

House Bill 1760
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. 5

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. 5.

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.

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SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8374 to read as follows:

CHAPTER 8374. PILOT KNOB MUNICIPAL UTILITY DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8374.001. 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. 5.

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

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

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

Sec. 8374.004. CONSENT OF MUNICIPALITY REQUIRED. (a) The temporary directors may not hold an election under Section 8374.003 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

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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. 8374.005. 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. 8374.006. 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

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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 commission appoint as temporary directors the five persons

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a bond;
(3) right to impose a tax; or
(4) legality or operation.
[Sections 8374.007-8374.050 reserved for expansion]
SUBCHAPTER B. BOARD OF DIRECTORS
Sec. 8374.051. 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 8374.052, 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. 8374.052. 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 temporary directors the five persons named in the petition.

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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 duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal

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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 8374.003; 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 8374.003 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 8374.003; 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 8374.053-8374.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8374.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8374.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. 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

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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 ordinance or resolution that is adopted under Section

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utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8374.103. 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. 8374.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8374.103 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. 8374.105. COMPLIANCE WITH **AND ENFORCEABILITY OF** MUNICIPAL CONSENT **AGREEMENT**, ORDINANCE, OR RESOLUTION.

(a) The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section

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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 by Chapters 49 and 54, Water Code, to obtain voter approval

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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. 8374.106. 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. 8374.107. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

[Sections 8374.108-8374.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8374.151. 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 8374.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval

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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 OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem

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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. 8374.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under **Section 8374.151**, 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 8374.105, the total ad valorem tax rate of the district may not be less than the total ad valorem tax rate of the municipality.

Sec. 8374.153. 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 8374.154-8374.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8374.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem

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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.

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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. 8374.202. 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. 8374.203. 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 8374.204-8374.250 reserved for expansion]
SUBCHAPTER F. STRATEGIC PARTNERSHIP AGREEMENT; MUNICIPAL ANNEXATION AND NOTICE

Sec. 8374.251. 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 43.0751(g)(2), Local Government Code, on the length of the term does not apply to a limited district created under this section.

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Sec. 8374.252. 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 8374.004.

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

A DESCRIPTION OF 339.352 ACRES IN THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF A 167.748 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED DECEMBER 13, 2006 AND RECORDED IN DOCUMENT NO. 2006241307 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

SECTION 2. Same as House version.

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19, 2006 AND RECORDED IN DOCUMENT NO. 2006204344 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 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 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

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PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, A PORTION OF A 42.558 ACRE TRACT DESCRIBED IN A GENERAL WARRANTY DEED TO JONA ACQUISITION INC., DATED MAY 16, 2008 AND RECORDED IN DOCUMENT NO. 2008083861 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, AND A PORTION OF SASSMAN ROAD (RIGHT-OF-WAY WIDTH VARIES); SAID 339.352 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar with Chaparral cap found in the west right-of-way line of F.M. 1625 (80' right-of-way width), for the southeast corner of said 167.748 acre tract, same being in the north right-of-way line of Sassman Road;

THENCE South 27°11'52" West, crossing Sassman Road with the west right-of-way line of F.M. 1625, a distance of 70.00 feet to a 1/2" rebar found in the south right-of-way line of Sassman Road, for the northeast corner of said 98.656 acre tract;

THENCE continuing with the west right-of-way line of F.M. 1625, same being the east line of said 98.656 acre tract, the following two (2) courses and distances:

1. South 27°11'52" West, a distance of 2856.46 feet to a

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concrete highway monument found 40 feet right of engineers' centerline station 115+77;

2. South 27°04'38" West, a distance of 352.96 feet to a calculated point;

THENCE crossing said 98.656 acre tract, said 60.921 acre tract, said 51.942 acre tract, said 55.222 acre tract, said 25.119 acre tract, said 7.602 acre tract, said 23.694 acre tract, Sassman Road, said Lot A, said 42.558 acre tract, and said 167.748 acre tract, the following fifteen (15) courses and distances:

1. North 62°55'22" West, a distance of 149.13 feet to a calculated point;

2. With a curve to the right, 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 North 28°43'07" West, a distance of 2023.72 feet to a calculated point;

3. North 05°29'07" East, a distance of 423.15 feet to a calculated point;

4. With a curve to the left, 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 North 14°49'17" West, a distance of 694.09 feet to a calculated point;

5. North 35°07'41" West, a distance of 344.76 feet to a calculated point;

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

7. With a curve to the left, 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 North 06°39'26" East, a distance of 745.65 feet to a calculated point;

