

By: Rodriguez

H.B. No. 1758

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8_____ to read as follows:

CHAPTER 8_____. PILOT KNOB MUNICIPAL UTILITY DISTRICT

NO. ___3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8____.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Pilot Knob Municipal Utility District No. 3.

Sec. 8____.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8____.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8____.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section

1 8____.003 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 8____.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

6 (a) The district is created to serve a public purpose and benefit.

7 (b) The district is created to accomplish the purposes of:

8 (1) a municipal utility district as provided by
9 general law and Section 59, Article XVI, Texas Constitution; and

10 (2) Section 52, Article III, Texas Constitution, that
11 relate to the construction, acquisition, improvement, operation,
12 or maintenance of macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8____.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

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

21 (1) organization, existence, or validity;

22 (2) right to issue any type of bond for the purposes
23 for which the district is created or to pay the principal of and
24 interest on a bond;

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8____.007-8____.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8____.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8____.052, directors serve staggered four-year terms.

Sec. 8____.052. TEMPORARY DIRECTORS.

(a) On or after the effective date of the Act creating this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8____.003; or

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

(c) If permanent directors have not been elected under Section 8____.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8____.003; or

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

1 (d) If Subsection (c) applies, the owner or owners of a
2 majority of the assessed value of the real property in the district
3 may submit a petition to the commission requesting that the
4 commission appoint as successor temporary directors the five
5 persons named in the petition. The commission shall appoint as
6 successor temporary directors the five persons named in the
7 petition.

8 [Sections 8____.053-8____.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8____.101. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8____.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8____.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
19 Section 52, Article III, Texas Constitution, the district may
20 design, acquire, construct, finance, issue bonds for, improve, and
21 convey to this state, a county, or a municipality for operation and
22 maintenance macadamized, graveled, or paved roads described by
23 Section 54.234, Water Code, or improvements, including storm
24 drainage, in aid of those roads.

25 (b) The district may exercise the powers provided by this
26 section without submitting a petition to or obtaining approval
27 from the commission as required by Section 54.234, Water Code.

1 Sec. 8____.104. APPROVAL OF ROAD PROJECT. (a) The
2 district may not undertake a road project authorized by Section
3 8____.103 unless:

4 (1) each municipality or county that will operate and
5 maintain the road has approved the plans and specifications of the
6 road project, if a municipality or county will operate and maintain
7 the road; or

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state will
10 operate and maintain the road.

11 (b) Except as provided by Subsection (a), the district is
12 not required to obtain approval from the Texas Transportation
13 Commission to design, acquire, construct, finance, issue bonds for,
14 improve, or convey a road project.

15 Sec. 8____.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
16 OR RESOLUTION. The district shall comply with all applicable
17 requirements of any ordinance or resolution that is adopted under
18 Section 54.016 or 54.0165, Water Code, and that consents to the
19 creation of the district or to the inclusion of land in the
20 district.

21 Sec. 8____.106. LIMITATION ON USE OF EMINENT DOMAIN. The
22 district may not exercise the power of eminent domain outside the
23 district to acquire a site or easement for:

24 (1) a road project authorized by Section 8____.103;
25 or

26 (2) a recreational facility as defined by Section
27 49.462, Water Code.

1 [Sections 8____.107-8____.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8____.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
4 district may issue, without an election, bonds and other
5 obligations secured by:

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

7 (2) contract payments described by Section 8____.153.

8 (b) The district must hold an election in the manner
9 provided by Chapters 49 and 54, Water Code, to obtain voter approval
10 before the district may impose an ad valorem tax or issue bonds
11 payable from ad valorem taxes.

12 (c) The district may not issue bonds payable from ad valorem
13 taxes to finance a road project unless the issuance is approved by a
14 vote of a two-thirds majority of the district voters voting at an
15 election held for that purpose.

16 Sec. 8____.152. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election held under Section 8____.151, the
18 district may impose an operation and maintenance tax on taxable
19 property in the district in accordance with Section 49.107, Water
20 Code.

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

23 Sec. 8____.153. CONTRACT TAXES. (a) In accordance with
24 Section 49.108, Water Code, the district may impose a tax other than
25 an operation and maintenance tax and use the revenue derived from
26 the tax to make payments under a contract after the provisions of
27 the contract have been approved by a majority of the district voters

1 voting at an election held for that purpose.

