

By: Rodriguez

H.B. No. 1759

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pilot Knob Municipal Utility District No. 4; 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. 4

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. 4.

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

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

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

(1) revenue other than ad valorem taxes; or

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

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

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

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

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

Sec. 8____.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

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

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

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

23 SECTION 2. The Pilot Knob Municipal Utility District No. 4
24 initially includes all the territory contained in the following
25 area: 345.581 acres of land, consisting of the 306.331 acre tract
26 described below as "Tract 1" and the 39.250 acre tract described
27 below as "Tract 2":

1 A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN
2 TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN
3 A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER
4 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL
5 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT
6 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
7 DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF
8 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293
9 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION
10 INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO.
11 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
12 ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO
13 JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN
14 DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
15 COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A
16 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006
17 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC
18 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT
19 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
20 DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF
21 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
22 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
23 ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT
24 NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
25 TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL
26 WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND
27 RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS

1 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED
2 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,
3 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC
4 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT
5 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
6 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE
7 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE
8 TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION
9 INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138
10 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF
11 LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN
12 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,
13 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED
14 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN
15 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
16 COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A
17 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008
18 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC
19 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT
20 DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T.
21 HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND
22 RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS
23 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED
24 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER
25 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL
26 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT
27 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,

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1 DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF
2 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
3 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S
4 LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN
5 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
6 COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY);
7 SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
8 AND BOUNDS AS FOLLOWS:

9 TRACT 1, 306.331 ACRES:

10 BEGINNING at a calculated point in the east right-of-way line of
11 Thaxton Road (50' right-of-way) for the northwest corner of said
12 73.453 acre tract, same being the west corner of a 2.76 acre tract
13 described in a deed to Carl H. Dittmar, recorded in Volume 12562,
14 Page 428 of the Real Property Records of Travis County, Texas, from
15 which a 1/2" rebar found bears North 61°56'44" West, a distance of
16 0.44 feet;

17 THENCE with the north line of said 73.453 acre tract, same being the
18 south line of said 2.76 acre tract, the following two (2) courses
19 and distances:

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

22 2. North 27°52'53" East, a distance of 294.18 feet to a 1/2"
23 rebar found for a north corner of said 73.453 acre tract, same being
24 the east corner of said 2.76 acre tract, also being in the southwest
25 line of a tract called 21 acres in a deed to Max F. Ehrlich, recorded
26 in Volume 1945, Page 416 of the Deed Records of Travis County,
27 Texas;

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

7 THENCE North 27°46'44" East, with the northwest line of said 29.293
8 acre tract, same being the southeast line of said 21 acre tract, a
9 distance of 1083.71 feet to a 1/2" rebar with Chaparral cap found in
10 the south right-of-way line of Sassman Road;

11 THENCE North 28°38'04" East, crossing Sassman Road, a distance of
12 70.04 feet to a calculated point for the north right-of-way line of
13 Sassman Road, same being the southwest line of a 2.00 acre tract
14 described in a deed to Anselmo Medina and spouse, Oralia Medina,
15 recorded in Document No. 2002227115 of the Official Public Records
16 of Travis County, Texas;

17 THENCE South 61°39'26" East, with the north right-of-way line of
18 Sassman Road, same being the southwest line of said 2.00 acre tract,
19 the southwest line of a 1.00 acre tract described in a deed to
20 Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume
21 12233, Page 1678 of the Real Property Records of Travis County,
22 Texas, the southwest line of a 1.00 acre tract described in a deed
23 to Amir Batoeinngi, recorded in Document No. 2008060410 of the
24 Official Public Records of Travis County, Texas, and the southwest
25 line of a 1.00 acre tract described in a deed to Abacu Perez and
26 Felicitas Perez, recorded in Document No. 2006189910 of the
27 Official Public Records of Travis County, Texas, a distance of

1 547.23 feet to a calculated point;
2 THENCE South 63°50'26" East, continuing with the north right-of-way
3 line of Sassman Road, same being the southwest line of said 1.00
4 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for
5 the south corner of said 1.00 acre Perez tract, same being the west
6 corner of said Lot A;
7 THENCE North 26°09'41" East, with the northwest line of said Lot A,
8 same being the southeast line of said 1.00 acre Perez tract, a
9 distance of 362.16 feet to a calculated point for the east corner of
10 said 1.00 acre Perez tract, same being the south corner of said
11 20.005 acre tract;
12 THENCE North 61°26'42" West, with the southwest line of said 20.005
13 acre tract, same being the northeast line of said 1.00 acre Perez
14 tract, a distance of 113.09 feet to a 1/2" rebar found for an angle
15 point in the southwest line of said 20.005 acre tract, same being
16 the north corner of said 1.00 acre Perez tract, also being in the
17 southeast line of a 1.25 acre tract described in said deed to Amir
18 Batoeinngi;
19 THENCE North 28°21'23" East, continuing with the southwest line of
20 said 20.005 acre tract, same being the southeast line of said 1.25
21 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the
22 east corner of said 1.25 acre tract;
23 THENCE North 61°29'11" West, continuing with the southwest line of
24 said 20.005 acre tract, same being the northeast line of said 1.25
25 acre tract, and a 1.25 acre tract described in said deed to Gerald
26 Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the
27 west corner of said 20.005 acre tract, same being the north corner

