

1-1 By: Watson S.B. No. 942
1-2 (In the Senate - Filed February 24, 2011; March 8, 2011,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 12, 2011, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 12, 2011, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 942 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation and financing of the Lakeway Regional
1-11 Medical Center Defined Area in Travis County Water Control and
1-12 Improvement District No. 17; providing authority to impose a tax
1-13 and issue bonds.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-15 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-16 Code, is amended by adding Chapter 9017 to read as follows:

1-17 CHAPTER 9017. TRAVIS COUNTY WATER CONTROL AND IMPROVEMENT
1-18 DISTRICT NO. 17

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 9017.001. DEFINITIONS. In this chapter:

1-21 (1) "Board" means the district's board of directors.

1-22 (2) "Defined area" means the Lakeway Regional Medical
1-23 Center Defined Area.

1-24 (3) "District" means the Travis County Water Control
1-25 and Improvement District No. 17.

1-26 [Sections 9017.002-9017.050 reserved for expansion]

1-27 SUBCHAPTER B. LAKEWAY REGIONAL MEDICAL CENTER DEFINED AREA

1-28 Sec. 9017.051. CREATION OF LAKEWAY REGIONAL MEDICAL CENTER
1-29 DEFINED AREA. The defined area is created in the district.

1-30 Sec. 9017.052. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-31 (a) The defined area is created to serve a public purpose and
1-32 benefit.

1-33 (b) The defined area is created to accomplish the purposes
1-34 of:

1-35 (1) a water control and improvement district as
1-36 provided by general law and Section 59, Article XVI, Texas
1-37 Constitution; and

1-38 (2) Section 52, Article III, Texas Constitution, that
1-39 relate to the construction, acquisition, improvement, operation,
1-40 or maintenance of macadamized, graveled, or paved roads, or
1-41 improvements, including storm drainage, in aid of those roads.

1-42 Sec. 9017.053. INITIAL DEFINED AREA TERRITORY. (a) The
1-43 defined area is initially composed of the territory described by
1-44 Section 2 of the Act enacting this chapter.

1-45 (b) The boundaries and field notes contained in Section 2 of
1-46 the Act enacting this chapter form a closure. A mistake made in the
1-47 field notes or in copying the field notes in the legislative process
1-48 does not affect:

1-49 (1) the defined area's organization, existence, or
1-50 validity;

1-51 (2) the district's right to execute contracts or issue
1-52 any type of bond or obligation for the purposes for which the
1-53 defined area is created or to make payments under a contract or
1-54 obligation or pay the principal of and interest on a bond;

1-55 (3) the district's right to impose a tax in the defined
1-56 area; or

1-57 (4) the defined area's legality or operation.

1-58 Sec. 9017.054. ADMINISTRATION OF DEFINED AREA. (a) Except
1-59 as provided by Subsection (b), the board shall administer the
1-60 defined area as provided by Chapter 51, Water Code.

1-61 (b) Sections 51.518-51.524 and 51.526-51.529, Water Code,
1-62 do not apply to the defined area.

1-63 Sec. 9017.055. ELECTIONS IN DEFINED AREA. (a) An election

2-1 limited to the defined area shall conform to the requirements of the
 2-2 Election Code. The board shall submit the appropriate issue to the
 2-3 voters of the defined area and the issue may also be submitted on
 2-4 the same ballot to be used in a general election.

2-5 (b) In an election held for a purpose set forth in Section
 2-6 9017.056, 9017.059, 9017.060, 9017.061, 9017.062, or 9017.063, the
 2-7 board may include one or more purposes in a single proposition. The
 2-8 ballot for an election under this chapter must be printed to provide
 2-9 for voting for or against the proposition.

2-10 (c) An election under this section does not require that an
 2-11 election be held in the part of the district outside the defined
 2-12 area.

2-13 Sec. 9017.056. AUTHORITY FOR ROAD PROJECTS IN DEFINED AREA.
 2-14 Under Section 52, Article III, Texas Constitution, the district may
 2-15 design, acquire, construct, finance, issue bonds for, improve,
 2-16 operate, maintain, and convey to this state, a county, or a
 2-17 municipality for operation and maintenance macadamized, graveled,
 2-18 or paved roads, or improvements, including storm drainage, in aid
 2-19 of those roads, including roads located outside the boundaries of
 2-20 the defined area, to serve the defined area as determined by the
 2-21 board.

