, or any combination  
14 of those sources of money, to pay for any authorized district  
15 purpose.

16       (b) The limitation on the outstanding principal amount of  
17 bonds, notes, and other obligations set forth in Section 49.4645,  
18 Water Code, does not apply to the district.

19       Sec. 38.211. CITY APPROVAL OF DISTRICT BONDS. (a) No later  
20 than 30 days before the first publication of notice of sale of a  
21 district bond, the district shall provide to the city a copy of the  
22 district's application to the Texas Commission on Environmental  
23 Quality for approval of the bond sale, a copy of the staff  
24 memorandum from the Texas Commission on Environmental Quality  
25 approving the projects and the bonds, the proposed bond resolution,  
26 the preliminary official statement for the bond sale, the bid form,  
27 and the notice of sale, as applicable.

1       (b) The city may refuse to approve a bond sale only if the  
2 city determines that issuance of the bonds would cause the district  
3 to be substantially out of compliance with a material provision of a  
4 written agreement with the city under Section 38 .010, Section  
5 38 .105, or any other written agreement with the city pertaining to  
6 the district's creation or operation.

7       (c) The city shall notify the district of its refusal to  
8 approve a bond sale under Subsection(b) no later than the 15th day  
9 after its receipt of the information provided under Subsection (a),  
10 or the bond sale shall be deemed to be approved by the City.

11       (d) The district shall not issue or sell a bond that the  
12 city has refused to approve under this section.

13       Sec. 38.212. TAXES FOR BONDS. At the time the district  
14 issues bonds payable wholly or partly from ad valorem taxes, the  
15 board shall provide for the annual imposition of a continuing  
16 direct annual ad valorem tax, without limit as to rate or amount,  
17 for each year while all or part of the bonds are outstanding as  
18 required and in the manner provided by Sections 54.601 and 54.602,  
19 Water Code.

20       Sec. 38.213. ELECTIONS REGARDING TAXES AND BONDS. (a) The  
21 district may issue, without an election, bonds, notes, and other  
22 obligations secured by:

23               (1) revenue other than ad valorem taxes; or

24               (2) contract payments described by Section 38.209.

25       (b) The district shall hold an election in the manner  
26 provided by Subchapter L, Chapter 375, Local Government Code, to  
27 obtain voter approval before the district imposes an ad valorem tax

1 or sales and use tax or issues bonds payable from ad valorem taxes.

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

4 (d) All or any part of any facilities or improvements which  
5 may be acquired by a district by the issuance of its bonds may be  
6 included in one single proposition to be voted on at the election or  
7 the bonds may be submitted in several propositions.

8 Sec. 38.214. CITY NOT REQUIRED TO PAY DISTRICT OBLIGATIONS.  
9 Except as provided by Section 375.263, Local Government Code, the  
10 city is not required to pay a bond, note, or other obligation of the  
11 district.

12 Sec. 38.215. COMPETITIVE BIDDING. Subchapter I, Chapter 49,  
13 Water Code, applies to the district. Subchapter K, Chapter 375,  
14 Local Government Code, does not apply to the district if the  
15 district complies with the requirements of Section 375.222, Local  
16 Government Code, as it existed on January 1, 2009.

17 Sec. 38.216. TAX AND ASSESSMENT ABATEMENTS. The district  
18 may grant in the manner authorized by Chapter 312, Tax Code, an  
19 abatement for a tax or assessment owed to the district.

20 Sec. 38.217. TAX INCREMENT FINANCING POWERS. (a) The  
21 district may designate all or any part of the district as a tax  
22 increment reinvestment zone, and the district may use tax increment  
23 financing under Chapter 311, Tax Code, in the manner provided by  
24 that chapter for a municipality, except as modified by this  
25 section.

26 (b) The district has all powers provided under Chapter 311,  
27 Tax Code.

1       (c) The district and an overlapping taxing unit may enter  
2 into an interlocal agreement for the payment of all or a portion of  
3 the tax increment of the unit to the district.

4       (d) For the purpose of tax increment financing under this  
5 section, the board functions as the board of directors of the  
6 reinvestment zone. Section 311.009, Tax Code, does not apply to the  
7 district.

