

By: Wentworth

S.B. No. 2564

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Driftwood Economic Development
Municipal Management District; providing authority to impose a tax.

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 3858 to read as follows:

CHAPTER 3858. DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL
MANAGEMENT DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3858.001. DEFINITIONS. In this chapter:

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

(2) "Commissioners court" means the Hays County
Commissioners Court.

(3) "District" means the Driftwood Economic
Development Municipal Management District.

Sec. 3858.002. CREATION AND NATURE OF DISTRICT. The
district is a special district created under Section 59, Article
XVI, Texas Constitution.

Sec. 3858.003. PURPOSE; LEGISLATIVE FINDINGS. (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, the legislature has established

1 a program to accomplish the public purposes set out in Section 52-a,
2 Article III, Texas Constitution.

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

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

14 Sec. 3858.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
15 The district is created to serve a public use and benefit.

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

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

23 (1) developing and diversifying the economy of the
24 state;

25 (2) eliminating unemployment and underemployment; and

26 (3) developing commerce in the state.

27 (d) The district will:

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

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

7 (3) promote the health, safety, welfare, and enjoyment
8 of the public by providing trails, landscaping, and other services
9 that are necessary for the restoration, preservation, and
10 enhancement of the scenic beauty and environment of the area.

11 Sec. 3858.005. DISTRICT TERRITORY. (a) The district is
12 composed of the territory described by Section 2 of the Act enacting
13 this chapter, as the territory may have been modified under:

14 (1) Section 375.043 or 375.044, Local Government Code;
15 or

16 (2) other law.

17 (b) The boundaries and field notes of the district contained
18 in Section 2 of the Act enacting this chapter form a closure. A
19 mistake in the field notes of the district contained in Section 2 of
20 the Act enacting this chapter or in copying the field notes in the
21 legislative process does not in any way affect:

22 (1) the district's organization, existence, or
23 validity;

24 (2) the district's right to contract, including the
25 right to issue any type of bond or other obligation for a purpose
26 for which the district is created;

27 (3) the district's right to impose or collect an

1 assessment, tax, or other revenue; or

2 (4) the legality or operation of the board.

3 Sec. 3858.006. APPLICABILITY OF MUNICIPAL MANAGEMENT
4 DISTRICTS LAW. Except as otherwise provided by this chapter,
5 Chapter 375, Local Government Code, applies to the district.

6 [Sections 3858.007-3858.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 3858.051. GOVERNING BODY; TERMS. The district is
9 governed by a board of five directors who serve staggered terms of
10 four years, with two or three directors' terms expiring June 1 of
11 each odd-numbered year.

12 Sec. 3858.052. APPOINTMENT OF DIRECTORS. (a) The
13 commissioners court shall appoint as directors the following:

14 (1) Position 1: a public citizen who resides in Hays
15 County;

16 (2) Position 2: a person who owns residential
17 property in the district;

18 (3) Position 3: a person who owns commercial property
19 in the district;

20 (4) Position 4: a person who meets the qualifications
21 described by Section 375.063, Local Government Code; and

22 (5) Position 5: the city administrator of the City of
23 Dripping Springs.

24 (b) If the commissioners court is unable to identify a
25 person qualified for a director's position as provided by
26 Subsection (a)(2) or (3) who is willing and able to serve, the
27 commissioners court shall appoint to the place a person who meets

1 the qualifications under Section 375.063, Local Government Code.

2 Sec. 3858.053. VACANCY. The commissioners court shall fill
3 a vacancy on the board by appointing a person who meets the
4 qualifications prescribed by Section 375.063, Local Government
5 Code, to serve for the remainder of the unexpired term.

6 Sec. 3858.054. PETITION; ELECTION. (a) The owner or owners
7 of at least 40 percent of the assessed value of property in the
8 district may submit a petition to the commissioners court
9 requesting an election of the board.

10 (b) If the commissioners court receives a petition under
11 Subsection (a), the commissioners court shall order an election of
12 board members in the district.

13 (c) The board shall give notice of the election not later
14 than the 30th day before the date of the election.

15 (d) Of the directors elected to the board in an election
16 under this section, the terms of the directors appointed for
17 positions 1 through 3 expire on the third June 1 after the election,
18 and the terms of directors appointed for positions 4 and 5 expire on
19 June 1 following the election.

20 Sec. 3858.055. INITIAL DIRECTORS. (a) The initial board
21 consists of the following directors:

<u>Position</u>	<u>Name of Director</u>
<u>1</u>	<u>Silver Garza</u>
<u>2</u>	<u>Scott Roberts</u>
<u>3</u>	<u>Curtis Wilson</u>
<u>4</u>	<u>Ken Manning</u>
<u>5</u>	<u>Michelle Fischer</u>

1 (b) The terms of the initial directors appointed for
2 positions 1 through 3 expire June 1, 2013, and the terms of the
3 initial directors appointed for positions 4 and 5 expire June 1,
4 2011.

5 (c) Section 3858.052(a) does not apply to this section.

6 (d) This section expires June 1, 2014.

7 [Sections 3858.056-3858.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 3858.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district was created.

