

By: Martinez Fischer

H.B. No. 4479

A BILL TO BE ENTITLED

AN ACT

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

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

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

CHAPTER 38 . Austin Desired Development Zone District No. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 38 .001. DEFINITIONS. In this chapter:

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

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

(3) "County" means Travis County.

(4) "Director" means a board member.

(5) "District" means the Austin Desired Development Zone District No. 3.

Sec. 38 .002. NATURE OF DISTRICT. Austin Desired Development Zone District No. 3 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 38 .003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this

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.

12 (a) 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, and
10 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 of
23 the Act enacting this chapter form a closure. A mistake in the field
24 notes or in copying the field notes in the legislative process does
25 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
18 chapter shall be liberally construed in conformity with the
19 findings and purposes stated in this chapter.

20 Sec. 38 .009. CONFIRMATION AND DIRECTORS' ELECTION
21 REQUIRED. The temporary directors shall hold an election to confirm
22 the creation of the district and to elect four permanent directors
23 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
5 Council of the city shall appoint one director, and may appoint a
6 second director after notice is provided by the board to the city
7 under Subsection (c). A person is appointed if a majority of the
8 members 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 Code,
5 in the same manner as a municipality to which one or more of those
6 chapters applies.

7 Sec. 38 .102. AGREEMENTS; GRANTS. (a) The district may
8 make an agreement with or accept a gift, grant, or loan from any
9 person. A service agreement made by the district shall be
10 terminable at will and without penalty upon 30 days notice of
11 termination, unless the district secures the written consent of the
12 City of Austin to modify or exclude those termination provisions,
13 except for service agreements with the following persons or
14 entities:

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

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

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

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

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

1 (c) The board may enter into a contract with the board of
2 directors of a tax increment reinvestment zone created under
3 Chapter 311, Tax Code, and the governing body of the municipality or
4 county that created the zone to manage the zone or implement the
5 project plan and reinvestment zone financing plan.

6 Sec. 38 .103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT
7 AND FIRE-FIGHTING SERVICES. (a) To protect the public interest,
8 the district may contract with a qualified party, including the
9 county or the city, for the provision of law enforcement services in
10 the district for a fee.

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

14 Sec. 38 .104. ECONOMIC DEVELOPMENT PROGRAMS. The district
15 may establish and provide for the administration of one or more
16 programs to promote state or local economic development and to
17 stimulate business and commercial activity in the district,
18 including programs to:

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

20 (2) provide district personnel and services.

21 Sec. 38 .105. STRATEGIC PARTNERSHIP AGREEMENT. The
22 district may negotiate and enter into a written strategic
23 partnership with the City of Austin under Section 43.0751, Local
24 Government Code. A power granted to the district under this Chapter
25 may be restricted or prohibited by the terms and conditions of an
26 agreement between the City of Austin and the district under this
27 section.

1 Sec. 38 .106. LIMITED EMINENT DOMAIN. (a) The district may
2 exercise the power of eminent domain under Section 49.222, Water
3 Code.

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

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

9 (2) a recreational facility as defined by Section
10 49.462, Water Code.

11 Sec. 38 .107. ANNEXATION OR EXCLUSION OF LAND BY DISTRICT.

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

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

17 Sec. 38 .108. SUITS. The District shall not be a voluntary
18 party to any suit against the city by a district resident or a
19 person who owns property in the district unless the district has
20 standing to bring the suit.

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

22 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

23 Sec. 38 .151. PUBLIC TRANSIT SYSTEM. (a) The district may
24 acquire, lease as lessor or lessee, construct, develop, own,
25 operate, and maintain a public transit system to serve the area
26 within the boundaries of the district.

27 (b) The district may contract with a regional transit

1 authority for the provision of a public transit system and public
2 transit services.

3 Sec. 38 .152. PARKING FACILITIES AUTHORIZED; OPERATION BY
4 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease
5 as lessor or lessee, construct, develop, own, operate, and maintain
6 parking facilities or a system of parking facilities, including:

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

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

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

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

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

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

25 Sec. 38 .153. RULES. The district may adopt rules covering
26 its public transit system or its public parking system.

27 Sec. 38 .154. FINANCING OF PUBLIC TRANSIT SYSTEM OR PARKING

1 FACILITIES. (a) The district may use any of its resources,
2 including revenue, assessments, taxes, or grant or contract
3 proceeds, to pay the cost of acquiring or operating a public transit
4 system or public parking facilities.

5 (b) The district may:

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

9 (2) issue bonds or notes to finance the cost of these
10 facilities.

11 [Sections 38 .155 - 38 .200 reserved for expansion]

12 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

13 Sec. 38 .201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
14 board by resolution shall establish the number of directors'
15 signatures and the procedure required for a disbursement or
16 transfer of the district's money.

17 Sec. 38 .202. MONEY USED FOR IMPROVEMENTS OR SERVICES. The
18 district may acquire, construct, finance, operate, or maintain any
19 improvement or service authorized under this chapter or Chapter
20 375, Local Government Code, using any money available to the
21 district.

22 Sec. 38 .203. PETITION REQUIRED FOR FINANCING SERVICES AND
23 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
24 service or improvement project with assessments under this chapter
25 unless a written petition requesting that service or improvement
26 has been filed with the board.

27 (b) A petition filed under Subsection (a) must be signed by

1 the owners of a majority of the assessed value of the real property
2 in the district subject to assessment as determined by the most
3 recent certified tax appraisal roll for the county.

4 Sec. 38 .204. METHOD OF NOTICE FOR HEARING. The district may
5 mail the notice required by Section 375.115(c), Local Government
6 Code, by certified or first class United States mail. The board
7 shall determine the method of notice.

