

By: Bolton

H.B. No. 4797

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Travis and Burnet Counties Improvement District No. 1; providing authority to impose an assessment, impose a tax, and issue bonds.

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 3863 to read as follows:

CHAPTER 3863. TRAVIS AND BURNET COUNTIES IMPROVEMENT DISTRICT NO.

1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3863.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Travis and Burnet Counties Improvement District No. 1.

Sec. 3863.002. NATURE OF DISTRICT. The Travis and Burnet Counties Improvement District No. 1 is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3863.003. 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 chapter. By creating the district and in authorizing Travis County, Burnet County, and other political subdivisions to contract

1 with the district, the legislature has established a program to
2 accomplish the public purposes set out in Section 52-a, Article
3 III, Texas Constitution.

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

9 (c) This chapter and the creation of the district may not be
10 interpreted to relieve Travis County or Burnet County from
11 providing the level of services provided, as of the effective date
12 of the Act enacting this chapter, to the area in the district. The
13 district is created to supplement and not to supplant the county
14 services provided in the area in the district.

15 Sec. 3863.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
16 The district is created to serve a public use and benefit.

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

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

24 (1) further the public purposes of developing and
25 diversifying the economy of the state;

26 (2) eliminate unemployment and underemployment; and

27 (3) develop or expand transportation and commerce.

1 (d) The district will:

2 (1) promote the health, safety, and general welfare of
3 residents, employers, potential employees, employees, visitors,
4 and consumers in the district, and of the public;

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

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

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

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

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

23 Sec. 3863.005. INITIAL DISTRICT TERRITORY. (a) The
24 district is initially composed of the territory described by
25 Section 2 of the Act enacting this chapter.

26 (b) The boundaries and field notes contained in Section 2 of
27 the Act enacting this chapter form a closure. A mistake in the

field notes or in copying the field notes in the legislative process
does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes
for which the district is created or to pay the principal of and
interest on the bond;

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

(4) legality or operation.

Sec. 3863.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

Sec. 3863.007. APPLICABILITY OF MUNICIPAL MANAGEMENT
DISTRICTS LAW. Except as otherwise provided by this chapter,
Chapter 375, Local Government Code, applies to the district.

Sec. 3863.008. LIBERAL CONSTRUCTION OF CHAPTER. This
chapter shall be liberally construed in conformity with the
findings and purposes stated in this chapter.

[Sections 3863.009-3863.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 3863.051. GOVERNING BODY; TERMS. The district is
governed by a board of five voting directors who serve staggered

1 terms of four years, with two or three directors' terms expiring
2 June 1 of each odd-numbered year.

3 Sec. 3863.052. APPOINTMENT OF DIRECTORS. The Texas
4 Commission on Environmental Quality shall appoint voting directors
5 from persons recommended by the board.

6 Sec. 3863.053. INITIAL VOTING DIRECTORS. (a) On or after
7 the effective date of the Act creating this chapter, the owner or
8 owners of a majority of the assessed value of the real property in
9 the district may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 initial voting directors the five persons named in the petition.
12 The commission shall appoint the five persons named in the petition
13 as initial voting directors by position.

14 (b) Of the initial voting directors, the terms of directors
15 appointed for positions 1 through 3 expire June 1, 2011, and the
16 terms of directors appointed for positions 4 and 5 expire June 1,
17 2013.

18 (c) Section 3863.052 does not apply to the appointment of
19 directors under this section.

20 (d) This section expires September 1, 2014.

21 Sec. 3863.054. NONVOTING DIRECTORS. The board may appoint
22 nonvoting directors to serve at the pleasure of the voting
23 directors.

24 Sec. 3863.055. QUORUM. For purposes of determining the
25 requirements for a quorum of the board, the following are not
26 counted:

27 (1) a board position vacant for any reason, including

death, resignation, or disqualification;

(2) a director who is abstaining from participation in
a vote because of a conflict of interest; or

(3) a nonvoting director.

Sec. 3863.056. COMPENSATION. A director is entitled to
receive fees of office and reimbursement for actual expenses as
provided by Section 49.060, Water Code. Sections 375.069 and
375.070, Local Government Code, do not apply to the board.

[Sections 3863.057-3863.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 3863.101. DEVELOPMENT CORPORATION POWERS. The
district may exercise the powers given to a development corporation
under Chapter 505, Local Government Code, including the power to
own, operate, acquire, construct, lease, improve, or maintain a
project described by that chapter.

Sec. 3863.102. AGREEMENTS; GRANTS. (a) The district may
make an agreement with or accept a gift, grant, or loan from any
person.

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

Sec. 3863.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT
SERVICES. To protect the public interest, the district may
contract with a qualified person, including Travis County or Burnet
County, for the provision of law enforcement services in the
district for a fee.

Sec. 3863.104. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The

1 district may join and pay dues to a charitable or nonprofit
2 organization that performs a service or provides an activity
3 consistent with the furtherance of a district purpose.

