

1 AN ACT

2 relating to the creation of the Pilot Knob Municipal Utility
3 District No. 4; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. Subtitle F, Title 6, Special District Local Laws
6 Code, is amended by adding Chapter 8378 to read as follows:

7 CHAPTER 8378. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 4

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8378.001. DEFINITIONS. In this chapter:

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

11 (2) "Commission" means the Texas Commission on
12 Environmental Quality.

13 (3) "Director" means a board member.

14 (4) "District" means the Pilot Knob Municipal Utility
15 District No. 4.

16 (5) "Municipality" means a municipality in whose
17 corporate limits or extraterritorial jurisdiction the district is
18 located.

19 Sec. 8378.002. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8378.003. CONFIRMATION AND DIRECTORS' ELECTION
23 REQUIRED. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect permanent

1 directors as provided by Section 8378.051 of this code and Section
2 49.102, Water Code.

3 Sec. 8378.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
4 temporary directors may not hold an election under Section 8378.003
5 until each municipality has consented by ordinance or resolution to
6 the creation of the district and to the inclusion of land in the
7 district.

8 (b) If a municipality does not consent to the creation of
9 the district or if the district does not enter into an agreement
10 required by the terms of the municipal ordinance or resolution
11 consenting to the creation of the district under this section
12 before September 1, 2012:

13 (1) the district is dissolved September 1, 2012,
14 except that:

15 (A) any debts incurred shall be paid;

16 (B) any assets that remain after the payment of
17 debts shall be transferred to the municipality or another local
18 governmental entity to be used for a public purpose; and

19 (C) the organization of the district shall be
20 maintained until all debts are paid and remaining assets are
21 transferred; and

22 (2) this chapter expires September 1, 2012.

23 Sec. 8378.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
24 The district is created to serve a public purpose and benefit.

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

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

1 (2) Section 52, Article III, Texas Constitution, that
2 relate to the construction, acquisition, or improvement of
3 macadamized, graveled, or paved roads described by Section 54.234,
4 Water Code, or improvements, including storm drainage, in aid of
5 those roads.

6 Sec. 8378.006. INITIAL DISTRICT TERRITORY. (a) The
7 district is initially composed of the territory described by
8 Section 2 of the Act enacting this chapter.

9 (b) The boundaries and field notes contained in Section 2 of
10 the Act enacting this chapter form a closure. A mistake made in the
11 field notes or in copying the field notes in the legislative process
12 does not affect the district's:

13 (1) organization, existence, or validity;

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

17 (3) right to impose a tax; or

18 (4) legality or operation.

19 [Sections 8378.007-8378.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8378.051. GOVERNING BODY; TERMS. (a) Except as
22 provided by Subsection (b), the district is governed by a board of
23 five elected directors.

24 (b) If required under the terms of the agreement, ordinance,
25 or resolution by which a municipality consents to the creation of
26 the district, the board consists of:

27 (1) four elected directors; and

1 (2) one director appointed by the governing body of
2 the municipality.

3 (c) A director appointed under Subsection (b)(2) is not
4 required to be a qualified voter of the district or to own land
5 subject to taxation in the district.

6 (d) Except as provided by Section 8378.052, directors serve
7 staggered four-year terms. A permanent director may not serve more
8 than two four-year terms.

9 (e) The common law doctrine of incompatibility does not
10 disqualify an official or employee of a municipality from being
11 appointed a director by the governing body of a municipality under
12 Subsection (b)(2), and a director appointed to the board may
13 continue to serve in a public office of or be employed by the
14 municipality.

15 Sec. 8378.052. TEMPORARY DIRECTORS. (a) On or after the
16 effective date of the Act enacting this chapter, the owner or owners
17 of a majority of the assessed value of the real property in the
18 district may submit a petition to the commission requesting that
19 the commission appoint as temporary directors the five persons
20 named in the petition. The commission shall appoint as temporary
21 directors the five persons named in the petition.

22 (b) Temporary directors serve until the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8378.003; or

25 (2) the fourth anniversary of the effective date of
26 the Act enacting this chapter.

