

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Rodriguez

H.B. No. 4646

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Creedmoor Municipal Utility  
3 District; granting a limited power of eminent domain; providing  
4 authority to issue bonds; providing authority to impose  
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
8 Code, is amended by adding Chapter 7951A to read as follows:

9 CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7951A.0101. DEFINITIONS. In this chapter:

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

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

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

16 (4) "District" means the Creedmoor Municipal Utility  
17 District.

18 Sec. 7951A.0102. NATURE OF DISTRICT. The district is a  
19 municipal utility district created under Section 59, Article XVI,  
20 Texas Constitution.

21 Sec. 7951A.0103. CONFIRMATION AND DIRECTOR ELECTION  
22 REQUIRED. The temporary directors shall hold an election to  
23 confirm the creation of the district and to elect five permanent  
24 directors as provided by Section 49.102, Water Code.

1       Sec. 7951A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
2 temporary directors may not hold an election under Section  
3 7951A.0103 until each municipality in whose corporate limits or  
4 extraterritorial jurisdiction the district is located has  
5 consented by ordinance or resolution to the creation of the  
6 district and to the inclusion of land in the district.

7       Sec. 7951A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16       Sec. 7951A.0106. INITIAL DISTRICT TERRITORY. (a) The  
17 district is initially composed of the territory described by  
18 Section 2 of the Act enacting this chapter.

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

23       (1) organization, existence, or validity;

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

27       (3) right to impose a tax; or

1           (4) legality or operation.

2                   SUBCHAPTER B. BOARD OF DIRECTORS

3           Sec. 7951A.0201. GOVERNING BODY; TERMS. (a) The district  
4 is governed by a board of five elected directors.

5           (b) Except as provided by Section 7951A.0202, directors  
6 serve staggered four-year terms.

7           Sec. 7951A.0202. TEMPORARY DIRECTORS. (a) On or after the  
8 effective date of the Act enacting this chapter, the owner or owners  
9 of a majority of the assessed value of the real property in the  
10 district may submit a petition to the commission requesting that  
11 the commission appoint as temporary directors the five persons  
12 named in the petition. The commission shall appoint as temporary  
13 directors the five persons named in the petition.

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

15                   (1) the date permanent directors are elected under  
16 Section 7951A.0103; or

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

19           (c) If permanent directors have not been elected under  
20 Section 7951A.0103 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 7951A.0103; or

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27 appointment or reappointment.

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

9       Sec. 7951A.0301. GENERAL POWERS AND DUTIES. The district  
10 has the powers and duties necessary to accomplish the purposes for  
11 which the district is created.

12       Sec. 7951A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
13 DUTIES. The district has the powers and duties provided by the  
14 general law of this state, including Chapters 49 and 54, Water Code,  
15 applicable to municipal utility districts created under Section 59,  
16 Article XVI, Texas Constitution.

17       Sec. 7951A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
18 Section 52, Article III, Texas Constitution, and, if authorized at  
19 an election held under Section 53.029(c), Water Code, the district  
20 may design, acquire, construct, finance, issue bonds for, improve,  
21 operate, maintain, and convey to this state, a county, or a  
22 municipality for operation and maintenance macadamized, graveled,  
23 or paved roads, or improvements, including storm drainage, in aid  
24 of those roads.

25       Sec. 7951A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A  
26 road project must meet all applicable construction standards,  
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial  
2 jurisdiction the road project is located.

3 (b) If a road project is not located in the corporate limits  
4 or extraterritorial jurisdiction of a municipality, the road  
5 project must meet all applicable construction standards,  
6 subdivision requirements, and regulations of each county in which  
7 the road project is located.

8 (c) If the state will maintain and operate the road, the  
9 Texas Transportation Commission must approve the plans and  
10 specifications of the road project.

