

By: Wentworth

S.B. No. 2547

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; 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 3901 to read as follows:

CHAPTER 3901. AUSTIN DESIRED DEVELOPMENT ZONE DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3901.001. 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. 3901.002. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3901.003. 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 the city, the county, and other political subdivisions to contract with the

1 district, the legislature has established a program to accomplish  
2 the public purposes set out in Section 52-a, Article III, Texas  
3 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 Sec. 3901.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)  
10 The district is created to serve a public use and benefit.

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

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

18 (1) further the public purposes of developing and  
19 diversifying the economy of the state;

20 (2) eliminate unemployment and underemployment; and

21 (3) develop or expand transportation and commerce.

22 (d) The district will:

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

26 (2) provide needed funding for the district to  
27 preserve, maintain, and enhance the economic health and vitality of

1 the district territory as a community and business center;

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

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

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

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

17 Sec. 3901.005. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act creating this chapter.

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

24 (1) organization, existence, or validity;

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

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

2           (4) legality or operation.

3           Sec. 3901.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

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

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

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

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

12           Sec. 3901.007. APPLICABILITY OF MUNICIPAL MANAGEMENT  
13 DISTRICTS LAW. Except as otherwise provided by this chapter,  
14 Chapter 375, Local Government Code, applies to the district.

15           Sec. 3901.008. LIBERAL CONSTRUCTION OF CHAPTER. This  
16 chapter shall be liberally construed in conformity with the  
17 findings and purposes stated in this chapter.

18           Sec. 3901.009. CONFIRMATION AND DIRECTORS' ELECTION  
19 REQUIRED. The temporary directors shall hold an election to  
20 confirm the creation of the district and to elect four permanent  
21 directors as provided by Section 49.102, Water Code.

22           Sec. 3901.010. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
23 temporary directors may not hold an election under Section 3901.009  
24 until the city and each other municipality in whose corporate  
25 limits or extraterritorial jurisdiction the district is located has  
26 consented by ordinance or resolution to the creation of the  
27 district and to the inclusion of land in the district.

1       (b) The city and each other municipality may condition its  
2 consent to the creation of the district, the inclusion of land in  
3 the district, and the exercise or limitation of powers granted to  
4 the district under this chapter on a requirement that the  
5 municipality and the owner of land included in the district  
6 negotiate and enter into a written agreement under this chapter and  
7 Sections 43.0563 and 212.172, Local Government Code.

8       (c) An agreement described by Subsection (b) between a  
9 municipality and a landowner entered into before the effective date  
10 of this chapter and that complies with this section is validated on  
11 the effective date of this Act.

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 a municipality's consent to the creation  
15 of the district under Section 42.042, Local Government Code.

16       [Sections 3901.011-3901.050 reserved for expansion]

17               SUBCHAPTER B. BOARD OF DIRECTORS

18       Sec. 3901.051. 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 Section  
21 3901.053.

22       (b) Except as provided by Section 3901.052, directors serve  
23 staggered four-year terms, with two elected directors' terms and  
24 one or two appointed directors' terms expiring on June 1 of each  
25 even-numbered year. The term of office for each director first  
26 appointed under Section 3901.053 shall begin on the date the four  
27 permanent directors are elected under Section 3901.009. The

1 initial directors shall determine their terms as provided by  
2 Section 49.102(h), Water Code.

3 Sec. 3901.052. TEMPORARY DIRECTORS. (a) On or after the  
4 effective date of the Act enacting this chapter, the owner or owners  
5 of a majority of the assessed value of the real property in the  
6 district, as determined by the most recent certified tax appraisal  
7 roll for the county, may submit a petition to the Texas Commission  
8 on Environmental Quality requesting that the commission appoint as  
9 temporary directors the four persons named in the petition. The  
10 commission shall appoint as temporary directors the four persons  
11 named in the petition.

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

13 (1) the date four permanent directors are elected  
14 under Section 3901.009; or

15 (2) the fourth anniversary of the effective date of  
16 the Act creating this chapter.

17 (c) If permanent directors have not been elected under  
18 Section 3901.009 and the terms of the temporary directors have  
19 expired, successor temporary directors shall be appointed or  
20 reappointed as provided by Subsection (d) to serve terms that  
21 expire on the earlier of:

22 (1) the date permanent directors are elected under  
23 Section 3901.009; or

24 (2) the fourth anniversary of the date of the  
25 appointment or reappointment.

26 (d) If Subsection (c) applies, the owner or owners of a  
27 majority of the assessed value of the real property in the district,

according to the most recent certified tax appraisal roll for the county, may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the four persons named in the petition. The commission shall appoint as successor temporary directors the four persons named in the petition.

Sec. 3901.053. APPOINTMENT OF DIRECTORS. (a) The city council of the city shall appoint one person as a director. A person is appointed if a majority of the members of the city council vote to appoint that person. If a person is not appointed to the board under Subsection (c), the members of the city council may vote to appoint a second person as a director.

(b) The county commissioners court shall appoint one person as a director. A person is appointed if a majority of the members of the commissioners court vote to appoint that person.

(c) The Texas Commission on Environmental Quality shall appoint as director one person nominated by the board. The board shall request a name of a nominee for the director position from each person who owns at least 25 percent of the surface area of land in the district, based on the most recent certified tax appraisal roll for the county. The board shall submit to the Texas Commission on Environmental Quality the nominee whose name was submitted by the person who owns the largest total surface area of land in the district. If the board has not received any names of potential nominees before the 31st day after the date the board requests that names be submitted, or if no person owns at least 25 percent of the surface area of land in the district, the board shall notify the

1 city that it may appoint a second director under Subsection (a), and  
2 no appointment shall be made under this subsection.

