

By: Watson

S.B. No. 942

A BILL TO BE ENTITLED

AN ACT

relating to the creation and financing of the Lakeway Regional Medical Center Defined Area in Travis County Water Control and Improvement District No. 17; providing authority to impose a tax and issue bonds.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9017 to read as follows:

CHAPTER 9017. TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 17

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9017.001. DEFINITIONS. In this chapter:

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

(2) "Defined area" means the Lakeway Regional Medical Center Defined Area.

(3) "District" means the Travis County Water Control and Improvement District No. 17.

[Sections 9017.002-9017.050 reserved for expansion]

SUBCHAPTER B. LAKEWAY REGIONAL MEDICAL CENTER DEFINED AREA

Sec. 9017.051. CREATION OF LAKEWAY REGIONAL MEDICAL CENTER DEFINED AREA. The defined area is created in the district.

Sec. 9017.052. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The defined area is created to serve a public purpose and benefit.

1       (b) The defined area is created to accomplish the purposes  
2 of:

3           (1) a water control and improvement district as  
4 provided by general law and Section 59, Article XVI, Texas  
5 Constitution; and

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

10       Sec. 9017.053. INITIAL DEFINED AREA TERRITORY. (a) The  
11 defined area is initially composed of the territory described by  
12 Section 2 of the Act enacting this chapter.

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

17           (1) the defined area's organization, existence, or  
18 validity;

19           (2) the district's right to execute contracts or issue  
20 any type of bond or obligation for the purposes for which the  
21 defined area is created or to make payments under a contract or  
22 obligation or pay the principal of and interest on a bond;

23           (3) the district's right to impose a tax in the defined  
24 area; or

25           (4) the defined area's legality or operation.

26       Sec. 9017.054. ADMINISTRATION OF DEFINED AREA. (a) Except  
27 as provided by Subsection (b), the board shall administer the

1 defined area as provided by Chapter 51, Water Code.

2 (b) Sections 51.518-51.524 and 51.526-51.529, Water Code,  
3 do not apply to the defined area.

4 Sec. 9017.055. ELECTIONS IN DEFINED AREA. (a) An election  
5 limited to the defined area shall conform to the requirements of the  
6 Election Code. The board shall submit the appropriate issue to the  
7 voters of the defined area and the issue may also be submitted on  
8 the same ballot to be used in a general election.

9 (b) In an election held for a purpose set forth in Section  
10 9017.056, 9017.059, 9017.060, 9017.061, 9017.062, or 9017.063, the  
11 board may include one or more purposes in a single proposition. The  
12 ballot for an election under this chapter must be printed to provide  
13 for voting for or against the proposition.

14 (c) An election under this section does not require that an  
15 election be held in the part of the district outside the defined  
16 area.

17 Sec. 9017.056. AUTHORITY FOR ROAD PROJECTS IN DEFINED AREA.  
18 Under Section 52, Article III, Texas Constitution, the district may  
19 design, acquire, construct, finance, issue bonds for, improve,  
20 operate, maintain, and convey to this state, a county, or a  
21 municipality for operation and maintenance macadamized, graveled,  
22 or paved roads, or improvements, including storm drainage, in aid  
23 of those roads, including roads located outside the boundaries of  
24 the defined area, to serve the defined area as determined by the  
25 board.

26 Sec. 9017.057. ROAD STANDARDS AND REQUIREMENTS IN DEFINED  
27 AREA. (a) A road project in the defined area must meet all

1 applicable construction standards, zoning and subdivision  
2 requirements, and regulations of each municipality in whose  
3 corporate limits the road project is located.

4 (b) If a road project is not located in the corporate limits  
5 of a municipality, the road project must meet all applicable  
6 construction standards, subdivision requirements, and regulations  
7 of each county in which the road project is located.

8 (c) If the state will maintain and operate the road, the  
9 Texas Transportation Commission must approve the plans and  
10 specifications of the road project.

11 Sec. 9017.058. LIMITATION ON USE OF EMINENT DOMAIN. The  
12 district may not exercise the power of eminent domain outside the  
13 district to acquire a site or easement for:

- 14 (1) a road project authorized by Section 9017.056; or  
15 (2) a recreational facility as defined by Section  
16 49.462, Water Code.

17 Sec. 9017.059. ELECTIONS REGARDING DEFINED AREA TAXES OR  
18 BONDS. (a) The district must hold an election in the defined area  
19 in the manner provided by Section 9017.055 to obtain voter approval  
20 before the district may impose an ad valorem tax only on the  
21 property of the defined area or issue bonds payable from ad valorem  
22 taxes only on the property of the defined area.

