

SENATE AMENDMENTS

2nd Printing

By: Rose

H.B. No. 4825

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) "City council" means the governing body of the
City of Dripping Springs.

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

(4) "Director" means a member of the board.

(5) "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

1 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
2 Texas Constitution, and other public purposes stated in this
3 chapter. By creating the district, the legislature has established
4 a program to accomplish the public purposes set out in Section 52-a,
5 Article III, Texas Constitution.

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

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

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

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

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

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment; and

2 (3) developing commerce in the state.

3 (d) The district will:

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

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

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

14 Sec. 3858.005. DISTRICT TERRITORY. (a) The district is
15 composed of the territory described by Section 2 of the Act creating
16 this chapter, as the territory may have been modified under:

17 (1) Section 375.043 or 375.044, Local Government Code;
18 or

19 (2) other law.

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

25 (1) the district's organization, existence, or
26 validity;

27 (2) the district's right to contract, including the

right to issue an obligation for a purpose for which the district is created;

(3) the district's right to impose or collect an assessment, tax, or other revenue; or

(4) the legality or operation of the board.

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

[Sections 3858.007-3858.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

Sec. 3858.052. APPOINTMENT OF DIRECTORS. The board consists of the following directors:

(1) Position 1: a person appointed by the commissioners court;

(2) Position 2: a person appointed by the commissioners court;

(3) Position 3: a person appointed by the city council;

(4) Position 4: a person appointed by the city council; and

(5) Position 5: a person appointed by the commissioners court, who must be the individual who owns more property in the district than any other individual except that if

1 the commissioners court is unable to identify a person qualified
2 for Position 5 who is willing and able to serve, the commissioners
3 court shall appoint to the place a person who is:

4 (A) at least 18 years old; and

5 (B) a resident of this state.

6 Sec. 3858.053. VACANCY. A vacancy in the office of director
7 shall be filled for the unexpired term by appointment in the same
8 manner as the office was previously filled under Section 3858.052.

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

13 (b) If the commissioners court receives a petition under
14 Subsection (a), the commissioners court shall order an election of
15 board members in the district.

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

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

23 Sec. 3858.055. DIRECTOR'S BOND AND OATH. (a) Section
24 375.067, Local Government Code, does not apply to a director.

25 (b) Each director shall file the director's constitutional
26 oath of office with the district, and the district shall retain the
27 oath in the district's records.

Sec. 3858.056. INITIAL DIRECTORS. (a) The initial board 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>Ginger Faught</u> |
| <u>4</u> | <u>Ken Manning</u> |
| <u>5</u> | <u>Michelle Fischer</u> |

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

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

(d) This section expires June 1, 2014.

[Sections 3858.057-3858.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

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

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

(A) irrigation facilities and landscaping;

1 (B) highway right-of-way or transit corridor
2 beautification and improvement;

3 (C) lighting, banners, and signs;

4 (D) a street or sidewalk;

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

6 (F) a park, lake, garden, recreational facility,
7 sports facility, open space, scenic area, or related exhibit or
8 preserve;

9 (G) a fountain, plaza, or pedestrian mall;

10 (H) a drainage or storm-water detention
11 improvement;

12 (I) a wastewater treatment and disposal
13 facility;

14 (J) a water quality protection facility;

15 (K) a facility to enhance groundwater recharge;

16 (L) an alternative energy facility; or

17 (M) solid waste management services, including
18 garbage collection, recycling, and composting;

19 (2) the planning, design, construction, acquisition,
20 lease, rental, improvement, maintenance, installation, and
21 management of and provision of furnishings for a facility for:

22 (A) a conference, convention, or exhibition;

23 (B) a manufacturer, consumer, or trade show;

24 (C) a civic, community, or institutional event;

25 or

26 (D) an exhibit, display, attraction, special
27 event, or seasonal or cultural celebration or holiday; or

1 (3) a special or supplemental service for the
2 improvement and promotion of the district or an area adjacent to the
3 district for the protection of public health and safety in or
4 adjacent to the district, including:

5 (A) advertising;

6 (B) promotion;

7 (C) tourism;

8 (D) health and sanitation;

9 (E) public safety;

10 (F) security;

11 (G) fire protection or emergency medical
12 services;

13 (H) business recruitment;

14 (I) development;

15 (J) elimination of traffic congestion;

16 (K) recreational, educational, or cultural
17 improvements, enhancements, and services; or

18 (L) any similar public improvement, facility, or
19 service.

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

23 Sec. 3858.103. CONTRACTS; GIFTS; DONATIONS. The district
24 may:

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

27 (A) the payment, repayment, or reimbursement of

costs incurred by that person on behalf of the district, including all or part of the costs of an improvement project and interest on the reimbursed costs;

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

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

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

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

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

(1) to administer or operate the district;

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

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

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

Sec. 3858.105. COMPETITIVE BIDDING. Section 375.221, Local

Government Code, does not apply to the formation of a district contract.

Sec. 3858.106. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 3858.107-3858.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 3858.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The board by resolution shall establish the number of directors' signatures and the procedure required for a disbursement or transfer of the district's money.

Sec. 3858.152. NO AUTHORITY TO ISSUE BONDS. The district may not issue bonds.

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

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

(1) maintain and operate the district;

(2) construct or acquire improvements; or

(3) provide a service.

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

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

Sec. 3858.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

The board by resolution may impose and collect an assessment for any purpose authorized by this chapter.

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

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

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

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

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

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

Sec. 3858.155. SALES AND USE TAX. (a) Except as otherwise provided by this section, Subtitles A and B, Title 2, Tax Code, and Chapter 151, Tax Code, apply to a tax imposed under this section and

1 to the administration and enforcement of that tax in the same manner
2 that those laws apply to a state tax.

3 (b) Except as otherwise provided by this chapter, Chapter
4 321, Tax Code, applies to the imposition, computation,
5 administration, and governance of a sales and use tax imposed under
6 this section, except that Section 321.101, Tax Code, does not
7 apply.

8 (c) The board may impose a tax on the receipts from the sale
9 at retail of taxable items within the district, and an excise tax on
10 the use, storage, or other consumption in the district of taxable
11 items purchased, leased, or rented from a retailer in the district.

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

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

17 Sec. 3858.156. HOTEL OCCUPANCY TAX. The district may
18 impose a hotel occupancy tax in the manner that Chapter 351, Tax
19 Code, provides for a municipality. A tax imposed under this section
20 may not exceed seven percent of the price paid for lodging in the
21 district.