8 Sec. 38 .205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a) The
9 board by resolution may impose and collect an assessment for any
10 purpose authorized by this chapter in all or any part of the
11 district.

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

17 (1) are a first and prior lien against the property
18 assessed;

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

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

25 (c) The lien is effective from the date of the board's
26 resolution imposing the assessment until the date the assessment is
27 paid. The board may enforce the lien in the same manner that the

1 board may enforce an ad valorem tax lien against real property.

2 (d) The board may make a correction to or deletion from the
3 assessment roll that does not increase the amount of assessment of
4 any parcel of land without providing notice and holding a hearing in
5 the manner required for additional assessments.

6 Sec. 38 .206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
7 ASSESSMENTS. The district may not impose an impact fee or
8 assessment on the property, including the equipment,
9 rights-of-way, facilities, or improvements, of:

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

12 (2) a gas utility as defined by Section 101.003 or
13 121.001, Utilities Code;

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

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

18 Sec. 38 .207. RESIDENTIAL PROPERTY. Section 375.161,
19 Local Government Code, does not apply to the district.

20 Sec. 38 .208. OPERATION AND MAINTENANCE TAX. (a) If
21 authorized at an election held in accordance with Section 38 .212,
22 the district may impose an operation and maintenance tax on taxable
23 property in the district in accordance with Section 49.107, Water
24 Code, for any district purpose, including to:

25 (1) maintain and operate the district;

26 (2) construct or acquire improvements; or

27 (3) provide a service.

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

3 Sec. 38 .209. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax and use the revenue derived from
6 the tax to make payments under a contract after the provisions of
7 the contract have been approved by a majority of the district voters
8 voting at an election held for that purpose.

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

12 Sec. 38 .210. AUTHORITY TO ISSUE BONDS. (a) The district
13 may issue by competitive bid bonds, notes, or other obligations
14 payable wholly or partly from taxes, assessments, impact fees,
15 revenue, grants, or other money of the district, or any combination
16 of those sources of money, to pay for any authorized district
17 purpose.

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

21 Sec. 38 .211. CITY APPROVAL OF DISTRICT BONDS. (a) No
22 later than 30 days before the first publication of notice of sale of
23 a district bond, the district shall provide to the city a copy of
24 the district's application to the Texas Commission on Environmental
25 Quality for approval of the bond sale, a copy of the staff
26 memorandum from the Texas Commission on Environmental Quality
27 approving the projects and the bonds, the proposed bond resolution,

1 the preliminary official statement for the bond sale, the bid form,
2 and the notice of sale, as applicable.

3 (b) The city may refuse to approve a bond sale only if the
4 city determines that issuance of the bonds would cause the district
5 to be substantially out of compliance with a material provision of a
6 written agreement with the city under Section 38 .010, Section 38
7 .105, or any other written agreement with the city pertaining to the
8 district's creation or operation.

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

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

15 Sec. 38 .212. TAXES FOR BONDS. At the time the district
16 issues bonds payable wholly or partly from ad valorem taxes, the
17 board shall provide for the annual imposition of a continuing
18 direct annual ad valorem tax, without limit as to rate or amount,
19 for each year while all or part of the bonds are outstanding as
20 required and in the manner provided by Sections 54.601 and 54.602,
21 Water Code.

22 Sec. 38 .213. ELECTIONS REGARDING TAXES AND BONDS. (a)
23 The district may issue, without an election, bonds, notes, and
24 other obligations secured by:

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

26 (2) contract payments described by Section 38 .209.

27 (b) The district shall hold an election in the manner

1 provided by Subchapter L, Chapter 375, Local Government Code, to
2 obtain voter approval before the district imposes an ad valorem tax
3 or sales and use tax or issues bonds payable from ad valorem taxes.

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

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

10 Sec. 38 .214. CITY NOT REQUIRED TO PAY DISTRICT
11 OBLIGATIONS. Except as provided by Section 375.263, Local
12 Government Code, the city is not required to pay a bond, note, or
13 other obligation of the district.

14 Sec. 38 .215. COMPETITIVE BIDDING. Subchapter I, Chapter
15 49, Water Code, applies to the district. Subchapter K, Chapter 375,
16 Local Government Code, does not apply to the district if the
17 district complies with the requirements of Section 375.222, Local
18 Government Code, as it existed on January 1, 2009.

19 Sec. 38 .216. TAX AND ASSESSMENT ABATEMENTS. The district
20 may grant in the manner authorized by Chapter 312, Tax Code, an
21 abatement for a tax or assessment owed to the district.

22 Sec. 38 .217. TAX INCREMENT FINANCING POWERS. (a) The
23 district may designate all or any part of the district as a tax
24 increment reinvestment zone, and the district may use tax increment
25 financing under Chapter 311, Tax Code, in the manner provided by
26 that chapter for a municipality, except as modified by this
27 section.

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

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

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

10 [Sections 38 .218 - 38 .300 reserved for expansion]

11 SUBCHAPTER F. SALES AND USE TAX

12 Sec. 38 .301. MEANINGS OF WORDS AND PHRASES. Words and
13 phrases used in this subchapter that are defined by Chapters 151 and
14 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
15 Tax Code.

16 Sec. 38 .302. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS.

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

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

1 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
2 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
3 apply to a tax imposed under this subchapter.

4 Sec. 38 .303. AUTHORIZATION; ELECTION. (a) The district
5 may adopt a sales and use tax to serve the purposes of the district
6 after an election in which a majority of the voters of the district
7 voting in the election authorize the adoption of the tax.