11 Sec. 7951A.0305. COMPLIANCE WITH MUNICIPAL CONSENT  
12 ORDINANCE OR RESOLUTION. The district shall comply with all  
13 applicable requirements of any ordinance or resolution that is  
14 adopted under Section 54.016 or 54.0165, Water Code, and that  
15 consents to the creation of the district or to the inclusion of land  
16 in the district.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7951A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)  
19 The district may issue, without an election, bonds and other  
20 obligations secured by:

21 (1) revenue other than ad valorem taxes; or  
22 (2) contract payments described by Section  
23 7951A.0403.

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

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

5       Sec. 7951A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
6 authorized at an election held under Section 7951A.0401, the  
7 district may impose an operation and maintenance tax on taxable  
8 property in the district in accordance with Section 49.107, Water  
9 Code.

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

12       Sec. 7951A.0403. CONTRACT TAXES. (a) In accordance with  
13 Section 49.108, Water Code, the district may impose a tax other than  
14 an operation and maintenance tax and use the revenue derived from  
15 the tax to make payments under a contract after the provisions of  
16 the contract have been approved by a majority of the district voters  
17 voting at an election held for that purpose.

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

21               SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22       Sec. 7951A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
23 OBLIGATIONS. The district may issue bonds or other obligations  
24 payable wholly or partly from ad valorem taxes, impact fees,  
25 revenue, contract payments, grants, or other district money, or any  
26 combination of those sources, to pay for any authorized district  
27 purpose.



1 northwesterly line of that certain 22.325 acre tract described as  
2 Tract 3, conveyed to JMJ LLC as recorded in Document No. 2018066108  
3 of the said Official Public Records;

4       THENCE, S42°13'26"W, leaving the southwesterly line of the  
5 said 74.8 acre tract, with the southeasterly line of the said 148.94  
6 acre tract and northwesterly line of the said Tract 3 and the  
7 northwesterly line of that certain 22.325 acre tract (Tract III)  
8 conveyed to JMJ LLC as recorded in Document No. 2017146247 of the  
9 said Official Public Records, for a distance of 2266.21 feet to a  
10 concrete monument found for the common southeast corner of the  
11 aforesaid 148.94 acre tract and the said 22.325 acre tract, on the  
12 existing northeasterly right-of-way line of Old Lockhart Road  
13 (right-of-way varies);

14       THENCE, N63°07'05"E, leaving the northwesterly line of the  
15 said Tract III and with the southwesterly line of the said 148.94  
16 acre tract and the northeasterly right-of-way line of Old Lockhart  
17 Road, for a distance of 3685.69 feet to a 1/2" iron rod, with cap  
18 marked "Capital Surveying Co. Inc.", set;

19       THENCE, N26°52'55"E, leaving the northeasterly right-of-way  
20 line of Old Lockhart Road, across the said 148.94 acre tract, for a  
21 distance of 704.72 feet to a 1/2" iron rod, with cap marked "Capital  
22 Surveying Co. Inc.", set on the northerly line of the said 148.94  
23 acre tract same being the southerly right-of-way line of State  
24 Highway 45 (SH 45) (right-of-way varies), as described to the State  
25 of Texas (47.679 acres - Parcel 714) in Document No. 2007143559 of  
26 the said Official Public Records, from which TxDOT brass disk found  
27 on the southerly right-of-way line bears N71°13'19"W, 146.00 feet;



1           THENCE, with the common northerly line of the said 148.94  
2 acre tract and the southerly right-of-way line of SH 45, for the  
3 following seven (7) courses:

4           1) S71°13'19"E, 50.52 feet to a TxDOT brass disk found;

5           2) S74°24'20"E. 225.01 feet to a 1/2" iron rod, with cap  
6 marked "Capital Surveying Co. Inc.", set;

7           3) S76°44'38"E, 237.76 feet to a TxDOT brass disk found for  
8 the point of curvature for a non-tangent curve to the left;

9           4) With said non-tangent curve to the left, having a central  
10 angle of 24°35'52", a radius of 4174.50 feet, a chord distance of  
11 1778.43 (chord bears S85°28'34"E), passing a TxDOT brass disk found  
12 at an arc distance of 807.02, for a total arc distance 1792.16 feet  
13 to a TxDOT brass disk found for the point of tangency;

