

By: Watson

S.B. No. 928

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Pilot Knob Municipal Utility District No. 3; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8\_\_\_\_ to read as follows:

CHAPTER 8\_\_\_\_. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8\_\_\_\_.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Pilot Knob Municipal Utility District No. 3.

Sec. 8\_\_\_\_.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8\_\_\_\_.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8\_\_\_\_.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8\_\_\_\_.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has  
2 consented by ordinance or resolution to the creation of the  
3 district and to the inclusion of land in the district.

4 Sec. 8\_\_\_\_.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
5 The district is created to serve a public purpose and benefit.

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

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

9 (2) Section 52, Article III, Texas Constitution, that  
10 relate to the construction, acquisition, improvement, operation,  
11 or maintenance of macadamized, graveled, or paved roads, or  
12 improvements, including storm drainage, in aid of those roads.

13 Sec. 8\_\_\_\_.006. INITIAL DISTRICT TERRITORY. (a) The  
14 district is initially composed of the territory described by  
15 Section 2 of the Act creating this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 8\_\_\_\_.007-8\_\_\_\_.050 reserved for expansion]

27 SUBCHAPTER B. BOARD OF DIRECTORS

1       Sec. 8\_\_\_\_.051. GOVERNING BODY; TERMS. (a) The district is  
2 governed by a board of five elected directors.

3       (b) Except as provided by Section 8\_\_\_\_.052, directors serve  
4 staggered four-year terms.

5               Sec. 8\_\_\_\_.052. TEMPORARY DIRECTORS.

6       (a) On or after the effective date of the Act creating this  
7 chapter, the owner or owners of a majority of the assessed value of  
8 the real property in the district may submit a petition to the Texas  
9 Commission on Environmental Quality requesting that the commission  
10 appoint as temporary directors the five persons named in the  
11 petition. The commission shall appoint as temporary directors the  
12 five persons named in the petition.

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

14               (1) the date permanent directors are elected under  
15 Section 8\_\_\_\_.003; or

16               (2) the fourth anniversary of the effective date of  
17 the Act creating this chapter.

18       (c) If permanent directors have not been elected under  
19 Section 8\_\_\_\_.003 and the terms of the temporary directors have  
20 expired, successor temporary directors shall be appointed or  
21 reappointed as provided by Subsection (d) to serve terms that  
22 expire on the earlier of:

23               (1) the date permanent directors are elected under  
24 Section 8\_\_\_\_.003; or

25               (2) the fourth anniversary of the date of the  
26 appointment or reappointment.

27       (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district  
2 may submit a petition to the commission requesting that the  
3 commission appoint as successor temporary directors the five  
4 persons named in the petition. The commission shall appoint as  
5 successor temporary directors the five persons named in the  
6 petition.

7 [Sections 8\_\_\_\_.053-8\_\_\_\_.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8\_\_\_\_.101. GENERAL POWERS AND DUTIES. The district has  
10 the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12 Sec. 8\_\_\_\_.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17 Sec. 8\_\_\_\_.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
18 Section 52, Article III, Texas Constitution, the district may  
19 design, acquire, construct, finance, issue bonds for, improve, and  
20 convey to this state, a county, or a municipality for operation and  
21 maintenance macadamized, graveled, or paved roads described by  
22 Section 54.234, Water Code, or improvements, including storm  
23 drainage, in aid of those roads.

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

27 Sec. 8\_\_\_\_.104. APPROVAL OF ROAD PROJECT. (a) The district

1 may not undertake a road project authorized by Section 8\_\_\_.103  
2 unless:

3 (1) each municipality or county that will operate and  
4 maintain the road has approved the plans and specifications of the  
5 road project, if a municipality or county will operate and maintain  
6 the road; or

7 (2) the Texas Transportation Commission has approved  
8 the plans and specifications of the road project, if the state will  
9 operate and maintain the road.

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

14 Sec. 8\_\_\_.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
15 OR RESOLUTION. The district shall comply with all applicable  
16 requirements of any ordinance or resolution that is adopted under  
17 Section 54.016 or 54.0165, Water Code, and that consents to the  
18 creation of the district or to the inclusion of land in the  
19 district.

20 Sec. 8\_\_\_.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
21 district may not exercise the power of eminent domain outside the  
22 district to acquire a site or easement for:

23 (1) a road project authorized by Section 8\_\_\_.103; or

24 (2) a recreational facility as defined by Section  
25 49.462, Water Code.

26 [Sections 8\_\_\_.107-8\_\_\_.150 reserved for expansion]

27 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

1 Sec. 8\_\_\_\_.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

5 (2) contract payments described by Section 8\_\_\_\_.153.

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

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

14 Sec. 8\_\_\_\_.152. OPERATION AND MAINTENANCE TAX. (a) If

15 authorized at an election held under Section 8\_\_\_\_.151, the district  
16 may impose an operation and maintenance tax on taxable property in  
17 the district in accordance with Section 49.107, Water Code.

