

House Bill 4825
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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 Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.
 - (b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation,

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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 Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this chapter. By creating the district, the legislature has established a program to accomplish the public purposes set out in Section 52-a, Article III, Texas Constitution.
 - (b) The creation of the district is necessary to promote, develop, encourage, and maintain employment, commerce, transportation, housing, tourism, recreation,

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the arts, entertainment, economic development, safety, and the public welfare in the district.

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

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

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

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

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

(2) eliminating unemployment and underemployment; and

(3) developing commerce in the state.

(d) The district will:

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

(2) provide needed funding for the district to preserve, maintain, and enhance the economic health and viability

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

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

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

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of the district as a community and business center; and
(3) promote the health, safety, welfare, and enjoyment
of the public by providing trails, landscaping, and other
services that are necessary for the restoration,
preservation, and enhancement of the scenic beauty and
environment of the area.

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

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

(2) other law.

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

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

(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.

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of the district as a community and business center; and
(3) promote the health, safety, welfare, and enjoyment
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[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 the commissioners court is unable to identify a person qualified for Position 5 who is willing and able to serve, the commissioners court shall appoint to the place a person who is:

(A) at least 18 years old; and

(B) a resident of this state.

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

Sec. 3858.054. PETITION; ELECTION. (a) The owner

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or owners of at least 40 percent of the assessed value of property in the district may submit a petition to the commissioners court requesting an election of the board.

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

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

(d) Of the directors elected to the board in an election under this section, the terms of the directors appointed for positions 1 through 3 expire on the third June 1 after the election, and the terms of directors appointed for positions 4 and 5 expire on June 1 following the election.
Sec. 3858.055. DIRECTOR'S BOND AND OATH. (a) Section 375.067, Local Government Code, does not apply to a director.

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

Sec. 3858.056. INITIAL DIRECTORS. (a) The initial board consists of the following directors:

PositionName of Director

1Silver Garza

2Scott Roberts

3Ginger Faught

4Ken Manning

5Michelle Fischer

(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

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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;

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

(C) lighting, banners, and signs;

(D) a street or sidewalk;

(E) a hiking or cycling path or trail;

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

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

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

(I) a wastewater treatment and disposal facility;

(J) a water quality protection facility;

(K) a facility to enhance groundwater recharge;

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expire June 1, 2011.

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

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SUBCHAPTER C. POWERS AND DUTIES

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(L) an alternative energy facility; or
(M) solid waste management services, including
garbage collection, recycling, and composting;
(2) the planning, design, construction, acquisition, lease,
rental, improvement, maintenance, installation, and
management of and provision of furnishings for a facility
for:
(A) a conference, convention, or exhibition;
(B) a manufacturer, consumer, or trade show;
(C) a civic, community, or institutional event; or
(D) an exhibit, display, attraction, special event, or
seasonal or cultural celebration or holiday; or
(3) a special or supplemental service for the
improvement and promotion of the district or an area
adjacent to the district for the protection of public health
and safety in or adjacent to the district, including:
(A) advertising;
(B) promotion;
(C) tourism;
(D) health and sanitation;
(E) public safety;
(F) security;
(G) fire protection or emergency medical services;
(H) business recruitment;
(I) development;
(J) elimination of traffic congestion;
(K) recreational, educational, or cultural improvements,
enhancements, and services; or
(L) any similar public improvement, facility, or service.
(b) The district may not undertake a project under this

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improvement and promotion of the district or for the
protection of public health and safety in the district,
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section unless the board determines the project to be necessary to accomplish the public purpose of the district.

Sec. 3858.103. CONTRACTS; GIFTS; DONATIONS.

The district may:

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

(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,

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(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

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(1) to administer or operate the district;

(2) for the use, enjoyment, availability, protection,

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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:

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security, and maintenance of the district's property and facilities; or

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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:

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(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

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(1) maintain and operate the district;
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(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.
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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 to the administration and enforcement of that tax in the same manner that those laws apply to a state tax.

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

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

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

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

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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; ELECTION.

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

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

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

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

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

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

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

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

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

(2) if not included in the review, accounting records of

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

(g) If the voters of the district approve the adoption of the tax at an election held on the same election date on which another political subdivision adopts a sales and use tax or approves an increase in the rate of its sales and use tax and as a result the combined rate of all sales and use taxes imposed by the district and other political subdivisions of this state having territory in the district would exceed two percent at any location in the district, the election to adopt a sales and use tax under this chapter has no effect.