12 Sec. 3858.102. IMPROVEMENT PROJECTS. (a) The district may
13 provide, or it may enter into contracts with a governmental or
14 private entity to provide, the following types of improvement
15 projects or activities in support of or incidental to those
16 projects:

17 (1) the planning, design, construction, improvement,
18 operation, and maintenance of:

19 (A) irrigation facilities and landscaping;

20 (B) highway right-of-way or transit corridor
21 beautification and improvement;

22 (C) lighting, banners, and signs;

23 (D) a street or sidewalk;

24 (E) a hiking or cycling path or trail;

25 (F) a park, lake, garden, recreational facility,
26 sports facility, open space, scenic area, or related exhibit or
27 preserve;

- 1 (G) a fountain, plaza, or pedestrian mall;
2 (H) a drainage or storm-water detention
3 improvement;
4 (I) a wastewater treatment and disposal
5 facility;
6 (J) a water quality protection facility;
7 (K) a facility to enhance groundwater recharge;
8 (L) an alternative energy facility; or
9 (M) solid waste management services, including
10 garbage collection, recycling, and composting;
11 (2) the planning, design, construction, acquisition,
12 lease, rental, improvement, maintenance, installation, and
13 management of and provision of furnishings for a facility for:
14 (A) a conference, convention, or exhibition;
15 (B) a manufacturer, consumer, or trade show;
16 (C) a civic, community, or institutional event;
17 or
18 (D) an exhibit, display, attraction, special
19 event, or seasonal or cultural celebration or holiday; or
20 (3) a special or supplemental service for the
21 improvement and promotion of the district or an area adjacent to the
22 district for the protection of public health and safety in or
23 adjacent to the district, including:
24 (A) advertising;
25 (B) promotion;
26 (C) tourism;
27 (D) health and sanitation;

- 1 (E) public safety;
- 2 (F) security;
- 3 (G) fire protection or emergency medical
- 4 services;
- 5 (H) business recruitment;
- 6 (I) development;
- 7 (J) elimination of traffic congestion;
- 8 (K) recreational, educational, or cultural
- 9 improvements, enhancements, and services; or
- 10 (L) any similar public improvement, facility, or
- 11 service.

12 (b) The district may not undertake a project under this
13 section unless the board determines the project to be necessary to
14 accomplish the public purpose of the district.

15 Sec. 3858.103. CONTRACTS; GIFTS; DONATIONS. The district
16 may:

17 (1) contract with any person to accomplish any
18 district purpose, including a contract for:

19 (A) the payment, repayment, or reimbursement of
20 costs incurred by that person on behalf of the district, including
21 all or part of the costs of an improvement project and interest on
22 the reimbursed costs;

23 (B) the use, occupancy, lease, rental,
24 operation, maintenance, or management of all or part of a proposed
25 or existing improvement project; or

26 (C) the provision of law enforcement services to
27 the district for a fee;

1 (2) apply for and contract with any person to receive,
2 administer, and perform a duty or obligation of the district under a
3 federal, state, local, or private gift, grant, loan, conveyance,
4 transfer, bequest, or other financial assistance arrangement
5 relating to investigation, planning, analysis, study, design,
6 acquisition, construction, improvement, completion,
7 implementation, or operation by the district or others of a
8 proposed or existing improvement project; and

9 (3) accept a grant or donation from any person.

10 Sec. 3858.104. RULES; ENFORCEMENT. (a) The district may
11 adopt and enforce rules:

12 (1) to administer or operate the district;

13 (2) for the use, enjoyment, availability, protection,
14 security, and maintenance of the district's property and
15 facilities; or

16 (3) to provide for public safety and security in the
17 district.

18 (b) The district may enforce its rules by injunctive relief.

19 Sec. 3858.105. COMPETITIVE BIDDING. Section 375.221, Local
20 Government Code, does not apply to the formation of a district
21 contract.

22 Sec. 3858.106. EMINENT DOMAIN. The district may not
23 exercise the power of eminent domain.

24 [Sections 3858.107-3858.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 3858.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
27 board by resolution shall establish the number of directors'

1 signatures and the procedure required for a disbursement or
2 transfer of the district's money.

3 Sec. 3858.152. BONDS; DEBT. The district may not issue
4 bonds, borrow money, or incur any type of debt.

5 Sec. 3858.153. AD VALOREM TAX; ELECTION. (a) The district
6 must hold an election in the manner provided by Subchapter L,
7 Chapter 375, Local Government Code, to obtain voter approval before
8 the district imposes an ad valorem tax.

9 (b) If authorized at an election under Subsection (a) and
10 subject to Subsection (c), the district may impose an annual ad
11 valorem tax on taxable property in the district to:

- 12 (1) maintain and operate the district;
13 (2) construct or acquire improvements; or
14 (3) provide a service.

15 (c) The board may impose a tax on residential property in
16 the district only if the revenue requirements of the district are
17 not satisfied by the other taxes imposed by the board.

18 (d) The board shall determine the tax rate. The tax rate may
19 not exceed 15 cents per \$100 valuation.

