

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Rodriguez

H.B. No. 1759

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Pilot Knob Municipal Utility  
3 District No. 4; providing authority to impose a tax and issue bonds;  
4 granting a limited power of eminent domain.

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

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

8 CHAPTER 8. PILOT KNOB MUNICIPAL UTILITY DISTRICT

9 NO. 4

10 SUBCHAPTER A. GENERAL PROVISIONS

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

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

13 (2) "Director" means a board member.

14 (3) "District" means the Pilot Knob Municipal Utility  
15 District No. 4.

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

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

23 Sec. 8\_\_\_\_.004. CONSENT OF MUNICIPALITY REQUIRED. The  
24 temporary directors may not hold an election under Section

1 8\_\_\_\_.003 until each municipality in whose corporate limits or  
2 extraterritorial jurisdiction the district is located has  
3 consented by ordinance or resolution to the creation of the  
4 district and to the inclusion of land in the district.

5 Sec. 8\_\_\_\_.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

6 (a) The district is created to serve a public purpose and benefit.

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

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

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

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

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

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

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

1                   SUBCHAPTER B. BOARD OF DIRECTORS

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

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

6           Sec. 8\_\_\_\_.052. TEMPORARY DIRECTORS. (a) On or after the  
7 effective date of the Act creating this chapter, the owner or owners  
8 of a majority of the assessed value of the real property in the  
9 district may submit a petition to the Texas Commission on  
10 Environmental Quality requesting that the commission appoint as  
11 temporary directors the five persons named in the petition. The  
12 commission shall appoint as temporary directors the five persons  
13 named in the petition.

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

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

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

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

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

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

1       (d) If Subsection (c) applies, the owner or owners of a  
2 majority of the assessed value of the real property in the district  
3 may submit a petition to the commission requesting that the  
4 commission appoint as successor temporary directors the five  
5 persons named in the petition. The commission shall appoint as  
6 successor temporary directors the five persons named in the  
7 petition.

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

9                   SUBCHAPTER C. POWERS AND DUTIES

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

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

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

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

1       Sec. 8\_\_\_\_.104. APPROVAL OF ROAD PROJECT. (a) The  
2 district may not undertake a road project authorized by Section  
3 8\_\_\_\_.103 unless:

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

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

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

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

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

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

25           (2) a recreational facility as defined by Section  
26 49.462, Water Code.

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

1           SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2           Sec. 8\_\_\_\_.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
3 district may issue, without an election, bonds and other  
4 obligations secured by:

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

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

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

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

15           Sec. 8\_\_\_\_.152. OPERATION AND MAINTENANCE TAX. (a) If  
16 authorized at an election held under Section 8\_\_\_\_.151, the  
17 district may impose an operation and maintenance tax on taxable  
18 property in the district in accordance with Section 49.107, Water  
19 Code.

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

22           Sec. 8\_\_\_\_.153. CONTRACT TAXES. (a) In accordance with  
23 Section 49.108, Water Code, the district may impose a tax other than  
24 an operation and maintenance tax and use the revenue derived from  
25 the tax to make payments under a contract after the provisions of  
26 the contract have been approved by a majority of the district voters  
27 voting at an election held for that purpose.

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

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

5               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

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

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

23       SECTION 2. The Pilot Knob Municipal Utility District No. 4  
24 initially includes all the territory contained in the following  
25 area: 345.581 acres of land, consisting of the 306.331 acre tract  
26 described below as "Tract 1" and the 39.250 acre tract described  
27 below as "Tract 2":

1 A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN  
2 TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN  
3 A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER  
4 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL  
5 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT  
6 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
7 DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF  
8 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293  
9 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION  
10 INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO.  
11 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
12 ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO  
13 JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN  
14 DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
15 COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A  
16 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006  
17 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC  
18 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT  
19 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
20 DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF  
21 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
22 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA  
23 ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT  
24 NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
25 TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL  
26 WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND  
27 RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS



1 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED  
2 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,  
3 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC  
4 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT  
5 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
6 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE  
7 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE  
8 TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION  
9 INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138  
10 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF  
11 LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN  
12 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,  
13 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED  
14 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN  
15 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
16 COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A  
17 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008  
18 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC  
19 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT  
20 DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T.  
21 HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND  
22 RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS  
23 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED  
24 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER  
25 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL  
26 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT  
27 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,

1 DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF  
2 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
3 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S  
4 LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN  
5 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
6 COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY);  
7 SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES  
8 AND BOUNDS AS FOLLOWS:

9 TRACT 1, 306.331 ACRES:

10 BEGINNING at a calculated point in the east right-of-way line of  
11 Thaxton Road (50' right-of-way) for the northwest corner of said  
12 73.453 acre tract, same being the west corner of a 2.76 acre tract  
13 described in a deed to Carl H. Dittmar, recorded in Volume 12562,  
14 Page 428 of the Real Property Records of Travis County, Texas, from  
15 which a 1/2" rebar found bears North 61°56'44" West, a distance of  
16 0.44 feet;

17 THENCE with the north line of said 73.453 acre tract, same being the  
18 south line of said 2.76 acre tract, the following two (2) courses  
19 and distances:

20 1. South 61°56'44" East, a distance of 404.65 feet to a 1/2"  
21 rebar found;

22 2. North 27°52'53" East, a distance of 294.18 feet to a 1/2"  
23 rebar found for a north corner of said 73.453 acre tract, same being  
24 the east corner of said 2.76 acre tract, also being in the southwest  
25 line of a tract called 21 acres in a deed to Max F. Ehrlich, recorded  
26 in Volume 1945, Page 416 of the Deed Records of Travis County,  
27 Texas;

1 THENCE South 60°59'42" East, with the northeast line of said 73.453  
2 acre tract, same being the southwest line of said 21 acre tract, a  
3 distance of 2857.05 feet to a 60D nail found for the northeast  
4 corner of said 73.453 acre tract, same being the south corner of  
5 said 21 acre tract, also being in the northwest line of said 29.293  
6 acre tract;

7 THENCE North 27°46'44" East, with the northwest line of said 29.293  
8 acre tract, same being the southeast line of said 21 acre tract, a  
9 distance of 1083.71 feet to a 1/2" rebar with Chaparral cap found in  
10 the south right-of-way line of Sassman Road;

11 THENCE North 28°38'04" East, crossing Sassman Road, a distance of  
12 70.04 feet to a calculated point for the north right-of-way line of  
13 Sassman Road, same being the southwest line of a 2.00 acre tract  
14 described in a deed to Anselmo Medina and spouse, Oralia Medina,  
15 recorded in Document No. 2002227115 of the Official Public Records  
16 of Travis County, Texas;

17 THENCE South 61°39'26" East, with the north right-of-way line of  
18 Sassman Road, same being the southwest line of said 2.00 acre tract,  
19 the southwest line of a 1.00 acre tract described in a deed to  
20 Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume  
21 12233, Page 1678 of the Real Property Records of Travis County,  
22 Texas, the southwest line of a 1.00 acre tract described in a deed  
23 to Amir Batoeinngi, recorded in Document No. 2008060410 of the  
24 Official Public Records of Travis County, Texas, and the southwest  
25 line of a 1.00 acre tract described in a deed to Abacu Perez and  
26 Felicitas Perez, recorded in Document No. 2006189910 of the  
27 Official Public Records of Travis County, Texas, a distance of