3 Sec. 3901.054. QUALIFICATIONS OF DIRECTOR. (a) To be  
4 qualified to be elected and to serve as an elected director, or to  
5 be qualified to be appointed and to serve as a director appointed  
6 under Section 3901.053(c), a person must be at least 18 years old  
7 and:

8 (1) a resident of the district; or

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

10 (b) To be qualified to be appointed and to serve as a  
11 director appointed under Section 3901.052 or 3901.053(a) or (b), a  
12 person must be at least 18 years old.

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

15 Sec. 3901.055. DIRECTOR VACANCY. A vacancy in the office of  
16 an elected director shall be filled for the unexpired term by the  
17 majority vote of the remaining members of the board. A vacancy in  
18 the office of a director appointed under Section 3901.053 shall be  
19 filled for the unexpired term in the same manner as the original  
20 appointment under that section.

21 Sec. 3901.056. QUORUM; VOTING REQUIREMENT. (a) A  
22 concurrence of a majority of the directors is required for any  
23 official action of the district unless a lesser or greater number of  
24 votes is provided by other law. The written consent of at least  
25 two-thirds of the directors is required to authorize the imposition  
26 of assessments, the imposition of taxes, the imposition of impact  
27 fees, or the issuance of bonds.



1        (b) For purposes of determining the requirements for a  
2 quorum of the board, the following are not counted:

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

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

7        Sec. 3901.057. COMPENSATION. A director is entitled to  
8 receive fees of office and reimbursement for actual expenses as  
9 provided by Section 49.060, Water Code.

10        [Sections 3901.058-3901.100 reserved for expansion]

11            SUBCHAPTER C. POWERS AND DUTIES

12        Sec. 3901.101. GENERAL POWERS AND DUTIES. The district has  
13 the powers and duties:

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

18            (2) provided by Section 52, Article III, Texas  
19 Constitution, including the power to design, acquire, construct,  
20 finance, issue bonds for, improve, operate, maintain, and convey to  
21 this state, a county, or a municipality for operation and  
22 maintenance:

23                    (A) macadamized, graveled, or paved roads; or

24                    (B) improvements, including storm drainage, in  
25 aid of those roads;

26            (3) that Subchapter A, Chapter 372, Local Government  
27 Code, provides to a municipality or a county;

1           (4) that Chapter 375, Local Government Code, provides  
2 to a municipality;

3           (5) that Chapter 380, Local Government Code, provides  
4 to a municipality;

5           (6) that Chapter 394, Local Government Code, provides  
6 to a housing finance corporation created and operating under that  
7 chapter;

8           (7) that Subchapter C, Chapter 552, Local Government  
9 Code, provides to a municipality; and

10           (8) that Chapters 501, 502, and 505, Local Government  
11 Code, provide to a municipality or to a Type A or B corporation  
12 created by a municipality.

13           Sec. 3901.102. AGREEMENTS; GRANTS. (a) The district may  
14 make an agreement with or accept a gift, grant, or loan from any  
15 person.

16           (b) A service agreement made by the district shall be  
17 terminable at will and without penalty on 30 days' notice of  
18 termination, unless the district secures the written consent of the  
19 city to modify or exclude those termination provisions, except for  
20 service agreements with the following persons or entities:

21           (1) a developer of property in the district, as  
22 defined by Section 49.052(d), Water Code;

23           (2) a government agency, entity, or political  
24 subdivision;

25           (3) a retail public utility or electric cooperative,  
26 concerning water, wastewater, gas, electricity, telecommunication,  
27 drainage, or other utility services and facilities; or

1           (4) a provider of services relating to solid waste  
2 collection, transfer, processing, reuse, resale, disposal, and  
3 management.

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

7           (d) The board may enter into a contract with the board of  
8 directors of a tax increment reinvestment zone created under  
9 Chapter 311, Tax Code, and the governing body of the municipality or  
10 county that created the zone to manage the zone or implement the  
11 project plan and reinvestment zone financing plan.

12           Sec. 3901.103. AUTHORITY TO CONTRACT FOR LAW ENFORCEMENT  
13 AND FIREFIGHTING SERVICES. (a) To protect the public interest, the  
14 district may contract with a qualified party, including the county  
15 or the city, for the provision of law enforcement services in the  
16 district for a fee.

17           (b) The district may provide firefighting services under  
18 Section 49.351, Water Code, and has the powers and duties of a  
19 municipality under Section 775.022, Health and Safety Code.

20           Sec. 3901.104. ECONOMIC DEVELOPMENT PROGRAMS. The district  
21 may establish and provide for the administration of one or more  
22 programs to promote state or local economic development and to  
23 stimulate business and commercial activity in the district,  
24 including programs to:

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

26                   (2) provide district personnel and services.

27           Sec. 3901.105. STRATEGIC PARTNERSHIP AGREEMENT. The

district may negotiate and enter into a written strategic partnership with the city under Section 43.0751, Local Government Code. A power granted to the district under this chapter may be restricted or prohibited by the terms and conditions of an agreement between the city and the district under this section.

Sec. 3901.106. LIMITED EMINENT DOMAIN. (a) The district may exercise the power of eminent domain under Section 49.222, Water Code.

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

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

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

Sec. 3901.107. ANNEXATION OR EXCLUSION OF LAND BY DISTRICT.

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

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

Sec. 3901.108. SUITS. The district may not be a voluntary party to any suit against the city by a district resident or a person who owns property in the district unless the district has standing to bring the suit.