20 Sec. 3858.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
21 The board by resolution may impose and collect an assessment for any
22 purpose authorized by this chapter.

23 (b) An assessment, a reassessment, or an assessment
24 resulting from an addition to or correction of the assessment roll
25 by the district, penalties and interest on an assessment or
26 reassessment, an expense of collection, and reasonable attorney's
27 fees incurred by the district:

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

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

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

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

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

17 Sec. 3858.155. SALES AND USE TAX. (a) Except as otherwise
18 provided by this section, Subtitles A and B, Title 2, Tax Code, and
19 Chapter 151, Tax Code, apply to a tax imposed under this section and
20 to the administration and enforcement of that tax in the same manner
21 that those laws apply to a state tax.

22 (b) Except as otherwise provided by this chapter, Chapter
23 321, Tax Code, applies to the imposition, computation,
24 administration, and governance of a sales and use tax imposed under
25 this section, except that Section 321.101, Tax Code, does not
26 apply.

27 (c) The board may impose a tax on the receipts from the sale

1 at retail of taxable items within the district, and an excise tax on
2 the use, storage, or other consumption in the district of taxable
3 items purchased, leased, or rented from a retailer in the district.

4 (d) The board shall determine the rate of the tax, which may
5 be in one-eighth of one percent increments not to exceed two
6 percent.

7 (e) A tax under this section is applied to the sales price of
8 a taxable item.

9 Sec. 3858.156. HOTEL OCCUPANCY TAX. The district may
10 impose a hotel occupancy tax in the manner that Chapter 351, Tax
11 Code, provides for a municipality. A tax imposed under this section
12 may not exceed seven percent of the price paid for lodging in the
13 district.

14 Sec. 3858.157. ACCOUNTING. (a) On the conclusion of each
15 fiscal year, the board shall obtain from an independent entity a
16 review of the district's financial activities for the preceding
17 fiscal year.

18 (b) Not later than September 1, the board annually shall
19 submit to the commissioners court a written report containing:

20 (1) the findings of a review under Subsection (a);
21 (2) if not included in the review, accounting records
22 of the preceding fiscal year; and

23 (3) a summary of the activities of the district during
24 the preceding fiscal year.

25 (c) Notwithstanding Subsection (b), the board shall submit
26 its initial annual report not later than September 1, 2010. This
27 subsection expires October 1, 2010.

1 SECTION 2. The Driftwood Economic Development Municipal
2 Management District initially contains all the territory contained
3 in the following described area:

4 FIELDNOTE DESCRIPTION of a tract or parcel of land containing
5 500.286 acres situated in the Fannie A. D. Darden, Abstract No. 664
6 and the Freelove Woody Survey No. 23, Abstract No. 20, Hays County,
7 Texas, being a portion of that tract conveyed to Masa Scott Roberts
8 by deed recorded in Volume 966, Page 156 of the Deed Records of Hays
9 County, Texas and further described as Tract 1 of 130 acres, Tract 2
10 of 100 acres and Tract 3 of 47 1/2 acres and Tract 4 of 200 acres,
11 being further described by the deed recorded in Volume 168, Page 156
12 of the said Deed Records and all of that 44.1134 acre tract conveyed
13 to Driftwood Equities, Ltd. By the deed recorded in Volume 1433,
14 Page 776 of the said Deed Records, said 44.1134 acre tract being a
15 portion of that 100 acre tract conveyed to Masa Scott Roberts by the
16 deed recorded in Volume 301, Page 865 of the said Deed Records; the
17 herein described 500.286 acre tract is more particularly described
18 by metes and bounds as follows:

19 BEGINNING at a 1/2" iron rod found in the east right-of-way
20 line of State Highway FM 150 (80' right-of-way), being the west line
21 of the above said 288 acre tract, for the northwest corner of a
22 12.00 acre tract conveyed to Horance Seiders and Violet Seiders by
23 deed recorded in Volume 354, Page 763 of the said Deed Records, said
24 1/2" iron rod found bears N07°53'25"W, 329.46 feet from a TxDOT Type
25 I concrete right-of-way monument found 40.00 feet left of State
26 Highway FM 150 centerline station 281+96.9;

27 THENCE, N07°53'25"W, with the east right-of-way line of State

1 Highway FM 150, a distance of 663.25 feet to a 1/2" iron rod found
2 for the southwest corner of that 12.46 acre tract conveyed to
3 Rudolph Kranse and Gregory Hargis by deed recorded in Volume 771,
4 Page 651 of the said Deed Records, said 1/2" iron rod found bears
5 S07°53'25"E, 73.86 feet from a TxDOT Type I concrete right-of-way
6 monument found 40.00 feet left of State Highway centerline station
7 271+30.4;

8 THENCE, N88°02'55"E, crossing into the 288 acre tract, with
9 the south line of the said 12.46 acre tract, 912.29 feet to a 1/2"
10 iron rod set for the southeast corner of the aforesaid 12.46 acre
11 tract;