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

5 [Sections 8____.154-8____.200 reserved for expansion]

6 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

7 Sec. 8____.201. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. The district may issue bonds or other obligations
9 payable wholly or partly from ad valorem taxes, impact fees,
10 revenue, contract payments, grants, or other district money, or any
11 combination of those sources, to pay for any authorized district
12 purpose.

13 Sec. 8____.202. TAXES FOR BONDS. At the time the district
14 issues bonds payable wholly or partly from ad valorem taxes, the
15 board shall provide for the annual imposition of a continuing
16 direct ad valorem tax, without limit as to rate or amount, while all
17 or part of the bonds are outstanding as required and in the manner
18 provided by Sections 54.601 and 54.602, Water Code.

19 Sec. 8____.203. BONDS FOR ROAD PROJECTS. At the time of
20 issuance, the total principal amount of bonds or other obligations
21 issued or incurred to finance road projects and payable from ad
22 valorem taxes may not exceed one-fourth of the assessed value of the
23 real property in the district.

24 SECTION 2. The Pilot Knob Municipal Utility District No. 3
25 initially includes all the territory contained in the following
26 area: 644.135 acres of land described below:

27 A DESCRIPTION OF 648.268 ACRES IN THE SANTIAGO DEL VALLE GRANT IN

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1 TRAVIS COUNTY, TEXAS, BEING ALL OF AN 18.810 ACRE TRACT AND A
2 REMAINDER OF A 37.306 ACRE TRACT BOTH DESCRIBED IN A SPECIAL
3 WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26, 2006 AND
4 RECORDED IN DOCUMENT NO. 2006209327 OF THE OFFICIAL PUBLIC RECORDS
5 OF TRAVIS COUNTY, TEXAS, ALL OF A 2820 SQUARE FOOT TRACT DESCRIBED
6 IN A DEED WITHOUT WARRANTY TO CARMA EASTON INC., DATED DECEMBER 22,
7 2009 AND RECORDED IN DOCUMENT NO. 2009210291 OF THE OFFICIAL PUBLIC
8 RECORDS OF TRAVIS COUNTY, TEXAS, A REMAINDER OF A 2.6891 ACRE TRACT
9 DESCRIBED IN A STREET DEDICATION TO THE PUBLIC, DATED JUNE 24, 1986
10 AND RECORDED IN VOLUME 9769, PAGE 505 OF THE REAL PROPERTY RECORDS
11 OF TRAVIS COUNTY, TEXAS, ALL OF A 6.934 ACRE TRACT DESCRIBED IN A
12 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26,
13 2006 AND RECORDED IN DOCUMENT NO. 2006209330 OF THE OFFICIAL PUBLIC
14 RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF AN 82.844 ACRE TRACT AND A
15 25.735 ACRE TRACT BOTH DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
16 ACQUISITION INC., DATED JANUARY 3, 2007 AND RECORDED IN DOCUMENT
17 NO. 2007003159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
18 TEXAS, ALL OF AN 89.256 ACRE TRACT AND A 2.731 ACRE TRACT BOTH
19 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
20 DATED JULY 9, 2007 AND RECORDED IN DOCUMENT NO. 2007126375 OF THE
21 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, REMAINDERS OF A
22 61.071 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
23 ACQUISITION INC., DATED NOVEMBER 7, 2007 AND RECORDED IN DOCUMENT
24 NO. 2007204509 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
25 TEXAS, A PORTION OF A 138.540 ACRE TRACT DESCRIBED IN A GENERAL
26 WARRANTY DEED TO JONA ACQUISITION INC., DATED MARCH 2, 2007 AND
27 RECORDED IN DOCUMENT NO. 2007038642 OF THE OFFICIAL PUBLIC RECORDS

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1 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 198.302 ACRE TRACT DESCRIBED
2 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER
3 20, 2006 AND RECORDED IN DOCUMENT NO. 2006244772 OF THE OFFICIAL
4 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 232.233 ACRE
5 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO
6 JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN
7 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
8 COUNTY, TEXAS, All OF AN 8.282 ACRE TRACT DESCRIBED IN A SPECIAL
9 WARRANTY DEED WITH VENDOR'S LIEN TO JONA ACQUISITION INC., DATED
10 JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003078 OF THE
11 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
12 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
13 ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO.
14 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
15 A PORTION OF A 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH
16 VENDOR'S LIEN TO JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN,
17 DATED DECEMBER 14, 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF
18 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF
19 LOT A HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN
20 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,
21 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED
22 WITH VENDOR'S LIEN, DATED SEPTEMBER 29, 2000 AND RECORDED IN
23 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
24 COUNTY TEXAS, A PORTION OF A 37.390 ACRE TRACT DESCRIBED IN A
25 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 30,
26 2008 AND RECORDED IN DOCUMENT NO. 2008179828 OF THE OFFICIAL PUBLIC
27 RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF COLTON BLUFF