23 (b) The district may not issue bonds payable wholly or  
24 partly from ad valorem taxes to finance a road project in the  
25 defined area unless the issuance is approved by a vote of a  
26 two-thirds majority of the voters of the defined area voting at an  
27 election held for that purpose.

1       Sec. 9017.060. OPERATION AND MAINTENANCE TAX. (a) If  
2 authorized at an election held under Section 9017.059, the district  
3 may impose an operation and maintenance tax on taxable property in  
4 only the defined area in accordance with Section 49.107, Water  
5 Code.

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

8       Sec. 9017.061. CONTRACT TAXES. (a) In accordance with  
9 Section 49.108, Water Code, the district may impose a tax other than  
10 an operation and maintenance tax in the defined area only and use  
11 the revenue derived from the tax to make payments under a contract  
12 after the provisions of the contract have been approved by a  
13 majority of the defined area voters voting at an election held under  
14 Section 9017.059.

15       (b) In addition to the purposes allowed by Chapter 49, Water  
16 Code, a contract may contain provisions related to the plant,  
17 works, facilities, roads, or other projects to serve the defined  
18 area.

19       (c) A contract approved by the defined area voters may  
20 contain a provision stating that the contract may be modified or  
21 amended by the board without further voter approval.

22       Sec. 9017.062. AUTHORITY TO ISSUE BONDS AND OTHER  
23 OBLIGATIONS. The district may issue bonds or other obligations as  
24 provided by Chapters 49 and 51, Water Code, to finance the  
25 construction, maintenance, or operation of the plant, works,  
26 facilities, roads, or other projects to serve the defined area.

27       Sec. 9017.063. TAXES FOR BONDS. At the time the district

1 issues bonds under Section 9017.059, the board may provide for the  
2 imposition of a tax to pay the principal of or interest on the  
3 bonds.

4 Sec. 9017.064. BONDS FOR ROAD PROJECTS. At the time of  
5 issuance, the total principal amount of bonds or other obligations  
6 issued or incurred to finance road projects in the defined area may  
7 not exceed one-fourth of the assessed value of the real property in  
8 the defined area.

9 SECTION 2. The Lakeway Regional Medical Center Defined Area  
10 initially includes all the territory contained in the following  
11 area:

12 Being a 53.2335 acre tract of land in the J.P. Warnock Survey  
13 No. 56 and the A. Beck Survey No. 54, Travis County, Texas and being  
14 all of the Lakeway Regional Medical Center, a subdivision of record  
15 in Document No. 200800246 of the Official Public Records of Travis  
16 County, Texas; said 53.2335 acre tract of land is more particularly  
17 described by metes and bounds as follows:

18 BEGINNING at a 1/2" iron rod found for the most easterly  
19 corner of said Lakeway Regional Medical Center subdivision and  
20 being a point on the northwesterly line of that 12.695 acre tract of  
21 land conveyed to Commercial Lakeway Limited Partnership as recorded  
22 in Volume 13241, Page 439 of the Deed Records of Travis County,  
23 Texas;

24 THENCE, S47°45'43"W, with the common southeasterly line of  
25 said Lakeway Regional Medical Center subdivision and the  
26 northwesterly line of said 12.695 acre tract a distance of 1,071.43  
27 feet to a 1/2" iron rod found for the northerly corner of that 24.94

1 acre tract of land awarded to Lake Travis Independent School  
2 District in Travis County Court at Law No. 1, Cause No. 1358;

3       THENCE, S47°38'35"W, continuing with the southeasterly line  
4 of said Lakeway Regional Medical Center subdivision, same being the  
5 northwesterly line of said 24.94 acre tract, a distance of 738.02  
6 feet a 1/2" iron rod found for the most southerly corner of Lakeway  
7 Regional Medical Center subdivision, same being the southeast  
8 corner of Lot 4 of Cherry Mountain Phase II, a subdivision of record  
9 in Book 76, Page 67 of the Plat Records of Travis County, Texas;

10       THENCE, N33°50'27"W with the common westerly line of said  
11 Lakeway Regional Medical Center subdivision and easterly line of  
12 said Cherry Mountain Phase II subdivision a distance of 135.20 feet  
13 to a 60d nail in a fence post found for an angle point;

14       THENCE, N17°07'00"W continuing with the common westerly line  
15 of said Lakeway Regional Medical Center subdivision and easterly  
16 line of said Cherry Mountain Phase II subdivision, at 119.77 feet  
17 passing a 1/2" iron rod found for the southeast corner of Lot 3-A of  
18 the Resubdivision of Lots 1, 2, 3, 9 and 10, Cherry Mountain, Phase  
19 II, a subdivision of record in Book 76, Page 230 of the Plat Records  
20 of Travis County, Texas, and continuing for a total distance of  
21 466.24 feet to a 1/2" iron rod found for the northeast corner of  
22 said Lot 3-A;

