

1-1 By: Rodriguez (Senate Sponsor - Watson) H.B. No. 1759  
1-2 (In the Senate - Received from the House April 27, 2011;  
1-3 April 28, 2011, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 20, 2011, reported adversely,  
1-5 with favorable Committee Substitute by the following vote: Yeas 5,  
1-6 Nays 0; May 20, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1759 By: Nichols

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Pilot Knob Municipal Utility  
1-11 District No. 4; providing authority to impose a tax and issue bonds.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-14 Code, is amended by adding Chapter 8378 to read as follows:

1-15 CHAPTER 8378. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 4

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8378.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Commission" means the Texas Commission on  
1-20 Environmental Quality.

1-21 (3) "Director" means a board member.

1-22 (4) "District" means the Pilot Knob Municipal Utility  
1-23 District No. 4.

1-24 (5) "Municipality" means a municipality in whose  
1-25 corporate limits or extraterritorial jurisdiction the district is  
1-26 located.

1-27 Sec. 8378.002. NATURE OF DISTRICT. The district is a  
1-28 municipal utility district created under Section 59, Article XVI,  
1-29 Texas Constitution.

1-30 Sec. 8378.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-31 REQUIRED. The temporary directors shall hold an election to  
1-32 confirm the creation of the district and to elect permanent  
1-33 directors as provided by Section 8378.051 of this code and Section  
1-34 49.102, Water Code.

1-35 Sec. 8378.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
1-36 temporary directors may not hold an election under Section 8378.003  
1-37 until each municipality has consented by ordinance or resolution to  
1-38 the creation of the district and to the inclusion of land in the  
1-39 district.

1-40 (b) If a municipality does not consent to the creation of  
1-41 the district or if the district does not enter into an agreement  
1-42 required by the terms of the municipal ordinance or resolution  
1-43 consenting to the creation of the district under this section  
1-44 before September 1, 2012:

1-45 (1) the district is dissolved September 1, 2012,  
1-46 except that:

1-47 (A) any debts incurred shall be paid;

1-48 (B) any assets that remain after the payment of  
1-49 debts shall be transferred to the municipality or another local  
1-50 governmental entity to be used for a public purpose; and

1-51 (C) the organization of the district shall be  
1-52 maintained until all debts are paid and remaining assets are  
1-53 transferred; and

1-54 (2) this chapter expires September 1, 2012.

1-55 Sec. 8378.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
1-56 The district is created to serve a public purpose and benefit.

1-57 (b) The district is created to accomplish the purposes of:

1-58 (1) a municipal utility district as provided by  
1-59 general law and Section 59, Article XVI, Texas Constitution; and

1-60 (2) Section 52, Article III, Texas Constitution, that  
1-61 relate to the construction, acquisition, or improvement of  
1-62 macadamized, graveled, or paved roads described by Section 54.234,  
1-63 Water Code, or improvements, including storm drainage, in aid of

2-1 those roads.  
2-2 Sec. 8378.006. INITIAL DISTRICT TERRITORY. (a) The  
2-3 district is initially composed of the territory described by  
2-4 Section 2 of the Act enacting this chapter.

2-5 (b) The boundaries and field notes contained in Section 2 of  
2-6 the Act enacting this chapter form a closure. A mistake made in the  
2-7 field notes or in copying the field notes in the legislative process  
2-8 does not affect the district's:

- 2-9 (1) organization, existence, or validity;
- 2-10 (2) right to issue any type of bond for the purposes
- 2-11 for which the district is created or to pay the principal of and
- 2-12 interest on a bond;
- 2-13 (3) right to impose a tax; or
- 2-14 (4) legality or operation.

2-15 [Sections 8378.007-8378.050 reserved for expansion]

2-16 SUBCHAPTER B. BOARD OF DIRECTORS

2-17 Sec. 8378.051. GOVERNING BODY; TERMS. (a) Except as  
2-18 provided by Subsection (b), the district is governed by a board of  
2-19 five elected directors.

2-20 (b) If required under the terms of the agreement, ordinance,  
2-21 or resolution by which a municipality consents to the creation of  
2-22 the district, the board consists of:

- 2-23 (1) four elected directors; and
- 2-24 (2) one director appointed by the governing body of
- 2-25 the municipality.