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1 SPRINGS ROAD (APPARENT RIGHT-OF-WAY WIDTH VARIES); SAID 648.268
2 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
3 FOLLOWS:

4 BEGINNING at a 1/2" rebar found for the northwest corner of said
5 89.256 acre tract, same being the east corner of a 6.997 acre tract
6 described in a deed to Fleming Brothers Holding, recorded in
7 Document No. 2006063521 of the Official Public Records of Travis
8 County, Texas, also being in the southwest line of Myrtle - 29 Ac.,
9 D .G. Collins Estate, a subdivision of record in Volume 3, Page 220
10 of the Plat Records of Travis County, Texas;

11 THENCE South 48°06'08" East, with the northeast line of said 89.256
12 acre tract, same being the southwest line of said Myrtle - 29 Ac.,
13 and the southwest line of said John B. 18 Ac., D. G. Collins Estate,
14 a distance of 1231.54 feet to a 1/2" rebar found in the south line of
15 said John B. 18 Ac., for the northeast corner of said 89.256 acre
16 tract, same being the northwest corner of said 82.844 acre tract;

17 THENCE South 48°20'11" East, with the northeast line of said 82.844
18 acre tract, same being the southwest line of said John B. 18 Ac.,
19 the southwest line of John B. 11.50 Ac., D. G. Collins Estate, and
20 the southwest line of a 52.418 acre tract described in a deed to
21 Ernest B. Collins and Floretta F. Collins, recorded in Document No.
22 2004080843 of the Official Public Records of Travis County, Texas,
23 a distance of 1354.84 feet to a 1/2" rebar found in the southwest
24 line of said 52.418 acre tract, for the northeast corner of said
25 82.844 acre tract, same being the northwest corner of a 2.899 acre
26 tract described in a deed to Ernest B. Collins and Floretta F.
27 Collins, recorded in Document No. 2004080843 of the Official Public

1 Records of Travis County, Texas;

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

5 1. South 27°02'48" West, a distance of 87.42 feet to a 1/2"
6 rebar with Chaparral cap found;

7 2. South 28°05'48" West, a distance of 57.15 feet to a 1/2"
8 rebar with Chaparral cap found;

9 3. South 26°28'48" West, a distance of 262.67 feet to a 1/2"
10 rebar with Chaparral cap found;

11 4. South 26°58'48" West, a distance of 2126.73 feet to a 1/2"
12 rebar found in the north right-of-way line of Colton Bluff Springs
13 Road, for the southeast corner of said 82.844 acre tract, same being
14 the southwest corner of said 2.899 acre tract;

15 THENCE South 63°34'23" East, with the north right-of-way line of
16 Colton Bluff Springs Road, same being the southwest line of said
17 2.899 acre tract, a distance of 49.99 feet to a 1/2" rebar found for
18 the southeast corner of said 2.899 acre tract, same being the
19 southwest corner of said 61.071 acre tract;

20 THENCE with the west line of said 61.071 acre tract, same being the
21 east line of said 2.899 acre tract, the following four (4) courses
22 and distances:

23 1. North 26°59'53" East, a distance of 2127.41 feet to a
24 calculated point;

25 2. North 26°29'46" East, a distance of 262.27 feet to a
26 calculated point;

27 3. North 28°06'46" East, a distance of 56.92 feet to a

1 calculated point;