27 (c) If permanent directors have not been elected under

1 Section 8378.003 and the terms of the temporary directors have
2 expired, successor temporary directors shall be appointed or
3 reappointed as provided by Subsection (d) to serve terms that
4 expire on the earlier of:

5 (1) the date permanent directors are elected under
6 Section 8378.003; or

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

9 (d) If Subsection (c) applies, the owner or owners of a
10 majority of the assessed value of the real property in the district
11 may submit a petition to the commission requesting that the
12 commission appoint as successor temporary directors the five
13 persons named in the petition. The commission shall appoint as
14 successor temporary directors the five persons named in the
15 petition.

16 [Sections 8378.053-8378.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8378.101. GENERAL POWERS AND DUTIES. The district has
19 the powers and duties necessary to accomplish the purposes for
20 which the district is created.

21 Sec. 8378.102. MUNICIPAL UTILITY DISTRICT POWERS AND
22 DUTIES. The district has the powers and duties provided by the
23 general law of this state, including Chapters 49 and 54, Water Code,
24 applicable to municipal utility districts created under Section 59,
25 Article XVI, Texas Constitution.

26 Sec. 8378.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
27 Section 52, Article III, Texas Constitution, the district may

1 design, acquire, construct, finance, issue bonds for, improve, and
2 convey to this state, a county, or a municipality for operation and
3 maintenance macadamized, graveled, or paved roads described by
4 Section 54.234, Water Code, or improvements, including storm
5 drainage, in aid of those roads.

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

9 Sec. 8378.104. APPROVAL OF ROAD PROJECT. (a) The district
10 may not undertake a road project authorized by Section 8378.103
11 unless:

12 (1) each municipality or county that will operate and
13 maintain the road has approved the plans and specifications of the
14 road project, if a municipality or county will operate and maintain
15 the road; or

16 (2) the Texas Transportation Commission has approved
17 the plans and specifications of the road project, if the state will
18 operate and maintain the road.

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

23 Sec. 8378.105. COMPLIANCE WITH AND ENFORCEABILITY OF
24 MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The
25 district shall comply with all applicable requirements of any
26 ordinance or resolution that is adopted under Section 54.016 or
27 54.0165, Water Code, and that consents to the creation of the

1 district or to the inclusion of land in the district.

2 (b) Any agreement between the district and a municipality
3 related to the municipality's consent to the creation of the
4 district is valid and enforceable.

5 (c) On the issuance of bonds by the district, the district
6 is considered to have waived sovereign immunity to suit by a
7 municipality for the purpose of adjudicating a claim for breach of
8 an agreement described by this section.

9 Sec. 8378.106. CONTRACT TO FURTHER REGIONAL COOPERATION.

10 The district and a municipality may contract on terms that the board
11 and governing body of the municipality agree will further regional
12 cooperation between the district and the municipality.

13 Sec. 8378.107. NO EMINENT DOMAIN POWER. The district may
14 not exercise the power of eminent domain.

15 [Sections 8378.108-8378.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8378.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
18 district may issue, without an election, bonds and other
19 obligations secured by:

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

21 (2) contract payments described by Section 8378.153.

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

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 8378.152. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8378.151, the district
5 may impose an operation and maintenance tax on taxable property in
6 the district in accordance with Section 49.107, Water Code.

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

9 (c) If required by an agreement between the district and a
10 municipality under Section 8378.105, the total ad valorem tax rate
11 of the district may not be less than the total ad valorem tax rate of
12 the municipality.

13 Sec. 8378.153. CONTRACT TAXES. (a) In accordance with
14 Section 49.108, Water Code, the district may impose a tax other than
15 an operation and maintenance tax and use the revenue derived from
16 the tax to make payments under a contract after the provisions of
17 the contract have been approved by a majority of the district voters
18 voting at an election held for that purpose.

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

22 [Sections 8378.154-8378.200 reserved for expansion]

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 8378.201. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS. The district may issue bonds or other obligations
26 payable wholly or partly from ad valorem taxes, impact fees,
27 revenue, contract payments, grants, or other district money, or any

1 combination of those sources, to pay for any authorized district
2 purpose.

3 Sec. 8378.202. TAXES FOR BONDS. At the time the district
4 issues bonds payable wholly or partly from ad valorem taxes, the
5 board shall provide for the annual imposition of a continuing
6 direct ad valorem tax, without limit as to rate or amount, while all
7 or part of the bonds are outstanding as required and in the manner
8 provided by Sections 54.601 and 54.602, Water Code.