12 THENCE, N06°46'55"W, 600.43 feet to a 1/2" iron rod found for
13 the northeast corner of the said 12.46 acre tract;

14 THENCE, S89°02'53"W, with the north deed line of the said
15 12.46 acre tract, 77.37 feet to the calculated point of
16 intersection of this north deed line, with the east deed line of
17 that 5.2506 acre tract conveyed to Kathleen Collins and Thomas
18 Wendt by deed recorded in Volume 1427, Page 454 of the said Deed
19 Records, said 5.2506 acre tract being a portion of that 10.283 acre
20 tract described in the deed to Warren Dunn, Jr. recorded in Volume
21 1376, Page 684 of the said Deed Records, the said calculated point
22 bears N05°17'08"E, 2.95 feet from a 1/2" iron rod found for the
23 southeast corner of the aforesaid 10.283 acre tract;

24 THENCE, N05°17'08"E, with the east line of the 10.283 acre
25 tract, at a distance of 131.06 feet (record distance) pass the
26 common east corner of the said 5.2506 acre tract and a 5.04 acre
27 tract described in a deed to Michael Dunn and recorded in Volume

1 1296, Page 414 of the said Deed Records, and continuing for a total
2 distance of 618.54 feet to a 5/8" iron rod found for the northeast
3 corner of the said 10.283 acre tract and the 5.04 acre tract, being
4 on the apparent common line between the above said 288 acre tract
5 and the 100 acre tract, same being the POINT OF REFERENCE for the
6 5.336 acre tract described below;

7 THENCE, S86°24'25"W, with the above said common line between
8 the 288 acre tract and the 100 acre tract, being the north line of
9 the 5.04 acre tract and the 10.283 acre tract, 91.89 feet to a 1/2"
10 iron rod found for the southeast corner of a 14 acre tract conveyed
11 to Mrs. Elna Ludine Roberts by deed recorded in Volume 135, Page 38
12 of the said Deed Records and being the apparent southwest corner of
13 the 100 acre tract (Tract 2) described above;

14 THENCE, N07°27'54"W, with the common line between the said 14
15 acre tract and the 100 acre tract, 1242.44 feet to a 1/2" iron rod
16 found for the common north corner of the aforesaid 14 acre tract and
17 the 100 acre tract, being in the south line of Lot 1-D, "Division of
18 Lot 1, the J. V. Ash, Jr. Subdivision", a subdivision recorded in
19 Volume 10, Page 217 of the Plat Records of Hays County, Texas;

20 THENCE, S89°18'23"E, 174.13 feet to a 1/2" iron rod found for
21 the southeast corner of said Lot 1-D, being the southwest corner of
22 that 0.83 acre tract conveyed to Masa Scott Roberts by deed recorded
23 in Volume 333, Page 323 of the said Deed Records, and being in the
24 common line between the said 100 acre tract and the 130 acre tract
25 (Tract 1) described above;

26 THENCE, N08°44'17"W, with the east line of Lot 1-D, being the
27 west line of the said 0.83 acre tract, 101.46 feet to a 1/2" iron rod

1 found for an angle point;

2 THENCE, N33°27'31"E, with the west line of the said 0.83 acre
3 tract, at 148.39 feet pass a 1/2" iron rod found for the common east
4 corner of Lot 1-D, and Lot 1-B, of said "Division of Lot 1, The J. V.
5 Ash, Jr. Subdivision", for a total distance of 209.96 feet to a
6 fence corner post found for an angle point in said Lot 1-B, being
7 the most northerly corner of the aforesaid 0.83 acre tract;

8 THENCE, S69°54'59"E, with the north line of the said 0.83 acre
9 tract, 18.34 feet to a cotton gin spindle found in rock, for the
10 southeast corner of said Lot 1-B, being the southwest corner of Lot
11 2, Block 'B', "Creek of Driftwood Subdivision", a subdivision
12 recorded in Volume 8, Page 246 of the said Plat Records;

13 THENCE, along the centerline of Onion Creek, with the
14 northeast and easterly line of the above said 130 acre tract, for
15 the following twenty-six (26) courses:

16 1) S80°26'41"E, 216.51 feet to a calculated angle point in
17 the south line of Lot 2, Block 'B', from which a 100d nail set for
18 reference bears S85°22'12"W, 52.47 feet;

19 2) N89°33'24"E, 514.79 feet to the calculated southeast
20 corner of said Lot 2, Block 'B';

21 3) S54°23'50"E, 13.02 feet to a calculated angle point on the
22 south line of that 9.533 acre tract conveyed to Tom Hewett by deed
23 recorded in Volume 363, Page 256 of the said Deed Records;

24 4) N89°54'14"E, 70.80 feet to a calculated angle point in the
25 said south line of the 9.533 acre tract, from which a cotton gin
26 spindle set for reference bears N69°02'42"E, 138.90 feet;

27 5) N59°58'53"E, 562.38 feet to the calculated southeast

1 corner of the 9.583 acre tract, being the southwest corner of Lot
2 34, "Driftwood Falls Estates", a subdivision recorded in Volume 4,
3 Page 111 of the said Plat Records;