1 547.23 feet to a calculated point;  
2 THENCE South 63°50'26" East, continuing with the north right-of-way  
3 line of Sassman Road, same being the southwest line of said 1.00  
4 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for  
5 the south corner of said 1.00 acre Perez tract, same being the west  
6 corner of said Lot A;  
7 THENCE North 26°09'41" East, with the northwest line of said Lot A,  
8 same being the southeast line of said 1.00 acre Perez tract, a  
9 distance of 362.16 feet to a calculated point for the east corner of  
10 said 1.00 acre Perez tract, same being the south corner of said  
11 20.005 acre tract;  
12 THENCE North 61°26'42" West, with the southwest line of said 20.005  
13 acre tract, same being the northeast line of said 1.00 acre Perez  
14 tract, a distance of 113.09 feet to a 1/2" rebar found for an angle  
15 point in the southwest line of said 20.005 acre tract, same being  
16 the north corner of said 1.00 acre Perez tract, also being in the  
17 southeast line of a 1.25 acre tract described in said deed to Amir  
18 Batoeinngi;  
19 THENCE North 28°21'23" East, continuing with the southwest line of  
20 said 20.005 acre tract, same being the southeast line of said 1.25  
21 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the  
22 east corner of said 1.25 acre tract;  
23 THENCE North 61°29'11" West, continuing with the southwest line of  
24 said 20.005 acre tract, same being the northeast line of said 1.25  
25 acre tract, and a 1.25 acre tract described in said deed to Gerald  
26 Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the  
27 west corner of said 20.005 acre tract, same being the north corner

1 of said 1.25 acre Shoulders tract, also being in the southeast line  
2 of a 20.022 acre tract described in a deed to Janie Diaz, recorded  
3 in Document No. 2006101103, said 20.022 acre tract being further  
4 described in Document No. 2001200503, both of the Official Public  
5 Records of Travis County, Texas;

6 THENCE North 27°07'27" East, with the northwest line of said 20.005  
7 acre tract, same being the southeast line of said 20.022 acre tract,  
8 a distance of 162.08 feet to a calculated point;

9 THENCE crossing said 20.005 acre tract, said Lot A, said 42.558 acre  
10 tract, Sassman Road, said 23.694 acre tract, said 7.602 acre tract,  
11 said 25.119 acre tract, said 55.222 acre tract, said 51.942 acre  
12 tract, said 60.921 acre tract, and said 98.656 acre tract, the  
13 following eleven (11) courses and distances:

14 1. South 61°48'21" East, a distance of 672.64 feet to a  
15 calculated point;

16 2. South 28°11'39" West, a distance of 1597.96 feet to a  
17 calculated point;

18 3. With a curve to the left, having a radius of 580.00 feet,  
19 a delta angle of 69°45'07", an arc length of 706.10 feet, and a chord  
20 which bears South 06°40'54" East, a distance of 663.29 feet to a  
21 calculated point;

22 4. South 41°33'28" East, a distance of 274.95 feet to a  
23 calculated point;

24 5. With a curve to the right, having a radius of 500.00 feet,  
25 a delta angle of 96°25'47", an arc length of 841.51 feet, and a chord  
26 which bears South 06°39'26" West, a distance of 745.65 feet to a  
27 calculated point;

1           6. South 54°52'19" West, a distance of 25.40 feet to a  
2 calculated point;

3           7. South 35°07'41" East, a distance of 344.76 feet to a  
4 calculated point;

5           8. With a curve to the right, having a radius of 1000.01  
6 feet, a delta angle of 40°36'48", an arc length of 708.84 feet, and a  
7 chord which bears South 14°49'17" East, a distance of 694.09 feet to  
8 a calculated point;

9           9. South 05°29'07" West, a distance of 423.15 feet to a  
10 calculated point;

11          10. With a curve to the left, having a radius of 1800.01  
12 feet, a delta angle of 68°24'29", an arc length of 2149.12 feet, and  
13 a chord which bears South 28°43'07" East, a distance of 2023.72 feet  
14 to a calculated point;

15          11. South 62°55'22" East, a distance of 149.13 feet to a  
16 calculated point in the west right-of-way line of F. M. 1625 (80'  
17 right-of-way), same being the southeast line of said 98.656 acre  
18 tract;

19 THENCE South 27°04'38" West, with the west right-of-way line of F.  
20 M. 1625, same being the southeast line of said 98.656 acre tract, a  
21 distance of 699.69 feet to a calculated point for the south corner  
22 of said 98.656 acre tract, same being the east corner of a 10.067  
23 acre tract described in a deed to Carlos Yescas and Elvira Yescas,  
24 recorded in Document No. 2003084397 of the Official Public Records  
25 of Travis County, Texas;

26 THENCE North 62°25'04" West, with the southwest line of said 98.656  
27 acre tract, same being the northeast line of said 10.067 acre tract,

1 and the northeast line of Lot 6, Las Lomas Subdivision, a  
2 subdivision of record in Document No. 200200226 of the Official  
3 Public Records of Travis County, Texas, at a distance of 0.11 feet  
4 passing a 1/2" rebar found, and continuing for a total distance of  
5 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot  
6 6, for the southwest corner of said 98.656 acre tract, same being  
7 the southeast corner of said 60.921 acre tract;  
8 THENCE North 62°26'10" West, with the southwest line of said 60.921  
9 acre tract, same being the northeast line of said Lot 6 and Lot 15  
10 Las Lomas Subdivision, a distance of 1283.28 feet to a 1/2" rebar  
11 with Chaparral cap found for the southwest corner of said 60.921  
12 acre tract, same being the south corner of a 58 acre tract described  
13 in a deed to Fred J. Wende, recorded in Volume 11849, Page 396 of the  
14 Real Property Records of Travis County, Texas;  
15 THENCE North 27°00'49" East, with the northwest line of said 60.921  
16 acre tract, same being the southeast line of said 58 acre tract, a  
17 distance of 1221.01 feet to an 80D nail found for the east corner of  
18 said 58 acre tract, same being the south corner of said 55.222 acre  
19 tract;  
20 THENCE North 60°57'25" West, with the southwest line of said 55.222  
21 acre tract, same being the northeast line of said 58 acre tract, a  
22 distance of 1295.20 feet to a 60D nail found for the southwest  
23 corner of said 55.222 acre tract, same being the southeast corner of  
24 said 28.461 acre tract;  
25 THENCE North 61°18'16" West, with the southwest line of said 28.461  
26 acre tract, same being the northeast line of said 58 acre tract, a  
27 distance of 329.98 feet to a 1" iron pipe found for the southwest

