

SENATE AMENDMENTS

2nd Printing

By: Rodriguez

H.B. No. 1760

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Pilot Knob Municipal Utility
3 District No. 5; 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.____ 5

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. 5.

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]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

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

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

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

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

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

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

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. 5
24 initially includes all the territory contained in the following
25 area: 327.482 acres of land described below:

26 A DESCRIPTION OF 339.352 ACRES IN THE SANTIAGO DEL VALLE GRANT IN
27 TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 167.748 ACRE TRACT

1 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
2 DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT NO. 2006241307 OF
3 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
4 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
5 ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT
6 NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
7 TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL
8 WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND
9 RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS
10 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED
11 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER
12 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL
13 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE
14 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
15 INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF
16 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
17 25.119 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
18 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.
19 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
20 A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED
21 TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN
22 DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
23 COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A
24 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006
25 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC
26 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 42.558 ACRE TRACT
27 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,

H.B. No. 1760

1 DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE
2 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A,
3 HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65,
4 PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN
5 HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN
6 DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF
7 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND A PORTION OF
8 SASSMAN ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID 339.352 ACRE TRACT
9 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
10 BEGINNING at a 1/2" rebar with Chaparral cap found in the west
11 right-of-way line of F.M. 1625 (80' right-of-way width), for the
12 southeast corner of said 167.748 acre tract, same being in the north
13 right-of-way line of Sassman Road;
14 THENCE South 27°11'52" West, crossing Sassman Road with the west
15 right-of-way line of F.M. 1625, a distance of 70.00 feet to a 1/2"
16 rebar found in the south right-of-way line of Sassman Road, for the
17 northeast corner of said 98.656 acre tract;
18 THENCE continuing with the west right-of-way line of F.M. 1625,
19 same being the east line of said 98.656 acre tract, the following
20 two (2) courses and distances:
21 1. South 27°11'52" West, a distance of 2856.46 feet to a
22 concrete highway monument found 40 feet right of engineers'
23 centerline station 115+77;
24 2. South 27°04'38" West, a distance of 352.96 feet to a
25 calculated point;
26 THENCE crossing said 98.656 acre tract, said 60.921 acre tract,
27 said 51.942 acre tract, said 55.222 acre tract, said 25.119 acre

1 tract, said 7.602 acre tract, said 23.694 acre tract, Sassman Road,
2 said Lot A, said 42.558 acre tract, and said 167.748 acre tract, the
3 following fifteen (15) courses and distances:

4 1. North $62^{\circ}55'22''$ West, a distance of 149.13 feet to a
5 calculated point;

6 2. With a curve to the right, having a radius of 1800.01
7 feet, a delta angle of $68^{\circ}24'29''$, an arc length of 2149.12 feet, and
8 a chord which bears North $28^{\circ}43'07''$ West, a distance of 2023.72 feet
9 to a calculated point;

10 3. North $05^{\circ}29'07''$ East, a distance of 423.15 feet to a
11 calculated point;

12 4. With a curve to the left, having a radius of 1000.01 feet,
13 a delta angle of $40^{\circ}36'48''$, an arc length of 708.84 feet, and a chord
14 which bears North $14^{\circ}49'17''$ West, a distance of 694.09 feet to a
15 calculated point;

16 5. North $35^{\circ}07'41''$ West, a distance of 344.76 feet to a
17 calculated point;

18 6. North $54^{\circ}52'19''$ East, a distance of 25.40 feet to a
19 calculated point;

20 7. With a curve to the left, having a radius of 500.00 feet,
21 a delta angle of $96^{\circ}25'47''$, an arc length of 841.51 feet, and a chord
22 which bears North $06^{\circ}39'26''$ East, a distance of 745.65 feet to a
23 calculated point;

24 8. North $41^{\circ}33'28''$ West, a distance of 274.95 feet to a
25 calculated point;

26 9. With a curve to the right, having a radius of 580.00 feet,
27 a delta angle of $69^{\circ}45'07''$, an arc length of 706.10 feet, and a chord

1 which bears North $06^{\circ}40'54''$ West, a distance of 663.29 feet to a
2 calculated point;