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

20 Sec. 8\_\_\_\_.153. CONTRACT TAXES. (a) In accordance with

21 Section 49.108, Water Code, the district may impose a tax other than  
22 an operation and maintenance tax and use the revenue derived from  
23 the tax to make payments under a contract after the provisions of  
24 the contract have been approved by a majority of the district voters  
25 voting at an election held for that purpose.

26 (b) A contract approved by the district voters may contain a  
27 provision stating that the contract may be modified or amended by

1 the board without further voter approval.

2 [Sections 8\_\_\_\_.154-8\_\_\_\_.200 reserved for expansion]

3 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4 Sec. 8\_\_\_\_.201. AUTHORITY TO ISSUE BONDS AND OTHER  
5 OBLIGATIONS. The district may issue bonds or other obligations  
6 payable wholly or partly from ad valorem taxes, impact fees,  
7 revenue, contract payments, grants, or other district money, or any  
8 combination of those sources, to pay for any authorized district  
9 purpose.

10 Sec. 8\_\_\_\_.202. TAXES FOR BONDS. At the time the district  
11 issues bonds payable wholly or partly from ad valorem taxes, the  
12 board shall provide for the annual imposition of a continuing  
13 direct ad valorem tax, without limit as to rate or amount, while all  
14 or part of the bonds are outstanding as required and in the manner  
15 provided by Sections 54.601 and 54.602, Water Code.

16 Sec. 8\_\_\_\_.203. BONDS FOR ROAD PROJECTS. At the time of  
17 issuance, the total principal amount of bonds or other obligations  
18 issued or incurred to finance road projects and payable from ad  
19 valorem taxes may not exceed one-fourth of the assessed value of the  
20 real property in the district.

21 SECTION 2. The Pilot Knob Municipal Utility District No. 3  
22 initially includes all the territory contained in the following  
23 area: 644.135 acres of land described below:

24 A DESCRIPTION OF 648.268 ACRES IN THE SANTIAGO DEL VALLE GRANT IN  
25 TRAVIS COUNTY, TEXAS, BEING ALL OF AN 18.810 ACRE TRACT AND A  
26 REMAINDER OF A 37.306 ACRE TRACT BOTH DESCRIBED IN A SPECIAL  
27 WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26, 2006 AND

1 RECORDED IN DOCUMENT NO. 2006209327 OF THE OFFICIAL PUBLIC RECORDS  
2 OF TRAVIS COUNTY, TEXAS, ALL OF A 2820 SQUARE FOOT TRACT DESCRIBED  
3 IN A DEED WITHOUT WARRANTY TO CARMA EASTON INC., DATED DECEMBER 22,  
4 2009 AND RECORDED IN DOCUMENT NO. 2009210291 OF THE OFFICIAL PUBLIC  
5 RECORDS OF TRAVIS COUNTY, TEXAS, A REMAINDER OF A 2.6891 ACRE TRACT  
6 DESCRIBED IN A STREET DEDICATION TO THE PUBLIC, DATED JUNE 24, 1986  
7 AND RECORDED IN VOLUME 9769, PAGE 505 OF THE REAL PROPERTY RECORDS  
8 OF TRAVIS COUNTY, TEXAS, ALL OF A 6.934 ACRE TRACT DESCRIBED IN A  
9 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 26,  
10 2006 AND RECORDED IN DOCUMENT NO. 2006209330 OF THE OFFICIAL PUBLIC  
11 RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF AN 82.844 ACRE TRACT AND A  
12 25.735 ACRE TRACT BOTH DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA  
13 ACQUISITION INC., DATED JANUARY 3, 2007 AND RECORDED IN DOCUMENT  
14 NO. 2007003159 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
15 TEXAS, ALL OF AN 89.256 ACRE TRACT AND A 2.731 ACRE TRACT BOTH  
16 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
17 DATED JULY 9, 2007 AND RECORDED IN DOCUMENT NO. 2007126375 OF THE  
18 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, REMAINDERS OF A  
19 61.071 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA  
20 ACQUISITION INC., DATED NOVEMBER 7, 2007 AND RECORDED IN DOCUMENT  
21 NO. 2007204509 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
22 TEXAS, A PORTION OF A 138.540 ACRE TRACT DESCRIBED IN A GENERAL  
23 WARRANTY DEED TO JONA ACQUISITION INC., DATED MARCH 2, 2007 AND  
24 RECORDED IN DOCUMENT NO. 2007038642 OF THE OFFICIAL PUBLIC RECORDS  
25 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 198.302 ACRE TRACT DESCRIBED  
26 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER  
27 20, 2006 AND RECORDED IN DOCUMENT NO. 2006244772 OF THE OFFICIAL