1 corner of said 28.461 acre tract, same being the southeast corner of  
2 said 29.293 acre tract;  
3 THENCE North 61°30'47" West, with the southwest line of said 29.293  
4 acre tract, same being the northeast line of said 58 acre tract, a  
5 distance of 331.97 feet to a 1/2" rebar found for the southwest  
6 corner of said 29.293 acre tract, same being the north corner of  
7 said 58 acre tract, also being in the southeast line of a 77.22 acre  
8 tract described in a deed to William D. Wende, Fred J. Wende and  
9 Price T. Wende, recorded in Volume 12171, Page 455 of the Real  
10 Property Records of Travis County, Texas;  
11 THENCE North 27°46'44" East, with the northwest line of said 29.293  
12 acre tract, same being the southeast line of said 77.22 acre tract,  
13 the southeast line of a 32.892 acre tract described in a deed to  
14 Mark Alexander, recorded in Volume 11513, Page 1451 of the Real  
15 Property Records of Travis County, Texas, and the southeast line of  
16 a remaining portion of 29.94 acres described in a deed to Santana C.  
17 Urias, Jr., recorded in Volume 6132, Page 1217 of the Deed Records  
18 of Travis County, Texas, a distance of 1047.38 feet to a 1/2" rebar  
19 with Chaparral cap found for the northeast corner of said remaining  
20 portion of 29.94 acres, same being the southeast corner of said  
21 31.022 acre tract;  
22 THENCE North 61°12'34" West, with the southwest line of said 31.022  
23 acre tract, same being the northeast line of said remaining portion  
24 of 29.94 acres, and the northeast line of a 2.500 acre tract  
25 described in a deed to Cloe Bell Urias, recorded in Volume 9678,  
26 Page 891 of the Real Property Records of Travis County, Texas, at a  
27 distance of 3268.31 feet passing a 1/2" rebar found, and continuing



1 for a total distance of 3268.82 feet to a calculated point in the  
2 east right-of-way line of Thaxton Road, for the west corner of said  
3 31.022 acre tract, same being the north corner of said 2.500 acre  
4 tract;

5 THENCE North 28°02'32" East, with the east right-of-way line of  
6 Thaxton Road, with the northwest line of said 31.022 acre tract, a  
7 distance of 417.56 feet to a 1/2" rebar found for the north corner  
8 of said 31.022 acre tract, same being the west corner of a remaining  
9 portion of a 3.22 acre tract described in a deed to Carlin Ann  
10 Wilson, recorded in Volume 12562, Page 419 of the Real Property  
11 Records of Travis County, Texas, also being the west corner of an  
12 access easement described in Volume 12562, Page 407 of the Real  
13 Property Records of Travis County, Texas;

14 THENCE with the northeast line of said 31.022 acre tract, the  
15 following two (2) courses and distances:

16 1. South 61°16'30" East, with southwest line of said  
17 remaining portion of 3.22 acres, a distance of 406.03 feet to a 1/2"  
18 rebar with Chaparral cap found for the south corner of said  
19 remaining portion of 3.22 acres, same being the west corner of an  
20 18.38 acre tract described in a deed to Consumer Solutions, LLC,  
21 recorded in Document No. 2010038770 of the Official Public Records  
22 of Travis County, Texas;

23 2. South 61°00'23" East, with the southwest line of said  
24 18.38 acre tract, a distance of 1136.77 feet to a 1/2" rebar with  
25 cap found for the south corner of said 18.38 acre tract, same being  
26 the southwest corner of said 73.453 acre tract;

27 THENCE with the northwest line of said 73.453 acre tract, the

1 following three (3) courses and distances:

2 1. North 27°53'08" East, with the southeast line of said  
3 18.38 acre tract, a distance of 713.60 feet to a 1/2" rebar with cap  
4 found for the east corner of said 18.38 acre tract;

5 2. North 61°59'49" West, with the northeast line of said  
6 18.38 acre tract, and the northeast line of a 3.20 acre tract  
7 described in a deed to James J. Williams, recorded in Volume 13116,  
8 Page 732 of the Real Property Records of Travis County, Texas, a  
9 distance of 1540.66 feet to a 1/2" rebar with Chaparral cap found in  
10 the east right-of-way line of Thaxton Road, for the north corner of  
11 said 3.20 acre tract;

12 3. North 28°02'32" East, with the east right-of-way line of  
13 Thaxton Road, a distance of 360.56 feet to the POINT OF BEGINNING,  
14 containing 306.331 acres of land, more or less.

15 TRACT 2, 39.250 ACRES:

16 BEGINNING at a 1/2" rebar with Chaparral cap found in the north  
17 right-of-way line of Sassman Road, for the southwest corner of said  
18 232.233 acre tract, same being the southeast corner of a 174.4 acre  
19 tract described in a deed to Edward J. Gillen and wife, Mildred  
20 Gillen, recorded in Volume 1549, Page 268 of the Deed Records of  
21 Travis County, Texas;

22 THENCE North 27°21'05" East, with the west line of said 232.233 acre  
23 tract, same being the east line of said 174.4 acre tract, a distance  
24 of 1257.11 feet to a calculated point;

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

27 1. South 36°26'06" East, a distance of 1284.36 feet to a

1 calculated point;

2           2. With a curve to the left, having a radius of 1490.63 feet,  
3 a delta angle of 26°48'48", an arc length of 697.59 feet, and a chord  
4 which bears South 52°29'28" East, a distance of 691.24 feet to a  
5 calculated point in the east line of said 232.233 acre tract, same  
6 being the west line of said 20.022 acre tract;

7 THENCE South 26°53'42" West, with the west line of said 20.022 acre  
8 tract, same being the east line of said 232.233 acre tract and the  
9 east line of said 9.662 acre tract, a distance of 621.23 feet to a  
10 1/2" rebar with 5418 cap found in the north right-of-way line of  
11 Sassman Road, for the southeast corner of said 9.662 acre tract,  
12 same being the southwest corner of said 20.022 acre tract;

13 THENCE South 29°00'48" West, crossing Sassman Road, a distance of  
14 70.00 feet to a calculated point in the south right-of-way line of  
15 Sassman Road, same being the north line of said 21 acre tract;

16 THENCE North 60°59'12" West, with the south right-of-way line of  
17 Sassman Road, same being the north line of said 21 acre tract, a  
18 distance of 1838.40 feet to a calculated point;

19 THENCE North 29°00'48" East, crossing Sassman Road, a distance of  
20 70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of  
21 land, more or less.

22           SECTION 3. (a) The legal notice of the intention to  
23 introduce this Act, setting forth the general substance of this  
24 Act, has been published as provided by law, and the notice and a  
25 copy of this Act have been furnished to all persons, agencies,  
26 officials, or entities to which they are required to be furnished  
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

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

5 (c) The Texas Commission on Environmental Quality has filed  
6 its recommendations relating to this Act with the governor, the  
7 lieutenant governor, and the speaker of the house of  
8 representatives within the required time.

9 (d) All requirements of the constitution and laws of this  
10 state and the rules and procedures of the legislature with respect  
11 to the notice, introduction, and passage of this Act are fulfilled  
12 and accomplished.

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

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

17 (2) if this Act does not receive the vote necessary for  
18 immediate effect, this Act takes effect September 1, 2011.

# ADOPTED

MAY 25 2011

*Atay Spaw*  
Secretary of the Senate

By: *Chris Watson*

H.B. No. 1759

Substitute the following for H.B. No. 1759:

By: *Phil Lewis*

C.S.H.B. No. 1759

## A BILL TO BE ENTITLED

### AN ACT

1  
2 relating to the creation of the Pilot Knob Municipal Utility  
3 District No. 4; providing authority to impose a tax and issue bonds.

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

5 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
6 Code, is amended by adding Chapter 8378 to read as follows:

#### 7 CHAPTER 8378. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 4

##### 8 SUBCHAPTER A. GENERAL PROVISIONS

##### 9 Sec. 8378.001. DEFINITIONS. In this chapter:

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

11 (2) "Commission" means the Texas Commission on  
12 Environmental Quality.

13 (3) "Director" means a board member.