3 10. North $28^{\circ}11'39''$ East, a distance of 1597.96 feet to a
4 calculated point;

5 11. South $61^{\circ}48'21''$ East, a distance of 1135.34 feet to a
6 calculated point;

7 12. With a curve to the left, having a radius of 1399.96
8 feet, a delta angle of $31^{\circ}17'38''$, an arc length of 764.63 feet, and a
9 chord which bears South $77^{\circ}27'10''$ East, a distance of 755.16 feet to
10 a calculated point;

11 13. North $86^{\circ}54'01''$ East, a distance of 948.14 feet to a
12 calculated point;

13 14. With a curve to the right, having a radius of 1399.96
14 feet, a delta angle of $30^{\circ}17'26''$, an arc length of 740.12 feet, and a
15 chord which bears South $77^{\circ}57'16''$ East, a distance of 731.53 feet to
16 a calculated point;

17 15. South $62^{\circ}48'33''$ East, a distance of 209.85 feet to a
18 calculated point in the west right-of-way line of F.M. 1625, same
19 being the east line of said 167.748 acre tract;

20 THENCE with the west right-of-way line of F.M. 1625, same being the
21 east line of said 167.748 acre tract, the following two (2) courses
22 and distances:

23 1. South $27^{\circ}05'45''$ West, a distance of 973.90 feet to a
24 concrete highway monument found 40 feet right of engineers'
25 centerline station 68+93.3;

26 2. South $27^{\circ}19'52''$ West, a distance of 601.74 feet to a 1/2"
27 rebar with Chaparral cap found for the northeast corner of a 2.99

1 acre tract described in a deed to Thomas Edward McHenry and wife,
2 Angela Jane McHenry, recorded in Document No. 2005117402 of the
3 Official Public Records of Travis County, Texas;

4 THENCE continuing with the east line of said 167.748 acre tract, the
5 following three (3) courses and distances:

6 1. North 62°14'19" West, with the north line of said 2.99
7 acre tract, a distance of 361.02 feet to a 1/2" rebar found for the
8 northwest corner of said 2.99 acre tract;

9 2. South 27°25'52" West, with the west line of said 2.99 acre
10 tract, a distance of 360.78 feet to a 1/2" rebar found for the
11 southwest corner of said 2.99 acre tract;

12 3. South 62°14'19" East, with the south line of said 2.99
13 acre tract, a distance of 361.65 feet to a 1/2" rebar with Chaparral
14 cap found in the west right-of-way line of F.M. 1625, for the
15 southeast corner of said 2.99 acre tract;

16 THENCE with the west right-of-way line of F.M. 1625, same being the
17 east line of said 167.748 acre tract, the following two (2) courses
18 and distances:

19 1. South 27°19'52" West, a distance of 361.72 feet to a 1/2"
20 rebar with Chaparral cap found 40 feet right of engineers'
21 centerline station 82+17.1;

22 2. South 27°11'52" West, a distance of 434.71 feet to the
23 POINT OF BEGINNING, containing 339.352 acres of land, more or less.

24 SAVE AND EXCEPT 2.495 ACRES:

25 BEING ALL OF LOT 1, J. P. COTMAN ADDITION, A SUBDIVISION OF RECORD
26 IN VOLUME 79, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS,
27 CONVEYED TO JUAN YESCAS AND MARIA R. YESCAS IN A WARRANTY DEED,

H.B. No. 1760

1 DATED DECEMBER 30, 2004 AND RECORDED IN DOCUMENT NO. 2004242191 OF
2 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.495
3 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS
4 FOLLOWS:

5 BEGINNING at a 1" iron pipe found in the west right-of-way line of
6 Sassman Road, for the southeast corner of said Lot 1, same being the
7 east corner of said 7.602 acre tract;

8 THENCE North 63°13'21" West, with the south line of said Lot 1, same
9 being the north line of said 7.602 acre tract, a distance of 543.90
10 feet to a 1/2" rebar found for the southwest corner of said Lot 1;

11 THENCE North 26°45'39" East, with the west line of said Lot 1, same
12 being the east line of said 7.602 acre tract, a distance of 199.86
13 feet to a 1/2" rebar found for the northwest corner of said Lot 1,
14 same being an angle point in the north line of said 7.602 acre
15 tract, also being in the south line of said 23.694 acre tract;