23       THENCE with the common westerly line of said Lakeway Regional  
24 Medical Center subdivision and easterly line of said Resubdivision  
25 of Lots 1, 2, 3, 9 and 10, Cherry Mountain, Phase II, the following  
26 three (3) courses:

27       1) N17°04'36"W, a distance of 214.01 feet to a 1/2" iron rod

1 found;

2           2) N17°06'42"W, a distance of 137.11 feet to a 1/2" iron rod  
3 found;

4           3) N16°56'17"W, a distance of 497.47 feet to a 60d nail in a  
5 fence post found on the southerly right-of-way line of Wild Cherry  
6 Drive (60.0 feet wide right-of-way) for the most westerly corner of  
7 said Lakeway Regional Medical Center subdivision and most northerly  
8 corner of Lot 1-A of the Resubdivision of Lots 1, 2, 3, 9 and 10,  
9 Cherry Mountain, Phase II;

10           THENCE, N45°52'28"E with the common northwesterly line of  
11 said Lakeway Regional Medical Center subdivision and southerly  
12 right-of-way line of Wild Cherry Drive, a distance of 136.29 feet to  
13 a 1/2" iron rod found for the southwesterly corner of Cherry  
14 Mountain I, a subdivision of record in Book 75, Page 369 of the Plat  
15 Records of Travis County, Texas;

16           THENCE, with the common southeasterly line of said Cherry  
17 Mountain I subdivision and northwesterly line of said Lakeway  
18 Regional Medical Center subdivision, the following two (2) courses:

19           1) N46°18'51"E, a distance of 1062.47 feet to a 1/2" iron rod  
20 found;

21           2) N46°24'16"E, a distance of 202.89 feet to a 1/2" iron rod  
22 found on the curving southerly right-of-way line of Flint Rock  
23 Trace (variable width right-of-way) for the most northerly corner  
24 of the Lakeway Regional Medical Center subdivision;

25           THENCE, with the common southerly right-of-way line of Flint  
26 Rock Trace and northeasterly line of said Lakeway Regional Medica  
27 Center subdivision, the following five (5) courses:



1           1) With a curve to the left, having a central angle of  
2 5°22'21", a radius of 462.36 feet, a long chord of 43.34 feet (chord  
3 bears S35°01'42"E) for an arc distance of 43.35 feet to a 1/2" iron  
4 rod found for the point of curvature of a curve to the left;

5           2) With said curve to the left, having a central angle of  
6 32°33'01", a radius of 196.13 feet, a long chord of 109.93 feet  
7 (chord bears S51°15'25"E) for an arc distance of 111.42 feet to a  
8 1/2" iron rod found;

9           3) S67°37'40"E, a distance of 65.16 feet to a 1/2" iron rod  
10 found for the point of curvature of a curve to the right;

11          4) With said curve to the right, having a central angle of  
12 10°16'25", a radius of 1116.28 feet, a long chord of 199.89 feet  
13 (chord bears S62°29'51"E) for an arc distance of 200.16 feet to a  
14 1/2" iron rod found;

15          5) S57°19'30"E, a distance of 133.61 feet to a 1/2" iron rod  
16 found on the westerly right-of-way line of Ranch Road 620 (variable  
17 width right-of-way) for the northeasterly corner of the Lakeway  
18 Regional Medical Center subdivision;

19          THENCE, with the common westerly right-of-way line of Ranch  
20 Road 620 and easterly line of said Lakeway Regional Medical Center  
21 subdivision, the following three (3) courses:

22          1) S22°46'56"E, a distance of 323.63 feet to a 1/2" iron rod  
23 found for an angle point;

24          2) S32°40'44"E, a distance of 202.99 feet to a 1/2" iron rod  
25 found for an angle point;

26          3) S22°46'34"E, a distance of 169.69 feet to a 1/2" iron rod  
27 found for the most northerly corner of the aforesaid 12.695 acre

1 tract of land conveyed to Commercial Lakeway Limited Partnership;

2       THENCE, continuing with the easterly line of said Lakeway  
3 Regional Medical Center subdivision, same being the northwesterly  
4 line of said 12.695 acre tract, the following two (2) courses:

5       1) S69°54'26"W, a distance of 95.34 feet to a 1/2" iron rod  
6 found for an angle point;

7       2) S34°10'14"E, a distance of 203.76 feet to the POINT OF  
8 BEGINNING, CONTAINING within these metes and bounds, 53.2335 acres  
9 of land area.

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, the  
22 lieutenant governor, and the speaker of the house of  
23 representatives within the required time.

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

1 SECTION 4. This Act takes effect September 1, 2011.