9 Sec. 8378.203. BONDS FOR ROAD PROJECTS. At the time of
10 issuance, the total principal amount of bonds or other obligations
11 issued or incurred to finance road projects and payable from ad
12 valorem taxes may not exceed one-fourth of the assessed value of the
13 real property in the district.

14 [Sections 8378.204-8378.250 reserved for expansion]

15 SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL
16 ANNEXATION AND NOTICE

17 Sec. 8378.251. STRATEGIC PARTNERSHIP; CONTINUATION OF
18 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may
19 continue to exist as a limited district after full-purpose
20 annexation by a municipality if the district and the annexing
21 municipality state the terms of the limited district's existence in
22 a strategic partnership agreement under Section 43.0751, Local
23 Government Code.

24 (b) The strategic partnership agreement may provide for a
25 term of any number of years. The limitation in Section
26 43.0751(g)(2), Local Government Code, on the length of the term
27 does not apply to a limited district created under this section.

1 Sec. 8378.252. MUNICIPAL ANNEXATION; NOTICE. (a) Sections
2 43.0561 and 43.0562, Local Government Code, do not apply to the
3 annexation of the district by a municipality that consents to the
4 creation of the district under Section 8378.004.

5 (b) Not later than the 30th day after the date a
6 municipality adopts a resolution or ordinance consenting to the
7 creation of the district, the municipality shall file, in the real
8 property records of the county in which the land to be included in
9 the district is located, a notice to a purchaser of real property in
10 the district that describes:

11 (1) the municipality's authority and intention to
12 annex the district; and

13 (2) the anticipated date of the annexation.

14 (c) After the notice is filed, a person who proposes to sell
15 or otherwise convey real property in the district must include the
16 information contained in the municipality's notice in the Notice to
17 Purchasers required by Section 49.452, Water Code.

18 SECTION 2. The Pilot Knob Municipal Utility District No. 4
19 initially includes all the territory contained in the following
20 area: 345.581 acres of land, consisting of the 306.331 acre tract
21 described below as "Tract 1" and the 39.250 acre tract described
22 below as "Tract 2":

23 A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN
24 TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN
25 A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER
26 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL
27 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT

1 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
2 DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF
3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293
4 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION
5 INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO.
6 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
7 ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO
8 JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN
9 DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
10 COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A
11 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006
12 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC
13 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT
14 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,
15 DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF
16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
17 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
18 ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT
19 NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
20 TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL
21 WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND
22 RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS
23 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED
24 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,
25 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC
26 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT
27 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,

H.B. No. 1759

1 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE
2 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE
3 TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION
4 INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138
5 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF
6 LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN
7 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,
8 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED
9 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN
10 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
11 COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A
12 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008
13 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC
14 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT
15 DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T.
16 HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND
17 RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS
18 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED
19 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER
20 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL
21 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT
22 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
23 DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF
24 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
25 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S
26 LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN
27 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS

1 COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY);
2 SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
3 AND BOUNDS AS FOLLOWS:

4 TRACT 1, 306.331 ACRES:
5 BEGINNING at a calculated point in the east right-of-way line of
6 Thaxton Road (50' right-of-way) for the northwest corner of said
7 73.453 acre tract, same being the west corner of a 2.76 acre tract
8 described in a deed to Carl H. Dittmar, recorded in Volume 12562,
9 Page 428 of the Real Property Records of Travis County, Texas, from
10 which a 1/2" rebar found bears North 61°56'44" West, a distance of
11 0.44 feet;

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

15 1. South 61°56'44" East, a distance of 404.65 feet to a
16 1/2" rebar found;

17 2. North 27°52'53" East, a distance of 294.18 feet to a
18 1/2" rebar found for a north corner of said 73.453 acre tract,
19 same being the east corner of said 2.76 acre tract, also being
20 in the southwest line of a tract called 21 acres in a deed to
21 Max F. Ehrlich, recorded in Volume 1945, Page 416 of the Deed
22 Records of Travis County, Texas;

23 THENCE South 60°59'42" East, with the northeast line of said 73.453
24 acre tract, same being the southwest line of said 21 acre tract, a
25 distance of 2857.05 feet to a 60D nail found for the northeast
26 corner of said 73.453 acre tract, same being the south corner of
27 said 21 acre tract, also being in the northwest line of said 29.293

1 acre tract;