[Sections 3901.109-3901.150 reserved for expansion]

1        SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

2        Sec. 3901.151. PUBLIC TRANSIT SYSTEM. (a) The district may  
3 acquire, lease as lessor or lessee, construct, develop, own,  
4 operate, and maintain a public transit system to serve the area  
5 within the boundaries of the district.

6        (b) The district may contract with a regional transit  
7 authority for the provision of a public transit system and public  
8 transit services.

9        Sec. 3901.152. PARKING FACILITIES AUTHORIZED; OPERATION BY  
10 PRIVATE ENTITY; TAX EXEMPTION. (a) The district may acquire, lease  
11 as lessor or lessee, construct, develop, own, operate, and maintain  
12 parking facilities or a system of parking facilities, including:

13            (1) lots, garages, parking terminals, or other  
14 structures or accommodations for parking motor vehicles off the  
15 streets; and

16            (2) equipment, entrances, exits, fencing, and other  
17 accessories necessary for safety and convenience in parking  
18 vehicles.

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

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

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

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

4       Sec. 3901.153. RULES. The district may adopt rules  
5 covering its public transit system or its parking facilities.

6       Sec. 3901.154. FINANCING OF PUBLIC TRANSIT SYSTEM OR  
7 PARKING FACILITIES. (a) The district may use any of its resources,  
8 including revenue, assessments, taxes, or grant or contract  
9 proceeds, to pay the cost of acquiring or operating a public transit  
10 system or parking facilities.

11       (b) The district may:

12               (1) set, charge, impose, and collect fees, charges, or  
13 tolls for the use of the public transit system or the parking  
14 facilities; and

15               (2) issue bonds or notes to finance the cost of these  
16 facilities.

17       [Sections 3901.155-3901.200 reserved for expansion]

18       SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

19       Sec. 3901.201. DISBURSEMENTS AND TRANSFERS OF MONEY. The  
20 board by resolution shall establish the number of directors'  
21 signatures and the procedure required for a disbursement or  
22 transfer of the district's money.

23       Sec. 3901.202. MONEY USED FOR IMPROVEMENTS OR SERVICES.  
24 The district may acquire, construct, finance, operate, or maintain  
25 any improvement or service authorized under this chapter or Chapter  
26 375, Local Government Code, using any money available to the  
27 district.

1       Sec. 3901.203. PETITION REQUIRED FOR FINANCING SERVICES AND  
2 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a  
3 service or improvement project with assessments under this chapter  
4 unless a written petition requesting that service or improvement  
5 has been filed with the board.

6       (b) A petition filed under Subsection (a) must be signed by  
7 the owners of a majority of the assessed value of real property in  
8 the district subject to assessment according to the most recent  
9 certified tax appraisal roll for the county.

10       Sec. 3901.204. METHOD OF NOTICE FOR HEARING. The district  
11 may mail the notice required by Section 375.115(c), Local  
12 Government Code, by certified or first class United States mail.  
13 The board shall determine the method of notice.

14       Sec. 3901.205. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)  
15 The board by resolution may impose and collect an assessment for any  
16 purpose authorized by this chapter in all or any part of the  
17 district.

18       (b) An assessment, a reassessment, or an assessment  
19 resulting from an addition to or correction of the assessment roll  
20 by the district, penalties and interest on an assessment or  
21 reassessment, an expense of collection, and reasonable attorney's  
22 fees incurred by the district:

23               (1) are a first and prior lien against the property  
24 assessed;

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

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

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

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

12           Sec. 3901.206. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
13 ASSESSMENTS. The district may not impose an impact fee or  
14 assessment on the property, including the equipment,  
15 rights-of-way, facilities, or improvements, of:

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

18           (2) a gas utility as defined by Section 101.003 or  
19 121.001, Utilities Code;

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

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

24           Sec. 3901.207. RESIDENTIAL PROPERTY. Section 375.161,  
25 Local Government Code, does not apply to the district.

26           Sec. 3901.208. OPERATION AND MAINTENANCE TAX. (a) If  
27 authorized at an election held in accordance with Section 3901.213,



1 the district may impose an operation and maintenance tax on taxable  
2 property in the district in accordance with Section 49.107, Water  
3 Code, for any district purpose, including to:

4 (1) maintain and operate the district;

5 (2) construct or acquire improvements; or

6 (3) provide a service.

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

9 Sec. 3901.209. CONTRACT TAXES. (a) In accordance with  
10 Section 49.108, Water Code, the district may impose a tax other than  
11 an operation and maintenance tax and use the revenue derived from  
12 the tax to make payments under a contract after the provisions of  
13 the contract have been approved by a majority of the district voters  
14 voting at an election held for that purpose.

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

18 Sec. 3901.210. AUTHORITY TO ISSUE BONDS. (a) The district  
19 by competitive bid may issue bonds, notes, or other obligations  
20 payable wholly or partly from ad valorem taxes, assessments, impact  
21 fees, revenue, grants, or other money of the district, or any  
22 combination of those sources of money, to pay for any authorized  
23 district purpose.

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

27 Sec. 3901.211. CITY APPROVAL OF DISTRICT BONDS. (a) Not

1 later than the 30th day before the first publication of notice of  
2 the sale of a district bond, the district shall provide to the city,  
3 as applicable:

4 (1) a copy of the district's application to the Texas  
5 Commission on Environmental Quality for approval of the bond sale;

6 (2) a copy of the staff memorandum from the Texas  
7 Commission on Environmental Quality approving the projects and the  
8 bonds;

9 (3) the proposed bond resolution;

10 (4) the preliminary official statement for the bond  
11 sale;

12 (5) the bid form; and

13 (6) the notice of sale.