1 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 232.233 ACRE  
2 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED WITH VENDOR'S LIEN TO  
3 JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN  
4 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
5 COUNTY, TEXAS, All OF AN 8.282 ACRE TRACT DESCRIBED IN A SPECIAL  
6 WARRANTY DEED WITH VENDOR'S LIEN TO JONA ACQUISITION INC., DATED  
7 JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003078 OF THE  
8 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
9 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA  
10 ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO.  
11 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
12 A PORTION OF A 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH  
13 VENDOR'S LIEN TO JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN,  
14 DATED DECEMBER 14, 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF  
15 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF  
16 LOT A HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN  
17 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,  
18 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED  
19 WITH VENDOR'S LIEN, DATED SEPTEMBER 29, 2000 AND RECORDED IN  
20 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
21 COUNTY TEXAS, A PORTION OF A 37.390 ACRE TRACT DESCRIBED IN A  
22 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 30,  
23 2008 AND RECORDED IN DOCUMENT NO. 2008179828 OF THE OFFICIAL PUBLIC  
24 RECORDS OF TRAVIS COUNTY, TEXAS, AND A PORTION OF COLTON BLUFF  
25 SPRINGS ROAD (APPARENT RIGHT-OF-WAY WIDTH VARIES); SAID 648.268  
26 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
27 FOLLOWS:

1 BEGINNING at a 1/2" rebar found for the northwest corner of said  
2 89.256 acre tract, same being the east corner of a 6.997 acre tract  
3 described in a deed to Fleming Brothers Holding, recorded in  
4 Document No. 2006063521 of the Official Public Records of Travis  
5 County, Texas, also being in the southwest line of Myrtle - 29 Ac.,  
6 D .G. Collins Estate, a subdivision of record in Volume 3, Page 220  
7 of the Plat Records of Travis County, Texas;  
8 THENCE South 48°06'08" East, with the northeast line of said 89.256  
9 acre tract, same being the southwest line of said Myrtle - 29 Ac.,  
10 and the southwest line of said John B. 18 Ac., D. G. Collins Estate,  
11 a distance of 1231.54 feet to a 1/2" rebar found in the south line of  
12 said John B. 18 Ac., for the northeast corner of said 89.256 acre  
13 tract, same being the northwest corner of said 82.844 acre tract;  
14 THENCE South 48°20'11" East, with the northeast line of said 82.844  
15 acre tract, same being the southwest line of said John B. 18 Ac.,  
16 the southwest line of John B. 11.50 Ac., D. G. Collins Estate, and  
17 the southwest line of a 52.418 acre tract described in a deed to  
18 Ernest B. Collins and Floretta F. Collins, recorded in Document No.  
19 2004080843 of the Official Public Records of Travis County, Texas,  
20 a distance of 1354.84 feet to a 1/2" rebar found in the southwest  
21 line of said 52.418 acre tract, for the northeast corner of said  
22 82.844 acre tract, same being the northwest corner of a 2.899 acre  
23 tract described in a deed to Ernest B. Collins and Floretta F.  
24 Collins, recorded in Document No. 2004080843 of the Official Public  
25 Records of Travis County, Texas;  
26 THENCE with the east line of said 82.844 acre tract, same being the  
27 west line of said 2.899 acre tract, the following four (4) courses

1 and distances:

2 1. South 27°02'48" West, a distance of 87.42 feet to a  
3 1/2" rebar with Chaparral cap found;

4 2. South 28°05'48" West, a distance of 57.15 feet to a  
5 1/2" rebar with Chaparral cap found;

6 3. South 26°28'48" West, a distance of 262.67 feet to a  
7 1/2" rebar with Chaparral cap found;

8 4. South 26°58'48" West, a distance of 2126.73 feet to a  
9 1/2" rebar found in the north right-of-way line of Colton  
10 Bluff Springs Road, for the southeast corner of said 82.844  
11 acre tract, same being the southwest corner of said 2.899  
12 acre tract;

13 THENCE South 63°34'23" East, with the north right-of-way line of  
14 Colton Bluff Springs Road, same being the southwest line of said  
15 2.899 acre tract, a distance of 49.99 feet to a 1/2" rebar found for  
16 the southeast corner of said 2.899 acre tract, same being the  
17 southwest corner of said 61.071 acre tract;

18 THENCE with the west line of said 61.071 acre tract, same being the  
19 east line of said 2.899 acre tract, the following four (4) courses  
20 and distances:

21 1. North 26°59'53" East, a distance of 2127.41 feet to a  
22 calculated point;

23 2. North 26°29'46" East, a distance of 262.27 feet to a  
24 calculated point;

25 3. North 28°06'46" East, a distance of 56.92 feet to a  
26 calculated point;