4 6) N59°52'14"E, 343.26 feet to a calculated point for the
5 southeast corner of said Lot 34, "Driftwood Falls Estates", from
6 which a 1/2" iron rod found with cap, for the northeast corner of
7 aforesaid Lot 34, bears N42°56'02"W, 386.89 feet and a 100d nail set
8 for reference bears N20°35'12"E, 70.23 feet;

9 7) N22°45'14"E, at 257.83 feet pass a calculated point for
10 the northeast corner of Lot 35, Driftwood Falls Estates, from said
11 calculated point a 1/2" iron rod found for the most northerly corner
12 of said Lot 35, bears N75°19'16"W, 355.71 feet, and continuing for a
13 total distance of 752.70 feet to the calculated southeast corner of
14 Lot 39, "Driftwood Falls Estates", from which a 100d nail set for
15 reference bears N43°29'40"W, 26.48 feet;

16 8) N04°06'47"W, at 110.23 feet pass the calculated northeast
17 corner of said Lot 39, bearing N82°20'00"E, 652.52 feet from a 1/2"
18 iron rod found for the northwest corner of aforesaid Lot 39, and
19 continuing for a total distance of 606.60 feet to a calculated angle
20 point;

21 9) N13°19'47"W, at 68.75 feet pass a 1/2" iron rod found 0.31
22 feet to the east, at a distance of 179.17 feet pass a 1/2" iron rod
23 found 0.06 feet to the east for the northeast corner of Lot 45,
24 "Driftwood Falls Estates", from which a 1/2" iron rod found for the
25 northwest corner of said Lot 45, bears N82°23'39"E, 666.13 feet, and
26 continuing for a total distance of 568.40 feet to a calculated angle
27 point, from which a 100d nail set for reference bears N75°41'33"W,

1 16.29 feet;

2 10) N03°18'47"W, at a distance of 54.87 feet pass the
3 calculated northeast corner of Lot 49, "Driftwood Falls Estates",
4 from which a 1/2" iron rod found for the northwest corner of said
5 Lot 49, bears S82°13'14"W, 632.97 feet, continuing for a total
6 distance of 281.50 feet to the calculated southeast corner of Lot
7 53, "Driftwood Falls Estates", from which a 100d nail set for
8 reference bears N36°16'47"W, 63.79 feet;

9 11) N51°37'43"E, 172.19 feet to the calculated southeast
10 corner of Lot 1, being the southwest corner of Lot 2, "Pier Branch",
11 a subdivision recorded in Volume 4, Page 105 of the said Plat
12 Records, from which a cotton gin spindle set for reference bears
13 N56°35'12"E, 95.36 feet;

14 12) N75°22'14"E, 537.60 feet to the calculated southeast
15 corner of Lot 5, being the southwest corner of Lot 6, "Pier Branch",
16 from which a cotton gin spindle set for reference bears S72°04'16"W,
17 122.85 feet;

18 13) S89°14'47"E, at 384.70 feet pass the calculated
19 southeast corner of said Lot 6, "Pier Branch" and continuing for a
20 total distance of 405.32 feet to a calculated point on the southwest
21 line of Lot 4, "Onion Creek Ranch", a subdivision recorded in Volume
22 8, Page 65 of the said Plat Records;

23 14) S66°18'14"E, 117.62 feet to a calculated angle point in
24 the southwest line of said Lot 4, "Onion Creek Ranch";

25 15) S46°24'35"E, at 58.92 feet pass the calculated southeast
26 corner of said Lot 4, being the most westerly corner of Lot 5,
27 "Onion Creek Ranch", for a total distance of 218.49 feet to a

1 calculated angle point, from which a cotton gin spindle set for
2 reference bears N03°41'39"W, 28.36 feet;

3 16) S01°39'52"E, 171.50 feet to the calculated south corner
4 of said Lot 5, being the northwest corner of Lot 6, "Onion Creek
5 Ranch";

6 17) S06°44'04"E, 158.73 feet to a calculated angle point on
7 the west line of said Lot 6, "Onion Creek Ranch", from which a
8 cotton gin spindle set for reference bears S46°29'20"E, 25.10 feet;

9 18) S34°51'10"E, 115.94 feet to the calculated south corner
10 of said Lot 6, being the west corner of Lot 7, "Onion Creek Ranch",
11 from said calculated corner, a 1/2" iron rod found for the common
12 front corner of Lot 6 and said Lot 7, bears N54°35'38"E, 881.31 feet;

13 19) S34°58'00"E, 249.36 feet to the calculated south corner
14 of said Lot 7, being the west corner of Lot 8, "Onion Creek Ranch",
15 from which a cotton gin spindle set for reference bears S31°45'11"E,
16 39.10 feet;

17 20) S34°59'43"E, 265.58 feet to the calculated south corner
18 of said Lot 8, being the west corner of Lot 9, "Onion Creek Ranch",
19 from which a cotton gin spindle set for reference bears N15°34'10"W,
20 44.83 feet;

21 21) S38°03'26"E, 166.09 feet to the calculated south corner
22 of said Lot 9, being the west corner of Lot 10, "Onion Creek Ranch",
23 from which a 1/2" iron rod found for the common east corner of said
24 Lot 9 and Lot 10, bears N65°58'15"E, 895.71 feet and a cotton gin
25 spindle set for reference bears S17°14'52"E, 88.24 feet;