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

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

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

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

(2) if not included in the review, accounting records of

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the preceding fiscal year; and

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

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

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

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

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the preceding fiscal year; and

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

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

Same as House version.

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<p>BEGINNING at a 1/2" iron rod found in the east right-of-way line of State Highway FM 150 (80' right-of-way), being the west line of the above said 288 acre tract, for the northwest corner of a 12.00 acre tract conveyed to Horance Seiders and Violet Seiders by deed recorded in Volume 354, Page 763 of the said Deed Records, said 1/2" iron rod found bears N07°53'25"W, 329.46 feet from a TxDOT Type I concrete right-of-way monument found 40.00 feet left of State Highway FM 150 centerline station 281+96.9;</p> <p>THENCE, N07°53'25"W, with the east right-of-way line of State Highway FM 150, a distance of 663.25 feet to a 1/2" iron rod found for the southwest corner of that 12.46 acre tract conveyed to Rudolph Kranse and Gregory Hargis by deed recorded in Volume 771, Page 651 of the said Deed Records, said 1/2" iron rod found bears S07°53'25"E, 73.86 feet from a TxDOT Type I concrete right-of-way monument found 40.00 feet left of State Highway centerline station 271+30.4;</p> <p>THENCE, N88°02'55"E, crossing into the 288 acre tract, with the south line of the said 12.46 acre tract, 912.29 feet to a 1/2" iron rod set for the southeast corner of the aforesaid 12.46 acre tract;</p> <p>THENCE, N06°46'55"W, 600.43 feet to a 1/2" iron rod found for the northeast corner of the said 12.46 acre tract;</p> <p>THENCE, S89°02'53"W, with the north deed line of the said 12.46 acre tract, 77.37 feet to the calculated point of intersection of this north deed line, with the east deed line of that 5.2506 acre tract conveyed to Kathleen</p>		

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<p>Collins and Thomas Wendt by deed recorded in Volume 1427, Page 454 of the said Deed Records, said 5.2506 acre tract being a portion of that 10.283 acre tract described in the deed to Warren Dunn, Jr. recorded in Volume 1376, Page 684 of the said Deed Records, the said calculated point bears N05°17'08"E, 2.95 feet from a 1/2" iron rod found for the southeast corner of the aforesaid 10.283 acre tract;</p> <p>THENCE, N05°17'08"E, with the east line of the 10.283 acre tract, at a distance of 131.06 feet (record distance) pass the common east corner of the said 5.2506 acre tract and a 5.04 acre tract described in a deed to Michael Dunn and recorded in Volume 1296, Page 414 of the said Deed Records, and continuing for a total distance of 618.54 feet to a 5/8" iron rod found for the northeast corner of the said 10.283 acre tract and the 5.04 acre tract, being on the apparent common line between the above said 288 acre tract and the 100 acre tract, same being the POINT OF REFERENCE for the 5.336 acre tract described below;</p> <p>THENCE, S86°24'25"W, with the above said common line between the 288 acre tract and the 100 acre tract, being the north line of the 5.04 acre tract and the 10.283 acre tract, 91.89 feet to a 1/2" iron rod found for the southeast corner of a 14 acre tract conveyed to Mrs. Elna Ludine Roberts by deed recorded in Volume 135, Page 38 of the said Deed Records and being the apparent southwest corner of the 100 acre tract (Tract 2) described above;</p> <p>THENCE, N07°27'54"W, with the common line between</p>		

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the said 14 acre tract and the 100 acre tract, 1242.44 feet to a 1/2" iron rod found for the common north corner of the aforesaid 14 acre tract and the 100 acre tract, being in the south line of Lot 1-D, "Division of Lot 1, the J. V. Ash, Jr. Subdivision", a subdivision recorded in Volume 10, Page 217 of the Plat Records of Hays County, Texas; THENCE, S89°18'23"E, 174.13 feet to a 1/2" iron rod found for the southeast corner of said Lot 1-D, being the southwest corner of that 0.83 acre tract conveyed to Masa Scott Roberts by deed recorded in Volume 333, Page 323 of the said Deed Records, and being in the common line between the said 100 acre tract and the 130 acre tract (Tract 1) described above;