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

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

13 (d) The ballots shall be printed to provide for voting for
14 or against the proposition: "Authorization of a sales and use tax in
15 Austin Desired Development Zone Management District No. 3 at a rate
16 not to exceed [] percent."

17 Sec. 38 .304. ABOLISHING SALES AND USE TAX. (a) Except as
18 provided in Subsection (b), the board may abolish the sales and use
19 tax without an election.

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

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

26 Sec. 38 .305. SALES AND USE TAX RATE. (a) On adoption of
27 the tax authorized by this subchapter, there is imposed a tax on the

1 receipts from the sale at retail of taxable items within the
2 district, and an excise tax on the use, storage, or other
3 consumption within the district of taxable items purchased, leased,
4 or rented from a retailer within the district during the period that
5 the tax is in effect.

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

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

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

15 SUBCHAPTER G. HOTEL OCCUPANCY TAXES

16 Sec. 38 .351. HOTEL OCCUPANCY TAX. (a) In this section,
17 "hotel" has the meaning assigned by Section 156.001, Tax Code.

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

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

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

1 Tax Code.

2 (e) The board by order may impose, repeal, increase, or
3 decrease the rate of a tax on a person who, under a lease,
4 concession, permit, right of access, license, contract, or
5 agreement, pays for the use or possession or for the right to the
6 use or possession of a room that:

7 (1) is in a hotel located in the district's boundaries;

8 (2) costs \$2 or more each day; and

9 (3) is ordinarily used for sleeping.

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

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

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

18 [Sections 38 .352 - 38 .400 reserved for expansion]

19 SUBCHAPTER H. DISSOLUTION

20 Sec. 38 .401 DISSOLUTION. (a) The district may not be
21 dissolved under Subchapter M, Chapter 375, Local Government Code,
22 or any other law that authorizes dissolution of the district until
23 and unless all of the district's outstanding indebtedness and
24 contractual obligations payable from ad valorem taxes, sales and
25 use taxes, assessments, or other revenue sources are paid in full or
26 payment is fully provided for.

27 (b) If the conditions of subsection (a) are satisfied, the

1 district may be dissolved by the affirmative vote of at least five
2 of the directors of the board. If the conditions of subsection (a)
3 are satisfied after the district has been annexed into the city for
4 full purposes, the city may dissolve the district by the majority
5 vote of its governing body.

6 (c) Dissolution of the district shall be in accordance with
7 the terms and conditions of this section and of the agreement
8 between the landowner and the city under Section 38 .010.

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

11 SECTION 2. Austin Desired Development Zone District No. 3
12 includes all territory contained in the following area:

13 A DESCRIPTION OF 751.054 ACRES IN THE SANTIAGO DEL VALLE
14 GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF 37.306 ACRE TRACT AND AN
15 18.810 ACRE TRACT DESCRIBED AS PART 1 AND PART 2 IN A SPECIAL
16 WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26, 2006 AND
17 RECORDED IN DOCUMENT NO. 2006209327 OF THE OFFICIAL PUBLIC RECORDS
18 OF TRAVIS COUNTY, TEXAS, ALL OF A 6.934 ACRE TRACT DESCRIBED IN A
19 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26,
20 2006 AND RECORDED IN DOCUMENT NO. 2006209330 OF THE OFFICIAL PUBLIC
21 RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF AN 82.844 ACRE TRACT, A
22 PORTION OF A 20.807 ACRE TRACT, AND ALL OF A 25.735 ACRE TRACT
23 DESCRIBED AS EXHIBIT A-1, A-2, AND A-3 IN A SPECIAL WARRANTY DEED TO
24 JONA ACQUISITION INC., DATED JANUARY 3, 2007 AND RECORDED IN
25 DOCUMENT NO. 2007003159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
26 COUNTY, TEXAS, ALL OF AN 89.256 ACRE TRACT AND A 2.731 ACRE TRACT
27 DESCRIBED AS TRACT 1 AND TRACT 2 IN A SPECIAL WARRANTY DEED TO JONA

1 ACQUISITION INC., DATED JULY 9, 2007 AND RECORDED IN DOCUMENT NO.
2 2007126375 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
3 ALL OF A 61.071 ACRE, A PORTION OF A 67.339 ACRE TRACT DESCRIBED AS
4 TRACT 1 AND TRACT 2 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
5 INC., DATED NOVEMBER 7, 2007 AND RECORDED IN DOCUMENT NO.
6 2007204509 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
7 A PORTION OF A 138.540 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY
8 DEED TO JONA ACQUISITION INC., DATED MARCH 2, 2007 AND RECORDED IN
9 DOCUMENT NO. 2007038642 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
10 COUNTY, TEXAS, A PORTION OF AN 81.018 ACRE TRACT DESCRIBED IN A
11 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12,
12 2006 AND RECORDED IN DOCUMENT NO. 2006246454 OF THE OFFICIAL PUBLIC
13 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 198.302 ACRE TRACT
14 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
15 DATED DECEMBER 20, 2006 AND RECORDED IN DOCUMENT NO. 2006244772 OF
16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
17 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED WITH
18 VENDOR'S LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND
19 RECORDED IN DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS
20 OF TRAVIS COUNTY, TEXAS, All OF A 8.282 ACRE TRACT DESCRIBED IN A
21 SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JONA ACQUISITION INC.,
22 DATED JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003078 OF THE
23 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
24 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
25 ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO.
26 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
27 A PORTION OF A 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH

1 VENDOR'S LIEN TO JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN,
2 DATED DECEMBER 14, 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF
3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF
4 LOT A HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN
5 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,
6 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED
7 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN
8 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
9 COUNTY TEXAS, A PORTION OF F.M. 1625, A FARM TO MARKET ROAD IN
10 TRAVIS COUNTY, TEXAS HAVING A RIGHT-OF-WAY WIDTH OF 80 FEET, AND A
11 PORTION OF COLTON BLUFF SPRINGS ROAD, A PUBLIC ROAD IN TRAVIS
12 COUNTY, TEXAS HAVING A RIGHT-OF-WAY OF VARIABLE WIDTH; SAID 751.054
13 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
14 FOLLOWS:

15 BEGINNING at a 1/2" rebar found at the intersection of the
16 north right-of-way line of Colton Bluff Springs Road (right-of-way
17 width varies) and the east right-of-way line of McKinney Falls
18 Parkway (right-of-way width varies), same being the southwest
19 corner of said 56.116 acre tract, further being the southwest
20 corner of Part 2 of said 56.116 acre tract, being described in two
21 parts in said Documents 2006209327 and 2006209329;

22 THENCE with the east right-of-way line of McKinney Falls
23 Parkway, same being the west line of said Part 2, the following
24 eight (8) courses and distances:

25 1. North 27°21'06" East, a distance of 512.58 feet to a 1/2"
26 rebar with plastic "Chaparral Boundary" cap found;

27 2. North 27°33'21" East, a distance of 469.00 feet to a 1/2"

1 rebar found;

2 3. North 31°28'32" East, a distance of 250.68 feet to a 1/2"
3 rebar with plastic "Chaparral Boundary" cap found;

4 4. North 36°58'44" East, a distance of 152.12 feet to a 1/2"
5 rebar with plastic "Chaparral Boundary" cap found;

6 5. North 27°30'59" East, a distance of 100.03 feet to a 1/2"
7 rebar with plastic "Chaparral Boundary" cap found;

8 6. North 10°49'02" East, a distance of 52.22 feet to a 1/2"
9 rebar with plastic "Chaparral Boundary" cap found;

10 7. North 27°30'59" East, a distance of 144.75 feet to a 1/2"
11 rebar with plastic "Chaparral Boundary" cap found;

12 8. North 72°30'59" East, a distance of 38.19 feet to a 1/2"
13 rebar found at the northwest corner of said Part 2, same being in
14 the south line of a Street Dedication of record in Volume 9769, Page
15 505 of the Real Property Records of Travis County, Texas;

16 THENCE with the south line of said Street Dedication, same
17 being the north line of said Part 2, the following two (2) courses
18 and distances:

19 1. South 62°35'22" East, a distance of 511.46 feet to a
20 1/2" rebar with plastic "Chaparral Boundary" cap found;

21 2. With a curve to the left, having a radius of 1456.55 feet,
22 a delta angle of 16°02'42", an arc length of 407.89 feet, and a chord
23 which bears South 70°36'42" East, a distance of 406.56 feet to a 1/2"
24 rebar with plastic "Chaparral Boundary" cap found at the northeast
25 corner of said Part 2, same being the southeast corner of said
26 Street Dedication, also being in the west line of said 25.735 acre
27 tract;

1 THENCE North 27°56'44" East, with the east line of said Street
2 Dedication, same being the west line of said 25.735 acre tract, a
3 distance of 125.71 feet to a 1/2" rebar with plastic "Chaparral
4 Boundary" cap found at the northeast corner of said Street
5 Dedication, same being the southeast corner of Part 1 of said 56.116
6 acre tract;

7 THENCE with the north line of said Street Dedication, same
8 being the south line of said Part 1, the following two (2) courses
9 and distances:

10 1. With a curve to the right, having a radius of 1336.55
11 feet, a delta angle of 17°34'58", an arc length of 410.16 feet, and a
12 chord which bears North 71°22'51" West, a distance of 408.55 feet to
13 a 1/2" rebar with plastic "Chaparral Boundary" cap found;

14 2. North 62°35'22" West, a distance of 511.90 feet to a 1/2"
15 rebar found in the east right-of-way line of McKinney Falls
16 Parkway, same being the southwest corner of said Part 1;

17 THENCE with the east right-of-way line of McKinney Falls
18 Parkway, same being the west line of said Part 1, the following
19 three (3) courses and distances:

20 1. North 17°27'12" West, a distance of 16.96 feet to a 1/2"
21 rebar with plastic "Chaparral Boundary" cap found;

22 2. North 27°32'48" East, a distance of 696.37 feet to a 1/2"
23 rebar with plastic "Chaparral Boundary" cap found;

24 3. North 25°38'36" East, a distance of 302.02 feet to a 1/2"
25 rebar with plastic "Chaparral Boundary" cap found at the northwest
26 corner of said Part 1, same being in the south line of said 6.934
27 acre tract;

1 THENCE continuing with the east right-of-way line of McKinney
2 Falls Parkway, same being the south and west lines of said 6.934
3 acre tract, the following two (2) courses and distances:

4 1. North 48°13'16" West, a distance of 15.47 feet to a 1/2"
5 rebar with plastic "Chaparral Boundary" cap found at the southwest
6 corner of said 6.934 acre tract;

7 2. North 27°31'46" East, a distance of 192.99 feet to a
8 calculated point for the northwest corner of said 6.934 acre tract,
9 same being the southwest corner of a 6.924 acre tract described in a
10 deed of record in Volume 12861, Page 391 of the Real Property
11 Records of Travis County, Texas;

12 THENCE South 48°13'04" East, with the north line of said 6.934
13 acre tract, same being the south line of said 6.924 acre tract, at a
14 distance of 0.20 feet passing a 1/2" rebar found, and continuing for
15 a total distance of 1617.68 feet to a 1/2" rebar found at the
16 northeast corner of said 6.934 acre tract, same being the southeast
17 corner of said 6.924 acre tract, also being in the west line of said
18 89.256 acre tract;

