

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.

(b) The defined area is created to accomplish the purposes

1 of:

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

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

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

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

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

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

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

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

25 Sec. 9017.054. ADMINISTRATION OF DEFINED AREA. (a) Except
26 as provided by Subsection (b), the board shall administer the
27 defined area as provided by Chapter 51, Water Code.

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

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

8 (b) In an election held for a purpose set forth in Section
9 9017.056, 9017.058, 9017.059, 9017.060, 9017.061, or 9017.062, the
10 board may include one or more purposes in a single proposition. The
11 ballot for an election under this chapter must be printed to provide
12 for voting for or against the proposition.

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

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

25 Sec. 9017.057. ROAD STANDARDS AND REQUIREMENTS IN DEFINED
26 AREA. (a) A road project in the defined area must meet all
27 applicable construction standards, zoning and subdivision

1 requirements, and regulations of each municipality in whose
2 corporate limits or extraterritorial jurisdiction the road project
3 is located.

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

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

12 Sec. 9017.058. ELECTIONS REGARDING DEFINED AREA TAXES OR
13 BONDS. (a) The district must hold an election in the defined area
14 in the manner provided by Section 9017.055 to obtain voter approval
15 before the district may impose an ad valorem tax only on the
16 property of the defined area or issue bonds payable from ad valorem
17 taxes only on the property of the defined area.

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

23 Sec. 9017.059. OPERATION AND MAINTENANCE TAX. (a) If
24 authorized at an election held under Section 9017.058, the district
25 may impose an operation and maintenance tax on taxable property in
26 only the defined area in accordance with Section 49.107, Water
27 Code.

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

3 Sec. 9017.060. CONTRACT TAXES. (a) In accordance with
4 Section 49.108, Water Code, the district may impose a tax other than
5 an operation and maintenance tax in the defined area only and use
6 the revenue derived from the tax to make payments under a contract
7 after the provisions of the contract have been approved by a
8 majority of the defined area voters voting at an election held under
9 Section 9017.058.

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

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

17 Sec. 9017.061. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. The district may issue bonds or other obligations as
19 provided by Chapters 49 and 51, Water Code, to finance the
20 construction, maintenance, or operation of the plant, works,
21 facilities, roads, or other projects to serve the defined area.

22 Sec. 9017.062. TAXES FOR BONDS. At the time the district
23 issues bonds under Section 9017.058, the board may provide for the
24 imposition of a tax to pay the principal of or interest on the
25 bonds.

26 Sec. 9017.063. BONDS FOR ROAD PROJECTS. At the time of
27 issuance, the total principal amount of bonds or other obligations

1 issued or incurred to finance road projects in the defined area may
2 not exceed one-fourth of the assessed value of the real property in
3 the defined area.

4 SECTION 2. The Lakeway Regional Medical Center Defined Area
5 initially includes all the territory contained in the following
6 area:

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

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

19 THENCE, S47°45'43"W, with the common southeasterly line of
20 said Lakeway Regional Medical Center subdivision and the
21 northwesterly line of said 12.695 acre tract a distance of 1,071.43
22 feet to a 1/2" iron rod found for the northerly corner of that 24.94
23 acre tract of land awarded to Lake Travis Independent School
24 District in Travis County Court at Law No. 1, Cause No. 1358;

25 THENCE, S47°38'35"W, continuing with the southeasterly line
26 of said Lakeway Regional Medical Center subdivision, same being the
27 northwesterly line of said 24.94 acre tract, a distance of 738.02

1 feet a 1/2" iron rod found for the most southerly corner of Lakeway
2 Regional Medical Center subdivision, same being the southeast
3 corner of Lot 4 of Cherry Mountain Phase II, a subdivision of record
4 in Book 76, Page 67 of the Plat Records of Travis County, Texas;

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

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

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

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

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

26 3) N16°56'17"W, a distance of 497.47 feet to a 60d nail in a
27 fence post found on the southerly right-of-way line of Wild Cherry

1 Drive (60.0 feet wide right-of-way) for the most westerly corner of
2 said Lakeway Regional Medical Center subdivision and most northerly
3 corner of Lot 1-A of the Resubdivision of Lots 1, 2, 3, 9 and 10,
4 Cherry Mountain, Phase II;

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

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

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

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

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

23 1) With a curve to the left, having a central angle of
24 5°22'21", a radius of 462.36 feet, a long chord of 43.34 feet (chord
25 bears S35°01'42"E) for an arc distance of 43.35 feet to a 1/2" iron
26 rod found for the point of curvature of a curve to the left;

27 2) With said curve to the left, having a central angle of

1 32°33'01", a radius of 196.13 feet, a long chord of 109.93 feet
2 (chord bears S51°15'25"E) for an arc distance of 111.42 feet to a
3 1/2" iron rod found;

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

6 4) With said curve to the right, having a central angle of
7 10°16'25", a radius of 1116.28 feet, a long chord of 199.89 feet
8 (chord bears S62°29'51"E) for an arc distance of 200.16 feet to a
9 1/2"iron rod found;

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

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

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

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

21 3) S22°46'34"E, a distance of 169.69 feet to a 1/2" iron rod
22 found for the most northerly corner of the aforesaid 12.695 acre
23 tract of land conveyed to Commercial Lakeway Limited Partnership;

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

27 1) S69°54'26"W, a distance of 95.34 feet to a 1/2" iron rod

1 found for an angle point;

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

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

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

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

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

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