4 Sec. 3863.105. ECONOMIC DEVELOPMENT PROGRAMS. (a) The
5 district may establish and provide for the administration of one or
6 more programs to promote state or local economic development and to
7 stimulate business and commercial activity in the district,
8 including programs to:

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

10 (2) provide district personnel and services.

11 (b) The district has all of the powers of a municipality
12 under Chapter 380, Local Government Code.

13 Sec. 3863.106. STRATEGIC PARTNERSHIP AGREEMENT. The
14 district may negotiate and enter into a written strategic
15 partnership with a municipality under Section 43.0751, Local
16 Government Code.

17 Sec. 3863.107. NO EMINENT DOMAIN. The district may not
18 exercise the power of eminent domain.

19 Sec. 3863.108. ANNEXATION OR EXCLUSION OF LAND. (a) The
20 district may annex land as provided by Subchapter J, Chapter 49,
21 Water Code.

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

25 [Sections 3863.109-3863.150 reserved for expansion]

26 SUBCHAPTER D. PUBLIC PARKING FACILITIES

27 Sec. 3863.151. PARKING FACILITIES AUTHORIZED; OPERATION BY

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

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

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

10 (b) A parking facility of the district may be leased to or
11 operated on behalf of the district by an entity other than the
12 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. 3863.152. RULES. The district may adopt rules
24 governing the district's public parking facilities.

25 Sec. 3863.153. FINANCING OF PUBLIC PARKING FACILITIES. (a)
26 The district may use any of its resources, including revenue,
27 assessments, taxes, or grant or contract proceeds, to pay the cost

of acquiring or operating public parking facilities.

(b) The district may:

(1) set, charge, impose, and collect fees, charges, or
tolls for the use of the district's public parking facilities; and

(2) issue bonds or notes to finance the cost of the
district's public parking facilities.

[Sections 3863.154-3863.200 reserved for expansion]

SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

Sec. 3863.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The
board by resolution shall establish the number of directors'
signatures and the procedure required for a disbursement or
transfer of the district's money.

Sec. 3863.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.
The district may acquire, construct, finance, operate, or maintain
any improvement or service authorized under this chapter or Chapter
375, Local Government Code, using any money available to the
district.

Sec. 3863.203. PETITION REQUIRED FOR FINANCING SERVICES AND
IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
service or improvement project with assessments under this chapter
unless a written petition requesting that service or improvement
has been filed with the board.

(b) A petition filed under Subsection (a) must be signed by
the owners of a majority of the assessed value of real property in
the district subject to assessment according to the most recent
certified tax appraisal roll for Travis County or Burnet County, as
applicable.

1 Sec. 3863.204. METHOD OF NOTICE FOR HEARING. The district
2 may mail the notice required by Section 375.115(c), Local
3 Government Code, by certified or first class United States mail.
4 The board shall determine the method of mailing notice.

5 Sec. 3863.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
6 The board by resolution may impose and collect an assessment for any
7 purpose authorized by this chapter in all or any part of the
8 district.

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

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

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

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

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

26 (d) The board may make a correction to or deletion from the
27 assessment roll that does not increase the amount of assessment of

any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3863.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

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

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

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

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

Sec. 3863.207. RESIDENTIAL PROPERTY. Section 375.161, Local Government Code, does not apply to a tax imposed by the district or to a required payment for a service provided by the district, including water and sewer service.

Sec. 3863.208. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held in accordance with Section 3863.212, the district may impose an annual operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

(b) The board shall determine the tax rate. The rate may not

1 exceed the rate approved at the election.

2 (c) Section 49.107(h), Water Code, does not apply to the
3 district.

4 Sec. 3863.209. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

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

13 Sec. 3863.210. AUTHORITY TO BORROW MONEY AND TO ISSUE
14 BONDS. (a) The district may borrow money on terms and conditions
15 as determined by the board. Section 375.205, Local Government
16 Code, does not apply to a loan, line of credit, or other borrowing
17 from a bank or financial institution secured by revenue other than
18 ad valorem taxes.

19 (b) The district may issue bonds, notes, or other
20 obligations payable wholly or partly from ad valorem taxes, sales
21 and use taxes, assessments, impact fees, revenue, contract
22 payments, grants, or other district money, or any combination of
23 those sources of money, to pay for any authorized district purpose.

24 (c) The limitation on the outstanding principal amount of
25 bonds, notes, and other obligations set forth in Section 49.4645,
26 Water Code, does not apply to the district.

27 Sec. 3863.211. TAXES FOR BONDS. At the time the district

1 issues bonds payable wholly or partly from ad valorem taxes, the
2 board shall provide for the annual imposition of a continuing
3 direct annual ad valorem tax, without limit as to rate or amount,
4 while all or part of the bonds are outstanding as required and in
5 the manner provided by Sections 54.601 and 54.602, Water Code.