19 THENCE North 28°09'13" East, with the west line of said 89.256
20 acre tract, same being the east line of said 6.924 acre tract and
21 the east line of a two acre tract described in a deed of record in
22 Volume 6757, Page 601 of the Deed Records of Travis County, Texas,
23 being also the east line of a 6.997 acre tract described in a deed of
24 record in Document No. 2006063521 of the Official Public Records of
25 Travis County, Texas, a distance of 576.68 feet to a 1/2" rebar with
26 cap found at the northwest corner of said 89.256 acre tract, same
27 being the northeast corner of said 6.997 acre tract, also being in

1 the south line of Myrtle - 29 Ac., D. G. Collins Estate, a
2 subdivision of record in Volume 3, Page 220 of the Plat Records of
3 Travis County, Texas;

4 THENCE South 48°06'08" East, with the north line of said
5 89.256 acre tract, same being the south line of said Myrtle - 29 Ac.
6 and the south line of John B. 18 Ac., D. G. Collins Estate, a
7 distance of 1231.54 feet to a 1/2" rebar found at the northeast
8 corner of said 89.256 acre tract, same being the northwest corner of
9 said 82.844 acre tract, also being in the south line of said John B.
10 18 Ac.;

11 THENCE South 48°20'11" East, with the north line of said
12 82.844 acre tract, same being the south line of said John B. 18 Ac.,
13 the south line of John B. 11.50 Ac., D. G. Collins Estate, and the
14 south line of a 52.418 acre tract described in a deed of record in
15 Document No. 2004080843 of the Official Public Records of Travis
16 County, Texas, a distance of 1354.84 feet to a 1/2" rebar found at
17 the northeast corner of said 82.844 acre tract, same being the
18 northwest corner of a 2.899 acre tract described in said Document
19 No. 2004080843, also being in the south line of said 52.418 acre
20 tract;

21 THENCE with the east line of said 82.844 acre tract, same
22 being the west line of said 2.899 acre tract, the following four (4)
23 courses and distances:

24 1. South 27°02'48" West, a distance of 87.42 feet to a 1/2"
25 rebar found;

26 2. South 28°05'48" West, a distance of 57.15 feet to a 1/2"
27 rebar found;

1 3. South 26°28'48" West, a distance of 262.67 feet to a 1/2"
2 rebar found;

3 4. South 26°58'48" West, a distance of 2126.73 feet to a 1/2"
4 rebar found at the southeast corner of said 82.844 acre tract, same
5 being the southwest corner of said 2.899 acre tract, also being in
6 the north right-of-way line of Colton Bluff Springs Road,

7 THENCE South 63°34'23" East, with the north right-of-way line
8 of Colton Bluff Springs Road, same being the south line of said
9 2.899 acre tract, a distance of 49.99 feet to a 1/2" rebar found for
10 the southeast corner of said 2.899 acre tract, same being the
11 southwest corner of said 61.071 acre tract;

12 THENCE North 26°58'22" East, with the west line of said 61.071
13 acre tract, same being the east line of said 2.899 acre tract, a
14 distance of 2520.59 feet to 1/2" rebar found for the northwest
15 corner of said 61.071 acre tract, same being the northeast corner of
16 said 2.899 acre tract, being also in the south line of said 52.418
17 acre tract;

18 THENCE South 47°55'49" East, with the north line of said
19 61.071 acre tract, same being the south line of said 52.418 acre
20 tract, a distance of 467.09 feet to a 1/2" rebar found at the
21 southeast corner of said 52.418 acre tract, same being the
22 southwest corner of a 26.57 acre tract described in a deed of record
23 in Volume 2814, Page 127 of the Deed Records of Travis County,
24 Texas;

25 THENCE South 46°39'23" East, continuing with the north line of
26 said 61.071 acre tract, same being the south line of said 26.57 acre
27 tract, the south line of a 29.02 acre tract described in a deed of

1 record in Volume 7967, Page 611 of the Deed Records of Travis
2 County, Texas, and the south line of a 380.080 acre tract described
3 in a deed of record in Volume 12791, Page 11 of the Real Property
4 Records of Travis County, Texas, a distance of 712.33 feet to a 1/2"
5 rebar with "Chaparral Boundary" cap found at the northeast corner
6 of said 61.071 acre tract, same being a southwest corner of the said
7 380.080 acre tract;

8 THENCE South 26°38'45" West, with the east line of said 61.071
9 acre tract, same being the west line of said 380.080 acre tract, a
10 distance of 120.93 feet to a 3/4" iron pipe found at the southwest
11 corner of said 380.080 acre tract, same being the northwest corner
12 of said 138.540 acre tract;

13 THENCE with the common line of said 138.540 acre tract and
14 said 380.080 acre tract, the following two (2) courses and
15 distances:

16 1. South 47°44'05" East, a distance of 309.95 feet to a 3/4"
17 iron pipe found;

18 2. South 47°34'32" East, a distance of 2606.84 feet to a 1/2"
19 iron pipe found;

20 THENCE crossing said 138.540 acre tract, said 20.807 acre
21 tract, said 81.018 acre tract, said 67.339 acre tract, said 198.302
22 acre tract, said 232.233 acre tract, said 37.390 acre tract, said
23 42.558 acre tract, said 20.005 acre tract, said Lot A, Harry
24 Reininger Subdivision, said F.M. 1625, and Colton Bluff Springs
25 Road the following thirty-four (34) courses and distances:

26 1. South 27°06'46" West, a distance of 3.11 feet to a
27 calculated point;

