

By: Watson

S.B. No. 768

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Rio de Vida Planning and Improvement District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds.

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

SECTION 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3867 to read as follows:

CHAPTER 3867. RIO DE VIDA PLANNING AND IMPROVEMENT

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3867.001. DEFINITIONS. In this chapter:

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

(2) "City" means the City of Austin, Texas.

(3) "County" means Travis County.

(4) "Director" means a board member.

(5) "District" means the Rio de Vida Planning and Improvement District No. 1.

(6) "Improvement project" means a project authorized by Section 3867.102 or Subchapter C-1.

Sec. 3867.002. CREATION AND NATURE OF DISTRICT. The district is a special district created under Section 59, Article XVI, Texas Constitution.

Sec. 3867.003. PURPOSE; DECLARATION OF INTENT. (a) The creation of the district is essential to accomplish the purposes of

1 Sections 52 and 52-a, Article III, and Section 59, Article XVI,
2 Texas Constitution, and other public purposes stated in this
3 chapter. By creating the district and in authorizing the city, the
4 county, and other political subdivisions to contract with the
5 district, the legislature has established a program to accomplish
6 the public purposes set out in Section 52-a, Article III, Texas
7 Constitution.

8 (b) The creation of the district is necessary to promote,
9 develop, encourage, and maintain employment, commerce,
10 transportation, housing, tourism, recreation, the arts,
11 entertainment, economic development, safety, and the public
12 welfare in the district.

13 (c) This chapter and the creation of the district may not be
14 interpreted to relieve the city or the county from providing the
15 level of services provided as of the effective date of the Act
16 enacting this chapter to the area in the district. The district is
17 created to supplement and not to supplant city and county services
18 provided in the district.

19 Sec. 3867.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
20 The district is created to serve a public use and benefit.

21 (b) All land and other property included in the district
22 will benefit from the improvements and services to be provided by
23 the district under powers conferred by Sections 52 and 52-a,
24 Article III, and Section 59, Article XVI, Texas Constitution, and
25 other powers granted under this chapter.

26 (c) The creation of the district is in the public interest
27 and is essential to further the public purposes of:

1 (1) developing and diversifying the economy of the
2 state;

3 (2) eliminating unemployment and underemployment; and

4 (3) developing or expanding transportation and
5 commerce.

6 (d) The district will:

7 (1) promote the health, safety, and general welfare of
8 residents, employers, potential employees, employees, visitors,
9 and consumers in the district, and of the public;

10 (2) provide needed funding for the district to
11 preserve, maintain, and enhance the economic health and vitality of
12 the district territory as a community and business center; and

13 (3) promote the health, safety, welfare, and enjoyment
14 of the public by providing pedestrian ways and public gardens and by
15 landscaping and developing certain areas in the district, which are
16 necessary for the restoration, preservation, and enhancement of
17 scenic beauty.

18 (e) Pedestrian ways along or across a street, whether at
19 grade or above or below the surface, and street lighting, street
20 landscaping, parking, and street art objects are parts of and
21 necessary components of a street and are considered to be a street
22 or road improvement.

23 (f) The district will not act as the agent or
24 instrumentality of any private interest even though the district
25 will benefit many private interests as well as the public.

26 Sec. 3867.005. DISTRICT TERRITORY. (a) The district is
27 composed of the territory described by Section 2 of the Act enacting

this chapter, as that territory may have been modified under
Section 3867.110 or other law.

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

(1) organization, existence, or validity;

(2) right to issue any type of bond or other obligation
for a purpose for which the district is created or to pay the
principal of and interest on the bond;

(3) right to impose or collect an assessment or tax; or

(4) legality or operation.

Sec. 3867.006. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.
All or any part of the area of the district is eligible to be
included in:

(1) a tax abatement reinvestment zone created under
Chapter 312, Tax Code;

(2) an enterprise zone created under Chapter 2303,
Government Code; or

(3) an industrial district created under Chapter 42,
Local Government Code.

Sec. 3867.007. MUNICIPAL CONSENT REQUIRED. (a) The
district may not hold an election under Subchapter E until each
municipality in whose corporate limits or extraterritorial
jurisdiction the district is located consents by ordinance or
resolution to:

1 (1) the district's creation; and
2 (2) the inclusion of the municipality's land in the
3 district.

4 (b) Consent issued by the city under Subsection (a) may
5 include terms relating to:

6 (1) annexation by the city under Subchapter J; and
7 (2) the continuation of all or a portion of the
8 district's operations after annexation by the city under Subchapter
9 J.

10 Sec. 3867.008. APPLICABILITY OF MUNICIPAL MANAGEMENT
11 DISTRICTS LAW. Except as otherwise provided by this chapter,
12 Chapter 375, Local Government Code, applies to the district.

13 Sec. 3867.009. LIBERAL CONSTRUCTION OF CHAPTER. This
14 chapter shall be liberally construed in conformity with the
15 findings and purposes stated in this chapter.

16 [Sections 3867.010-3867.050 reserved for expansion]

17 SUBCHAPTER B. BOARD OF DIRECTORS

18 Sec. 3867.051. GOVERNING BODY; TERMS. The district is
19 governed by a board of five voting directors who serve staggered
20 terms of four years, with two or three directors' terms expiring
21 June 1 of each odd-numbered year.

22 Sec. 3867.052. APPOINTMENT OF DIRECTORS. (a) Except as
23 provided by Subsection (c), the members of the governing body of the
24 city shall appoint four directors from persons recommended by the
25 board and one director who has at least 15 years of experience in
26 the commercial real estate industry.

27 (b) A person is appointed if a majority of the members of the

1 governing body vote to appoint the person.

2 (c) Beginning on January 1, 2041, the members of the
3 governing body of the city may appoint directors without the
4 recommendation of the board. This subsection applies only to a
5 director whose term expires on or after January 1, 2041.

6 Sec. 3867.053. QUALIFICATIONS. To be qualified to serve as
7 a director, a person must:

8 (1) reside in the district; or

9 (2) own real property in the district.

10 Sec. 3867.054. QUORUM. For purposes of determining the
11 requirements for a quorum of the board, the following are not
12 counted:

13 (1) a board position vacant for any reason, including
14 death, resignation, or disqualification; or

15 (2) a director who is abstaining from participation in
16 a vote because of a conflict of interest.

17 Sec. 3867.055. COMPENSATION. A director is entitled to
18 receive fees of office and reimbursement for actual expenses as
19 provided by Section 49.060, Water Code. Sections 375.069 and
20 375.070, Local Government Code, do not apply to the board.

21 Sec. 3867.056. INITIAL DIRECTORS. (a) The initial board
22 consists of:

	<u>Pos. No.</u>	<u>Name of Director</u>
23		
24	<u>1</u>	_____
25	<u>2</u>	_____
26	<u>3</u>	_____
27	<u>4</u>	_____

1 5

2 (b) Of the initial directors, the terms of directors serving
3 in positions 1, 2, and 3 expire June 1, 2013, and the terms of
4 directors serving in positions 4 and 5 expire June 1, 2015.

5 (c) Section 3867.052 does not apply to the initial
6 directors.

7 (d) This section expires September 1, 2015.

8 [Sections 3867.057-3867.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 3867.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 3867.102. IMPROVEMENT PROJECTS AND SERVICES. The
14 district may provide, design, construct, acquire, improve,
15 relocate, operate, maintain, or finance an improvement project or
16 service using money available to the district, or contract with a
17 governmental or private entity to provide, design, construct,
18 acquire, improve, relocate, operate, maintain, or finance an
19 improvement project or service authorized under this chapter,
20 including a project or service described by Subchapter C-1, or
21 under Chapter 375, Local Government Code.

22 Sec. 3867.103. NONPROFIT CORPORATION. (a) The board by
23 resolution may authorize the creation of a nonprofit corporation to
24 assist and act for the district in implementing a project or
25 providing a service authorized by this chapter.

26 (b) The nonprofit corporation:

27 (1) has each power of and is considered to be a local

1 government corporation created under Subchapter D, Chapter 431,
2 Transportation Code; and

3 (2) may implement any project and provide any service
4 authorized by this chapter.

5 (c) The board shall appoint the board of directors of the
6 nonprofit corporation. The board of directors of the nonprofit
7 corporation shall serve in the same manner as the board of directors
8 of a local government corporation created under Subchapter D,
9 Chapter 431, Transportation Code, except that a board member is not
10 required to reside in the district.

11 Sec. 3867.104. AGREEMENTS; GRANTS. (a) As provided by
12 Chapter 375, Local Government Code, the district may make an
13 agreement with or accept a gift, grant, or loan from any person.

14 (b) The implementation of a project is a governmental
15 function or service for the purposes of Chapter 791, Government
16 Code.

17 Sec. 3867.105. LAW ENFORCEMENT SERVICES. To protect the
18 public interest, the district may contract with a qualified party,
19 including the county or the city, to provide law enforcement
20 services in the district for a fee.

21 Sec. 3867.106. MEMBERSHIP IN CHARITABLE ORGANIZATIONS. The
22 district may join and pay dues to a charitable or nonprofit
23 organization that performs a service or provides an activity
24 consistent with the furtherance of a district purpose.

25 Sec. 3867.107. ECONOMIC DEVELOPMENT. (a) The district may
26 engage in activities that accomplish the economic development
27 purposes of the district.

1 (b) The district may establish and provide for the
2 administration of one or more programs to promote state or local
3 economic development and to stimulate business and commercial
4 activity in the district, including programs to:

5 (1) make loans and grants of public money; and

6 (2) provide district personnel and services.

7 (c) The district may create economic development programs
8 and exercise the economic development powers that:

9 (1) Chapter 380, Local Government Code, provides to a
10 municipality; and

11 (2) Subchapter A, Chapter 1509, Government Code,
12 provides to a municipality.

13 Sec. 3867.108. PARKING FACILITIES. (a) The district may
14 acquire, lease as lessor or lessee, construct, develop, own,
15 operate, and maintain parking facilities or a system of parking
16 facilities, including lots, garages, parking terminals, or other
17 structures or accommodations for parking motor vehicles off the
18 streets and related appurtenances.

19 (b) The district's parking facilities serve the public
20 purposes of the district and are owned, used, and held for a public
21 purpose even if leased or operated by a private entity for a term of
22 years.

23 (c) The district's parking facilities are parts of and
24 necessary components of a street and are considered to be a street
25 or road improvement.

26 (d) The development and operation of the district's parking
27 facilities may be considered an economic development program.

1 Sec. 3867.109. STRATEGIC PARTNERSHIP AGREEMENT. The
2 district may negotiate and enter into a written strategic
3 partnership agreement with a municipality under Section 43.0751,
4 Local Government Code.

5 Sec. 3867.110. ANNEXATION OR EXCLUSION OF LAND. (a) The
6 district may annex land as provided by Subchapter J, Chapter 49,
7 Water Code.

8 (b) The district may exclude land as provided by Subchapter
9 J, Chapter 49, Water Code. Section 375.044(b), Local Government
10 Code, does not apply to the district.

11 Sec. 3867.111. NO EMINENT DOMAIN POWER. The district may
12 not exercise the power of eminent domain.

13 [Sections 3867.112-3867.150 reserved for expansion]

14 SUBCHAPTER C-1. IMPROVEMENT PROJECTS

15 Sec. 3867.151. IMPROVEMENT PROJECTS. In addition to the
16 general authority provided by Section 3867.102, the district may
17 provide, or it may contract with a governmental or private entity to
18 provide, an improvement project described by this subchapter or
19 activities in support of or incidental to those projects.

20 Sec. 3867.152. WATER OR SEWER FACILITY. An improvement
21 project may include the planning, design, construction,
22 improvement, maintenance, and operation of a water or sewer
23 facility.

24 Sec. 3867.153. POTABLE WATER. An improvement project may
25 include a supply and distribution facility or system to provide
26 potable water to district residents and businesses.

27 Sec. 3867.154. NONPOTABLE WATER. An improvement project

1 may include a facility or system designed to enable approved use of
2 nonpotable water, including wastewater supply, collection,
3 treatment, transmission, and distribution to district residents
4 and businesses.

5 Sec. 3867.155. WASTEWATER. An improvement project may
6 include a facility or system to provide wastewater collection,
7 treatment, and disposal to serve district residents and businesses.

8 Sec. 3867.156. DRAINAGE. An improvement project may
9 include the planning, design, construction, improvement, and
10 maintenance of a drainage facility for the district.

11 Sec. 3867.157. STORM WATER. An improvement project may
12 include protection and improvement of the quality of storm water
13 that flows through the district and may include the planning,
14 design, construction, improvement, and maintenance of a storm water
15 detention improvement.

16 Sec. 3867.158. WETLANDS. An improvement project may
17 include the planning, design, construction, improvement,
18 maintenance, and operation of a facility for wetlands enhancement.

19 Sec. 3867.159. RECREATION. An improvement project may
20 include a recreational facility, including public boat ramps and
21 docks on the district's Colorado River frontage.

22 Sec. 3867.160. POWER GENERATION. An improvement project
23 may include the planning, design, construction, improvement,
24 maintenance, and operation of an alternative power generation
25 facility located in or outside of the district, including:

26 (1) a facility for solar, geothermal, or wind power;
27 and

1 (2) appurtenant transmission facilities.

2 Sec. 3867.161. ROADS. An improvement project may include a
3 paved road or street inside and outside the district, to the extent
4 authorized by Section 52, Article III, Texas Constitution.

5 Sec. 3867.162. PARKING OR HELIPORT. An improvement project
6 may include the planning, design, construction, improvement,
7 maintenance, and operation of an off-street parking facility or
8 heliport.

9 Sec. 3867.163. EDUCATION AND CULTURE. An improvement
10 project may include the planning and acquisition of:

11 (1) public art and sculpture and related exhibits and
12 facilities; or

13 (2) an educational facility and a cultural exhibit or
14 facility.

15 Sec. 3867.164. CONVENTION CENTER. An improvement project
16 may include the planning, design, construction, acquisition,
17 lease, rental, improvement, maintenance, installation, and
18 management of and provision of furnishings for a facility for:

19 (1) a conference, convention, or exhibition;

20 (2) a manufacturer, consumer, or trade show;

21 (3) a civic, community, or institutional event; or

22 (4) an exhibit, display, attraction, special event, or
23 seasonal or cultural celebration or holiday.

24 Sec. 3867.165. DEMOLITION. An improvement project may
25 include the removal, razing, demolition, or clearing of land or
26 improvements in connection with an improvement project, including
27 mass grading to reclaim a site from the site's present state.

1 Sec. 3867.166. MITIGATION OF ENVIRONMENTAL EFFECTS. An
2 improvement project may include the acquisition and improvement of
3 land or other property for the mitigation of the environmental
4 effects of an improvement project.

5 Sec. 3867.167. ACQUISITION OF PROPERTY. An improvement
6 project may include the acquisition of property or an interest in
7 property in connection with an improvement project.

8 Sec. 3867.168. SPECIAL OR SUPPLEMENTAL SERVICES. An
9 improvement project may include a special or supplemental service
10 for the improvement and promotion of the district or an area
11 adjacent to the district or for the protection of public health and
12 safety in or adjacent to the district, including:

13 (1) advertising;
14 (2) promotion;
15 (3) tourism;
16 (4) health and sanitation;
17 (5) public safety;
18 (6) security;
19 (7) fire protection or emergency medical services;
20 (8) business recruitment;
21 (9) development;
22 (10) the elimination of traffic congestion; and
23 (11) recreational, educational, or cultural
24 improvements, enhancements, and services.

25 Sec. 3867.169. MISCELLANEOUS DESIGN, CONSTRUCTION, AND
26 MAINTENANCE. An improvement project may include the planning,
27 design, construction, improvement, and maintenance of:

- 1 (1) landscaping;
- 2 (2) highway right-of-way or transit corridor
- 3 beautification and improvement;
- 4 (3) lighting, banners, and signs;
- 5 (4) a street or sidewalk;
- 6 (5) a hiking and cycling path or trail;
- 7 (6) a pedestrian walkway, skywalk, crosswalk, or
- 8 tunnel;
- 9 (7) a park, lake, garden, recreational facility,
- 10 sports facility, open space, scenic area, or related exhibit or
- 11 preserve;
- 12 (8) a fountain, plaza, or pedestrian mall; or
- 13 (9) a drainage or storm water detention improvement.

14 Sec. 3867.170. SIMILAR IMPROVEMENT PROJECTS. An

15 improvement project may include a public improvement, facility, or

16 service similar to a project described by this subchapter.

17 [Sections 3867.171-3867.200 reserved for expansion]

18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS; ASSESSMENTS

19 Sec. 3867.201. TAX AND ASSESSMENT ABATEMENTS. The district

20 may designate reinvestment zones and may grant abatements of a tax

21 or assessment on property in the zones.

22 Sec. 3867.202. DISBURSEMENTS AND TRANSFERS OF MONEY. The

23 board by resolution shall establish the number of directors'

24 signatures and the procedure required for a disbursement or

25 transfer of district money.

26 Sec. 3867.203. MONEY USED FOR IMPROVEMENTS OR SERVICES.

27 The district may acquire, construct, finance, operate, maintain, or

1 provide any improvement or service authorized under this chapter or
2 Chapter 375, Local Government Code, using any money available to
3 the district.

4 Sec. 3867.204. PETITION REQUIRED FOR FINANCING SERVICES AND
5 IMPROVEMENTS WITH ASSESSMENTS. (a) The board may not finance a
6 service or improvement project with assessments under this chapter
7 unless a written petition requesting that service or improvement
8 has been filed with the board.

9 (b) A petition filed under Subsection (a) must be signed by:

10 (1) the owners of a majority of the assessed value of
11 real property in the district subject to assessment according to
12 the most recent certified tax appraisal roll for the county; or

13 (2) at least 25 persons who own real property in the
14 district subject to assessment, if more than 25 persons own real
15 property in the district subject to assessment as determined by the
16 most recent certified tax appraisal roll for the county.

17 Sec. 3867.205. METHOD OF NOTICE FOR HEARING. The district
18 may mail the notice required by Section 375.115(c), Local
19 Government Code, by certified or first class United States mail.
20 The board shall determine the method of notice.

21 Sec. 3867.206. ASSESSMENTS; LIENS FOR ASSESSMENTS. (a)
22 The board by resolution may impose and collect an assessment for any
23 purpose authorized by this chapter in all or any part of the
24 district.

25 (b) An assessment, a reassessment, or an assessment
26 resulting from an addition to or correction of the assessment roll
27 by the district, penalties and interest on an assessment or

reassessment, an expense of collection, and reasonable attorney's fees incurred by the district are:

(1) a first and prior lien against the property assessed;

(2) superior to any other lien or claim other than a lien or claim for county, school district, or municipal ad valorem taxes; and

(3) the personal liability of and a charge against the owners of the property even if the owners are not named in the assessment proceedings.

(c) The lien is effective from the date of the board's resolution imposing the assessment until the date the assessment is paid. The board may enforce the lien in the same manner that the board may enforce an ad valorem tax lien against real property.

(d) The board may make a correction to or deletion from the assessment roll that does not increase the amount of assessment of any parcel of land without providing notice and holding a hearing in the manner required for additional assessments.

Sec. 3867.207. RESIDENTIAL PROPERTY NOT EXEMPT. Section 375.161, Local Government Code, does not apply to:

(1) a tax authorized or approved by district voters;
or

(2) a required payment for a service provided by the district, including water and sewer service.

Sec. 3867.208. COMPETITIVE BIDDING. Subchapter I, Chapter 49, Water Code, applies to the district. Sections 375.221 and 375.223, Local Government Code, do not apply to the district.

[Sections 3867.209-3867.250 reserved for expansion]

SUBCHAPTER E. TAXES AND BONDS

Sec. 3867.251. ELECTIONS REGARDING CERTAIN TAXES AND BONDS.

(a) The district may issue, without an election, bonds, notes, and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 3867.253.

(b) The district must hold an election in the manner provided by Subchapter L, Chapter 375, Local Government Code, to obtain voter approval before the district may impose an ad valorem tax or sales and use tax or issue bonds payable from ad valorem taxes.

(c) Section 375.243, Local Government Code, does not apply to the district.

(d) All or any part of any facilities or improvements that may be acquired by a district by the issuance of district bonds may be included in one single proposition to be voted on at the election or the bonds may be submitted in several propositions.

Sec. 3867.252. OPERATION AND MAINTENANCE TAX. (a) If authorized by a majority of the district voters voting at an election held under Section 3867.251, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code, for any district purpose, including to:

(1) operate and maintain the district;

(2) construct or acquire improvements; or

(3) provide a service.

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

3 (c) The board may impose the tax authorized by this section
4 after full-purpose annexation by the city under Subchapter J. The
5 board may use the tax revenue to pay for maintaining parks, wet
6 ponds, and other open space amenities in the district. To the
7 extent of a conflict between this subsection and any other law, this
8 subsection controls.

9 Sec. 3867.253. CONTRACT TAXES. (a) In accordance with
10 Section 49.108, Water Code, the district may impose a tax other than
11 an operation and maintenance tax and use the revenue derived from
12 the tax to make payments under a contract after the provisions of
13 the contract have been approved by a majority of the district voters
14 voting at an election held for that purpose.

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

18 Sec. 3867.254. AUTHORITY TO BORROW MONEY AND TO ISSUE BONDS
19 AND OTHER OBLIGATIONS. (a) The district may borrow money on terms
20 determined by the board. Section 375.205, Local Government Code,
21 does not apply to a loan, line of credit, or other borrowing from a
22 bank or financial institution secured by revenue other than ad
23 valorem taxes.

24 (b) The district may issue bonds, notes, or other
25 obligations payable wholly or partly from ad valorem taxes, sales
26 and use taxes, assessments, impact fees, revenue, contract
27 payments, grants, or other district money, or any combination of

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

2 (c) The limitation on the outstanding principal amount of
3 bonds, notes, and other obligations provided by Section 49.4645,
4 Water Code, does not apply to the district.

5 Sec. 3867.255. TAXES FOR BONDS. At the time the district
6 issues bonds payable wholly or partly from ad valorem taxes, the
7 board shall provide for the annual imposition of a continuing
8 direct ad valorem tax, without limit as to rate or amount, for each
9 year that all or part of the bonds are outstanding as required and
10 in the manner provided by Sections 54.601 and 54.602, Water Code.

11 [Sections 3867.256-3867.300 reserved for expansion]

12 SUBCHAPTER F. DEFINED AREAS

13 Sec. 3867.301. AUTHORITY TO ESTABLISH DEFINED AREAS OR
14 DESIGNATED PROPERTY. The district may define areas or designate
15 certain property of the district to pay for improvements,
16 facilities, or services that primarily benefit that area or
17 property and do not generally and directly benefit the district as a
18 whole.

19 Sec. 3867.302. PROCEDURE FOR ELECTION. (a) Before the
20 district may impose an ad valorem tax or issue bonds payable from ad
21 valorem taxes of the defined area or designated property, the board
22 shall hold an election in the defined area or in the designated
23 property only.

24 (b) The election shall be conducted as provided by Section
25 3867.251.

26 (c) The board may submit the issues to the voters on the same
27 ballot to be used in another election.

1 Sec. 3867.303. DECLARING RESULT AND ISSUING ORDER. (a) If
2 a majority of the voters voting at the election approve the
3 proposition or propositions, the board shall declare the results
4 and, by order, shall establish the defined area and describe it by
5 metes and bounds or designate the specific property.

6 (b) A court may not review the board's order except on the
7 ground of fraud, palpable error, or arbitrary and confiscatory
8 abuse of discretion.

9 Sec. 3867.304. TAXES FOR IMPROVEMENTS AND FACILITIES IN
10 DEFINED AREAS OR DESIGNATED PROPERTY. On voter approval and
11 adoption of the order described by Section 3867.303, the district
12 may apply separately, differently, equitably, and specifically its
13 taxing power and lien authority to the defined area or designated
14 property to provide money to construct, administer, maintain, and
15 operate services, improvements, and facilities that primarily
16 benefit the defined area or designated property.

17 Sec. 3867.305. ISSUANCE OF BONDS FOR DEFINED AREA OR
18 DESIGNATED PROPERTY. After the order under Section 3867.303 is
19 adopted, the district may issue bonds to provide for any land,
20 improvements, facilities, plants, equipment, and appliances for
21 the defined area or designated property.

22 [Sections 3867.306-3867.350 reserved for expansion]

23 SUBCHAPTER G. SALES AND USE TAX

24 Sec. 3867.351. APPLICABILITY OF CERTAIN TAX CODE
25 PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition,
26 computation, administration, enforcement, and collection of the
27 sales and use tax authorized by this subchapter except to the extent

1 Chapter 321, Tax Code, is inconsistent with this chapter.

2 (b) A reference in Chapter 321, Tax Code, to a municipality
3 or the governing body of a municipality is a reference to the
4 district or the board, respectively.

5 Sec. 3867.352. ELECTION; ADOPTION OF TAX. (a) The district
6 may adopt a sales and use tax if authorized by a majority of the
7 voters of the district voting at an election held for that purpose.

8 (b) The board by order may call an election to authorize the
9 adoption of the sales and use tax. The election may be held on any
10 uniform election date and in conjunction with any other district
11 election.

12 (c) The district shall provide notice of the election and
13 shall hold the election in the manner prescribed by Section
14 3867.251.

15 (d) The ballot shall be printed to provide for voting for or
16 against the proposition: "Authorization of a sales and use tax in
17 the Rio de Vida Planning and Improvement District No. 1 at a rate
18 not to exceed ____ percent" (insert rate of one or more increments
19 of one-eighth of one percent).

20 Sec. 3867.353. SALES AND USE TAX RATE. (a) Not later than
21 the 10th day after the date the results are declared of an election
22 held under Section 3867.352, at which the voters approved
23 imposition of the tax authorized by this subchapter, the board
24 shall determine the initial rate of the tax, which must be in one or
25 more increments of one-eighth of one percent.

26 (b) After the election held under Section 3867.352, the
27 board may decrease the rate of the tax by one or more increments of

1 one-eighth of one percent. The board may not decrease the rate of
2 the tax if the decrease would impair the repayment of any
3 outstanding debt or obligation payable from the tax.

4 (c) The initial rate of the tax or any rate resulting from
5 subsequent decreases may not exceed the lesser of:

6 (1) the maximum rate authorized by the district voters
7 at the election held under Section 3867.352; or

8 (2) a rate that, when added to the rates of all sales
9 and use taxes imposed by other political subdivisions with
10 territory in the district, would result in the maximum combined
11 rate prescribed by Section 321.101(f), Tax Code, at any location in
12 the district.

13 (d) In determining whether the combined sales and use tax
14 rate under Subsection (c)(2) would exceed the maximum combined rate
15 prescribed by Section 321.101(f), Tax Code, at any location in the
16 district, the board shall include:

17 (1) any sales and use tax imposed by a political
18 subdivision whose territory overlaps all or part of the district;

19 (2) any sales and use tax to be imposed by a
20 municipality or county as a result of an election held on the same
21 date as the election held under Section 3867.352; and

22 (3) any increase to an existing sales and use tax
23 imposed by a municipality or county as a result of an election held
24 on the same date as the election held under Section 3867.352.

25 (e) This subsection applies only to a political subdivision
26 that is not a municipality or county. If the voters of a political
27 subdivision approve the adoption or increase of a sales and use tax

at an election held on the same date as an election under Section 3867.352, and after the board sets the district's initial tax rate under Subsection (a), the combined rate of all sales and use taxes imposed by the district and by other political subdivisions having territory in the district exceed the combined maximum rate prescribed by Section 321.101(f), Tax Code, the election held by the political subdivision on that date has no effect.

(f) The board shall notify the comptroller of any changes made to the tax rate in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 3867.354. USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 3867.355. ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter without an election.

(b) The board may not abolish the tax imposed under this subchapter if the district has outstanding debt secured by the tax and repayment of the debt would be impaired by the abolition of the tax.

(c) If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal

secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(d) If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 3867.352 before the district may subsequently impose the tax.

[Sections 3867.356-3867.400 reserved for expansion]

SUBCHAPTER H. HOTEL OCCUPANCY TAX

Sec. 3867.401. DEFINITION. In this subchapter, "hotel" has the meaning assigned by Section 156.001, Tax Code.

Sec. 3867.402. APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) In this subchapter:

(1) a reference in Subchapter A, Chapter 352, Tax Code, to a county is a reference to the district; and

(2) a reference in Subchapter A, Chapter 352, Tax Code, to the commissioners court is a reference to the board.

(b) Except as inconsistent with this subchapter, Subchapter A, Chapter 352, Tax Code, governs a hotel occupancy tax authorized by this subchapter, including the collection of the tax, subject to the limitations prescribed by Sections 352.002(b) and (c), Tax Code.

Sec. 3867.403. TAX AUTHORIZED; USE OF REVENUE. The district may impose a hotel occupancy tax for any district purpose, including to:

(1) operate and maintain the district;

(2) construct or acquire improvements; and

(3) provide a service.

1 Sec. 3867.404. TAX RATE. (a) The amount of the hotel
2 occupancy tax may not exceed seven percent of the price paid for a
3 room in a hotel.

4 Sec. 3867.405. INFORMATION. The district may examine and
5 receive information related to the imposition of hotel occupancy
6 taxes to the same extent as if the district were a county.

7 [Sections 3867.406-3867.450 reserved for expansion]

8 SUBCHAPTER I. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

9 Sec. 3867.451. DIVISION OF DISTRICT; PREREQUISITES. (a)
10 The district may be divided into two or more new districts only if
11 the district:

12 (1) has no outstanding bonded debt;

13 (2) is not imposing ad valorem taxes; and

14 (3) complies with Subsection (b), if applicable.

15 (b) This subsection applies only to a district located
16 wholly or partly in the corporate limits or the extraterritorial
17 jurisdiction of a municipality. Before the district may divide
18 under this subchapter, the district must provide each municipality
19 and each county in which the district is wholly or partly located a
20 copy of the order under Section 3867.454.

21 Sec. 3867.452. LAW APPLICABLE TO NEW DISTRICT. This
22 chapter applies to any new district created by division of the
23 district, and a new district has all the powers and duties of the
24 district.

25 Sec. 3867.453. LIMITATION ON AREA OF NEW DISTRICT. A new
26 district created by the division of the district may not, at the
27 time the new district is created, contain any land outside the area

1 described by Section 2 of the Act enacting this chapter.

2 Sec. 3867.454. DIVISION PROCEDURES. (a) The board, on its
3 own motion or on receipt of a petition signed by the owner or owners
4 of a majority of the assessed value of the real property in the
5 district, may adopt an order dividing the district.

6 (b) The board may adopt an order dividing the district
7 before or after the date the board holds an election under Section
8 3867.251(b) to authorize the issuance of bonds payable from ad
9 valorem taxes.

10 (c) An order dividing the district must:

11 (1) name each new district;

12 (2) include the metes and bounds description of the
13 territory of each new district;

14 (3) appoint temporary directors for each new district;
15 and

16 (4) provide for the division of assets and liabilities
17 between the new districts.

18 (d) On or before the 30th day after the date of adoption of
19 an order dividing the district, the district shall file the order
20 with the Texas Commission on Environmental Quality and record the
21 order in the real property records of each county in which the
22 district is located.

23 Sec. 3867.455. TAX OR BOND ELECTION. Before a new district
24 created by the division of the district may impose a sales and use
25 tax or an operation and maintenance tax or issue bonds payable
26 wholly or partly from ad valorem taxes, the new district must hold
27 an election as required by this chapter to obtain voter approval.

[Sections 3867.456-3867.500 reserved for expansion]

SUBCHAPTER J. MUNICIPAL ANNEXATION AND DISSOLUTION

Sec. 3867.501. MUNICIPAL ANNEXATION. (a) The city may annex the district:

(1) according to the terms specified in a consent agreement entered into by the city and the district; and

(2) only after the district's development entity has been reimbursed to the extent allowed under:

(A) Chapters 49 and 54, Water Code; and

(B) the rules of the Texas Commission on Environmental Quality.

(b) Sections 43.0561 and 43.0562, Local Government Code, do not apply to the annexation of the district.

(c) A conveyance of real property in the district must be accompanied by a recorded notice to purchasers that describes the city's authority to annex the district when the conditions in Subsection (a) apply.

Sec. 3867.502. CONTINUATION OF DISTRICT AFTER ANNEXATION. The district is not required to be dissolved if the city annexes the district. The district and the city may enter into a development agreement that authorizes the district to continue all or a portion of the district's operations after the city annexes the district.

Sec. 3867.503. LIMITATION ON DISSOLUTION NOT APPLICABLE. Section 375.264, Local Government Code, does not apply to the dissolution of the district by a municipality.

[Sections 3867.504-3867.550 reserved for expansion]

SECTION 2. As of the effective date of this Act, the Rio de

1 Vida Planning and Improvement District No. 1 includes all territory
2 contained in the following described area:

3 ALL THAT CERTAIN PARCEL OR TRACT OF LAND OUT OF THE REUBEN
4 HORNSBY SURVEY NO. 17, JOSEPH DUTY SURVEY NO. 20 AND THE JOHN
5 BURLESON SURVEY NO. 33, TRAVIS COUNTY, TEXAS; BEING ALL OF THE
6 FOLLOWING TRACTS OF LAND AS CONVEYED TO TXI OPERATIONS, L.P. BY
7 DEEDS RECORDED IN THE REAL PROPERTY RECORDS OF TRAVIS COUNTY,
8 TEXAS: A 353.08-ACRE TRACT (TO BE KNOWN AS PARCEL 01-1) AND A
9 65.12-ACRE TRACT (TO BE KNOWN AS PARCEL 01-2) IN VOLUME 12448, PAGE
10 737 AND VOLUME 13170, PAGE 656; A 65.12-ACRE TRACT (TO BE KNOWN AS
11 PARCEL 01-2) IN VOLUME 13170, PAGE 656; A 102.188-ACRE TRACT
12 (PARCEL NO. 1) (TO BE KNOWN AS PARCEL 02-1), A 29.008-ACRE TRACT
13 (PARCEL NO. 2) (TO BE KNOWN AS PARCEL 02-2) AND A 10.743-ACRE TRACT
14 (PARCEL NO. 3) (TO BE KNOWN AS PARCEL 02-3) IN VOLUME 12593, PAGE
15 2001; A 22.911-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 04-1) IN
16 VOLUME 11985, PAGE 1238 AND VOLUME 13170, PAGE 656; A 19.253-ACRE
17 TRACT (PARCEL 3) (TO BE KNOWN AS PARCEL 05-1), A 4.591-ACRE TRACT
18 (PARCEL 1) (TO BE KNOWN AS PARCEL 06-1) AND A 16.931-ACRE TRACT
19 (PARCEL 2) (TO BE KNOWN AS PARCEL 06-2) IN VOLUME 13304, PAGE 3306;
20 A 52.487-ACRE TRACT (TO BE KNOWN AS PARCEL 08-1) IN VOLUME 13088,
21 PAGE 429; A PORTION OF A 6.605-ACRE TRACT (TRACT 1) (TO BE KNOWN AS
22 PARCEL 08-2) AND A 5.411-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL
23 12-1) IN VOLUME 13088, PAGE 421; A 51.32-ACRE TRACT (TO BE KNOWN AS
24 PARCEL 10-1) IN VOLUME 12703, PAGE 411 AND VOLUME 13170, PAGE 656; A
25 6.262-ACRE TRACT (TO BE KNOWN AS PARCEL 11-1) IN VOLUME 12835, PAGE
26 1489; A 22.967-ACRE TRACT (TO BE KNOWN AS PARCEL 13-1) IN VOLUME
27 9872, PAGE 77 AND VOLUME 13170, PAGE 656; A 14.272-ACRE TRACT (TRACT

1 8) (TO BE KNOWN AS PARCEL 14-1), A 21.100-ACRE TRACT (TRACT 9) (TO
2 BE KNOWN AS PARCEL 15-1), A 32.738-ACRE TRACT (TRACT 17) (TO BE
3 KNOWN AS PARCEL 17-1), A 8.051-ACRE TRACT (TRACT 12) (TO BE KNOWN AS
4 PARCEL 18-1), A 9.744-ACRE TRACT (TRACT 13) (TO BE KNOWN AS PARCEL
5 18-2), A 9.752-ACRE TRACT (TRACT 14) (TO BE KNOWN AS PARCEL 18-3), A
6 15.981-ACRE TRACT (TRACT 15) (TO BE KNOWN AS PARCEL 18-4), A
7 19.127-ACRE TRACT (TRACT 16) (TO BE KNOWN AS PARCEL 18-5), A
8 10.274-ACRE TRACT (TRACT 10) (TO BE KNOWN AS PARCEL 21-1), A
9 9.825-ACRE TRACT (TRACT 11) (TO BE KNOWN AS PARCEL 21-2), A PORTION
10 OF A 44.586-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 23-1), A
11 PORTION OF A 15.959-ACRE TRACT (TRACT 7) (TO BE KNOWN AS PARCEL
12 23-2), A PORTION OF A 15.946-ACRE TRACT (TRACT 6) (TO BE KNOWN AS
13 PARCEL 23-3) AND A PORTION OF A 14.135-ACRE TRACT (TRACT 3) (TO BE
14 KNOWN AS PARCEL 28-1) IN VOLUME 12326, PAGE 1154 AND VOLUME 13170,
15 PAGE 656; A 30.531-ACRE TRACT (TO BE KNOWN AS PARCEL 16-1) IN VOLUME
16 10967, PAGE 1219 AND VOLUME 13170, PAGE 656; A 30.531-ACRE TRACT (TO
17 BE KNOWN AS PARCEL 16-1) IN VOLUME 10967, PAGE 1219 AND VOLUME
18 13170, PAGE 656; A 45.874-ACRE TRACT (TO BE KNOWN AS PARCEL 19-1) IN
19 VOLUME 12270, PAGE 1633 AND VOLUME 13170, PAGE 656; A 13.853-ACRE
20 TRACT (TO BE KNOWN AS PARCEL 20-1) IN VOLUME 12326, PAGE 1149 AND
21 VOLUME 13170, PAGE 656; A PORTION OF A 32.403-ACRE TRACT (TRACT 4)
22 (TO BE KNOWN AS PARCEL 22-1) AND A PORTION OF A 50.388-ACRE TRACT
23 (TRACT 1) (TO BE KNOWN AS PARCEL 28-2) IN VOLUME 12326, PAGE 1109
24 AND VOLUME 13170, PAGE 656; AND A 83.838-ACRE TRACT (TO BE KNOWN AS
25 PARCEL 27-1) IN VOLUME 11955, PAGE 972 AND VOLUME 13170, PAGE 656;
26 AND ALSO BEING ALL OF THE FOLLOWING TRACTS OF LAND AS CONVEYED TO
27 TXI OPERATIONS, L.P. BY DEEDS RECORDED IN THE OFFICIAL PUBLIC

1 RECORDS OF TRAVIS COUNTY, TEXAS: A 49.994-ACRE TRACT (TRACT 1) (TO
2 BE KNOWN AS PARCEL 03-1), A PORTION OF A 85.957-ACRE TRACT (TRACT 2)
3 (TO BE KNOWN AS PARCEL 03-2), A PORTION OF A 41.043-ACRE TRACT
4 (TRACT 3) (TO BE KNOWN AS PARCEL 03-3), A 69.542-ACRE TRACT (TRACT
5 4) (TO BE KNOWN AS PARCEL 03-4), A 55.299-ACRE TRACT (TRACT 5) (TO
6 BE KNOWN AS PARCEL 03-5), A PORTION OF A 33.214-ACRE TRACT (TO BE
7 KNOWN AS PARCEL 03-6) AND A 39.355-ACRE TRACT (TRACT 6) (TO BE KNOWN
8 AS PARCEL 03-7) IN DOCUMENT NO. 1999152526; A 223.497-ACRE TRACT
9 (TO BE KNOWN AS PARCEL 07-1) IN DOCUMENT NO. 2005002939; A
10 194.824-ACRE TRACT (TRACT A) (TO BE KNOWN AS PARCEL 09-1) AND A
11 67.418-ACRE TRACT (TRACT B) (TO BE KNOWN AS PARCEL 09-2) IN DOCUMENT
12 NO. 2005007841; PORTIONS OF A 101.697-ACRE TRACT (TRACT 1) AND A
13 14.054-ACRE TRACT (TRACT 2) (TO BE KNOWN AS PARCEL 24-1) IN DOCUMENT
14 NO. 1999148757; A 39.462-ACRE TRACT (TO BE KNOWN AS PARCEL 25-1) IN
15 DOCUMENT NO. 2006133198; AND A 33.35-ACRE TRACT (TO BE KNOWN AS
16 PARCEL 26-1) IN DOCUMENT NO. 2005007845; AND BEING MORE
17 PARTICULARLY DESCRIBED IN FIVE (5) TRACTS BY METES AND BOUNDS AS
18 FOLLOWS:

19 TRACT 1

20 BEGINNING at a calculated point at the intersection of the
21 north bank of the Colorado River and the east right-of-way line of
22 State Highway No. 130, at the southwest corner of the
23 above-described Parcel 09-1, for the southwest corner and POINT OF
24 BEGINNING of the herein described tract;

25 THENCE, with the east right-of-way line of said State Highway
26 No. 130, the following seven (7) courses:

27 1) N08°37'24"W a distance of 537.28 feet to a calculated

1 angle point;

2 2) N01°34'38"W a distance of 3,468.10 feet to a calculated
3 angle point;

4 3) N59°15'05"E a distance of 166.15 feet to a calculated
5 angle point;

6 4) N08°13'09"E a distance of 547.29 feet to a calculated
7 angle point;

8 5) N52°30'09"W a distance of 138.99 feet to a calculated
9 non-tangent point of curvature of a curve to the right;

10 6) Along said curve to the right an arc distance of 1,274.92
11 feet, having a radius of 3,458.72 feet, and a chord which bears
12 N19°25'33"E a distance of 1,267.71 feet to a calculated point of
13 tangency; and

14 7) N29°59'08"E a distance of 421.69 feet to a calculated
15 point at the northwest corner of said Parcel 09-1;

16 THENCE, with the north line of said Parcel 09-1, the
17 following three (3) courses:

18 1) S60°37'51"E a distance of 116.20 feet to a to a calculated
19 point;

20 2) N29°22'09"E a distance of 83.70 feet to a calculated
21 point; and

22 3) S60°41'35"E a distance of 416.71 feet to a calculated
23 point on the west line of the above-described Parcel 01-1 at the
24 most northerly northeast corner of said Parcel 09-1;

25 THENCE, with the west line of said Parcel 01-1, the following
26 five (5) courses:

27 1) N27°20'56"E a distance of 39.85 feet to a calculated angle

1 point;

2 2) N49°43'26"E a distance of 65.85 feet to a calculated angle
3 point;

4 3) N27°21'16"E a distance of 619.40 feet to a calculated
5 point at an inside corner of said Parcel 01-1;

6 4) N62°38'24"W a distance of 5.00 feet to a calculated point
7 at an outside corner of said Parcel 01-1; and

8 5) N27°21'36"E a distance of 617.35 feet to a calculated
9 point on the south line of the above-described Parcel 16-1 at the
10 northwest corner of said Parcel 01-1;

11 THENCE N62°22'51"W a distance of 40.60 feet to a calculated
12 point on the east line of the above-described Parcel 23-1;

13 THENCE, with the east line of said Parcel 23-1, the following
14 four (4) courses:

15 1) S27°22'35"W a distance of 618.29 feet to a calculated
16 point for an outside corner of said Parcel 23-1;

17 2) N62°37'49"W a distance of 5.00 feet to a calculated point
18 for an inside corner of said Parcel 23-1;

19 3) S27°22'11"W a distance of 618.51 feet to a calculated
20 angle point; and

21 4) S73°40'29"W a distance of 69.55 feet to a calculated point
22 at the southeast corner of said Parcel 23-1;

23 THENCE, with the south line of said Parcel 23-1, N60°41'02"W a
24 distance of 339.91 feet to a calculated point on the east
25 right-of-way line of State Highway No. 130 at the southwest corner
26 of said Parcel 23-1;

27 THENCE, with the east right-of-way line of said State Highway

1 No. 130, the following three (3) courses:

2 1) N30°02'29"E a distance of 1,101.68 feet to a calculated
3 angle point;

4 2) N20°27'12"E a distance of 2,012.40 feet to a calculated
5 angle point; and

6 3) N27°27'12"E a distance of 432.97 feet to a calculated
7 point at the northwest corner of the above-described Parcel 23-3;

8 THENCE, with the north line of said Parcel 23-3, S62°04'21"E a
9 distance of 608.26 feet to a calculated point on the west line of
10 the above-described Parcel 14-1 at the northeast corner of said
11 Parcel 23-3;

12 THENCE, with the west line of said Parcel 14-1, N27°45'52"E a
13 distance of 393.68 feet to a calculated point at the northwest
14 corner of said Parcel 14-1, also being the most westerly southwest
15 corner of the above-described Parcel 01-2;

16 THENCE, with the west line of said Parcel 01-2, N28°07'17"E a
17 distance of 224.92 feet to a calculated point at the southeast
18 corner of the above-described Parcel 24-1;

19 THENCE, with the south line of said Parcel 24-1, N62°34'20"W a
20 distance of 613.00 feet to a calculated point on the east
21 right-of-way line of said State Highway No. 130 at the southwest
22 corner of said Parcel 24-1;

23 THENCE, with the east right-of-way line of said State Highway
24 No. 130, the following nine (9) courses:

25 1) N27°27'12"E a distance of 1,672.04 feet to a calculated
26 angle point;

27 2) N32°27'12"E a distance of 1,894.71 feet to a calculated

1 angle point;
2 3) N29°36'58"E a distance of 516.40 feet to a calculated
3 point;
4 4) S61°16'47"E a distance of 91.29 feet to a calculated
5 point;
6 5) N33°24'29"E a distance of 576.93 feet to a calculated
7 point;
8 6) N61°16'47"W a distance of 126.37 feet to a calculated
9 point;
10 7) N26°30'22"E a distance of 430.28 feet to a calculated
11 point;
12 8) N61°16'47"W a distance of 56.58 feet to a calculated
13 point; and
14 9) N27°27'30"E a distance of 956.84 feet to a calculated
15 point at the intersection with the south right-of-way line of FM
16 Highway No. 969, also being the northwest corner of said Parcel
17 24-1;
18 THENCE, with the south right-of-way line of said FM Highway
19 No. 969, the following six (6) courses:
20 1) S64°07'08"E a distance of 395.49 feet to a calculated
21 point;
22 2) S22°48'20"W a distance of 61.04 feet to a calculated
23 point;
24 3) S67°11'40"E a distance of 110.00 feet to a calculated
25 point;
26 4) N22°48'20"E a distance of 60.54 feet to a calculated
27 point;

1 5) S77°33'00"E a distance of 201.73 feet to a calculated
2 angle point; and

3 6) S65°03'31"E a distance of 381.97 feet to a calculated
4 point at the northeast corner of the above-described Parcel 08-2;

5 THENCE, with the east line of said Parcel 08-2, S12°49'01"W a
6 distance of 1,365.75 feet to a calculated point at an inside corner
7 of the above-described Parcel 02-1;

8 THENCE, with the north line of said Parcel 02-1, S62°34'57"E a
9 distance of 947.19 feet to a calculated point at the most easterly
10 northeast corner of said Parcel 02-1;

11 THENCE, with the east line of said Parcel 02-1, S27°12'42"W a
12 distance of 1,350.79 feet to a calculated angle point;

13 THENCE, continuing with the east line of said Parcel 02-1,
14 S27°42'57"W a distance of 1,658.43 feet to a calculated point at the
15 northeast corner of said Parcel 01-2;

16 THENCE, with the east line of said Parcel 01-2, S27°36'56"W a
17 distance of 1,486.26 feet to a calculated point at an outside corner
18 of said Parcel 01-2 on the north line of the above-described Parcel
19 04-1;

20 THENCE, with the north line of said Parcel 04-1, S62°13'13"E a
21 distance of 697.01 feet to a calculated point at the northeast
22 corner of said Parcel 04-1, also being the northwest corner of the
23 above-described Parcel 19-1;

24 THENCE, with the north line of said Parcel 19-1, S62°14'53"E a
25 distance of 461.49 feet to a calculated point at the southwest
26 corner of the above-described Parcel 10-1;

27 THENCE, with the west line of said Parcel 10-1, N27°49'54"E a

1 distance of 3,150.15 feet to a calculated point at the northwest
2 corner of said Parcel 10-1;

3 THENCE, with the north line of said Parcel 10-1, S62°43'06"E a
4 distance of 710.22 feet to a calculated point at the northeast
5 corner of said Parcel 10-1;

6 THENCE, with the east line of said Parcel 10-1, S27°52'34"W a
7 distance of 3,156.02 feet to a calculated point at the southeast
8 corner of said Parcel 10-1, also being the northwest corner of the
9 above-described Parcel 06-1;

10 THENCE, with the north line of said Parcel 06-1, S61°04'03"E a
11 distance of 289.04 feet to a calculated point at the northwest
12 corner of the above-described Parcel 12-1;

13 THENCE, with the north line of said Parcel 12-1, S63°22'55"E a
14 distance of 457.28 feet to a calculated point at the northwest
15 corner of the above-described Parcel 06-2;

16 THENCE, with the north line of said Parcel 06-2, S64°42'36"E a
17 distance of 378.00 feet to a calculated point at the northwest
18 corner of the above-described Parcel 20-1;

19 THENCE, with the north line of said Parcel 20-1, S70°09'59"E a
20 distance of 400.67 feet to a calculated point at the northwest
21 corner of the above-described Parcel 02-3;

22 THENCE, with the north line of said Parcel 02-3, the
23 following three (3) courses:

24 1) S67°05'07"E a distance of 104.58 feet to a calculated
25 angle point;

26 2) S53°35'54"E a distance of 105.83 feet to a calculated
27 angle point; and

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1 3) S55°41'48"E a distance of 206.91 feet to a calculated
2 point at the northeast corner of said Parcel 02-3;

3 THENCE, with the east line of said Parcel 02-3, S28°01'49"W a
4 distance of 899.00 feet to a calculated point on the north bank of
5 the Colorado River at the southeast corner of said Parcel 02-3;

6 THENCE, with the meanders of the north bank of the Colorado
7 River, the following fifty-nine (59) courses:

8 1) S78°57'26"W a distance of 265.40 feet to a calculated
9 point;

10 2) S58°33'04"W a distance of 403.36 feet to a calculated
11 point;

12 3) S27°53'07"W a distance of 24.17 feet to a calculated
13 point;

14 4) S73°19'34"W a distance of 179.78 feet to a calculated
15 point;

16 5) S80°40'33"W a distance of 284.45 feet to a calculated
17 point;

18 6) N26°28'28"E a distance of 20.96 feet to a calculated
19 point;

20 7) S75°36'26"W a distance of 293.31 feet to a calculated
21 point;

22 8) S86°20'34"W a distance of 84.16 feet to a calculated
23 point;

24 9) S79°42'18"W a distance of 141.79 feet to a calculated
25 point;

26 10) S27°00'43"W a distance of 26.90 feet to a calculated
27 point;

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- 1 11) S78°05'41"W a distance of 99.68 feet to a calculated
2 point;
- 3 12) S71°38'12"W a distance of 426.53 feet to a calculated
4 point;
- 5 13) S58°35'29"W a distance of 276.51 feet to a calculated
6 point;
- 7 14) S24°20'35"W a distance of 359.58 feet to a calculated
8 point;
- 9 15) S08°24'01"W a distance of 300.61 feet to a calculated
10 point;
- 11 16) S07°37'34"E a distance of 185.37 feet to a calculated
12 point;
- 13 17) S02°25'49"E a distance of 59.41 feet to a calculated
14 point;
- 15 18) S01°21'36"W a distance of 38.60 feet to a calculated
16 point;
- 17 19) S08°00'24"E a distance of 41.40 feet to a calculated
18 point;
- 19 20) S09°09'36"W a distance of 373.90 feet to a calculated
20 point;
- 21 21) S31°59'36"W a distance of 107.30 feet to a calculated
22 point;
- 23 22) S18°00'36"W a distance of 293.50 feet to a calculated
24 point;
- 25 23) S30°25'36"W a distance of 112.00 feet to a calculated
26 point;
- 27 24) S10°51'36"W a distance of 634.90 feet to a calculated

1 point;
2 25) S02°34'36"W a distance of 30.70 feet to a calculated
3 point;
4 26) S59°28'24"E a distance of 57.10 feet to a calculated
5 point;
6 27) S03°40'24"E a distance of 310.40 feet to a calculated
7 point;
8 28) S16°21'36"W a distance of 278.50 feet to a calculated
9 point;
10 29) S17°53'36"W a distance of 322.40 feet to a calculated
11 point;
12 30) S32°29'36"W a distance of 792.30 feet to a calculated
13 point;
14 31) S18°11'36"W a distance of 184.90 feet to a calculated
15 point;
16 32) N63°10'34"W a distance of 44.96 feet to a calculated
17 point;
18 33) S19°04'38"W a distance of 21.49 feet to a calculated
19 point;
20 34) S27°17'38"W a distance of 190.50 feet to a calculated
21 point;
22 35) S23°12'38"W a distance of 266.20 feet to a calculated
23 point;
24 36) S33°52'38"W a distance of 191.10 feet to a calculated
25 point;
26 37) S61°12'38"W a distance of 280.40 feet to a calculated
27 point;

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1 38) S63°15'38"W a distance of 345.10 feet to a calculated
2 point;
3 39) S72°35'38"W a distance of 285.20 feet to a calculated
4 point;
5 40) N85°31'22"W a distance of 165.00 feet to a calculated
6 point;
7 41) N72°50'22"W a distance of 150.00 feet to a calculated
8 point;
9 42) N10°15'22"W a distance of 135.80 feet to a calculated
10 point;
11 43) N04°17'22"W a distance of 37.00 feet to a calculated
12 point;
13 44) N38°51'22"W a distance of 391.50 feet to a calculated
14 point;
15 45) N12°14'22"W a distance of 40.00 feet to a calculated
16 point;
17 46) N07°15'38"E a distance of 183.00 feet to a calculated
18 point;
19 47) S47°45'38"W a distance of 386.10 feet to a calculated
20 point;
21 48) S75°54'39"W a distance of 102.43 feet to a calculated
22 point;
23 49) S71°46'05"W a distance of 154.03 feet to a calculated
24 point;
25 50) S65°38'42"W a distance of 430.32 feet to a calculated
26 point;
27 51) S49°58'20"W a distance of 207.45 feet to a calculated

1 point;
2 52) S47°30'01"W a distance of 581.94 feet to a calculated
3 point;
4 53) S58°05'16"W a distance of 199.26 feet to a calculated
5 point;
6 54) S55°02'26"W a distance of 168.25 feet to a calculated
7 point;
8 55) S66°49'36"W a distance of 424.33 feet to a calculated
9 point;
10 56) S70°27'05"W a distance of 178.44 feet to a calculated
11 point;
12 57) S73°49'29"W a distance of 103.82 feet to a calculated
13 point;
14 58) S85°43'30"W a distance of 78.52 feet to a calculated
15 point; and
16 59) S78°29'14"W a distance of 59.80 feet to the POINT OF
17 BEGINNING, and containing 1,370 acres of land, more or less.

18 TRACT 2

19 BEGINNING at a calculated point at the intersection of the
20 north bank of the Colorado River and the west right-of-way line of
21 State Highway No. 130, at the southeast corner of the
22 above-described Parcel 03-2, for the southeast corner and POINT OF
23 BEGINNING of the herein described tract;

24 THENCE, with the meanders of the north bank of the Colorado
25 River, the following twenty-two (22) courses:

26 1) S76°37'38"W a distance of 1.87 feet to a calculated point;
27 2) S72°53'53"W a distance of 518.11 feet to a calculated

1 point;
2 3) S75°14'11"W a distance of 517.88 feet to a calculated
3 point;
4 4) S70°55'05"W a distance of 289.38 feet to a calculated
5 point;
6 5) S81°58'40"W a distance of 118.79 feet to a calculated
7 point;
8 6) S63°21'33"W a distance of 277.07 feet to a calculated
9 point;
10 7) S49°47'25"W a distance of 47.81 feet to a calculated
11 point;
12 8) S64°43'53"W a distance of 353.97 feet to a calculated
13 point;
14 9) S62°39'35"W a distance of 626.81 feet to a calculated
15 point;
16 10) S72°28'38"W a distance of 203.07 feet to a calculated
17 point;
18 11) S85°12'41"W a distance of 191.20 feet to a calculated
19 point;
20 12) N89°48'48"W a distance of 82.77 feet to a calculated
21 point;
22 13) N83°17'50"W a distance of 141.54 feet to a calculated
23 point;
24 14) N83°16'30"W a distance of 332.35 feet to a calculated
25 point;
26 15) N72°21'14"W a distance of 159.08 feet to a calculated
27 point;

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1 16) N80°26'48"W a distance of 189.39 feet to a calculated
2 point;

3 17) N79°57'59"W a distance of 91.38 feet to a calculated
4 point;

5 18) S85°50'53"W a distance of 69.91 feet to a calculated
6 point;

7 19) N78°28'45"W a distance of 123.84 feet to a calculated
8 point;

9 20) N68°18'10"W a distance of 159.21 feet to a calculated
10 point;

11 21) N80°39'08"W a distance of 135.80 feet to a calculated
12 point; and

13 22) S78°59'06"W a distance of 43.91 feet to a calculated
14 point at the intersection with the east right-of-way line of FM
15 Highway No. 973, also being the most southerly southwest corner of
16 the above-described Parcel 03-5;

17 THENCE, with the east right-of-way line of said FM Highway
18 No. 973, N10°21'00"E a distance of 147.12 feet to a calculated point
19 of curvature of a curve to the left;

20 THENCE, continuing with the east right-of-way line, along
21 said curve to the left an arc distance of 623.12 feet, having a
22 radius of 622.94 feet, and a chord which bears N18°18'22"W a
23 distance of 597.46 feet to a calculated point at the most westerly
24 southwest corner of said Parcel 03-5;

25 THENCE, with the west line of said Parcel 03-5, N27°38'58"E a
26 distance of 2,173.14 feet to a calculated point at the northwest
27 corner of said Parcel 03-5;

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1 THENCE, with the north line of said Parcel 03-5, S62°35'52"E a
2 distance of 953.15 feet to a calculated point in the west line of
3 the above-described Parcel 03-7 at the northeast corner of said
4 Parcel 03-5;

5 THENCE, with the west line of said Parcel 03-7, N27°51'48"E a
6 distance of 830.67 feet to a calculated angle point;

7 THENCE, continuing with the west line of said Parcel 03-7,
8 N27°04'22"E a distance of 660.77 feet to a calculated angle point;

9 THENCE, with the west line of the above-described Parcel
10 03-01, N27°16'45"E a distance of 2,498.68 feet to a calculated point
11 at the northwest corner of said Parcel 03-1, also being the
12 southwest corner of the above-described Parcel 28-2;

13 THENCE, with the west line of said Parcel 28-2, the following
14 five (5) courses:

15 1) N23°25'44"E a distance of 14.81 feet to a calculated angle
16 point;

17 2) N27°12'18"E a distance of 110.07 feet to a calculated
18 angle point;

19 3) N27°08'13"E a distance of 109.97 feet to a calculated
20 angle point;

21 4) N27°14'30"E a distance of 114.81 feet to a calculated
22 angle point; and

23 5) N27°12'49"E a distance of 7.53 feet to a calculated point
24 at the southeast corner of the above-described Parcel 27-1;

25 THENCE, with the south line of said Parcel 27-1, N62°40'24"W a
26 distance of 1,722.95 feet to a calculated point on the east
27 right-of-way line of FM Highway No. 973 at the southwest corner of

1 said Parcel 27-1;

2 THENCE, with the east right-of-way line of said FM Highway
3 No. 973, N27°14'18"E a distance of 2,115.67 feet to a calculated
4 point at the intersection with the south right-of-way line of
5 Harold Green Road at the northwest corner of said Parcel 27-1;

6 THENCE, with the south right-of-way line of said Harold Green
7 Road, S62°58'47"E a distance of 1,685.22 feet to a calculated angle
8 point;

9 THENCE, continuing with the south right-of-way line of said
10 Harold Green Road, S49°54'08"E a distance of 37.29 feet to a
11 calculated point at the intersection with the west right-of-way
12 line of State Highway No. 130 at the northeast corner of said Parcel
13 27-1;

14 THENCE, with the west right-of-way line of said State Highway
15 No. 130, the following six (6) courses:

16 1) S27°10'40"W a distance of 207.10 feet to a calculated
17 point at the northwest corner of said Parcel 28-2;

18 2) S60°00'52"E a distance of 291.88 feet to a calculated
19 point at the northeast corner of said Parcel 28-2;

20 3) S29°59'08"W a distance of 908.52 feet to a calculated
21 angle point;

22 4) S12°44'41"W a distance of 849.11 feet to a calculated
23 angle point;

24 5) S18°15'23"E a distance of 401.53 feet to a calculated
25 angle point; and

26 6) S01°34'38"E a distance of 4,793.91 feet to the POINT OF
27 BEGINNING, and containing 446 acres of land, more or less.

TRACT 3

BEGINNING at a calculated point on the west right-of-way line of FM Highway No. 973 at the northeast corner of the above-described Parcel 03-4, for the northeast corner and POINT OF BEGINNING of the herein described tract;

THENCE, with the west right-of-way line of said FM Highway No. 973, S27°14'18"W a distance of 3,646.01 feet to a calculated point at the southeast corner of said Parcel 03-4;

THENCE, with the south line of said Parcel 03-4, N62°56'53"W a distance of 837.14 feet to a calculated point at the southwest corner of said Parcel 03-4;

THENCE, with the west line of said Parcel 03-4, the following three (3) courses:

1) N27°31'25"E a distance of 340.08 feet to a calculated angle point;

2) N27°26'49"E a distance of 1,634.23 feet to a calculated angle point; and

3) N27°36'28"E a distance of 1,688.35 feet to a calculated point at the northwest corner of said Parcel 03-4;

THENCE, with the north line of said Parcel 03-4, S61°47'25"E a distance of 818.72 feet to the POINT OF BEGINNING, and containing 69 acres of land, more or less.

TRACT 4

BEGINNING at a calculated point on the east right-of-way line of FM Highway No. 973 at the northwest corner of the above-described Parcel 11-1, for the most westerly northwest corner and POINT OF BEGINNING of the herein described tract;

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1 THENCE, with the north line of said Parcel 11-1, S62°59'56"E a
2 distance of 1,705.04 feet to a calculated point on the west line of
3 the above-described Parcel 22-1 at the northeast corner of said
4 Parcel 11-1;

5 THENCE, with the west line of said Parcel 22-1, N27°24'34"E a
6 distance of 854.85 feet to a calculated point on the west
7 right-of-way line of State Highway No. 130 at the northwest corner
8 of said Parcel 22-1;

9 THENCE, with the west right-of-way line of said State Highway
10 No. 130, the following six (6) courses:

11 1) S62°02'37"E a distance of 70.21 feet to a calculated point
12 at the northeast corner of said Parcel 22-1;

13 2) S12°37'58"W a distance of 1,453.45 feet to a calculated
14 point of curvature of a curve to the right;

15 3) Along said curve to the right an arc distance of 557.08
16 feet, having a radius of 1813.67 feet, and a chord which bears
17 S22°23'39"W a distance of 554.89 feet to a calculated point of
18 tangency;

19 4) S31°31'30"W a distance of 319.97 feet to a calculated
20 point at the southeast corner of the above-described Parcel 23-1;

21 5) N87°37'11"W a distance of 71.61 feet to a calculated angle
22 point; and

23 6) N62°35'47"W a distance of 400.24 feet to a calculated
24 point at the southwest corner of said Parcel 23-1;

25 THENCE, with the west lines of Parcels 23-1, 28-1 and 22-1,
26 N27°24'44"E a distance of 1,293.45 feet to a calculated point at the
27 southeast corner of said Parcel 11-1;

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1 THENCE, with the south line of said Parcel 11-1, N62°59'56"W a
2 distance of 1,705.16 feet to a calculated point on the east
3 right-of-way line of said FM Highway No. 973 at the southwest corner
4 of said Parcel 11-1;

5 THENCE, with the east right-of-way line of said FM Highway
6 No. 973, N26°57'04"E a distance of 160.00 feet to the POINT OF
7 BEGINNING, and containing 24 acres of land, more or less.

8 TRACT 5

9 BEGINNING at a 1/2" iron rod found on the east right-of-way
10 line of FM Highway No. 973 at the northwest corner of the
11 above-described Parcel 07-1, for the northwest corner and POINT OF
12 BEGINNING of the herein described tract;

13 THENCE, with the north line of said Parcel 07-1, S63°23'23"E a
14 distance of 1,720.22 feet to a calculated point at the northeast
15 corner of said Parcel 07-1;

16 THENCE, with the east line of said Parcel 07-1, a portion of
17 said line also being the west right-of-way line of said State
18 Highway No. 130, S27°27'34"W a distance of 5,047.34 feet to a
19 calculated angle point;

20 THENCE, continuing with the west right-of-way line of said
21 State Highway No. 130, S27°52'12"W a distance of 588.10 feet to a
22 calculated point at the southeast corner of said Parcel 07-1;

23 THENCE, with the south line of said Parcel 07-1, N63°23'09"W a
24 distance of 1,723.19 feet to a 1/2" iron rod found with cap marked
25 "Brooks-Baker" on the east right-of-way line of said FM Highway No.
26 973 at the southwest corner of said Parcel 07-1;

27 THENCE, with the east right-of-way line of said FM Highway

1 No. 973, the following three (3) courses:

2 1) N27°00'51"E a distance of 790.98 feet to a calculated
3 angle point;

4 2) N27°35'51"E a distance of 4,186.86 feet to a calculated
5 angle point; and

6 3) N27°44'31"E a distance of 657.55 feet to the POINT OF
7 BEGINNING, and containing 223 acres of land, more or less.

8 The gross area contained within Tracts 1, 2, 3, 4 and 5 totals
9 2,132 acres of land, more or less.

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

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

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

24 (d) The general law relating to consent by political
25 subdivisions to the creation of districts with conservation,
26 reclamation, and road powers and the inclusion of land in those
27 districts has been complied with.

1 (e) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act have been
4 fulfilled and accomplished.

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