22 Sec. 3858.157. ACCOUNTING. (a) On the conclusion of each
23 fiscal year, the board shall obtain from an independent entity a
24 review of the district's financial activities for the preceding
25 fiscal year.

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

1 (1) the findings of a review under Subsection (a);
2 (2) if not included in the review, accounting records
3 of the preceding fiscal year; and
4 (3) a summary of the activities of the district during
5 the preceding fiscal year.

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

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

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

27 BEGINNING at a 1/2" iron rod found in the east right-of-way

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1 line of State Highway FM 150 (80' right-of-way), being the west line
2 of the above said 288 acre tract, for the northwest corner of a
3 12.00 acre tract conveyed to Horance Seiders and Violet Seiders by
4 deed recorded in Volume 354, Page 763 of the said Deed Records, said
5 1/2" iron rod found bears N07°53'25"W, 329.46 feet from a TxDOT Type
6 I concrete right-of-way monument found 40.00 feet left of State
7 Highway FM 150 centerline station 281+96.9;

8 THENCE, N07°53'25"W, with the east right-of-way line of State
9 Highway FM 150, a distance of 663.25 feet to a 1/2" iron rod found
10 for the southwest corner of that 12.46 acre tract conveyed to
11 Rudolph Kranse and Gregory Hargis by deed recorded in Volume 771,
12 Page 651 of the said Deed Records, said 1/2" iron rod found bears
13 S07°53'25"E, 73.86 feet from a TxDOT Type I concrete right-of-way
14 monument found 40.00 feet left of State Highway centerline station
15 271+30.4;

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

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

22 THENCE, S89°02'53"W, with the north deed line of the said
23 12.46 acre tract, 77.37 feet to the calculated point of
24 intersection of this north deed line, with the east deed line of
25 that 5.2506 acre tract conveyed to Kathleen Collins and Thomas
26 Wendt by deed recorded in Volume 1427, Page 454 of the said Deed
27 Records, said 5.2506 acre tract being a portion of that 10.283 acre

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1 tract described in the deed to Warren Dunn, Jr. recorded in Volume
2 1376, Page 684 of the said Deed Records, the said calculated point
3 bears N05°17'08"E, 2.95 feet from a 1/2" iron rod found for the
4 southeast corner of the aforesaid 10.283 acre tract;

5 THENCE, N05°17'08"E, with the east line of the 10.283 acre
6 tract, at a distance of 131.06 feet (record distance) pass the
7 common east corner of the said 5.2506 acre tract and a 5.04 acre
8 tract described in a deed to Michael Dunn and recorded in Volume
9 1296, Page 414 of the said Deed Records, and continuing for a total
10 distance of 618.54 feet to a 5/8" iron rod found for the northeast
11 corner of the said 10.283 acre tract and the 5.04 acre tract, being
12 on the apparent common line between the above said 288 acre tract
13 and the 100 acre tract, same being the POINT OF REFERENCE for the
14 5.336 acre tract described below;

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

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

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

7 THENCE, N08°44'17"W, with the east line of Lot 1-D, being the
8 west line of the said 0.83 acre tract, 101.46 feet to a 1/2" iron rod
9 found for an angle point;

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

16 THENCE, S69°54'59"E, with the north line of the said 0.83 acre
17 tract, 18.34 feet to a cotton gin spindle found in rock, for the
18 southeast corner of said Lot 1-B, being the southwest corner of Lot
19 2, Block 'B', "Creek of Driftwood Subdivision", a subdivision
20 recorded in Volume 8, Page 246 of the said Plat Records;

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

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

27 2) N89°33'24"E, 514.79 feet to the calculated southeast

corner of said Lot 2, Block 'B';

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

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

5) N59°58'53"E, 562.38 feet to the calculated southeast corner of the 9.583 acre tract, being the southwest corner of Lot 34, "Driftwood Falls Estates", a subdivision recorded in Volume 4, Page 111 of the said Plat Records;

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

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

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

1 point;

2 9) N13°19'47"W, at 68.75 feet pass a 1/2" iron rod found 0.31
3 feet to the east, at a distance of 179.17 feet pass a 1/2" iron rod
4 found 0.06 feet to the east for the northeast corner of Lot 45,
5 "Driftwood Falls Estates", from which a 1/2" iron rod found for the
6 northwest corner of said Lot 45, bears N82°23'39"E, 666.13 feet, and
7 continuing for a total distance of 568.40 feet to a calculated angle
8 point, from which a 100d nail set for reference bears N75°41'33"W,
9 16.29 feet;

10 10) N03°18'47"W, at a distance of 54.87 feet pass the
11 calculated northeast corner of Lot 49, "Driftwood Falls Estates",
12 from which a 1/2" iron rod found for the northwest corner of said
13 Lot 49, bears S82°13'14"W, 632.97 feet, continuing for a total
14 distance of 281.50 feet to the calculated southeast corner of Lot
15 53, "Driftwood Falls Estates", from which a 100d nail set for
16 reference bears N36°16'47"W, 63.79 feet;

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

22 12) N75°22'14"E, 537.60 feet to the calculated southeast
23 corner of Lot 5, being the southwest corner of Lot 6, "Pier Branch",
24 from which a cotton gin spindle set for reference bears S72°04'16"W,
25 122.85 feet;

26 13) S89°14'47"E, at 384.70 feet pass the calculated
27 southeast corner of said Lot 6, "Pier Branch" and continuing for a

1 total distance of 405.32 feet to a calculated point on the southwest
2 line of Lot 4, "Onion Creek Ranch", a subdivision recorded in Volume
3 8, Page 65 of the said Plat Records;

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

6 15) S46°24'35"E, at 58.92 feet pass the calculated southeast
7 corner of said Lot 4, being the most westerly corner of Lot 5,
8 "Onion Creek Ranch", for a total distance of 218.49 feet to a
9 calculated angle point, from which a cotton gin spindle set for
10 reference bears N03°41'39"W, 28.36 feet;

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

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

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

21 19) S34°58'00"E, 249.36 feet to the calculated south corner
22 of said Lot 7, being the west corner of Lot 8, "Onion Creek Ranch",
23 from which a cotton gin spindle set for reference bears S31°45'11"E,
24 39.10 feet;

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

1 44.83 feet;

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

7 22) S04°43'33"E, 96.82 feet to the calculated southwest
8 corner of said Lot 10, being the northwest corner of Lot 11, "Onion
9 Creek Ranch", from which a 1/2" iron rod found for the common east
10 corner of said Lot 10 and Lot 11, bears N88°35'17"E, 882.00 feet and
11 a cotton gin spindle set for reference bears S56°06'07"W, 21.91
12 feet;

