

Wilson, Lara

From: James R. Carpenter [jim@carpenteraustin.com]
Sent: Monday, March 16, 2009 11:59 AM
To: Ronnie McDonald (ronnie.mcdonald@co.bastrop.tx.us); Dildy, Lee
Cc: Patrick W. Lindner; Jerry Kyle
Subject: Emailing: FINAL-Draft-CottonwoodCreekWCID#3-BASTROP-BILL-3-2-09I.DOC

Attachments: FINAL-Draft-CottonwoodCreekWCID#3-BASTROP-BILL-3-2-09I.DOC



FINAL-Draft-CottonwoodCreekWCI...

Judge;

Here is an electronic copy of the Bill. This will be easier to obtain clean copies from. Please call with any questions or concerns that we can help with. Patrick Lindner with Davidson Troilo and Jerry Kyle with Andrews Kurth law firms drafted this Bill and are available for discuss as needed.

The main emphasis on this legislative effort is to create specific legislation only for Central Texas Airport to assist in financing and operating for the long term without federal or state funding involvement. We need changes in existing State law to create a self-sustainable financing structure with flexibility to adapt to the new emerging global financial markets. We propose to utilize municipal bond financing, (tax-exempt bonds for some assets) and revenue bonds for the balance of the public use assets. We propose to aggregate property tax revenues, fees, charges, wholesale fuel sales revenues, on-field FBO operating income, ground lease and sale income, construction and development fees, sales of off-field property and constructed building improvements to provide the revenue sources that will be directed to the respective bond issuances. The Branson Airport was developed in a similar manner but they are a commercial service airport and successfully just utilized revenue bonds.
Jim

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A BILL TO BE ENTITLED

AN ACT

Relating to the boundaries and powers of the Cottonwood Creek Water Control & Improvement District No. 3.

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

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

CHAPTER _____. Cottonwood Creek Water Control & Improvement District No. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. _____.001. DEFINITIONS. In this chapter:

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

(2) "Development corporation" means a corporation organized and created under the Development Corporation Act (Subtitle C1, Title 12, Local Government Code).

(3) "Director" means a member of the board.

(4) "District" means the Cottonwood Creek Water Control & Improvement District No. 3.

(5) "District system" means a water, sewer, drainage, waste disposal or other utility system, or an improvement project, a road project or any other authorized project owned, leased, operated, used, controlled, furnished, or supplied for, by, or in connection with the business or operations of the district.

(6) "Improvement project" means any program or project, inside or outside the district, authorized by section _____.102.

(7) "Road project" means any program or project, inside or outside the district, authorized by section _____.103.

(8) "Successor district" means any district created through the division of the district pursuant to section _____.401.

Sec. _____.002. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1 (a) The prior creation, organization, and confirmation election of the District is
2 validated and confirmed. The district is a conservation and reclamation district established under
3 Section 59, Article XVI, Texas Constitution.
4

5 (b) The district is essential to accomplish the purposes of Section 48-e, Section 52
6 and Section 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and to accomplish
7 the other public purposes stated in this chapter.
8

9 (c) This chapter is enabling legislation enacted to further the public purposes under
10 Section 52-a, Article III, Texas Constitution. By authorizing the district to exercise the powers
11 conferred by this chapter and in authorizing other political subdivisions to contract with the
12 district, as herein provided, the legislature has established a program to accomplish the public
13 purposes set out in Section 52-a, Article III, Texas Constitution.
14

15 (d) All land and other property included in the district will benefit from the
16 improvements and services to be provided by the district.
17

18 (e) The district is authorized to accomplish:

19 (1) the purposes of a water control and improvement district as provided by
20 chapters 49 and 51, Water Code;
21

22 (2) to the extent authorized by Section 52 and Section 52-a, Article III, Texas
23 Constitution, the construction, acquisition, improvement, maintenance and operation
24 of roads and improvements in aid of those roads;
25

26 (3) to the extent authorized by Section 59, Article XVI, Texas Constitution,
27 the construction, acquisition, improvement, maintenance and operation of parks and
28 recreational facilities and improvements in aid of those facilities;
29