14           5) N82°13'31"E, passing a TxDOT brass disk at 160.58 feet,  
15 for a total distance of 380.81 feet to a TxDOT brass disk found for  
16 the point of curvature for a non-tangent curve to the left;

17           6) With said non-tangent curve to the left, having a central  
18 angle of 04°12'53", a radius of 12,000.00 feet, a chord distance of  
19 882.55 feet (chord bears N84°14'58"E), for an arc distance of 882.75  
20 feet to a TxDOT brass disk found for a point non-tangency;

21           7) N56°45'06"E, 72.87 feet to a 1/2" iron rod, with TxDOT  
22 aluminum cap, found for the most easterly north corner of the said  
23 148.94 tract, same being the westerly corner of the remainder of  
24 that certain 0.682 acres, described as Tract 2, recorded in  
25 Document 2018156843 of the said Official Public Records;

26           THENCE, S59°42'07"E, leaving the southerly right-of-way line  
27 of SH 45, with the common northeasterly line of the said 148.94 acre



1           THENCE, N62°19'41"W, leaving the westerly line of the said  
2 2.728 acre tract, with the common southerly line of the said 87 acre  
3 tract and northerly right-of-way line of Turnersville Road, for a  
4 distance of 1136.36 feet to a 1/2" iron rod, with cap, found for the  
5 southeast corner of that 1.82 acre tract conveyed to Richard A.  
6 Schmidt by deed recorded in Document No. 2019020106 of the said  
7 Official Public Records;

8           THENCE, N00°29'43"W, leaving the northerly right-of-way line  
9 of Turnersville Road, across the said remainder of the 87 acre  
10 tract, with the easterly line of the said 1.82 acre tract, for a  
11 distance of 421.83 feet to a calculated point. for the northeast  
12 corner of the aforesaid 1.82 acre tract, being the southeast corner  
13 of that 2.18 acre remainder of that 4.0 acre tract conveyed to  
14 Robert A. Schmidt by deed recorded in Document No. 2019017058 of  
15 the said Official Public Records;

16           THENCE, N00°29'43"W, leaving the northerly line of the said  
17 1.82 acre tract and continuing across the said 87 acre tract, with  
18 the easterly line of the said 2.18 acre tract, for a distance of  
19 195.16 feet to a 1/2" iron pipe found for the northeast corner of  
20 the aforesaid 2.18 acre tract, same being in the southerly line of  
21 that 2.50 acre tract (Remainder of 4.00 acre Tracts 1 and 2),  
22 conveyed to Jorge Ruiz Sanchez by deed recorded in Document  
23 No. 2006008601 of the said Official Public Records;

24           THENCE, leaving the southerly line of the said 2.18 tract,  
25 and continuing across the said 87 acre tract, with the southerly and  
26 easterly line of the said 2.50 acre tract, for the following three  
27 (3) courses

1           1) S65°36'06"E, 41.42 feet to a 1/2" iron rod pipe found for  
2 the most southerly corner of the aforesaid 2.50 acre tract;

3           2) N12°03'22"E, 311.02 feet to a fence post for an angle  
4 point;

5           3) N03°45'59"E, 91.37 feet to a 1/2" iron pin found, no cap,  
6 for the northeast corner of the aforesaid 2.50 acre tract, same  
7 being the southwest corner of that 1.50 acre tract conveyed to  
8 Valentin Benitez-Benitez by deed recorded in Document  
9 No. 2014109464 of the said Official Public Records;

10           THENCE, leaving the northerly line of the said 2.50 acre  
11 tract, across the said 87 acre tract, with the easterly and  
12 northerly line of the said 1.50 acre tract, for the following two  
13 (2) courses:

14           1) N03°45'59"E, 187.42 feet to a fence corner post found for  
15 corner;

16           2) N86°49'20"W, 355.99 feet to a 1" iron rod, without cap,  
17 found for the northwest corner of the aforesaid 1.50 acre tract,  
18 same being on the common occupied westerly line of the 87 acre tract  
19 and easterly right-of-way line of Williamson Road (right-of-way  
20 varies);