2 4. North 27°03'46" East, a distance of 74.01 feet to a 1/2"
3 rebar found for the northwest corner of said 61.071 acre tract, same
4 being the northeast corner of said 2.899 acre tract, also being in
5 the southwest line of said 52.418 acre tract;
6 THENCE South 47°55'49" East, with the northeast line of said 61.071
7 acre tract, same being the southwest line of said 52.418 acre tract,
8 a distance of 467.09 feet to a 1/2" rebar found for the southeast
9 corner of said 52.418 acre tract, same being the southwest corner of
10 a 26.57 acre tract described in a deed to Talfred Collins and Ella
11 Lee Collins, recorded in Volume 2814, Page 127 of the Deed Records
12 of Travis County, Texas;
13 THENCE South 46°39'23" East, continuing with the northeast line of
14 said 61.071 acre tract, same being the southwest line of said 26.57
15 acre tract and the southwest line of a 29.02 acre tract described in
16 a deed to Ernest B. Collins and Floretta F. Collins, recorded in
17 Volume 7967, Page 611 of the Deed Records of Travis County, Texas, a
18 distance of 600.09 feet to a 5/8" rebar found for the southeast
19 corner of said 29.02 acre tract, same being the northwest corner of
20 a 0.264 acre tract described in a deed to the City of Austin,
21 recorded in Document No. 2010005414 of the Official Public Records
22 of Travis County, Texas, also being an angle point in the west line
23 of a 380.080 acre tract described in a deed to Ernest Collins and
24 Floretta Collins, recorded in Volume 12791, Page 11 of the Real
25 Property Records of Travis County, Texas;
26 THENCE South 27°09'17" West, crossing said 61.071 acre tract, with
27 the west line of said 0.264 acre tract, a distance of 204.33 feet to

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1 a 1/2" rebar with Landmark cap found for the southwest corner of
2 said 0.264 acre tract, same being the northwest corner of a 0.392
3 acre tract described in a deed to the City of Austin, recorded in
4 Document No. 2010005414 of the Official Public Records of Travis
5 County, Texas;

6 THENCE continuing across said 61.071 acre tract, with the west and
7 south lines of said 0.392 acre tract, the following three (3)
8 courses and distances:

9 1. South 27°11'22" West, a distance of 105.60 feet to a 1/2"
10 rebar with Landmark cap found;

11 2. South 26°45'07" West, a distance of 50.71 feet to a 1/2"
12 rebar with Landmark cap found for the southwest corner of said 0.392
13 acre tract;

14 3. South 71°13'40" East, a distance of 81.26 feet to a 1/2"
15 rebar with Landmark cap found in the south line of said 0.392 acre
16 tract, for the northwest corner of a 0.624 acre tract described in a
17 deed to the City of Austin, recorded in Document No. 2010005416 of
18 the Official Public Records of Travis County, Texas;

19 THENCE continuing across said 61.071 acre tract, the following two
20 (2) courses and distances:

21 1. South 26°39'03" West, with the west line of said 0.624
22 acre tract, a distance of 899.06 feet to a calculated point for the
23 southwest corner of said 0.624 acre tract;

24 2. South 47°54'58" East, with the south line of said 0.624
25 acre tract, a distance of 31.12 feet to a calculated point in the
26 west right-of-way line of Colton Bluff Springs Road, same being the
27 east line of said 61.071 acre tract;

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1 THENCE North 26°38'45" East, with the east line of said 61.071 acre
2 tract, same being the west right-of-way line of Colton Bluff
3 Springs Road, the west line of said 138.540 acre tract, the east
4 line of said 0.624 acre tract and the east line of said 0.392 acre
5 tract, a distance of 1066.13 feet to a 1/2" rebar with Landmark cap
6 found for the northeast corner of said 0.392 acre tract;

7 THENCE North 70°26'53" West, crossing said 61.071 acre tract, with
8 the north line of said 0.392 acre tract, a distance of 49.62 feet to
9 a calculated point for the southeast corner of said 0.264 acre
10 tract;

11 THENCE North 27°05'31" East, continuing across said 61.071 acre
12 tract, with the east line of said 0.264 acre tract, a distance of
13 178.95 feet to a calculated point for the northeast corner of said
14 0.264 acre tract, same being in the northeast line of said 61.071
15 acre tract, also being the southwest line of said 380.080 acre
16 tract;

17 THENCE South 46°39'23" East, with the northeast line of said 61.071
18 acre tract, same being the southwest line of said 380.080 acre
19 tract, a distance of 49.95 feet to a calculated point for the
20 northeast corner of said 61.071 acre tract, same being an angle
21 point in the southwest line of said 380.080 acre tract;

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

26 THENCE with the northeast line of said 138.540 acre tract, same
27 being the southwest line of said 380.080 acre tract, the following

1 two (2) courses and distances:

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

4 2. South 47°34'32" East, a distance of 1131.25 feet to a
5 calculated point;

6 THENCE crossing said 138.540 acre tract, Colton Bluff Springs Road,
7 said 198.302 acre tract, said 232.233 acre tract, said 37.390 acre
8 tract, said 42.558 acre tract, said 20.005 acre tract, and said Lot
9 A, the following fourteen (14) courses and distances:

10 1. South 42°25'28" West, a distance of 130.83 feet to a
11 calculated point;

12 2. With a curve to the left, having a radius of 750.00 feet,
13 a delta angle of 16°27'44", an arc length of 215.49 feet, and a chord
14 which bears South 34°11'36" West, a distance of 214.75 feet to a
15 calculated point;

16 3. South 25°57'45" West, a distance of 891.49 feet to a
17 calculated point;

18 4. With a curve to the left, having a radius of 428.50 feet,
19 a delta angle of 57°46'46", an arc length of 432.12 feet, and a chord
20 which bears South 02°55'38" East, a distance of 414.04 feet to a
21 calculated point;

22 5. South 70°11'14" West, a distance of 260.49 feet to a
23 calculated point;

24 6. With a curve to the right, having a radius of 606.85 feet,
25 a delta angle of 50°15'23", an arc length of 532.29 feet, and a chord
26 which bears North 88°11'02" West, a distance of 515.39 feet to a
27 calculated point;

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1 7. North 62°55'18" West, a distance of 292.66 feet to a
2 calculated point;

3 8. With a curve to the left, having a radius of 1466.51 feet,
4 a delta angle of 180°00'00", an arc length of 4607.18 feet, and a
5 chord which bears South 27°04'42" West, a distance of 2933.02 feet
6 to a calculated point;

7 9. South 62°55'18" East, a distance of 292.66 feet to a
8 calculated point;

9 10. With a curve to the right, having a radius of 606.85
10 feet, a delta angle of 50°15'23", an arc length of 532.29 feet, and a
11 chord which bears South 37°39'34" East, a distance of 515.39 feet to
12 a calculated point;

13 11. South 16°01'51" East, a distance of 256.62 feet to a
14 calculated point;

15 12. With a curve to the left, having a radius of 431.98 feet,
16 a delta angle of 53°14'32", an arc length of 401.42 feet, and a chord
17 which bears South 58°50'30" West, a distance of 387.13 feet to a
18 calculated point;

19 13. South 28°11'39" West, a distance of 910.01 feet to a
20 calculated point;

21 14. North 61°48'21" West, a distance of 672.64 feet to a
22 calculated point in the west line of said 20.005 acre tract, same
23 being the east line of a 20.022 acre tract conveyed in a deed to
24 Janie Diaz, recorded in Document No. 2006101103, and described in a
25 deed recorded in Document No. 2001200503, both of the Official
26 Public Records of Travis County, Texas;

27 THENCE North 27°07'27" East, with the west line of said 20.005 acre

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1 tract, same being the east line of said 20.022 acre tract, a
2 distance of 1099.13 feet to a 1/2" rebar found for the northwest
3 corner of said 20.005 acre tract, same being the northeast corner of
4 said 20.022 acre tract, also being in the southwest line of said
5 198.302 acre tract;

6 THENCE North 63°21'03" West, with the southwest line of said 198.302
7 acre tract, same being the northeast line of said 20.022 acre tract,
8 a distance of 626.61 feet to a 1/2" rebar found for the southwest
9 corner of said 198.302 acre tract, same being the northwest corner
10 of said 20.022 acre tract, also being in the east line of said
11 232.233 acre tract;

12 THENCE South 26°53'42" West, with the east line of said 232.233 acre
13 tract, same being the west line of said 20.022 acre tract, a
14 distance of 1085.47 feet to a calculated point;

15 THENCE crossing said 232.233 acre tract, the following two (2)
16 courses and distances:

17 1. With a curve to the right, having a radius of 1490.63
18 feet, a delta angle of 26°48'48", an arc length of 697.59 feet, and a
19 chord which bears North 52°29'28" West, a distance of 691.24 feet to
20 a calculated point;

21 2. North 36°26'06" West, a distance of 1284.36 feet to a
22 calculated point in the southwest line of said 232.233 acre tract,
23 same being the northeast line of a 174.4 acre tract described in a
24 deed to Edward J. Gillen and wife, Mildred Gillen, recorded in
25 Volume 1549, Page 268 of the Deed Records of Travis County, Texas;

26 THENCE with the southwest line of said 232.233 acre tract, same
27 being the northeast line of said 174.4 acre tract, the following