26 22) S04°43'33"E, 96.82 feet to the calculated southwest
27 corner of said Lot 10, being the northwest corner of Lot 11, "Onion

1 Creek Ranch", from which a 1/2" iron rod found for the common east
2 corner of said Lot 10 and Lot 11, bears N88°35'17"E, 882.00 feet and
3 a cotton gin spindle set for reference bears S56°06'07"W, 21.91
4 feet;

5 23) S04°49'35"E, 294.73 feet to an angle point, from which a
6 cotton gin spindle set for reference bears S45°52'36"W, 2.36 feet;

7 24) S08°56'55"W, 526.01 feet to a calculated angle point on
8 the west line of Lot 13, "Onion Creek Ranch", from which a 100d nail
9 set for reference bears S05°50'22"E, 124.61 feet;

10 25) S11°13'40"E, at 599.04 feet pass the calculated
11 southwest corner of Lot 15, "Onion Creek Ranch", from which a 1/2"
12 iron rod found for the common east corner of said Lot 15 and Lot 16,
13 "Onion Creek Ranch", bears N88°34'04"E, 826.89 feet, and continuing
14 for a total distance of 636.74 feet to a calculated angle point,
15 from which a 100d nail set for reference bears S59°05'05"W, 41.41
16 feet;

17 26) S16°48'00"W, 222.06 feet to the calculated southwest
18 corner of said Lot 16, "Onion Creek Ranch";

19 THENCE, S63°57'25"W, 6.10 feet to a calculated point in the
20 center of Onion Creek for the northwest corner of that 331.26 acre
21 tract conveyed to R. L. Struhall by deed recorded in Volume 226,
22 Page 633 of the said Deed Records;

23 THENCE, along the west line of the said 331.26 acre tract,
24 being the east line of the 100 acre tract (Tract 2) and the 288 acre
25 tract described above, with the centerline of Onion Creek, for the
26 following thirteen (13) courses:

27 1) S26°38'17"W, 342.88 feet to a calculated point, from

1 which a cotton gin spindle set for reference bears N38°46'17"E,
2 75.98 feet;

3 2) S28°39'17"W, 315.55 feet to a calculated point, from
4 which a cotton gin spindle set for reference bears N61°51'06"E,
5 24.65 feet;

6 3) S22°31'17"W, 359.14 feet to a calculated point;

7 4) S16°18'43"E, 467.30 feet to a calculated point;

8 5) S17°10'43"E, 266.81 feet to a calculated point;

9 6) S25°12'43"E, 91.93 feet to a calculated point;

10 7) S34°24'43"E, 293.21 feet to a calculated point;

11 8) S36°58'43"E, 312.92 feet to a calculated point;

12 9) S41°11'43"E, 251.02 feet to a calculated point;

13 10) S52°15'43"E, 120.82 feet to a calculated point;

14 11) S63°34'43"E, 223.03 feet to a calculated point;

15 12) S10°53'43"E, 179.29 feet to a calculated point;

16 13) S40°43'43"E, 275.34 feet to the calculated southwest
17 corner of the said 331.26 acre tract, being on or near the north
18 line of the aforesaid 100 acre tract;

19 THENCE, N89°25'17"E, with the south line of the 331.26 acre
20 tract and north line of the said 100 acre tract, at a distance of
21 474.40 feet pass a 1/2" iron rod found 0.70 feet to the north for an
22 angle point on the north line of the aforesaid 44.1134 acre tract,
23 at a distance of 2255.00 feet pass a 5/8" iron pipe found for the
24 southeast corner of the said 331.26 acre tract, for a total distance
25 of 2255.80 feet to the calculated point of intersection of this
26 south line with the west right-of-way line of State Highway FM 1826
27 (80.00' right-of-way), from which a TxDOT Type I concrete monument

1 found 40.00 feet right of State Highway centerline station
2 573+08.2, bears N25°31'18"E, 282.85 feet, said calculated point
3 being the northeast corner of the 44.1134 acre tract described
4 above;

5 THENCE, with the common north right-of-way line of State
6 Highway FM 1826 and south line of the said 44.1134 acre tract and
7 the 288 acre tract, for the following fourteen (14) courses:

8 1) S25°31'18"W, 505.14 feet to a TxDOT Type I concrete
9 monument found 40.00 feet right of State Highway centerline station
10 580+96.2, for the point of curvature of a non-tangent curve to the
11 right;

12 2) With the said curve to the right, having a central angle
13 of 67°57'41", a radius of 1105.92 feet, a long chord of 1236.23 feet
14 (chord bears S59°33'48"W), for an arc distance of 1311.78 feet to a
15 TxDOT Type I concrete monument found 40.00 feet right of State
16 Highway centerline station 594+56.2;

17 3) N86°27'23"W, 643.70 feet to a calculated angle point
18 40.00 feet right of State Highway centerline station 601+00, from
19 which a TxDOT Type I concrete monument found bears S37°20'38"W, 0.41
20 feet;