14 (4) "District" means the Pilot Knob Municipal Utility  
15 District No. 4.

16 (5) "Municipality" means a municipality in whose  
17 corporate limits or extraterritorial jurisdiction the district is  
18 located.

19 Sec. 8378.002. NATURE OF DISTRICT. The district is a  
20 municipal utility district created under Section 59, Article XVI,  
21 Texas Constitution.

22 Sec. 8378.003. CONFIRMATION AND DIRECTORS' ELECTION  
23 REQUIRED. The temporary directors shall hold an election to  
24 confirm the creation of the district and to elect permanent

1 directors as provided by Section 8378.051 of this code and Section  
2 49.102, Water Code.

3 Sec. 8378.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The  
4 temporary directors may not hold an election under Section 8378.003  
5 until each municipality has consented by ordinance or resolution to  
6 the creation of the district and to the inclusion of land in the  
7 district.

8 (b) If a municipality does not consent to the creation of  
9 the district or if the district does not enter into an agreement  
10 required by the terms of the municipal ordinance or resolution  
11 consenting to the creation of the district under this section  
12 before September 1, 2012:

13 (1) the district is dissolved September 1, 2012,  
14 except that:

15 (A) any debts incurred shall be paid;

16 (B) any assets that remain after the payment of  
17 debts shall be transferred to the municipality or another local  
18 governmental entity to be used for a public purpose; and

19 (C) the organization of the district shall be  
20 maintained until all debts are paid and remaining assets are  
21 transferred; and

22 (2) this chapter expires September 1, 2012.

23 Sec. 8378.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
24 The district is created to serve a public purpose and benefit.

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

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

1           (2) Section 52, Article III, Texas Constitution, that  
2 relate to the construction, acquisition, or improvement of  
3 macadamized, graveled, or paved roads described by Section 54.234,  
4 Water Code, or improvements, including storm drainage, in aid of  
5 those roads.

6           Sec. 8378.006. INITIAL DISTRICT TERRITORY. (a) The  
7 district is initially composed of the territory described by  
8 Section 2 of the Act enacting this chapter.

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

13                   (1) organization, existence, or validity;

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

17                   (3) right to impose a tax; or

18                   (4) legality or operation.

19           [Sections 8378.007-8378.050 reserved for expansion]

20                   SUBCHAPTER B. BOARD OF DIRECTORS

21           Sec. 8378.051. GOVERNING BODY; TERMS. (a) Except as  
22 provided by Subsection (b), the district is governed by a board of  
23 five elected directors.

24           (b) If required under the terms of the agreement, ordinance,  
25 or resolution by which a municipality consents to the creation of  
26 the district, the board consists of:

27                   (1) four elected directors; and

1           (2) one director appointed by the governing body of  
2 the municipality.

3           (c) A director appointed under Subsection (b)(2) is not  
4 required to be a qualified voter of the district or to own land  
5 subject to taxation in the district.

6           (d) Except as provided by Section 8378.052, directors serve  
7 staggered four-year terms. A permanent director may not serve more  
8 than two four-year terms.

9           (e) The common law doctrine of incompatibility does not  
10 disqualify an official or employee of a municipality from being  
11 appointed a director by the governing body of a municipality under  
12 Subsection (b)(2), and a director appointed to the board may  
13 continue to serve in a public office of or be employed by the  
14 municipality.

15           Sec. 8378.052. TEMPORARY DIRECTORS. (a) On or after the  
16 effective date of the Act enacting this chapter, the owner or owners  
17 of a majority of the assessed value of the real property in the  
18 district may submit a petition to the commission requesting that  
19 the commission appoint as temporary directors the five persons  
20 named in the petition. The commission shall appoint as temporary  
21 directors the five persons named in the petition.

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

23           (1) the date permanent directors are elected under  
24 Section 8378.003; or

25           (2) the fourth anniversary of the effective date of  
26 the Act enacting this chapter.

27           (c) If permanent directors have not been elected under



1 Section 8378.003 and the terms of the temporary directors have  
2 expired, successor temporary directors shall be appointed or  
3 reappointed as provided by Subsection (d) to serve terms that  
4 expire on the earlier of:

5 (1) the date permanent directors are elected under  
6 Section 8378.003; or

7 (2) the fourth anniversary of the date of the  
8 appointment or reappointment.

9 (d) If Subsection (c) applies, the owner or owners of a  
10 majority of the assessed value of the real property in the district  
11 may submit a petition to the commission requesting that the  
12 commission appoint as successor temporary directors the five  
13 persons named in the petition. The commission shall appoint as  
14 successor temporary directors the five persons named in the  
15 petition.

16 [Sections 8378.053-8378.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8378.101. GENERAL POWERS AND DUTIES. The district has  
19 the powers and duties necessary to accomplish the purposes for  
20 which the district is created.

21 Sec. 8378.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
22 DUTIES. The district has the powers and duties provided by the  
23 general law of this state, including Chapters 49 and 54, Water Code,  
24 applicable to municipal utility districts created under Section 59,  
25 Article XVI, Texas Constitution.

26 Sec. 8378.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
27 Section 52, Article III, Texas Constitution, the district may

1 design, acquire, construct, finance, issue bonds for, improve, and  
2 convey to this state, a county, or a municipality for operation and  
3 maintenance macadamized, graveled, or paved roads described by  
4 Section 54.234, Water Code, or improvements, including storm  
5 drainage, in aid of those roads.

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

9 Sec. 8378.104. APPROVAL OF ROAD PROJECT. (a) The district  
10 may not undertake a road project authorized by Section 8378.103  
11 unless:

12 (1) each municipality or county that will operate and  
13 maintain the road has approved the plans and specifications of the  
14 road project, if a municipality or county will operate and maintain  
15 the road; or

16 (2) the Texas Transportation Commission has approved  
17 the plans and specifications of the road project, if the state will  
18 operate and maintain the road.

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

23 Sec. 8378.105. COMPLIANCE WITH AND ENFORCEABILITY OF  
24 MUNICIPAL CONSENT AGREEMENT, ORDINANCE, OR RESOLUTION. (a) The  
25 district shall comply with all applicable requirements of any  
26 ordinance or resolution that is adopted under Section 54.016 or  
27 54.0165, Water Code, and that consents to the creation of the

1 district or to the inclusion of land in the district.

2 (b) Any agreement between the district and a municipality  
3 related to the municipality's consent to the creation of the  
4 district is valid and enforceable.

5 (c) On the issuance of bonds by the district, the district  
6 is considered to have waived sovereign immunity to suit by a  
7 municipality for the purpose of adjudicating a claim for breach of  
8 an agreement described by this section.

9 Sec. 8378.106. CONTRACT TO FURTHER REGIONAL COOPERATION.  
10 The district and a municipality may contract on terms that the board  
11 and governing body of the municipality agree will further regional  
12 cooperation between the district and the municipality.

13 Sec. 8378.107. NO EMINENT DOMAIN POWER. The district may  
14 not exercise the power of eminent domain.

15 [Sections 8378.108-8378.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8378.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
18 district may issue, without an election, bonds and other  
19 obligations secured by:

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

21 (2) contract payments described by Section 8378.153.

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

26 (c) The district may not issue bonds payable from ad valorem  
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an  
2 election held for that purpose.

3 Sec. 8378.152. OPERATION AND MAINTENANCE TAX. (a) If  
4 authorized at an election held under Section 8378.151, the district  
5 may impose an operation and maintenance tax on taxable property in  
6 the district in accordance with Section 49.107, Water Code.