1 four (4) courses and distances:
2 1. North 27°21'05" East, a distance of 684.48 feet to a 1/2"
3 rebar with Chaparral cap found;
4 2. North 62°42'32" West, a distance of 500.00 feet to a 4"
5 iron pipe found;
6 3. North 27°21'05" East, a distance of 784.20 feet to a 1/2"
7 rebar with Chaparral cap found;
8 4. North 62°42'32" West, a distance of 999.32 feet to a 1/2"
9 rebar with cap stamped 4453 for the west corner of said 232.233 acre
10 tract, same being the southeast corner of a 120.321 acre tract
11 described in a deed to Noble Capital Servicing, LLC, et al.,
12 recorded in Document No. 2009151330 of the Official Public Records
13 of Travis County, Texas;
14 THENCE North 26°58'58" East, with the west line of said 232.233 acre
15 tract, same being the east line of said 120.321 acre tract, a
16 distance of 1437.81 feet to a calculated point for the northwest
17 corner of said 232.233 acre tract, same being the southwest corner
18 of Lot 1, Pittman Addition, a subdivision of record in Volume 76,
19 Page 228 of the Plat Records of Travis County, Texas;
20 THENCE South 62°59'36" East, with the north line of said 232.233
21 acre tract, same being the south line of said Lot 1 and the south
22 line of an 11.000 acre tract described in a deed to O. D. McMarion
23 and Ann Sibley, recorded in Document No. 1999100812 of the Official
24 Public Records of Travis County, Texas, a distance of 857.50 feet to
25 a 1/2" iron pipe found for the southeast corner of said 11.000 acre
26 tract, same being the southwest corner of said 8.282 acre tract;
27 THENCE North 26°58'15" East, with the west line of said 8.282 acre

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1 tract, same being the east line of said 11.000 acre tract and the
2 east line of a 5.014 acre tract described in a deed to O. D. McMarion
3 and wife, Ann McMarion, recorded in Document No. 2007145976 of the
4 Official Public Records of Travis County, Texas, a distance of
5 653.18 feet to a 1/2" rebar with Chaparral cap found in the east
6 line of said 5.014 acre tract, for the northwest corner of said
7 8.282 acre tract, same being the southwest corner of a remainder of
8 13.93 acres conveyed in a deed to Tom Stephens and wife, Janice
9 Stephens, recorded in Volume 7496, Page 513, and described in a deed
10 of record in Volume 3329, Page 1038, both of the Deed Records of
11 Travis County, Texas;

12 THENCE South 63°15'05" East, with the north line of said 8.282 acre
13 tract, same being the south line of said remainder of 13.93 acres, a
14 distance of 648.24 feet to a 1/2" rebar with Chaparral cap found for
15 the northeast corner of said 8.282 acre tract, same being the west
16 line of said 232.233 acre tract, also being the southeast corner of
17 said remainder of 13.93 acres;

18 THENCE North 43°26'02" East, with the west line of said 232.233 acre
19 tract, same being the east line of said remainder of 13.93 acres, a
20 distance of 538.67 feet to a 1/2" rebar with Chaparral cap found in
21 the south right-of-way line of Colton Bluff Springs Road, for the
22 northwest corner of said 232.233 acre tract, same being the
23 northeast corner of said remainder of 13.93 acres;

24 THENCE North 32°24'14" East, crossing Colton Bluff Springs Road, a
25 distance of 70.31 feet to a calculated point in the north right-of-
26 way line of Colton Bluff Springs Road, same being the south line of
27 said 82.844 acre tract;

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

4 1. North 63°13'10" West, a distance of 197.14 feet to a 1/2"
5 rebar found;

6 2. North 63°18'06" West, a distance of 703.08 feet to a bolt
7 in concrete found for the southwest corner of said 82.844 acre
8 tract, same being the southeast corner of a 1.0 acre tract described
9 in a deed to Donny Mack Cowan, recorded in Volume 12371, Page 662 of
10 the Real Property Records of Travis County, Texas;

11 THENCE North 27°09'21" East, with the west line of said 82.844 acre
12 tract, same being the east line of said 1.0 acre tract, a distance
13 of 290.52 feet to a 1/2" rebar found for the northeast corner of
14 said 1.0 acre tract, same being the southeast corner of said 89.256
15 acre tract;

16 THENCE with the south line of said 89.256 acre tract, the following
17 eight (8) courses and distances:

18 1. North 63°01'00" West, with the north line of said 1.0 acre
19 tract, a distance of 150.08 feet to a 1/2" rebar with cap found;