27 4. North 27°03'46" East, a distance of 74.01 feet to a

1           1/2" rebar found for the northwest corner of said 61.071 acre  
2           tract, same being the northeast corner of said 2.899 acre  
3           tract, also being in the southwest line of said 52.418 acre  
4           tract;

5   THENCE South 47°55'49" East, with the northeast line of said 61.071  
6   acre tract, same being the southwest line of said 52.418 acre tract,  
7   a distance of 467.09 feet to a 1/2" rebar found for the southeast  
8   corner of said 52.418 acre tract, same being the southwest corner of  
9   a 26.57 acre tract described in a deed to Talfred Collins and Ella  
10   Lee Collins, recorded in Volume 2814, Page 127 of the Deed Records  
11   of Travis County, Texas;

12   THENCE South 46°39'23" East, continuing with the northeast line of  
13   said 61.071 acre tract, same being the southwest line of said 26.57  
14   acre tract and the southwest line of a 29.02 acre tract described in  
15   a deed to Ernest B. Collins and Floretta F. Collins, recorded in  
16   Volume 7967, Page 611 of the Deed Records of Travis County, Texas, a  
17   distance of 600.09 feet to a 5/8" rebar found for the southeast  
18   corner of said 29.02 acre tract, same being the northwest corner of  
19   a 0.264 acre tract described in a deed to the City of Austin,  
20   recorded in Document No. 2010005414 of the Official Public Records  
21   of Travis County, Texas, also being an angle point in the west line  
22   of a 380.080 acre tract described in a deed to Ernest Collins and  
23   Floretta Collins, recorded in Volume 12791, Page 11 of the Real  
24   Property Records of Travis County, Texas;

25   THENCE South 27°09'17" West, crossing said 61.071 acre tract, with  
26   the west line of said 0.264 acre tract, a distance of 204.33 feet to  
27   a 1/2" rebar with Landmark cap found for the southwest corner of

1 said 0.264 acre tract, same being the northwest corner of a 0.392  
2 acre tract described in a deed to the City of Austin, recorded in  
3 Document No. 2010005414 of the Official Public Records of Travis  
4 County, Texas;

5 THENCE continuing across said 61.071 acre tract, with the west and  
6 south lines of said 0.392 acre tract, the following three (3)  
7 courses and distances:

8           1. South 27°11'22" West, a distance of 105.60 feet to a  
9           1/2" rebar with Landmark cap found;

10           2. South 26°45'07" West, a distance of 50.71 feet to a  
11           1/2" rebar with Landmark cap found for the southwest corner  
12           of said 0.392 acre tract;

13           3. South 71°13'40" East, a distance of 81.26 feet to a  
14           1/2" rebar with Landmark cap found in the south line of said  
15           0.392 acre tract, for the northwest corner of a 0.624 acre  
16           tract described in a deed to the City of Austin, recorded in  
17           Document No. 2010005416 of the Official Public Records of  
18           Travis County, Texas;

19 THENCE continuing across said 61.071 acre tract, the following two  
20 (2) courses and distances:

21           1. South 26°39'03" West, with the west line of said  
22           0.624 acre tract, a distance of 899.06 feet to a calculated  
23           point for the southwest corner of said 0.624 acre tract;

24           2. South 47°54'58" East, with the south line of said  
25           0.624 acre tract, a distance of 31.12 feet to a calculated  
26           point in the west right-of-way line of Colton Bluff Springs  
27           Road, same being the east line of said 61.071 acre tract;

1 THENCE North 26°38'45" East, with the east line of said 61.071 acre  
2 tract, same being the west right-of-way line of Colton Bluff  
3 Springs Road, the west line of said 138.540 acre tract, the east  
4 line of said 0.624 acre tract and the east line of said 0.392 acre  
5 tract, a distance of 1066.13 feet to a 1/2" rebar with Landmark cap  
6 found for the northeast corner of said 0.392 acre tract;

7 THENCE North 70°26'53" West, crossing said 61.071 acre tract, with  
8 the north line of said 0.392 acre tract, a distance of 49.62 feet to  
9 a calculated point for the southeast corner of said 0.264 acre  
10 tract;

11 THENCE North 27°05'31" East, continuing across said 61.071 acre  
12 tract, with the east line of said 0.264 acre tract, a distance of  
13 178.95 feet to a calculated point for the northeast corner of said  
14 0.264 acre tract, same being in the northeast line of said 61.071  
15 acre tract, also being the southwest line of said 380.080 acre  
16 tract;

17 THENCE South 46°39'23" East, with the northeast line of said 61.071  
18 acre tract, same being the southwest line of said 380.080 acre  
19 tract, a distance of 49.95 feet to a calculated point for the  
20 northeast corner of said 61.071 acre tract, same being an angle  
21 point in the southwest line of said 380.080 acre tract;