14 (b) The city may refuse to approve a bond sale only if the  
15 city determines that issuance of the bonds would cause the district  
16 to be substantially out of compliance with a material provision of a  
17 written agreement between the district and the city under Sections  
18 3901.010 and 3901.105, or any other written agreement with the city  
19 pertaining to the district's creation or operation.

20 (c) The city shall notify the district of its refusal to  
21 approve a bond sale under Subsection (b) not later than the 15th day  
22 after the city receives the information provided under Subsection  
23 (a), or the bond sale shall be considered to be approved by the  
24 city.

25 (d) The district may not issue or sell a bond that the city  
26 has timely refused to approve under this section.

27 Sec. 3901.212. TAXES FOR BONDS. At the time the district

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

7 Sec. 3901.213. ELECTIONS REGARDING TAXES AND BONDS. (a)  
8 The district may issue, without an election, bonds, notes, and  
9 other obligations secured by:

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

11 (2) contract payments described by Section 3901.209.

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

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

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

23 Sec. 3901.214. CITY NOT REQUIRED TO PAY DISTRICT  
24 OBLIGATIONS. Except as provided by Section 375.263, Local  
25 Government Code, the city is not required to pay a bond, note, or  
26 other obligation of the district.

27 Sec. 3901.215. COMPETITIVE BIDDING. Subchapter I, Chapter

49, Water Code, applies to the district. Subchapter K, Chapter 375, Local Government Code, does not apply to the district if the district complies with the requirements of Section 375.222, Local Government Code, as that section existed on January 1, 2009.

Sec. 3901.216. TAX AND ASSESSMENT ABATEMENTS. The district may grant in the manner authorized by Chapter 312, Tax Code, an abatement for a tax or assessment owed to the district.

Sec. 3901.217. TAX INCREMENT FINANCING POWERS. (a) The district may designate all or any part of the district as a tax increment reinvestment zone, and the district may use tax increment financing under Chapter 311, Tax Code, in the manner provided by that chapter for a municipality, except as modified by this section.

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

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

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

[Sections 3901.218-3901.300 reserved for expansion]

#### SUBCHAPTER F. SALES AND USE TAX

Sec. 3901.301. MEANINGS OF WORDS AND PHRASES. Words and phrases used in this subchapter that are defined by Chapters 151 and 321, Tax Code, have the meanings assigned by Chapters 151 and 321,

1 Tax Code.

2 Sec. 3901.302. APPLICABILITY OF CERTAIN TAX CODE  
3 PROVISIONS. (a) Except as otherwise provided by this subchapter,  
4 Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code,  
5 apply to taxes imposed under this subchapter and to the  
6 administration and enforcement of those taxes in the same manner  
7 that those laws apply to state taxes.

8 (b) Chapter 321, Tax Code, relating to municipal sales and  
9 use taxes applies to the application, collection, charge, and  
10 administration of a sales and use tax imposed under this subchapter  
11 to the extent consistent with this chapter, as if references in  
12 Chapter 321, Tax Code, to a municipality referred to the district  
13 and references to a governing body referred to the board.

14 (c) Sections 321.106, 321.401, 321.402, 321.403, 321.404,  
15 321.406, 321.409, 321.506, 321.507, and 321.508, Tax Code, do not  
16 apply to a tax imposed under this subchapter.

17 Sec. 3901.303. AUTHORIZATION; ELECTION. (a) The district  
18 may adopt a sales and use tax to serve the purposes of the district  
19 after an election in which a majority of the voters of the district  
20 voting in the election authorize the adoption of the tax.

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

24 (c) The district shall provide notice of the election and  
25 hold the election in the manner prescribed by Section 3901.213.

26 (d) The ballots shall be printed to provide for voting for  
27 or against the proposition: "Authorization of a sales and use tax

1 in the Austin Desired Development Zone Management District No. 3 at  
2 a rate not to exceed \_\_\_\_\_ percent."

3 Sec. 3901.304. ABOLISHING SALES AND USE TAX. (a) Except as  
4 provided in Subsection (b), the board may abolish the sales and use  
5 tax without an election.

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

8 (c) Notwithstanding Subsection (b), a sales and use tax  
9 adopted under this subchapter is automatically abolished on the  
10 effective date of full-purpose annexation by the city of the  
11 district.

12 Sec. 3901.305. SALES AND USE TAX RATE. (a) On adoption of  
13 the tax authorized by this subchapter, there is imposed a tax on the  
14 receipts from the sale at retail of taxable items in the district  
15 and an excise tax on the use, storage, or other consumption in the  
16 district of taxable items purchased, leased, or rented from a  
17 retailer in the district during the period that the tax is in  
18 effect.

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

24 (c) The rate of the excise tax is the same as the rate of the  
25 sales tax portion of the tax and is applied to the sales price of the  
26 taxable item.

27 [Sections 3901.306-3901.350 reserved for expansion]

SUBCHAPTER G. HOTEL OCCUPANCY TAXES

Sec. 3901.351. HOTEL OCCUPANCY TAX. (a) In this section, "hotel" has the meaning assigned by Section 156.001, Tax Code.

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

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

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

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

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

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

(3) is ordinarily used for sleeping.