8           [Sections 38.218 - 38.300 reserved for expansion]

9                   SUBCHAPTER F. SALES AND USE TAX

10       Sec. 38.301. MEANINGS OF WORDS AND PHRASES. Words and  
11 phrases used in this subchapter that are defined by Chapters 151  
12 and 321, Tax Code, have the meanings assigned by Chapters 151 and  
13 321, Tax Code.

14       Sec. 38.302. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS.

15       (a) Except as otherwise provided by this subchapter, Subtitles A  
16 and B, Title 2, Tax Code, and Chapter 151, Tax Code, apply to taxes  
17 imposed under this subchapter and to the administration and  
18 enforcement of those taxes in the same manner that those laws apply  
19 to state taxes.

20       (b) Chapter 321, Tax Code, relating to municipal sales and  
21 use taxes, applies to the application, collection, charge, and  
22 administration of a sales and use tax imposed under this subchapter  
23 to the extent consistent with this chapter, as if references in  
24 Chapter 321, Tax Code, to a municipality referred to the district  
25 and references to a governing body referred to the board.

26       (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,  
27 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not

1 apply to a tax imposed under this subchapter.

2 Sec. 38.303. AUTHORIZATION; ELECTION. (a) The district  
3 may adopt a sales and use tax to serve the purposes of the district  
4 after an election in which a majority of the voters of the district  
5 voting in the election authorize the adoption of the tax.

6 (b) The board by order may call an election to authorize a  
7 sales and use tax. The election may be held with any other district  
8 election.

9 (c) The district shall provide notice of the election and  
10 shall hold the election in the manner prescribed by Section 38.212.

11 (d) The ballots shall be printed to provide for voting for  
12 or against the proposition: "Authorization of a sales and use tax  
13 in Austin Desired Development Zone Management District No. 4 at a  
14 rate not to exceed [ ] percent."

15 Sec. 38.304. ABOLISHING SALES AND USE TAX. (a) Except as  
16 provided in Subsection (b), the board may abolish the sales and use  
17 tax without an election.

18 (b) The board may not abolish the sales and use tax if the  
19 district has outstanding debt secured by the tax.

20 (c) Notwithstanding subsection (b), a sales and use tax  
21 adopted under this subchapter is automatically abolished on the  
22 effective date of full-purpose annexation by the city of the  
23 district.

24 Sec. 38.305. SALES AND USE TAX RATE. (a) On adoption of the  
25 tax authorized by this subchapter, there is imposed a tax on the  
26 receipts from the sale at retail of taxable items within the  
27 district, and an excise tax on the use, storage, or other

1 consumption within the district of taxable items purchased,  
2 leased, or rented from a retailer within the district during the  
3 period that the tax is in effect.

4 (b) The board shall determine the rate of the tax, which may  
5 be in one-eighth of one percent increments not to exceed the  
6 maximum rate authorized by the district voters at the election. The  
7 board may lower the tax rate to the extent it does not impair any  
8 outstanding debt or obligations payable from the tax.

9 (c) The rate of the excise tax is the same as the rate of the  
10 sales tax portion of the tax and is applied to the sales price of  
11 the taxable item.

12 [Sections 38 .306 - 38 .350 reserved for expansion]

13 SUBCHAPTER G. HOTEL OCCUPANCY TAXES

14 Sec. 38.351. HOTEL OCCUPANCY TAX. (a) In this section,  
15 "hotel" has the meaning assigned by Section 156.001, Tax Code.

16 (b) For purposes of this section, a reference in Chapter  
17 351, Tax Code, to a municipality is a reference to the district and  
18 a reference in Chapter 351, Tax Code, to the municipality's  
19 officers or governing body is a reference to the board.

20 (c) Except as inconsistent with this section, Subchapter A,  
21 Chapter 351, Tax Code, governs a hotel occupancy tax authorized by  
22 this section.

23 (d) The district may impose a hotel occupancy tax and may  
24 use revenue from the tax for any district purpose that is also an  
25 authorized use of hotel occupancy tax revenue under Chapter 351,  
26 Tax Code.

27 (e) The board by order may impose, repeal, increase, or

1 decrease the rate of a tax on a person who, under a lease,  
2 concession, permit, right of access, license, contract, or  
3 agreement, pays for the use or possession or for the right to the  
4 use or possession of a room that:

- 5           (1) is in a hotel located in the district's boundaries;  
6           (2) costs \$2 or more each day; and  
7           (3) is ordinarily used for sleeping.