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

6 THENCE North 28°38'04" East, crossing Sassman Road, a distance of
7 70.04 feet to a calculated point for the north right-of-way line of
8 Sassman Road, same being the southwest line of a 2.00 acre tract
9 described in a deed to Anselmo Medina and spouse, Oralia Medina,
10 recorded in Document No. 2002227115 of the Official Public Records
11 of Travis County, Texas;

12 THENCE South 61°39'26" East, with the north right-of-way line of
13 Sassman Road, same being the southwest line of said 2.00 acre tract,
14 the southwest line of a 1.00 acre tract described in a deed to
15 Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume
16 12233, Page 1678 of the Real Property Records of Travis County,
17 Texas, the southwest line of a 1.00 acre tract described in a deed
18 to Amir Batoeinngi, recorded in Document No. 2008060410 of the
19 Official Public Records of Travis County, Texas, and the southwest
20 line of a 1.00 acre tract described in a deed to Abacu Perez and
21 Felicitas Perez, recorded in Document No. 2006189910 of the
22 Official Public Records of Travis County, Texas, a distance of
23 547.23 feet to a calculated point;

24 THENCE South 63°50'26" East, continuing with the north right-of-way
25 line of Sassman Road, same being the southwest line of said 1.00
26 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for
27 the south corner of said 1.00 acre Perez tract, same being the west

1 corner of said Lot A;
2 THENCE North 26°09'41" East, with the northwest line of said Lot A,
3 same being the southeast line of said 1.00 acre Perez tract, a
4 distance of 362.16 feet to a calculated point for the east corner of
5 said 1.00 acre Perez tract, same being the south corner of said
6 20.005 acre tract;
7 THENCE North 61°26'42" West, with the southwest line of said 20.005
8 acre tract, same being the northeast line of said 1.00 acre Perez
9 tract, a distance of 113.09 feet to a 1/2" rebar found for an angle
10 point in the southwest line of said 20.005 acre tract, same being
11 the north corner of said 1.00 acre Perez tract, also being in the
12 southeast line of a 1.25 acre tract described in said deed to Amir
13 Batoeinngi;
14 THENCE North 28°21'23" East, continuing with the southwest line of
15 said 20.005 acre tract, same being the southeast line of said 1.25
16 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the
17 east corner of said 1.25 acre tract;
18 THENCE North 61°29'11" West, continuing with the southwest line of
19 said 20.005 acre tract, same being the northeast line of said 1.25
20 acre tract, and a 1.25 acre tract described in said deed to Gerald
21 Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the
22 west corner of said 20.005 acre tract, same being the north corner
23 of said 1.25 acre Shoulders tract, also being in the southeast line
24 of a 20.022 acre tract described in a deed to Janie Diaz, recorded
25 in Document No. 2006101103, said 20.022 acre tract being further
26 described in Document No. 2001200503, both of the Official Public
27 Records of Travis County, Texas;

1 THENCE North $27^{\circ}07'27''$ East, with the northwest line of said 20.005
2 acre tract, same being the southeast line of said 20.022 acre tract,
3 a distance of 162.08 feet to a calculated point;
4 THENCE crossing said 20.005 acre tract, said Lot A, said 42.558 acre
5 tract, Sassman Road, said 23.694 acre tract, said 7.602 acre tract,
6 said 25.119 acre tract, said 55.222 acre tract, said 51.942 acre
7 tract, said 60.921 acre tract, and said 98.656 acre tract, the
8 following eleven (11) courses and distances:

- 9 1. South $61^{\circ}48'21''$ East, a distance of 672.64 feet to a
10 calculated point;
- 11 2. South $28^{\circ}11'39''$ West, a distance of 1597.96 feet to a
12 calculated point;
- 13 3. With a curve to the left, having a radius of 580.00
14 feet, a delta angle of $69^{\circ}45'07''$, an arc length of 706.10
15 feet, and a chord which bears South $06^{\circ}40'54''$ East, a distance
16 of 663.29 feet to a calculated point;
- 17 4. South $41^{\circ}33'28''$ East, a distance of 274.95 feet to a
18 calculated point;
- 19 5. With a curve to the right, having a radius of 500.00
20 feet, a delta angle of $96^{\circ}25'47''$, an arc length of 841.51
21 feet, and a chord which bears South $06^{\circ}39'26''$ West, a distance
22 of 745.65 feet to a calculated point;
- 23 6. South $54^{\circ}52'19''$ West, a distance of 25.40 feet to a
24 calculated point;
- 25 7. South $35^{\circ}07'41''$ East, a distance of 344.76 feet to a
26 calculated point;
- 27 8. With a curve to the right, having a radius of 1000.01

