

By: Rodriguez

H.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pilot Knob Municipal Utility District No. 5; 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. 5

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. 5.

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. 5
24 initially includes all the territory contained in the following
25 area: 327.482 acres of land described below:

26 A DESCRIPTION OF 339.352 ACRES IN THE SANTIAGO DEL VALLE GRANT IN
27 TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 167.748 ACRE TRACT

1 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
2 DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT NO. 2006241307 OF
3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
4 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
5 ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT
6 NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
7 TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL
8 WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND
9 RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS
10 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED
11 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER
12 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL
13 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE
14 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
15 INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF
16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
17 25.119 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
18 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.
19 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
20 A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED
21 TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN
22 DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
23 COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A
24 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006
25 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC
26 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 42.558 ACRE TRACT
27 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,

H.B. No. 1760

1 DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE
2 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A,
3 HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65,
4 PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN
5 HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN
6 DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF
7 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND A PORTION OF
8 SASSMAN ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID 339.352 ACRE TRACT
9 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

10 BEGINNING at a 1/2" rebar with Chaparral cap found in the west
11 right-of-way line of F.M. 1625 (80' right-of-way width), for the
12 southeast corner of said 167.748 acre tract, same being in the north
13 right-of-way line of Sassman Road;

14 THENCE South 27°11'52" West, crossing Sassman Road with the west
15 right-of-way line of F.M. 1625, a distance of 70.00 feet to a 1/2"
16 rebar found in the south right-of-way line of Sassman Road, for the
17 northeast corner of said 98.656 acre tract;

18 THENCE continuing with the west right-of-way line of F.M. 1625,
19 same being the east line of said 98.656 acre tract, the following
20 two (2) courses and distances:

21 1. South 27°11'52" West, a distance of 2856.46 feet to a
22 concrete highway monument found 40 feet right of engineers'
23 centerline station 115+77;

24 2. South 27°04'38" West, a distance of 352.96 feet to a
25 calculated point;

26 THENCE crossing said 98.656 acre tract, said 60.921 acre tract,
27 said 51.942 acre tract, said 55.222 acre tract, said 25.119 acre

1 tract, said 7.602 acre tract, said 23.694 acre tract, Sassman Road,
2 said Lot A, said 42.558 acre tract, and said 167.748 acre tract, the
3 following fifteen (15) courses and distances:

4 1. North $62^{\circ}55'22''$ West, a distance of 149.13 feet to a
5 calculated point;

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

10 3. North $05^{\circ}29'07''$ East, a distance of 423.15 feet to a
11 calculated point;

12 4. With a curve to the left, having a radius of 1000.01 feet,
13 a delta angle of $40^{\circ}36'48''$, an arc length of 708.84 feet, and a chord
14 which bears North $14^{\circ}49'17''$ West, a distance of 694.09 feet to a
15 calculated point;

16 5. North $35^{\circ}07'41''$ West, a distance of 344.76 feet to a
17 calculated point;

18 6. North $54^{\circ}52'19''$ East, a distance of 25.40 feet to a
19 calculated point;

20 7. With a curve to the left, having a radius of 500.00 feet,
21 a delta angle of $96^{\circ}25'47''$, an arc length of 841.51 feet, and a chord
22 which bears North $06^{\circ}39'26''$ East, a distance of 745.65 feet to a
23 calculated point;

24 8. North $41^{\circ}33'28''$ West, a distance of 274.95 feet to a
25 calculated point;

26 9. With a curve to the right, having a radius of 580.00 feet,
27 a delta angle of $69^{\circ}45'07''$, an arc length of 706.10 feet, and a chord

1 which bears North $06^{\circ}40'54''$ West, a distance of 663.29 feet to a
2 calculated point;

3 10. North $28^{\circ}11'39''$ East, a distance of 1597.96 feet to a
4 calculated point;

5 11. South $61^{\circ}48'21''$ East, a distance of 1135.34 feet to a
6 calculated point;