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

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

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

THENCE, along the centerline of Onion Creek, with the

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<p>northeast and easterly line of the above said 130 acre tract, for the following twenty-six (26) courses:</p> <p>1) S80°26'41"E, 216.51 feet to a calculated angle point in the south line of Lot 2, Block 'B', from which a 100d nail set for reference bears S85°22'12"W, 52.47 feet;</p> <p>2) N89°33'24"E, 514.79 feet to the calculated southeast corner of said Lot 2, Block 'B';</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>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</p>		

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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 point;

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

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

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

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<p>12) N75°22'14"E, 537.60 feet to the calculated southeast corner of Lot 5, being the southwest corner of Lot 6, "Pier Branch", from which a cotton gin spindle set for reference bears S72°04'16"W, 122.85 feet;</p> <p>13) S89°14'47"E, at 384.70 feet pass the calculated southeast corner of said Lot 6, "Pier Branch" and continuing for a total distance of 405.32 feet to a calculated point on the southwest line of Lot 4, "Onion Creek Ranch", a subdivision recorded in Volume 8, Page 65 of the said Plat Records;</p> <p>14) S66°18'14"E, 117.62 feet to a calculated angle point in the southwest line of said Lot 4, "Onion Creek Ranch";</p> <p>15) S46°24'35"E, at 58.92 feet pass the calculated southeast corner of said Lot 4, being the most westerly corner of Lot 5, "Onion Creek Ranch", for a total distance of 218.49 feet to a calculated angle point, from which a cotton gin spindle set for reference bears N03°41'39"W, 28.36 feet;</p> <p>16) S01°39'52"E, 171.50 feet to the calculated south corner of said Lot 5, being the northwest corner of Lot 6, "Onion Creek Ranch";</p> <p>17) S06°44'04"E, 158.73 feet to a calculated angle point on the west line of said Lot 6, "Onion Creek Ranch", from which a cotton gin spindle set for reference bears S46°29'20"E, 25.10 feet;</p> <p>18) S34°51'10"E, 115.94 feet to the calculated south corner of said Lot 6, being the west corner of Lot 7, "Onion Creek Ranch", from said calculated corner, a 1/2" iron rod found for the common front corner of Lot 6</p>		

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<p>and said Lot 7, bears N54°35'38"E, 881.31 feet;</p> <p>19) S34°58'00"E, 249.36 feet to the calculated south corner of said Lot 7, being the west corner of Lot 8, "Onion Creek Ranch", from which a cotton gin spindle set for reference bears S31°45'11"E, 39.10 feet;</p> <p>20) S34°59'43"E, 265.58 feet to the calculated south corner of said Lot 8, being the west corner of Lot 9, "Onion Creek Ranch", from which a cotton gin spindle set for reference bears N15°34'10"W, 44.83 feet;</p> <p>21) S38°03'26"E, 166.09 feet to the calculated south corner of said Lot 9, being the west corner of Lot 10, "Onion Creek Ranch", from which a 1/2" iron rod found for the common east corner of said Lot 9 and Lot 10, bears N65°58'15"E, 895.71 feet and a cotton gin spindle set for reference bears S17°14'52"E, 88.24 feet;</p> <p>22) S04°43'33"E, 96.82 feet to the calculated southwest corner of said Lot 10, being the northwest corner of Lot 11, "Onion Creek Ranch", from which a 1/2" iron rod found for the common east corner of said Lot 10 and Lot 11, bears N88°35'17"E, 882.00 feet and a cotton gin spindle set for reference bears S56°06'07"W, 21.91 feet;</p> <p>23) S04°49'35"E, 294.73 feet to an angle point, from which a cotton gin spindle set for reference bears S45°52'36"W, 2.36 feet;</p> <p>24) S08°56'55"W, 526.01 feet to a calculated angle point on the west line of Lot 13, "Onion Creek Ranch", from which a 100d nail set for reference bears S05°50'22"E, 124.61 feet;</p> <p>25) S11°13'40"E, at 599.04 feet pass the calculated southwest corner of Lot 15, "Onion Creek Ranch", from</p>		

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

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

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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 tract and north line of the said 100 acre tract, at a distance of 474.40 feet pass a 1/2" iron rod found 0.70 feet to the north for an angle point on the north line of the aforesaid 44.1134 acre tract, at a distance of 2255.00 feet pass a 5/8" iron pipe found for the southeast corner of the said 331.26 acre tract, for a total distance of 2255.80 feet to the calculated point of intersection of this south line with the west right-of-way line of State Highway FM 1826 (80.00' right-of-way), from which a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 573+08.2, bears N25°31'18"E, 282.85 feet, said calculated point being the northeast corner of the 44.1134 acre tract described above;
THENCE, with the common north right-of-way line of State Highway FM 1826 and south line of the said 44.1134 acre tract and the 288 acre tract, for the following fourteen (14) courses:
1) S25°31'18"W, 505.14 feet to a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 580+96.2, for the point of curvature of a non-tangent curve to the right;

