

By: Wentworth

S.B. No. 2548

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Austin Desired Development Zone District No. 4; 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 3902 to read as follows:

CHAPTER 3902. AUSTIN DESIRED DEVELOPMENT ZONE DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3902.001. 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. 4.

Sec. 3902.002. NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3902.003. 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. 3902.004. 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. 3902.005. 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. 3902.006. 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. 3902.007. 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. 3902.008. 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. 3902.009. 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. 3902.010. CONSENT OF MUNICIPALITY REQUIRED. (a) The
23 temporary directors may not hold an election under Section 3902.009
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 3902.011-3902.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3902.051. 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 3902.053.

22 (b) Except as provided by Section 3902.052, 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 3902.053 shall begin on the date the four
27 permanent directors are elected under Section 3902.009. The

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

3 Sec. 3902.052. TEMPORARY DIRECTORS. (a) On or after the
4 effective date of the Act creating 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 3902.009; 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 3902.009 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 3902.009; 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,

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

7 Sec. 3902.053. APPOINTMENT OF DIRECTORS. (a) The city
8 council of the city shall appoint one person as a director. A
9 person is appointed if a majority of the members of the city council
10 vote to appoint that person. If a person is not appointed to the
11 board under Subsection (c), the members of the city council may vote
12 to appoint a second person as a director.

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

16 (c) The Texas Commission on Environmental Quality shall
17 appoint as director one person nominated by the board. The board
18 shall request a name of a nominee for the director position from
19 each person who owns at least 25 percent of the surface area of land
20 in the district, based on the most recent certified tax appraisal
21 roll for the county. The board shall submit to the Texas Commission
22 on Environmental Quality the nominee whose name was submitted by
23 the person who owns the largest total surface area of land in the
24 district. If the board has not received any names of potential
25 nominees before the 31st day after the date the board requests that
26 names be submitted, or if no person owns at least 25 percent of the
27 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. 3902.054. 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 3902.053(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 3902.052 or 3902.053(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. 3902.055. 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 3902.053 shall be
19 filled for the unexpired term in the same manner as the original
20 appointment under that section.

21 Sec. 3902.056. 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. 3902.057. 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 3902.058-3902.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 3902.101. 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. 3902.102. 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. 3902.103. 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. 3902.104. 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. 3902.105. STRATEGIC PARTNERSHIP AGREEMENT. The

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

6 Sec. 3902.106. LIMITED EMINENT DOMAIN. (a) The district
7 may exercise the power of eminent domain under Section 49.222,
8 Water Code.

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

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

14 (2) a recreational facility as defined by Section
15 49.462, Water Code.

16 Sec. 3902.107. ANNEXATION OR EXCLUSION OF LAND BY DISTRICT.
17 (a) The district may annex land as provided by Subchapter J,
18 Chapter 49, Water Code.

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

22 Sec. 3902.108. SUITS. The district may not be a voluntary
23 party to any suit against the city by a district resident or a
24 person who owns property in the district unless the district has
25 standing to bring the suit.

26 [Sections 3902.109-3902.150 reserved for expansion]

1 SUBCHAPTER D. PUBLIC TRANSIT SYSTEM AND PARKING FACILITIES

2 Sec. 3902.151. 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. 3902.152. 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. 3902.153. RULES. The district may adopt rules
5 covering its public transit system or its parking facilities.

6 Sec. 3902.154. 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 3902.155-3902.200 reserved for expansion]

18 SUBCHAPTER E. GENERAL FINANCIAL PROVISIONS

19 Sec. 3902.201. 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. 3902.202. 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. 3902.203. 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. 3902.204. 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. 3902.205. 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. 3902.206. 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. 3902.207. RESIDENTIAL PROPERTY. Section 375.161,
25 Local Government Code, does not apply to the district.

26 Sec. 3902.208. OPERATION AND MAINTENANCE TAX. (a) If
27 authorized at an election held in accordance with Section 3902.213,

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. 3902.209. 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. 3902.210. 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. 3902.211. 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 3902.010 and 3902.105, 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. 3902.212. 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. 3902.213. 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 3902.209.