30 (4) the purposes of a development corporation as provided by Subtitle CI of
31 Title 12, Local Government Code;
32

33 (5) the purposes of a local government as provided by Chapter 22,
34 Transportation Code; and
35

36 (6) the purposes of a county development district as provided by Chapter 383,
37 Local Government Code.
38

39 (f) The district is necessary to further the public purposes of:

40 (1) developing and diversifying the economy of the state;
41

42 (2) eliminating unemployment and underemployment;
43

44 (3) providing housing;
45
46

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- 1
2 (4) developing and expanding transportation and commerce;
3
4 (5) promoting, developing and encouraging recreation in the area of the
5 district; and
6
7 (6) promoting and maintaining safety and the public welfare in the area of the
8 district.
9

10 Sec. ____ . 003. DISTRICT TERRITORY.

11
12 (a) The territory described by Section 2 of the Act creating this chapter may be added
13 to the existing territory within the district in the manner provided by section 49.301 or section
14 49.302, Water Code, as applicable.
15

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

- 19
20 (1) organization, existence, or validity;
21
22 (2) right to issue any type of bond for the purposes for which the district is
23 created or to pay the principal of and interest on a bond;
24
25 (3) right to impose or collect an assessment or tax; or
26
27 (4) legality or operation.
28

29 Sec. ____ . 004. ELIGIBILITY FOR INCLUSION IN SPECIAL ZONES.

30
31 (a) All or any part of the area of the district is eligible to be included in:

- 32
33 (1) a tax increment reinvestment zone under Chapter 311, Tax Code;
34
35 (2) a tax abatement reinvestment zone under Chapter 312, Tax Code; or
36
37 (3) an enterprise zone under Chapter 2303, Government Code.
38

39 (b) If any portion of the district is included in a tax increment reinvestment zone
40 described by Subsection (a), the board of directors of the zone, by contract with the district, may
41 grant money deposited in the tax increment fund to the district to be used by the district for the
42 purposes permitted for money granted to a corporation under Section 380.002(b), Local
43 Government Code, and such grant may take the form of a pledge under the contract of money
44 deposited in the tax increment fund to secure the payment of any bonds, notes or other
45 obligations issued or incurred by the district or by an instrumentality of the district.
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1 Sec. ____005. RELATION TO OTHER LAW.
2

3 (a) This chapter is wholly sufficient authority within itself for the discharge of the
4 powers and authority and for the performance of the acts and procedures authorized by this
5 chapter, including the authority to issue and incur bonds, notes and other obligations, without
6 reference to any other laws or any restrictions or limitations contained in those laws.
7

8 (b) This chapter prevails over any provision of general law, including a law to which
9 this chapter refers that is in conflict with or is inconsistent with this chapter.

10 Sec. ____006. LIBERAL CONSTRUCTION OF CHAPTER; SEVERABILITY.
11

12 (a) This chapter shall be liberally construed in conformity with the findings and
13 purposes stated in this chapter.
14

15 (b) In case any one or more of the provisions, clauses, or words of this chapter or the
16 application of such provisions, clauses, or words to any situation or circumstance shall for any
17 reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not
18 affect any other provisions, clauses, or words of this chapter or the application of such
19 provisions, clauses, or words to any other situation or circumstance, and it is intended that the
20 application of such provision, clause, or word shall be severable in such situation or
21 circumstance and shall be construed and applied as if any such invalid or unconstitutional
22 provision, clause, or word had not been included herein.
23

24
25 **SUBCHAPTER B. POWERS AND DUTIES.**
26

27 Sec. ____ 101. GENERAL POWERS AND DUTIES. The district has and may exercise
28 the powers, rights, and duties provided by:
29

30 (1) the general laws relating to conservation and reclamation districts created
31 under Section 59, Article XVI, Texas Constitution, including Chapters 49 and 51, Water
32 Code;
33