6 Sec. 3863.212. ELECTIONS REGARDING TAXES AND BONDS. (a)
7 The district may issue, without an election, bonds, notes, and
8 other obligations secured by:

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

10 (2) contract payments described by Section 3863.209.

11 (b) The district must hold an election in the manner
12 provided by Subchapter L, Chapter 375, Local Government Code, to
13 obtain voter approval before the district may impose an ad valorem
14 tax or sales and use tax or issue bonds payable from ad valorem
15 taxes.

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

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

22 Sec. 3863.213. COMPETITIVE BIDDING. Subchapter I, Chapter
23 49, Water Code, applies to the district. Subchapter K, Chapter 375,
24 Local Government Code, does not apply to the district.

25 Sec. 3863.214. TAX AND ASSESSMENT ABATEMENTS. The district
26 may grant in the manner authorized by Chapter 312, Tax Code, an
27 abatement for a tax or assessment owed to the district.

[Sections 3863.215-3863.250 reserved for expansion]

SUBCHAPTER F. TAXES FOR CERTAIN DEFINED AREAS AND DESIGNATED
PROPERTY

Sec. 3863.251. AUTHORITY TO ESTABLISH DEFINED AREAS OR DESIGNATED PROPERTY. The district may define areas or designate certain property of the district to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole.

Sec. 3863.252. PROCEDURE FOR ELECTION. (a) Before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes of the area defined or property designated under Section 3863.251, the board must call and hold an election as provided by Section 3863.212 only in the defined area or in the boundaries of the designated property.

(b) The board may submit the proposition to the voters on
the same ballot to be used in another election.

Sec. 3863.253. DECLARING RESULT AND ISSUING ORDER. (a) If a majority of the voters voting at the election approve the proposition or propositions, the board shall declare the results and by order shall establish the defined area and describe it by metes and bounds or designate the specific property.

(b) A court may not review the board's order except on the ground of fraud, palpable error, or arbitrary and confiscatory abuse of discretion.

Sec. 3863.254. TAXES FOR SERVICES, IMPROVEMENTS, AND
FACILITIES IN DEFINED AREAS OR DESIGNATED PROPERTY. On voter

1 approval and adoption of the order described in Section 3863.253,
2 the district may apply separately, differently, equitably, and
3 specifically its taxing power and lien authority to the defined
4 area or designated property to provide money to construct,
5 administer, maintain, and operate services, improvements, and
6 facilities that primarily benefit the defined area or designated
7 property.

8 Sec. 3863.255. ISSUANCE OF BONDS AND IMPOSITION OF TAXES
9 FOR DEFINED AREA OR DESIGNATED PROPERTY. After the order under
10 Section 3863.253 is adopted, the district may issue bonds to
11 provide for any land, improvements, facilities, plants, equipment,
12 and appliances for the defined area or designated property.

13 [Sections 3863.256-3863.300 reserved for expansion]

14 SUBCHAPTER G. SALES AND USE TAX

15 Sec. 3863.301. MEANINGS OF WORDS AND PHRASES. Words and
16 phrases used in this subchapter that are defined by Chapters 151 and
17 321, Tax Code, have the meanings assigned by Chapters 151 and 321,
18 Tax Code.

19 Sec. 3863.302. APPLICABILITY OF CERTAIN TAX CODE
20 PROVISIONS. (a) Except as otherwise provided by this subchapter,
21 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,
22 apply to taxes imposed under this subchapter and to the
23 administration and enforcement of those taxes in the same manner
24 that those laws apply to state taxes.

25 (b) Chapter 321, Tax Code, relating to municipal sales and
26 use taxes, applies to the application, collection, change, and
27 administration of a sales and use tax imposed under this subchapter

1 to the extent consistent with this chapter, as if references in
2 Chapter 321, Tax Code, to a municipality referred to the district
3 and references to a governing body referred to the board.

4 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,
5 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not
6 apply to a tax imposed under this subchapter.

7 Sec. 3863.303. AUTHORIZATION; ELECTION. (a) The district
8 may adopt a sales and use tax to serve the purposes of the district
9 after an election in which a majority of the voters of the district
10 voting in the election authorize the adoption of the tax.

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

14 (c) The district shall provide notice of the election and
15 shall hold the election in the manner prescribed by Section
16 3863.212.

17 (d) The ballots shall be printed to provide for voting for
18 or against the proposition: "Authorization of a sales and use tax
19 in the Travis and Burnet Counties Improvement District No. 1 at a
20 rate not to exceed _____ percent."

21 Sec. 3863.304. ABOLISHING SALES AND USE TAX. (a) Except as
22 provided by Subsection (b), the board may abolish the sales and use
23 tax without an election.