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. 3902.214. 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. 3902.215. COMPETITIVE BIDDING. Subchapter I, Chapter

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

5 Sec. 3902.216. TAX AND ASSESSMENT ABATEMENTS. The district
6 may grant in the manner authorized by Chapter 312, Tax Code, an
7 abatement for a tax or assessment owed to the district.

8 Sec. 3902.217. TAX INCREMENT FINANCING POWERS. (a) The
9 district may designate all or any part of the district as a tax
10 increment reinvestment zone, and the district may use tax increment
11 financing under Chapter 311, Tax Code, in the manner provided by
12 that chapter for a municipality, except as modified by this
13 section.

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

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

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

23 [Sections 3902.218-3902.300 reserved for expansion]

24 SUBCHAPTER F. SALES AND USE TAX

25 Sec. 3902.301. MEANINGS OF WORDS AND PHRASES. Words and
26 phrases used in this subchapter that are defined by Chapters 151 and
27 321, Tax Code, have the meanings assigned by Chapters 151 and 321,

1 Tax Code.

2 Sec. 3902.302. 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. 3902.303. 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 3902.213.

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. 4 at
2 a rate not to exceed _____ percent."

3 Sec. 3902.304. 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. 3902.305. 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 3902.306-3902.350 reserved for expansion]

SUBCHAPTER G. HOTEL OCCUPANCY TAXES

Sec. 3902.351. 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 3902.352-3902.400 reserved for expansion]

5 SUBCHAPTER H. DISSOLUTION

6 Sec. 3902.401. 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 3902.010.

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. 4
25 includes all territory contained in the following area:

26 A DESCRIPTION OF 475.490 ACRES IN THE SANTIAGO DEL VALLE
27 GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT

1 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
2 DATED NOVEMBER 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF
3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022
4 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
5 INC., DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO.
6 2006245700 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
7 ALL OF A 29.293 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO
8 JONA ACQUISITION INC., DATED NOVEMBER 21, 2006 AND RECORDED IN
9 DOCUMENT NO. 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
10 COUNTY, TEXAS, ALL OF A 77.22 ACRE TRACT DESCRIBED IN A SPECIAL
11 WARRANTY DEED TO WILLIAM D. WENDE, FRED J. WENDE, AND PRICE T.
12 WENDE, DATED FEBRUARY 28, 1994 AND RECORDED IN VOLUME 12171, PAGE
13 455 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A
14 58 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO FRED J. WENDE DATED
15 DECEMBER 21, 1992 AND RECORDED IN VOLUME 11849, PAGE 396 OF THE REAL
16 PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 28.461 ACRE TRACT
17 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
18 DATED SEPTEMBER 15, 2006 AND RECORDED IN DOCUMENT NO. 2006182621 OF
19 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
20 55.222 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
21 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.
22 2006060712 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
23 A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY
24 DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED
25 IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
26 COUNTY, TEXAS, A PORTION OF A 232.233 ACRE TRACT DESCRIBED IN A
27 SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO JONA ACQUISITION INC.,

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1 DATED JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003190 OF THE
2 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
3 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
4 ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT
5 NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
6 TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED IN A GENERAL
7 WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 1, 2006 AND
8 RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS
9 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED
10 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,
11 2006 AND RECORDED IN DOCUMENT NO. 2006060707 OF THE OFFICIAL PUBLIC
12 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT
13 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
14 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2006060704 OF THE
15 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
16 23.694 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
17 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.
18 2006060710 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
19 ALL OF A 1.000 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO
20 JONA ACQUISITION INC., DATED JANUARY 8, 2007 AND RECORDED IN
21 DOCUMENT NO. 2007005138 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
22 COUNTY, TEXAS, A PORTION OF LOT "A" HARRY REININGER SUBDIVISION, A
23 SUBDIVISION OF RECORD IN VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF
24 TRAVIS COUNTY TEXAS, CONVEYED TO JOHN HALDENSTEIN & RUTH
25 HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN DATED SEPTEMBER 29,
26 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC
27 RECORDS OF TRAVIS COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT

1 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
2 DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE
3 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
4 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO
5 JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14,
6 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC
7 RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT DESCRIBED
8 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER
9 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF THE OFFICIAL
10 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF WENDE ROAD, A
11 PUBLIC ROAD IN TRAVIS COUNTY, TEXAS HAVING A RIGHT-OF-WAY WIDTH OF
12 40 FEET, AND A PORTION OF SASSMAN ROAD, A PUBLIC ROAD IN TRAVIS
13 COUNTY, TEXAS HAVING A RIGHT-OF-WAY OF VARIABLE WIDTH; SAID 475.490
14 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
15 FOLLOWS:

16 BEGINNING at a calculated point for a north corner of said
17 73.453 acre tract, same being in the east right-of-way line of
18 Thaxton Road, also being the west corner of a 2.76 acre tract
19 described in a deed of record in Volume 12562, Page 428 of the Real
20 Property Records of Travis County, Texas, from which a 1/2" rebar
21 found bears North 61°56'44" West, a distance of 0.44 feet;

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

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

27 2. North 27°52'53" East, a distance of 294.18 feet to a 1/2"

1 rebar found at a north corner of said 73.453 acre tract, same being
2 the east corner of said 2.76 acre tract, also being in the southwest
3 line of a 21 acre tract described in a deed of record in Volume 1945,
4 Page 416 of the Deed Records of Travis County, Texas;

5 THENCE South 60°59'42" East, with the northeast line of said
6 73.453 acre tract, same being the southwest line of said 21 acre
7 tract, a distance of 2857.05 feet to a 60D nail found for the east
8 corner of said 73.453 acre tract, same being the south corner of
9 said 21 acre tract, also being in the northwest line of said 29.293
10 acre tract;

11 THENCE North 27°46'44" East, with the west line of said 29.293
12 acre tract, same being the east line of said 21 acre tract a
13 distance of 1083.71 feet to a 1/2" rebar with "Chaparral Boundary"
14 cap found for the northwest corner of said 29.293 acre tract, same
15 being the northeast corner of said 21 acre tract, also being in the
16 south right-of-way line of Sassman Road (70' right-of-way width);

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

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

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

25 THENCE North 29°00'48" East, leaving the south right-of-way
26 line of Sassman Road, same being the north line of said 21 acre
27 tract, crossing Sassman Road, a distance of 70.00 feet to a 1/2"

1 rebar with cap set for the southwest corner of said 232.233 acre
2 tract, same being the east line of a 174.4 acre tract described in a
3 deed of record in Volume 1549, Page 268 of the Deed Records of
4 Travis County, Texas;

5 THENCE North 27°21'05" East, with the east line of said 174.4
6 acre tract, same being the west line of said 232.233 acre tract, a
7 distance of 1153.14 feet to a calculated point in the east line of
8 said 174.4 acre tract, same being the west line of said 232.233 acre
9 tract;

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

12 1. Following a curve to the right, having a radius of
13 1400.01 feet, a delta angle of 10°36'58", an arc length of 259.40
14 feet, and a chord which bears South 32°55'40" East, a distance of
15 259.03 feet to a calculated point;

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

18 3. Following said curve to the left, having a radius of
19 1400.01 feet, a delta angle of 33°44'58", an arc length of 824.66
20 feet, and a chord which bears South 44°29'40" East, a distance of
21 812.79 feet to a calculated point;

22 4. South 61°48'21" East, a distance of 561.03 feet to a
23 calculated point in the east line of said 232.233 acre tract, same
24 being in the west line of a 20.022 acre tract conveyed to Janie Diaz
25 in Document No. 2006101103 and described in Document No.
26 2001200503, both of the Official Public Records of Travis County,
27 Texas;

1 THENCE South 26°53'42" West, with the east line of said
2 232.233 acre tract, same being the east line of said 9.662 acre
3 tract, being also the west line of said 20.022 acre tract, a
4 distance of 624.23 feet to a calculated point for the southeast
5 corner of said 9.662 acre tract, same being the southwest corner of
6 said 20.022 acre tract, being also in the north right-of-way line of
7 Sassman Road;

8 THENCE South 60°59'12" East, with the south line of said
9 20.022 acre tract, same being the south line of Lot 1, Hackberry
10 Hill Estates Section One, a subdivision of record in Volume 81, Page
11 241 of the Plat Records of Travis County, Texas, being also the
12 South right-of-way line of Sassman Road, a distance of 549.20 feet
13 to a calculated point south line of Lot 1, Hackberry Hill Estates
14 Section One, being also in the north right-of-way line of Sassman
15 Road;

16 THENCE continuing with the south line of said south line of
17 Lot 1, Hackberry Hill Estates Section One, same being the north
18 right-of-way line of Sassman Road, being also the south line of a
19 2.00 acre tract described in Document No. 2002227115 of the
20 Official Public Records of Travis County, Texas, a 1.00 acre tract
21 described in a deed to Gerald D. Shoulders, and Rosemary Shoulders,
22 of record in Volume 12233, Page 1678, of the Real Property Records
23 of Travis County, Texas, a described in a deed to Amir Batoeinngi,
24 of record in Document No. 2008060410 of the Official Public Records
25 of Travis County, Texas, and a 1.00 acre tract described in Document
26 No. 2006189910 of the Official Public Records of Travis County,
27 Texas, the following two (2) courses and distances:

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

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

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

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

15 1. North 61°26'42" West, with the north line of said 1.00
16 acre tract, a distance of 113.09 feet to a 1/2" rebar found at the
17 northwest corner of said 1.00 acre tract, same being in the east
18 line of a 1.25 acre tract described in a deed to Amir Batoeinngi, of
19 record in Document No. 2008060410 of the Official Public Records of
20 Travis County, Texas;

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

24 3. North 61°29'11" West, with the north line of said
25 Batoeinngi tract, and the north line of a 1.25 acre tract described
26 in a deed to Gerald D. Shoulders, and Rosemary Shoulders, of record
27 in Volume 12233, Page 1678, of the Real Property Records of Travis

1 County, Texas, a distance of 417.23 feet to a 1" iron pipe found, at
2 the southwest corner of said 20.005 acre tract, same being the
3 northwest corner of said Shoulders tract, also being in the east
4 line of said 20.022 acre tract;

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

8 THENCE crossing said Lot A, Harry Reiningger Subdivision, said
9 20.005 acre tract, said 42.558 acre tract, said 23.694 acre tract,
10 said 7.602 acre tract, said 25.119 acre tract, said 55.222 acre
11 tract, said 51.942 acre tract, said 60.921 acre tract, said 98.656
12 acre tract, and Wende Road the following eleven (11) courses and
13 distances:

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

16 2. South 28°11'39" West, a distance of 1655.67 feet to a
17 calculated point;

18 3. Following a curve to the left, having a radius of 500.00
19 feet, a delta angle of 69°45'07", an arc length of 608.70 feet, and a
20 chord which bears South 06°40'54" East, a distance of 571.80 feet to
21 a calculated point

22 4. South 41°33'28" East, a distance of 324.65 feet to a
23 calculated point;

24 5. Following a curve to the right, having a radius of 500.00
25 feet, a delta angle of 96°25'47", an arc length of 841.51 feet, and a
26 chord which bears South 06°39'26" West, a distance of 745.65 feet to
27 a calculated point

1 6. South 54°52'19" West, a distance of 25.40 feet to a
2 calculated point;

3 7. South 35°07'41" East, a distance of 344.76 feet to a
4 calculated point;

5 8. Following a curve to the right, having a radius of
6 1000.01 feet, a delta angle of 40°36'48", an arc length of 708.84
7 feet, and a chord which bears South 14°49'17" East, a distance of
8 694.09 feet to a calculated point

9 9. South 05°29'07" West, a distance of 423.15 feet to a
10 calculated point;

11 10. Following a curve to the left, having a radius of
12 1800.01 feet, a delta angle of 68°24'29", an arc length of 2149.12
13 feet, and a chord which bears South 28°43'07" East, a distance of
14 2023.72 feet to a calculated point

15 11. South 62°55'22" East, a distance of 149.13 feet to a
16 calculated point in the west right-of-way of F.M. 1626;

17 THENCE South 27°04'38" West, with the west right-of-way line
18 of F. M. 1625, same being the east line of said 98.656 acre tract, a
19 distance of 699.69 feet to a calculated point for the southeast
20 corner of said 98.656 acre tract, same being the northeast corner of
21 a 10.067 acre tract described in a deed of record under Document No.
22 2003084397 of the Official Public Records of Travis County, Texas;