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

9 (c) If required by an agreement between the district and a  
10 municipality under Section 8378.105, the total ad valorem tax rate  
11 of the district may not be less than the total ad valorem tax rate of  
12 the municipality.

13 Sec. 8378.153. CONTRACT TAXES. (a) In accordance with  
14 Section 49.108, Water Code, the district may impose a tax other than  
15 an operation and maintenance tax and use the revenue derived from  
16 the tax to make payments under a contract after the provisions of  
17 the contract have been approved by a majority of the district voters  
18 voting at an election held for that purpose.

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

22 [Sections 8378.154-8378.200 reserved for expansion]

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 8378.201. AUTHORITY TO ISSUE BONDS AND OTHER  
25 OBLIGATIONS. The district may issue bonds or other obligations  
26 payable wholly or partly from ad valorem taxes, impact fees,  
27 revenue, contract payments, grants, or other district money, or any

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

3 Sec. 8378.202. TAXES FOR BONDS. At the time the district  
4 issues bonds payable wholly or partly from ad valorem taxes, the  
5 board shall provide for the annual imposition of a continuing  
6 direct ad valorem tax, without limit as to rate or amount, while all  
7 or part of the bonds are outstanding as required and in the manner  
8 provided by Sections 54.601 and 54.602, Water Code.

9 Sec. 8378.203. BONDS FOR ROAD PROJECTS. At the time of  
10 issuance, the total principal amount of bonds or other obligations  
11 issued or incurred to finance road projects and payable from ad  
12 valorem taxes may not exceed one-fourth of the assessed value of the  
13 real property in the district.

14 [Sections 8378.204-8378.250 reserved for expansion]

15 SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL  
16 ANNEXATION AND NOTICE

17 Sec. 8378.251. STRATEGIC PARTNERSHIP; CONTINUATION OF  
18 DISTRICT AFTER ANNEXATION BY MUNICIPALITY. (a) The district may  
19 continue to exist as a limited district after full-purpose  
20 annexation by a municipality if the district and the annexing  
21 municipality state the terms of the limited district's existence in  
22 a strategic partnership agreement under Section 43.0751, Local  
23 Government Code.

24 (b) The strategic partnership agreement may provide for a  
25 term of any number of years. The limitation in Section  
26 43.0751(g)(2), Local Government Code, on the length of the term  
27 does not apply to a limited district created under this section.

1           Sec. 8378.252. MUNICIPAL ANNEXATION; NOTICE. (a) Sections  
2 43.0561 and 43.0562, Local Government Code, do not apply to the  
3 annexation of the district by a municipality that consents to the  
4 creation of the district under Section 8378.004.

5           (b) Not later than the 30th day after the date a  
6 municipality adopts a resolution or ordinance consenting to the  
7 creation of the district, the municipality shall file, in the real  
8 property records of the county in which the land to be included in  
9 the district is located, a notice to a purchaser of real property in  
10 the district that describes:

11           (1) the municipality's authority and intention to  
12 annex the district; and

13           (2) the anticipated date of the annexation.

14           (c) After the notice is filed, a person who proposes to sell  
15 or otherwise convey real property in the district must include the  
16 information contained in the municipality's notice in the Notice to  
17 Purchasers required by Section 49.452, Water Code.

18           SECTION 2. The Pilot Knob Municipal Utility District No. 4  
19 initially includes all the territory contained in the following  
20 area: 345.581 acres of land, consisting of the 306.331 acre tract  
21 described below as "Tract 1" and the 39.250 acre tract described  
22 below as "Tract 2":

23 A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN  
24 TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN  
25 A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER  
26 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL  
27 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT

1 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
2 DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF  
3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293  
4 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION  
5 INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO.  
6 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,  
7 ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO  
8 JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN  
9 DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
10 COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A  
11 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006  
12 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC  
13 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT  
14 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,  
15 DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF  
16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
17 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA  
18 ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT  
19 NO. 2006233636 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,  
20 TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL  
21 WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND  
22 RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS  
23 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED  
24 IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2,  
25 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC  
26 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT  
27 DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC.,

1 DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE  
2 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE  
3 TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION  
4 INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138  
5 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF  
6 LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN  
7 VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS,  
8 CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED  
9 WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN  
10 DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS  
11 COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A  
12 GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008  
13 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC  
14 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT  
15 DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T.  
16 HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND  
17 RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS  
18 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED  
19 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER  
20 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL  
21 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT  
22 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,  
23 DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF  
24 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A  
25 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S  
26 LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN  
27 DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS



1 COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY);  
2 SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES  
3 AND BOUNDS AS FOLLOWS:

4 TRACT 1, 306.331 ACRES:

5 BEGINNING at a calculated point in the east right-of-way line of  
6 Thaxton Road (50' right-of-way) for the northwest corner of said  
7 73.453 acre tract, same being the west corner of a 2.76 acre tract  
8 described in a deed to Carl H. Dittmar, recorded in Volume 12562,  
9 Page 428 of the Real Property Records of Travis County, Texas, from  
10 which a 1/2" rebar found bears North 61°56'44" West, a distance of  
11 0.44 feet;

12 THENCE with the north line of said 73.453 acre tract, same being the  
13 south line of said 2.76 acre tract, the following two (2) courses  
14 and distances:

15           1. South 61°56'44" East, a distance of 404.65 feet to a  
16           1/2" rebar found;

17           2. North 27°52'53" East, a distance of 294.18 feet to a  
18           1/2" rebar found for a north corner of said 73.453 acre tract,  
19           same being the east corner of said 2.76 acre tract, also being  
20           in the southwest line of a tract called 21 acres in a deed to  
21           Max F. Ehrlich, recorded in Volume 1945, Page 416 of the Deed  
22           Records of Travis County, Texas;

23 THENCE South 60°59'42" East, with the northeast line of said 73.453  
24 acre tract, same being the southwest line of said 21 acre tract, a  
25 distance of 2857.05 feet to a 60D nail found for the northeast  
26 corner of said 73.453 acre tract, same being the south corner of  
27 said 21 acre tract, also being in the northwest line of said 29.293

1 acre tract;  
2 THENCE North 27°46'44" East, with the northwest line of said 29.293  
3 acre tract, same being the southeast line of said 21 acre tract, a  
4 distance of 1083.71 feet to a 1/2" rebar with Chaparral cap found in  
5 the south right-of-way line of Sassman Road;  
6 THENCE North 28°38'04" East, crossing Sassman Road, a distance of  
7 70.04 feet to a calculated point for the north right-of-way line of  
8 Sassman Road, same being the southwest line of a 2.00 acre tract  
9 described in a deed to Anselmo Medina and spouse, Oralia Medina,  
10 recorded in Document No. 2002227115 of the Official Public Records  
11 of Travis County, Texas;  
12 THENCE South 61°39'26" East, with the north right-of-way line of  
13 Sassman Road, same being the southwest line of said 2.00 acre tract,  
14 the southwest line of a 1.00 acre tract described in a deed to  
15 Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume  
16 12233, Page 1678 of the Real Property Records of Travis County,  
17 Texas, the southwest line of a 1.00 acre tract described in a deed  
18 to Amir Batoeinngi, recorded in Document No. 2008060410 of the  
19 Official Public Records of Travis County, Texas, and the southwest  
20 line of a 1.00 acre tract described in a deed to Abacu Perez and  
21 Felicitas Perez, recorded in Document No. 2006189910 of the  
22 Official Public Records of Travis County, Texas, a distance of  
23 547.23 feet to a calculated point;  
24 THENCE South 63°50'26" East, continuing with the north right-of-way  
25 line of Sassman Road, same being the southwest line of said 1.00  
26 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for  
27 the south corner of said 1.00 acre Perez tract, same being the west