7 12. With a curve to the left, having a radius of 1399.96
8 feet, a delta angle of $31^{\circ}17'38''$, an arc length of 764.63 feet, and a
9 chord which bears South $77^{\circ}27'10''$ East, a distance of 755.16 feet to
10 a calculated point;

11 13. North $86^{\circ}54'01''$ East, a distance of 948.14 feet to a
12 calculated point;

13 14. With a curve to the right, having a radius of 1399.96
14 feet, a delta angle of $30^{\circ}17'26''$, an arc length of 740.12 feet, and a
15 chord which bears South $77^{\circ}57'16''$ East, a distance of 731.53 feet to
16 a calculated point;

17 15. South $62^{\circ}48'33''$ East, a distance of 209.85 feet to a
18 calculated point in the west right-of-way line of F.M. 1625, same
19 being the east line of said 167.748 acre tract;

20 THENCE with the west right-of-way line of F.M. 1625, same being the
21 east line of said 167.748 acre tract, the following two (2) courses
22 and distances:

23 1. South $27^{\circ}05'45''$ West, a distance of 973.90 feet to a
24 concrete highway monument found 40 feet right of engineers'
25 centerline station 68+93.3;

26 2. South $27^{\circ}19'52''$ West, a distance of 601.74 feet to a 1/2"
27 rebar with Chaparral cap found for the northeast corner of a 2.99

1 acre tract described in a deed to Thomas Edward McHenry and wife,
2 Angela Jane McHenry, recorded in Document No. 2005117402 of the
3 Official Public Records of Travis County, Texas;

4 THENCE continuing with the east line of said 167.748 acre tract, the
5 following three (3) courses and distances:

6 1. North 62°14'19" West, with the north line of said 2.99
7 acre tract, a distance of 361.02 feet to a 1/2" rebar found for the
8 northwest corner of said 2.99 acre tract;

9 2. South 27°25'52" West, with the west line of said 2.99 acre
10 tract, a distance of 360.78 feet to a 1/2" rebar found for the
11 southwest corner of said 2.99 acre tract;

12 3. South 62°14'19" East, with the south line of said 2.99
13 acre tract, a distance of 361.65 feet to a 1/2" rebar with Chaparral
14 cap found in the west right-of-way line of F.M. 1625, for the
15 southeast corner of said 2.99 acre tract;

16 THENCE with the west right-of-way line of F.M. 1625, same being the
17 east line of said 167.748 acre tract, the following two (2) courses
18 and distances:

19 1. South 27°19'52" West, a distance of 361.72 feet to a 1/2"
20 rebar with Chaparral cap found 40 feet right of engineers'
21 centerline station 82+17.1;

22 2. South 27°11'52" West, a distance of 434.71 feet to the
23 POINT OF BEGINNING, containing 339.352 acres of land, more or less.

24 SAVE AND EXCEPT 2.495 ACRES:

25 BEING ALL OF LOT 1, J. P. COTMAN ADDITION, A SUBDIVISION OF RECORD
26 IN VOLUME 79, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS,
27 CONVEYED TO JUAN YESCAS AND MARIA R. YESCAS IN A WARRANTY DEED,

H.B. No. 1760

1 DATED DECEMBER 30, 2004 AND RECORDED IN DOCUMENT NO. 2004242191 OF
2 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.495
3 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
4 FOLLOWS:

5 BEGINNING at a 1" iron pipe found in the west right-of-way line of
6 Sassman Road, for the southeast corner of said Lot 1, same being the
7 east corner of said 7.602 acre tract;

8 THENCE North $63^{\circ}13'21''$ West, with the south line of said Lot 1, same
9 being the north line of said 7.602 acre tract, a distance of 543.90
10 feet to a 1/2" rebar found for the southwest corner of said Lot 1;

11 THENCE North $26^{\circ}45'39''$ East, with the west line of said Lot 1, same
12 being the east line of said 7.602 acre tract, a distance of 199.86
13 feet to a 1/2" rebar found for the northwest corner of said Lot 1,
14 same being an angle point in the north line of said 7.602 acre
15 tract, also being in the south line of said 23.694 acre tract;