2-26 (c) A director appointed under Subsection (b)(2) is not  
2-27 required to be a qualified voter of the district or to own land  
2-28 subject to taxation in the district.

2-29 (d) Except as provided by Section 8378.052, directors serve  
2-30 staggered four-year terms. A permanent director may not serve more  
2-31 than two four-year terms.

2-32 (e) The common law doctrine of incompatibility does not  
2-33 disqualify an official or employee of a municipality from being  
2-34 appointed a director by the governing body of a municipality under  
2-35 Subsection (b)(2), and a director appointed to the board may  
2-36 continue to serve in a public office of or be employed by the  
2-37 municipality.

2-38 Sec. 8378.052. TEMPORARY DIRECTORS. (a) On or after the  
2-39 effective date of the Act enacting this chapter, the owner or owners  
2-40 of a majority of the assessed value of the real property in the  
2-41 district may submit a petition to the commission requesting that  
2-42 the commission appoint as temporary directors the five persons  
2-43 named in the petition. The commission shall appoint as temporary  
2-44 directors the five persons named in the petition.

2-45 (b) Temporary directors serve until the earlier of:

- 2-46 (1) the date permanent directors are elected under
- 2-47 Section 8378.003; or
- 2-48 (2) the fourth anniversary of the effective date of
- 2-49 the Act enacting this chapter.

2-50 (c) If permanent directors have not been elected under  
2-51 Section 8378.003 and the terms of the temporary directors have  
2-52 expired, successor temporary directors shall be appointed or  
2-53 reappointed as provided by Subsection (d) to serve terms that  
2-54 expire on the earlier of:

- 2-55 (1) the date permanent directors are elected under
- 2-56 Section 8378.003; or
- 2-57 (2) the fourth anniversary of the date of the
- 2-58 appointment or reappointment.

2-59 (d) If Subsection (c) applies, the owner or owners of a  
2-60 majority of the assessed value of the real property in the district  
2-61 may submit a petition to the commission requesting that the  
2-62 commission appoint as successor temporary directors the five  
2-63 persons named in the petition. The commission shall appoint as  
2-64 successor temporary directors the five persons named in the  
2-65 petition.

2-66 [Sections 8378.053-8378.100 reserved for expansion]

2-67 SUBCHAPTER C. POWERS AND DUTIES

2-68 Sec. 8378.101. GENERAL POWERS AND DUTIES. The district has  
2-69 the powers and duties necessary to accomplish the purposes for

3-1 which the district is created.  
3-2 Sec. 8378.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
3-3 DUTIES. The district has the powers and duties provided by the  
3-4 general law of this state, including Chapters 49 and 54, Water Code,  
3-5 applicable to municipal utility districts created under Section 59,  
3-6 Article XVI, Texas Constitution.

3-7 Sec. 8378.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
3-8 Section 52, Article III, Texas Constitution, the district may  
3-9 design, acquire, construct, finance, issue bonds for, improve, and  
3-10 convey to this state, a county, or a municipality for operation and  
3-11 maintenance macadamized, graveled, or paved roads described by  
3-12 Section 54.234, Water Code, or improvements, including storm  
3-13 drainage, in aid of those roads.

3-14 (b) The district may exercise the powers provided by this  
3-15 section without submitting a petition to or obtaining approval from  
3-16 the commission as required by Section 54.234, Water Code.

3-17 Sec. 8378.104. APPROVAL OF ROAD PROJECT. (a) The district  
3-18 may not undertake a road project authorized by Section 8378.103  
3-19 unless:

3-20 (1) each municipality or county that will operate and  
3-21 maintain the road has approved the plans and specifications of the  
3-22 road project, if a municipality or county will operate and maintain  
3-23 the road; or

3-24 (2) the Texas Transportation Commission has approved  
3-25 the plans and specifications of the road project, if the state will  
3-26 operate and maintain the road.

3-27 (b) Except as provided by Subsection (a), the district is  
3-28 not required to obtain approval from the Texas Transportation  
3-29 Commission to design, acquire, construct, finance, issue bonds for,  
3-30 improve, or convey a road project.

3-31 Sec. 8378.105. COMPLIANCE WITH AND ENFORCEABILITY OF  
3-32 MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The  
3-33 district shall comply with all applicable requirements of any  
3-34 ordinance or resolution that is adopted under Section 54.016 or  
3-35 54.0165, Water Code, and that consents to the creation of the  
3-36 district or to the inclusion of land in the district.