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<p>2) With the said curve to the right, having a central angle of 67°57'41", a radius of 1105.92 feet, a long chord of 1236.23 feet (chord bears S59°33'48"W), for an arc distance of 1311.78 feet to a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 594+56.2;</p> <p>3) N86°27'23"W, 643.70 feet to a calculated angle point 40.00 feet right of State Highway centerline station 601+00, from which a TxDOT Type I concrete monument found bears S37°20'38"W, 0.41 feet;</p> <p>4) N75°08'47"W, 101.98 feet to a calculated angle point 60.00 feet right of State Highway centerline station 602+00.0, from which a TxDOT Type I concrete monument found, bears S59°36'59"W, 0.62 feet;</p> <p>5) N86°28'15"W, at a distance of 188.71 feet pass the calculated southeast corner of the above said 44.1134 acre tract, for a total distance of 399.82 feet to a TxDOT Type I concrete monument found 60.00 feet right of State Highway centerline station 606+00.0;</p> <p>6) S82°14'29"W, 101.93 feet to a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 607+00.0;</p> <p>7) N86°24'35"W, 95.03 feet to a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 607+94.8, for the point of curvature of a non-tangent curve to the right;</p> <p>8) With the said curve to the right, having a central angle of 22°45'43", a radius of 1392.39 feet, a long chord of 549.53 feet (chord bears N75°04'48"W), for an arc distance of 553.16 feet to a TxDOT Type I concrete</p>		

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monument found 40.00 feet right of State Highway centerline station 613+64.0;

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

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

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

12) With the said curve to the right, having a central angle of 24°24'00", a radius of 1105.92 feet, a long chord

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<p>of 467.42 feet (chord bears S78°59'28"W), for an arc distance of 470.97 feet to a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 635+02.5;</p> <p>13) N88°48'32"W, 1094.41 feet to a TxDOT Type I concrete monument found 40.00 feet right of State Highway centerline station 645+97.4, being the point of curvature of a curve to the right;</p> <p>14) With the said curve to the right, having a central angle of 00°53'27", a radius of 5689.58 feet, a long chord of 88.47 feet (chord bears N88°22'12"W), for an arc distance of 88.47 feet to a calculated point for corner, from which a 1/2" iron rod found for the southeast corner of a 0.50 acre tract conveyed to Horance Seiders by deed recorded in Volume 501, Page 767 of the said Deed Records, bears S10°19'07"E, 0.07 feet;</p> <p>THENCE, N10°19'07"W, with the east line of the said 0.50 acre tract, at a distance of 513.40 feet pass a 1/2" iron rod found, for a total distance of 662.29 feet to a 1/2" iron rod found for the most northerly corner of the aforesaid 0.50 acre tract, being the northeast corner of afore said 12.00 acre tract;</p> <p>THENCE, S88°20'55"W, with the north line of the 12.00 acre tract, 867.39 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 500.286 acres of land area, SAVE and EXCEPT the following 5.336 acres, being all of that 5.2 acre tract conveyed to Christella Alberado by deed recorded in Volume 302, Page 484 of the said Deed Records and is more particularly described by metes and bounds as follows:</p>		

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<p>COMMENING at the 5/8" iron rod found for the northeast corner of the 10.283 acre tract described above as the POINT OF REFERENCE:</p> <p>THENCE, N86°13'55"E, with the south line of the above said 100 acre tract, for a distance of 49.97 feet to a 1/2" iron rod found for the northwest corner of the said 5.2 acre tract and the POINT OF BEGINNING of the herein described tract;</p> <p>THENCE, N86°22'32"E, with the north line of the said 5.2 acre tract, 314.54 feet to a 1/2" iron rod found for an angle point;</p> <p>THENCE, N87°39'46"E, 436.49 feet to a 1/2" iron rod found for the northeast corner of the said 5.2 acre tract;</p> <p>THENCE, S05°36'14"W, 310.15 feet to a 60d nail found in a fence corner post for the southeast corner of the said 5.2 acre tract;</p> <p>THENCE, S86°53'23"W, 377.12 feet to a 1/2" iron rod found for an angle point;</p> <p>THENCE, S87°09'18"W, 372.19 feet to a 1/2" iron rod found for the southwest corner of the said 5.2 acre tract;</p> <p>THENCE, N05°15'47"E, 311.23 feet to the POINT OF BEGINNING of the herein described tract, CONTAINING within these metes and bounds 5.336 acres of land area, SAVED AND EXCEPTED from the 500.286 acre tract described above, for a total NET AREA of 494.950 acres of land area.</p> <p>Except as noted, "1/2 inch iron rod set" denotes a 1/2 inch iron rod, with a plastic cap marked "Capital Surveying Company, Inc.", set for corner.</p> <p>The bearings shown in this survey are grid bearings</p>		