16 THENCE South 63°13'21" East, with the north line of said Lot 1, same
17 being the south line of said 23.694 acre tract, a distance of 543.89
18 feet to a 1/2" rebar with Chaparral cap found in the west
19 right-of-way line of Sassman Road, for the northeast corner of said
20 Lot 1, same being the southeast corner of said 23.694 acre tract;

21 THENCE South 26°45'21" West, with the west right-of-way line of
22 Sassman Road, same being the east line of said Lot 1, a distance of
23 199.86 feet to the POINT OF BEGINNING, containing 2.495 acres of
24 land, more or less.

25 SAVE AND EXCEPT 2.496 ACRES:

26 BEING ALL OF A 2.50 ACRE TRACT DESCRIBED IN WARRANTY DEED TO MICHAEL
27 L. APPLGATE AND HARMONY D. APPLGATE, DATED NOVEMBER 5, 2003 AND

1 RECORDED IN DOCUMENT NO. 2003261512 OF THE OFFICIAL PUBLIC RECORDS
2 OF TRAVIS COUNTY TEXAS; SAID 2.496 ACRE TRACT BEING MORE
3 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

4 BEGINNING at a 1/2" rebar found in the north right-of-way line of
5 Sassman Road, for the southeast corner of said 2.50 acre tract, same
6 being an angle point in the south line of said 42.558 acre tract;
7 THENCE North 63°50'26" West, with the north right-of-way line of
8 Sassman Road, same being the south line of said 2.50 acre tract, a
9 distance of 363.50 feet to a calculated point for the southwest
10 corner of said 2.50 acre tract, same being an angle point in the
11 south line of said 42.558 acre tract;

12 THENCE with the common line of said 2.50 acre tract and said 42.558
13 acre tract, the following three (3) courses and distances:

14 1. North 26°08'47" East, a distance of 299.42 feet to a 1/2"
15 rebar found for the northwest corner of said 2.50 acre tract;

16 2. South 63°51'04" East, a distance of 362.66 feet to a 1/2"
17 rebar found for the northeast corner of said 2.50 acre tract;

18 3. South 25°59'08" West, a distance of 299.49 feet to the
19 POINT OF BEGINNING, containing 2.496 acres of land, more or less.
20 SAVE AND EXCEPT 4.178 ACRES:

21 BEING ALL OF A 3.213 ACRE TRACT DESCRIBED IN A DEED WITH VENDOR'S
22 LIEN TO MARIO RODRIGUEZ & EMMA RODRIGUEZ, DATED FEBRUARY 4, 1983 AND
23 RECORDED IN VOLUME 7998, PAGE 656 OF THE DEED RECORDS OF TRAVIS
24 COUNTY, TEXAS AND ALL OF A 1.00 ACRE TRACT DESCRIBED IN A GENERAL
25 WARRANTY DEED TO MARIO RODRIGUEZ AND EMMA RODRIGUEZ, DATED MARCH 3,
26 2005 AND RECORDED IN DOCUMENT NO. 2005046336 OF THE OFFICIAL PUBLIC
27 RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.178 ACRE TRACT BEING MORE

1 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
2 BEGINNING at a 1/2" rebar found for the southeast corner of said
3 1.00 acre tract, same being an angle point in the west line of said
4 167.748 acre tract;
5 THENCE North 64°32'09" West, with the south line of said 1.00 acre
6 tract, same being the west line of said 167.748 acre tract, a
7 distance of 21.19 feet to a 1/2" rebar with Chaparral cap found for
8 an angle point in the north right-of-way line of Sassman Road, the
9 south line of said 1.00 acre tract, and the west line of said
10 167.748 acre tract;
11 THENCE with the north right-of-way line of Sassman Road, same being
12 the south line of said 1.00 acre tract and the south line of said
13 3.213 acre tract, the following two (2) courses and distances:
14 1. North 55°52'30" West, a distance of 116.23 feet to a
15 calculated point;
16 2. North 63°50'26" West, a distance of 281.73 feet to a 1/2"
17 rebar found for the southwest corner of said 3.213 acre tract, same
18 being an angle point in the south line of said 42.558 acre tract;
19 THENCE with the north line of said 3.213 acre tract, same being the
20 south line of said 42.558 acre tract, the following two (2) courses
21 and distances:
22 1. North 40°38'03" East, a distance of 528.79 feet to a 1/2"
23 rebar found for the north corner of said 3.213 acre tract;
24 2. South 61°13'19" East, a distance of 295.41 feet to a
25 calculated point for the east corner of said 3.213 acre tract, same
26 being the southeast corner of said 42.558 acre tract, also being in
27 the west line of said 167.748 acre tract;