3-37 (b) Any agreement between the district and a municipality  
3-38 related to the municipality's consent to the creation of the  
3-39 district is valid and enforceable.

3-40 (c) On the issuance of bonds by the district, the district  
3-41 is considered to have waived sovereign immunity to suit by a  
3-42 municipality for the purpose of adjudicating a claim for breach of  
3-43 an agreement described by this section.

3-44 Sec. 8378.106. CONTRACT TO FURTHER REGIONAL COOPERATION.  
3-45 The district and a municipality may contract on terms that the board  
3-46 and governing body of the municipality agree will further regional  
3-47 cooperation between the district and the municipality.

3-48 Sec. 8378.107. NO EMINENT DOMAIN POWER. The district may  
3-49 not exercise the power of eminent domain.

3-50 [Sections 8378.108-8378.150 reserved for expansion]

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8378.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3-53 district may issue, without an election, bonds and other  
3-54 obligations secured by:

3-55 (1) revenue other than ad valorem taxes; or

3-56 (2) contract payments described by Section 8378.153.

3-57 (b) The district must hold an election in the manner  
3-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-59 before the district may impose an ad valorem tax or issue bonds  
3-60 payable from ad valorem taxes.

3-61 (c) The district may not issue bonds payable from ad valorem  
3-62 taxes to finance a road project unless the issuance is approved by a  
3-63 vote of a two-thirds majority of the district voters voting at an  
3-64 election held for that purpose.

3-65 Sec. 8378.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-66 authorized at an election held under Section 8378.151, the district  
3-67 may impose an operation and maintenance tax on taxable property in  
3-68 the district in accordance with Section 49.107, Water Code.

3-69 (b) The board shall determine the tax rate. The rate may not

4-1 exceed the rate approved at the election.  
4-2 (c) If required by an agreement between the district and a  
4-3 municipality under Section 8378.105, the total ad valorem tax rate  
4-4 of the district may not be less than the total ad valorem tax rate of  
4-5 the municipality.

4-6 Sec. 8378.153. CONTRACT TAXES. (a) In accordance with  
4-7 Section 49.108, Water Code, the district may impose a tax other than  
4-8 an operation and maintenance tax and use the revenue derived from  
4-9 the tax to make payments under a contract after the provisions of  
4-10 the contract have been approved by a majority of the district voters  
4-11 voting at an election held for that purpose.

4-12 (b) A contract approved by the district voters may contain a  
4-13 provision stating that the contract may be modified or amended by  
4-14 the board without further voter approval.

4-15 [Sections 8378.154-8378.200 reserved for expansion]

4-16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-17 Sec. 8378.201. AUTHORITY TO ISSUE BONDS AND OTHER  
4-18 OBLIGATIONS. The district may issue bonds or other obligations  
4-19 payable wholly or partly from ad valorem taxes, impact fees,  
4-20 revenue, contract payments, grants, or other district money, or any  
4-21 combination of those sources, to pay for any authorized district  
4-22 purpose.

4-23 Sec. 8378.202. TAXES FOR BONDS. At the time the district  
4-24 issues bonds payable wholly or partly from ad valorem taxes, the  
4-25 board shall provide for the annual imposition of a continuing  
4-26 direct ad valorem tax, without limit as to rate or amount, while all  
4-27 or part of the bonds are outstanding as required and in the manner  
4-28 provided by Sections 54.601 and 54.602, Water Code.

4-29 Sec. 8378.203. BONDS FOR ROAD PROJECTS. At the time of  
4-30 issuance, the total principal amount of bonds or other obligations  
4-31 issued or incurred to finance road projects and payable from ad  
4-32 valorem taxes may not exceed one-fourth of the assessed value of the  
4-33 real property in the district.

4-34 [Sections 8378.204-8378.250 reserved for expansion]

4-35 SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL

4-36 ANNEXATION AND NOTICE

4-37 Sec. 8378.251. STRATEGIC PARTNERSHIP; CONTINUATION OF  
4-38 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may  
4-39 continue to exist as a limited district after full-purpose  
4-40 annexation by a municipality if the district and the annexing  
4-41 municipality state the terms of the limited district's existence in  
4-42 a strategic partnership agreement under Section 43.0751, Local  
4-43 Government Code.