1 feet, a delta angle of $40^{\circ}36'48''$, an arc length of 708.84
2 feet, and a chord which bears South $14^{\circ}49'17''$ East, a distance
3 of 694.09 feet to a calculated point;

4 9. South $05^{\circ}29'07''$ West, a distance of 423.15 feet to a
5 calculated point;

6 10. With a curve to the left, having a radius of 1800.01
7 feet, a delta angle of $68^{\circ}24'29''$, an arc length of 2149.12
8 feet, and a chord which bears South $28^{\circ}43'07''$ East, a distance
9 of 2023.72 feet to a calculated point;

10 11. South $62^{\circ}55'22''$ East, a distance of 149.13 feet to a
11 calculated point in the west right-of-way line of F. M. 1625
12 (80' right-of-way), same being the southeast line of said
13 98.656 acre tract;

14 THENCE South $27^{\circ}04'38''$ West, with the west right-of-way line of F.
15 M. 1625, same being the southeast line of said 98.656 acre tract, a
16 distance of 699.69 feet to a calculated point for the south corner
17 of said 98.656 acre tract, same being the east corner of a 10.067
18 acre tract described in a deed to Carlos Yescas and Elvira Yescas,
19 recorded in Document No. 2003084397 of the Official Public Records
20 of Travis County, Texas;

21 THENCE North $62^{\circ}25'04''$ West, with the southwest line of said 98.656
22 acre tract, same being the northeast line of said 10.067 acre tract,
23 and the northeast line of Lot 6, Las Lomitas Subdivision, a
24 subdivision of record in Document No. 200200226 of the Official
25 Public Records of Travis County, Texas, at a distance of 0.11 feet
26 passing a 1/2" rebar found, and continuing for a total distance of
27 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot

1 6, for the southwest corner of said 98.656 acre tract, same being
2 the southeast corner of said 60.921 acre tract;
3 THENCE North 62°26'10" West, with the southwest line of said 60.921
4 acre tract, same being the northeast line of said Lot 6 and Lot 15
5 Las Lomitas Subdivision, a distance of 1283.28 feet to a 1/2" rebar
6 with Chaparral cap found for the southwest corner of said 60.921
7 acre tract, same being the south corner of a 58 acre tract described
8 in a deed to Fred J. Wende, recorded in Volume 11849, Page 396 of the
9 Real Property Records of Travis County, Texas;
10 THENCE North 27°00'49" East, with the northwest line of said 60.921
11 acre tract, same being the southeast line of said 58 acre tract, a
12 distance of 1221.01 feet to an 80D nail found for the east corner of
13 said 58 acre tract, same being the south corner of said 55.222 acre
14 tract;
15 THENCE North 60°57'25" West, with the southwest line of said 55.222
16 acre tract, same being the northeast line of said 58 acre tract, a
17 distance of 1295.20 feet to a 60D nail found for the southwest
18 corner of said 55.222 acre tract, same being the southeast corner of
19 said 28.461 acre tract;
20 THENCE North 61°18'16" West, with the southwest line of said 28.461
21 acre tract, same being the northeast line of said 58 acre tract, a
22 distance of 329.98 feet to a 1" iron pipe found for the southwest
23 corner of said 28.461 acre tract, same being the southeast corner of
24 said 29.293 acre tract;
25 THENCE North 61°30'47" West, with the southwest line of said 29.293
26 acre tract, same being the northeast line of said 58 acre tract, a
27 distance of 331.97 feet to a 1/2" rebar found for the southwest

1 corner of said 29.293 acre tract, same being the north corner of
2 said 58 acre tract, also being in the southeast line of a 77.22 acre
3 tract described in a deed to William D. Wende, Fred J. Wende and
4 Price T. Wende, recorded in Volume 12171, Page 455 of the Real
5 Property Records of Travis County, Texas;