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

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

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

4       [Sections 3901.352-3901.400 reserved for expansion]

5                       SUBCHAPTER H. DISSOLUTION

6       Sec. 3901.401. DISSOLUTION. (a) The district may not be  
7 dissolved under Subchapter M, Chapter 375, Local Government Code,  
8 or any other law that authorizes dissolution of the district unless  
9 all of the district's outstanding debts and contractual obligations  
10 payable from ad valorem taxes, sales and use taxes, assessments, or  
11 other revenue sources are paid in full or payment is fully provided  
12 for.

13       (b) If the conditions of Subsection (a) are satisfied, the  
14 district may be dissolved by the affirmative vote of at least five  
15 of the directors of the board. If the conditions of Subsection (a)  
16 are satisfied after the district has been annexed into the city for  
17 full purposes, the city may dissolve the district by the majority  
18 vote of its governing body.

19       (c) Dissolution of the district shall be in accordance with  
20 the terms and conditions of this section and of an agreement between  
21 the landowner and the city under Section 3901.010.

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

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

26       A DESCRIPTION OF 751.054 ACRES IN THE SANTIAGO DEL VALLE  
27 GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF 37.306 ACRE TRACT AND AN



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1 18.810 ACRE TRACT DESCRIBED AS PART 1 AND PART 2 IN A SPECIAL  
2 WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26, 2006 AND  
3 RECORDED IN DOCUMENT NO. 2006209327 OF THE OFFICIAL PUBLIC RECORDS  
4 OF TRAVIS COUNTY, TEXAS, ALL OF A 6.934 ACRE TRACT DESCRIBED IN A  
5 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26,  
6 2006 AND RECORDED IN DOCUMENT NO. 2006209330 OF THE OFFICIAL PUBLIC  
7 RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF AN 82.844 ACRE TRACT, A  
8 PORTION OF A 20.807 ACRE TRACT, AND ALL OF A 25.735 ACRE TRACT  
9 DESCRIBED AS EXHIBIT A-1, A-2, AND A-3 IN A SPECIAL WARRANTY DEED TO  
10 JONA ACQUISITION INC., DATED JANUARY 3, 2007 AND RECORDED IN  
11 DOCUMENT NO. 2007003159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
12 COUNTY, TEXAS, ALL OF AN 89.256 ACRE TRACT AND A 2.731 ACRE TRACT  
13 DESCRIBED AS TRACT 1 AND TRACT 2 IN A SPECIAL WARRANTY DEED TO JONA  
14 ACQUISITION INC., DATED JULY 9, 2007 AND RECORDED IN DOCUMENT NO.  
15 2007126375 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
16 ALL OF A 61.071 ACRE, A PORTION OF A 67.339 ACRE TRACT DESCRIBED AS  
17 TRACT 1 AND TRACT 2 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION  
18 INC., DATED NOVEMBER 7, 2007 AND RECORDED IN DOCUMENT NO.  
19 2007204509 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
20 A PORTION OF A 138.540 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY  
21 DEED TO JONA ACQUISITION INC., DATED MARCH 2, 2007 AND RECORDED IN  
22 DOCUMENT NO. 2007038642 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
23 COUNTY, TEXAS, A PORTION OF AN 81.018 ACRE TRACT DESCRIBED IN A  
24 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12,  
25 2006 AND RECORDED IN DOCUMENT NO. 2006246454 OF THE OFFICIAL PUBLIC  
26 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 198.302 ACRE TRACT  
27 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,

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1 DATED DECEMBER 20, 2006 AND RECORDED IN DOCUMENT NO. 2006244772 OF  
2 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
3 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED WITH  
4 VENDOR'S LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND  
5 RECORDED IN DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS  
6 OF TRAVIS COUNTY, TEXAS, All OF A 8.282 ACRE TRACT DESCRIBED IN A  
7 SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JONA ACQUISITION INC.,  
8 DATED JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003078 OF THE  
9 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
10 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA  
11 ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO.  
12 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
13 A PORTION OF A 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH  
14 VENDOR'S LIEN TO JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN,  
15 DATED DECEMBER 14, 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF  
16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF  
17 LOT A HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN  
18 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,  
19 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED  
20 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN  
21 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
22 COUNTY TEXAS, A PORTION OF F.M. 1625, A FARM TO MARKET ROAD IN  
23 TRAVIS COUNTY, TEXAS HAVING A RIGHT-OF-WAY WIDTH OF 80 FEET, AND A  
24 PORTION OF COLTON BLUFF SPRINGS ROAD, A PUBLIC ROAD IN TRAVIS  
25 COUNTY, TEXAS HAVING A RIGHT-OF-WAY OF VARIABLE WIDTH; SAID 751.054  
26 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
27 FOLLOWS:

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

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

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

13 2. North 27°33'21" East, a distance of 469.00 feet to a 1/2"  
14 rebar found;

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

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

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

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

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

25 8. North 72°30'59" East, a distance of 38.19 feet to a 1/2"  
26 rebar found at the northwest corner of said Part 2, same being in  
27 the south line of a Street Dedication of record in Volume 9769, Page

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1 505 of the Real Property Records of Travis County, Texas;

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

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

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

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

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

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

27       2. North 62°35'22" West, a distance of 511.90 feet to a 1/2"

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1 rebar found in the east right-of-way line of McKinney Falls  
2 Parkway, same being the southwest corner of said Part 1;

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

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

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

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

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

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

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

25       THENCE South 48°13'04" East, with the north line of said 6.934  
26 acre tract, same being the south line of said 6.924 acre tract, at a  
27 distance of 0.20 feet passing a 1/2" rebar found, and continuing for

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1 a total distance of 1617.68 feet to a 1/2" rebar found at the  
2 northeast corner of said 6.934 acre tract, same being the southeast  
3 corner of said 6.924 acre tract, also being in the west line of said  
4 89.256 acre tract;