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

26 Sec. 3863.305. 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 in the district,
2 and an excise tax on the use, storage, or other consumption within
3 the district of taxable items purchased, leased, or rented from a
4 retailer in the district during the period that the tax is in
5 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 decrease 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 3863.306-3863.350 reserved for expansion]

15 SUBCHAPTER H. HOTEL OCCUPANCY TAXES

16 Sec. 3863.351. 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 Subchapter
19 A, Chapter 352, Tax Code, to a county is a reference to the district
20 and a reference in Subchapter A, Chapter 352, Tax Code, to the
21 county's officers or governing body is a reference to the board.

22 (c) Except as otherwise provided by this section,
23 Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax
24 authorized by this section, including the collection of the tax.

25 (d) The district may impose a hotel occupancy tax for any
26 district purpose, including to:

27 (1) maintain and operate the district;

1 (2) construct or acquire improvements; and

2 (3) provide a service.

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

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

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

10 (3) is ordinarily used for sleeping.

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

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

16 SECTION 2. The Travis and Burnet Counties Improvement
17 District No. 1 initially includes all territory contained in the
18 following area:

19 TRACT I - 767.09 ACRES

20 Being a 767.08 acre tract of land out of and a portion of the
21 Maria C. Salinas Survey No. 17, Abstract No. 776, the Grigsby Survey
22 No. 530, Abstract 331, the J. F. Cole Survey no. 303, Abstract 185,
23 the A. M. Maxey Survey No. 344, Abstract No. 2755, and the W. W.
24 Burton Survey No. 15 in Travis and Burnett Counties, Texas; said
25 735.85 acre tract also being out of and a portion of a called 334.08
26 acre tract of land as conveyed to Ralph B. Thomas, and Bette P.
27 Thomas as recorded in Warranty Deed Number 0701526 of the Deed

H.B. No. 4797

1 Records of Burnet County, Texas, a called 44.998 acre tract of land
2 as conveyed to Ralph Bowman Thomas, as recorded in Volume 592, Page
3 107 of the Real Property Records of Travis County, Texas, a called
4 9.801 acre tract of land as conveyed to Ralph Bowman Thomas, as
5 recorded in Volume 592, Page 110 of the Real Property Records of
6 Travis County, Texas, a 210.197 acre tract of land as conveyed to
7 Ralph Bowman Thomas, as recorded in Volume 592, Page 105 of the Real
8 Property Records of Travis County, Texas, a called 36.724 acre
9 tract of land as conveyed to Ralph Bowman Thomas, as recorded in
10 Volume 592, Page 109 of the Real Property Records of Travis County,
11 Texas, a called 69.996 acre tract of land as conveyed to Ralph
12 Bowman Thomas as recorded in Volume 12210, page 1756 of the Real
13 Property Records of Travis County, Texas, a called 31.226 acre
14 tract of land as conveyed to Ralph Bowman Thomas as recorded in
15 Clerk's File Number 2008158858 of the Official Public Records of
16 Travis County, Texas, and a called 10.00 acre tract of land as
17 conveyed to Ralph Bowman Thomas; said 767.08 acre tract of land is
18 more particularly described by metes and bounds as follows with all
19 bearings being referenced to the West line of said 334.08 acre tract
20 of land;

21 BEGINNING at a point for the Northwest corner of said 334.08
22 acre tract, also being in the South right-of-way line of Haynie Flat
23 Road, said point also being the Northeast corner of a tract of land
24 conveyed to Jayco Holding LTD. as recorded in Volume 1377, Page 647
25 of the Deed Records of Burnet County, Texas;

26 THENCE with the South right-of-way line of said Haynie Flat
27 Road as follows:

1 - South 66° 18' 10" East, 816.87 feet to a point for corner;

2 - South 83° 32' 58" East, 527.85 feet to a point for corner;

3 - North 80° 08' 19" East, 755.01 feet to a point for corner;

4 - South 73° 26' 33" East, 67.66 feet to a point for corner;

5 - South 50° 03' 15" East, 750.74 feet to a point for corner;

6 THENCE South 00° 33' 53" East with the East line of said 334.08
7 acre tract of land, 950.65 feet to a point for corner;

8 THENCE South 83° 28' 13" East with the North line of said 9.801
9 acre tract of land, and the South right-of-way line of said Haynie
10 Flat Road, 1,163.56 feet to a point for corner in the West line of
11 said 44.998 acre tract;

12 THENCE North 01° 22' 41" West, 225.12 feet to a point for
13 corner in the South line of Haynie Flat Road (recording unknown);

14 THENCE with said Haynie Flat Road as follows:

15 - South 83° 43' 22" East, 185.35 feet to a point for corner;

16 - South 69° 05' 13" East, 75.76 feet to a point for corner;

17 - South 62° 09' 25" East, 141.91 feet to a point for corner;

18 - South 60° 23' 08" East, 65.71 feet to a point for corner;

19 - South 52° 23' 59" East, 26.39 feet to a point for corner;

20 - South 44° 25' 03" East, 128.13 feet to a point for corner;