2-22 Sec. 9017.057. ROAD STANDARDS AND REQUIREMENTS IN DEFINED
 2-23 AREA. (a) A road project in the defined area must meet all
 2-24 applicable construction standards, zoning and subdivision
 2-25 requirements, and regulations of each municipality in whose
 2-26 corporate limits the road project is located.

2-27 (b) If a road project is not located in the corporate limits
 2-28 of a municipality, the road project must meet all applicable
 2-29 construction standards, subdivision requirements, and regulations
 2-30 of each county in which the road project is located.

2-31 (c) If the state will maintain and operate the road, the
 2-32 Texas Transportation Commission must approve the plans and
 2-33 specifications of the road project.

2-34 Sec. 9017.058. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-35 district may not exercise the power of eminent domain outside the
 2-36 district to acquire a site or easement for:

- 2-37 (1) a road project authorized by Section 9017.056; or
- 2-38 (2) a recreational facility as defined by Section
- 2-39 49.462, Water Code.

2-40 Sec. 9017.059. ELECTIONS REGARDING DEFINED AREA TAXES OR
 2-41 BONDS. (a) The district must hold an election in the defined area
 2-42 in the manner provided by Section 9017.055 to obtain voter approval
 2-43 before the district may impose an ad valorem tax only on the
 2-44 property of the defined area or issue bonds payable from ad valorem
 2-45 taxes only on the property of the defined area.

2-46 (b) The district may not issue bonds payable wholly or
 2-47 partly from ad valorem taxes to finance a road project in the
 2-48 defined area unless the issuance is approved by a vote of a
 2-49 two-thirds majority of the voters of the defined area voting at an
 2-50 election held for that purpose.

2-51 Sec. 9017.060. OPERATION AND MAINTENANCE TAX. (a) If
 2-52 authorized at an election held under Section 9017.059, the district
 2-53 may impose an operation and maintenance tax on taxable property in
 2-54 only the defined area in accordance with Section 49.107, Water
 2-55 Code.

2-56 (b) The board shall determine the tax rate. The rate may not
 2-57 exceed the rate approved at the election.

2-58 Sec. 9017.061. CONTRACT TAXES. (a) In accordance with
 2-59 Section 49.108, Water Code, the district may impose a tax other than
 2-60 an operation and maintenance tax in the defined area only and use
 2-61 the revenue derived from the tax to make payments under a contract
 2-62 after the provisions of the contract have been approved by a
 2-63 majority of the defined area voters voting at an election held under
 2-64 Section 9017.059.

2-65 (b) In addition to the purposes allowed by Chapter 49, Water
 2-66 Code, a contract may contain provisions related to the plant,
 2-67 works, facilities, roads, or other projects to serve the defined
 2-68 area.

2-69 (c) A contract approved by the defined area voters may

3-1 contain a provision stating that the contract may be modified or
3-2 amended by the board without further voter approval.

3-3 Sec. 9017.062. AUTHORITY TO ISSUE BONDS AND OTHER
3-4 OBLIGATIONS. The district may issue bonds or other obligations as
3-5 provided by Chapters 49 and 51, Water Code, to finance the
3-6 construction, maintenance, or operation of the plant, works,
3-7 facilities, roads, or other projects to serve the defined area.

3-8 Sec. 9017.063. TAXES FOR BONDS. At the time the district
3-9 issues bonds under Section 9017.059, the board may provide for the
3-10 imposition of a tax to pay the principal of or interest on the
3-11 bonds.

3-12 Sec. 9017.064. BONDS FOR ROAD PROJECTS. At the time of
3-13 issuance, the total principal amount of bonds or other obligations
3-14 issued or incurred to finance road projects in the defined area may
3-15 not exceed one-fourth of the assessed value of the real property in
3-16 the defined area.