5       THENCE North 28°09'13" East, with the west line of said 89.256  
6 acre tract, same being the east line of said 6.924 acre tract and  
7 the east line of a two acre tract described in a deed of record in  
8 Volume 6757, Page 601 of the Deed Records of Travis County, Texas,  
9 being also the east line of a 6.997 acre tract described in a deed of  
10 record in Document No. 2006063521 of the Official Public Records of  
11 Travis County, Texas, a distance of 576.68 feet to a 1/2" rebar with  
12 cap found at the northwest corner of said 89.256 acre tract, same  
13 being the northeast corner of said 6.997 acre tract, also being in  
14 the south line of Myrtle - 29 Ac., D. G. Collins Estate, a  
15 subdivision of record in Volume 3, Page 220 of the Plat Records of  
16 Travis County, Texas;

17       THENCE South 48°06'08" East, with the north line of said  
18 89.256 acre tract, same being the south line of said Myrtle - 29 Ac.  
19 and the south line of John B. 18 Ac., D. G. Collins Estate, a  
20 distance of 1231.54 feet to a 1/2" rebar found at the northeast  
21 corner of said 89.256 acre tract, same being the northwest corner of  
22 said 82.844 acre tract, also being in the south line of said John B.  
23 18 Ac.;

24       THENCE South 48°20'11" East, with the north line of said  
25 82.844 acre tract, same being the south line of said John B. 18 Ac.,  
26 the south line of John B. 11.50 Ac., D. G. Collins Estate, and the  
27 south line of a 52.418 acre tract described in a deed of record in

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1 Document No. 2004080843 of the Official Public Records of Travis  
2 County, Texas, a distance of 1354.84 feet to a 1/2" rebar found at  
3 the northeast corner of said 82.844 acre tract, same being the  
4 northwest corner of a 2.899 acre tract described in said Document  
5 No. 2004080843, also being in the south line of said 52.418 acre  
6 tract;

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

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

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

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

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

20       THENCE South 63°34'23" East, with the north right-of-way line  
21 of Colton Bluff Springs Road, same being the south line of said  
22 2.899 acre tract, a distance of 49.99 feet to a 1/2" rebar found for  
23 the southeast corner of said 2.899 acre tract, same being the  
24 southwest corner of said 61.071 acre tract;

25       THENCE North 26°58'22" East, with the west line of said 61.071  
26 acre tract, same being the east line of said 2.899 acre tract, a  
27 distance of 2520.59 feet to 1/2" rebar found for the northwest

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1 corner of said 61.071 acre tract, same being the northeast corner of  
2 said 2.899 acre tract, being also in the south line of said 52.418  
3 acre tract;

4       THENCE South 47°55'49" East, with the north line of said  
5 61.071 acre tract, same being the south line of said 52.418 acre  
6 tract, a distance of 467.09 feet to a 1/2" rebar found at the  
7 southeast corner of said 52.418 acre tract, same being the  
8 southwest corner of a 26.57 acre tract described in a deed of record  
9 in Volume 2814, Page 127 of the Deed Records of Travis County,  
10 Texas;

11       THENCE South 46°39'23" East, continuing with the north line of  
12 said 61.071 acre tract, same being the south line of said 26.57 acre  
13 tract, the south line of a 29.02 acre tract described in a deed of  
14 record in Volume 7967, Page 611 of the Deed Records of Travis  
15 County, Texas, and the south line of a 380.080 acre tract described  
16 in a deed of record in Volume 12791, Page 11 of the Real Property  
17 Records of Travis County, Texas, a distance of 712.33 feet to a 1/2"  
18 rebar with "Chaparral Boundary" cap found at the northeast corner  
19 of said 61.071 acre tract, same being a southwest corner of the said  
20 380.080 acre tract;

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

26       THENCE with the common line of said 138.540 acre tract and  
27 said 380.080 acre tract, the following two (2) courses and



1 distances:

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

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

6 THENCE crossing said 138.540 acre tract, said 20.807 acre  
7 tract, said 81.018 acre tract, said 67.339 acre tract, said 198.302  
8 acre tract, said 232.233 acre tract, said 37.390 acre tract, said  
9 42.558 acre tract, said 20.005 acre tract, said Lot A, Harry  
10 Reininger Subdivision, said F.M. 1625, and Colton Bluff Springs  
11 Road the following thirty-four (34) courses and distances:

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

14 2. South 47°34'32" East, a distance of 43.08 feet to a  
15 calculated point for a point of curvature to the left;

16 3. Following said curve to the left, having a radius of  
17 2003.01 feet, a delta angle of 22°31'58", an arc length of 787.73  
18 feet, and a chord which bears South 58°50'31" East, a distance of  
19 782.66 feet to a calculated point;

20 4. South 19°53'30" West, a distance of 342.27 feet to a  
21 calculated point for a point of curvature to the left;

22 5. Following said curve to the left, having a radius of  
23 500.00 feet, a delta angle of 41°14'06", an arc length of 359.84  
24 feet, and a chord which bears South 00°43'33" East, a distance of  
25 352.13 feet to a calculated point;

26 6. South 21°20'36" East, a distance of 811.55 feet to a  
27 calculated point for a point of curvature to the right;

1           7. Following said curve to the right, having a radius of  
2 1450.01 feet, a delta angle of  $48^{\circ}32'03''$ , an arc length of 1228.27  
3 feet, and a chord which bears South  $02^{\circ}55'25''$  West, a distance of  
4 1191.88 feet to a calculated point;