22 THENCE South 26°38'45" West, with the east line of said 61.071 acre  
23 tract, same being the southwest line of said 380.080 acre tract, a  
24 distance of 120.93 feet to a 3/4" iron pipe found for the northwest  
25 corner of said 138.540 acre tract;

26 THENCE with the northeast line of said 138.540 acre tract, same  
27 being the southwest line of said 380.080 acre tract, the following

1 two (2) courses and distances:

2 1. South  $47^{\circ}44'05''$  East, a distance of 309.95 feet to a  
3  $3/4''$  iron pipe found;

4 2. South  $47^{\circ}34'32''$  East, a distance of 1131.25 feet to a  
5 calculated point;

6 THENCE crossing said 138.540 acre tract, Colton Bluff Springs Road,  
7 said 198.302 acre tract, said 232.233 acre tract, said 37.390 acre  
8 tract, said 42.558 acre tract, said 20.005 acre tract, and said Lot  
9 A, the following fourteen (14) courses and distances:

10 1. South  $42^{\circ}25'28''$  West, a distance of 130.83 feet to a  
11 calculated point;

12 2. With a curve to the left, having a radius of 750.00  
13 feet, a delta angle of  $16^{\circ}27'44''$ , an arc length of 215.49  
14 feet, and a chord which bears South  $34^{\circ}11'36''$  West, a distance  
15 of 214.75 feet to a calculated point;

16 3. South  $25^{\circ}57'45''$  West, a distance of 891.49 feet to a  
17 calculated point;

18 4. With a curve to the left, having a radius of 428.50  
19 feet, a delta angle of  $57^{\circ}46'46''$ , an arc length of 432.12  
20 feet, and a chord which bears South  $02^{\circ}55'38''$  East, a distance  
21 of 414.04 feet to a calculated point;

22 5. South  $70^{\circ}11'14''$  West, a distance of 260.49 feet to a  
23 calculated point;

24 6. With a curve to the right, having a radius of 606.85  
25 feet, a delta angle of  $50^{\circ}15'23''$ , an arc length of 532.29  
26 feet, and a chord which bears North  $88^{\circ}11'02''$  West, a distance  
27 of 515.39 feet to a calculated point;

1           7. North 62°55'18" West, a distance of 292.66 feet to a  
2           calculated point;

3           8. With a curve to the left, having a radius of 1466.51  
4           feet, a delta angle of 180°00'00", an arc length of 4607.18  
5           feet, and a chord which bears South 27°04'42" West, a distance  
6           of 2933.02 feet to a calculated point;

7           9. South 62°55'18" East, a distance of 292.66 feet to a  
8           calculated point;

9           10. With a curve to the right, having a radius of 606.85  
10          feet, a delta angle of 50°15'23", an arc length of 532.29  
11          feet, and a chord which bears South 37°39'34" East, a distance  
12          of 515.39 feet to a calculated point;

13          11. South 16°01'51" East, a distance of 256.62 feet to a  
14          calculated point;

15          12. With a curve to the left, having a radius of 431.98  
16          feet, a delta angle of 53°14'32", an arc length of 401.42  
17          feet, and a chord which bears South 58°50'30" West, a distance  
18          of 387.13 feet to a calculated point;

19          13. South 28°11'39" West, a distance of 910.01 feet to a  
20          calculated point;

21          14. North 61°48'21" West, a distance of 672.64 feet to a  
22          calculated point in the west line of said 20.005 acre tract,  
23          same being the east line of a 20.022 acre tract conveyed in a  
24          deed to Janie Diaz, recorded in Document No. 2006101103, and  
25          described in a deed recorded in Document No. 2001200503, both  
26          of the Official Public Records of Travis County, Texas;

27    THENCE North 27°07'27" East, with the west line of said 20.005 acre



1 tract, same being the east line of said 20.022 acre tract, a  
2 distance of 1099.13 feet to a 1/2" rebar found for the northwest  
3 corner of said 20.005 acre tract, same being the northeast corner of  
4 said 20.022 acre tract, also being in the southwest line of said  
5 198.302 acre tract;

6 THENCE North 63°21'03" West, with the southwest line of said 198.302  
7 acre tract, same being the northeast line of said 20.022 acre tract,  
8 a distance of 626.61 feet to a 1/2" rebar found for the southwest  
9 corner of said 198.302 acre tract, same being the northwest corner  
10 of said 20.022 acre tract, also being in the east line of said  
11 232.233 acre tract;

12 THENCE South 26°53'42" West, with the east line of said 232.233 acre  
13 tract, same being the west line of said 20.022 acre tract, a  
14 distance of 1085.47 feet to a calculated point;

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

17           1. With a curve to the right, having a radius of 1490.63  
18           feet, a delta angle of 26°48'48", an arc length of 697.59  
19           feet, and a chord which bears North 52°29'28" West, a distance  
20           of 691.24 feet to a calculated point;