- 1 2. South $47^{\circ}34'32''$ East, a distance of 43.08 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 2003.01 feet, a delta angle of $22^{\circ}31'58''$, an arc length of 787.73
5 feet, and a chord which bears South $58^{\circ}50'31''$ East, a distance of
6 782.66 feet to a calculated point;
- 7 4. South $19^{\circ}53'30''$ West, a distance of 342.27 feet to a
8 calculated point for a point of curvature to the left;
- 9 5. Following said curve to the left, having a radius of
10 500.00 feet, a delta angle of $41^{\circ}14'06''$, an arc length of 359.84
11 feet, and a chord which bears South $00^{\circ}43'33''$ East, a distance of
12 352.13 feet to a calculated point;
- 13 6. South $21^{\circ}20'36''$ East, a distance of 811.55 feet to a
14 calculated point for a point of curvature to the right;
- 15 7. Following said curve to the right, having a radius of
16 1450.01 feet, a delta angle of $48^{\circ}32'03''$, an arc length of 1228.27
17 feet, and a chord which bears South $02^{\circ}55'25''$ West, a distance of
18 1191.88 feet to a calculated point;
- 19 8. South $27^{\circ}11'27''$ West, a distance of 173.86 feet to a
20 calculated point;
- 21 9. North $62^{\circ}55'18''$ West, a distance of 587.80 feet to a
22 calculated point;
- 23 10. North $27^{\circ}04'42''$ East, a distance of 84.03 feet to a
24 calculated point;
- 25 11. North $62^{\circ}55'18''$ West, a distance of 7.00 feet to a
26 calculated point for a point of curvature to the left;
- 27 12. Following said curve to the left, having a radius of

1 668.00 feet, a delta angle of $90^{\circ}00'00''$, an arc length of 1049.30
2 feet, and a chord which bears North $17^{\circ}55'18''$ West, a distance of
3 944.70 feet to a calculated point;

4 13. North $62^{\circ}55'18''$ West, a distance of 878.22 feet to a
5 calculated point for a point of curvature to the right;

6 14. Following said curve to the right, having a radius of
7 782.00 feet, a delta angle of $30^{\circ}06'07''$, an arc length of 410.85
8 feet, and a chord which bears North $47^{\circ}52'15''$ West, a distance of
9 406.14 feet to a calculated point;

10 15. North $32^{\circ}49'11''$ West, a distance of 345.55 feet to a
11 calculated point for a point of curvature to the left;

12 16. Following said curve to the left, having a radius of
13 720.83 feet, a delta angle of $20^{\circ}51'58''$, an arc length of 262.52
14 feet, and a chord which bears North $43^{\circ}12'50''$ West, a distance of
15 261.07 feet to a calculated point;

16 17. North $53^{\circ}38'49''$ West, a distance of 589.06 feet to a
17 calculated point for a point of curvature to the right;

18 18. Following said curve to the right, having a radius of
19 434.00 feet, a delta angle of $16^{\circ}37'02''$, an arc length of 125.87
20 feet, and a chord which bears North $45^{\circ}20'18''$ West, a distance of
21 125.43 feet to a calculated point;

22 19. North $37^{\circ}01'48''$ West, a distance of 185.80 feet to a
23 calculated point for a point of curvature to the left;

24 20. Following said curve to the left, having a radius of
25 923.51 feet, a delta angle of $14^{\circ}15'58''$, an arc length of 229.94
26 feet, and a chord which bears North $44^{\circ}09'47''$ West, a distance of
27 229.35 feet to a calculated point;

1 21. North $51^{\circ}17'46''$ West, a distance of 107.66 feet to a
2 calculated point for a point of curvature to the right;

3 22. Following said curve to the right, having a radius of
4 1226.51 feet, a delta angle of $16^{\circ}03'46''$, an arc length of 343.85
5 feet, and a chord which bears North $43^{\circ}15'53''$ West, a distance of
6 342.73 feet to a calculated point;

7 23. South $54^{\circ}40'51''$ West, a distance of 483.26 feet to a
8 calculated point for a point of curvature to the right;

9 24. Following said curve to the right, having a radius of
10 1000.01 feet, a delta angle of $29^{\circ}04'06''$, an arc length of 507.34
11 feet, and a chord which bears South $69^{\circ}17'59''$ West, a distance of
12 501.92 feet to a calculated point for a point of reverse curvature
13 to the left;

14 25. Following said curve to the left, having a radius of
15 1600.01 feet, a delta angle of $108^{\circ}24'34''$, an arc length of 3027.38
16 feet, and a chord which bears South $27^{\circ}04'42''$ West, a distance of
17 2595.57 feet to a calculated point;

18 26. South $27^{\circ}07'35''$ East, a distance of 204.28 feet to a
19 calculated point for a point of curvature to the left;

20 27. Following said curve to the left, having a radius of
21 800.00 feet, a delta angle of $35^{\circ}47'43''$, an arc length of 499.80
22 feet, and a chord which bears South $45^{\circ}01'27''$ East, a distance of
23 491.71 feet to a calculated point;

24 28. South $62^{\circ}55'18''$ East, a distance of 280.83 feet to a
25 calculated point for a point of curvature to the right;

26 29. Following said curve to the right, having a radius of
27 1000.01 feet, a delta angle of $37^{\circ}22'12''$, an arc length of 652.23

1 feet, and a chord which bears South 44°14'12" East, a distance of
2 640.74 feet to a calculated point;

3 30. South 25°33'06" East, a distance of 187.89 feet to a
4 calculated point for a point of curvature to the left;

5 31. Following said curve to the left, having a radius of
6 531.00 feet, a delta angle of 36°15'15", an arc length of 335.99
7 feet, and a chord which bears South 46°19'17" West, a distance of
8 330.42 feet to a calculated point;