5           8. South  $27^{\circ}11'27''$  West, a distance of 173.86 feet to a  
6 calculated point;

7           9. North  $62^{\circ}55'18''$  West, a distance of 587.80 feet to a  
8 calculated point;

9           10. North  $27^{\circ}04'42''$  East, a distance of 84.03 feet to a  
10 calculated point;

11          11. North  $62^{\circ}55'18''$  West, a distance of 7.00 feet to a  
12 calculated point for a point of curvature to the left;

13          12. Following said curve to the left, having a radius of  
14 668.00 feet, a delta angle of  $90^{\circ}00'00''$ , an arc length of 1049.30  
15 feet, and a chord which bears North  $17^{\circ}55'18''$  West, a distance of  
16 944.70 feet to a calculated point;

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

19          14. Following said curve to the right, having a radius of  
20 782.00 feet, a delta angle of  $30^{\circ}06'07''$ , an arc length of 410.85  
21 feet, and a chord which bears North  $47^{\circ}52'15''$  West, a distance of  
22 406.14 feet to a calculated point;

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

25          16. Following said curve to the left, having a radius of  
26 720.83 feet, a delta angle of  $20^{\circ}51'58''$ , an arc length of 262.52  
27 feet, and a chord which bears North  $43^{\circ}12'50''$  West, a distance of

- 1 261.07 feet to a calculated point;
- 2 17. North  $53^{\circ}38'49''$  West, a distance of 589.06 feet to a  
3 calculated point for a point of curvature to the right;
- 4 18. Following said curve to the right, having a radius of  
5 434.00 feet, a delta angle of  $16^{\circ}37'02''$ , an arc length of 125.87  
6 feet, and a chord which bears North  $45^{\circ}20'18''$  West, a distance of  
7 125.43 feet to a calculated point;
- 8 19. North  $37^{\circ}01'48''$  West, a distance of 185.80 feet to a  
9 calculated point for a point of curvature to the left;
- 10 20. Following said curve to the left, having a radius of  
11 923.51 feet, a delta angle of  $14^{\circ}15'58''$ , an arc length of 229.94  
12 feet, and a chord which bears North  $44^{\circ}09'47''$  West, a distance of  
13 229.35 feet to a calculated point;
- 14 21. North  $51^{\circ}17'46''$  West, a distance of 107.66 feet to a  
15 calculated point for a point of curvature to the right;
- 16 22. Following said curve to the right, having a radius of  
17 1226.51 feet, a delta angle of  $16^{\circ}03'46''$ , an arc length of 343.85  
18 feet, and a chord which bears North  $43^{\circ}15'53''$  West, a distance of  
19 342.73 feet to a calculated point;
- 20 23. South  $54^{\circ}40'51''$  West, a distance of 483.26 feet to a  
21 calculated point for a point of curvature to the right;
- 22 24. Following said curve to the right, having a radius of  
23 1000.01 feet, a delta angle of  $29^{\circ}04'06''$ , an arc length of 507.34  
24 feet, and a chord which bears South  $69^{\circ}17'59''$  West, a distance of  
25 501.92 feet to a calculated point for a point of reverse curvature  
26 to the left;
- 27 25. Following said curve to the left, having a radius of

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1 1600.01 feet, a delta angle of  $108^{\circ}24'34''$ , an arc length of 3027.38  
2 feet, and a chord which bears South  $27^{\circ}04'42''$  West, a distance of  
3 2595.57 feet to a calculated point;

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

6 27. Following said curve to the left, having a radius of  
7 800.00 feet, a delta angle of  $35^{\circ}47'43''$ , an arc length of 499.80  
8 feet, and a chord which bears South  $45^{\circ}01'27''$  East, a distance of  
9 491.71 feet to a calculated point;

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

12 29. Following said curve to the right, having a radius of  
13 1000.01 feet, a delta angle of  $37^{\circ}22'12''$ , an arc length of 652.23  
14 feet, and a chord which bears South  $44^{\circ}14'12''$  East, a distance of  
15 640.74 feet to a calculated point;

16 30. South  $25^{\circ}33'06''$  East, a distance of 187.89 feet to a  
17 calculated point for a point of curvature to the left;

18 31. Following said curve to the left, having a radius of  
19 531.00 feet, a delta angle of  $36^{\circ}15'15''$ , an arc length of 335.99  
20 feet, and a chord which bears South  $46^{\circ}19'17''$  West, a distance of  
21 330.42 feet to a calculated point;

22 32. South  $61^{\circ}48'21''$  East, a distance of 6.57 feet to a  
23 calculated;

24 33. South  $28^{\circ}11'39''$  West, a distance of 913.30 feet to a  
25 calculated;

26 34. North  $61^{\circ}48'21''$  West, a distance of 678.32 feet to a  
27 calculated in the west line of said 20.005 acre tract, same being

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1 the east line of a 20.022 acre tract conveyed to Janie Diaz in  
2 Document No. 2006101103 and described in Document No. 2001200503,  
3 both of the Official Public Records of Travis County, Texas;

4       THENCE North 27°07'27" East, with the west line of said 20.005  
5 acre tract, same being the east line of said 20.022 acre tract, at a  
6 distance of 1097.89 feet passing a 1/2" rebar found, and continuing  
7 for a total distance of 1099.28 feet to a calculated point for the  
8 northwest corner of said 20.005 acre tract, same being the  
9 northeast corner of said 20.022 acre tract, being also the south  
10 line of said 198.302 acre tract;