4-44 (b) The strategic partnership agreement may provide for a  
4-45 term of any number of years. The limitation in Section  
4-46 43.0751(g)(2), Local Government Code, on the length of the term  
4-47 does not apply to a limited district created under this section.

4-48 Sec. 8378.252. MUNICIPAL ANNEXATION; NOTICE. (a) Sections  
4-49 43.0561 and 43.0562, Local Government Code, do not apply to the  
4-50 annexation of the district by a municipality that consents to the  
4-51 creation of the district under Section 8378.004.

4-52 (b) Not later than the 30th day after the date a  
4-53 municipality adopts a resolution or ordinance consenting to the  
4-54 creation of the district, the municipality shall file, in the real  
4-55 property records of the county in which the land to be included in  
4-56 the district is located, a notice to a purchaser of real property in  
4-57 the district that describes:

4-58 (1) the municipality's authority and intention to  
4-59 annex the district; and

4-60 (2) the anticipated date of the annexation.

4-61 (c) After the notice is filed, a person who proposes to sell  
4-62 or otherwise convey real property in the district must include the  
4-63 information contained in the municipality's notice in the Notice to  
4-64 Purchasers required by Section 49.452, Water Code.

4-65 SECTION 2. The Pilot Knob Municipal Utility District No. 4  
4-66 initially includes all the territory contained in the following  
4-67 area: 345.581 acres of land, consisting of the 306.331 acre tract  
4-68 described below as "Tract 1" and the 39.250 acre tract described  
4-69 below as "Tract 2":

5-1 A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN  
5-2 TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN  
5-3 A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER  
5-4 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL  
5-5 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT  
5-6 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
5-7 DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF  
5-8 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293  
5-9 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION  
5-10 INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO.  
5-11 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
5-12 ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO  
5-13 JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN  
5-14 DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
5-15 COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A  
5-16 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006  
5-17 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC  
5-18 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT  
5-19 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
5-20 DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF  
5-21 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
5-22 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA  
5-23 ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT  
5-24 NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
5-25 TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL  
5-26 WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND  
5-27 RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS  
5-28 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED  
5-29 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,  
5-30 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC  
5-31 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT  
5-32 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
5-33 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE  
5-34 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE  
5-35 TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION  
5-36 INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138  
5-37 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF  
5-38 LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN  
5-39 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,  
5-40 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED  
5-41 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN  
5-42 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
5-43 COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A  
5-44 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008  
5-45 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC  
5-46 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT  
5-47 DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T.  
5-48 HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND  
5-49 RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS  
5-50 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED  
5-51 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER  
5-52 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL  
5-53 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT  
5-54 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,  
5-55 DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF  
5-56 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
5-57 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S  
5-58 LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN  
5-59 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
5-60 COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY);  
5-61 SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES  
5-62 AND BOUNDS AS FOLLOWS:  
5-63 TRACT 1, 306.331 ACRES:  
5-64 BEGINNING at a calculated point in the east right-of-way line of  
5-65 Thaxton Road (50' right-of-way) for the northwest corner of said  
5-66 73.453 acre tract, same being the west corner of a 2.76 acre tract  
5-67 described in a deed to Carl H. Dittmar, recorded in Volume 12562,  
5-68 Page 428 of the Real Property Records of Travis County, Texas, from  
5-69 which a 1/2" rebar found bears North 61°56'44" West, a distance of

6-1 0.44 feet;

6-2 THENCE with the north line of said 73.453 acre tract, same being the

6-3 south line of said 2.76 acre tract, the following two (2) courses

6-4 and distances:

6-5 1. South 61°56'44" East, a distance of 404.65 feet to a

6-6 1/2" rebar found;

6-7 2. North 27°52'53" East, a distance of 294.18 feet to a

6-8 1/2" rebar found for a north corner of said 73.453 acre tract,

6-9 same being the east corner of said 2.76 acre tract, also being

6-10 in the southwest line of a tract called 21 acres in a deed to

6-11 Max F. Ehrlich, recorded in Volume 1945, Page 416 of the Deed

6-12 Records of Travis County, Texas;