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

17 THENCE North 61°12'34" West, with the southwest line of said 31.022
18 acre tract, same being the northeast line of said remaining portion
19 of 29.94 acres, and the northeast line of a 2.500 acre tract
20 described in a deed to Cloe Bell Urias, recorded in Volume 9678,
21 Page 891 of the Real Property Records of Travis County, Texas, at a
22 distance of 3268.31 feet passing a 1/2" rebar found, and continuing
23 for a total distance of 3268.82 feet to a calculated point in the
24 east right-of-way line of Thaxton Road, for the west corner of said
25 31.022 acre tract, same being the north corner of said 2.500 acre
26 tract;

27 THENCE North 28°02'32" East, with the east right-of-way line of

1 Thaxton Road, with the northwest line of said 31.022 acre tract, a
2 distance of 417.56 feet to a 1/2" rebar found for the north corner
3 of said 31.022 acre tract, same being the west corner of a remaining
4 portion of a 3.22 acre tract described in a deed to Carlin Ann
5 Wilson, recorded in Volume 12562, Page 419 of the Real Property
6 Records of Travis County, Texas, also being the west corner of an
7 access easement described in Volume 12562, Page 407 of the Real
8 Property Records of Travis County, Texas;

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

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

18 2. South 61°00'23" East, with the southwest line of said
19 18.38 acre tract, a distance of 1136.77 feet to a 1/2" rebar
20 with cap found for the south corner of said 18.38 acre tract,
21 same being the southwest corner of said 73.453 acre tract;

22 THENCE with the northwest line of said 73.453 acre tract, the
23 following three (3) courses and distances:

24 1. North 27°53'08" East, with the southeast line of said
25 18.38 acre tract, a distance of 713.60 feet to a 1/2" rebar
26 with cap found for the east corner of said 18.38 acre tract;

27 2. North 61°59'49" West, with the northeast line of said

1 18.38 acre tract, and the northeast line of a 3.20 acre tract
2 described in a deed to James J. Williams, recorded in Volume
3 13116, Page 732 of the Real Property Records of Travis
4 County, Texas, a distance of 1540.66 feet to a 1/2" rebar with
5 Chaparral cap found in the east right-of-way line of Thaxton
6 Road, for the north corner of said 3.20 acre tract;

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

10 TRACT 2, 39.250 ACRES:

11 BEGINNING at a 1/2" rebar with Chaparral cap found in the north
12 right-of-way line of Sassman Road, for the southwest corner of said
13 232.233 acre tract, same being the southeast corner of a 174.4 acre
14 tract described in a deed to Edward J. Gillen and wife, Mildred
15 Gillen, recorded in Volume 1549, Page 268 of the Deed Records of
16 Travis County, Texas;

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

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

22 1. South 36°26'06" East, a distance of 1284.36 feet to a
23 calculated point;

24 2. With a curve to the left, having a radius of 1490.63
25 feet, a delta angle of 26°48'48", an arc length of 697.59
26 feet, and a chord which bears South 52°29'28" East, a distance
27 of 691.24 feet to a calculated point in the east line of said

1 232.233 acre tract, same being the west line of said 20.022
2 acre tract;

3 THENCE South 26°53'42" West, with the west line of said 20.022 acre
4 tract, same being the east line of said 232.233 acre tract and the
5 east line of said 9.662 acre tract, a distance of 621.23 feet to a
6 1/2" rebar with 5418 cap found in the north right-of-way line of
7 Sassman Road, for the southeast corner of said 9.662 acre tract,
8 same being the southwest corner of said 20.022 acre tract;

9 THENCE South 29°00'48" West, crossing Sassman Road, a distance of
10 70.00 feet to a calculated point in the south right-of-way line of
11 Sassman Road, same being the north line of said 21 acre tract;

12 THENCE North 60°59'12" West, with the south right-of-way line of
13 Sassman Road, same being the north line of said 21 acre tract, a
14 distance of 1838.40 feet to a calculated point;

15 THENCE North 29°00'48" East, crossing Sassman Road, a distance of
16 70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of
17 land, more or less.

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

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

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

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

9 SECTION 4. This Act takes effect immediately if it receives
10 a vote of two-thirds of all the members elected to each house, as
11 provided by Section 39, Article III, Texas Constitution. If this
12 Act does not receive the vote necessary for immediate effect, this
13 Act takes effect September 1, 2011.

President of the Senate

Speaker of the House

I certify that H.B. No. 1759 was passed by the House on April 26, 2011, by the following vote: Yeas 148, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1759 on May 27, 2011, by the following vote: Yeas 141, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1759 was passed by the Senate, with amendments, on May 25, 2011, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor