

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

CHAPTER 8. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8 ____ .001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

Sec. 8 ____ .002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

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

Sec. 8 ____ .004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8 ____ .003 until each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

SENATE VERSION (CS)

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

CHAPTER 8378. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 4

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8378.001. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

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

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

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

Sec. 8378.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect permanent directors as provided by Section 8378.051 of this code and Section 49.102, Water Code.

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

(b) If a municipality does not consent to the creation of the district or if the district does not enter into an agreement

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Sec. 8 .005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

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

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

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

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

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

(1) organization, existence, or validity;

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

required by the terms of the municipal ordinance or resolution consenting to the creation of the district under this section before September 1, 2012:

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

(A) any debts incurred shall be paid;

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

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

(2) this chapter expires September 1, 2012.

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

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

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

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

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

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

(1) organization, existence, or validity;

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

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

a bond;
(3) right to impose a tax; or
(4) legality or operation.
[Sections 8 .007-8 .050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

Sec. 8 .052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act **creating** this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the **Texas Commission on Environmental Quality** requesting that the

SENATE VERSION (CS)

a bond;
(3) right to impose a tax; or
(4) legality or operation.
[Sections 8378.007-8378.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

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

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

(1) **four elected directors; and**

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

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

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

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

Sec. 8378.052. TEMPORARY DIRECTORS. (a) On or after the effective date of the Act **enacting** this chapter, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the **commission** requesting that the commission appoint as

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

commission appoint as temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

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

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

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

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

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

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

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

SUBCHAPTER C. POWERS AND DUTIES

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

Sec. 8 .102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and

SENATE VERSION (CS)

temporary directors the five persons named in the petition. The commission shall appoint as temporary directors the five persons named in the petition.

(b) Temporary directors serve until the earlier of:

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

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

(c) If permanent directors have not been elected under **Section 8378.003** and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

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

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

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

[Sections 8378.053-8378.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

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

Sec. 8378.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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.

Sec. 8 .103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads. (b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

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

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

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

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

Sec. 8 .105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any

SENATE VERSION (CS)

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.

Sec. 8378.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads. (b) The district may exercise the powers provided by this section without submitting a petition to or obtaining approval from the commission as required by Section 54.234, Water Code.

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

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

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

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

Sec. 8378.105. COMPLIANCE WITH **AND ENFORCEABILITY OF** MUNICIPAL CONSENT **AGREEMENT**, ORDINANCE, OR RESOLUTION. (a) The

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

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

- (1) a road project authorized by Section 8 ____ .103; or**
- (2) a recreational facility as defined by Section 49.462, Water Code.**

[Sections 8 ____ .107-8 ____ .150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

- (1) revenue other than ad valorem taxes; or
 - (2) contract payments described by **Section 8 ____ .153.**
- (b) The district must hold an election in the manner provided

SENATE VERSION (CS)

district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

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

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

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

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

[Sections 8378.108-8378.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

- (1) revenue other than ad valorem taxes; or
 - (2) contract payments described by **Section 8378.153.**
- (b) The district must hold an election in the manner provided

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

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

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

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

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

[Sections 8 ____ .154-8 ____ .200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8 ____ .201. AUTHORITY TO ISSUE BONDS AND

SENATE VERSION (CS)

by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

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

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

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

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

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

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

[Sections 8378.154-8378.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8378.201. AUTHORITY TO ISSUE BONDS AND

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

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

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

SENATE VERSION (CS)

OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

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

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

[Sections 8378.204-8378.250 reserved for expansion]

SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL ANNEXATION AND NOTICE

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

(b) The strategic partnership agreement may provide for a term of any number of years. The limitation in Section

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

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

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

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

(2) the anticipated date of the annexation.

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

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

A DESCRIPTION OF 345.581 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF A 73.453 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA

SECTION 2. Same as House version.

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

ACQUISITION INC., DATED NOVEMBER 28, 2006 AND RECORDED IN DOCUMENT NO. 2006229773 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 31.022 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 16, 2006 AND RECORDED IN DOCUMENT NO. 2006245700 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 29.293 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED NOVEMBER 21, 2006 AND RECORDED IN DOCUMENT NO. 2006225633 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 28.461 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED SEPTEMBER 15, 2006 AND RECORDED IN DOCUMENT NO. 2006182621 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 55.222 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060712 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 60.921 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 12, 2006 AND RECORDED IN DOCUMENT NO. 2006239174 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 51.942 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 1, 2006 AND RECORDED IN DOCUMENT NO. 2006233636 OF THE OFFICIAL

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 25.119 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060707 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 7.602 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060704 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 23.694 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED TO JONA ACQUISITION INC., DATED APRIL 2, 2006 AND RECORDED IN DOCUMENT NO. 2007060710 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 1.000 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED JANUARY 8, 2007 AND RECORDED IN DOCUMENT NO. 2007005138 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF LOT A, HARRY REININGER SUBDIVISION, A SUBDIVISION OF RECORD IN VOLUME 65, PAGE 47 OF THE PLAT RECORDS OF TRAVIS COUNTY TEXAS, CONVEYED TO JOHN HALDENSTEIN & RUTH HALDENSTEIN IN WARRANTY DEED WITH VENDOR'S LIEN DATED SEPTEMBER 29, 2000 AND RECORDED IN DOCUMENT NO. 2000161977 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC.,