8. North 41°33'28" West, a distance of 274.95 feet to a calculated point;

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9. With a curve to the right, 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 North 06°40'54" West, a distance of 663.29 feet to a calculated point;
10. North 28°11'39" East, a distance of 1597.96 feet to a calculated point;
11. South 61°48'21" East, a distance of 1135.34 feet to a calculated point;
12. With a curve to the left, having a radius of 1399.96 feet, a delta angle of 31°17'38", an arc length of 764.63 feet, and a chord which bears South 77°27'10" East, a distance of 755.16 feet to a calculated point;
13. North 86°54'01" East, a distance of 948.14 feet to a calculated point;
14. With a curve to the right, having a radius of 1399.96 feet, a delta angle of 30°17'26", an arc length of 740.12 feet, and a chord which bears South 77°57'16" East, a distance of 731.53 feet to a calculated point;
15. South 62°48'33" East, a distance of 209.85 feet to a calculated point in the west right-of-way line of F.M. 1625, same being the east line of said 167.748 acre tract;
THENCE with the west right-of-way line of F.M. 1625, same being the east line of said 167.748 acre tract, the following two (2) courses and distances:
 1. South 27°05'45" West, a distance of 973.90 feet to a concrete highway monument found 40 feet right of engineers' centerline station 68+93.3;
 2. South 27°19'52" West, a distance of 601.74 feet to a 1/2" rebar with Chaparral cap found for the northeast corner of a 2.99 acre tract described in a deed to Thomas Edward McHenry and wife, Angela Jane McHenry, recorded in Document No. 2005117402 of the Official Public Records of

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Travis County, Texas;

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

1. North 62°14'19" West, with the north line of said 2.99 acre tract, a distance of 361.02 feet to a 1/2" rebar found for the northwest corner of said 2.99 acre tract;
2. South 27°25'52" West, with the west line of said 2.99 acre tract, a distance of 360.78 feet to a 1/2" rebar found for the southwest corner of said 2.99 acre tract;
3. South 62°14'19" East, with the south line of said 2.99 acre tract, a distance of 361.65 feet to a 1/2" rebar with Chaparral cap found in the west right-of-way line of F.M. 1625, for the southeast corner of said 2.99 acre tract;

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

1. South 27°19'52" West, a distance of 361.72 feet to a 1/2" rebar with Chaparral cap found 40 feet right of engineers' centerline station 82+17.1;
2. South 27°11'52" West, a distance of 434.71 feet to the POINT OF BEGINNING, containing 339.352 acres of land, more or less.

SAVE AND EXCEPT 2.495 ACRES:

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

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AND BOUNDS AS FOLLOWS:

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

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

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

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

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

SAVE AND EXCEPT 2.496 ACRES:

BEING ALL OF A 2.50 ACRE TRACT DESCRIBED IN WARRANTY DEED TO MICHAEL L. APPLGATE AND HARMONY D. APPLGATE, DATED NOVEMBER 5, 2003 AND RECORDED IN DOCUMENT NO. 2003261512 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS; SAID 2.496 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND

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BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" rebar found in the north right-of-way line of Sassman Road, for the southeast corner of said 2.50 acre tract, same being an angle point in the south line of said 42.558 acre tract;

THENCE North 63°50'26" West, with the north right-of-way line of Sassman Road, same being the south line of said 2.50 acre tract, a distance of 363.50 feet to a calculated point for the southwest corner of said 2.50 acre tract, same being an angle point in the south line of said 42.558 acre tract;

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

1. North 26°08'47" East, a distance of 299.42 feet to a 1/2" rebar found for the northwest corner of said 2.50 acre tract;
2. South 63°51'04" East, a distance of 362.66 feet to a 1/2" rebar found for the northeast corner of said 2.50 acre tract;
3. South 25°59'08" West, a distance of 299.49 feet to the POINT OF BEGINNING, containing 2.496 acres of land, more or less.

SAVE AND EXCEPT 4.178 ACRES:

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

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PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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

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

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

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

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

1. North 40°38'03" East, a distance of 528.79 feet to a 1/2" rebar found for the north corner of said 3.213 acre tract;
2. South 61°13'19" East, a distance of 295.41 feet to a calculated point for the east corner of said 3.213 acre tract, same being the southeast corner of said 42.558 acre tract, also being in the west line of said 167.748 acre tract;

THENCE South 27°11'24" West, with the west line of said 167.748 acre tract, same being the east line of said 3.213 acre

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tract and the east line of said 1.00 acre tract, a distance of 514.44 feet to the POINT OF BEGINNING, containing 4.178 acres of land, more or less.

SAVE AND EXCEPT 2.701 ACRES:

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

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

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

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

1. North 62°16'38" West, a distance of 175.00 feet to a 1/2" rebar with Chaparral cap found for the southwest corner of said 2.701 acre tract;
2. North 27°05'06" East, a distance of 672.44 feet to a 1/2" rebar with Chaparral cap found in the south right-of-way line of Sassman Road, for the northwest corner of said 2.701 acre tract, same being the northeast corner of said 51.942 acre tract;

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THENCE South 62°16'38" East, with the south right-of-way line of Sassman Road, same being the north line of said 2.701 acre tract, a distance of 175.00 feet to the POINT OF BEGINNING, containing 2.701 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:**

(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.

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SECTION 3. Same as House version.

SECTION 4. This Act takes effect immediately if it receives 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