1 corner of said Lot A;  
2 THENCE North 26°09'41" East, with the northwest line of said Lot A,  
3 same being the southeast line of said 1.00 acre Perez tract, a  
4 distance of 362.16 feet to a calculated point for the east corner of  
5 said 1.00 acre Perez tract, same being the south corner of said  
6 20.005 acre tract;  
7 THENCE North 61°26'42" West, with the southwest line of said 20.005  
8 acre tract, same being the northeast line of said 1.00 acre Perez  
9 tract, a distance of 113.09 feet to a 1/2" rebar found for an angle  
10 point in the southwest line of said 20.005 acre tract, same being  
11 the north corner of said 1.00 acre Perez tract, also being in the  
12 southeast line of a 1.25 acre tract described in said deed to Amir  
13 Batoeinngi;  
14 THENCE North 28°21'23" East, continuing with the southwest line of  
15 said 20.005 acre tract, same being the southeast line of said 1.25  
16 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the  
17 east corner of said 1.25 acre tract;  
18 THENCE North 61°29'11" West, continuing with the southwest line of  
19 said 20.005 acre tract, same being the northeast line of said 1.25  
20 acre tract, and a 1.25 acre tract described in said deed to Gerald  
21 Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the  
22 west corner of said 20.005 acre tract, same being the north corner  
23 of said 1.25 acre Shoulders tract, also being in the southeast line  
24 of a 20.022 acre tract described in a deed to Janie Diaz, recorded  
25 in Document No. 2006101103, said 20.022 acre tract being further  
26 described in Document No. 2001200503, both of the Official Public  
27 Records of Travis County, Texas;

1 THENCE North 27°07'27" East, with the northwest line of said 20.005  
2 acre tract, same being the southeast line of said 20.022 acre tract,  
3 a distance of 162.08 feet to a calculated point;

4 THENCE crossing said 20.005 acre tract, said Lot A, said 42.558 acre  
5 tract, Sassman Road, said 23.694 acre tract, said 7.602 acre tract,  
6 said 25.119 acre tract, said 55.222 acre tract, said 51.942 acre  
7 tract, said 60.921 acre tract, and said 98.656 acre tract, the  
8 following eleven (11) courses and distances:

9           1. South 61°48'21" East, a distance of 672.64 feet to a  
10           calculated point;

11           2. South 28°11'39" West, a distance of 1597.96 feet to a  
12           calculated point;

13           3. With a curve to the left, having a radius of 580.00  
14           feet, a delta angle of 69°45'07", an arc length of 706.10  
15           feet, and a chord which bears South 06°40'54" East, a distance  
16           of 663.29 feet to a calculated point;

17           4. South 41°33'28" East, a distance of 274.95 feet to a  
18           calculated point;

19           5. With a curve to the right, having a radius of 500.00  
20           feet, a delta angle of 96°25'47", an arc length of 841.51  
21           feet, and a chord which bears South 06°39'26" West, a distance  
22           of 745.65 feet to a calculated point;

23           6. South 54°52'19" West, a distance of 25.40 feet to a  
24           calculated point;

25           7. South 35°07'41" East, a distance of 344.76 feet to a  
26           calculated point;

27           8. With a curve to the right, having a radius of 1000.01

1 feet, a delta angle of 40°36'48", an arc length of 708.84  
2 feet, and a chord which bears South 14°49'17" East, a distance  
3 of 694.09 feet to a calculated point;

4 9. South 05°29'07" West, a distance of 423.15 feet to a  
5 calculated point;

6 10. With a curve to the left, having a radius of 1800.01  
7 feet, a delta angle of 68°24'29", an arc length of 2149.12  
8 feet, and a chord which bears South 28°43'07" East, a distance  
9 of 2023.72 feet to a calculated point;

10 11. South 62°55'22" East, a distance of 149.13 feet to a  
11 calculated point in the west right-of-way line of F. M. 1625  
12 (80' right-of-way), same being the southeast line of said  
13 98.656 acre tract;

14 THENCE South 27°04'38" West, with the west right-of-way line of F.  
15 M. 1625, same being the southeast line of said 98.656 acre tract, a  
16 distance of 699.69 feet to a calculated point for the south corner  
17 of said 98.656 acre tract, same being the east corner of a 10.067  
18 acre tract described in a deed to Carlos Yescas and Elvira Yescas,  
19 recorded in Document No. 2003084397 of the Official Public Records  
20 of Travis County, Texas;

21 THENCE North 62°25'04" West, with the southwest line of said 98.656  
22 acre tract, same being the northeast line of said 10.067 acre tract,  
23 and the northeast line of Lot 6, Las Lomitas Subdivision, a  
24 subdivision of record in Document No. 200200226 of the Official  
25 Public Records of Travis County, Texas, at a distance of 0.11 feet  
26 passing a 1/2" rebar found, and continuing for a total distance of  
27 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot

1 6, for the southwest corner of said 98.656 acre tract, same being  
2 the southeast corner of said 60.921 acre tract;  
3 THENCE North 62°26'10" West, with the southwest line of said 60.921  
4 acre tract, same being the northeast line of said Lot 6 and Lot 15  
5 Las Lomitas Subdivision, a distance of 1283.28 feet to a 1/2" rebar  
6 with Chaparral cap found for the southwest corner of said 60.921  
7 acre tract, same being the south corner of a 58 acre tract described  
8 in a deed to Fred J. Wende, recorded in Volume 11849, Page 396 of the  
9 Real Property Records of Travis County, Texas;  
10 THENCE North 27°00'49" East, with the northwest line of said 60.921  
11 acre tract, same being the southeast line of said 58 acre tract, a  
12 distance of 1221.01 feet to an 80D nail found for the east corner of  
13 said 58 acre tract, same being the south corner of said 55.222 acre  
14 tract;  
15 THENCE North 60°57'25" West, with the southwest line of said 55.222  
16 acre tract, same being the northeast line of said 58 acre tract, a  
17 distance of 1295.20 feet to a 60D nail found for the southwest  
18 corner of said 55.222 acre tract, same being the southeast corner of  
19 said 28.461 acre tract;  
20 THENCE North 61°18'16" West, with the southwest line of said 28.461  
21 acre tract, same being the northeast line of said 58 acre tract, a  
22 distance of 329.98 feet to a 1" iron pipe found for the southwest  
23 corner of said 28.461 acre tract, same being the southeast corner of  
24 said 29.293 acre tract;  
25 THENCE North 61°30'47" West, with the southwest line of said 29.293  
26 acre tract, same being the northeast line of said 58 acre tract, a  
27 distance of 331.97 feet to a 1/2" rebar found for the southwest

1 corner of said 29.293 acre tract, same being the north corner of  
2 said 58 acre tract, also being in the southeast line of a 77.22 acre  
3 tract described in a deed to William D. Wende, Fred J. Wende and  
4 Price T. Wende, recorded in Volume 12171, Page 455 of the Real  
5 Property Records of Travis County, Texas;