6-13 THENCE South 60°59'42" East, with the northeast line of said 73.453

6-14 acre tract, same being the southwest line of said 21 acre tract, a

6-15 distance of 2857.05 feet to a 60D nail found for the northeast

6-16 corner of said 73.453 acre tract, same being the south corner of

6-17 said 21 acre tract, also being in the northwest line of said 29.293

6-18 acre tract;

6-19 THENCE North 27°46'44" East, with the northwest line of said 29.293

6-20 acre tract, same being the southeast line of said 21 acre tract, a

6-21 distance of 1083.71 feet to a 1/2" rebar with Chaparral cap found in

6-22 the south right-of-way line of Sassman Road;

6-23 THENCE North 28°38'04" East, crossing Sassman Road, a distance of

6-24 70.04 feet to a calculated point for the north right-of-way line of

6-25 Sassman Road, same being the southwest line of a 2.00 acre tract

6-26 described in a deed to Anselmo Medina and spouse, Oralia Medina,

6-27 recorded in Document No. 2002227115 of the Official Public Records

6-28 of Travis County, Texas;

6-29 THENCE South 61°39'26" East, with the north right-of-way line of

6-30 Sassman Road, same being the southwest line of said 2.00 acre tract,

6-31 the southwest line of a 1.00 acre tract described in a deed to

6-32 Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume

6-33 12233, Page 1678 of the Real Property Records of Travis County,

6-34 Texas, the southwest line of a 1.00 acre tract described in a deed

6-35 to Amir Batoeinngi, recorded in Document No. 2008060410 of the

6-36 Official Public Records of Travis County, Texas, and the southwest

6-37 line of a 1.00 acre tract described in a deed to Abacu Perez and

6-38 Felicitas Perez, recorded in Document No. 2006189910 of the

6-39 Official Public Records of Travis County, Texas, a distance of

6-40 547.23 feet to a calculated point;

6-41 THENCE South 63°50'26" East, continuing with the north right-of-way

6-42 line of Sassman Road, same being the southwest line of said 1.00

6-43 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for

6-44 the south corner of said 1.00 acre Perez tract, same being the west

6-45 corner of said Lot A;

6-46 THENCE North 26°09'41" East, with the northwest line of said Lot A,

6-47 same being the southeast line of said 1.00 acre Perez tract, a

6-48 distance of 362.16 feet to a calculated point for the east corner of

6-49 said 1.00 acre Perez tract, same being the south corner of said

6-50 20.005 acre tract;

6-51 THENCE North 61°26'42" West, with the southwest line of said 20.005

6-52 acre tract, same being the northeast line of said 1.00 acre Perez

6-53 tract, a distance of 113.09 feet to a 1/2" rebar found for an angle

6-54 point in the southwest line of said 20.005 acre tract, same being

6-55 the north corner of said 1.00 acre Perez tract, also being in the

6-56 southeast line of a 1.25 acre tract described in said deed to Amir

6-57 Batoeinngi;

6-58 THENCE North 28°21'23" East, continuing with the southwest line of

6-59 said 20.005 acre tract, same being the southeast line of said 1.25

6-60 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the

6-61 east corner of said 1.25 acre tract;