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

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

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

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

27 THENCE, S63°57'25"W, 6.10 feet to a calculated point in the

center of Onion Creek for the northwest corner of that 331.26 acre tract conveyed to R. L. Struhall by deed recorded in Volume 226, Page 633 of the said Deed Records;

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

1) S26°38'17"W, 342.88 feet to a calculated point, from which a cotton gin spindle set for reference bears N38°46'17"E, 75.98 feet;

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

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

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

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

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

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

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

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

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

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

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

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

THENCE, N89°25'17"E, with the south line of the 331.26 acre

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1 tract and north line of the said 100 acre tract, at a distance of
2 474.40 feet pass a 1/2" iron rod found 0.70 feet to the north for an
3 angle point on the north line of the aforesaid 44.1134 acre tract,
4 at a distance of 2255.00 feet pass a 5/8" iron pipe found for the
5 southeast corner of the said 331.26 acre tract, for a total distance
6 of 2255.80 feet to the calculated point of intersection of this
7 south line with the west right-of-way line of State Highway FM 1826
8 (80.00' right-of-way), from which a TxDOT Type I concrete monument
9 found 40.00 feet right of State Highway centerline station
10 573+08.2, bears N25°31'18"E, 282.85 feet, said calculated point
11 being the northeast corner of the 44.1134 acre tract described
12 above;

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

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

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

25 3) N86°27'23"W, 643.70 feet to a calculated angle point
26 40.00 feet right of State Highway centerline station 601+00, from
27 which a TxDOT Type I concrete monument found bears S37°20'38"W, 0.41

1 feet;

2 4) N75°08'47"W, 101.98 feet to a calculated angle point
3 60.00 feet right of State Highway centerline station 602+00.0, from
4 which a TxDOT Type I concrete monument found, bears S59°36'59"W,
5 0.62 feet;

6 5) N86°28'15"W, at a distance of 188.71 feet pass the
7 calculated southeast corner of the above said 44.1134 acre tract,
8 for a total distance of 399.82 feet to a TxDOT Type I concrete
9 monument found 60.00 feet right of State Highway centerline station
10 606+00.0;

11 6) S82°14'29"W, 101.93 feet to a TxDOT Type I concrete
12 monument found 40.00 feet right of State Highway centerline station
13 607+00.0;

14 7) N86°24'35"W, 95.03 feet to a TxDOT Type I concrete
15 monument found 40.00 feet right of State Highway centerline station
16 607+94.8, for the point of curvature of a non-tangent curve to the
17 right;

18 8) With the said curve to the right, having a central angle
19 of 22°45'43", a radius of 1392.39 feet, a long chord of 549.53 feet
20 (chord bears N75°04'48"W), for an arc distance of 553.16 feet to a
21 TxDOT Type I concrete monument found 40.00 feet right of State
22 Highway centerline station 613+64.0;

23 9) N63°38'40"W, 229.74 feet to a calculated point 40.00 feet
24 right of State Highway centerline station 615+94.5, from which a
25 TxDOT Type I concrete monument found bears N19°18'05"W, 0.71 feet
26 and a TxDOT Type I concrete monument found, 40.00 feet left of
27 centerline station 615+94.5, bears S26°48'33"E, 79.92 feet, said

1 calculated point being the point of curvature of a non-tangent
2 curve to the left;

3 10) With the said curve to the left, having a central angle
4 of $49^{\circ}34'00''$, a radius of 1185.92 feet, a long chord of 994.25 feet
5 (chord bears $N88^{\circ}25'32''W$), for an arc distance of 1025.94 feet to a
6 TxDOT Type I concrete monument found, 40.00 feet right of State
7 Highway centerline station 625+85.8, from which a TxDOT Type I
8 concrete monument found, being 40.00 feet left of State Highway
9 centerline station 625+85.8, bears $S23^{\circ}04'30''E$, 79.56 feet;

10 11) $S66^{\circ}47'28''W$, 428.70 feet to a calculated point 40.00
11 feet right of State Highway centerline station 630+14.5, from which
12 a TxDOT Type I concrete monument found bears $N57^{\circ}25'35''W$, 0.42 feet
13 and a found TxDOT Type I concrete monument found 40.00 feet left of
14 State Highway centerline station 630+14.5, bears $S23^{\circ}05'58''E$, 80.09
15 feet, said calculated point being the point of curvature of a
16 non-tangent curve to the right;

17 12) With the said curve to the right, having a central angle
18 of $24^{\circ}24'00''$, a radius of 1105.92 feet, a long chord of 467.42 feet
19 (chord bears $S78^{\circ}59'28''W$), for an arc distance of 470.97 feet to a
20 TxDOT Type I concrete monument found 40.00 feet right of State
21 Highway centerline station 635+02.5;

22 13) $N88^{\circ}48'32''W$, 1094.41 feet to a TxDOT Type I concrete
23 monument found 40.00 feet right of State Highway centerline station
24 645+97.4, being the point of curvature of a curve to the right;

25 14) With the said curve to the right, having a central angle
26 of $00^{\circ}53'27''$, a radius of 5689.58 feet, a long chord of 88.47 feet
27 (chord bears $N88^{\circ}22'12''W$), for an arc distance of 88.47 feet to a

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1 calculated point for corner, from which a 1/2" iron rod found for
2 the southeast corner of a 0.50 acre tract conveyed to Horance
3 Seiders by deed recorded in Volume 501, Page 767 of the said Deed
4 Records, bears S10°19'07"E, 0.07 feet;

5 THENCE, N10°19'07"W, with the east line of the said 0.50 acre
6 tract, at a distance of 513.40 feet pass a 1/2" iron rod found, for a
7 total distance of 662.29 feet to a 1/2" iron rod found for the most
8 northerly corner of the aforesaid 0.50 acre tract, being the
9 northeast corner of afore said 12.00 acre tract;

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

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

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

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

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

27 THENCE, S05°36'14"W, 310.15 feet to a 60d nail found in a

1 fence corner post for the southeast corner of the said 5.2 acre
2 tract;

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

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

7 THENCE, N05°15'47"E, 311.23 feet to the POINT OF BEGINNING of
8 the herein described tract, CONTAINING within these metes and
9 bounds 5.336 acres of land area, SAVED AND EXCEPTED from the 500.286
10 acre tract described above, for a total NET AREA of 494.950 acres of
11 land area.