1 THENCE South 27°11'24" West, with the west line of said 167.748 acre
2 tract, same being the east line of said 3.213 acre tract and the
3 east line of said 1.00 acre tract, a distance of 514.44 feet to the
4 POINT OF BEGINNING, containing 4.178 acres of land, more or less.

5 SAVE AND EXCEPT 2.701 ACRES:

6 BEING ALL OF A 2.701 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO
7 ABACU P. PEREZ, DATED MARCH 19, 2009 AND RECORDED IN DOCUMENT NO.
8 2009046965 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;
9 SAID 2.701 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
10 AND BOUNDS AS FOLLOWS:

11 BEGINNING at a 1/2" rebar with Chaparral cap found in the south
12 right-of-way line of Sassman Road, for the northeast corner of said
13 2.701 acre tract, same being the northwest corner of said 98.656
14 acre tract;

15 THENCE South 27°05'06" West, with the east line of said 2.701 acre
16 tract, same being the west line of said 98.656 acre tract, a
17 distance of 672.44 feet to a 1/2" rebar with Chaparral cap found for
18 the southeast corner of said 2.701 acre tract, same being an angle
19 point in the east line of said 51.942 acre tract;

20 THENCE with the south and west lines of said 2.701 acre tract, same
21 being the east line of said 51.942 acre tract, the following two (2)
22 courses and distances:

23 1. North 62°16'38" West, a distance of 175.00 feet to a 1/2"
24 rebar with Chaparral cap found for the southwest corner of said
25 2.701 acre tract;

26 2. North 27°05'06" East, a distance of 672.44 feet to a 1/2"
27 rebar with Chaparral cap found in the south right-of-way line of

1 Sassman Road, for the northwest corner of said 2.701 acre tract,
2 same being the northeast corner of said 51.942 acre tract;
3 THENCE South 62°16'38" East, with the south right-of-way line of
4 Sassman Road, same being the north line of said 2.701 acre tract, a
5 distance of 175.00 feet to the POINT OF BEGINNING, containing 2.701
6 acres of land, more or less.

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

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

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

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

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

26 (1) this Act takes effect immediately if it receives a
27 vote of two-thirds of all members elected to each house, as provided

1 by Section 39, Article III, Texas Constitution; and

2 (2) if this Act does not receive the vote necessary for

3 immediate effect, this Act takes effect September 1, 2011.

ADOPTED

MAY 25 2011

Atty Gen
Secretary of the Senate

By: *Thurley D. Watson*

H.B. No. 1760

Substitute the following for H.B. No. 1760:

By: *MT Sullivan*

C.S. H.B. No. 1760

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Pilot Knob Municipal Utility
3 District No. 5; 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 8374 to read as follows:

7 CHAPTER 8374. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 5

8 SUBCHAPTER A. GENERAL PROVISIONS

9 Sec. 8374.001. 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. 5.

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

19 Sec. 8374.002. NATURE OF DISTRICT. The district is a
20 municipal utility district created under Section 59, Article XVI,
21 Texas Constitution.

22 Sec. 8374.003. 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 8374.051 of this code and Section
2 49.102, Water Code.

3 Sec. 8374.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The
4 temporary directors may not hold an election under Section 8374.003
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. 8374.005. 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. 8374.006. 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 8374.007-8374.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8374.051. 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 8374.052, 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. 8374.052. 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 8374.003; 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 8374.003 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 8374.003; 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 8374.053-8374.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8374.101. 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. 8374.102. 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. 8374.103. 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. 8374.104. APPROVAL OF ROAD PROJECT. (a) The district
10 may not undertake a road project authorized by Section 8374.103
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. 8374.105. 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. 8374.106. 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. 8374.107. NO EMINENT DOMAIN POWER. The district may
14 not exercise the power of eminent domain.