34 (2) the general laws relating to road districts and road utility districts created
35 under Section 52(b), Article III, Texas Constitution, including Chapter 441,
36 Transportation Code;
37

38 (3) Chapter 22, Transportation Code, relating to airports and airport facilities,
39 in the same manner and to the same extent as a local government under such chapter;
40

41 (4) Subchapter A of Chapter 372, Local Government Code, relating to public
42 improvement districts, in the same manner as a municipality or county;
43

44 (5) the general laws relating to development corporations, including the
45 Development Corporation Act of 1979, as amended (codified as Article 5190.6, Vernon's
46 Texas Civil Statutes) and Subtitle C1 of Title 12, Local Government Code;

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1
2 (6) the general laws relating to political subdivisions under Chapter 241,
3 Local Government Code; and
4

5 (7) the general laws relating to county development districts under Chapter
6 383, Local Government Code.
7

8 Sec. _____. 102. IMPROVEMENT PROJECTS.
9

10 (a) The district may acquire, construct, purchase, equip, own maintain, and operate,
11 and the district may enter into contracts with a federal or state agency, a political subdivision or
12 instrumentality thereof, or any person, to provide the following types of improvement projects,
13 including any facilities, programs or activities in support of or incidental to such projects:
14

15 (1) a project described in section 4B(a)(2), Development Corporation Act of
16 1979, as amended (codified as article 5190.6 Vernon's Texas Civil Statutes); or
17

18 (2) an airport or an air navigation facility, as defined by section 22.001,
19 Transportation Code.
20

21 (b) The board, within the district's boundaries, may exercise the powers that a local
22 government may exercise under Chapter 22, Transportation Code, to the extent that chapter can
23 be applied.

24 (c) The district may accept federal or state aid and money for purposes described in
25 this section and enter into sponsor's assurance agreements with the federal government.
26

27 Sec. _____. 103. ROAD PROJECTS. The district may acquire, construct, purchase,
28 own, maintain, and operate macadamized, graveled, or paved roads and turnpikes, and facilities
29 in aid thereof, and provide programs and activities in support thereof or incidental thereto, and
30 the district may enter into contracts with a federal or state agency, a political subdivision or
31 instrumentality thereof, or any person to accomplish such projects.
32

33 Sec. _____. 104. GENERAL POWERS REGARDING CONTRACTS.
34

35 (a) The district may:
36

37 (1) contract with any federal or state agency, any political subdivision or
38 instrumentality thereof or any person to accomplish any district purpose, including a
39 contract for:
40

41 (A) the payment, repayment, or reimbursement of costs, including
42 interest on a reimbursed cost, incurred by that agency, political subdivision,
43 instrumentality or person on behalf of the district, including all or part of the costs
44 of a district system; or
45

1 (B) the use, occupancy, lease, rental, operation, maintenance, or
2 management of all or part of any district system; and
3

4 (2) apply for and contract with any federal or state agency, any political
5 subdivision or instrumentality thereof or any person to receive, administer, and perform a
6 duty or obligation of the district under a federal, state, local, or private gift, grant, loan,
7 conveyance, transfer, bequest, or other financial assistance arrangement relating to the
8 investigation, planning, analysis, study, design, acquisition, construction, improvement,
9 completion, implementation, or operation by the district or others of any district system.
10

11 (b) The district and any agency or political subdivision of this state, or an
12 instrumentality thereof, may enter into a contract or agreement for the district to administer,
13 perform or discharge a duty or obligation of such agency or political subdivision or to assist such
14 agency or political subdivision in the performance or discharge of a governmental or proprietary
15 purpose in connection with or relating to the investigation, planning, analysis, study, design,
16 acquisition, construction, improvement, completion, implementation, or operation of any district
17 system; and
18

19 (c) A contract or agreement entered into to carry out a purpose of this chapter may be
20 on any terms and for any period that the board and the other party determine, and any pecuniary
21 obligation of the district under such contract may be evidenced by a negotiable or nonnegotiable
22 note or warrant secured by and payable from any source or combination of sources authorized
23 for the district's bonds.
24