8           (f) The amount of the tax may not exceed seven percent of  
9 the price paid for a room in a hotel.

10           (g) The district may examine and receive information  
11 related to the imposition of hotel occupancy taxes to the same  
12 extent as if the district were a municipality.

13           (h) A hotel occupancy tax imposed under this subchapter is  
14 automatically abolished on the effective date of full-purpose  
15 annexation by the city of the district.

16           [Sections 38.352-38.400 reserved for expansion]

17                           SUBCHAPTER H. DISSOLUTION

18           Sec. 38.401 DISSOLUTION. (a) The district may not be  
19 dissolved under Subchapter M, Chapter 375, Local Government Code,  
20 or any other law that authorizes dissolution of the district until  
21 and unless all of the district's outstanding indebtedness and  
22 contractual obligations payable from ad valorem taxes, sales and  
23 use taxes, assessments, or other revenue sources are paid in full  
24 or payment is fully provided for.

25           (b) If the conditions of subsection (a) are satisfied, the  
26 district may be dissolved by the affirmative vote of at least five  
27 of the directors of the board. If the conditions of subsection (a)

1 are satisfied after the district has been annexed into the city for  
2 full purposes, the city may dissolve the district by the majority  
3 vote of its governing body.

4 (c) Dissolution of the district shall be in accordance with  
5 the terms and conditions of this section and of the agreement  
6 between the landowner and the city under Section 38.010.

7 (d) Sections 43.075 and 43.0715, Local Government Code, do  
8 not apply to the district.

9 SECTION 2. Austin Desired Development Zone District No. 4  
10 includes all territory contained in the following area:

11 A DESCRIPTION OF 475.490 ACRES IN THE SANTIAGO DEL VALLE  
12 GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT  
13 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,  
14 DATED NOVEMBER 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF  
15 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022  
16 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION  
17 INC., DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO.  
18 2006245700 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
19 ALL OF A 29.293 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO  
20 JONA ACQUISITION INC., DATED NOVEMBER 21, 2006 AND RECORDED IN  
21 DOCUMENT NO. 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
22 COUNTY, TEXAS, ALL OF A 77.22 ACRE TRACT DESCRIBED IN A SPECIAL  
23 WARRANTY DEED TO WILLIAM D. WENDE, FRED J. WENDE, AND PRICE T.  
24 WENDE, DATED FEBRUARY 28, 1994 AND RECORDED IN VOLUME 12171, PAGE  
25 455 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A  
26 58 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO FRED J. WENDE DATED  
27 DECEMBER 21, 1992 AND RECORDED IN VOLUME 11849, PAGE 396 OF THE REAL



1 PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 28.461 ACRE TRACT  
2 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,  
3 DATED SEPTEMBER 15, 2006 AND RECORDED IN DOCUMENT NO. 2006182621 OF  
4 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
5 55.222 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA  
6 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.  
7 2006060712 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
8 A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY  
9 DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED  
10 IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
11 COUNTY, TEXAS, A PORTION OF A 232.233 ACRE TRACT DESCRIBED IN A  
12 SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JONA ACQUISITION INC.,  
13 DATED JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003190 OF THE  
14 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
15 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA  
16 ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT  
17 NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
18 TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED IN A GENERAL  
19 WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 1, 2006 AND  
20 RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS  
21 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED  
22 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,  
23 2006 AND RECORDED IN DOCUMENT NO. 2006060707 OF THE OFFICIAL PUBLIC  
24 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT  
25 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
26 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2006060704 OF THE  
27 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A

1 23.694 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA  
2 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.  
3 2006060710 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
4 ALL OF A 1.000 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO  
5 JONA ACQUISITION INC., DATED JANUARY 8, 2007 AND RECORDED IN  
6 DOCUMENT NO. 2007005138 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
7 COUNTY, TEXAS, A PORTION OF LOT "A" HARRY REININGER SUBDIVISION, A  
8 SUBDIVISION OF RECORD IN VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF  
9 TRAVIS COUNTY TEXAS, CONVEYED TO JOHN HALDENSTEIN & RUTH  
10 HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN DATED SEPTEMBER 29,  
11 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC  
12 RECORDS OF TRAVIS COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT  
13 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,  
14 DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE  
15 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
16 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO  
17 JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14,  
18 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC  
19 RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT DESCRIBED  
20 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER  
21 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF THE OFFICIAL  
22 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF WENDE ROAD, A  
23 PUBLIC ROAD IN TRAVIS COUNTY, TEXAS HAVING A RIGHT-OF-WAY WIDTH OF  
24 40 FEET, AND A PORTION OF SASSMAN ROAD, A PUBLIC ROAD IN TRAVIS  
25 COUNTY, TEXAS HAVING A RIGHT-OF- WAY OF VARIABLE WIDTH; SAID  
26 475.490 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND  
27 BOUNDS AS FOLLOWS:

1 BEGINNING at a calculated point for a north corner of said  
2 73.453 acre tract, same being in the east right-of-way line of  
3 Thaxton Road, also being the west corner of a 2.76 acre tract  
4 described in a deed of record in Volume 12562, Page 428 of the Real  
5 Property Records of Travis County, Texas, from which a 1/2" rebar  
6 found bears North 61°56'44" West, a distance of 0.44 feet;

7 THENCE with the north lines of said 73.453 acre tract, same  
8 being the south and east lines of said 2.76 acre tract, the  
9 following two (2) courses and distances:

10 1. South 61°56'44" East, a distance of 404.65 feet to a 1/2"  
11 rebar found;

12 2. North 27°52'53" East, a distance of 294.18 feet to a 1/2"  
13 rebar found at a north corner of said 73.453 acre tract, same being  
14 the east corner of said 2.76 acre tract, also being in the southwest  
15 line of a 21 acre tract described in a deed of record in Volume 1945,  
16 Page 416 of the Deed Records of Travis County, Texas;

17 THENCE South 60°59'42" East, with the northeast line of said  
18 73.453 acre tract, same being the southwest line of said 21 acre  
19 tract, a distance of 2857.05 feet to a 60D nail found for the east  
20 corner of said 73.453 acre tract, same being the south corner of  
21 said 21 acre tract, also being in the northwest line of said 29.293  
22 acre tract;

23 THENCE North 27°46'44" East, with the west line of said 29.293  
24 acre tract, same being the east line of said 21 acre tract a  
25 distance of 1083.71 feet to a 1/2" rebar with "Chaparral Boundary"  
26 cap found for the northwest corner of said 29.293 acre tract, same  
27 being the northeast corner of said 21 acre tract, also being in the

1 south right-of-way line of Sassman Road (70' right-of-way width);

2       THENCE with the south right-of-way line of Sassman Road, same  
3 being the north line of said 21 acre tract the following two (2)  
4 courses and distances:

5       1. North 61°01'51" West, a distance of 593.27 feet to a  
6 calculated point;

7       2. North 60°59'12" West, a distance of 1838.40 feet to a  
8 calculated point in the south right-of-way line of Sassman Road,  
9 same being in the north line of said 21 acre tract;

10       THENCE North 29°00'48" East, leaving the south right-of-way  
11 line of Sassman Road, same being the north line of said 21 acre  
12 tract, crossing Sassman Road, a distance of 70.00 feet to a 1/2"  
13 rebar with cap set for the southwest corner of said 232.233 acre  
14 tract, same being the east line of a 174.4 acre tract described in a  
15 deed of record in Volume 1549, Page 268 of the Deed Records of  
16 Travis County, Texas;

17       THENCE North 27°21'05" East, with the east line of said 174.4  
18 acre tract, same being the west line of said 232.233 acre tract, a  
19 distance of 1153.14 feet to a calculated point in the east line of  
20 said 174.4 acre tract, same being the west line of said 232.233 acre  
21 tract;

22       THENCE crossing the 232.233 acre tract the following four (4)  
23 courses and distances:

24       1. Following a curve to the right, having a radius of  
25 1400.01 feet, a delta angle of 10°36'58", an arc length of 259.40  
26 feet, and a chord which bears South 32°55'40" East, a distance of  
27 259.03 feet to a calculated point;

1           2. South 27°37'11" East, a distance of 335.09 feet to a  
2 calculated point for a point of curvature to the left;

3           3. Following said curve to the left, having a radius of  
4 1400.01 feet, a delta angle of 33°44'58", an arc length of 824.66  
5 feet, and a chord which bears South 44°29'40" East, a distance of  
6 812.79 feet to a calculated point;