21           THENCE, N00°33'27"W, leaving the northerly line of the 1.50  
22 acre tract, across the said 87 acre tract, with the easterly  
23 right-of-way line of Williamson Road, for a distance of 914.74 feet  
24 to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.",  
25 set for the most northerly corner of the herein described tract,  
26 same being on the occupied southwest right-of way line of Old  
27 Lockhart Highway (right-of-way varies);

1           THENCE, S63°21'38"E, leaving the southerly right-of-way of  
2 Williamson Road, across the said 87 acre tract, with the southwest  
3 right-of-way line of the Old Lockhart Highway, 2802.82 feet to a  
4 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for  
5 the most easterly corner of the herein described tract, same being  
6 the northwest corner of that 7.728 acre tract conveyed to Linda  
7 Thompson and Larry D. Thompson by deed recorded in Document  
8 No. 2008094501 of the said Official Public Records;

9           THENCE, leaving the southwest right-of-way line of Old  
10 Lockhart Highway along the southeast line of the said 87 acre tract,  
11 being the northwest line of the said 7.728 acre tract and the  
12 aforesaid 2.728 acre tract, for the following four (4) courses:

13           1) S42°01'19"W, 786.97 feet to a 1/2" iron rod, with cap  
14 marked "Capital Surveying Co. Inc.", set, from which a 1/2" iron rod  
15 found, no cap, bears N06°44'11"E, 1.37 feet;

16           2) S41°46'24"W, passing at 406.30 feet the northwest corner  
17 of the aforesaid 2.728 acre tract for a total distance of 449.42  
18 feet;

19           3) S42°05'30"W, 328.50 feet to a 1/2" iron rod, with cap  
20 marked "Capital Surveying Co. Inc.", set;

21           4) S42°17'24"W, 302.91 feet to the POINT OF BEGINNING,  
22 CONTAINING within these metes and bounds 78.934 acres of land area.  
23 Basis of Bearing is the Texas State Plane Coordinate System,  
24 Central Zone, NAD83 (Grid).

25           SECTION 3. (a) The legal notice of the intention to  
26 introduce this Act, setting forth the general substance of this  
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,  
2 officials, or entities to which they are required to be furnished  
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4 Government Code.

5 (b) The governor, one of the required recipients, has  
6 submitted the notice and Act to the Texas Commission on  
7 Environmental Quality.

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

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

16 SECTION 4. (a) If this Act does not receive a two-thirds  
17 vote of all the members elected to each house, Subchapter C, Chapter  
18 7951A, Special District Local Laws Code, as added by Section 1 of  
19 this Act, is amended by adding Section 7951A.0306 to read as  
20 follows:

21 Sec. 7951A.0306. NO EMINENT DOMAIN POWER. The district may  
22 not exercise the power of eminent domain.

23 (b) This section is not intended to be an expression of a  
24 legislative interpretation of the requirements of Section 17(c),  
25 Article I, Texas Constitution.

26 SECTION 5. This Act takes effect immediately if it receives  
27 a vote of two-thirds of all the members elected to each house, as

H.B. No. 4646

1 provided by Section 39, Article III, Texas Constitution. If this  
2 Act does not receive the vote necessary for immediate effect, this  
3 Act takes effect September 1, 2021.

ADOPTED

MAY 27 2021

By: Zaffini

Substitute the following for \_\_\_B. No. Secretary of the Senate :

H.B. No. 4646

By: Zaffini

C.S. \_\_\_B. No. \_\_\_\_\_

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22 7951A.0403.

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

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a  
2 vote of a two-thirds majority of the district voters voting at an  
3 election held for that purpose.

4 Sec. 7951A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
5 authorized at an election held under Section 7951A.0401, the  
6 district may impose an operation and maintenance tax on taxable  
7 property in the district in accordance with Section 49.107, Water  
8 Code.

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

11 Sec. 7951A.0403. CONTRACT TAXES. (a) In accordance with  
12 Section 49.108, Water Code, the district may impose a tax other than  
13 an operation and maintenance tax and use the revenue derived from  
14 the tax to make payments under a contract after the provisions of  
15 the contract have been approved by a majority of the district voters  
16 voting at an election held for that purpose.

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

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 7951A.0501. AUTHORITY TO ISSUE BONDS AND OTHER  
22 OBLIGATIONS. The district may issue bonds or other obligations  
23 payable wholly or partly from ad valorem taxes, impact fees,  
24 revenue, contract payments, grants, or other district money, or any  
25 combination of those sources, to pay for any authorized district  
26 purpose.

27 Sec. 7951A.0502. TAXES FOR BONDS. At the time the district

1 issues bonds payable wholly or partly from ad valorem taxes, the  
2 board shall provide for the annual imposition of a continuing  
3 direct ad valorem tax, without limit as to rate or amount, while all  
4 or part of the bonds are outstanding as required and in the manner  
5 provided by Sections 54.601 and 54.602, Water Code.

6 Sec. 7951A.0503. BONDS FOR ROAD PROJECTS. At the time of  
7 issuance, the total principal amount of bonds or other obligations  
8 issued or incurred to finance road projects and payable from ad  
9 valorem taxes may not exceed one-fourth of the assessed value of the  
10 real property in the district.

11 SECTION 2. The Creedmoor Municipal Utility District  
12 initially includes all the territory contained in the following  
13 area:

14 TRACT I

15 FIELDNOTE DESCRIPTION of a tract or parcel of land containing  
16 134.000 acres situated in the Elijah Caples League Survey No. 7,  
17 Abstract No. 155, Travis County, Texas, being a portion of that  
18 certain 148.94 acre tract, conveyed to C. L. Thomas Holdings, LLC as  
19 recorded in Document No. 2014173787 of the Official Public Records  
20 of Travis County, Texas; the said 134.000 acre tract is more  
21 particularly described by metes and bounds as follows:

22 BEGINNING at a 1/2" iron pipe found for the northeast corner  
23 of the said 148.94 acre tract, same being the southeast corner of  
24 the remainder of that certain 74.8 acre tract, conveyed to Humbert  
25 R. Ventura by probate as recorded in Volume 12557, Page 35 of the  
26 Real Property Records of Travis County, Texas and being on the  
27 northwesterly line of that certain 22.325 acre tract described as

1 Tract 3, conveyed to JMJ LLC as recorded in Document No. 2018066108  
2 of the said Official Public Records;

3           THENCE, S42°13'26"W, leaving the southwesterly line of the  
4 said 74.8 acre tract, with the southeasterly line of the said 148.94  
5 acre tract and northwesterly line of the said Tract 3 and the  
6 northwesterly line of that certain 22.325 acre tract (Tract III)  
7 conveyed to JMJ LLC as recorded in Document No. 2017146247 of the  
8 said Official Public Records, for a distance of 2266.21 feet to a  
9 concrete monument found for the common southeast corner of the  
10 aforesaid 148.94 acre tract and the said 22.325 acre tract, on the  
11 existing northeasterly right-of-way line of Old Lockhart Road  
12 (right-of-way varies);

13           THENCE, N63°07'05"E, leaving the northwesterly line of the  
14 said Tract III and with the southwesterly line of the said 148.94  
15 acre tract and the northeasterly right-of-way line of Old Lockhart  
16 Road, for a distance of 3685.69 feet to a 1/2" iron rod, with cap  
17 marked "Capital Surveying Co. Inc.", set;

18           THENCE, N26°52'55"E, leaving the northeasterly right-of-way  
19 line of Old Lockhart Road, across the said 148.94 acre tract, for a  
20 distance of 704.72 feet to a 1/2" iron rod, with cap marked "Capital  
21 Surveying Co. Inc.", set on the northerly line of the said 148.94  
22 acre tract same being the southerly right-of-way line of State  
23 Highway 45 (SH 45) (right-of-way varies), as described to the State  
24 of Texas (47.679 acres - Parcel 714) in Document No. 2007143559 of  
25 the said Official Public Records, from which TxDOT brass disk found  
26 on the southerly right-of-way line bears N71°13'19"W, 146.00 feet;