6 THENCE North 27°46'44" East, with the northwest line of said 29.293  
7 acre tract, same being the southeast line of said 77.22 acre tract,  
8 the southeast line of a 32.892 acre tract described in a deed to  
9 Mark Alexander, recorded in Volume 11513, Page 1451 of the Real  
10 Property Records of Travis County, Texas, and the southeast line of  
11 a remaining portion of 29.94 acres described in a deed to Santana C.  
12 Urias, Jr., recorded in Volume 6132, Page 1217 of the Deed Records  
13 of Travis County, Texas, a distance of 1047.38 feet to a 1/2" rebar  
14 with Chaparral cap found for the northeast corner of said remaining  
15 portion of 29.94 acres, same being the southeast corner of said  
16 31.022 acre tract;

17 THENCE North 61°12'34" West, with the southwest line of said 31.022  
18 acre tract, same being the northeast line of said remaining portion  
19 of 29.94 acres, and the northeast line of a 2.500 acre tract  
20 described in a deed to Cloe Bell Urias, recorded in Volume 9678,  
21 Page 891 of the Real Property Records of Travis County, Texas, at a  
22 distance of 3268.31 feet passing a 1/2" rebar found, and continuing  
23 for a total distance of 3268.82 feet to a calculated point in the  
24 east right-of-way line of Thaxton Road, for the west corner of said  
25 31.022 acre tract, same being the north corner of said 2.500 acre  
26 tract;

27 THENCE North 28°02'32" East, with the east right-of-way line of

1 Thaxton Road, with the northwest line of said 31.022 acre tract, a  
2 distance of 417.56 feet to a 1/2" rebar found for the north corner  
3 of said 31.022 acre tract, same being the west corner of a remaining  
4 portion of a 3.22 acre tract described in a deed to Carlin Ann  
5 Wilson, recorded in Volume 12562, Page 419 of the Real Property  
6 Records of Travis County, Texas, also being the west corner of an  
7 access easement described in Volume 12562, Page 407 of the Real  
8 Property Records of Travis County, Texas;

9 THENCE with the northeast line of said 31.022 acre tract, the  
10 following two (2) courses and distances:

11           1. South 61°16'30" East, with southwest line of said  
12 remaining portion of 3.22 acres, a distance of 406.03 feet to  
13 a 1/2" rebar with Chaparral cap found for the south corner of  
14 said remaining portion of 3.22 acres, same being the west  
15 corner of an 18.38 acre tract described in a deed to Consumer  
16 Solutions, LLC, recorded in Document No. 2010038770 of the  
17 Official Public Records of Travis County, Texas;

18           2. South 61°00'23" East, with the southwest line of said  
19 18.38 acre tract, a distance of 1136.77 feet to a 1/2" rebar  
20 with cap found for the south corner of said 18.38 acre tract,  
21 same being the southwest corner of said 73.453 acre tract;

22 THENCE with the northwest line of said 73.453 acre tract, the  
23 following three (3) courses and distances:

24           1. North 27°53'08" East, with the southeast line of said  
25 18.38 acre tract, a distance of 713.60 feet to a 1/2" rebar  
26 with cap found for the east corner of said 18.38 acre tract;

27           2. North 61°59'49" West, with the northeast line of said



1 18.38 acre tract, and the northeast line of a 3.20 acre tract  
2 described in a deed to James J. Williams, recorded in Volume  
3 13116, Page 732 of the Real Property Records of Travis  
4 County, Texas, a distance of 1540.66 feet to a 1/2" rebar with  
5 Chaparral cap found in the east right-of-way line of Thaxton  
6 Road, for the north corner of said 3.20 acre tract;

7 3. North 28°02'32" East, with the east right-of-way  
8 line of Thaxton Road, a distance of 360.56 feet to the POINT  
9 OF BEGINNING, containing 306.331 acres of land, more or less.

10 TRACT 2, 39.250 ACRES:

11 BEGINNING at a 1/2" rebar with Chaparral cap found in the north  
12 right-of-way line of Sassman Road, for the southwest corner of said  
13 232.233 acre tract, same being the southeast corner of a 174.4 acre  
14 tract described in a deed to Edward J. Gillen and wife, Mildred  
15 Gillen, recorded in Volume 1549, Page 268 of the Deed Records of  
16 Travis County, Texas;

17 THENCE North 27°21'05" East, with the west line of said 232.233 acre  
18 tract, same being the east line of said 174.4 acre tract, a distance  
19 of 1257.11 feet to a calculated point;

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

22 1. South 36°26'06" East, a distance of 1284.36 feet to a  
23 calculated point;

24 2. With a curve to the left, having a radius of 1490.63  
25 feet, a delta angle of 26°48'48", an arc length of 697.59  
26 feet, and a chord which bears South 52°29'28" East, a distance  
27 of 691.24 feet to a calculated point in the east line of said

1           232.233 acre tract, same being the west line of said 20.022  
2           acre tract;  
3   THENCE South 26°53'42" West, with the west line of said 20.022 acre  
4   tract, same being the east line of said 232.233 acre tract and the  
5   east line of said 9.662 acre tract, a distance of 621.23 feet to a  
6   1/2" rebar with 5418 cap found in the north right-of-way line of  
7   Sassman Road, for the southeast corner of said 9.662 acre tract,  
8   same being the southwest corner of said 20.022 acre tract;  
9   THENCE South 29°00'48" West, crossing Sassman Road, a distance of  
10   70.00 feet to a calculated point in the south right-of-way line of  
11   Sassman Road, same being the north line of said 21 acre tract;  
12   THENCE North 60°59'12" West, with the south right-of-way line of  
13   Sassman Road, same being the north line of said 21 acre tract, a  
14   distance of 1838.40 feet to a calculated point;  
15   THENCE North 29°00'48" East, crossing Sassman Road, a distance of  
16   70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of  
17   land, more or less.

18           SECTION 3. (a) The legal notice of the intention to  
19   introduce this Act, setting forth the general substance of this  
20   Act, has been published as provided by law, and the notice and a  
21   copy of this Act have been furnished to all persons, agencies,  
22   officials, or entities to which they are required to be furnished  
23   under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
24   Government Code.

25           (b) The governor, one of the required recipients, has  
26   submitted the notice and Act to the Texas Commission on  
27   Environmental Quality.

1           (c) The Texas Commission on Environmental Quality has filed  
2 its recommendations relating to this Act with the governor, the  
3 lieutenant governor, and the speaker of the house of  
4 representatives within the required time.

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

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

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 26, 2011**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1759** by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds.), **As Passed 2nd House**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SD, KKR, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 19, 2011**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1759** by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds. ), **Committee Report 2nd House, Substituted**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, KKR, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**May 17, 2011**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1759** by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, KKR, SZ, TP

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION**

**March 11, 2011**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1759** by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:**

**LBB Staff:** JOB, SZ, TP

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**82ND LEGISLATIVE REGULAR SESSION**

**May 20, 2011**

**TO:** Honorable Royce West, Chair, Senate Committee on Intergovernmental Relations

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1759** by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds. ), **Committee Report 2nd House, Substituted**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill creates Pilot Knob Municipal Utility District of No. 4 of Travis County (District).