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 20.005 ACRE TRACT DESCRIBED IN A WARRANTY DEED WITH VENDOR'S LIEN TO JOHN T. HALDENSTEIN AND JOSHUA N. HALDENSTEIN, DATED DECEMBER 14, 2000 AND RECORDED IN DOCUMENT NO. 2000203669 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 98.656 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED OCTOBER 19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, ALL OF A 9.662 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 14, 2007 AND RECORDED IN DOCUMENT NO. 2007224638 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 232.233 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY WITH VENDOR'S LIEN TO JONA ACQUISITION INC., DATED JANUARY 8, 2009 AND RECORDED IN DOCUMENT NO. 2009003190 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND PORTIONS OF SASSMAN ROAD (70' RIGHT-OF-WAY); SAID 345.581 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
TRACT 1, 306.331 ACRES:
BEGINNING at a calculated point in the east right-of-way line of Thaxton Road (50' right-of-way) for the northwest corner of said 73.453 acre tract, same being the west corner of

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

a 2.76 acre tract described in a deed to Carl H. Dittmar, recorded in Volume 12562, Page 428 of the Real Property Records of Travis County, Texas, from which a 1/2" rebar found bears North 61°56'44" West, a distance of 0.44 feet;
THENCE with the north line of said 73.453 acre tract, same being the south line of said 2.76 acre tract, the following two (2) courses and distances:
1. South 61°56'44" East, a distance of 404.65 feet to a 1/2" rebar found;
2. North 27°52'53" East, a distance of 294.18 feet to a 1/2" rebar found for a north corner of said 73.453 acre tract, same being the east corner of said 2.76 acre tract, also being in the southwest line of a tract called 21 acres in a deed to Max F. Ehrlich, recorded in Volume 1945, Page 416 of the Deed Records of Travis County, Texas;
THENCE South 60°59'42" East, with the northeast line of said 73.453 acre tract, same being the southwest line of said 21 acre tract, a distance of 2857.05 feet to a 60D nail found for the northeast corner of said 73.453 acre tract, same being the south corner of said 21 acre tract, also being in the northwest line of said 29.293 acre tract;
THENCE North 27°46'44" East, with the northwest line of said 29.293 acre tract, same being the southeast line of said 21 acre tract, a distance of 1083.71 feet to a 1/2" rebar with Chaparral cap found in the south right-of-way line of Sassman Road;
THENCE North 28°38'04" East, crossing Sassman Road, a distance of 70.04 feet to a calculated point for the north right-of-way line of Sassman Road, same being the southwest line of a 2.00 acre tract described in a deed to Anselmo Medina and spouse, Oralia Medina, recorded in Document No. 2002227115 of the Official Public Records of Travis County,

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

Texas;

THENCE South 61°39'26" East, with the north right-of-way line of Sassman Road, same being the southwest line of said 2.00 acre tract, the southwest line of a 1.00 acre tract described in a deed to Gerald D. Shoulders and Rosemary Shoulders, recorded in Volume 12233, Page 1678 of the Real Property Records of Travis County, Texas, the southwest line of a 1.00 acre tract described in a deed to Amir Batoeinngi, recorded in Document No. 2008060410 of the Official Public Records of Travis County, Texas, and the southwest line of a 1.00 acre tract described in a deed to Abacu Perez and Felicitas Perez, recorded in Document No. 2006189910 of the Official Public Records of Travis County, Texas, a distance of 547.23 feet to a calculated point;

THENCE South 63°50'26" East, continuing with the north right-of-way line of Sassman Road, same being the southwest line of said 1.00 acre Perez tract, a distance of 14.13 feet to a 1/2" rebar found for the south corner of said 1.00 acre Perez tract, same being the west corner of said Lot A;

THENCE North 26°09'41" East, with the northwest line of said Lot A, same being the southeast line of said 1.00 acre Perez tract, a distance of 362.16 feet to a calculated point for the east corner of said 1.00 acre Perez tract, same being the south corner of said 20.005 acre tract;

THENCE North 61°26'42" West, with the southwest line of said 20.005 acre tract, same being the northeast line of said 1.00 acre Perez tract, a distance of 113.09 feet to a 1/2" rebar found for an angle point in the southwest line of said 20.005 acre tract, same being the north corner of said 1.00 acre Perez tract, also being in the southeast line of a 1.25 acre tract described in said deed to Amir Batoeinngi;