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

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

18 FIELDNOTE DESCRIPTION of a tract or parcel of land containing
19 44.1722 acres situated in the Freelove Woody Survey No. 23,
20 Abstract No. 20, Hays County, Texas, being all of that portion of
21 the 100 acre tract lying east of State Highway FM 1826, conveyed to
22 Masa Scott Roberts by the deed recorded in Volume 301, Page 865 of
23 the Deed Records of Hays County, Texas; the herein described
24 44.1722 acre tract is more particularly described by metes and
25 bounds as follows:

26 BEGINNING at a 1/2" iron rod found, with plastic cap marked
27 "Capital Surveying Company, Inc.", at the intersection of the north

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1 line of the said 100 acre tract with the east right-of-way line of
2 State Highway FM 1826 (80' right-of-way), being the most westerly
3 corner of that 1060.214 acre tract, described as Tract 2, conveyed
4 to LSM Ranch, Ltd. by the deed recorded in Volume 1628, Page 206 of
5 the said Deed Records and bears S25°31'20"W, 242.50 feet from a
6 TxDOT Type I concrete monument found 40.00 feet left of State
7 Highway centerline station 573+08.2;

8 THENCE, N88°31'49"E, with the south line of the 1060.214 acre
9 tract, 1594.81 feet to a 1/2" iron rod found for an interior corner
10 of the said 1060.214 acre tract and the northeast corner of the said
11 100 acre tract;

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

20 THENCE, S88°43'28"W, with the common line between the 700.03
21 acre tract and the 100 acre tract, at a distance of 2005.26 feet
22 pass a 1/2" iron rod found for the most westerly corner of the said
23 700.03 acre tract, for a total distance of 2005.48 feet to the
24 calculated intersection of this common line with the northeast
25 right-of-way line of State Highway FM 967 (80' right-of-way);

26 THENCE, N41°10'54"W, with the northeast right-of-way line of
27 State Highway FM 967, 85.90 feet to a TxDOT Type I concrete monument

1 found at an angle point;

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

6 THENCE, N30°05'26"E, leaving the northeast right-of-way line
7 of State Highway FM 967, with the occupied east right-of-way line of
8 State Highway FM 1826, for a distance of 435.14 feet to a TxDOT Type
9 I concrete monument found 40.00 feet left of State Highway
10 centerline station 580+96.2;

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

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

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

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor, the
3 lieutenant governor, and the speaker of the house of
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

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

ADOPTED

MAY 27 2009

Atty. Gen.
Secretary of the Senate

By: Wentworth

H.B. No. 4825

Substitute the following for H.B. No. 4825:

By: Wentworth

C.S. H.B. No. 4825

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Subtitle C, Title 4, Special District Local Laws
6 Code, is amended by adding Chapter 3858 to read as follows:

7 CHAPTER 3858. DRIFTWOOD ECONOMIC DEVELOPMENT MUNICIPAL

8 MANAGEMENT DISTRICT

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 3858.001. DEFINITIONS. In this chapter:

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

13 (2) "City council" means the governing body of the
14 City of Dripping Springs.

15 (3) "Commissioners court" means the Hays County
16 Commissioners Court.

17 (4) "Director" means a member of the board.

18 (5) "District" means the Driftwood Economic
19 Development Municipal Management District.

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

23 Sec. 3858.003. PURPOSE; LEGISLATIVE FINDINGS. (a) The
24 creation of the district is essential to accomplish the purposes of

1 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
2 Texas Constitution, and other public purposes stated in this
3 chapter. By creating the district, the legislature has established
4 a program to accomplish the public purposes set out in Section 52-a,
5 Article III, Texas Constitution.

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

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

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

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

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

26 (1) developing and diversifying the economy of the
27 state;

1 (2) eliminating unemployment and underemployment; and

2 (3) developing commerce in the state.

3 (d) The district will:

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

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

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

14 Sec. 3858.005. DISTRICT TERRITORY. (a) The district is
15 composed of the territory described by Section 2 of the Act creating
16 this chapter, as the territory may have been modified under:

17 (1) Section 375.043 or 375.044, Local Government Code;
18 or

19 (2) other law.

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

25 (1) the district's organization, existence, or
26 validity;

27 (2) the district's right to contract, including the

1 right to issue an obligation for a purpose for which the district is
2 created;

3 (3) the district's right to impose or collect an
4 assessment, tax, or other revenue; or

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

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

9 [Sections 3858.007-3858.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

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

15 Sec. 3858.052. APPOINTMENT OF DIRECTORS. The board
16 consists of the following directors:

17 (1) Position 1: a person appointed by the
18 commissioners court;

19 (2) Position 2: a person appointed by the
20 commissioners court;

21 (3) Position 3: a person appointed by the city
22 council;

23 (4) Position 4: a person appointed by the city
24 council; and

25 (5) Position 5: a person appointed by the
26 commissioners court, who must be the individual who owns more
27 property in the district than any other individual except that if

1 the commissioners court is unable to identify a person qualified
2 for Position 5 who is willing and able to serve, the commissioners
3 court shall appoint to the place a person who is:

4 (A) at least 18 years old; and

5 (B) a resident of this state.

6 Sec. 3858.053. VACANCY. A vacancy in the office of director
7 shall be filled for the unexpired term by appointment in the same
8 manner as the office was previously filled under Section 3858.052.

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

13 (b) If the commissioners court receives a petition under
14 Subsection (a), the commissioners court shall order an election of
15 board members in the district.

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

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

23 Sec. 3858.055. DIRECTOR'S BOND AND OATH. (a) Section
24 375.067, Local Government Code, does not apply to a director.

25 (b) Each director shall file the director's constitutional
26 oath of office with the district, and the district shall retain the
27 oath in the district's records.

1 Sec. 3858.056. INITIAL DIRECTORS. (a) The initial board
2 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>Ginger Faught</u> |
| <u>4</u> | <u>Ken Manning</u> |
| <u>5</u> | <u>Michelle Fischer</u> |

9 (b) The terms of the initial directors appointed for
10 positions 1 through 3 expire June 1, 2013, and the terms of the
11 initial directors appointed for positions 4 and 5 expire June 1,
12 2011.

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

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

15 [Sections 3858.057-3858.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 3858.101. GENERAL POWERS AND DUTIES. The district has
18 the powers and duties necessary to accomplish the purposes for
19 which the district was created.

20 Sec. 3858.102. IMPROVEMENT PROJECTS. (a) The district may
21 provide, or it may enter into contracts with a governmental or
22 private entity to provide, the following types of improvement
23 projects or activities in support of or incidental to those
24 projects:

25 (1) the planning, design, construction, improvement,
26 operation, and maintenance of:

27 (A) irrigation facilities and landscaping;

1 (B) highway right-of-way or transit corridor
2 beautification and improvement;
3 (C) lighting, banners, and signs;
4 (D) a street or sidewalk;
5 (E) a hiking or cycling path or trail;
6 (F) a park, lake, garden, recreational facility,
7 sports facility, open space, scenic area, or related exhibit or
8 preserve;
9 (G) a fountain, plaza, or pedestrian mall;
10 (H) a drainage or storm-water detention
11 improvement;
12 (I) a wastewater treatment and disposal
13 facility;
14 (J) a water quality protection facility;
15 (K) a facility to enhance groundwater recharge;
16 (L) an alternative energy facility; or
17 (M) solid waste management services, including
18 garbage collection, recycling, and composting;
19 (2) the planning, design, construction, acquisition,
20 lease, rental, improvement, maintenance, installation, and
21 management of and provision of furnishings for a facility for:
22 (A) a conference, convention, or exhibition;
23 (B) a manufacturer, consumer, or trade show;
24 (C) a civic, community, or institutional event;
25 or
26 (D) an exhibit, display, attraction, special
27 event, or seasonal or cultural celebration or holiday; or

1 (3) a special or supplemental service for the
2 improvement and promotion of the district or for the protection of
3 public health and safety in the district, including:

4 (A) advertising;

5 (B) promotion;

6 (C) tourism;

7 (D) health and sanitation;

8 (E) public safety;

9 (F) security;

10 (G) fire protection or emergency medical
11 services;

12 (H) business recruitment;

13 (I) development;

14 (J) elimination of traffic congestion;

15 (K) recreational, educational, or cultural
16 improvements, enhancements, and services; or

17 (L) any similar public improvement, facility, or
18 service.

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

22 Sec. 3858.103. CONTRACTS; GIFTS; DONATIONS. The district
23 may:

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

26 (A) the payment, repayment, or reimbursement of
27 costs incurred by that person on behalf of the district, including

1 all or part of the costs of an improvement project and interest on
2 the reimbursed costs;

3 (B) the use, occupancy, lease, rental,
4 operation, maintenance, or management of all or part of a proposed
5 or existing improvement project; or

6 (C) the provision of law enforcement services to
7 the district for a fee;

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

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

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

19 (1) to administer or operate the district;

20 (2) for the use, enjoyment, availability, protection,
21 security, and maintenance of the district's property and
22 facilities; or

23 (3) to provide for public safety and security in the
24 district.

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

26 Sec. 3858.105. COMPETITIVE BIDDING. Section 375.221, Local
27 Government Code, does not apply to the formation of a district

1 contract.

2 Sec. 3858.106. NO EMINENT DOMAIN POWER. The district may
3 not exercise the power of eminent domain.

4 [Sections 3858.107-3858.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 3858.151. DISBURSEMENTS AND TRANSFERS OF MONEY. The
7 board by resolution shall establish the number of directors'
8 signatures and the procedure required for a disbursement or
9 transfer of the district's money.

10 Sec. 3858.152. NO AUTHORITY TO ISSUE BONDS. The district
11 may not issue bonds.

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

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

19 (1) maintain and operate the district;

20 (2) construct or acquire improvements; or

21 (3) provide a service.

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

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

27 Sec. 3858.154. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)

1 The board by resolution may impose and collect an assessment for any
2 purpose authorized by this chapter.

3 (b) An assessment, a reassessment, or an assessment
4 resulting from an addition to or correction of the assessment roll
5 by the district, penalties and interest on an assessment or
6 reassessment, an expense of collection, and reasonable attorney's
7 fees incurred by the district:

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

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

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

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

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

24 Sec. 3858.155. SALES AND USE TAX; ELECTION. (a) Except as
25 otherwise provided by this section, Subtitles A and B, Title 2, Tax
26 Code, and Chapter 151, Tax Code, apply to a tax imposed under this
27 section and to the administration and enforcement of that tax in the

1 same manner that those laws apply to a state tax.

2 (b) Except as otherwise provided by this chapter, Chapter
3 321, Tax Code, applies to the imposition, computation,
4 administration, and governance of a sales and use tax imposed under
5 this section.

6 (c) The board may impose a tax on the receipts from the sale
7 at retail of taxable items within the district, and an excise tax on
8 the use, storage, or other consumption in the district of taxable
9 items purchased, leased, or rented from a retailer in the district
10 if authorized by a majority of the voters of the district voting at
11 an election called for that purpose and held in the manner provided
12 by Subchapter L, Chapter 375, Local Government Code.

13 (d) The tax may be imposed in one-eighth of one percent
14 increments not to exceed the rate authorized by the district
15 voters.

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

18 (f) The board may not adopt a sales and use tax if as a
19 result of the adoption of the tax the combined rate of all sales and
20 use taxes imposed by the board and other political subdivisions of
21 this state having territory in the district would exceed two
22 percent at any location in the district.

23 (g) If the voters of the district approve the adoption of
24 the tax at an election held on the same election date on which
25 another political subdivision adopts a sales and use tax or
26 approves an increase in the rate of its sales and use tax and as a
27 result the combined rate of all sales and use taxes imposed by the

1 district and other political subdivisions of this state having
2 territory in the district would exceed two percent at any location
3 in the district, the election to adopt a sales and use tax under
4 this chapter has no effect.

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

10 Sec. 3858.157. ACCOUNTING. (a) On the conclusion of each
11 fiscal year, the board shall obtain from an independent entity a
12 review of the district's financial activities for the preceding
13 fiscal year.

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

16 (1) the findings of a review under Subsection (a);

17 (2) if not included in the review, accounting records
18 of the preceding fiscal year; and

19 (3) a summary of the activities of the district during
20 the preceding fiscal year.

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

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

27 FIELDNOTE DESCRIPTION of a tract or parcel of land containing

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

15 BEGINNING at a 1/2" iron rod found in the east right-of-way
16 line of State Highway FM 150 (80' right-of-way), being the west line
17 of the above said 288 acre tract, for the northwest corner of a
18 12.00 acre tract conveyed to Horance Seiders and Violet Seiders by
19 deed recorded in Volume 354, Page 763 of the said Deed Records, said
20 1/2" iron rod found bears N07°53'25"W, 329.46 feet from a TxDOT Type
21 I concrete right-of-way monument found 40.00 feet left of State
22 Highway FM 150 centerline station 281+96.9;

23 THENCE, N07°53'25"W, with the east right-of-way line of State
24 Highway FM 150, a distance of 663.25 feet to a 1/2" iron rod found
25 for the southwest corner of that 12.46 acre tract conveyed to
26 Rudolph Kranse and Gregory Hargis by deed recorded in Volume 771,
27 Page 651 of the said Deed Records, said 1/2" iron rod found bears

1 S07°53'25"E, 73.86 feet from a TxDOT Type I concrete right-of-way
2 monument found 40.00 feet left of State Highway centerline station
3 271+30.4;

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

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

10 THENCE, S89°02'53"W, with the north deed line of the said
11 12.46 acre tract, 77.37 feet to the calculated point of
12 intersection of this north deed line, with the east deed line of
13 that 5.2506 acre tract conveyed to Kathleen Collins and Thomas
14 Wendt by deed recorded in Volume 1427, Page 454 of the said Deed
15 Records, said 5.2506 acre tract being a portion of that 10.283 acre
16 tract described in the deed to Warren Dunn, Jr. recorded in Volume
17 1376, Page 684 of the said Deed Records, the said calculated point
18 bears N05°17'08"E, 2.95 feet from a 1/2" iron rod found for the
19 southeast corner of the aforesaid 10.283 acre tract;

20 THENCE, N05°17'08"E, with the east line of the 10.283 acre
21 tract, at a distance of 131.06 feet (record distance) pass the
22 common east corner of the said 5.2506 acre tract and a 5.04 acre
23 tract described in a deed to Michael Dunn and recorded in Volume
24 1296, Page 414 of the said Deed Records, and continuing for a total
25 distance of 618.54 feet to a 5/8" iron rod found for the northeast
26 corner of the said 10.283 acre tract and the 5.04 acre tract, being
27 on the apparent common line between the above said 288 acre tract

1 and the 100 acre tract, same being the POINT OF REFERENCE for the
2 5.336 acre tract described below;

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

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

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

22 THENCE, N08°44'17"W, with the east line of Lot 1-D, being the
23 west line of the said 0.83 acre tract, 101.46 feet to a 1/2" iron rod
24 found for an angle point;

25 THENCE, N33°27'31"E, with the west line of the said 0.83 acre
26 tract, at 148.39 feet pass a 1/2" iron rod found for the common east
27 corner of Lot 1-D, and Lot 1-B, of said "Division of Lot 1, The J. V.

1 Ash, Jr. Subdivision", for a total distance of 209.96 feet to a
2 fence corner post found for an angle point in said Lot 1-B, being
3 the most northerly corner of the aforesaid 0.83 acre tract;

4 THENCE, S69°54'59"E, with the north line of the said 0.83 acre
5 tract, 18.34 feet to a cotton gin spindle found in rock, for the
6 southeast corner of said Lot 1-B, being the southwest corner of Lot
7 2, Block 'B', "Creek of Driftwood Subdivision", a subdivision
8 recorded in Volume 8, Page 246 of the said Plat Records;

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

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

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

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

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

23 5) N59°58'53"E, 562.38 feet to the calculated southeast
24 corner of the 9.583 acre tract, being the southwest corner of Lot
25 34, "Driftwood Falls Estates", a subdivision recorded in Volume 4,
26 Page 111 of the said Plat Records;

27 6) N59°52'14"E, 343.26 feet to a calculated point for the

1 southeast corner of said Lot 34, "Driftwood Falls Estates", from
2 which a 1/2" iron rod found with cap, for the northeast corner of
3 aforesaid Lot 34, bears N42°56'02"W, 386.89 feet and a 100d nail set
4 for reference bears N20°35'12"E, 70.23 feet;

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

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

17 9) N13°19'47"W, at 68.75 feet pass a 1/2" iron rod found 0.31
18 feet to the east, at a distance of 179.17 feet pass a 1/2" iron rod
19 found 0.06 feet to the east for the northeast corner of Lot 45,
20 "Driftwood Falls Estates", from which a 1/2" iron rod found for the
21 northwest corner of said Lot 45, bears N82°23'39"E, 666.13 feet, and
22 continuing for a total distance of 568.40 feet to a calculated angle
23 point, from which a 100d nail set for reference bears N75°41'33"W,
24 16.29 feet;

25 10) N03°18'47"W, at a distance of 54.87 feet pass the
26 calculated northeast corner of Lot 49, "Driftwood Falls Estates",
27 from which a 1/2" iron rod found for the northwest corner of said

1 Lot 49, bears S82°13'14"W, 632.97 feet, continuing for a total
2 distance of 281.50 feet to the calculated southeast corner of Lot
3 53, "Driftwood Falls Estates", from which a 100d nail set for
4 reference bears N36°16'47"W, 63.79 feet;

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

10 12) N75°22'14"E, 537.60 feet to the calculated southeast
11 corner of Lot 5, being the southwest corner of Lot 6, "Pier Branch",
12 from which a cotton gin spindle set for reference bears S72°04'16"W,
13 122.85 feet;

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

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

21 15) S46°24'35"E, at 58.92 feet pass the calculated southeast
22 corner of said Lot 4, being the most westerly corner of Lot 5,
23 "Onion Creek Ranch", for a total distance of 218.49 feet to a
24 calculated angle point, from which a cotton gin spindle set for
25 reference bears N03°41'39"W, 28.36 feet;

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

1 Ranch";

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

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

9 19) S34°58'00"E, 249.36 feet to the calculated south corner
10 of said Lot 7, being the west corner of Lot 8, "Onion Creek Ranch",
11 from which a cotton gin spindle set for reference bears S31°45'11"E,
12 39.10 feet;

13 20) S34°59'43"E, 265.58 feet to the calculated south corner
14 of said Lot 8, being the west corner of Lot 9, "Onion Creek Ranch",
15 from which a cotton gin spindle set for reference bears N15°34'10"W,
16 44.83 feet;

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

22 22) S04°43'33"E, 96.82 feet to the calculated southwest
23 corner of said Lot 10, being the northwest corner of Lot 11, "Onion
24 Creek Ranch", from which a 1/2" iron rod found for the common east
25 corner of said Lot 10 and Lot 11, bears N88°35'17"E, 882.00 feet and
26 a cotton gin spindle set for reference bears S56°06'07"W, 21.91
27 feet;

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

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

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

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

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

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

23 1) S26°38'17"W, 342.88 feet to a calculated point, from
24 which a cotton gin spindle set for reference bears N38°46'17"E,
25 75.98 feet;