20 2. South 27°11'15" West, with the west line of said 1.0 acre
21 tract, a distance of 291.18 feet to a 1/2" rebar found in the north
22 right-of-way line of Colton Bluff Springs Road;

23 3. North 63°15'07" West, with the north right-of-way line of
24 Colton Bluff Springs Road a distance of 508.93 feet to a calculated
25 point;

26 4. North 62°31'18" West, with the north right-of-way line of
27 Colton Bluff Springs Road, a distance of 175.38 feet to a calculated

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1 point for the southeast corner of a 0.18 acre tract conveyed in a
2 deed to Rosemary Elizabeth Schweitzer, recorded in Volume 13011
3 Page 32 of the Real Property Records of Travis County, Texas, and
4 described as Lot No. 2 in a deed of record in Volume 6057, Page 415
5 of the Deed Records of Travis County, Texas;

6 5. North 26°26'47" East, with the east line of said 0.18 acre
7 tract, a distance of 130.76 feet to a calculated point for the
8 northeast corner of said 0.18 acre tract;

9 6. North 63°01'34" West, with the north line of said 0.18
10 acre tract and the north line of another 0.18 acre tract conveyed in
11 said deed to Rosemary Elizabeth Schweitzer, recorded in Volume
12 13011 Page 32 of the Real Property Records of Travis County, Texas,
13 and described as Lot No. 1 in a deed of record in Volume 6057, Page
14 415 of the Deed Records of Travis County, Texas, a distance of
15 120.03 feet to a calculated point for the northwest corner of said
16 0.18 acre tract described as Lot No. 1;

17 7. South 26°58'40" West, with the west line of said 0.18 acre
18 tract described as Lot No. 1, a distance of 129.50 feet to a
19 calculated point in the north right-of-way line of Colton Bluff
20 Springs Road, for the southwest corner of said 0.18 acre tract
21 described as Lot No. 1;

22 8. North 62°29'29" West, with the north right-of-way line of
23 Colton Bluff Springs Road, a distance of 564.31 feet to a 1/2" rebar
24 found for the southwest corner of said 89.256 acre tract, same being
25 the southeast corner of said 25.735 acre tract;

26 THENCE continuing with the north right-of-way line of Colton Bluff
27 Springs Road, the following three (3) courses and distances:

1 1. North 62°29'18" West, with the south line of said 25.735
2 acre tract, a distance of 64.03 feet to a 1/2" rebar found for the
3 southwest corner of said 25.735 acre tract, same being the
4 southeast corner of said 2.731 acre tract;

5 2. North 62°29'18" West, with the south line of said 2.731
6 acre tract, a distance of 237.84 feet to a 1/2" rebar found for the
7 southwest corner of said 2.731 acre tract, same being the southeast
8 corner of said 37.306 acre tract

9 3. North 63°23'43" West, with the south line of said 37.306
10 acre tract, a distance of 420.32 feet to a calculated point;
11 THENCE crossing said 37.306 acre tract, with the north right-of-way
12 line of Colton Bluff Springs Road, the following two (2) courses and
13 distances:

14 1. North 27°10'53" East, a distance of 6.63 feet to a
15 calculated point;

16 2. North 62°49'07" West, a distance of 507.44 feet to a
17 calculated point in the east right-of-way line of McKinney Falls
18 Parkway (right-of-way width varies);

19 THENCE continuing across said 37.306 acre tract, with the east
20 right-of-way line of McKinney Falls Parkway, the following three
21 (3) courses and distances:

22 1. North 27°10'53" East, a distance of 424.86 feet to a
23 calculated point;

24 2. With a curve to the right, having a radius of 11942.50
25 feet, a delta angle of 00°21'16", an arc length of 73.90 feet, and a
26 chord which bears North 27°21'31" East, a distance of 73.90 feet to a
27 calculated point;

1 3. North 27°31'58" East, a distance of 771.23 feet to a
2 calculated point in the west line of said 37.306 acre tract, for the
3 south corner of said 2820 square foot tract;

4 THENCE continuing with the east right-of-way line of McKinney Falls
5 Parkway, the following seven (7) courses and distances:

6 1. North 28°03'14" East, with the west line of said 2820
7 square foot tract, a distance of 254.40 feet to a 1/2" rebar with
8 Chaparral cap found for the north corner of said 2820 square foot
9 tract, same being an angle point in the west line of said 37.306
10 acre tract;