25 (d) Any federal or state agency, political subdivision or instrumentality thereof, or
26 person may contract with the district to carry out the purposes of this chapter without further
27 statutory or other authorization.
28

29 Sec. _____.105. LEASE OF PROPERTY OR RIGHTS.
30

31 (a) The district may lease any of its property, including any project or facility, or any
32 portion thereof, to any public or private entity. A lease may be for a term not longer than 50
33 years.
34

35 (b) The district may grant a franchise to use or operate any of its property or facilities.
36 A franchise under this section may be granted for a term not longer than 50 years.
37

38 (c) The district may grant an exclusive or nonexclusive license to access or use any
39 district system or any portion thereof. A license granted under this section may be for a definite
40 or indefinite term.
41

42 (d) Property may be leased or a franchise or license granted for any purpose
43 reasonably necessary for the effective use or operation of a facility that provides services to and
44 directly benefits users of a district system.
45

1 (e) In return for a lease, franchise, or license, the district may accept anything of
2 value as consideration, including a cash payment, installment payments, one or more payments
3 based on percentages of use, and an interest in real or personal property, or an intangible legal
4 right.

5
6 Sec. _____.106. RULES; ENFORCEMENT.

7
8 (a) The district may adopt rules:

9
10 (1) to administer or operate the district;

11
12 (2) for the use, enjoyment, availability, protection, security, and maintenance
13 of each district system and any other property or facilities of the district; or

14
15 (3) to provide for public safety and security in the district.

16
17 (b) The district may enforce its rules by injunctive relief.

18
19 Sec. _____.107. NAME CHANGE. The board by resolution may change the district's
20 name.

21
22 Sec. _____.108. USE OF ROADWAY, PARK, OR OTHER PUBLIC AREA OF THE
23 DISTRICT.

24
25 (a) The board by rule may regulate the private use of a public roadway, open space,
26 park, sidewalk, or similar public area in the district. To the extent the district rules conflict with
27 a rule, order, or regulation of the city, the rule, order, or regulation of the city controls. A rule
28 may provide for the safe and orderly use of public roadways, open spaces, parks, sidewalks, and
29 similar public areas or facilities.

30
31 (b) The board may require a permit for a parade, demonstration, celebration,
32 entertainment event, or similar nongovernmental activity in or on a public roadway, open space,
33 park, sidewalk, or similar public area or facility. The board may charge a fee for the permit
34 application or for public safety or security services in an amount the board considers necessary.

35
36 (c) The board may require a permit or franchise agreement with a vendor,
37 concessionaire, exhibitor, or similar private or commercial person or organization for the limited
38 use of the area or facility on terms and on payment of a permit or franchise fee the board may
39 impose.

40
41 Sec. _____.109. ADDING OR REMOVING TERRITORY. In addition to the addition of
42 land pursuant to section _____.003, the board may add or remove territory under Subchapter J,
43 Chapter 49, Water Code, except that:

44
45 (1) the addition or removal of the territory must be approved by the owners of
46 the territory being added or removed;

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1
2 (2) a reference to a tax in Subchapter J, Chapter 49, or Section 54.016, Water
3 Code, means an ad valorem tax; and
4

5 (3) territory may not be removed from the district if bonds, notes or other
6 obligations of the district payable, wholly or partly, from ad valorem taxes on the
7 territory to be removed are outstanding.
8

9 Sec. ____ .110. ECONOMIC DEVELOPMENT.

10 (a) The district may establish, create, administer and fund programs for the public
11 purposes of development and diversification of the economy of the state, the elimination of
12 unemployment or underemployment in the state, and the development and expansion of
13 transportation or commerce in the state. Such program may include programs for the making of
14 loans and grants of public money, including public money derived from bond proceeds or other
15 borrowed sources, programs to reimburse costs of any district system, and programs to provide
16 district personnel and services.
17

18 (b) The district may exercise the powers that:

19 (1) Chapter 380, Local Government Code, provides to a municipality with a
20 population of more than 100,000;

21 (2) Chapter 501, Local Government Code, provides to a unit;