3-17 SECTION 2. The Lakeway Regional Medical Center Defined Area
3-18 initially includes all the territory contained in the following
3-19 area:

3-20 Being a 53.2335 acre tract of land in the J.P. Warnock Survey
3-21 No. 56 and the A. Beck Survey No. 54, Travis County, Texas and being
3-22 all of the Lakeway Regional Medical Center, a subdivision of record
3-23 in Document No. 200800246 of the Official Public Records of Travis
3-24 County, Texas; said 53.2335 acre tract of land is more particularly
3-25 described by metes and bounds as follows:

3-26 BEGINNING at a 1/2" iron rod found for the most easterly
3-27 corner of said Lakeway Regional Medical Center subdivision and
3-28 being a point on the northwesterly line of that 12.695 acre tract of
3-29 land conveyed to Commercial Lakeway Limited Partnership as recorded
3-30 in Volume 13241, Page 439 of the Deed Records of Travis County,
3-31 Texas;

3-32 THENCE, S47°45'43"W, with the common southeasterly line of
3-33 said Lakeway Regional Medical Center subdivision and the
3-34 northwesterly line of said 12.695 acre tract a distance of 1,071.43
3-35 feet to a 1/2" iron rod found for the northerly corner of that 24.94
3-36 acre tract of land awarded to Lake Travis Independent School
3-37 District in Travis County Court at Law No. 1, Cause No. 1358;

3-38 THENCE, S47°38'35"W, continuing with the southeasterly line
3-39 of said Lakeway Regional Medical Center subdivision, same being the
3-40 northwesterly line of said 24.94 acre tract, a distance of 738.02
3-41 feet a 1/2" iron rod found for the most southerly corner of Lakeway
3-42 Regional Medical Center subdivision, same being the southeast
3-43 corner of Lot 4 of Cherry Mountain Phase II, a subdivision of record
3-44 in Book 76, Page 67 of the Plat Records of Travis County, Texas;

3-45 THENCE, N33°50'27"W with the common westerly line of said
3-46 Lakeway Regional Medical Center subdivision and easterly line of
3-47 said Cherry Mountain Phase II subdivision a distance of 135.20 feet
3-48 to a 60d nail in a fence post found for an angle point;

3-49 THENCE, N17°07'00"W continuing with the common westerly line
3-50 of said Lakeway Regional Medical Center subdivision and easterly
3-51 line of said Cherry Mountain Phase II subdivision, at 119.77 feet
3-52 passing a 1/2" iron rod found for the southeast corner of Lot 3-A of
3-53 the Resubdivision of Lots 1, 2, 3, 9 and 10, Cherry Mountain, Phase
3-54 II, a subdivision of record in Book 76, Page 230 of the Plat Records
3-55 of Travis County, Texas, and continuing for a total distance of
3-56 466.24 feet to a 1/2" iron rod found for the northeast corner of
3-57 said Lot 3-A;

3-58 THENCE with the common westerly line of said Lakeway Regional
3-59 Medical Center subdivision and easterly line of said Resubdivision
3-60 of Lots 1, 2, 3, 9 and 10, Cherry Mountain, Phase II, the following
3-61 three (3) courses:

3-62 1) N17°04'36"W, a distance of 214.01 feet to a 1/2" iron rod
3-63 found;

3-64 2) N17°06'42"W, a distance of 137.11 feet to a 1/2" iron rod
3-65 found;

3-66 3) N16°56'17"W, a distance of 497.47 feet to a 60d nail in a
3-67 fence post found on the southerly right-of-way line of Wild Cherry
3-68 Drive (60.0 feet wide right-of-way) for the most westerly corner of
3-69 said Lakeway Regional Medical Center subdivision and most northerly

4-1 corner of Lot 1-A of the Resubdivision of Lots 1, 2, 3, 9 and 10,
4-2 Cherry Mountain, Phase II;

4-3 THENCE, N45°52'28"E with the common northwesterly line of
4-4 said Lakeway Regional Medical Center subdivision and southerly
4-5 right-of-way line of Wild Cherry Drive, a distance of 136.29 feet to
4-6 a 1/2" iron rod found for the southwesterly corner of Cherry
4-7 Mountain I, a subdivision of record in Book 75, Page 369 of the Plat
4-8 Records of Travis County, Texas;