THENCE North 28°21'23" East, continuing with the

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

southwest line of said 20.005 acre tract, same being the southeast line of said 1.25 acre tract, a distance of 106.07 feet to a 1/2" rebar found for the east corner of said 1.25 acre tract; THENCE North 61°29'11" West, continuing with the southwest line of said 20.005 acre tract, same being the northeast line of said 1.25 acre tract, and a 1.25 acre tract described in said deed to Gerald Shoulders, a distance of 417.23 feet to a 1" iron pipe found for the west corner of said 20.005 acre tract, same being the north corner of said 1.25 acre Shoulders tract, also being in the southeast line of a 20.022 acre tract described in a deed to Janie Diaz, recorded in Document No. 2006101103, said 20.022 acre tract being further described in Document No. 2001200503, both of the Official Public Records of Travis County, Texas; THENCE North 27°07'27" East, with the northwest line of said 20.005 acre tract, same being the southeast line of said 20.022 acre tract, a distance of 162.08 feet to a calculated point; THENCE crossing said 20.005 acre tract, said Lot A, said 42.558 acre tract, Sassman Road, said 23.694 acre tract, said 7.602 acre tract, said 25.119 acre tract, said 55.222 acre tract, said 51.942 acre tract, said 60.921 acre tract, and said 98.656 acre tract, the following eleven (11) courses and distances:

1. South 61°48'21" East, a distance of 672.64 feet to a calculated point;
2. South 28°11'39" West, a distance of 1597.96 feet to a calculated point;
3. With a curve to the left, having a radius of 580.00 feet, a delta angle of 69°45'07", an arc length of 706.10 feet, and a chord which bears South 06°40'54" East, a distance of 663.29 feet to a calculated point;
4. South 41°33'28" East, a distance of 274.95 feet to a

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SENATE VERSION (CS)

CONFERENCE

calculated point;

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

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

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

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

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

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

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

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

THENCE North 62°25'04" West, with the southwest line of

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

said 98.656 acre tract, same being the northeast line of said 10.067 acre tract, and the northeast line of Lot 6, Las Lomitas Subdivision, a subdivision of record in Document No. 200200226 of the Official Public Records of Travis County, Texas, at a distance of 0.11 feet passing a 1/2" rebar found, and continuing for a total distance of 1097.97 feet to a 1/2" rebar found in the northeast line of said Lot 6, for the southwest corner of said 98.656 acre tract, same being the southeast corner of said 60.921 acre tract;

THENCE North 62°26'10" West, with the southwest line of said 60.921 acre tract, same being the northeast line of said Lot 6 and Lot 15 Las Lomitas Subdivision, a distance of 1283.28 feet to a 1/2" rebar with Chaparral cap found for the southwest corner of said 60.921 acre tract, same being the south corner of a 58 acre tract described in a deed to Fred J. Wende, recorded in Volume 11849, Page 396 of the Real Property Records of Travis County, Texas;

THENCE North 27°00'49" East, with the northwest line of said 60.921 acre tract, same being the southeast line of said 58 acre tract, a distance of 1221.01 feet to an 80D nail found for the east corner of said 58 acre tract, same being the south corner of said 55.222 acre tract;

THENCE North 60°57'25" West, with the southwest line of said 55.222 acre tract, same being the northeast line of said 58 acre tract, a distance of 1295.20 feet to a 60D nail found for the southwest corner of said 55.222 acre tract, same being the southeast corner of said 28.461 acre tract;

THENCE North 61°18'16" West, with the southwest line of said 28.461 acre tract, same being the northeast line of said 58 acre tract, a distance of 329.98 feet to a 1" iron pipe found for the southwest corner of said 28.461 acre tract, same being the southeast corner of said 29.293 acre tract;

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

THENCE North 61°30'47" West, with the southwest line of said 29.293 acre tract, same being the northeast line of said 58 acre tract, a distance of 331.97 feet to a 1/2" rebar found for the southwest corner of said 29.293 acre tract, same being the north corner of said 58 acre tract, also being in the southeast line of a 77.22 acre tract described in a deed to William D. Wende, Fred J. Wende and Price T. Wende, recorded in Volume 12171, Page 455 of the Real Property Records of Travis County, Texas;

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

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

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

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

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

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

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

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

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

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

2. North 61°59'49" West, with the northeast line of said 18.38 acre tract, and the northeast line of a 3.20 acre tract described in a deed to James J. Williams, recorded in Volume 13116, Page 732 of the Real Property Records of Travis County, Texas, a distance of 1540.66 feet to a 1/2" rebar with

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

Chaparral cap found in the east right-of-way line of Thaxton Road, for the north corner of said 3.20 acre tract;

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

TRACT 2, 39.250 ACRES:

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

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

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

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

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

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

THENCE South 29°00'48" West, crossing Sassman Road, a

SENATE VERSION (CS)

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

distance of 70.00 feet to a calculated point in the south right-of-way line of Sassman Road, same being the north line of said 21 acre tract; THENCE North 60°59'12" West, with the south right-of-way line of Sassman Road, same being the north line of said 21 acre tract, a distance of 1838.40 feet to a calculated point;
THENCE North 29°00'48" East, crossing Sassman Road, a distance of 70.00 feet to the POINT OF BEGINNING, containing 39.250 acres of land, more or less.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.
(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.
(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.
(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

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

SENATE VERSION (CS)

SECTION 3. Same as House version.

SECTION 4. This Act takes effect immediately if it receives

CONFERENCE

House Bill 1759
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

- (1) this Act takes effect immediately if it receives a vote of two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution; and
- (2) if this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

SENATE VERSION (CS)

a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2011.

CONFERENCE