21           2. North 36°26'06" West, a distance of 1284.36 feet to a  
22           calculated point in the southwest line of said 232.233 acre  
23           tract, same being the northeast line of a 174.4 acre tract  
24           described in a deed to Edward J. Gillen and wife, Mildred  
25           Gillen, recorded in Volume 1549, Page 268 of the Deed Records  
26           of Travis County, Texas;

27 THENCE with the southwest line of said 232.233 acre tract, same

1 being the northeast line of said 174.4 acre tract, the following  
2 four (4) courses and distances:

3           1. North 27°21'05" East, a distance of 684.48 feet to a  
4           1/2" rebar with Chaparral cap found;

5           2. North 62°42'32" West, a distance of 500.00 feet to a  
6           4" iron pipe found;

7           3. North 27°21'05" East, a distance of 784.20 feet to a  
8           1/2" rebar with Chaparral cap found;

9           4. North 62°42'32" West, a distance of 999.32 feet to a  
10          1/2" rebar with cap stamped 4453 for the west corner of said  
11          232.233 acre tract, same being the southeast corner of a  
12          120.321 acre tract described in a deed to Noble Capital  
13          Servicing, LLC, et al., recorded in Document No. 2009151330  
14          of the Official Public Records of Travis County, Texas;

15        THENCE North 26°58'58" East, with the west line of said 232.233 acre  
16        tract, same being the east line of said 120.321 acre tract, a  
17        distance of 1437.81 feet to a calculated point for the northwest  
18        corner of said 232.233 acre tract, same being the southwest corner  
19        of Lot 1, Pittman Addition, a subdivision of record in Volume 76,  
20        Page 228 of the Plat Records of Travis County, Texas;

21        THENCE South 62°59'36" East, with the north line of said 232.233  
22        acre tract, same being the south line of said Lot 1 and the south  
23        line of an 11.000 acre tract described in a deed to O. D. McMarion  
24        and Ann Sibley, recorded in Document No. 1999100812 of the Official  
25        Public Records of Travis County, Texas, a distance of 857.50 feet to  
26        a 1/2" iron pipe found for the southeast corner of said 11.000 acre  
27        tract, same being the southwest corner of said 8.282 acre tract;

1 THENCE North 26°58'15" East, with the west line of said 8.282 acre  
2 tract, same being the east line of said 11.000 acre tract and the  
3 east line of a 5.014 acre tract described in a deed to O. D. McMarion  
4 and wife, Ann McMarion, recorded in Document No. 2007145976 of the  
5 Official Public Records of Travis County, Texas, a distance of  
6 653.18 feet to a 1/2" rebar with Chaparral cap found in the east  
7 line of said 5.014 acre tract, for the northwest corner of said  
8 8.282 acre tract, same being the southwest corner of a remainder of  
9 13.93 acres conveyed in a deed to Tom Stephens and wife, Janice  
10 Stephens, recorded in Volume 7496, Page 513, and described in a deed  
11 of record in Volume 3329, Page 1038, both of the Deed Records of  
12 Travis County, Texas;

13 THENCE South 63°15'05" East, with the north line of said 8.282 acre  
14 tract, same being the south line of said remainder of 13.93 acres, a  
15 distance of 648.24 feet to a 1/2" rebar with Chaparral cap found for  
16 the northeast corner of said 8.282 acre tract, same being the west  
17 line of said 232.233 acre tract, also being the southeast corner of  
18 said remainder of 13.93 acres;

19 THENCE North 43°26'02" East, with the west line of said 232.233 acre  
20 tract, same being the east line of said remainder of 13.93 acres, a  
21 distance of 538.67 feet to a 1/2" rebar with Chaparral cap found in  
22 the south right-of-way line of Colton Bluff Springs Road, for the  
23 northwest corner of said 232.233 acre tract, same being the  
24 northeast corner of said remainder of 13.93 acres;

25 THENCE North 32°24'14" East, crossing Colton Bluff Springs Road, a  
26 distance of 70.31 feet to a calculated point in the north  
27 right-of-way line of Colton Bluff Springs Road, same being the

1 south line of said 82.844 acre tract;  
2 THENCE with the north right-of-way line of Colton Bluff Springs  
3 Road, same being the south line of said 82.844 acre tract, the  
4 following two (2) courses and distances:

5           1. North 63°13'10" West, a distance of 197.14 feet to a  
6           1/2" rebar found;

7           2. North 63°18'06" West, a distance of 703.08 feet to a  
8           bolt in concrete found for the southwest corner of said  
9           82.844 acre tract, same being the southeast corner of a 1.0  
10          acre tract described in a deed to Donny Mack Cowan, recorded  
11          in Volume 12371, Page 662 of the Real Property Records of  
12          Travis County, Texas;