9 32. South 61°48'21" East, a distance of 6.57 feet to a
10 calculated;

11 33. South 28°11'39" West, a distance of 913.30 feet to a
12 calculated;

13 34. North 61°48'21" West, a distance of 678.32 feet to a
14 calculated in the west line of said 20.005 acre tract, same being
15 the east line of a 20.022 acre tract conveyed to Janie Diaz in
16 Document No. 2006101103 and described in Document No. 2001200503,
17 both of the Official Public Records of Travis County, Texas;

18 THENCE North 27°07'27" East, with the west line of said 20.005
19 acre tract, same being the east line of said 20.022 acre tract, at a
20 distance of 1097.89 feet passing a 1/2" rebar found, and continuing
21 for a total distance of 1099.28 feet to a calculated point for the
22 northwest corner of said 20.005 acre tract, same being the
23 northeast corner of said 20.022 acre tract, being also the south
24 line of said 198.302 acre tract;

25 THENCE North 63°21'03" West, with the south line of said
26 198.302 acre tract, same being the north line of said 20.022 acre
27 tract, a distance of 626.61 feet to a 1/2" rebar found for the

1 southwest corner of said 198.302 acre tract, same being the
2 northwest corner of said 20.022 acre tract, also being in the east
3 line of said 232.233 acre tract;

4 THENCE South 26°53'42" West, with the east line of said
5 232.233 acre tract, same being the west line of said 20.022 acre
6 tract, at a distance of 1082.47 feet to a calculated point in the
7 west line of said 20.022 acre tract, same being the east line of
8 said 232.233 acre tract;

9 THENCE crossing said 232.233 acre tract, the following four
10 (4) courses and distances:

11 1. North 61°48'21" West, a distance of 561.03 feet to a
12 calculated point for a point of curvature to the right;

13 2. Following said curve to the right, having a radius of
14 1400.01 feet, a delta angle of 33°44'58", an arc length of 824.66
15 feet, and a chord which bears North 44°29'40" West, a distance of
16 812.79 feet to a calculated point;

17 3. North 27°37'11" West, a distance of 335.09 feet to a
18 calculated point for a point of curvature to the left;

19 4. Following said curve to the left, having a radius of
20 1400.01 feet, a delta angle of 10°36'58", an arc length of 259.40
21 feet, and a chord which bears North 32°55'40" West, a distance of
22 259.03 feet to a calculated point in the west line of said 232.233
23 acre tract, same being the east line of a 174.4 acre tract described
24 in a deed of record in Volume 1549, Page 268 of the Deed Records of
25 Travis County, Texas;

26 THENCE North 27°21'05" East, with the east line of said 174.4
27 acre tract, same being the west line of said 232.233 acre tract, a

1 distance of 788.45 feet to a 1/2" rebar with cap set for the
2 southeast corner of said 9 acre tract;

3 THENCE crossing said 174.4 acre tract, with the south and
4 west lines of said 232.233 acre tract, the following three (3)
5 courses and distances:

6 1. North 62°42'32" West, a distance of 500.00 feet to a 4"
7 iron pipe found;

8 2. North 27°21'05" East, a distance of 784.20 feet to a 1/2"
9 rebar with cap set for the northwest corner of said 9 acre tract,
10 same being in the north line of said 174.4 acre tract, also being in
11 the south line of said 40.5 acre tract;

12 3. North 62°42'32" West, a distance of 999.32 feet to a rebar
13 with plastic "4453" cap found for an angle point in the west line of
14 said 232.233 acre tract, same being the southeast corner of a
15 120.321 acre tract described in a deed of record in Document No.
16 2004200864 of the Official Public Records of Travis County, Texas;

17 THENCE North 26°58'58" East, with the east line of said
18 120.321 acre tract, same being the west line of said 232.233 acre
19 tract, a distance of 1437.81 feet to a calculated point for an angle
20 point in the west line of said 232.233 acre tract, same being in the
21 east line of said 120.321 acre tract, being also the southwest
22 corner of Lot 1, The Pittman Addition, a subdivision of record in
23 Volume 76, Page 228 of the Plat Records of Travis County, Texas;

24 THENCE South 62°59'36" East, with the west line of said
25 232.233 acre tract, same being the south line of said Lot 1, Pittman
26 Addition, and an 11.000 acre tract described in a deed of record in
27 Document No. 1999100812 of the Official Public Records of Travis

1 County, at a distance of 0.27 feet passing a 60D nail found, and
2 continuing for a total distance of 857.50 feet to a 1/2" iron pipe
3 found for the southeast corner of said 11.000 acre tract, same being
4 the southwest corner of said 8.282 acre tract;

5 THENCE North 26°58'15" East, with the west line of said 8.282
6 acre tract, same being the east line of said 11.000 acre tract and
7 the east line of a 5.014 acre tract described in a deed of record in
8 Document Number 2007145976 of the Official Public Records of Travis
9 County, Texas, a distance of 653.18 feet to a 1/2" rebar with cap
10 set for the northwest corner of said 8.282 acre tract, same being in
11 the east line of said 5.014 acre tract, being also in the east line
12 of the remainder of a 13.93 acre tract described in volume 7496,
13 Page 513 of the Deed Records of Travis County, Texas;

14 THENCE South 63°15'05" East, crossing said 13.93 acre tract,
15 with the north line of said 8.282 acre tract, a distance of 648.24
16 feet to a 1/2" rebar with cap set in the east line of said 13.93 acre
17 tract, same being the west line of said 68.3 acre tract, being also
18 the northeast corner of said 8.282 acre tract;