27           THENCE, with the common northerly line of the said 148.94

1 acre tract and the southerly right-of-way line of SH 45, for the  
2 following seven (7) courses:

3 1) S71°13'19"E, 50.52 feet to a TxDOT brass disk found;

4 2) S74°24'20"E, 225.01 feet to a 1/2" iron rod, with cap  
5 marked "Capital Surveying Co. Inc.", set;

6 3) S76°44'38"E, 237.76 feet to a TxDOT brass disk found for  
7 the point of curvature for a non-tangent curve to the left;

8 4) With said non-tangent curve to the left, having a central  
9 angle of 24°35'52", a radius of 4174.50 feet, a chord distance of  
10 1778.43 (chord bears S85°28'34"E), passing a TxDOT brass disk found  
11 at an arc distance of 807.02, for a total arc distance 1792.16 feet  
12 to a TxDOT brass disk found for the point of tangency;

13 5) N82°13'31"E, passing a TxDOT brass disk at 160.58 feet,  
14 for a total distance of 380.81 feet to a TxDOT brass disk found for  
15 the point of curvature for a non-tangent curve to the left;

16 6) With said non-tangent curve to the left, having a central  
17 angle of 04°12'53", a radius of 12,000.00 feet, a chord distance of  
18 882.55 feet (chord bears N84°14'58"E), for an arc distance of 882.75  
19 feet to a TxDOT brass disk found for a point non-tangency;

20 7) N56°45'06"E, 72.87 feet to a 1/2" iron rod, with TxDOT  
21 aluminum cap, found for the most easterly north corner of the said  
22 148.94 tract, same being the westerly corner of the remainder of  
23 that certain 0.682 acres, described as Tract 2, recorded in  
24 Document 2018156843 of the said Official Public Records;

25 THENCE, S59°42'07"E, leaving the southerly right-of-way line  
26 of SH 45, with the common northeasterly line of the said 148.94 acre  
27 tract and the southwesterly line of the said 0.682 acre tract, for a





1 2.728 acre tract, with the common southerly line of the said 87 acre  
2 tract and northerly right-of-way line of Turnersville Road, for a  
3 distance of 1136.36 feet to a 1/2" iron rod, with cap, found for the  
4 southeast corner of that 1.82 acre tract conveyed to Richard A.  
5 Schmidt by deed recorded in Document No. 2019020106 of the said  
6 Official Public Records;

7         THENCE, N00°29'43"W, leaving the northerly right-of-way line  
8 of Turnersville Road, across the said remainder of the 87 acre  
9 tract, with the easterly line of the said 1.82 acre tract, for a  
10 distance of 421.83 feet to a calculated point. for the northeast  
11 corner of the aforesaid 1.82 acre tract, being the southeast corner  
12 of that 2.18 acre remainder of that 4.0 acre tract conveyed to  
13 Robert A. Schmidt by deed recorded in Document No. 2019017058 of  
14 the said Official Public Records;

15         THENCE, N00°29'43"W, leaving the northerly line of the said  
16 1.82 acre tract and continuing across the said 87 acre tract, with  
17 the easterly line of the said 2.18 acre tract, for a distance of  
18 195.16 feet to a 1/2" iron pipe found for the northeast corner of  
19 the aforesaid 2.18 acre tract, same being in the southerly line of  
20 that 2.50 acre tract (Remainder of 4.00 acre Tracts 1 and 2),  
21 conveyed to Jorge Ruiz Sanchez by deed recorded in Document  
22 No. 2006008601 of the said Official Public Records;

23         THENCE, leaving the southerly line of the said 2.18 tract,  
24 and continuing across the said 87 acre tract, with the southerly and  
25 easterly line of the said 2.50 acre tract, for the following three  
26 (3) courses