4-9 THENCE, with the common southeasterly line of said Cherry
4-10 Mountain I subdivision and northwesterly line of said Lakeway
4-11 Regional Medical Center subdivision, the following two (2) courses:

4-12 1) N46°18'51"E, a distance of 1062.47 feet to a 1/2" iron rod
4-13 found;

4-14 2) N46°24'16"E, a distance of 202.89 feet to a 1/2" iron rod
4-15 found on the curving southerly right-of-way line of Flint Rock
4-16 Trace (variable width right-of-way) for the most northerly corner
4-17 of the Lakeway Regional Medical Center subdivision;

4-18 THENCE, with the common southerly right-of-way line of Flint
4-19 Rock Trace and northeasterly line of said Lakeway Regional Medica
4-20 Center subdivision, the following five (5) courses:

4-21 1) With a curve to the left, having a central angle of
4-22 5°22'21", a radius of 462.36 feet, a long chord of 43.34 feet (chord
4-23 bears S35°01'42"E) for an arc distance of 43.35 feet to a 1/2" iron
4-24 rod found for the point of curvature of a curve to the left;

4-25 2) With said curve to the left, having a central angle of
4-26 32°33'01", a radius of 196.13 feet, a long chord of 109.93 feet
4-27 (chord bears S51°15'25"E) for an arc distance of 111.42 feet to a
4-28 1/2" iron rod found;

4-29 3) S67°37'40"E, a distance of 65.16 feet to a 1/2" iron rod
4-30 found for the point of curvature of a curve to the right;

4-31 4) With said curve to the right, having a central angle of
4-32 10°16'25", a radius of 1116.28 feet, a long chord of 199.89 feet
4-33 (chord bears S62°29'51"E) for an arc distance of 200.16 feet to a
4-34 1/2" iron rod found;

4-35 5) S57°19'30"E, a distance of 133.61 feet to a 1/2" iron rod
4-36 found on the westerly right-of-way line of Ranch Road 620 (variable
4-37 width right-of-way) for the northeasterly corner of the Lakeway
4-38 Regional Medical Center subdivision;

4-39 THENCE, with the common westerly right-of-way line of Ranch
4-40 Road 620 and easterly line of said Lakeway Regional Medical Center
4-41 subdivision, the following three (3) courses:

4-42 1) S22°46'56"E, a distance of 323.63 feet to a 1/2" iron rod
4-43 found for an angle point;

4-44 2) S32°40'44"E, a distance of 202.99 feet to a 1/2" iron rod
4-45 found for an angle point;

4-46 3) S22°46'34"E, a distance of 169.69 feet to a 1/2" iron rod
4-47 found for the most northerly corner of the aforesaid 12.695 acre
4-48 tract of land conveyed to Commercial Lakeway Limited Partnership;

4-49 THENCE, continuing with the easterly line of said Lakeway
4-50 Regional Medical Center subdivision, same being the northwesterly
4-51 line of said 12.695 acre tract, the following two (2) courses:

4-52 1) S69°54'26"W, a distance of 95.34 feet to a 1/2" iron rod
4-53 found for an angle point;

4-54 2) S34°10'14"E, a distance of 203.76 feet to the POINT OF
4-55 BEGINNING, CONTAINING within these metes and bounds, 53.2335 acres
4-56 of land area.

4-57 SECTION 3. (a) The legal notice of the intention to
4-58 introduce this Act, setting forth the general substance of this
4-59 Act, has been published as provided by law, and the notice and a
4-60 copy of this Act have been furnished to all persons, agencies,
4-61 officials, or entities to which they are required to be furnished
4-62 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-63 Government Code.

4-64 (b) The governor, one of the required recipients, has
4-65 submitted the notice and Act to the Texas Commission on
4-66 Environmental Quality.

4-67 (c) The Texas Commission on Environmental Quality has filed
4-68 its recommendations relating to this Act with the governor, the
4-69 lieutenant governor, and the speaker of the house of

5-1 representatives within the required time.

5-2 (d) All requirements of the constitution and laws of this
5-3 state and the rules and procedures of the legislature with respect
5-4 to the notice, introduction, and passage of this Act are fulfilled
5-5 and accomplished.

5-6 SECTION 4. This Act takes effect September 1, 2011.

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