21 - South 27° 24' 37" East, 104.89 feet to a point for corner;

22 - South 16° 42' 01" East, 157.00 feet to a point for corner;

23 - South 03° 42' 56" East, 10.82 feet to a point for the most
24 Northerly corner of said 69.996 acre tract of land;

25 - South 35° 04' 47" East, 565.65 feet to a point for corner;

26 - South 32° 49' 44" East, 262.35 feet to a point for corner;

27 - South 49° 25' 20" East, 314.18 feet to a point for corner;

1 - South 53° 20' 30" East, 217.14 feet to a point for corner in
2 the South right-of-way line of Paleface Ranch Road (recording
3 unknown);

4 THENCE with the South right-of-way line of said Paleface
5 Ranch Road as follows:

6 - South 63° 04' 11" East, 257.13 feet to a point for corner;
7 - South 50° 33' 39" East, 139.55 feet to a point for corner;
8 - South 49° 24' 14" East, 92.98 feet to a point for corner;
9 - South 47° 28' 19" East, 154.38 feet to a point for corner;
10 - South 46° 43' 16" East, 256.53 feet to a point for corner;
11 - South 37° 00' 56" East, 204.96 feet to a point for corner;
12 - South 37° 37' 10" East, 543.03 feet to a point for the
13 Northeast corner of said 210.197 acre tract of land;

14 - South 36° 27' 00" East, 699.03 feet to a point for corner;
15 - South 15° 05' 09" East, 112.12 feet to a point for corner;
16 - South 04° 45' 26" West, 230.64 feet to a point for corner;
17 - South 07° 43' 23" West, 840.65 feet to a point for corner;
18 - South 05° 27' 39" West, 779.99 feet to a point for the
19 Northeast corner of said 10.00 acre tract of land;

20 THENCE South 05° 17' 38" West, 270.88 feet to a point for
21 corner;

22 THENCE South 04° 43' 42" West, 34.85 feet to a point for the
23 most Northerly Southeast corner of said 10.00 acre tract and being a
24 Northeast corner of that certain called 1.0 acre tract of land as
25 conveyed to Geneva Hill, et al, in Volume 10450, Page 389 of the
26 Real Property Records of Travis County, Texas;

27 THENCE with the Northerly South line of said 10.00 acre tract

1 as follows:

- 2 - North 71° 03' 46" West, 207.20 feet to a point for corner;
3 - North 18° 54' 09" East, 182.74 feet to a point for corner;
4 - North 71° 03' 59" West, 175.03 feet to a point for corner;
5 - South 18° 53' 12" West, 212.86 feet to a point for the
6 Southwest corner of said 1.00 acre tract, and in the Northerly line
7 of said called 31.226 acre tract of land;

8 THENCE South 71° 05' 27" East with the Northerly line of said
9 31.226 acre tract, 389.79 feet to a point for corner in the west
10 right-of-way line of said Paleface Ranch Road;

11 THENCE with the West right-of-way line of said Paleface Ranch
12 Road as follows:

- 13 - South 16° 14' 51" West, 100.14 feet to a point for corner;
14 - South 35° 57' 30" West, 106.89 feet to a point for corner;
15 - South 45° 35' 30" West, 359.24 feet to a point for corner;
16 - South 51° 45' 21" West, 286.13 feet to a point for corner;
17 - South 62° 05' 35" West, 697.66 feet to a point for corner;
18 - South 43° 36' 15" West, 131.60 feet to a point for corner;
19 - South 29° 22' 21" West, 133.33 feet to a point for the
20 Southeasterly corner of said 31.226 acre tract and the most
21 Southerly Southeast corner of that certain called 26.627 acre tract
22 of land as conveyed to Michael L. Bay-Borelli, and Debra E.
23 Bay-Borelli by Deed recorded in Document Number 2002208295 of the
24 Official Public Records of Travis County, Texas;

25 THENCE with the Southwesterly line of said 31.226 acre tract
26 as follows:

- 27 - North 52° 41' 24" West, 641.65 feet to a point for corner;

1 - North 34° 11' 39" East, 128.26 feet to a point for corner;
2 - North 25° 32' 57" West, 610.09 feet to a point for corner;
3 - North 14° 28' 58" East, 114.85 feet to a point for the most
4 North Westerly corner of said 31.226 acre tract, and in the South
5 line of said 210.197 acre tract;

6 THENCE North 75° 29' 01" West, 727.40 feet to a point for
7 corner;

8 THENCE North 49° 35' 26" West, 283.72 feet to a point for
9 corner;

10 THENCE North 50° 03' 08" West, 523.15 feet to a point for the
11 Southwest corner of said 210.197 acre tract, and the Southeast
12 corner of said 36.724 acre tract of land corner, also being the
13 Southwesterly corner of that certain called tract of land conveyed
14 to State of Texas for Permanent School Funds in Volume 1397, Page
15 990 of the Deed Records of Burnet County, Texas;

