

1-1 By: Rodriguez (Senate Sponsor - Watson) H.B. No. 1760
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. 1760 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. 5; 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 8374 to read as follows:

1-15 CHAPTER 8374. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 5

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8374.001. 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. 5.

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. 8374.002. 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. 8374.003. 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 8374.051 of this code and Section
1-34 49.102, Water Code.

1-35 Sec. 8374.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
1-36 temporary directors may not hold an election under Section 8374.003
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. 8374.005. 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. 8374.006. 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 8374.007-8374.050 reserved for expansion]

2-16 SUBCHAPTER B. BOARD OF DIRECTORS

2-17 Sec. 8374.051. 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 8374.052, 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. 8374.052. 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 8374.003; 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 8374.003 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 8374.003; 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 8374.053-8374.100 reserved for expansion]

2-67 SUBCHAPTER C. POWERS AND DUTIES

2-68 Sec. 8374.101. 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. 8374.102. 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. 8374.103. 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. 8374.104. APPROVAL OF ROAD PROJECT. (a) The district
 3-18 may not undertake a road project authorized by Section 8374.103
 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. 8374.105. 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. 8374.106. 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. 8374.107. NO EMINENT DOMAIN POWER. The district may
 3-49 not exercise the power of eminent domain.

3-50 [Sections 8374.108-8374.150 reserved for expansion]

3-51 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-52 Sec. 8374.151. 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 8374.153.

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. 8374.152. OPERATION AND MAINTENANCE TAX. (a) If
 3-66 authorized at an election held under Section 8374.151, 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 8374.105, 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. 8374.153. 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 8374.154-8374.200 reserved for expansion]

4-16 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-17 Sec. 8374.201. 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. 8374.202. 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. 8374.203. 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 8374.204-8374.250 reserved for expansion]

4-35 SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL

4-36 ANNEXATION AND NOTICE

4-37 Sec. 8374.251. 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. 8374.252. 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 8374.004.

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. 5
4-66 initially includes all the territory contained in the following
4-67 area: 327.482 acres of land described below:

4-68 A DESCRIPTION OF 339.352 ACRES IN THE SANTIAGO DEL VALLE GRANT IN
4-69 TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 167.748 ACRE TRACT

5-1 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
5-2 DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT NO. 2006241307 OF
5-3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
5-4 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
5-5 ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT
5-6 NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
5-7 TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL
5-8 WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND
5-9 RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS
5-10 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED
5-11 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER
5-12 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL
5-13 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE
5-14 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
5-15 INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF
5-16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
5-17 25.119 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
5-18 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.
5-19 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
5-20 A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED
5-21 TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN
5-22 DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
5-23 COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A
5-24 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006
5-25 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC
5-26 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 42.558 ACRE TRACT
5-27 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
5-28 DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE
5-29 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A,
5-30 HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65,
5-31 PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN
5-32 HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN
5-33 DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF
5-34 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND A PORTION OF
5-35 SASSMAN ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID 339.352 ACRE TRACT
5-36 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
5-37 BEGINNING at a 1/2" rebar with Chaparral cap found in the west
5-38 right-of-way line of F.M. 1625 (80' right-of-way width), for the
5-39 southeast corner of said 167.748 acre tract, same being in the north
5-40 right-of-way line of Sassman Road;
5-41 THENCE South 27°11'52" West, crossing Sassman Road with the west
5-42 right-of-way line of F.M. 1625, a distance of 70.00 feet to a 1/2"
5-43 rebar found in the south right-of-way line of Sassman Road, for the
5-44 northeast corner of said 98.656 acre tract;
5-45 THENCE continuing with the west right-of-way line of F.M. 1625,
5-46 same being the east line of said 98.656 acre tract, the following
5-47 two (2) courses and distances:
5-48 1. South 27°11'52" West, a distance of 2856.46 feet to a
5-49 concrete highway monument found 40 feet right of engineers'
5-50 centerline station 115+77;
5-51 2. South 27°04'38" West, a distance of 352.96 feet to a
5-52 calculated point;
5-53 THENCE crossing said 98.656 acre tract, said 60.921 acre tract,
5-54 said 51.942 acre tract, said 55.222 acre tract, said 25.119 acre
5-55 tract, said 7.602 acre tract, said 23.694 acre tract, Sassman Road,
5-56 said Lot A, said 42.558 acre tract, and said 167.748 acre tract, the
5-57 following fifteen (15) courses and distances:
5-58 1. North 62°55'22" West, a distance of 149.13 feet to a
5-59 calculated point;
5-60 2. With a curve to the right, having a radius of 1800.01
5-61 feet, a delta angle of 68°24'29", an arc length of 2149.12
5-62 feet, and a chord which bears North 28°43'07" West, a distance
5-63 of 2023.72 feet to a calculated point;
5-64 3. North 05°29'07" East, a distance of 423.15 feet to a
5-65 calculated point;
5-66 4. With a curve to the left, having a radius of 1000.01
5-67 feet, a delta angle of 40°36'48", an arc length of 708.84
5-68 feet, and a chord which bears North 14°49'17" West, a distance
5-69 of 694.09 feet to a calculated point;