15 [Sections 8374.108-8374.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8374.151. 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 8374.153.

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. 8374.152. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8374.151, 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 8374.105, 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. 8374.153. 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 8374.154-8374.200 reserved for expansion]

23 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

24 Sec. 8374.201. 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. 8374.202. 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. 8374.203. 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 8374.204-8374.250 reserved for expansion]

15 SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL

16 ANNEXATION AND NOTICE

17 Sec. 8374.251. 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. 8374.252. 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 8374.004.

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. 5
19 initially includes all the territory contained in the following
20 area: 327.482 acres of land described below:

21 A DESCRIPTION OF 339.352 ACRES IN THE SANTIAGO DEL VALLE GRANT IN
22 TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 167.748 ACRE TRACT
23 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
24 DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT NO. 2006241307 OF
25 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
26 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA
27 ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT

1 NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY,
2 TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL
3 WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND
4 RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS
5 OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED
6 IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER
7 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL
8 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE
9 TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION
10 INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF
11 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A
12 25.119 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA
13 ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO.
14 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS,
15 A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED
16 TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN
17 DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS
18 COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A
19 SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006
20 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC
21 RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 42.558 ACRE TRACT
22 DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,
23 DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE
24 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A,
25 HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65,
26 PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN
27 HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN

1 DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF
2 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND A PORTION OF
3 SASSMAN ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID 339.352 ACRE TRACT
4 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
5 BEGINNING at a 1/2" rebar with Chaparral cap found in the west
6 right-of-way line of F.M. 1625 (80' right-of-way width), for the
7 southeast corner of said 167.748 acre tract, same being in the north
8 right-of-way line of Sassman Road;
9 THENCE South 27°11'52" West, crossing Sassman Road with the west
10 right-of-way line of F.M. 1625, a distance of 70.00 feet to a 1/2"
11 rebar found in the south right-of-way line of Sassman Road, for the
12 northeast corner of said 98.656 acre tract;
13 THENCE continuing with the west right-of-way line of F.M. 1625,
14 same being the east line of said 98.656 acre tract, the following
15 two (2) courses and distances:
16 1. South 27°11'52" West, a distance of 2856.46 feet to a
17 concrete highway monument found 40 feet right of engineers'
18 centerline station 115+77;
19 2. South 27°04'38" West, a distance of 352.96 feet to a
20 calculated point;
21 THENCE crossing said 98.656 acre tract, said 60.921 acre tract,
22 said 51.942 acre tract, said 55.222 acre tract, said 25.119 acre
23 tract, said 7.602 acre tract, said 23.694 acre tract, Sassman Road,
24 said Lot A, said 42.558 acre tract, and said 167.748 acre tract, the
25 following fifteen (15) courses and distances:
26 1. North 62°55'22" West, a distance of 149.13 feet to a
27 calculated point;

- 1 2. With a curve to the right, having a radius of 1800.01
2 feet, a delta angle of $68^{\circ}24'29''$, an arc length of 2149.12
3 feet, and a chord which bears North $28^{\circ}43'07''$ West, a distance
4 of 2023.72 feet to a calculated point;
- 5 3. North $05^{\circ}29'07''$ East, a distance of 423.15 feet to a
6 calculated point;
- 7 4. With a curve to the left, having a radius of 1000.01
8 feet, a delta angle of $40^{\circ}36'48''$, an arc length of 708.84
9 feet, and a chord which bears North $14^{\circ}49'17''$ West, a distance
10 of 694.09 feet to a calculated point;
- 11 5. North $35^{\circ}07'41''$ West, a distance of 344.76 feet to a
12 calculated point;
- 13 6. North $54^{\circ}52'19''$ East, a distance of 25.40 feet to a
14 calculated point;
- 15 7. With a curve to the left, having a radius of 500.00
16 feet, a delta angle of $96^{\circ}25'47''$, an arc length of 841.51
17 feet, and a chord which bears North $06^{\circ}39'26''$ East, a distance
18 of 745.65 feet to a calculated point;
- 19 8. North $41^{\circ}33'28''$ West, a distance of 274.95 feet to a
20 calculated point;
- 21 9. With a curve to the right, having a radius of 580.00
22 feet, a delta angle of $69^{\circ}45'07''$, an arc length of 706.10
23 feet, and a chord which bears North $06^{\circ}40'54''$ West, a distance
24 of 663.29 feet to a calculated point;
- 25 10. North $28^{\circ}11'39''$ East, a distance of 1597.96 feet to
26 a calculated point;
- 27 11. South $61^{\circ}48'21''$ East, a distance of 1135.34 feet to