16 THENCE North 70° 34' 29" West, 743.11 feet to a point for
17 corner in the West line of said State of Texas tract of land;

18 THENCE North 00° 05' 34" West, 980.07 feet to a point for the
19 Southeast corner of said 334.08 acre tract;

20 THENCE West, 2,310.76 feet to a point for the Northwest
21 corner of said State of Texas tract, and the Northeast corner of a
22 tract of land as conveyed to Betty Ann Hollingsworth Herbert in
23 Volume 11690, Page 447 of the Deed Records of Travis County, Texas;

24 THENCE North 89° 47' 18" West with the North line of said
25 Hebert tract, 976.81 feet to a point for the Southeast corner of
26 said Jayco Holding LTD tract, and the Southeast corner of said
27 334.08 tract;

H.B. No. 4797

1 THENCE North 06° 48' 08" East with the West line of said 334.08
2 acre tract, 5,223.87 feet to the POINT OF BEGINNING; containing
3 767.08 acres of land, more or less.

4 TRACT II - 482.50 ACRES

5 Being a 482.50 acre tract of land out of and a portion of the
6 J. F. Cole Survey No. 303, Abstract 185, the V. L. Labenski Survey
7 No. 301, the John Moat Survey No. 412, the R. R. Germany Survey No.
8 304, the John Ewers Survey No. 410, and the John Ewers Survey No.
9 308 in Travis County, Texas; said 482.50 acre tract also being out
10 of and a portion of a called 15.241 acre tract of land as conveyed to
11 Ralph Bowman Thomas as recorded in Volume 12210, page 1756 of the
12 Real Property Records of Travis County, Texas, a called 287.84 acre
13 tract of land as conveyed to Ralph Bowman Thomas in Volume 12029,
14 Page 0628 of the Real Property Records of Travis County, Texas, a
15 called 7.01 acre tract of land as conveyed to Ralph Bowman Thomas as
16 recorded in Volume 12142, Page 3244 of the Real Property Records of
17 Travis County, Texas, a 170.94 acre tract of land as conveyed to
18 Ralph Bowman Thomas as recorded in Volume 12122, Page 2518 of the
19 Real Property Records of Travis County, Texas, and a called 1.781
20 acre tract of land as conveyed to Ralph Bowman Thomas as recorded in
21 Volume 12341, Page 0433 of the Real Property Records of Travis
22 County, Texas; said 482.50 acre tract of land is more particularly
23 described by metes and bounds as follows with all bearings being
24 referenced to the West line of said 287.84 acre tract of land;

25 BEGINNING at a point for the Southwest corner of said 15.241
26 acre tract, also being in the South right-of-way line of Haynie Flat
27 Road (recording unknown), and the North right-of-way line of

1 Paleface Ranch Road (recording unknown);
2 THENCE with said Haynie Flat Road as follows:
3 - North 30° 23' 08" East, 347.80 feet to a point for corner;
4 - North 31° 39' 24" East, 108.86 feet to a point for corner;
5 - North 40° 00' 00" East, 3,271.92 feet to a point for corner;
6 - South 49° 40' 37" East, 3,050.44 feet to a point for corner
7 at the beginning of a curve to the left;
8 - along the arc of said curve to the left, having a chord of
9 South 74° 06' 43" East, 219.54 feet, a radius of 517.92 feet, a
10 central angle of 24° 28' 21", a distance of 221.22 feet to a point
11 for corner;
12 - continuing along the arc of said curve to the left, having a
13 chord of North 80° 57' 51" East, 270.58 feet, a radius of 597.67
14 feet, a central angle of 26° 09' 59", a distance of 272.95 feet to a
15 point for corner;
16 - North 67° 47' 51" East, 294.01 feet to a point for corner;
17 - North 64° 20' 52" East, 474.60 feet to a point for corner at
18 the beginning of a curve to the left;
19 - along the arc of said curve to the left, having a chord of
20 North 51° 32' 52" East, 259.41 feet, a radius of 585.45 feet, a
21 central angle of 25° 35' 59", a distance of 261.58 feet to a point
22 for corner;
23 - North 31° 20' 51" East, 5.66 feet to a point for corner;
24 - North 45° 18' 55" East, 147.73 feet to a point for corner at
25 the beginning of a curve to the right;
26 - along the arc of said curve to the right, having a chord of
27 North 75° 39' 23" East, 483.14 feet, a radius of 490.87 feet, a