6-1 5. North 35°07'41" West, a distance of 344.76 feet to a
6-2 calculated point;
6-3 6. North 54°52'19" East, a distance of 25.40 feet to a
6-4 calculated point;
6-5 7. With a curve to the left, having a radius of 500.00
6-6 feet, a delta angle of 96°25'47", an arc length of 841.51
6-7 feet, and a chord which bears North 06°39'26" East, a distance
6-8 of 745.65 feet to a calculated point;
6-9 8. North 41°33'28" West, a distance of 274.95 feet to a
6-10 calculated point;
6-11 9. With a curve to the right, having a radius of 580.00
6-12 feet, a delta angle of 69°45'07", an arc length of 706.10
6-13 feet, and a chord which bears North 06°40'54" West, a distance
6-14 of 663.29 feet to a calculated point;
6-15 10. North 28°11'39" East, a distance of 1597.96 feet to
6-16 a calculated point;
6-17 11. South 61°48'21" East, a distance of 1135.34 feet to
6-18 a calculated point;
6-19 12. With a curve to the left, having a radius of 1399.96
6-20 feet, a delta angle of 31°17'38", an arc length of 764.63
6-21 feet, and a chord which bears South 77°27'10" East, a distance
6-22 of 755.16 feet to a calculated point;
6-23 13. North 86°54'01" East, a distance of 948.14 feet to a
6-24 calculated point;
6-25 14. With a curve to the right, having a radius of
6-26 1399.96 feet, a delta angle of 30°17'26", an arc length of
6-27 740.12 feet, and a chord which bears South 77°57'16" East, a
6-28 distance of 731.53 feet to a calculated point;
6-29 15. South 62°48'33" East, a distance of 209.85 feet to a
6-30 calculated point in the west right-of-way line of F.M. 1625,
6-31 same being the east line of said 167.748 acre tract;
6-32 THENCE with the west right-of-way line of F.M. 1625, same being the
6-33 east line of said 167.748 acre tract, the following two (2) courses
6-34 and distances:
6-35 1. South 27°05'45" West, a distance of 973.90 feet to a
6-36 concrete highway monument found 40 feet right of engineers'
6-37 centerline station 68+93.3;
6-38 2. South 27°19'52" West, a distance of 601.74 feet to a
6-39 1/2" rebar with Chaparral cap found for the northeast corner
6-40 of a 2.99 acre tract described in a deed to Thomas Edward
6-41 McHenry and wife, Angela Jane McHenry, recorded in Document
6-42 No. 2005117402 of the Official Public Records of Travis
6-43 County, Texas;
6-44 THENCE continuing with the east line of said 167.748 acre tract, the
6-45 following three (3) courses and distances:
6-46 1. North 62°14'19" West, with the north line of said
6-47 2.99 acre tract, a distance of 361.02 feet to a 1/2" rebar
6-48 found for the northwest corner of said 2.99 acre tract;
6-49 2. South 27°25'52" West, with the west line of said 2.99
6-50 acre tract, a distance of 360.78 feet to a 1/2" rebar found
6-51 for the southwest corner of said 2.99 acre tract;
6-52 3. South 62°14'19" East, with the south line of said
6-53 2.99 acre tract, a distance of 361.65 feet to a 1/2" rebar
6-54 with Chaparral cap found in the west right-of-way line of
6-55 F.M. 1625, for the southeast corner of said 2.99 acre tract;
6-56 THENCE with the west right-of-way line of F.M. 1625, same being the
6-57 east line of said 167.748 acre tract, the following two (2) courses
6-58 and distances:
6-59 1. South 27°19'52" West, a distance of 361.72 feet to a
6-60 1/2" rebar with Chaparral cap found 40 feet right of
6-61 engineers' centerline station 82+17.1;
6-62 2. South 27°11'52" West, a distance of 434.71 feet to
6-63 the POINT OF BEGINNING, containing 339.352 acres of land,
6-64 more or less.
6-65 SAVE AND EXCEPT 2.495 ACRES:
6-66 BEING ALL OF LOT 1, J. P. COTMAN ADDITION, A SUBDIVISION OF RECORD
6-67 IN VOLUME 79, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS,
6-68 CONVEYED TO JUAN YESCAS AND MARIA R. YESCAS IN A WARRANTY DEED,
6-69 DATED DECEMBER 30, 2004 AND RECORDED IN DOCUMENT NO. 2004242191 OF

7-1 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.495
7-2 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
7-3 FOLLOWS:
7-4 BEGINNING at a 1" iron pipe found in the west right-of-way line of
7-5 Sassman Road, for the southeast corner of said Lot 1, same being the
7-6 east corner of said 7.602 acre tract;
7-7 THENCE North 63°13'21" West, with the south line of said Lot 1, same
7-8 being the north line of said 7.602 acre tract, a distance of 543.90
7-9 feet to a 1/2" rebar found for the southwest corner of said Lot 1;
7-10 THENCE North 26°45'39" East, with the west line of said Lot 1, same
7-11 being the east line of said 7.602 acre tract, a distance of 199.86
7-12 feet to a 1/2" rebar found for the northwest corner of said Lot 1,
7-13 same being an angle point in the north line of said 7.602 acre
7-14 tract, also being in the south line of said 23.694 acre tract;
7-15 THENCE South 63°13'21" East, with the north line of said Lot 1, same
7-16 being the south line of said 23.694 acre tract, a distance of 543.89
7-17 feet to a 1/2" rebar with Chaparral cap found in the west
7-18 right-of-way line of Sassman Road, for the northeast corner of said
7-19 Lot 1, same being the southeast corner of said 23.694 acre tract;
7-20 THENCE South 26°45'21" West, with the west right-of-way line of
7-21 Sassman Road, same being the east line of said Lot 1, a distance of
7-22 199.86 feet to the POINT OF BEGINNING, containing 2.495 acres of
7-23 land, more or less.
7-24 SAVE AND EXCEPT 2.496 ACRES:
7-25 BEING ALL OF A 2.50 ACRE TRACT DESCRIBED IN WARRANTY DEED TO MICHAEL
7-26 L. APPLGATE AND HARMONY D. APPLGATE, DATED NOVEMBER 5, 2003 AND
7-27 RECORDED IN DOCUMENT NO. 2003261512 OF THE OFFICIAL PUBLIC RECORDS
7-28 OF TRAVIS COUNTY TEXAS; SAID 2.496 ACRE TRACT BEING MORE
7-29 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
7-30 BEGINNING at a 1/2" rebar found in the north right-of-way line of
7-31 Sassman Road, for the southeast corner of said 2.50 acre tract, same
7-32 being an angle point in the south line of said 42.558 acre tract;
7-33 THENCE North 63°50'26" West, with the north right-of-way line of
7-34 Sassman Road, same being the south line of said 2.50 acre tract, a
7-35 distance of 363.50 feet to a calculated point for the southwest
7-36 corner of said 2.50 acre tract, same being an angle point in the
7-37 south line of said 42.558 acre tract;
7-38 THENCE with the common line of said 2.50 acre tract and said 42.558
7-39 acre tract, the following three (3) courses and distances:
7-40 1. North 26°08'47" East, a distance of 299.42 feet to a
7-41 1/2" rebar found for the northwest corner of said 2.50 acre
7-42 tract;
7-43 2. South 63°51'04" East, a distance of 362.66 feet to a
7-44 1/2" rebar found for the northeast corner of said 2.50 acre
7-45 tract;
7-46 3. South 25°59'08" West, a distance of 299.49 feet to
7-47 the POINT OF BEGINNING, containing 2.496 acres of land, more
7-48 or less.
7-49 SAVE AND EXCEPT 4.178 ACRES:
7-50 BEING ALL OF A 3.213 ACRE TRACT DESCRIBED IN A DEED WITH VENDOR'S
7-51 LIEN TO MARIO RODRIGUEZ & EMMA RODRIGUEZ, DATED FEBRUARY 4, 1983 AND
7-52 RECORDED IN VOLUME 7998, PAGE 656 OF THE DEED RECORDS OF TRAVIS
7-53 COUNTY, TEXAS AND ALL OF A 1.00 ACRE TRACT DESCRIBED IN A GENERAL
7-54 WARRANTY DEED TO MARIO RODRIGUEZ AND EMMA RODRIGUEZ, DATED MARCH 3,
7-55 2005 AND RECORDED IN DOCUMENT NO. 2005046336 OF THE OFFICIAL PUBLIC
7-56 RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.178 ACRE TRACT BEING MORE
7-57 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
7-58 BEGINNING at a 1/2" rebar found for the southeast corner of said
7-59 1.00 acre tract, same being an angle point in the west line of said
7-60 167.748 acre tract;
7-61 THENCE North 64°32'09" West, with the south line of said 1.00 acre
7-62 tract, same being the west line of said 167.748 acre tract, a
7-63 distance of 21.19 feet to a 1/2" rebar with Chaparral cap found for
7-64 an angle point in the north right-of-way line of Sassman Road, the
7-65 south line of said 1.00 acre tract, and the west line of said
7-66 167.748 acre tract;
7-67 THENCE with the north right-of-way line of Sassman Road, same being
7-68 the south line of said 1.00 acre tract and the south line of said
7-69 3.213 acre tract, the following two (2) courses and distances:

8-1 1. North 55°52'30" West, a distance of 116.23 feet to a
8-2 calculated point;
8-3 2. North 63°50'26" West, a distance of 281.73 feet to a
8-4 1/2" rebar found for the southwest corner of said 3.213 acre
8-5 tract, same being an angle point in the south line of said
8-6 42.558 acre tract;
8-7 THENCE with the north line of said 3.213 acre tract, same being the
8-8 south line of said 42.558 acre tract, the following two (2) courses
8-9 and distances:
8-10 1. North 40°38'03" East, a distance of 528.79 feet to a
8-11 1/2" rebar found for the north corner of said 3.213 acre
8-12 tract;
8-13 2. South 61°13'19" East, a distance of 295.41 feet to a
8-14 calculated point for the east corner of said 3.213 acre
8-15 tract, same being the southeast corner of said 42.558 acre
8-16 tract, also being in the west line of said 167.748 acre tract;
8-17 THENCE South 27°11'24" West, with the west line of said 167.748 acre
8-18 tract, same being the east line of said 3.213 acre tract and the
8-19 east line of said 1.00 acre tract, a distance of 514.44 feet to the
8-20 POINT OF BEGINNING, containing 4.178 acres of land, more or less.
8-21 SAVE AND EXCEPT 2.701 ACRES:
8-22 BEING ALL OF A 2.701 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO
8-23 ABACU P. PEREZ, DATED MARCH 19, 2009 AND RECORDED IN DOCUMENT NO.
8-24 2009046965 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;
8-25 SAID 2.701 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
8-26 AND BOUNDS AS FOLLOWS:
8-27 BEGINNING at a 1/2" rebar with Chaparral cap found in the south
8-28 right-of-way line of Sassman Road, for the northeast corner of said
8-29 2.701 acre tract, same being the northwest corner of said 98.656
8-30 acre tract;
8-31 THENCE South 27°05'06" West, with the east line of said 2.701 acre
8-32 tract, same being the west line of said 98.656 acre tract, a
8-33 distance of 672.44 feet to a 1/2" rebar with Chaparral cap found for
8-34 the southeast corner of said 2.701 acre tract, same being an angle
8-35 point in the east line of said 51.942 acre tract;
8-36 THENCE with the south and west lines of said 2.701 acre tract, same
8-37 being the east line of said 51.942 acre tract, the following two (2)
8-38 courses and distances:
8-39 1. North 62°16'38" West, a distance of 175.00 feet to a
8-40 1/2" rebar with Chaparral cap found for the southwest corner
8-41 of said 2.701 acre tract;
8-42 2. North 27°05'06" East, a distance of 672.44 feet to a
8-43 1/2" rebar with Chaparral cap found in the south right-of-way
8-44 line of Sassman Road, for the northwest corner of said 2.701
8-45 acre tract, same being the northeast corner of said 51.942
8-46 acre tract;
8-47 THENCE South 62°16'38" East, with the south right-of-way line of
8-48 Sassman Road, same being the north line of said 2.701 acre tract, a
8-49 distance of 175.00 feet to the POINT OF BEGINNING, containing 2.701
8-50 acres of land, more or less.
8-51 SECTION 3. (a) The legal notice of the intention to
8-52 introduce this Act, setting forth the general substance of this
8-53 Act, has been published as provided by law, and the notice and a
8-54 copy of this Act have been furnished to all persons, agencies,
8-55 officials, or entities to which they are required to be furnished
8-56 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
8-57 Government Code.
8-58 (b) The governor, one of the required recipients, has
8-59 submitted the notice and Act to the Texas Commission on
8-60 Environmental Quality.
8-61 (c) The Texas Commission on Environmental Quality has filed
8-62 its recommendations relating to this Act with the governor, the
8-63 lieutenant governor, and the speaker of the house of
8-64 representatives within the required time.
8-65 (d) All requirements of the constitution and laws of this
8-66 state and the rules and procedures of the legislature with respect
8-67 to the notice, introduction, and passage of this Act are fulfilled
8-68 and accomplished.
8-69 SECTION 4. This Act takes effect immediately if it receives

9-1 a vote of two-thirds of all the members elected to each house, as
9-2 provided by Section 39, Article III, Texas Constitution. If this
9-3 Act does not receive the vote necessary for immediate effect, this
9-4 Act takes effect September 1, 2011.

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