1 a calculated point;

2 12. With a curve to the left, having a radius of 1399.96
3 feet, a delta angle of 31°17'38", an arc length of 764.63
4 feet, and a chord which bears South 77°27'10" East, a distance
5 of 755.16 feet to a calculated point;

6 13. North 86°54'01" East, a distance of 948.14 feet to a
7 calculated point;

8 14. With a curve to the right, having a radius of
9 1399.96 feet, a delta angle of 30°17'26", an arc length of
10 740.12 feet, and a chord which bears South 77°57'16" East, a
11 distance of 731.53 feet to a calculated point;

12 15. South 62°48'33" East, a distance of 209.85 feet to a
13 calculated point in the west right-of-way line of F.M. 1625,
14 same being the east line of said 167.748 acre tract;

15 THENCE with the west right-of-way line of F.M. 1625, same being the
16 east line of said 167.748 acre tract, the following two (2) courses
17 and distances:

18 1. South 27°05'45" West, a distance of 973.90 feet to a
19 concrete highway monument found 40 feet right of engineers'
20 centerline station 68+93.3;

21 2. South 27°19'52" West, a distance of 601.74 feet to a
22 1/2" rebar with Chaparral cap found for the northeast corner
23 of a 2.99 acre tract described in a deed to Thomas Edward
24 McHenry and wife, Angela Jane McHenry, recorded in Document
25 No. 2005117402 of the Official Public Records of Travis
26 County, Texas;

27 THENCE continuing with the east line of said 167.748 acre tract, the

1 following three (3) courses and distances:

2 1. North 62°14'19" West, with the north line of said
3 2.99 acre tract, a distance of 361.02 feet to a 1/2" rebar
4 found for the northwest corner of said 2.99 acre tract;

5 2. South 27°25'52" West, with the west line of said 2.99
6 acre tract, a distance of 360.78 feet to a 1/2" rebar found
7 for the southwest corner of said 2.99 acre tract;

8 3. South 62°14'19" East, with the south line of said
9 2.99 acre tract, a distance of 361.65 feet to a 1/2" rebar
10 with Chaparral cap found in the west right-of-way line of
11 F.M. 1625, for the southeast corner of said 2.99 acre tract;

12 THENCE with the west right-of-way line of F.M. 1625, same being the
13 east line of said 167.748 acre tract, the following two (2) courses
14 and distances:

15 1. South 27°19'52" West, a distance of 361.72 feet to a
16 1/2" rebar with Chaparral cap found 40 feet right of
17 engineers' centerline station 82+17.1;

18 2. South 27°11'52" West, a distance of 434.71 feet to
19 the POINT OF BEGINNING, containing 339.352 acres of land,
20 more or less.

21 SAVE AND EXCEPT 2.495 ACRES:

22 BEING ALL OF LOT 1, J. P. COTMAN ADDITION, A SUBDIVISION OF RECORD
23 IN VOLUME 79, PAGE 60 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS,
24 CONVEYED TO JUAN YESCAS AND MARIA R. YESCAS IN A WARRANTY DEED,
25 DATED DECEMBER 30, 2004 AND RECORDED IN DOCUMENT NO. 2004242191 OF
26 THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS; SAID 2.495
27 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS

1 FOLLOWS:
2 BEGINNING at a 1" iron pipe found in the west right-of-way line of
3 Sassman Road, for the southeast corner of said Lot 1, same being the
4 east corner of said 7.602 acre tract;
5 THENCE North 63°13'21" West, with the south line of said Lot 1, same
6 being the north line of said 7.602 acre tract, a distance of 543.90
7 feet to a 1/2" rebar found for the southwest corner of said Lot 1;
8 THENCE North 26°45'39" East, with the west line of said Lot 1, same
9 being the east line of said 7.602 acre tract, a distance of 199.86
10 feet to a 1/2" rebar found for the northwest corner of said Lot 1,
11 same being an angle point in the north line of said 7.602 acre
12 tract, also being in the south line of said 23.694 acre tract;
13 THENCE South 63°13'21" East, with the north line of said Lot 1, same
14 being the south line of said 23.694 acre tract, a distance of 543.89
15 feet to a 1/2" rebar with Chaparral cap found in the west
16 right-of-way line of Sassman Road, for the northeast corner of said
17 Lot 1, same being the southeast corner of said 23.694 acre tract;
18 THENCE South 26°45'21" West, with the west right-of-way line of
19 Sassman Road, same being the east line of said Lot 1, a distance of
20 199.86 feet to the POINT OF BEGINNING, containing 2.495 acres of
21 land, more or less.
22 SAVE AND EXCEPT 2.496 ACRES:
23 BEING ALL OF A 2.50 ACRE TRACT DESCRIBED IN WARRANTY DEED TO MICHAEL
24 L. APPLGATE AND HARMONY D. APPLGATE, DATED NOVEMBER 5, 2003 AND
25 RECORDED IN DOCUMENT NO. 2003261512 OF THE OFFICIAL PUBLIC RECORDS
26 OF TRAVIS COUNTY TEXAS; SAID 2.496 ACRE TRACT BEING MORE
27 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

1 BEGINNING at a 1/2" rebar found in the north right-of-way line of
2 Sassman Road, for the southeast corner of said 2.50 acre tract, same
3 being an angle point in the south line of said 42.558 acre tract;
4 THENCE North 63°50'26" West, with the north right-of-way line of
5 Sassman Road, same being the south line of said 2.50 acre tract, a
6 distance of 363.50 feet to a calculated point for the southwest
7 corner of said 2.50 acre tract, same being an angle point in the
8 south line of said 42.558 acre tract;
9 THENCE with the common line of said 2.50 acre tract and said 42.558
10 acre tract, the following three (3) courses and distances:
11 1. North 26°08'47" East, a distance of 299.42 feet to a
12 1/2" rebar found for the northwest corner of said 2.50 acre
13 tract;
14 2. South 63°51'04" East, a distance of 362.66 feet to a
15 1/2" rebar found for the northeast corner of said 2.50 acre
16 tract;
17 3. South 25°59'08" West, a distance of 299.49 feet to
18 the POINT OF BEGINNING, containing 2.496 acres of land, more
19 or less.
20 SAVE AND EXCEPT 4.178 ACRES:
21 BEING ALL OF A 3.213 ACRE TRACT DESCRIBED IN A DEED WITH VENDOR'S
22 LIEN TO MARIO RODRIGUEZ & EMMA RODRIGUEZ, DATED FEBRUARY 4, 1983 AND
23 RECORDED IN VOLUME 7998, PAGE 656 OF THE DEED RECORDS OF TRAVIS
24 COUNTY, TEXAS AND ALL OF A 1.00 ACRE TRACT DESCRIBED IN A GENERAL
25 WARRANTY DEED TO MARIO RODRIGUEZ AND EMMA RODRIGUEZ, DATED MARCH 3,
26 2005 AND RECORDED IN DOCUMENT NO. 2005046336 OF THE OFFICIAL PUBLIC
27 RECORDS OF TRAVIS COUNTY, TEXAS; SAID 4.178 ACRE TRACT BEING MORE

1 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

2 BEGINNING at a 1/2" rebar found for the southeast corner of said
3 1.00 acre tract, same being an angle point in the west line of said
4 167.748 acre tract;