1 central angle of $58^{\circ} 57' 41''$, a distance of 505.14 feet to a point
2 for corner;
3 - South $74^{\circ} 41' 05''$ East, 73.93 feet to a point for corner;
4 - South $65^{\circ} 02' 26''$ East, 242.87 feet to a point for corner;
5 - South $67^{\circ} 46' 10''$ East, 632.84 feet to a point for corner;
6 - South $68^{\circ} 58' 09''$ East, 586.34 feet to a point for corner;
7 - South $63^{\circ} 23' 07''$ East, 234.88 feet to a point for corner at
8 the beginning of a curve to the right;
9 - along the arc of said curve to the right, having a chord of
10 South $54^{\circ} 05' 07''$ East, 196.29 feet, a radius of 607.30 feet, a
11 central angle of $18^{\circ} 36' 00''$, a distance of 197.15 feet to a point
12 for corner;
13 - continuing along the arc of said curve to the right, having
14 a chord of South $32^{\circ} 47' 07''$ East, 384.80 feet, a radius of 925.40
15 feet, a central angle of $24^{\circ} 00' 00''$, a distance of 387.63 feet to a
16 point for corner;
17 - South $20^{\circ} 47' 07''$ East, 321.96 feet to a point for corner at
18 the beginning of a curve to the left;
19 - along the arc of said curve to the left, having a chord of
20 South $35^{\circ} 49' 07''$ East, 313.18 feet, a radius of 603.70 feet, a
21 central angle of $30^{\circ} 04' 00''$, a distance of 316.80 feet to a point
22 for corner;
23 - South $50^{\circ} 51' 07''$ East, 1,129.28 feet to a point for corner
24 at the beginning of a curve to the right;
25 - along the arc of said curve to the right, having a chord of
26 South $37^{\circ} 25' 07''$ East, 429.97 feet, a radius of 925.40 feet, a
27 central angle of $26^{\circ} 52' 00''$, a distance of 433.93 feet to a point

1 for corner;

2 - South 23° 59' 07" East, 53.87 feet to a point for the
3 Northeast corner of said 170.94 acre tract;

4 THENCE South 38° 52' 11" West with the East line of said 170.94
5 acre tract, 1,446.00 feet to a point for the Southeast corner of
6 said 170.94 acre tract;

7 THENCE with the Southerly line of said 170.94 acre tract as
8 follows:

- 9 - North 44° 06' 59" West, 301.32 feet to a point for corner;
- 10 - North 32° 57' 59" West, 261.60 feet to a point for corner;
- 11 - North 27° 31' 59" West, 58.00 feet to a point for corner;
- 12 - North 60° 07' 59" West, 144.10 feet to a point for corner;
- 13 - North 47° 10' 59" West, 343.10 feet to a point for corner;
- 14 - North 42° 40' 59" West, 113.70 feet to a point for corner;
- 15 - North 38° 08' 59" West, 191.80 feet to a point for corner;
- 16 - North 58° 03' 59" West, 170.20 feet to a point for corner;
- 17 - North 47° 44' 59" West, 153.30 feet to a point for corner;
- 18 - North 36° 27' 59" West, 111.00 feet to a point for corner;
- 19 - North 26° 08' 59" West, 65.60 feet to a point for corner;
- 20 - North 42° 37' 59" West, 153.30 feet to a point for corner;
- 21 - North 60° 44' 59" West, 103.40 feet to a point for corner;
- 22 - North 49° 33' 59" West, 126.50 feet to a point for corner;
- 23 - North 35° 31' 59" West, 103.20 feet to a point for corner;
- 24 - North 08° 01' 59" West, 33.20 feet to a point for corner;
- 25 - North 00° 54' 01" East, 65.60 feet to a point for corner;
- 26 - North 32° 16' 01" East, 177.40 feet to a point for corner;
- 27 - North 43° 23' 01" East, 182.90 feet to a point for corner;

1 - North 82° 08' 59" West, 90.50 feet to a point for corner;
2 - North 49° 46' 59" West, 75.30 feet to a point for corner;
3 - North 34° 37' 59" West, 144.50 feet to a point for corner;
4 - South 23° 17' 01" West, 88.20 feet to a point for corner;
5 - South 08° 53' 01" West, 133.80 feet to a point for corner;
6 - South 31° 03' 01" West, 65.90 feet to a point for corner;
7 - South 32° 52' 01" West, 183.90 feet to a point for corner;
8 - South 53° 24' 01" West, 24.80 feet to a point for corner;
9 - South 82° 27' 01" West, 44.60 feet to a point for corner;
10 - North 73° 14' 59" West, 185.70 feet to a point for corner;
11 - North 66° 44' 59" West, 468.00 feet to a point for corner;
12 - North 47° 24' 59" West, 277.70 feet to a point for corner;
13 - North 73° 00' 59" West, 462.10 feet to a point for corner;
14 - North 54° 05' 59" West, 40.00 feet to a point for corner;
15 - North 09° 16' 59" West, 54.10 feet to a point for corner;
16 - North 08° 39' 01" East, 168.60 feet to a point for corner;
17 - North 11° 19' 59" West, 152.30 feet to a point for corner;
18 - South 21° 13' 01" West, 134.40 feet to a point for corner;
19 - South 28° 29' 01" West, 95.80 feet to a point for corner;
20 - South 23° 49' 41" West, 99.63 feet to a point for the
21 Southwesterly corner of said 170.94 acre tract, said point also
22 being in the North line of said 287.84 acre tract;