7           4. South 61°48'21" East, a distance of 561.03 feet to a  
8 calculated point in the east line of said 232.233 acre tract, same  
9 being in the west line of a 20.022 acre tract conveyed to Janie Diaz  
10 in Document No. 2006101103 and described in Document No.  
11 2001200503, both of the Official Public Records of Travis County,  
12 Texas;

13           THENCE South 26°53'42" West, with the east line of said  
14 232.233 acre tract, same being the east line of said 9.662 acre  
15 tract, being also the west line of said 20.022 acre tract, a  
16 distance of 624.23 feet to a calculated point for the southeast  
17 corner of said 9.662 acre tract, same being the southwest corner of  
18 said 20.022 acre tract, being also in the north right-of-way line of  
19 Sassman Road;

20           THENCE South 60°59'12" East, with the south line of said  
21 20.022 acre tract, same being the south line of Lot 1, Hackberry  
22 Hill Estates Section One, a subdivision of record in Volume 81, Page  
23 241 of the Plat Records of Travis County, Texas, being also the  
24 South right-of-way line of Sassman Road, a distance of 549.20 feet  
25 to a calculated point south line of Lot 1, Hackberry Hill Estates  
26 Section One, being also in the north right-of-way line of Sassman  
27 Road;

1           THENCE continuing with the south line of said south line of  
2 Lot 1, Hackberry Hill Estates Section One, same being the north  
3 right-of-way line of Sassman Road, being also the south line of a  
4 2.00 acre tract described in Document No. 2002227115 of the  
5 Official Public Records of Travis County, Texas, a 1.00 acre tract  
6 described in a deed to Gerald D. Shoulders, and Rosemary Shoulders,  
7 of record in Volume 12233, Page 1678, of the Real Property Records  
8 of Travis County, Texas, a described in a deed to Amir Batoeinngi,  
9 of record in Document No. 2008060410 of the Official Public Records  
10 of Travis County, Texas, and a 1.00 acre tract described in Document  
11 No. 2006189910 of the Official Public Records of Travis County,  
12 Texas, the following two (2) courses and distances:

13           1. South 61°39'26" East, a distance of 590.84 feet to a  
14 calculated point;

15           2. South 63°50'26" East, a distance of 14.13 feet to a 1/2"  
16 rebar found for the southeast corner of said 1.00 acre tract, same  
17 being the southwest corner of said Lot A, Harry Reininger  
18 Subdivision, being also in the north right-of-way line of Sassman  
19 Road;

20           THENCE North 26°09'41" East, with the west line of said Lot A,  
21 Harry Reininger Subdivision, same being the east line of said 1.00  
22 acre tract, a distance of 362.16 feet to a calculated point for the  
23 northeast corner of said 1.00 acre tract, same being the southeast  
24 corner of said 20.005 acre tract;

25           THENCE with the south line of said 20.005 acre tract, the  
26 following three (3) courses and distances:

27           1. North 61°26'42" West, with the north line of said 1.00

1 acre tract, a distance of 113.09 feet to a 1/2" rebar found at the  
2 northwest corner of said 1.00 acre tract, same being in the east  
3 line of a 1.25 acre tract described in a deed to Amir Batoeinngi, of  
4 record in Document No. 2008060410 of the Official Public Records of  
5 Travis County, Texas;

6 2. North 28°21'23" East, with the east line of said  
7 Batoeinngi tract, a distance of 106.07 feet to a 1/2" rebar found at  
8 the northeast corner of said Batoeinngi tract;

9 3. North 61°29'11" West, with the north line of said  
10 Batoeinngi tract, and the north line of a 1.25 acre tract described  
11 in a deed to Gerald D. Shoulders, and Rosemary Shoulders, of record  
12 in Volume 12233, Page 1678, of the Real Property Records of Travis  
13 County, Texas, a distance of 417.23 feet to a 1" iron pipe found, at  
14 the southwest corner of said 20.005 acre tract, same being the  
15 northwest corner of said Shoulders tract, also being in the east  
16 line of said 20.022 acre tract;

17 THENCE North 27°07'27" East, with the west line of said 20.005  
18 acre tract, same being the east line of said 20.022 acre tract, a  
19 distance of 161.94 feet to a calculated point;