19 THENCE North 43°26'02" East, with the east line of said 13.93
20 acre tract, same being the west line of said 68.3 acre tract, a
21 distance of 538.67 feet to a 1/2" rebar with cap set for the common
22 north corner of said 13.93 acre tract and said 68.3 acre tract, same
23 being in the south right-of-way line of Colton Bluff Springs Road
24 (70' right-of-way);

25 THENCE North 32°23'26" East, crossing Colton Bluff Springs
26 Road, a distance of 70.31 feet to a calculated point in the north
27 right-of-way line of Colton Bluff Springs Road, same being the

1 south line of said 82.844 acre tract;

2 THENCE with the north right-of-way line of Colton Bluff
3 Springs Road, same being the south line of said 82.844 acre tract,
4 the following two (2) courses and distances:

5 1. North 63°13'10" West, a distance of 197.12 feet to a 1/2"
6 rebar found;

7 2. North 63°18'06" West, a distance of 703.08 feet to a bolt
8 found at the southwest corner of said 82.844 acre tract, same being
9 the southeast corner of a 1.0 acre tract described in a deed of
10 record in Volume 12371, Page 662 of the Real Property Records of
11 Travis County, Texas;

12 THENCE North 27°09'21" East, with the west line of said 82.844
13 acre tract, same being the east line of said 1.0 acre tract, a
14 distance of 290.52 feet to a 1/2" rebar found at the northeast
15 corner of said 1.0 acre tract, same being the southeast corner of
16 said 89.256 acre tract;

17 THENCE with the north and west lines of said 1.0 acre tract,
18 same being the south line of said 89.256 acre tract, the following
19 two (2) courses and distances:

20 1. North 63°01'00" West, a distance of 150.08 feet to a 1/2"
21 rebar with cap found at the northwest corner of said 1.0 acre tract;

22 2. South 27°11'15" West, a distance of 291.18 feet to a 1/2"
23 rebar found at the southwest corner of said 1.0 acre tract, same
24 being in the north right-of-way line of Colton Bluff Springs Road;

25 THENCE with the north right-of-way line of Colton Bluff
26 Springs Road, same being the south line of said 89.256 acre tract,
27 the following two (2) courses and distances:

1 1. North 63°15'07" West, a distance of 508.93 feet to a
2 calculated point;

3 2. North 62°31'18" West, a distance of 175.38 feet to a
4 calculated point for the southeast corner of a 0.18 acre tract,
5 called Lot No. 2 and described in a deed of record in Volume 6057,
6 Page 415 of the Deed Records of Travis County, Texas;

7 THENCE North 26°26'47" East, with the east line of said Lot
8 No. 2, same being the south line of said 89.256 acre tract, a
9 distance of 130.76 feet to a calculated point for the northeast
10 corner of said Lot No. 2;

11 THENCE North 63°01'34" West, with the south line of said
12 89.256 acre tract, same being the north line of said Lot No. 2 and
13 the north line of another 0.18 acre tract, called Lot No. 1 and
14 described in said deed of record in Volume 6057, Page 415, a
15 distance of 120.03 feet to a calculated point for the northwest
16 corner of said Lot No. 1;

17 THENCE South 26°58'40" West, with the west line of said Lot
18 No. 1, same being the south line of said 89.256 acre tract, a
19 distance of 129.50 feet to a calculated point for the southwest
20 corner of said Lot No. 1, same being in the north right-of-way line
21 of Colton Bluff Springs Road;

22 THENCE North 62°29'29" West, with the north right-of-way line
23 of Colton Bluff Springs Road, same being the south line of said
24 89.256 acre tract, a distance of 564.31 feet to a 1/2" rebar found
25 at the southwest corner of said 89.256 acre tract, same being the
26 southeast corner of said 25.735 acre tract;

27 THENCE North 62°29'18" West, with the north right-of-way line

1 of Colton Bluff Springs Road, same being the south line of said
2 25.735 acre tract, at a distance of 64.03 feet passing a 1/2" rebar
3 found at the southwest corner of said 25.735 acre tract, same being
4 the southeast corner of said 2.731 acre tract, and continuing with
5 the south line of said 2.731 acre tract for a total distance of
6 301.87 feet to a 1/2" rebar found at the southwest corner of said
7 2.731 acre tract, same being the southeast corner of said Part 2;

8 THENCE with the north right-of-way line of Colton Bluff
9 Springs Road, same being the south line of said Part 2, the
10 following two (2) courses and distances:

11 1. North 63°23'43" West, a distance of 712.69 feet to a 1/2"
12 rebar found;

13 2. North 62°15'54" West, a distance of 241.38 feet to the
14 POINT OF BEGINNING, containing 751.054 acres of land, more or less.

15 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
16 that:

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

21 (2) The area in the proposed Austin Desired
22 Development Zone District No. 3 is unproductive and underdeveloped;
23 and

24 (3) The conditions in the area of the proposed Austin
25 Desired Development Zone District No. 3 substantially arrest or
26 impair the sound growth of the area, are an economic or social
27 liability, and present a menace to the public health, safety,

1 morals, or welfare.

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

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

12 (c) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

16 (d) The general law relating to consent by political
17 subdivisions to the creation of districts with conservation,
18 reclamation, and road powers and the inclusion of land in those
19 districts has been complied with.

20 (e) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act have been
23 fulfilled and accomplished.

24 SECTION 5. EFFECTIVE DATE. This Act takes effect
25 immediately if it receives a vote of two-thirds of all the members
26 elected to each house, as provided by Section 39, Article III, Texas
27 Constitution. If this Act does not receive the vote necessary for

H.B. No. 4479

1 immediate effect, this Act takes effect September 1, 2009.