11       THENCE North 63°21'03" West, with the south line of said  
12 198.302 acre tract, same being the north line of said 20.022 acre  
13 tract, a distance of 626.61 feet to a 1/2" rebar found for the  
14 southwest corner of said 198.302 acre tract, same being the  
15 northwest corner of said 20.022 acre tract, also being in the east  
16 line of said 232.233 acre tract;

17       THENCE South 26°53'42" West, with the east line of said  
18 232.233 acre tract, same being the west line of said 20.022 acre  
19 tract, at a distance of 1082.47 feet to a calculated point in the  
20 west line of said 20.022 acre tract, same being the east line of  
21 said 232.233 acre tract;

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

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

26       2. Following said curve to the right, having a radius of  
27 1400.01 feet, a delta angle of 33°44'58", an arc length of 824.66

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1 feet, and a chord which bears North 44°29'40" West, a distance of  
2 812.79 feet to a calculated point;

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

5 4. Following said curve to the left, having a radius of  
6 1400.01 feet, a delta angle of 10°36'58", an arc length of 259.40  
7 feet, and a chord which bears North 32°55'40" West, a distance of  
8 259.03 feet to a calculated point in the west line of said 232.233  
9 acre tract, same being the east line of a 174.4 acre tract described  
10 in a deed of record in Volume 1549, Page 268 of the Deed Records of  
11 Travis County, Texas;

12 THENCE North 27°21'05" East, with the east line of said 174.4  
13 acre tract, same being the west line of said 232.233 acre tract, a  
14 distance of 788.45 feet to a 1/2" rebar with cap set for the  
15 southeast corner of said 9 acre tract;

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

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

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

25 3. North 62°42'32" West, a distance of 999.32 feet to a rebar  
26 with plastic "4453" cap found for an angle point in the west line of  
27 said 232.233 acre tract, same being the southeast corner of a

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120.321 acre tract described in a deed of record in Document No.  
2004200864 of the Official Public Records of Travis County, Texas;

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

THENCE South 62°59'36" East, with the west line of said  
232.233 acre tract, same being the south line of said Lot 1, Pittman  
Addition, and an 11.000 acre tract described in a deed of record in  
Document No. 1999100812 of the Official Public Records of Travis  
County, at a distance of 0.27 feet passing a 60D nail found, and  
continuing for a total distance of 857.50 feet to a 1/2" iron pipe  
found for the southeast corner of said 11.000 acre tract, same being  
the southwest corner of said 8.282 acre tract;

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

THENCE South 63°15'05" East, crossing said 13.93 acre tract,

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1 with the north line of said 8.282 acre tract, a distance of 648.24  
2 feet to a 1/2" rebar with cap set in the east line of said 13.93 acre  
3 tract, same being the west line of said 68.3 acre tract, being also  
4 the northeast corner of said 8.282 acre tract;

5       THENCE North 43°26'02" East, with the east line of said 13.93  
6 acre tract, same being the west line of said 68.3 acre tract, a  
7 distance of 538.67 feet to a 1/2" rebar with cap set for the common  
8 north corner of said 13.93 acre tract and said 68.3 acre tract, same  
9 being in the south right-of-way line of Colton Bluff Springs Road  
10 (70' right-of-way);

11       THENCE North 32°23'26" East, crossing Colton Bluff Springs  
12 Road, a distance of 70.31 feet to a calculated point in the north  
13 right-of-way line of Colton Bluff Springs Road, same being the  
14 south line of said 82.844 acre tract;

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

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

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

25       THENCE North 27°09'21" East, with the west line of said 82.844  
26 acre tract, same being the east line of said 1.0 acre tract, a  
27 distance of 290.52 feet to a 1/2" rebar found at the northeast



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1 corner of said 1.0 acre tract, same being the southeast corner of  
2 said 89.256 acre tract;

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

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

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

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

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

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

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

24       THENCE North 63°01'34" West, with the south line of said  
25 89.256 acre tract, same being the north line of said Lot No. 2 and  
26 the north line of another 0.18 acre tract, called Lot No. 1 and  
27 described in said deed of record in Volume 6057, Page 415, a

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1 distance of 120.03 feet to a calculated point for the northwest  
2 corner of said Lot No. 1;

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

8       THENCE North 62°29'29" West, with the north right-of-way line  
9 of Colton Bluff Springs Road, same being the south line of said  
10 89.256 acre tract, a distance of 564.31 feet to a 1/2" rebar found  
11 at the southwest corner of said 89.256 acre tract, same being the  
12 southeast corner of said 25.735 acre tract;

13       THENCE North 62°29'18" West, with the north right-of-way line  
14 of Colton Bluff Springs Road, same being the south line of said  
15 25.735 acre tract, at a distance of 64.03 feet passing a 1/2" rebar  
16 found at the southwest corner of said 25.735 acre tract, same being  
17 the southeast corner of said 2.731 acre tract, and continuing with  
18 the south line of said 2.731 acre tract for a total distance of  
19 301.87 feet to a 1/2" rebar found at the southwest corner of said  
20 2.731 acre tract, same being the southeast corner of said Part 2;

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

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

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

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

5           (b) The legislature further finds that the area in the  
6 proposed Austin Desired Development Zone District No. 3 is  
7 unproductive and underdeveloped and that the conditions  
8 substantially arrest or impair the sound growth of the area, are an  
9 economic or social liability, and present a menace to the public  
10 health, safety, morals, or welfare.

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

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

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

25          (d) The general law relating to consent by political  
26 subdivisions to the creation of districts with conservation,  
27 reclamation, and road powers and the inclusion of land in those

1 districts has been complied with.

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

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