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<p>based on the Texas State Plane Coordinate System, NAD 83 (HARN) Datum, South Central Zone, derived by Global Positioning Systems surveys</p> <p>FIELDNOTE DESCRIPTION of a tract or parcel of land containing 44.1722 acres situated in the Freelove Woody Survey No. 23, Abstract No. 20, Hays County, Texas, being all of that portion of the 100 acre tract lying east of State Highway FM 1826, conveyed to Masa Scott Roberts by the deed recorded in Volume 301, Page 865 of the Deed Records of Hays County, Texas; the herein described 44.1722 acre tract is more particularly described by metes and bounds as follows:</p> <p>BEGINNING at a 1/2" iron rod found, with plastic cap marked "Capital Surveying Company, Inc.", at the intersection of the north line of the said 100 acre tract with the east right-of-way line of State Highway FM 1826 (80' right-of-way), being the most westerly corner of that 1060.214 acre tract, described as Tract 2, conveyed to LSM Ranch, Ltd. by the deed recorded in Volume 1628, Page 206 of the said Deed Records and bears S25°31'20"W, 242.50 feet from a TxDOT Type I concrete monument found 40.00 feet left of State Highway centerline station 573+08.2;</p> <p>THENCE, N88°31'49"E, with the south line of the 1060.214 acre tract, 1594.81 feet to a 1/2" iron rod found for an interior corner of the said 1060.214 acre tract and the northeast corner of the said 100 acre tract;</p> <p>THENCE, S00°59'15"E, at a distance of 523.55 feet pass a 1/2" iron rod, with plastic cap marked "4542", for a southwest corner of the aforesaid 1060.214 acre tract and</p>		

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<p>an interior northwest corner of that 700.03 acre tract conveyed to John Richard Rutherford by the deed recorded in Volume 1214, Page 548 of the said Deed Records, and continuing for a total distance of 1039.05 feet to a 60d nail found in a fence corner post for an interior corner of the said 700.03 acre tract and the southeast corner of the aforesaid 100 acre tract;</p> <p>THENCE, S88°43'28"W, with the common line between the 700.03 acre tract and the 100 acre tract, at a distance of 2005.26 feet pass a 1/2" iron rod found for the most westerly corner of the said 700.03 acre tract, for a total distance of 2005.48 feet to the calculated intersection of this common line with the northeast right-of-way line of State Highway FM 967 (80' right-of-way);</p> <p>THENCE, N41°10'54"W, with the northeast right-of-way line of State Highway FM 967, 85.90 feet to a TxDOT Type I concrete monument found at an angle point;</p> <p>THENCE, N01°43'24"W, continuing with the northeast right-of-way line of State Highway FM 967, for a distance of 110.39 feet to a TxDOT Type I concrete monument found for an angle point at the existing right-of-way intersection with State Highway FM 1826;</p> <p>THENCE, N30°05'26"E, leaving the northeast right-of-way line of State Highway FM 967, with the occupied east right-of-way line of State Highway FM 1826, for a distance of 435.14 feet to a TxDOT Type I concrete monument found 40.00 feet left of State Highway centerline station 580+96.2;</p> <p>THENCE, N25°31'22"E, continuing across the 100 acre</p>		

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<p>tract, with the east right-of-way line of State Highway FM 1826, for a distance of 544.25 feet to the POINT OF BEGINNING, CONTAINING within these metes and bounds 44.1722 acres of land area;</p> <p>The bearings shown in this survey are grid bearings based on the Texas State Plane Coordinate System, NAD 83 (HARN) Datum, South Central Zone, derived by Global Positioning Systems surveys</p>		
<p>SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.</p> <p>(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.</p> <p>(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.</p> <p>(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.</p>	<p>Same as House version.</p>	

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