21 4) N75°08'47"W, 101.98 feet to a calculated angle point
22 60.00 feet right of State Highway centerline station 602+00.0, from
23 which a TxDOT Type I concrete monument found, bears S59°36'59"W,
24 0.62 feet;

25 5) N86°28'15"W, at a distance of 188.71 feet pass the
26 calculated southeast corner of the above said 44.1134 acre tract,
27 for a total distance of 399.82 feet to a TxDOT Type I concrete

1 monument found 60.00 feet right of State Highway centerline station
2 606+00.0;

3 6) $S82^{\circ}14'29''W$, 101.93 feet to a TxDOT Type I concrete
4 monument found 40.00 feet right of State Highway centerline station
5 607+00.0;

6 7) $N86^{\circ}24'35''W$, 95.03 feet to a TxDOT Type I concrete
7 monument found 40.00 feet right of State Highway centerline station
8 607+94.8, for the point of curvature of a non-tangent curve to the
9 right;

10 8) With the said curve to the right, having a central angle
11 of $22^{\circ}45'43''$, a radius of 1392.39 feet, a long chord of 549.53 feet
12 (chord bears $N75^{\circ}04'48''W$), for an arc distance of 553.16 feet to a
13 TxDOT Type I concrete monument found 40.00 feet right of State
14 Highway centerline station 613+64.0;

15 9) $N63^{\circ}38'40''W$, 229.74 feet to a calculated point 40.00 feet
16 right of State Highway centerline station 615+94.5, from which a
17 TxDOT Type I concrete monument found bears $N19^{\circ}18'05''W$, 0.71 feet
18 and a TxDOT Type I concrete monument found, 40.00 feet left of
19 centerline station 615+94.5, bears $S26^{\circ}48'33''E$, 79.92 feet, said
20 calculated point being the point of curvature of a non-tangent
21 curve to the left;

22 10) With the said curve to the left, having a central angle
23 of $49^{\circ}34'00''$, a radius of 1185.92 feet, a long chord of 994.25 feet
24 (chord bears $N88^{\circ}25'32''W$), for an arc distance of 1025.94 feet to a
25 TxDOT Type I concrete monument found, 40.00 feet right of State
26 Highway centerline station 625+85.8, from which a TxDOT Type I
27 concrete monument found, being 40.00 feet left of State Highway

1 centerline station 625+85.8, bears S23°04'30"E, 79.56 feet;

2 11) S66°47'28"W, 428.70 feet to a calculated point 40.00
3 feet right of State Highway centerline station 630+14.5, from which
4 a TxDOT Type I concrete monument found bears N57°25'35"W, 0.42 feet
5 and a found TxDOT Type I concrete monument found 40.00 feet left of
6 State Highway centerline station 630+14.5, bears S23°05'58"E, 80.09
7 feet, said calculated point being the point of curvature of a
8 non-tangent curve to the right;

9 12) With the said curve to the right, having a central angle
10 of 24°24'00", a radius of 1105.92 feet, a long chord of 467.42 feet
11 (chord bears S78°59'28"W), for an arc distance of 470.97 feet to a
12 TxDOT Type I concrete monument found 40.00 feet right of State
13 Highway centerline station 635+02.5;

14 13) N88°48'32"W, 1094.41 feet to a TxDOT Type I concrete
15 monument found 40.00 feet right of State Highway centerline station
16 645+97.4, being the point of curvature of a curve to the right;

17 14) With the said curve to the right, having a central angle
18 of 00°53'27", a radius of 5689.58 feet, a long chord of 88.47 feet
19 (chord bears N88°22'12"W), for an arc distance of 88.47 feet to a
20 calculated point for corner, from which a 1/2" iron rod found for
21 the southeast corner of a 0.50 acre tract conveyed to Horance
22 Seiders by deed recorded in Volume 501, Page 767 of the said Deed
23 Records, bears S10°19'07"E, 0.07 feet;

24 THENCE, N10°19'07"W, with the east line of the said 0.50 acre
25 tract, at a distance of 513.40 feet pass a 1/2" iron rod found, for a
26 total distance of 662.29 feet to a 1/2" iron rod found for the most
27 northerly corner of the aforesaid 0.50 acre tract, being the

1 northeast corner of afore said 12.00 acre tract;

2 THENCE, S88°20'55"W, with the north line of the 12.00 acre
3 tract, 867.39 feet to the POINT OF BEGINNING, CONTAINING within
4 these metes and bounds 500.286 acres of land area, SAVE and EXCEPT
5 the following 5.336 acres, being all of that 5.2 acre tract conveyed
6 to Christella Alberado by deed recorded in Volume 302, Page 484 of
7 the said Deed Records and is more particularly described by metes
8 and bounds as follows:

9 COMMENING at the 5/8" iron rod found for the northeast corner
10 of the 10.283 acre tract described above as the POINT OF REFERENCE:

11 THENCE, N86°13'55"E, with the south line of the above said 100
12 acre tract, for a distance of 49.97 feet to a 1/2" iron rod found for
13 the northwest corner of the said 5.2 acre tract and the POINT OF
14 BEGINNING of the herein described tract;