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

1 24.65 feet;
2 3) S22°31'17"W, 359.14 feet to a calculated point;
3 4) S16°18'43"E, 467.30 feet to a calculated point;
4 5) S17°10'43"E, 266.81 feet to a calculated point;
5 6) S25°12'43"E, 91.93 feet to a calculated point;
6 7) S34°24'43"E, 293.21 feet to a calculated point;
7 8) S36°58'43"E, 312.92 feet to a calculated point;
8 9) S41°11'43"E, 251.02 feet to a calculated point;
9 10) S52°15'43"E, 120.82 feet to a calculated point;
10 11) S63°34'43"E, 223.03 feet to a calculated point;
11 12) S10°53'43"E, 179.29 feet to a calculated point;
12 13) S40°43'43"E, 275.34 feet to the calculated southwest
13 corner of the said 331.26 acre tract, being on or near the north
14 line of the aforesaid 100 acre tract;
15 THENCE, N89°25'17"E, with the south line of the 331.26 acre
16 tract and north line of the said 100 acre tract, at a distance of
17 474.40 feet pass a 1/2" iron rod found 0.70 feet to the north for an
18 angle point on the north line of the aforesaid 44.1134 acre tract,
19 at a distance of 2255.00 feet pass a 5/8" iron pipe found for the
20 southeast corner of the said 331.26 acre tract, for a total distance
21 of 2255.80 feet to the calculated point of intersection of this
22 south line with the west right-of-way line of State Highway FM 1826
23 (80.00' right-of-way), from which a TxDOT Type I concrete monument
24 found 40.00 feet right of State Highway centerline station
25 573+08.2, bears N25°31'18"E, 282.85 feet, said calculated point
26 being the northeast corner of the 44.1134 acre tract described
27 above;

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

4 1) S25°31'18"W, 505.14 feet to a TxDOT Type I concrete
5 monument found 40.00 feet right of State Highway centerline station
6 580+96.2, for the point of curvature of a non-tangent curve to the
7 right;

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

13 3) N86°27'23"W, 643.70 feet to a calculated angle point
14 40.00 feet right of State Highway centerline station 601+00, from
15 which a TxDOT Type I concrete monument found bears S37°20'38"W, 0.41
16 feet;

17 4) N75°08'47"W, 101.98 feet to a calculated angle point
18 60.00 feet right of State Highway centerline station 602+00.0, from
19 which a TxDOT Type I concrete monument found, bears S59°36'59"W,
20 0.62 feet;

21 5) N86°28'15"W, at a distance of 188.71 feet pass the
22 calculated southeast corner of the above said 44.1134 acre tract,
23 for a total distance of 399.82 feet to a TxDOT Type I concrete
24 monument found 60.00 feet right of State Highway centerline station
25 606+00.0;

26 6) S82°14'29"W, 101.93 feet to a TxDOT Type I concrete
27 monument found 40.00 feet right of State Highway centerline station

1 607+00.0;

2 7) N86°24'35"W, 95.03 feet to a TxDOT Type I concrete
3 monument found 40.00 feet right of State Highway centerline station
4 607+94.8, for the point of curvature of a non-tangent curve to the
5 right;

6 8) With the said curve to the right, having a central angle
7 of 22°45'43", a radius of 1392.39 feet, a long chord of 549.53 feet
8 (chord bears N75°04'48"W), for an arc distance of 553.16 feet to a
9 TxDOT Type I concrete monument found 40.00 feet right of State
10 Highway centerline station 613+64.0;

11 9) N63°38'40"W, 229.74 feet to a calculated point 40.00 feet
12 right of State Highway centerline station 615+94.5, from which a
13 TxDOT Type I concrete monument found bears N19°18'05"W, 0.71 feet
14 and a TxDOT Type I concrete monument found, 40.00 feet left of
15 centerline station 615+94.5, bears S26°48'33"E, 79.92 feet, said
16 calculated point being the point of curvature of a non-tangent
17 curve to the left;

18 10) With the said curve to the left, having a central angle
19 of 49°34'00", a radius of 1185.92 feet, a long chord of 994.25 feet
20 (chord bears N88°25'32"W), for an arc distance of 1025.94 feet to a
21 TxDOT Type I concrete monument found, 40.00 feet right of State
22 Highway centerline station 625+85.8, from which a TxDOT Type I
23 concrete monument found, being 40.00 feet left of State Highway
24 centerline station 625+85.8, bears S23°04'30"E, 79.56 feet;

25 11) S66°47'28"W, 428.70 feet to a calculated point 40.00
26 feet right of State Highway centerline station 630+14.5, from which
27 a TxDOT Type I concrete monument found bears N57°25'35"W, 0.42 feet

1 and a found TxDOT Type I concrete monument found 40.00 feet left of
2 State Highway centerline station 630+14.5, bears S23°05'58"E, 80.09
3 feet, said calculated point being the point of curvature of a
4 non-tangent curve to the right;

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

10 13) N88°48'32"W, 1094.41 feet to a TxDOT Type I concrete
11 monument found 40.00 feet right of State Highway centerline station
12 645+97.4, being the point of curvature of a curve to the right;

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

20 THENCE, N10°19'07"W, with the east line of the said 0.50 acre
21 tract, at a distance of 513.40 feet pass a 1/2" iron rod found, for a
22 total distance of 662.29 feet to a 1/2" iron rod found for the most
23 northerly corner of the aforesaid 0.50 acre tract, being the
24 northeast corner of afore said 12.00 acre tract;

25 THENCE, S88°20'55"W, with the north line of the 12.00 acre
26 tract, 867.39 feet to the POINT OF BEGINNING, CONTAINING within
27 these metes and bounds 500.286 acres of land area, SAVE and EXCEPT

1 the following 5.336 acres, being all of that 5.2 acre tract conveyed
2 to Christella Alberado by deed recorded in Volume 302, Page 484 of
3 the said Deed Records and is more particularly described by metes
4 and bounds as follows:

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

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

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

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

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

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

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

22 THENCE, N05°15'47"E, 311.23 feet to the POINT OF BEGINNING of
23 the herein described tract, CONTAINING within these metes and
24 bounds 5.336 acres of land area, SAVED AND EXCEPTED from the 500.286
25 acre tract described above, for a total NET AREA of 494.950 acres of
26 land area.

27 Except as noted, "1/2 inch iron rod set" denotes a 1/2 inch iron

1 rod, with a plastic cap marked "Capital Surveying Company, Inc.",
2 set for corner.