1 of said 1.25 acre Shoulders tract, also being in the southeast line
2 of a 20.022 acre tract described in a deed to Janie Diaz, recorded
3 in Document No. 2006101103, said 20.022 acre tract being further
4 described in Document No. 2001200503, both of the Official Public
5 Records of Travis County, Texas;

6 THENCE North 27°07'27" East, with the northwest line of said 20.005
7 acre tract, same being the southeast line of said 20.022 acre tract,
8 a distance of 162.08 feet to a calculated point;

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

14 1. South 61°48'21" East, a distance of 672.64 feet to a
15 calculated point;

16 2. South 28°11'39" West, a distance of 1597.96 feet to a
17 calculated point;

18 3. With a curve to the left, having a radius of 580.00 feet,
19 a delta angle of 69°45'07", an arc length of 706.10 feet, and a chord
20 which bears South 06°40'54" East, a distance of 663.29 feet to a
21 calculated point;

22 4. South 41°33'28" East, a distance of 274.95 feet to a
23 calculated point;

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

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

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

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

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

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

15 11. South 62°55'22" East, a distance of 149.13 feet to a
16 calculated point in the west right-of-way line of F. M. 1625 (80'
17 right-of-way), same being the southeast line of said 98.656 acre
18 tract;

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

26 THENCE North 62°25'04" West, with the southwest line of said 98.656
27 acre tract, same being the northeast line of said 10.067 acre tract,

1 and the northeast line of Lot 6, Las Lomitas Subdivision, a
2 subdivision of record in Document No. 200200226 of the Official
3 Public Records of Travis County, Texas, at a distance of 0.11 feet
4 passing a 1/2" rebar found, and continuing for a total distance of
5 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot
6 6, for the southwest corner of said 98.656 acre tract, same being
7 the southeast corner of said 60.921 acre tract;

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

15 THENCE North 27°00'49" East, with the northwest line of said 60.921
16 acre tract, same being the southeast line of said 58 acre tract, a
17 distance of 1221.01 feet to an 80D nail found for the east corner of
18 said 58 acre tract, same being the south corner of said 55.222 acre
19 tract;

20 THENCE North 60°57'25" West, with the southwest line of said 55.222
21 acre tract, same being the northeast line of said 58 acre tract, a
22 distance of 1295.20 feet to a 60D nail found for the southwest
23 corner of said 55.222 acre tract, same being the southeast corner of
24 said 28.461 acre tract;

25 THENCE North 61°18'16" West, with the southwest line of said 28.461
26 acre tract, same being the northeast line of said 58 acre tract, a
27 distance of 329.98 feet to a 1" iron pipe found for the southwest

1 corner of said 28.461 acre tract, same being the southeast corner of
2 said 29.293 acre tract;

3 THENCE North 61°30'47" West, with the southwest line of said 29.293
4 acre tract, same being the northeast line of said 58 acre tract, a
5 distance of 331.97 feet to a 1/2" rebar found for the southwest
6 corner of said 29.293 acre tract, same being the north corner of
7 said 58 acre tract, also being in the southeast line of a 77.22 acre
8 tract described in a deed to William D. Wende, Fred J. Wende and
9 Price T. Wende, recorded in Volume 12171, Page 455 of the Real
10 Property Records of Travis County, Texas;

11 THENCE North 27°46'44" East, with the northwest line of said 29.293
12 acre tract, same being the southeast line of said 77.22 acre tract,
13 the southeast line of a 32.892 acre tract described in a deed to
14 Mark Alexander, recorded in Volume 11513, Page 1451 of the Real
15 Property Records of Travis County, Texas, and the southeast line of
16 a remaining portion of 29.94 acres described in a deed to Santana C.
17 Urias, Jr., recorded in Volume 6132, Page 1217 of the Deed Records
18 of Travis County, Texas, a distance of 1047.38 feet to a 1/2" rebar
19 with Chaparral cap found for the northeast corner of said remaining
20 portion of 29.94 acres, same being the southeast corner of said
21 31.022 acre tract;

22 THENCE North 61°12'34" West, with the southwest line of said 31.022
23 acre tract, same being the northeast line of said remaining portion
24 of 29.94 acres, and the northeast line of a 2.500 acre tract
25 described in a deed to Cloe Bell Urias, recorded in Volume 9678,
26 Page 891 of the Real Property Records of Travis County, Texas, at a
27 distance of 3268.31 feet passing a 1/2" rebar found, and continuing

1 for a total distance of 3268.82 feet to a calculated point in the
2 east right-of-way line of Thaxton Road, for the west corner of said
3 31.022 acre tract, same being the north corner of said 2.500 acre
4 tract;

5 THENCE North 28°02'32" East, with the east right-of-way line of
6 Thaxton Road, with the northwest line of said 31.022 acre tract, a
7 distance of 417.56 feet to a 1/2" rebar found for the north corner
8 of said 31.022 acre tract, same being the west corner of a remaining
9 portion of a 3.22 acre tract described in a deed to Carlin Ann
10 Wilson, recorded in Volume 12562, Page 419 of the Real Property
11 Records of Travis County, Texas, also being the west corner of an
12 access easement described in Volume 12562, Page 407 of the Real
13 Property Records of Travis County, Texas;

14 THENCE with the northeast line of said 31.022 acre tract, the
15 following two (2) courses and distances:

16 1. South 61°16'30" East, with southwest line of said
17 remaining portion of 3.22 acres, a distance of 406.03 feet to a 1/2"
18 rebar with Chaparral cap found for the south corner of said
19 remaining portion of 3.22 acres, same being the west corner of an
20 18.38 acre tract described in a deed to Consumer Solutions, LLC,
21 recorded in Document No. 2010038770 of the Official Public Records
22 of Travis County, Texas;

23 2. South 61°00'23" East, with the southwest line of said
24 18.38 acre tract, a distance of 1136.77 feet to a 1/2" rebar with
25 cap found for the south corner of said 18.38 acre tract, same being
26 the southwest corner of said 73.453 acre tract;

27 THENCE with the northwest line of said 73.453 acre tract, the

1 following three (3) courses and distances:

2 1. North 27°53'08" East, with the southeast line of said
3 18.38 acre tract, a distance of 713.60 feet to a 1/2" rebar with cap
4 found for the east corner of said 18.38 acre tract;

5 2. North 61°59'49" West, with the northeast line of said
6 18.38 acre tract, and the northeast line of a 3.20 acre tract
7 described in a deed to James J. Williams, recorded in Volume 13116,
8 Page 732 of the Real Property Records of Travis County, Texas, a
9 distance of 1540.66 feet to a 1/2" rebar with Chaparral cap found in
10 the east right-of-way line of Thaxton Road, for the north corner of
11 said 3.20 acre tract;

12 3. North 28°02'32" East, with the east right-of-way line of
13 Thaxton Road, a distance of 360.56 feet to the POINT OF BEGINNING,
14 containing 306.331 acres of land, more or less.

15 TRACT 2, 39.250 ACRES:

16 BEGINNING at a 1/2" rebar with Chaparral cap found in the north
17 right-of-way line of Sassman Road, for the southwest corner of said
18 232.233 acre tract, same being the southeast corner of a 174.4 acre
19 tract described in a deed to Edward J. Gillen and wife, Mildred
20 Gillen, recorded in Volume 1549, Page 268 of the Deed Records of
21 Travis County, Texas;

22 THENCE North 27°21'05" East, with the west line of said 232.233 acre
23 tract, same being the east line of said 174.4 acre tract, a distance
24 of 1257.11 feet to a calculated point;

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

27 1. South 36°26'06" East, a distance of 1284.36 feet to a

1 calculated point;

2 2. With a curve to the left, having a radius of 1490.63 feet,
3 a delta angle of $26^{\circ}48'48''$, an arc length of 697.59 feet, and a chord
4 which bears South $52^{\circ}29'28''$ East, a distance of 691.24 feet to a
5 calculated point in the east line of said 232.233 acre tract, same
6 being the west line of said 20.022 acre tract;

7 THENCE South $26^{\circ}53'42''$ West, with the west line of said 20.022 acre
8 tract, same being the east line of said 232.233 acre tract and the
9 east line of said 9.662 acre tract, a distance of 621.23 feet to a
10 $1/2''$ rebar with 5418 cap found in the north right-of-way line of
11 Sassman Road, for the southeast corner of said 9.662 acre tract,
12 same being the southwest corner of said 20.022 acre tract;

13 THENCE South $29^{\circ}00'48''$ West, crossing Sassman Road, a distance of
14 70.00 feet to a calculated point in the south right-of-way line of
15 Sassman Road, same being the north line of said 21 acre tract;

16 THENCE North $60^{\circ}59'12''$ West, with the south right-of-way line of
17 Sassman Road, same being the north line of said 21 acre tract, a
18 distance of 1838.40 feet to a calculated point;

19 THENCE North $29^{\circ}00'48''$ East, crossing Sassman Road, a distance of
20 70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of
21 land, more or less.

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

1 Government Code.

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

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

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

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

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

17 (2) if this Act does not receive the vote necessary for
18 immediate effect, this Act takes effect September 1, 2011.