27         1) S65°36'06"E, 41.42 feet to a 1/2" iron rod pipe found for

1 the most southerly corner of the aforesaid 2.50 acre tract;

2 2) N12°03'22"E, 311.02 feet to a fence post for an angle  
3 point;

4 3) N03°45'59"E, 91.37 feet to a 1/2" iron pin found, no cap,  
5 for the northeast corner of the aforesaid 2.50 acre tract, same  
6 being the southwest corner of that 1.50 acre tract conveyed to  
7 Valentin Benitez-Benitez by deed recorded in Document  
8 No. 2014109464 of the said Official Public Records;

9 THENCE, leaving the northerly line of the said 2.50 acre  
10 tract, across the said 87 acre tract, with the easterly and  
11 northerly line of the said 1.50 acre tract, for the following two  
12 (2) courses:

13 1) N03°45'59"E, 187.42 feet to a fence corner post found for  
14 corner;

15 2) N86°49'20"W, 355.99 feet to a 1" iron rod, without cap,  
16 found for the northwest corner of the aforesaid 1.50 acre tract,  
17 same being on the common occupied westerly line of the 87 acre tract  
18 and easterly right-of-way line of Williamson Road (right-of-way  
19 varies);

20 THENCE, N00°33'27"W, leaving the northerly line of the 1.50  
21 acre tract, across the said 87 acre tract, with the easterly  
22 right-of-way line of Williamson Road, for a distance of 914.74 feet  
23 to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.",  
24 set for the most northerly corner of the herein described tract,  
25 same being on the occupied southwest right-of way line of Old  
26 Lockhart Highway (right-of-way varies);

27 THENCE, S63°21'38"E, leaving the southerly right-of-way of

1 Williamson Road, across the said 87 acre tract, with the southwest  
2 right-of-way line of the Old Lockhart Highway, 2802.82 feet to a  
3 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for  
4 the most easterly corner of the herein described tract, same being  
5 the northwest corner of that 7.728 acre tract conveyed to Linda  
6 Thompson and Larry D. Thompson by deed recorded in Document  
7 No. 2008094501 of the said Official Public Records;

8           THENCE, leaving the southwest right-of-way line of Old  
9 Lockhart Highway along the southeast line of the said 87 acre tract,  
10 being the northwest line of the said 7.728 acre tract and the  
11 aforesaid 2.728 acre tract, for the following four (4) courses:

12           1) S42°01'19"W, 786.97 feet to a 1/2" iron rod, with cap  
13 marked "Capital Surveying Co. Inc.", set, from which a 1/2" iron rod  
14 found, no cap, bears N06°44'11"E, 1.37 feet;

15           2) S41°46'24"W, passing at 406.30 feet the northwest corner  
16 of the aforesaid 2.728 acre tract for a total distance of 449.42  
17 feet;

18           3) S42°05'30"W, 328.50 feet to a 1/2" iron rod, with cap  
19 marked "Capital Surveying Co. Inc.", set;

20           4) S42°17'24"W, 302.91 feet to the POINT OF BEGINNING,  
21 CONTAINING within these metes and bounds 78.934 acres of land area.  
22 Basis of Bearing is the Texas State Plane Coordinate System,  
23 Central Zone, NAD83 (Grid).

24           SECTION 3. (a) The legal notice of the intention to  
25 introduce this Act, setting forth the general substance of this  
26 Act, has been published as provided by law, and the notice and a  
27 copy of this Act have been furnished to all persons, agencies,

1 officials, or entities to which they are required to be furnished  
2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
3 Government Code.

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

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

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

15 SECTION 4. (a) If this Act does not receive a two-thirds  
16 vote of all the members elected to each house, Subchapter C, Chapter  
17 7951A, Special District Local Laws Code, as added by Section 1 of  
18 this Act, is amended by adding Section 7951A.0306 to read as  
19 follows:

20 Sec. 7951A.0306. NO EMINENT DOMAIN POWER. The district may  
21 not exercise the power of eminent domain.

22 (b) This section is not intended to be an expression of a  
23 legislative interpretation of the requirements of Section 17(c),  
24 Article I, Texas Constitution.