5 THENCE North 64°32'09" West, with the south line of said 1.00 acre
6 tract, same being the west line of said 167.748 acre tract, a
7 distance of 21.19 feet to a 1/2" rebar with Chaparral cap found for
8 an angle point in the north right-of-way line of Sassman Road, the
9 south line of said 1.00 acre tract, and the west line of said
10 167.748 acre tract;

11 THENCE with the north right-of-way line of Sassman Road, same being
12 the south line of said 1.00 acre tract and the south line of said
13 3.213 acre tract, the following two (2) courses and distances:

- 14 1. North 55°52'30" West, a distance of 116.23 feet to a
15 calculated point;
- 16 2. North 63°50'26" West, a distance of 281.73 feet to a
17 1/2" rebar found for the southwest corner of said 3.213 acre
18 tract, same being an angle point in the south line of said
19 42.558 acre tract;

20 THENCE with the north line of said 3.213 acre tract, same being the
21 south line of said 42.558 acre tract, the following two (2) courses
22 and distances:

- 23 1. North 40°38'03" East, a distance of 528.79 feet to a
24 1/2" rebar found for the north corner of said 3.213 acre
25 tract;
- 26 2. South 61°13'19" East, a distance of 295.41 feet to a
27 calculated point for the east corner of said 3.213 acre

1 tract, same being the southeast corner of said 42.558 acre
2 tract, also being in the west line of said 167.748 acre tract;
3 THENCE South 27°11'24" West, with the west line of said 167.748 acre
4 tract, same being the east line of said 3.213 acre tract and the
5 east line of said 1.00 acre tract, a distance of 514.44 feet to the
6 POINT OF BEGINNING, containing 4.178 acres of land, more or less.
7 SAVE AND EXCEPT 2.701 ACRES:
8 BEING ALL OF A 2.701 ACRE TRACT DESCRIBED IN A WARRANTY DEED TO
9 ABACU P. PEREZ, DATED MARCH 19, 2009 AND RECORDED IN DOCUMENT NO.
10 2009046965 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS;
11 SAID 2.701 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES
12 AND BOUNDS AS FOLLOWS:
13 BEGINNING at a 1/2" rebar with Chaparral cap found in the south
14 right-of-way line of Sassman Road, for the northeast corner of said
15 2.701 acre tract, same being the northwest corner of said 98.656
16 acre tract;
17 THENCE South 27°05'06" West, with the east line of said 2.701 acre
18 tract, same being the west line of said 98.656 acre tract, a
19 distance of 672.44 feet to a 1/2" rebar with Chaparral cap found for
20 the southeast corner of said 2.701 acre tract, same being an angle
21 point in the east line of said 51.942 acre tract;
22 THENCE with the south and west lines of said 2.701 acre tract, same
23 being the east line of said 51.942 acre tract, the following two (2)
24 courses and distances:
25 1. North 62°16'38" West, a distance of 175.00 feet to a
26 1/2" rebar with Chaparral cap found for the southwest corner
27 of said 2.701 acre tract;

1 2. North 27°05'06" East, a distance of 672.44 feet to a
2 1/2" rebar with Chaparral cap found in the south right-of-way
3 line of Sassman Road, for the northwest corner of said 2.701
4 acre tract, same being the northeast corner of said 51.942
5 acre tract;

6 THENCE South 62°16'38" East, with the south right-of-way line of
7 Sassman Road, same being the north line of said 2.701 acre tract, a
8 distance of 175.00 feet to the POINT OF BEGINNING, containing 2.701
9 acres of land, more or less.

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

17 (b) The governor, one of the required recipients, has
18 submitted the notice and Act to the Texas Commission on
19 Environmental Quality.

20 (c) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the governor, the
22 lieutenant governor, and the speaker of the house of
23 representatives within the required time.

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

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 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: HB1760 by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 5; 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: HB1760 by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 5; 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: HB1760 by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 5; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.), **As Engrossed**

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

March 11, 2011

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

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

IN RE: HB1760 by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 5; 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: HB1760 by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 5; 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. 5 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 0.51 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 1760 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 5 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: HB1760 by Rodriguez, Eddie (Relating to the creation of the Pilot Knob Municipal Utility District No. 5; 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. 5 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.

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The district's area is approximately 0.51 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. 5 (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.

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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