6-62 THENCE North 61°29'11" West, continuing with the southwest line of

6-63 said 20.005 acre tract, same being the northeast line of said 1.25

6-64 acre tract, and a 1.25 acre tract described in said deed to Gerald

6-65 Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the

6-66 west corner of said 20.005 acre tract, same being the north corner

6-67 of said 1.25 acre Shoulders tract, also being in the southeast line

6-68 of a 20.022 acre tract described in a deed to Janie Diaz, recorded

6-69 in Document No. 2006101103, said 20.022 acre tract being further

7-1 described in Document No. 2001200503, both of the Official Public  
7-2 Records of Travis County, Texas;  
7-3 THENCE North 27°07'27" East, with the northwest line of said 20.005  
7-4 acre tract, same being the southeast line of said 20.022 acre tract,  
7-5 a distance of 162.08 feet to a calculated point;  
7-6 THENCE crossing said 20.005 acre tract, said Lot A, said 42.558 acre  
7-7 tract, Sassman Road, said 23.694 acre tract, said 7.602 acre tract,  
7-8 said 25.119 acre tract, said 55.222 acre tract, said 51.942 acre  
7-9 tract, said 60.921 acre tract, and said 98.656 acre tract, the  
7-10 following eleven (11) courses and distances:  
7-11 1. South 61°48'21" East, a distance of 672.64 feet to a  
7-12 calculated point;  
7-13 2. South 28°11'39" West, a distance of 1597.96 feet to a  
7-14 calculated point;  
7-15 3. With a curve to the left, having a radius of 580.00  
7-16 feet, a delta angle of 69°45'07", an arc length of 706.10  
7-17 feet, and a chord which bears South 06°40'54" East, a distance  
7-18 of 663.29 feet to a calculated point;  
7-19 4. South 41°33'28" East, a distance of 274.95 feet to a  
7-20 calculated point;  
7-21 5. With a curve to the right, having a radius of 500.00  
7-22 feet, a delta angle of 96°25'47", an arc length of 841.51  
7-23 feet, and a chord which bears South 06°39'26" West, a distance  
7-24 of 745.65 feet to a calculated point;  
7-25 6. South 54°52'19" West, a distance of 25.40 feet to a  
7-26 calculated point;  
7-27 7. South 35°07'41" East, a distance of 344.76 feet to a  
7-28 calculated point;  
7-29 8. With a curve to the right, having a radius of 1000.01  
7-30 feet, a delta angle of 40°36'48", an arc length of 708.84  
7-31 feet, and a chord which bears South 14°49'17" East, a distance  
7-32 of 694.09 feet to a calculated point;  
7-33 9. South 05°29'07" West, a distance of 423.15 feet to a  
7-34 calculated point;  
7-35 10. With a curve to the left, having a radius of 1800.01  
7-36 feet, a delta angle of 68°24'29", an arc length of 2149.12  
7-37 feet, and a chord which bears South 28°43'07" East, a distance  
7-38 of 2023.72 feet to a calculated point;  
7-39 11. South 62°55'22" East, a distance of 149.13 feet to a  
7-40 calculated point in the west right-of-way line of F. M. 1625  
7-41 (80' right-of-way), same being the southeast line of said  
7-42 98.656 acre tract;  
7-43 THENCE South 27°04'38" West, with the west right-of-way line of F.  
7-44 M. 1625, same being the southeast line of said 98.656 acre tract, a  
7-45 distance of 699.69 feet to a calculated point for the south corner  
7-46 of said 98.656 acre tract, same being the east corner of a 10.067  
7-47 acre tract described in a deed to Carlos Yescas and Elvira Yescas,  
7-48 recorded in Document No. 2003084397 of the Official Public Records  
7-49 of Travis County, Texas;  
7-50 THENCE North 62°25'04" West, with the southwest line of said 98.656  
7-51 acre tract, same being the northeast line of said 10.067 acre tract,  
7-52 and the northeast line of Lot 6, Las Lomitas Subdivision, a  
7-53 subdivision of record in Document No. 200200226 of the Official  
7-54 Public Records of Travis County, Texas, at a distance of 0.11 feet  
7-55 passing a 1/2" rebar found, and continuing for a total distance of  
7-56 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot  
7-57 6, for the southwest corner of said 98.656 acre tract, same being  
7-58 the southeast corner of said 60.921 acre tract;  
7-59 THENCE North 62°26'10" West, with the southwest line of said 60.921  
7-60 acre tract, same being the northeast line of said Lot 6 and Lot 15  
7-61 Las Lomitas Subdivision, a distance of 1283.28 feet to a 1/2" rebar  
7-62 with Chaparral cap found for the southwest corner of said 60.921  
7-63 acre tract, same being the south corner of a 58 acre tract described  
7-64 in a deed to Fred J. Wende, recorded in Volume 11849, Page 396 of the  
7-65 Real Property Records of Travis County, Texas;  
7-66 THENCE North 27°00'49" East, with the northwest line of said 60.921  
7-67 acre tract, same being the southeast line of said 58 acre tract, a  
7-68 distance of 1221.01 feet to an 80D nail found for the east corner of  
7-69 said 58 acre tract, same being the south corner of said 55.222 acre

8-1 tract;

8-2 THENCE North 60°57'25" West, with the southwest line of said 55.222

8-3 acre tract, same being the northeast line of said 58 acre tract, a

8-4 distance of 1295.20 feet to a 60D nail found for the southwest

8-5 corner of said 55.222 acre tract, same being the southeast corner of

8-6 said 28.461 acre tract;