20 THENCE crossing said Lot A, Harry Reininger Subdivision, said  
21 20.005 acre tract, said 42.558 acre tract, said 23.694 acre tract,  
22 said 7.602 acre tract, said 25.119 acre tract, said 55.222 acre  
23 tract, said 51.942 acre tract, said 60.921 acre tract, said 98.656  
24 acre tract, and Wende Road the following eleven (11) courses and  
25 distances:

26 1. South 61°48'21" East, a distance of 678.32 feet to a  
27 calculated point;

- 1           2. South  $28^{\circ}11'39''$  West, a distance of 1655.67 feet to a  
2 calculated point;
- 3           3. Following a curve to the left, having a radius of 500.00  
4 feet, a delta angle of  $69^{\circ}45'07''$ , an arc length of 608.70 feet, and a  
5 chord which bears South  $06^{\circ}40'54''$  East, a distance of 571.80 feet to  
6 a calculated point
- 7           4. South  $41^{\circ}33'28''$  East, a distance of 324.65 feet to a  
8 calculated point;
- 9           5. Following a curve to the right, having a radius of 500.00  
10 feet, a delta angle of  $96^{\circ}25'47''$ , an arc length of 841.51 feet, and a  
11 chord which bears South  $06^{\circ}39'26''$  West, a distance of 745.65 feet to  
12 a calculated point
- 13          6. South  $54^{\circ}52'19''$  West, a distance of 25.40 feet to a  
14 calculated point;
- 15          7. South  $35^{\circ}07'41''$  East, a distance of 344.76 feet to a  
16 calculated point;
- 17          8. Following a curve to the right, having a radius of  
18 1000.01 feet, a delta angle of  $40^{\circ}36'48''$ , an arc length of 708.84  
19 feet, and a chord which bears South  $14^{\circ}49'17''$  East, a distance of  
20 694.09 feet to a calculated point
- 21          9. South  $05^{\circ}29'07''$  West, a distance of 423.15 feet to a  
22 calculated point;
- 23          10. Following a curve to the left, having a radius of  
24 1800.01 feet, a delta angle of  $68^{\circ}24'29''$ , an arc length of 2149.12  
25 feet, and a chord which bears South  $28^{\circ}43'07''$  East, a distance of  
26 2023.72 feet to a calculated point
- 27          11. South  $62^{\circ}55'22''$  East, a distance of 149.13 feet to a



1 calculated point in the west right-of-way of F.M. 1626;

2       THENCE South 27°04'38" West, with the west right-of-way line  
3 of F. M. 1625, same being the east line of said 98.656 acre tract, a  
4 distance of 699.69 feet to a calculated point for the southeast  
5 corner of said 98.656 acre tract, same being the northeast corner of  
6 a 10.067 acre tract described in a deed of record under Document No.  
7 2003084397 of the Official Public Records of Travis County, Texas;

8       THENCE North 62°25'04" West, with the south line of said  
9 98.656 acre tract, same being the north line of said 10.067 acre  
10 tract and the north line of Lot 6, Las Lomitas Subdivision, a  
11 subdivision of record in Document No. 200200226 of the Official  
12 Public Records of Travis County, Texas, at a distance of 0.11 feet  
13 passing a 1/2" rebar found, and continuing for a total distance of  
14 1097.97 feet to a 1/2" rebar found for the southwest corner of said  
15 98.656 acre tract, same being an angle point in the north line of  
16 said Lot 6, also being the southeast corner of said 60.921 acre  
17 tract;

18       THENCE North 62°26'10" West, with the south line of said  
19 60.921 acre tract, same being the north line of said Lot 6 and the  
20 north line of Lot 15, of said Las Lomitas Subdivision, a distance of  
21 1283.28 feet to a 1/2" rebar with "Chaparral Boundary" cap found for  
22 the southwest corner of said 60.921 acre tract, same being the  
23 southeast corner of a 58 acre tract described in a deed of record in  
24 Volume 11849, Page 396 of the Real Property Records of Travis  
25 County, Texas, also being an angle point in the north line of said  
26 Lot 15;

27       THENCE with the south line of said 58 acre tract, the

1 following two (2) courses and distances:

2 1. North 62°22'47" West, with the north line of said Lot 15,  
3 a distance of 715.30 feet to a 1/2" iron pipe found at the northwest  
4 corner of said Lot 15, same being the northeast corner of a 96.29  
5 acre tract described in a deed of record in Volume 12223, Page 2162  
6 of the Real Property Records of Travis County, Texas;