25 SECTION 5. This Act takes effect immediately if it receives  
26 a vote of two-thirds of all the members elected to each house, as  
27 provided by Section 39, Article III, Texas Constitution. If this

- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2021.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4646** by Rodriguez (Relating to the creation of the Creedmoor Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Passed 2nd House**

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

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, CMA, AF, DPE, AJL

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 19, 2021**

**TO:** Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4646** by Rodriguez (Relating to the creation of the Creedmoor Municipal Utility District; granting limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **Committee Report 2nd House, Substituted**

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

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, AF, CMA, DPE, AJL



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

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 16, 2021**

**TO:** Honorable Paul Bettencourt, Chair, Senate Committee on Local Government

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4646** by Rodriguez (Relating to the creation of the Creedmoor Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Engrossed**

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

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, AF, DPE, AJL, CMA

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 26, 2021**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4646** by Rodriguez (Relating to the creation of the Creedmoor Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **As Introduced**

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

The bill would amend the Special District Local Laws Code to create a certain municipal utility district and establish its powers and duties.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:**

**LBB Staff:** JMc, AJL, CMA, DPE

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**WATER DEVELOPMENT POLICY IMPACT STATEMENT**

**87TH LEGISLATIVE REGULAR SESSION**

**April 26, 2021**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Land & Resource Management

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB4646** by Rodriguez (Relating to the creation of the Creedmoor Municipal Utility District; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.), **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:

This bill creates Creedmoor Municipal Utility District (District) with the powers and duties of a standard municipal utility district under Water Code Chapters 49 and 54.

**Population:** The very specific description of the proposed boundaries does not allow staff to develop precise population estimates.

Population growth in the specific area since the 2010 census is unknown. The 2010 population estimate for areas of Travis County served by small water systems or private wells ('County-Other') was 24,142. The Travis County-Other population projections adopted for the 2022 State Water Plan projects the population to be 6,980 in 2030 and 6,980 in 2040.

**Location:** The proposed district's initial boundaries are described with a combination of Original Texas Land Surveys, Official Public Records of Travis County, Real Property Records of Travis County, and metes and bounds. Due to the complexity of these boundaries for the various subareas of the district, staff is only able to determine the general location of the proposed district.

The proposed district's area is approximately 0.33 square miles in south Travis County, near the northern border of Hays County, located east of the City of Buda, and south of the City of Austin. The proposed boundary appears to be near the intersection of Texas Toll Road 45 and Farm to Market Road 1625. The proposed district's boundary appears to overlap the Creedmoor-Maha Water Supply Corporation's water service utility.

**Comments on Powers/Duties Different from Similar Types of Districts:** The District must receive consent to the creation of the District from each municipality in whose corporate limits or extraterritorial jurisdiction the District is located prior to holding a confirmation election. The bill requires the TCEQ to appoint the five initial temporary directors upon receipt of a petition from the owners of a majority of the assessed value of the real property in the district. The bill grants the District authority for road projects. The bill specifies that 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 real property in the District. If the bill does not receive a two-thirds vote of all members elected to each house, the District may not exercise the power of eminent domain.

**Overlapping Services:** TCEQ does not have mapping information for water and/or wastewater providers because this function was transferred from the TCEQ to the Public Utility Commission on September 1, 2014. As a result, TCEQ is unaware of possible overlapping service providers.

TCEQ's Supervision: As with general law districts, the TCEQ will have general supervisory authority, including bond review authority and review of financial reports.

Water Use: Within Travis County, 86% of the total water use was supplied by surface water, and municipal was the largest volume water use category comprising 90% of the county total water use in 2018. The water source the proposed district might pursue is unknown.

**Source** 580 Water Development Board, 582 Commission on Environmental Quality  
**Agencies:**  
**LBB Staff:** JMc, AJL