8-7 THENCE North 61°18'16" West, with the southwest line of said 28.461

8-8 acre tract, same being the northeast line of said 58 acre tract, a

8-9 distance of 329.98 feet to a 1" iron pipe found for the southwest

8-10 corner of said 28.461 acre tract, same being the southeast corner of

8-11 said 29.293 acre tract;

8-12 THENCE North 61°30'47" West, with the southwest line of said 29.293

8-13 acre tract, same being the northeast line of said 58 acre tract, a

8-14 distance of 331.97 feet to a 1/2" rebar found for the southwest

8-15 corner of said 29.293 acre tract, same being the north corner of

8-16 said 58 acre tract, also being in the southeast line of a 77.22 acre

8-17 tract described in a deed to William D. Wende, Fred J. Wende and

8-18 Price T. Wende, recorded in Volume 12171, Page 455 of the Real

8-19 Property Records of Travis County, Texas;

8-20 THENCE North 27°46'44" East, with the northwest line of said 29.293

8-21 acre tract, same being the southeast line of said 77.22 acre tract,

8-22 the southeast line of a 32.892 acre tract described in a deed to

8-23 Mark Alexander, recorded in Volume 11513, Page 1451 of the Real

8-24 Property Records of Travis County, Texas, and the southeast line of

8-25 a remaining portion of 29.94 acres described in a deed to Santana C.

8-26 Urias, Jr., recorded in Volume 6132, Page 1217 of the Deed Records

8-27 of Travis County, Texas, a distance of 1047.38 feet to a 1/2" rebar

8-28 with Chaparral cap found for the northeast corner of said remaining

8-29 portion of 29.94 acres, same being the southeast corner of said

8-30 31.022 acre tract;

8-31 THENCE North 61°12'34" West, with the southwest line of said 31.022

8-32 acre tract, same being the northeast line of said remaining portion

8-33 of 29.94 acres, and the northeast line of a 2.500 acre tract

8-34 described in a deed to Cloe Bell Urias, recorded in Volume 9678,

8-35 Page 891 of the Real Property Records of Travis County, Texas, at a

8-36 distance of 3268.31 feet passing a 1/2" rebar found, and continuing

8-37 for a total distance of 3268.82 feet to a calculated point in the

8-38 east right-of-way line of Thaxton Road, for the west corner of said

8-39 31.022 acre tract, same being the north corner of said 2.500 acre

8-40 tract;

8-41 THENCE North 28°02'32" East, with the east right-of-way line of

8-42 Thaxton Road, with the northwest line of said 31.022 acre tract, a

8-43 distance of 417.56 feet to a 1/2" rebar found for the north corner

8-44 of said 31.022 acre tract, same being the west corner of a remaining

8-45 portion of a 3.22 acre tract described in a deed to Carlin Ann

8-46 Wilson, recorded in Volume 12562, Page 419 of the Real Property

8-47 Records of Travis County, Texas, also being the west corner of an

8-48 access easement described in Volume 12562, Page 407 of the Real

8-49 Property Records of Travis County, Texas;

8-50 THENCE with the northeast line of said 31.022 acre tract, the

8-51 following two (2) courses and distances:

8-52 1. South 61°16'30" East, with southwest line of said

8-53 remaining portion of 3.22 acres, a distance of 406.03 feet to

8-54 a 1/2" rebar with Chaparral cap found for the south corner of

8-55 said remaining portion of 3.22 acres, same being the west

8-56 corner of an 18.38 acre tract described in a deed to Consumer

8-57 Solutions, LLC, recorded in Document No. 2010038770 of the

8-58 Official Public Records of Travis County, Texas;

8-59 2. South 61°00'23" East, with the southwest line of said

8-60 18.38 acre tract, a distance of 1136.77 feet to a 1/2" rebar

8-61 with cap found for the south corner of said 18.38 acre tract,

8-62 same being the southwest corner of said 73.453 acre tract;

8-63 THENCE with the northwest line of said 73.453 acre tract, the

8-64 following three (3) courses and distances:

8-65 1. North 27°53'08" East, with the southeast line of said

8-66 18.38 acre tract, a distance of 713.60 feet to a 1/2" rebar

8-67 with cap found for the east corner of said 18.38 acre tract;