23 THENCE South 48° 56' 38" East with the North line of said
24 287.84 acre tract, 327.54 feet to a point on the North bank of the
25 Pedernales River, now inundated by the waters of Lake Travis;

26 THENCE with the North and West bank of said Pedernales River
27 as follows:

1 - South 64° 00' 00" West, 232.43 feet to a point for corner;
2 - South 32° 00' 00" West, 202.00 feet to a point for corner;
3 - South 08° 00' 00" West, 455.00 feet to a point for corner;
4 - South 10° 00' 00" East, 400.00 feet to a point for corner;
5 - South 19° 00' 00" East, 408.00 feet to a point for corner;
6 - South 36° 11' 04" East, 509.92 feet to a point for corner;
7 - South 22° 08' 43" East, 461.36 feet to a point for corner in
8 the centerline of a ravine now inundated by the waters of Lake
9 Travis;

10 THENCE with the centerline of said ravine as follows:

11 - South 69° 39' 01" West, 625.00 feet to a point for corner;
12 - North 75° 35' 59" West, 440.00 feet to a point for corner;
13 - North 65° 50' 59" West, 620.00 feet to a point for corner;
14 - North 14° 35' 59" West, 440.00 feet to a point for corner;
15 - North 16° 17' 01" East, 501.00 feet to a point for corner;
16 - North 53° 21' 31" West, 176.92 feet to a point for corner;
17 - North 44° 08' 58" West, 240.27 feet to a point for corner;
18 - North 57° 26' 22" West, 119.19 feet to a point for corner;
19 - North 51° 05' 53" West, 206.28 feet to a point for corner;
20 - North 75° 14' 25" West, 112.08 feet to a point for corner;
21 - North 13° 16' 01" East, 25.00 feet to a point for corner in
22 the South line of said 287.84 acre tract;

23 THENCE with the South line of said 287.84 acre tract as
24 follows:

25 - North 76° 43' 59" West, 10.45 feet to a point for corner;
26 - North 68° 03' 09" West, 164.71 feet to a point for corner;
27 - North 65° 55' 57" West, 480.75 feet to a point for corner;

1 - North 66° 01' 19" West, 1,163.01 feet to a point for corner;
2 - South 82° 57' 07" West, 16.87 feet to a point for corner;
3 - North 31° 52' 00" West, 15.44 feet to a point for corner;
4 - South 71° 50' 15" West, 1,009.06 feet to a point for the
5 Southwesterly corner of said 287.84 acre tract, and the Northeast
6 corner of said 15.241 acre tract;

7 THENCE South 00° 16' 35" East, 260.71 feet to a point for
8 corner;

9 THENCE South 65° 57' 27" East, 110.68 feet to a point for
10 corner;

11 THENCE South 67° 01' 21" East, 32.47 feet to a point for
12 corner;

13 THENCE South 29° 11' 37" West, 55.50 feet to a point for
14 corner;

15 THENCE South 39° 16' 53" West, 11.52 feet to a point for corner
16 for a Northeasterly corner of said 1.781 acre tract;

17 THENCE with the East line of said 1.781 acre tract as follows:

18 - South 30° 02' 03" East, 30.83 feet to a point for corner;
19 - South 06° 24' 39" East, 80.85 feet to a point for corner;
20 - South 20° 44' 41" West, 57.13 feet to a point for corner;
21 - South 38° 38' 12" West, 58.24 feet to a point for corner;
22 - South 52° 29' 45" West, 108.56 feet to a point for corner;
23 - South 55° 46' 45" West, 181.13 feet to a point for corner in
24 the North line of said Paleface Ranch Road;

25 THENCE with the North line of said Paleface Ranch Road as
26 follows:

27 - North 37° 34' 45" West, 128.94 feet to a point for corner;

1 - North 37° 26' 17" West, 62.78 feet to a point for the
2 Southwest corner of said 1.781 acre tract, and the Southeast corner
3 of said 15.241 acre tract;

4 - North 37° 26' 17" West, 369.15 feet to a point for corner;

5 - North 40° 03' 08" West, 63.66 feet to a point for corner;

6 - North 18° 09' 23" West, 14.01 feet to a point for corner;

7 - North 43° 54' 03" West, 15.90 feet to a point for corner;

8 - North 68° 55' 02" West, 8.93 feet to a point for corner;

9 - North 40° 57' 50" West, 130.58 feet to a point for corner;

10 - North 45° 28' 49" West, 410.55 feet to a point for corner;

11 - North 52° 38' 51" West, 242.60 feet to the POINT OF
12 BEGINNING; containing 482.50 acres of land, more or less.

13 SECTION 3. (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 4. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2009.