11 2. North 27°30'59" East, with the west line of said 37.306
12 acre tract, a distance of 144.75 feet to a 1/2" rebar with Chaparral
13 cap found for the northwest corner of said 37.306 acre tract, same
14 being the southwest corner of said remainder of 2.6891 acres;

15 3. North 32°40'32" East, with the west line of said remainder
16 of 2.6891 acres, a distance of 159.65 feet to a 1/2" rebar with
17 Chaparral cap found for the northwest corner of said remainder of
18 2.6891 acres, same being the southwest corner of said 18.810 acres;

19 4. North 27°32'48" East, with the west line of said 18.810
20 acre tract, a distance of 696.37 feet to a 1/2" rebar with Chaparral
21 cap found;

22 5. North 25°38'36" East, continuing with the west line of
23 said 18.810 acre tract, a distance of 302.02 feet to a 1/2" rebar
24 with Chaparral cap found for the northwest corner of said 18.810
25 acre tract, same being in the southwest line of said 6.934 acre
26 tract;

27 6. North 48°13'16" West, with the south line of said 6.934

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1 acre tract, a distance of 15.47 feet to a 1/2" rebar with Chaparral
2 cap found for the southwest corner of said 6.924 acre tract;

3 7. North 27°31'46" East, with the west line of said 6.934
4 acre tract, a distance of 192.99 feet to a calculated point for the
5 northwest corner of said 6.934 acre tract, same being the southwest
6 corner of a 6.924 acre tract described in a deed to Jose A. Espinosa
7 and Luz A. Espinosa, recorded in Volume 12861, Page 391 of the Real
8 Property Records of Travis County, Texas;

9 THENCE South 48°13'04" East, with the north line of said 6.934 acre
10 tract, same being the south line of said 6.924 acre tract, a
11 distance of 1617.68 feet to a 1/2" rebar found for the northeast
12 corner of said 6.934 acre tract, same being the southeast corner of
13 said 6.924 acre tract, also being in the west line of said 89.256
14 acre tract;

15 THENCE North 28°09'13" East, with the west line of said 89.256 acre
16 tract, same being the east line of said 6.924 acre tract, the east
17 line of a 2 acre tract described in a deed to Erland Burklund,
18 recorded in Volume 6757, Page 601 of the Deed Records of Travis
19 County, Texas, and the east line of said 6.997 acre tract, a
20 distance of 576.68 feet to the POINT OF BEGINNING, containing
21 648.268 acres of land, more or less.

22 SAVE AND EXCEPT 4.133 ACRES:

23 BEING ALL OF A 4.132 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO
24 CHERYL LYNNE AND KIEKE BARRON, DATED JANUARY 1, 1985 AND RECORDED IN
25 VOLUME 8971, PAGE 137 OF REAL PROPERTY RECORDS OF TRAVIS COUNTY
26 TEXAS; SAID 4.133 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES
27 AND BOUNDS AS FOLLOWS:

1 BEGINNING at a 5/8" rebar found in the south right-of-way line of
2 Colton Bluff Springs Road, for the northeast corner of said 4.132
3 acre tract, same being an angle point in the north line of said
4 232.233 acre tract;

5 THENCE with the common line of said 4.132 acre tract and said
6 232.233 acre tract, the following three (3) courses and distances:

7 1. South 26°46'51" West, a distance of 450.30 feet to a 5/8"
8 rebar found;

9 2. North 63°15'05" West, a distance of 399.80 feet to a 1/2"
10 rebar with Chaparral cap found;

11 3. North 26°46'51" East, a distance of 450.30 feet to a
12 calculated point in the south right-of-way line of Colton Bluff
13 Springs Road, for the northwest corner of said 4.132 acre tract,
14 same being an angle point in the north line of said 232.233 acre
15 tract;

16 THENCE South 63°15'05" East, with the south right-of-way line of
17 Colton Bluff Springs Road, same being the north line of said 4.132
18 acre tract, a distance of 399.80 feet to the POINT OF BEGINNING,
19 containing 4.133 acres of land, more or less.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

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

11 SECTION 4. Except as provided by Section 4 of this Act:

12 (1) this Act takes effect immediately if it receives a
13 vote of two-thirds of all members elected to each house, as provided
14 by Section 39, Article III, Texas Constitution; and

15 (2) if this Act does not receive the vote necessary for
16 immediately effect, this Act takes effect September 1, 2011.