16 THENCE South $63^{\circ}13'21''$ East, with the north line of said Lot 1, same
17 being the south line of said 23.694 acre tract, a distance of 543.89
18 feet to a 1/2" rebar with Chaparral cap found in the west
19 right-of-way line of Sassman Road, for the northeast corner of said
20 Lot 1, same being the southeast corner of said 23.694 acre tract;

21 THENCE South $26^{\circ}45'21''$ West, with the west right-of-way line of
22 Sassman Road, same being the east line of said Lot 1, a distance of
23 199.86 feet to the POINT OF BEGINNING, containing 2.495 acres of
24 land, more or less.

25 SAVE AND EXCEPT 2.496 ACRES:

26 BEING ALL OF A 2.50 ACRE TRACT DESCRIBED IN WARRANTY DEED TO MICHAEL
27 L. APPLGATE AND HARMONY D. APPLGATE, DATED NOVEMBER 5, 2003 AND

1 RECORDED IN DOCUMENT NO. 2003261512 OF THE OFFICIAL PUBLIC RECORDS
2 OF TRAVIS COUNTY TEXAS; SAID 2.496 ACRE TRACT BEING MORE
3 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4 BEGINNING at a 1/2" rebar found in the north right-of-way line of
5 Sassman Road, for the southeast corner of said 2.50 acre tract, same
6 being an angle point in the south line of said 42.558 acre tract;
7 THENCE North 63°50'26" West, with the north right-of-way line of
8 Sassman Road, same being the south line of said 2.50 acre tract, a
9 distance of 363.50 feet to a calculated point for the southwest
10 corner of said 2.50 acre tract, same being an angle point in the
11 south line of said 42.558 acre tract;

12 THENCE with the common line of said 2.50 acre tract and said 42.558
13 acre tract, the following three (3) courses and distances:

14 1. North 26°08'47" East, a distance of 299.42 feet to a 1/2"
15 rebar found for the northwest corner of said 2.50 acre tract;

16 2. South 63°51'04" East, a distance of 362.66 feet to a 1/2"
17 rebar found for the northeast corner of said 2.50 acre tract;

18 3. South 25°59'08" West, a distance of 299.49 feet to the
19 POINT OF BEGINNING, containing 2.496 acres of land, more or less.

20 SAVE AND EXCEPT 4.178 ACRES:

21 BEING ALL OF A 3.213 ACRE TRACT DESCRIBED IN A DEED WITH VENDOR'S
22 LIEN TO MARIO RODRIGUEZ & EMMA RODRIGUEZ, DATED FEBRUARY 4, 1983 AND
23 RECORDED IN VOLUME 7998, PAGE 656 OF THE DEED RECORDS OF TRAVIS
24 COUNTY, TEXAS AND ALL OF A 1.00 ACRE TRACT DESCRIBED IN A GENERAL
25 WARRANTY DEED TO MARIO RODRIGUEZ AND EMMA RODRIGUEZ, DATED MARCH 3,
26 2005 AND RECORDED IN DOCUMENT NO. 2005046336 OF THE OFFICIAL PUBLIC
27 RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.178 ACRE TRACT BEING MORE

1 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
2 BEGINNING at a 1/2" rebar found for the southeast corner of said
3 1.00 acre tract, same being an angle point in the west line of said
4 167.748 acre tract;
5 THENCE North 64°32'09" West, with the south line of said 1.00 acre
6 tract, same being the west line of said 167.748 acre tract, a
7 distance of 21.19 feet to a 1/2" rebar with Chaparral cap found for
8 an angle point in the north right-of-way line of Sassman Road, the
9 south line of said 1.00 acre tract, and the west line of said
10 167.748 acre tract;
11 THENCE with the north right-of-way line of Sassman Road, same being
12 the south line of said 1.00 acre tract and the south line of said
13 3.213 acre tract, the following two (2) courses and distances:
14 1. North 55°52'30" West, a distance of 116.23 feet to a
15 calculated point;
16 2. North 63°50'26" West, a distance of 281.73 feet to a 1/2"
17 rebar found for the southwest corner of said 3.213 acre tract, same
18 being an angle point in the south line of said 42.558 acre tract;
19 THENCE with the north line of said 3.213 acre tract, same being the
20 south line of said 42.558 acre tract, the following two (2) courses
21 and distances:
22 1. North 40°38'03" East, a distance of 528.79 feet to a 1/2"
23 rebar found for the north corner of said 3.213 acre tract;
24 2. South 61°13'19" East, a distance of 295.41 feet to a
25 calculated point for the east corner of said 3.213 acre tract, same
26 being the southeast corner of said 42.558 acre tract, also being in
27 the west line of said 167.748 acre tract;

1 THENCE South 27°11'24" West, with the west line of said 167.748 acre
2 tract, same being the east line of said 3.213 acre tract and the
3 east line of said 1.00 acre tract, a distance of 514.44 feet to the
4 POINT OF BEGINNING, containing 4.178 acres of land, more or less.

5 SAVE AND EXCEPT 2.701 ACRES:

6 BEING ALL OF A 2.701 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO
7 ABACU P. PEREZ, DATED MARCH 19, 2009 AND RECORDED IN DOCUMENT NO.
8 2009046965 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;
9 SAID 2.701 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
10 AND BOUNDS AS FOLLOWS:

11 BEGINNING at a 1/2" rebar with Chaparral cap found in the south
12 right-of-way line of Sassman Road, for the northeast corner of said
13 2.701 acre tract, same being the northwest corner of said 98.656
14 acre tract;

15 THENCE South 27°05'06" West, with the east line of said 2.701 acre
16 tract, same being the west line of said 98.656 acre tract, a
17 distance of 672.44 feet to a 1/2" rebar with Chaparral cap found for
18 the southeast corner of said 2.701 acre tract, same being an angle
19 point in the east line of said 51.942 acre tract;

20 THENCE with the south and west lines of said 2.701 acre tract, same
21 being the east line of said 51.942 acre tract, the following two (2)
22 courses and distances:

23 1. North 62°16'38" West, a distance of 175.00 feet to a 1/2"
24 rebar with Chaparral cap found for the southwest corner of said
25 2.701 acre tract;

26 2. North 27°05'06" East, a distance of 672.44 feet to a 1/2"
27 rebar with Chaparral cap found in the south right-of-way line of

1 Sassman Road, for the northwest corner of said 2.701 acre tract,
2 same being the northeast corner of said 51.942 acre tract;
3 THENCE South 62°16'38" East, with the south right-of-way line of
4 Sassman Road, same being the north line of said 2.701 acre tract, a
5 distance of 175.00 feet to the POINT OF BEGINNING, containing 2.701
6 acres of land, more or less.

7 SECTION 3. (a) The legal notice of the intention to
8 introduce this Act, setting forth the general substance of this
9 Act, has been published as provided by law, and the notice and a
10 copy of this Act have been furnished to all persons, agencies,
11 officials, or entities to which they are required to be furnished
12 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
13 Government Code.

14 (b) The governor, one of the required recipients, has
15 submitted the notice and Act to the Texas Commission on
16 Environmental Quality.

17 (c) The Texas Commission on Environmental Quality has filed
18 its recommendations relating to this Act with the governor, the
19 lieutenant governor, and the speaker of the house of
20 representatives within the required time.

21 (d) All requirements of the constitution and laws of this
22 state and the rules and procedures of the legislature with respect
23 to the notice, introduction, and passage of this Act are fulfilled
24 and accomplished.

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

26 (1) this Act takes effect immediately if it receives a
27 vote of two-thirds of all members elected to each house, as provided

1 by Section 39, Article III, Texas Constitution; and

2 (2) if this Act does not receive the vote necessary for

3 immediate effect, this Act takes effect September 1, 2011.