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

6 FIELDNOTE DESCRIPTION of a tract or parcel of land containing
7 44.1722 acres situated in the Freelove Woody Survey No. 23,
8 Abstract No. 20, Hays County, Texas, being all of that portion of
9 the 100 acre tract lying east of State Highway FM 1826, conveyed to
10 Masa Scott Roberts by the deed recorded in Volume 301, Page 865 of
11 the Deed Records of Hays County, Texas; the herein described
12 44.1722 acre tract is more particularly described by metes and
13 bounds as follows:

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

23 THENCE, N88°31'49"E, with the south line of the 1060.214 acre
24 tract, 1594.81 feet to a 1/2" iron rod found for an interior corner
25 of the said 1060.214 acre tract and the northeast corner of the said
26 100 acre tract;

27 THENCE, S00°59'15"E, at a distance of 523.55 feet pass a 1/2"

1 iron rod, with plastic cap marked "4542", for a southwest corner of
2 the aforesaid 1060.214 acre tract and an interior northwest corner
3 of that 700.03 acre tract conveyed to John Richard Rutherford by the
4 deed recorded in Volume 1214, Page 548 of the said Deed Records, and
5 continuing for a total distance of 1039.05 feet to a 60d nail found
6 in a fence corner post for an interior corner of the said 700.03
7 acre tract and the southeast corner of the aforesaid 100 acre tract;

8 THENCE, S88°43'28"W, with the common line between the 700.03
9 acre tract and the 100 acre tract, at a distance of 2005.26 feet
10 pass a 1/2" iron rod found for the most westerly corner of the said
11 700.03 acre tract, for a total distance of 2005.48 feet to the
12 calculated intersection of this common line with the northeast
13 right-of-way line of State Highway FM 967 (80' right-of-way);

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

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

21 THENCE, N30°05'26"E, leaving the northeast right-of-way line
22 of State Highway FM 967, with the occupied east right-of-way line of
23 State Highway FM 1826, for a distance of 435.14 feet to a TxDOT Type
24 I concrete monument found 40.00 feet left of State Highway
25 centerline station 580+96.2;

26 THENCE, N25°31'22"E, continuing across the 100 acre tract,
27 with the east right-of-way line of State Highway FM 1826, for a

1 distance of 544.25 feet to the POINT OF BEGINNING, CONTAINING
2 within these metes and bounds 44.1722 acres of land area;

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

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

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor, the
18 lieutenant governor, and the speaker of the house of
19 representatives within the required time.

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

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

1 Act takes effect September 1, 2009.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 27, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4825 by Rose (Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.), **As Passed 2nd House**

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| No fiscal implication to the State is anticipated. |
|---|

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SZ, DB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4825 by Rose (Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.), **Committee Report 2nd House, Substituted**

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| No fiscal implication to the State is anticipated. |
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Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 20, 2009

TO: Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4825 by Rose (Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.), **As Engrossed**

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| No fiscal implication to the State is anticipated. |
|---|

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, DB, SD

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4825 by Rose (Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.), **As Introduced**

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|---|
| No fiscal implication to the State is anticipated. |
|---|

Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

Source Agencies:

LBB Staff: JOB, SD

LEGISLATIVE BUDGET BOARD

Austin, Texas

WATER DEVELOPMENT POLICY IMPACT STATEMENT

81ST LEGISLATIVE REGULAR SESSION

April 27, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB4825 by Rose (Relating to the creation of the Driftwood Economic Development Municipal Management District; providing authority to impose a tax.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill amends Subtitle C, Title 4, Special District Local Laws Code by adding Chapter 3858 to create the Driftwood Economic Development Municipal Management District (District) with the powers and duties of a municipal management district under Chapter 375, Local Government Code. The purpose of the District includes providing works and projects under powers conferred by Article XVI, Section 59, Texas Constitution, Article III, Section 52 and 52-a, Texas Constitution, and Chapters 151 and 321, Tax Code, to benefit the property within the District.

The bill names five temporary directors. The commissioner's court shall appoint directors. One director will be chosen as a public citizen from Hays County, a person who owns residential property in the District, a person who owns commercial property within the District, the city administrator of the City of Dripping Springs, and a person who meets the qualifications defined by Section 375.063, Local Government Code.

The bill becomes effective immediately with two-thirds vote of the members or on September 1, 2009.

1) Population – The proposed district is located in rural Hays County. According to the 2007 State Water Plan, Hays County is projected to grow from 97,589 in 2000 to 166,342 in 2010 and to 242,0514 in 2020. The county-other population of Hays County is projected to grow from 24,157 in 2000 to 33,783 in 2010 and to 45,032 in 2020.

2) Location – The proposed district is located in north-central Hays County, southeast of Dripping Springs, near the intersection of FM 967 and FM 1826. The proposed area does not appear to overlap any known CCN boundaries.

3) Comments on Powers/Duties Different from Similar Types of Districts - The District may contract for improvement projects including road projects. The District may adopt rules to provide for public safety and security in the District and may enforce these rules by injunctive relief. The District does not have the power of eminent domain. The District may impose an assessment and provide improvement projects, including a special or supplemental service of promotion, health and sanitation, fire protection and elimination of traffic congestion among others inside or adjacent to the District's boundaries. The District may provide law enforcement services or receive grants or gifts. The District may not issue bonds, borrow money or incur any type of debt. The District may levy an ad valerom tax, but may not exceed 15 cents per \$100 valuation. The District may levy a sales and use tax or a hotel occupancy tax.

4) Overlapping Services - The boundaries form an acceptable closure on tracts 2 and 3 but not on tract 1. A metes and bounds description, an area map containing at least two reference points (major road names, road intersections) and the proposed district's geographic location mapped within Hays

County is needed to complete overlapping services check. The District may overlap the following providers: Certificates of Convenience and Necessity No. 11670 for Lower Colorado River Authority, Guadalupe-Blanco River Authority and Greenhouse Water Control and Improvement District No. 2.

5) TCEQ's Supervision - The TCEQ supervision is limited to review of the District's bonds to finance water, wastewater, or drainage facilities and financial reports required by the Water Code; otherwise, the District is not subject to TCEQ supervision.

6) Water Use – Within Hays County, 61 percent of the total water used in 2004 was groundwater. Of this, 93 percent was for municipal purposes. Groundwater in Hays County is primarily pumped from the Edwards (BFZ) Aquifer (75%), with the remaining 24 percent coming from the Trinity Aquifer. Water management strategies for Hays County include municipal conservation, additional supplies from the Edwards (BFZ) Aquifer, development of the Trinity Aquifer, building Onion Creek Recharge dams, expanding existing water rights, and implementing recycled water programs.

Source Agencies: 580 Water Development Board, 582 Commission on Environmental Quality
LBB Staff: JOB, CL