8-68 2. North 61°59'49" West, with the northeast line of said

8-69 18.38 acre tract, and the northeast line of a 3.20 acre tract



9-1 described in a deed to James J. Williams, recorded in Volume  
9-2 13116, Page 732 of the Real Property Records of Travis  
9-3 County, Texas, a distance of 1540.66 feet to a 1/2" rebar with  
9-4 Chaparral cap found in the east right-of-way line of Thaxton  
9-5 Road, for the north corner of said 3.20 acre tract;

9-6 3. North 28°02'32" East, with the east right-of-way  
9-7 line of Thaxton Road, a distance of 360.56 feet to the POINT  
9-8 OF BEGINNING, containing 306.331 acres of land, more or less.

9-9 TRACT 2, 39.250 ACRES:  
9-10 BEGINNING at a 1/2" rebar with Chaparral cap found in the north  
9-11 right-of-way line of Sassman Road, for the southwest corner of said  
9-12 232.233 acre tract, same being the southeast corner of a 174.4 acre  
9-13 tract described in a deed to Edward J. Gillen and wife, Mildred  
9-14 Gillen, recorded in Volume 1549, Page 268 of the Deed Records of  
9-15 Travis County, Texas;

9-16 THENCE North 27°21'05" East, with the west line of said 232.233 acre  
9-17 tract, same being the east line of said 174.4 acre tract, a distance  
9-18 of 1257.11 feet to a calculated point;

9-19 THENCE crossing said 232.233 acre tract, the following two (2)  
9-20 courses and distances:

9-21 1. South 36°26'06" East, a distance of 1284.36 feet to a  
9-22 calculated point;

9-23 2. With a curve to the left, having a radius of 1490.63  
9-24 feet, a delta angle of 26°48'48", an arc length of 697.59  
9-25 feet, and a chord which bears South 52°29'28" East, a distance  
9-26 of 691.24 feet to a calculated point in the east line of said  
9-27 232.233 acre tract, same being the west line of said 20.022  
9-28 acre tract;

9-29 THENCE South 26°53'42" West, with the west line of said 20.022 acre  
9-30 tract, same being the east line of said 232.233 acre tract and the  
9-31 east line of said 9.662 acre tract, a distance of 621.23 feet to a  
9-32 1/2" rebar with 5418 cap found in the north right-of-way line of  
9-33 Sassman Road, for the southeast corner of said 9.662 acre tract,  
9-34 same being the southwest corner of said 20.022 acre tract;

9-35 THENCE South 29°00'48" West, crossing Sassman Road, a distance of  
9-36 70.00 feet to a calculated point in the south right-of-way line of  
9-37 Sassman Road, same being the north line of said 21 acre tract;

9-38 THENCE North 60°59'12" West, with the south right-of-way line of  
9-39 Sassman Road, same being the north line of said 21 acre tract, a  
9-40 distance of 1838.40 feet to a calculated point;

9-41 THENCE North 29°00'48" East, crossing Sassman Road, a distance of  
9-42 70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of  
9-43 land, more or less.

9-44 SECTION 3. (a) The legal notice of the intention to  
9-45 introduce this Act, setting forth the general substance of this  
9-46 Act, has been published as provided by law, and the notice and a  
9-47 copy of this Act have been furnished to all persons, agencies,  
9-48 officials, or entities to which they are required to be furnished  
9-49 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
9-50 Government Code.

9-51 (b) The governor, one of the required recipients, has  
9-52 submitted the notice and Act to the Texas Commission on  
9-53 Environmental Quality.

9-54 (c) The Texas Commission on Environmental Quality has filed  
9-55 its recommendations relating to this Act with the governor, the  
9-56 lieutenant governor, and the speaker of the house of  
9-57 representatives within the required time.

9-58 (d) All requirements of the constitution and laws of this  
9-59 state and the rules and procedures of the legislature with respect  
9-60 to the notice, introduction, and passage of this Act are fulfilled  
9-61 and accomplished.

9-62 SECTION 4. This Act takes effect immediately if it receives  
9-63 a vote of two-thirds of all the members elected to each house, as  
9-64 provided by Section 39, Article III, Texas Constitution. If this  
9-65 Act does not receive the vote necessary for immediate effect, this  
9-66 Act takes effect September 1, 2011.

9-67 \* \* \* \* \*