23 THENCE North 62°25'04" West, with the south line of said
24 98.656 acre tract, same being the north line of said 10.067 acre
25 tract and the north line of Lot 6, Las Lomitas Subdivision, a
26 subdivision of record in Document No. 200200226 of the Official
27 Public Records of Travis County, Texas, at a distance of 0.11 feet

1 passing a 1/2" rebar found, and continuing for a total distance of
2 1097.97 feet to a 1/2" rebar found for the southwest corner of said
3 98.656 acre tract, same being an angle point in the north line of
4 said Lot 6, also being the southeast corner of said 60.921 acre
5 tract;

6 THENCE North 62°26'10" West, with the south line of said
7 60.921 acre tract, same being the north line of said Lot 6 and the
8 north line of Lot 15, of said Las Lomitas Subdivision, a distance of
9 1283.28 feet to a 1/2" rebar with "Chaparral Boundary" cap found for
10 the southwest corner of said 60.921 acre tract, same being the
11 southeast corner of a 58 acre tract described in a deed of record in
12 Volume 11849, Page 396 of the Real Property Records of Travis
13 County, Texas, also being an angle point in the north line of said
14 Lot 15;

15 THENCE with the south line of said 58 acre tract, the
16 following two (2) courses and distances:

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

22 2. North 62°24'41" West, with the north line of said 96.29
23 acre tract, a distance of 1257.37 feet to a 1/2" rebar found at the
24 southwest corner of said 58 acre tract, same being the southeast
25 corner of a 77.22 acre tract described in a deed of record in Volume
26 12171, Page 455 of the Real Property Records of Travis County,
27 Texas;

1 THENCE North 62°13'51" West, with the south line of said 77.22
2 acre tract, being in part the north line of said 96.29 acre tract,
3 in part the north line of a 1.069 acre tract and the north line of a
4 4.580 acre tract both described in a deed of record in Document No.
5 2003029766 of the Official Public Records of Travis County, Texas,
6 in part the north line of a 6.717 acre tract described in a deed of
7 record in Document No. 2003020580 of the Official Public Records of
8 Travis County, Texas, in part the north line of a 4.001 acre tract
9 described in a deed of record in Document No. 2003054456 of the
10 Official Public Records of Travis County, Texas, and in part the
11 north line of a 5.00 acre tract described in a deed of record in
12 Document No. 2001186136 of the Official Public Records of Travis
13 County, Texas, a distance of 2467.51 feet to a 3/4" iron pipe found
14 at the southwest corner of said 77.22 acre tract, same being the
15 southeast corner of a 10.00 acre tract described in a deed of record
16 in Document No. 2005076034 of the Official Public Records of Travis
17 County, Texas, also being in the north line of said 5.00 acre tract;

18 THENCE North 27°28'37" East, with the west line of said 77.22
19 acre tract, same being in part the east line of said 10.00 acre
20 tract, in part the east line of Lots 1 and 2, Block 1, Esquivel
21 Subdivision, a subdivision of record in Document No. 200600043 of
22 the Official Public Records of Travis County, Texas, and in part the
23 east line of a 7.501 acre tract described in a deed of record in
24 Document No. 2006182751 of the Official Public Records of Travis
25 County, Texas, a distance of 1369.79 feet to a 1/2" rebar with
26 "4324" cap found at the northwest corner of said 77.22 acre tract,
27 same being the northeast corner of said 7.501 acre tract, also being

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1 the southeast corner of an 8.51 acre tract described in a deed of
2 record in Volume 10861, Page 857 of the Real Property Records of
3 Travis County, Texas, also being the southwest corner of a 32.892
4 acre tract described in a deed of record in Volume 11513, Page 1451
5 of the Real Property Records of Travis County, Texas;

6 THENCE South 61°50'26" East, with the north line of said 77.22
7 acre tract, same being the south line of said 32.892 acre tract, at
8 a distance of 2473.90 feet passing a 1/2" rebar with "4324" cap
9 found, and continuing for a total distance of 2474.36 feet to a
10 calculated point for the northeast corner of said 77.22 acre tract,
11 same being the southeast corner of said 32.892 acre tract, also
12 being in the west line of said 29.293 acre tract;