13 THENCE North 27°09'21" East, with the west line of said 82.844 acre  
14 tract, same being the east line of said 1.0 acre tract, a distance  
15 of 290.52 feet to a 1/2" rebar found for the northeast corner of  
16 said 1.0 acre tract, same being the southeast corner of said 89.256  
17 acre tract;

18 THENCE with the south line of said 89.256 acre tract, the following  
19 eight (8) courses and distances:

20           1. North 63°01'00" West, with the north line of said 1.0  
21           acre tract, a distance of 150.08 feet to a 1/2" rebar with cap  
22           found;

23           2. South 27°11'15" West, with the west line of said 1.0  
24           acre tract, a distance of 291.18 feet to a 1/2" rebar found in  
25           the north right-of-way line of Colton Bluff Springs Road;

26           3. North 63°15'07" West, with the north right-of-way  
27           line of Colton Bluff Springs Road a distance of 508.93 feet to

1 a calculated point;

2 4. North 62°31'18" West, with the north right-of-way  
3 line of Colton Bluff Springs Road, a distance of 175.38 feet  
4 to a calculated point for the southeast corner of a 0.18 acre  
5 tract conveyed in a deed to Rosemary Elizabeth Schweitzer,  
6 recorded in Volume 13011 Page 32 of the Real Property Records  
7 of Travis County, Texas, and described as Lot No. 2 in a deed  
8 of record in Volume 6057, Page 415 of the Deed Records of  
9 Travis County, Texas;

10 5. North 26°26'47" East, with the east line of said 0.18  
11 acre tract, a distance of 130.76 feet to a calculated point  
12 for the northeast corner of said 0.18 acre tract;

13 6. North 63°01'34" West, with the north line of said  
14 0.18 acre tract and the north line of another 0.18 acre tract  
15 conveyed in said deed to Rosemary Elizabeth Schweitzer,  
16 recorded in Volume 13011 Page 32 of the Real Property Records  
17 of Travis County, Texas, and described as Lot No. 1 in a deed  
18 of record in Volume 6057, Page 415 of the Deed Records of  
19 Travis County, Texas, a distance of 120.03 feet to a  
20 calculated point for the northwest corner of said 0.18 acre  
21 tract described as Lot No. 1;

22 7. South 26°58'40" West, with the west line of said 0.18  
23 acre tract described as Lot No. 1, a distance of 129.50 feet  
24 to a calculated point in the north right-of-way line of  
25 Colton Bluff Springs Road, for the southwest corner of said  
26 0.18 acre tract described as Lot No. 1;

27 8. North 62°29'29" West, with the north right-of-way

1 line of Colton Bluff Springs Road, a distance of 564.31 feet  
2 to a 1/2" rebar found for the southwest corner of said 89.256  
3 acre tract, same being the southeast corner of said 25.735  
4 acre tract;

5 THENCE continuing with the north right-of-way line of Colton Bluff  
6 Springs Road, the following three (3) courses and distances:

7 1. North 62°29'18" West, with the south line of said  
8 25.735 acre tract, a distance of 64.03 feet to a 1/2" rebar  
9 found for the southwest corner of said 25.735 acre tract,  
10 same being the southeast corner of said 2.731 acre tract;

11 2. North 62°29'18" West, with the south line of said  
12 2.731 acre tract, a distance of 237.84 feet to a 1/2" rebar  
13 found for the southwest corner of said 2.731 acre tract, same  
14 being the southeast corner of said 37.306 acre tract

15 3. North 63°23'43" West, with the south line of said  
16 37.306 acre tract, a distance of 420.32 feet to a calculated  
17 point;

18 THENCE crossing said 37.306 acre tract, with the north right-of-way  
19 line of Colton Bluff Springs Road, the following two (2) courses and  
20 distances:

21 1. North 27°10'53" East, a distance of 6.63 feet to a  
22 calculated point;

23 2. North 62°49'07" West, a distance of 507.44 feet to a  
24 calculated point in the east right-of-way line of McKinney  
25 Falls Parkway (right-of-way width varies);

26 THENCE continuing across said 37.306 acre tract, with the east  
27 right-of-way line of McKinney Falls Parkway, the following three

1 (3) courses and distances:

2 1. North 27°10'53" East, a distance of 424.86 feet to a  
3 calculated point;

4 2. With a curve to the right, having a radius of  
5 11942.50 feet, a delta angle of 00°21'16", an arc length of  
6 73.90 feet, and a chord which bears North 27°21'31" East, a  
7 distance of 73.90 feet to a calculated point;

8 3. North 27°31'58" East, a distance of 771.23 feet to a  
9 calculated point in the west line of said 37.306 acre tract,  
10 for the south corner of said 2820 square foot tract;

11 THENCE continuing with the east right-of-way line of McKinney Falls  
12 Parkway, the following seven (7) courses and distances:

13 1. North 28°03'14" East, with the west line of said 2820  
14 square foot tract, a distance of 254.40 feet to a 1/2" rebar  
15 with Chaparral cap found for the north corner of said 2820  
16 square foot tract, same being an angle point in the west line  
17 of said 37.306 acre tract;

18 2. North 27°30'59" East, with the west line of said  
19 37.306 acre tract, a distance of 144.75 feet to a 1/2" rebar  
20 with Chaparral cap found for the northwest corner of said  
21 37.306 acre tract, same being the southwest corner of said  
22 remainder of 2.6891 acres;

23 3. North 32°40'32" East, with the west line of said  
24 remainder of 2.6891 acres, a distance of 159.65 feet to a 1/2"  
25 rebar with Chaparral cap found for the northwest corner of  
26 said remainder of 2.6891 acres, same being the southwest  
27 corner of said 18.810 acres;

1           4. North 27°32'48" East, with the west line of said  
2 18.810 acre tract, a distance of 696.37 feet to a 1/2" rebar  
3 with Chaparral cap found;

4           5. North 25°38'36" East, continuing with the west line  
5 of said 18.810 acre tract, a distance of 302.02 feet to a 1/2"  
6 rebar with Chaparral cap found for the northwest corner of  
7 said 18.810 acre tract, same being in the southwest line of  
8 said 6.934 acre tract;

9           6. North 48°13'16" West, with the south line of said  
10 6.934 acre tract, a distance of 15.47 feet to a 1/2" rebar  
11 with Chaparral cap found for the southwest corner of said  
12 6.924 acre tract;

13           7. North 27°31'46" East, with the west line of said  
14 6.934 acre tract, a distance of 192.99 feet to a calculated  
15 point for the northwest corner of said 6.934 acre tract, same  
16 being the southwest corner of a 6.924 acre tract described in  
17 a deed to Jose A. Espinosa and Luz A. Espinosa, recorded in  
18 Volume 12861, Page 391 of the Real Property Records of Travis  
19 County, Texas;

20 THENCE South 48°13'04" East, with the north line of said 6.934 acre  
21 tract, same being the south line of said 6.924 acre tract, a  
22 distance of 1617.68 feet to a 1/2" rebar found for the northeast  
23 corner of said 6.934 acre tract, same being the southeast corner of  
24 said 6.924 acre tract, also being in the west line of said 89.256  
25 acre tract;

26 THENCE North 28°09'13" East, with the west line of said 89.256 acre  
27 tract , same being the east line of said 6.924 acre tract, the east



1 line of a 2 acre tract described in a deed to Erland Burklund,  
2 recorded in Volume 6757, Page 601 of the Deed Records of Travis  
3 County, Texas, and the east line of said 6.997 acre tract, a  
4 distance of 576.68 feet to the POINT OF BEGINNING, containing  
5 648.268 acres of land, more or less.

6 SAVE AND EXCEPT 4.133 ACRES:

7 BEING ALL OF A 4.132 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO  
8 CHERYL LYNNE AND KIEKE BARRON, DATED JANUARY 1, 1985 AND RECORDED IN  
9 VOLUME 8971, PAGE 137 OF REAL PROPERTY RECORDS OF TRAVIS COUNTY  
10 TEXAS; SAID 4.133 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES  
11 AND BOUNDS AS FOLLOWS:

12 BEGINNING at a 5/8" rebar found in the south right-of-way line of  
13 Colton Bluff Springs Road, for the northeast corner of said 4.132  
14 acre tract, same being an angle point in the north line of said  
15 232.233 acre tract;

16 THENCE with the common line of said 4.132 acre tract and said  
17 232.233 acre tract, the following three (3) courses and distances:

18           1. South 26°46'51" West, a distance of 450.30 feet to a  
19           5/8" rebar found;

20           2. North 63°15'05" West, a distance of 399.80 feet to a  
21           1/2" rebar with Chaparral cap found;

22           3. North 26°46'51" East, a distance of 450.30 feet to a  
23           calculated point in the south right-of-way line of Colton  
24           Bluff Springs Road, for the northwest corner of said 4.132  
25           acre tract, same being an angle point in the north line of  
26           said 232.233 acre tract;

27 THENCE South 63°15'05" East, with the south right-of-way line of

1 Colton Bluff Springs Road, same being the north line of said 4.132  
2 acre tract, a distance of 399.80 feet to the POINT OF BEGINNING,  
3 containing 4.133 acres of land, more or less.

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

11 (b) The governor, one of the required recipients, has  
12 submitted the notice and Act to the Texas Commission on  
13 Environmental Quality.

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

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

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

23 (1) this Act takes effect immediately if it receives a  
24 vote of two-thirds of all members elected to each house, as provided  
25 by Section 39, Article III, Texas Constitution; and

26 (2) if this Act does not receive the vote necessary for  
27 immediately effect, this Act takes effect September 1, 2011.