**1) Population** – The very specific description of the proposed boundaries is in terminology which does not match Census geography, thus population can be estimated only for an area somewhat larger than the district will actually cover. Population in this larger area, of which this district will only be a part, could be as high as 2,013 based on the 2000 Census.

Population growth in that specific area since the 2000 census is unknown; however a portion of the proposed district is within the City of Austin, Creedmoor MAHA Water Supply Corporation (WSC), and Garfield WSC. In the 2011 Region K Water Plan, the City of Austin to the north and east was projected to grow from 656,562 in 2000 to 799,846 in 2010 and 967,757 in 2020. Creedmoor MAHA WSC to the southeast is projected to grow from 6,642 in 2000 to 8,454 in 2010 and 10,700 in 2020. Travis County is projected to grow from 812,280 in 2000 to 1,003,253 in 2010 and 1,201,256 in 2020.

**2) Location** – The proposed district's initial boundaries are described in a combination of Original Texas Land Surveys and metes and bounds. Due to the complexity of these boundaries for the various sub-areas of the district, staff is able to determine only the general location of the proposed district.

The district's area is approximately 0.54 square miles, and will be located in southeastern Travis County, to the southeast of the City of Austin and generally east of interstate highway 35 and south of the Colorado River. The district overlaps portions of CCNs held by City of Austin, Creedmoor MAHA WSC, and Garfield WSC.

**3) Comments on Powers/Duties Different from Similar Types of Districts** - The bill specifies that the District may not hold an election to confirm the District or elect the five permanent directors until all municipalities in which the District is located consent to the creation. The bill also specifies that if the municipality in whose corporate limits or extraterritorial jurisdiction the District is located does not enter into an agreement required by the terms of the municipal ordinance or resolution consenting to the creation of the District before September 1, 2012, then the District is dissolved September 1, 2012. The bill specifies that the District is to be governed by a board of five elected directors. However, the bill stipulates that the ordinance or resolution consenting to the creation of the District may change this requirement from five elected directors to four elected directors and one director appointed by the governing body of the municipality.

The bill gives the District road powers. The bill specifies that the District may not exercise the power of eminent domain. The bill specifies that the District may continue to exist after annexation by the municipality if the terms of the District's limited existence are made part of a strategic partnership agreement under the Local Government Code.

**4) Overlapping Services** - The stated boundaries for the District form an acceptable closure. However, an area map containing at least two reference points (major road names, road intersections) and the proposed district's geographic location mapped within Travis County is needed to complete overlapping services check.



The District may overlap City of Austin (CCN Nos. 113221 and 20636); Garfield Water Supply Corporation (CCN No. 11244); Creedmor Maha Water Supply Corporation (CCN No. 11029); Southland Regional SVC Corp (CCN No. 20663); and Lower Colorado River Authority.

**5) TCEQ Supervision** - As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

**6) Water Use** - HB 1759 specifies that “The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.” Therefore, it appears as though Pilot Knob MUD 4 would serve to accomplish the conservation and development of natural resources, including the control, storing, preservation and distribution of storm and flood waters, the waters of rivers and streams, for irrigation, power and all other useful purposes, among other duties specified in Section 59, Article XVI of the Texas Constitution.

Within Travis County, 7.7 percent of the total water use was groundwater (Trinity, Edwards BFZ, and other aquifers) in 2008. Ninety-three percent of the groundwater pumping was for municipal use. The water source that the district might pursue is unknown.

**Source Agencies:** 580 Water Development Board

**LBB Staff:** JOB, SZ

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**82ND LEGISLATIVE REGULAR SESSION**

**March 14, 2011**

**TO:** Honorable Allan Ritter, Chair, House Committee on Natural Resources

**FROM:** John S O'Brien, Director, Legislative Budget Board

**IN RE: HB1759** by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 4; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.), **As Introduced**

The Legislative Budget Board, in cooperation with the Texas Water Development Board (TWDB) and the Texas Commission on Environmental Quality (TCEQ), has determined that:

The bill creates Pilot Knob Municipal Utility District of No. 4 of Travis County (District).

**1) Population** – The very specific description of the proposed boundaries is in terminology which does not match Census geography, thus population can be estimated only for an area somewhat larger than the district will actually cover. Population in this larger area, of which this district will only be a part, could be as high as 2,013 based on the 2000 Census.

Population growth in that specific area since the 2000 census is unknown; however a portion of the proposed district is within the City of Austin, Creedmoor MAHA Water Supply Corporation (WSC), and Garfield WSC. In the 2011 Region K Water Plan, the City of Austin to the north and east was projected to grow from 656,562 in 2000 to 799,846 in 2010 and 967,757 in 2020. Creedmoor MAHA WSC to the southeast is projected to grow from 6,642 in 2000 to 8,454 in 2010 and 10,700 in 2020. Travis County is projected to grow from 812,280 in 2000 to 1,003,253 in 2010 and 1,201,256 in 2020.

**2) Location** – The proposed district's initial boundaries are described in a combination of Original Texas Land Surveys and metes and bounds. Due to the complexity of these boundaries for the various sub-areas of the district, staff is able to determine only the general location of the proposed district.

The district's area is approximately 0.54 square miles, and will be located in southeastern Travis County, to the southeast of the City of Austin and generally east of interstate highway 35 and south of the Colorado River. The district overlaps portions of CCNs held by City of Austin, Creedmoor MAHA WSC, and Garfield WSC.

**3) Comments on Powers/Duties Different from Similar Types of Districts** - The bill creates Pilot Knob Municipal Utility District No. 4 (District). The bill specifies that the District may not hold a confirmation election until all municipalities of which the District is located consent to the creation. Current statutes require directors of districts to meet eligibility requirements. However, the bill specifies that on or after the effective date of the bill, the owner or owners of a majority of assessed valuation of the real property within the District may submit a petition to the Commission for the appointment of the five temporary directors for the District and that the Commission shall appoint the five persons named in the petition, regardless of eligibility. The bill gives the District road powers. The bill does not permit the District to exercise the power of eminent domain outside its boundary to acquire a site or easement for a road project or a recreational facility. The bill specifies that a two-thirds majority vote required to finance road projects payable from ad valorem taxes.

**4) Overlapping Services** - The stated boundaries for the District form an acceptable closure. However, an area map containing at least two reference points (major road names, road intersections) and the proposed district's geographic location mapped within Travis County is needed to complete overlapping services check. The District may overlap City of Austin (CCN Nos. 113221 and 20636); Garfield WSC (CCN No. 11244); Creedmoor Maha WSC (CCN No. 11029); Southland Regional SVC Corp (CCN No. 20663) and Lower Colorado River Authority.

**5) TCEQ Supervision** - As with general law districts, the TCEQ will have general supervisory authority,

including bond review authority and review of financial reports.

**6) Water Use** - HB 1759 specifies that “The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.” Therefore, it appears as though Pilot Knob MUD 4 would serve to accomplish the conservation and development of natural resources, including the control, storing, preservation and distribution of storm and flood waters, the waters of rivers and streams, for irrigation, power and all other useful purposes, among other duties specified in Section 59, Article XVI of the Texas Constitution.

Within Travis County, 7.7 percent of the total water use was groundwater (Trinity, Edwards BFZ, and other aquifers) in 2008. Ninety-three percent of the groundwater pumping was for municipal use. The water source that the district might pursue is unknown.

**Source Agencies:** 582 Commission on Environmental Quality, 580 Water Development Board

**LBB Staff:** JOB, SZ