13 THENCE North 27°46'44" East, with the west line of said 29.293
14 acre tract, same being the east line of said 32.892 acre and the
15 east line of the said remainder of a 29.94 acre tract described in a
16 deed of record in Volume 6132, Page 1217 of the Deed Records of
17 Travis County, Texas, a distance of 959.47 feet to a 1/2" rebar with
18 "Chaparral Boundary" cap found, for the northeast corner of said
19 remainder of a 29.94 acre tract, same being the southeast corner of
20 said 31.022 acre tract;

21 THENCE North 61°12'34" West, with the south line of said
22 31.022 acre tract, same being the north line of said remainder of
23 29.94 acres and the north line of a 2.500 acre tract described in a
24 deed of record in Volume 9678, Page 891 of the Real Property Records
25 of Travis County, Texas, at a distance of 2.86 feet passing a 1/2"
26 rebar found, at a distance of 3268.31 feet passing a 1/2" rebar
27 found, and continuing for a total distance of 3268.82 feet to a

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1 calculated point for the southwest corner of said 31.022 acre
2 tract, same being the northwest corner of said 2.500 acre tract,
3 also being in the east right-of-way line of Thaxton Road (50'
4 right-of-way);

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

12 THENCE South 61°16'30" East, with the south line of said
13 remainder of 3.22 acres, same being the north line of said 31.022
14 acre tract, a distance of 406.03 feet to a 1/2" rebar with
15 "Chaparral Boundary" cap found for the southeast corner of said
16 remainder of 3.22 acres, also being the southwest corner of an 18.38
17 acre tract described in a deed of record in Document No. 2007219954
18 of the Official Public Records of Travis County, Texas;

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

24 THENCE North 27°53'08" East, with a northwest line of said
25 73.453 acre tract, same being the southeast line of said 18.38 acre
26 tract, a distance of 713.60 feet to a 1/2" rebar with cap found;

27 THENCE North 61°59'49" West, with a southwest line of said

1 73.453 acre tract, same being the northeast line of said 18.38 acre
2 tract and a 3.20 acre tract described in a deed of record in Volume
3 12562, Page 431 of the Real Property Records of Travis County,
4 Texas, conveyed in a deed of record in Volume 13116, Page 732 of the
5 Real Property Records of Travis County, Texas, a distance of
6 1540.66 feet to a 1/2" rebar with "Chaparral Boundary" cap found for
7 a west corner of said 73.453 acre tract, same being the north corner
8 of said 3.20 acre tract, also being in the east right-of-way line of
9 Thaxton Road;

10 THENCE North 28°02'32" East, with a northwest line of said
11 73.453 acre tract, same being the east right-of-way line of Thaxton
12 Road, a distance of 360.56 feet to the POINT OF BEGINNING,
13 containing 475.490 acres of land, more or less.

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

18 (b) The legislature further finds that the area in the
19 proposed Austin Desired Development Zone District No. 4 is
20 unproductive and underdeveloped and that the conditions
21 substantially arrest or impair the sound growth of the area, are an
22 economic or social liability, and present a menace to the public
23 health, safety, morals, or welfare.

24 SECTION 4. (a) The legal notice of the intention to
25 introduce this Act, setting forth the general substance of this
26 Act, has been published as provided by law, and the notice and a
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3 Government Code.

4 (b) The governor, one of the required recipients, has
5 submitted the notice and Act to the Texas Commission on
6 Environmental Quality.

7 (c) The Texas Commission on Environmental Quality has filed
8 its recommendations relating to this Act with the governor,
9 lieutenant governor, and speaker of the house of representatives
10 within the required time.

11 (d) The general law relating to consent by political
12 subdivisions to the creation of districts with conservation,
13 reclamation, and road powers and the inclusion of land in those
14 districts has been complied with.

15 (e) All requirements of the constitution and laws of this
16 state and the rules and procedures of the legislature with respect
17 to the notice, introduction, and passage of this Act have been
18 fulfilled and accomplished.

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