7 2. North 62°24'41" West, with the north line of said 96.29  
8 acre tract, a distance of 1257.37 feet to a 1/2" rebar found at the  
9 southwest corner of said 58 acre tract, same being the southeast  
10 corner of a 77.22 acre tract described in a deed of record in Volume  
11 12171, Page 455 of the Real Property Records of Travis County,  
12 Texas;

13 THENCE North 62°13'51" West, with the south line of said 77.22  
14 acre tract, being in part the north line of said 96.29 acre tract,  
15 in part the north line of a 1.069 acre tract and the north line of a  
16 4.580 acre tract both described in a deed of record in Document No.  
17 2003029766 of the Official Public Records of Travis County, Texas,  
18 in part the north line of a 6.717 acre tract described in a deed of  
19 record in Document No. 2003020580 of the Official Public Records of  
20 Travis County, Texas, in part the north line of a 4.001 acre tract  
21 described in a deed of record in Document No. 2003054456 of the  
22 Official Public Records of Travis County, Texas, and in part the  
23 north line of a 5.00 acre tract described in a deed of record in  
24 Document No. 2001186136 of the Official Public Records of Travis  
25 County, Texas, a distance of 2467.51 feet to a 3/4" iron pipe found  
26 at the southwest corner of said 77.22 acre tract, same being the  
27 southeast corner of a 10.00 acre tract described in a deed of record

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1 in Document No. 2005076034 of the Official Public Records of Travis  
2 County, Texas, also being in the north line of said 5.00 acre tract;

3       THENCE North 27°28'37" East, with the west line of said 77.22  
4 acre tract, same being in part the east line of said 10.00 acre  
5 tract, in part the east line of Lots 1 and 2, Block 1, Esquivel  
6 Subdivision, a subdivision of record in Document No. 200600043 of  
7 the Official Public Records of Travis County, Texas, and in part the  
8 east line of a 7.501 acre tract described in a deed of record in  
9 Document No. 2006182751 of the Official Public Records of Travis  
10 County, Texas, a distance of 1369.79 feet to a 1/2" rebar with  
11 "4324" cap found at the northwest corner of said 77.22 acre tract,  
12 same being the northeast corner of said 7.501 acre tract, also being  
13 the southeast corner of an 8.51 acre tract described in a deed of  
14 record in Volume 10861, Page 857 of the Real Property Records of  
15 Travis County, Texas, also being the southwest corner of a 32.892  
16 acre tract described in a deed of record in Volume 11513, Page 1451  
17 of the Real Property Records of Travis County, Texas;

18       THENCE South 61°50'26" East, with the north line of said 77.22  
19 acre tract, same being the south line of said 32.892 acre tract, at  
20 a distance of 2473.90 feet passing a 1/2" rebar with "4324" cap  
21 found, and continuing for a total distance of 2474.36 feet to a  
22 calculated point for the northeast corner of said 77.22 acre tract,  
23 same being the southeast corner of said 32.892 acre tract, also  
24 being in the west line of said 29.293 acre tract;

25       THENCE North 27°46'44" East, with the west line of said 29.293  
26 acre tract, same being the east line of said 32.892 acre and the  
27 east line of the said remainder of a 29.94 acre tract described in a

1 deed of record in Volume 6132, Page 1217 of the Deed Records of  
2 Travis County, Texas, a distance of 959.47 feet to a 1/2" rebar with  
3 "Chaparral Boundary" cap found, for the northeast corner of said  
4 remainder of a 29.94 acre tract, same being the southeast corner of  
5 said 31.022 acre tract;

6       THENCE North 61°12'34" West, with the south line of said  
7 31.022 acre tract, same being the north line of said remainder of  
8 29.94 acres and the north line of a 2.500 acre tract described in a  
9 deed of record in Volume 9678, Page 891 of the Real Property Records  
10 of Travis County, Texas, at a distance of 2.86 feet passing a 1/2"  
11 rebar found, at a distance of 3268.31 feet passing a 1/2" rebar  
12 found, and continuing for a total distance of 3268.82 feet to a  
13 calculated point for the southwest corner of said 31.022 acre  
14 tract, same being the northwest corner of said 2.500 acre tract,  
15 also being in the east right-of-way line of Thaxton Road (50'  
16 right-of-way);

17       THENCE North 28°02'32" East, with the west line of said 31.022  
18 acre tract, same being the east right-of-way line of Thaxton Road, a  
19 distance of 417.56 feet to a 1/2" rebar found at the northwest  
20 corner of said 31.022 acre tract, same being the southwest corner of  
21 the remainder of a 3.22 acre tract described in a deed of record in  
22 Volume 12562, Page 419 of the Real Property Records of Travis  
23 County, Texas;

24       THENCE South 61°16'30" East, with the south line of said  
25 remainder of 3.22 acres, same being the north line of said 31.022  
26 acre tract, a distance of 406.03 feet to a 1/2" rebar with  
27 "Chaparral Boundary" cap found for the southeast corner of said

1 remainder of 3.22 acres, also being the southwest corner of an 18.38  
2 acre tract described in a deed of record in Document No. 2007219954  
3 of the Official Public Records of Travis County, Texas;

4       THENCE South 61°00'23" East, continuing with the north line of  
5 said 31.022 acre tract, same being the south line of said 18.38 acre  
6 tract a distance of 1136.77 feet to a 1/2" rebar with cap found at  
7 the common corner of said 18.38 acre tract and said 73.453 acre  
8 tract;

9       THENCE North 27°53'08" East, with a northwest line of said  
10 73.453 acre tract, same being the southeast line of said 18.38 acre  
11 tract, a distance of 713.60 feet to a 1/2" rebar with cap found;

12       THENCE North 61°59'49" West, with a southwest line of said  
13 73.453 acre tract, same being the northeast line of said 18.38 acre  
14 tract and a 3.20 acre tract described in a deed of record in Volume  
15 12562, Page 431 of the Real Property Records of Travis County,  
16 Texas, conveyed in a deed of record in Volume 13116, Page 732 of the  
17 Real Property Records of Travis County, Texas, a distance of  
18 1540.66 feet to a 1/2" rebar with "Chaparral Boundary" cap found for  
19 a west corner of said 73.453 acre tract, same being the north corner  
20 of said 3.20 acre tract, also being in the east right-of-way line of  
21 Thaxton Road;

22       THENCE North 28°02'32" East, with a northwest line of said  
23 73.453 acre tract, same being the east right-of-way line of Thaxton  
24 Road, a distance of 360.56 feet to the POINT OF BEGINNING,  
25 containing 475.490 acres of land, more or less.

26       SECTION 3. LEGISLATIVE FINDINGS. The legislature finds  
27 that:

1           (1) The development or redevelopment in the area in  
2 the proposed Austin Desired Development Zone District No. 4 would  
3 not occur solely through private investment in the reasonably  
4 foreseeable future;

5           (2) The area in the proposed Austin Desired  
6 Development Zone District No. 4 is unproductive and underdeveloped;  
7 and

8           (3) The conditions in the area of the proposed Austin  
9 Desired Development Zone District No. 4 substantially arrest or  
10 impair the sound growth of the area, are an economic or social  
11 liability, and present a menace to the public health, safety,  
12 morals, or welfare.

13           SECTION 4. (a) The legal notice of the intention to  
14 introduce this Act, setting forth the general substance of this  
15 Act, has been published as provided by law, and the notice and a  
16 copy of this Act have been furnished to all persons, agencies,  
17 officials, or entities to which they are required to be furnished  
18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
19 Government Code.

20           (b) The governor, one of the required recipients, has  
21 submitted the notice and Act to the Texas Commission on  
22 Environmental Quality.

23           (c) The Texas Commission on Environmental Quality has filed  
24 its recommendations relating to this Act with the governor,  
25 lieutenant governor, and speaker of the house of representatives  
26 within the required time.

27           (d) The general law relating to consent by political

1 subdivisions to the creation of districts with conservation,  
2 reclamation, and road powers and the inclusion of land in those  
3 districts has been complied with.

4 (e) All requirements of the constitution and laws of this  
5 state and the rules and procedures of the legislature with respect  
6 to the notice, introduction, and passage of this Act have been  
7 fulfilled and accomplished.

8 SECTION 5. EFFECTIVE DATE. This Act takes effect  
9 immediately if it receives a vote of two-thirds of all the members  
10 elected to each house, as provided by Section 39, Article III, Texas  
11 Constitution. If this Act does not receive the vote necessary for  
12 immediate effect, this Act takes effect September 1, 2009.