15 THENCE, N86°22'32"E, with the north line of the said 5.2 acre
16 tract, 314.54 feet to a 1/2" iron rod found for an angle point;

17 THENCE, N87°39'46"E, 436.49 feet to a 1/2" iron rod found for
18 the northeast corner of the said 5.2 acre tract;

19 THENCE, S05°36'14"W, 310.15 feet to a 60d nail found in a
20 fence corner post for the southeast corner of the said 5.2 acre
21 tract;

22 THENCE, S86°53'23"W, 377.12 feet to a 1/2" iron rod found for
23 an angle point;

24 THENCE, S87°09'18"W, 372.19 feet to a 1/2" iron rod found for
25 the southwest corner of the said 5.2 acre tract;

26 THENCE, N05°15'47"E, 311.23 feet to the POINT OF BEGINNING of
27 the herein described tract, CONTAINING within these metes and

1 bounds 5.336 acres of land area, SAVED AND EXCEPTED from the 500.286
2 acre tract described above, for a total NET AREA of 494.950 acres of
3 land area.

4 Except as noted, "1/2 inch iron rod set" denotes a 1/2 inch iron
5 rod, with a plastic cap marked "Capital Surveying Company, Inc.",
6 set for corner.

7 The bearings shown in this survey are grid bearings based on the
8 Texas State Plane Coordinate System, NAD 83 (HARN) Datum, South
9 Central Zone, derived by Global Positioning Systems surveys

10 FIELDNOTE DESCRIPTION of a tract or parcel of land containing
11 44.1722 acres situated in the Freelove Woody Survey No. 23,
12 Abstract No. 20, Hays County, Texas, being all of that portion of
13 the 100 acre tract lying east of State Highway FM 1826, conveyed to
14 Masa Scott Roberts by the deed recorded in Volume 301, Page 865 of
15 the Deed Records of Hays County, Texas; the herein described
16 44.1722 acre tract is more particularly described by metes and
17 bounds as follows:

18 BEGINNING at a 1/2" iron rod found, with plastic cap marked
19 "Capital Surveying Company, Inc.", at the intersection of the north
20 line of the said 100 acre tract with the east right-of-way line of
21 State Highway FM 1826 (80' right-of-way), being the most westerly
22 corner of that 1060.214 acre tract, described as Tract 2, conveyed
23 to LSM Ranch, Ltd. by the deed recorded in Volume 1628, Page 206 of
24 the said Deed Records and bears S25°31'20"W, 242.50 feet from a
25 TxDOT Type I concrete monument found 40.00 feet left of State
26 Highway centerline station 573+08.2;

27 THENCE, N88°31'49"E, with the south line of the 1060.214 acre

1 tract, 1594.81 feet to a 1/2" iron rod found for an interior corner
2 of the said 1060.214 acre tract and the northeast corner of the said
3 100 acre tract;

4 THENCE, S00°59'15"E, at a distance of 523.55 feet pass a 1/2"
5 iron rod, with plastic cap marked "4542", for a southwest corner of
6 the aforesaid 1060.214 acre tract and an interior northwest corner
7 of that 700.03 acre tract conveyed to John Richard Rutherford by the
8 deed recorded in Volume 1214, Page 548 of the said Deed Records, and
9 continuing for a total distance of 1039.05 feet to a 60d nail found
10 in a fence corner post for an interior corner of the said 700.03
11 acre tract and the southeast corner of the aforesaid 100 acre tract;

12 THENCE, S88°43'28"W, with the common line between the 700.03
13 acre tract and the 100 acre tract, at a distance of 2005.26 feet
14 pass a 1/2" iron rod found for the most westerly corner of the said
15 700.03 acre tract, for a total distance of 2005.48 feet to the
16 calculated intersection of this common line with the northeast
17 right-of-way line of State Highway FM 967 (80' right-of-way);

18 THENCE, N41°10'54"W, with the northeast right-of-way line of
19 State Highway FM 967, 85.90 feet to a TxDOT Type I concrete monument
20 found at an angle point;

21 THENCE, N01°43'24"W, continuing with the northeast
22 right-of-way line of State Highway FM 967, for a distance of 110.39
23 feet to a TxDOT Type I concrete monument found for an angle point at
24 the existing right-of-way intersection with State Highway FM 1826;

25 THENCE, N30°05'26"E, leaving the northeast right-of-way line
26 of State Highway FM 967, with the occupied east right-of-way line of
27 State Highway FM 1826, for a distance of 435.14 feet to a TxDOT Type

1 I concrete monument found 40.00 feet left of State Highway
2 centerline station 580+96.2;

3 THENCE, N25°31'22"E, continuing across the 100 acre tract,
4 with the east right-of-way line of State Highway FM 1826, for a
5 distance of 544.25 feet to the POINT OF BEGINNING, CONTAINING
6 within these metes and bounds 44.1722 acres of land area;

7 The bearings shown in this survey are grid bearings based on the
8 Texas State Plane Coordinate System, NAD 83 (HARN) Datum, South
9 Central Zone, derived by Global Positioning Systems surveys

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

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

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

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

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