22 (3) Chapter 1503, Government Code, provides to any municipality; and

23 (4) Chapter 1509, Government Code, provides to any municipality.
24
25
26
27
28
29

30 Sec. ____ .111. FOREIGN TRADE ZONE.

31 (a) The board may apply for and accept a permit, license, or other grant of authority
32 to establish, operate, and maintain:

33 (1) one or more foreign trade zones, as Texas ports of entry under federal
34 law, in any county in which an airport owned by the district may be located; and
35

36 (2) other subzones or other additions to an existing zone inside or outside the
37 boundaries of the district's airport and private industrial land adjacent or near the
38 airport.
39

40 (b) In operating and maintaining a foreign trade zone or subzone under this
41 subchapter, the board may exercise any power or authority necessary to establish, operate, and
42 maintain the foreign trade zone or subzone in accordance with federal law, rules, and regulations.
43

44 Sec. ____ .112. EMINENT DOMAIN. In addition to the powers of eminent domain
45 granted by section 49.222, Water Code, the board may exercise the power of eminent domain to

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1 acquire land, clearance easements for airport zoning, and facilities inside or outside the district's
2 boundaries.

3
4 Sec. ____113. STATE OF DISASTER. The board or its designated officer has exclusive
5 authority to declare that a local state of disaster exists within the boundaries of an airport
6 operated or controlled by the board, regardless of whether the airport is located in or outside the
7 boundaries of a political subdivision.

8
9 Sec. ____114. USE OF OTHER POWERS.

10
11 (a) Except as provided by Subsection (b) of this section, to accomplish the purposes of
12 this chapter, the district has the same powers, authority, rights, privileges, and modes of
13 procedure as are provided by applicable law to accomplish any other district purpose.

14
15 (b) The district may exercise the powers granted by this chapter without regard to any
16 provision, restriction, or limitation of any general or special law or specific act and may exercise
17 the powers granted by this chapter as an alternative to the powers of all other laws relating to the
18 same subject or combine those powers in whole or in part.

19
20 SUBCHAPTER C. FINANCING POWERS AND FISCAL PROVISIONS.

21
22 Sec. ____201. GENERAL. The district may:

23
24 (1) levy and collect an ad valorem tax within the district to pay any cost associated
25 with a district system, including debt service or any other cost associated with the financing of a
26 district system;

27
28 (2) impose an assessment on property in the district in the manner provided for:

29
30 (A) a district under Subchapters A, E, and F, Chapter 375, Local Government
31 Code; or

32
33 (B) a municipality or county under Subchapter A, Chapter 372, Local
34 Government Code;

35
36 (3) provide for or secure the payment or repayment of the costs and expenses of the
37 establishment, administration, and operation of the district and the district's costs or share of the
38 costs or revenue of a district system or debt service on any bonds, notes or other obligations or
39 indebtedness by or through:

40
41 (A) a lease, installment purchase contract, or other agreement with any federal
42 or state agency, any political subdivision or instrumentality thereof, or any person;

43
44 (B) the imposition of an ad valorem tax, sales tax or other tax;
45

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1 (C) the imposition of an assessment, user fee, concession fee, or rental charge;
2 or

3
4 (D) any other revenue or resources of the district;

5
6 (4) establish and collect user charges, rates, fees and tariffs for or related to the use or
7 operation of district facilities, including facilities for or related to a district system;

8
9 (5) undertake separately or jointly with any federal or state agency, political
10 subdivision or instrumentality thereof, or person all or part of the cost, including costs associated
11 with financing, of:

12
13 (A) a district system;

14
15 (B) facilities and equipment for improving, enhancing, and supporting public
16 safety and security, fire protection and emergency medical services, and law enforcement
17 in and adjacent to the district; or

18
19 (C) any other project or program that confers a general benefit on the entire
20 district or a special benefit on a definable part of the district; and

21
22 (6) enter into a tax abatement agreement in accordance with the general laws of this
23 state authorizing and applicable to tax abatement agreements by municipalities.

24
25 Sec. ____202. BORROWING MONEY; INDEBTEDNESS OF THE DISTRICT. The
26 district may borrow money for any district purpose and the district may effect such borrowings
27 through the issuance or execution of bonds, notes or other obligations, including the execution of
28 loan agreements, of any kind found by the board to be necessary or appropriate to provide
29 financing for the accomplishment of any district purpose. The board may provide for the
30 payment and security of any bond, note or other obligation of the district, including loan
31 agreements, by pledging to such payment ad valorem taxes, assessments, any other district
32 revenue or other source, including any district fund, or any combination of such sources.

33
34 Sec. ____203. IMPACT FEES AND ASSESSMENTS; EXEMPTION.

35
36 (a) The district may impose an impact fee or assessment on property in the district,
37 including an impact fee or assessment on residential or commercial property, only in the manner
38 provided by Subchapter A, Chapter 372 or Subchapter F, Chapter 375, Local Government Code,
39 for a municipality, county, or public improvement district, according to the benefit received by
40 the property.

41
42 (b) An assessment, a reassessment, or an assessment resulting from an addition to or
43 correction of the assessment roll by the district, penalties and interest on an assessment or
44 reassessment, an expense of collection, and reasonable attorney's fees incurred by the district:

45
46 (1) are a first and prior lien against the property assessed; and

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1
2 (2) are superior to any other lien or claim other than a lien or claim for county,
3 school district, municipal or district ad valorem taxes.
4

5 (c) The board may make a correction to or deletion from the assessment roll that does
6 not increase the amount of assessment of any parcel of land without providing notice and holding
7 a hearing in the manner required for additional assessments.
8

9 (d) The district may not impose an impact fee on the property, including equipment
10 and facilities, of a public utility provider in the district.
11

12 Sec. ____204. CERTAIN RESIDENTIAL PROPERTY NOT EXEMPT. Section
13 375.161, Local Government Code, does not apply to the district.
14

15 Sec. ____205. MAINTENANCE AND OPERATION TAX; ELECTION.
16

17 (a) The district may impose an ad valorem tax for maintenance and operation
18 purposes, including for:
19

20 (1) planning, constructing, acquiring, maintaining, repairing, and operating
21 district systems, including plants, works, facilities, appliances, and equipment of the
22 district and any related interests in land; and
23

24 (2) paying costs of services, engineering and legal fees, and organization and
25 administrative expenses.
26

27 (b) The district may not impose a maintenance and operation tax unless the maximum
28 tax rate is approved by a majority of the district voters voting at an election held for that purpose.
29 If the maximum tax rate is approved, the board may impose the tax at any rate that does not
30 exceed the approved maximum rate.
31

32 (c) A maintenance and operation tax election may be held at the same time and in
33 conjunction with any other district election. The election may be called by a separate election
34 order or as part of any other election order.
35

36 (d) The proposition in a maintenance and operation tax election may be for a specific
37 maximum rate or for an unlimited rate.
38

39 Sec. ____206. USE OF SURPLUS MAINTENANCE AND OPERATION MONEY. If
40 the district has surplus maintenance and operation tax money that is not needed for the purposes
41 for which it was collected, the money may be used for any authorized purpose.
42

43 Sec. ____207. BONDS AND OTHER OBLIGATIONS.
44

45 (a) In exercising the district's borrowing power, the district may issue and execute
46 bonds, notes and other obligations, including obligations in the form of certificates of

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1 participation or other instruments evidencing a proportionate interest in payments to be made by
2 the district, bond enhancement agreements or other forms of credit agreements, and loan
3 agreements. The district may sell bonds, notes or other obligations by competitive bid or
4 negotiated sale.

5
6 (b) The district may provide for and secure the payment of bonds, notes or other
7 obligations by pledging:

- 8
9 (1) an ad valorem tax;
10
11 (2) assessments in the manner provided by Subchapter A, Chapter 372 or
12 Subchapter J, Chapter 375, Local Government Code;
13
14 (3) any part of the revenues received by the district from one or more district
15 systems or from any other source; or
16
17 (4) any combination of such sources.

18
19 (c) The district may issue bonds, notes or other obligations as provided by Chapters
20 49 and 51, Water Code, the general laws of this state or this section.

21
22 (d) The district may issue bonds, notes, or other obligations, without an election, as
23 provided by this section to finance the acquisition, construction, improvement, equipment,
24 maintenance, or operation of any district system or systems, except that bonds, notes or other
25 obligations that are secured by and payable from ad valorem taxes may not be issued or executed
26 unless such bonds, notes or other obligations and the imposition of such taxes are approved by a
27 majority, or any larger percentage if required by the constitution, of the voters in the district
28 voting at an election held for that purpose.

29
30 (e) Elections required by this section shall be called and held as provided by the
31 appropriate provisions of Chapters 49 and 54, Water Code.

32
33 (f) Bonds, notes, or other obligations issued or incurred to finance road projects may not
34 exceed one-fourth of the assessed value of the real property in the district.

35
36 (g) Sections 49.181, 49.182, 49.183 and 50.107, Water Code, do not apply to an
37 improvement project or a road project undertaken by the district or to bonds issued by the
38 district to finance an improvement project or a road project.

39
40 (h) The district may exercise any power of an issuer under Chapter 1371,
41 Government Code.

42
43 (i) Bonds, notes and other obligations issued to finance parks and recreational
44 facilities pursuant to Section 59(c-1), Article XVI, Texas Constitution, including improvement
45 projects, may be issued in the aggregate principal amount determined by the governing body of

1 the district, without regard to the limitation imposed by section 49.4645, Water Code, on the
2 maximum outstanding principal amount of bonds, notes and other obligations.

3
4 Sec. ____.208. BOND MATURITY. Bonds may mature not more than 40 years from
5 their date of issue.

6
7 Sec. ____.209. TAXES FOR BONDS AND OTHER OBLIGATIONS.

8
9 (a) At the time bonds, notes or other obligations payable wholly or partly from ad
10 valorem taxes are issued or executed:

11
12 (1) the board shall impose a continuing direct annual ad valorem tax for each
13 year that all or part of the bonds are outstanding; and

14
15 (2) the district annually shall levy and collect an ad valorem tax on all taxable
16 property in the district in an amount sufficient to:

17
18 (A) pay the interest on the bonds, notes or other obligations as the
19 interest becomes due;

20
21 (B) create a sinking fund for the payment of the principal of the bonds,
22 notes or other obligations when due or the redemption price at any earlier required
23 redemption date;

24
25 (C) pay any other costs of such bonds, notes or other obligations; and

26
27 (D) pay the expenses of imposing the taxes.

28
29 Sec. ____.210. CONTRACT TAXES.

30
31 (a) In accordance with Section 49.108, Water Code, the district may impose a tax
32 other than an operation and maintenance tax and use the revenue derived from the tax to make
33 payments under a contract after the provisions of the contract have been approved by a majority
34 of the district voters voting at an election held for that purpose.

35
36 (b) A contract approved by the district voters may contain a provision stating that the
37 contract may be modified or amended by the board without further voter approval.

38
39 Sec. ____.211. MORTGAGE OF DISTRICT SYSTEM. Subject to a limitation contained
40 in a previous pledge, if any, and in addition to a pledge of revenue under section ____.202 or
41 section ____.207(b), to secure the repayment of any bonds, notes or other obligations, the
42 governing body of the district may grant a lien on all or part of the physical property comprising
43 a district system.

44
45 SUBCHAPTER D. NONPROFIT CORPORATION ACTING ON BEHALF OF DISTRICT

1 Sec. _____.301. CREATION OF NONPROFIT CORPORATION.
2

3 (a) The board of directors of the district by order may create one or more nonprofit
4 corporations to act on behalf of the district as its authority and instrumentality.
5

6 (b) The Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas
7 Civil Statutes) applies to a corporation created under this section.
8

9 (c) Sections 501.052, 501.053, 501.056, 501.057(b) and (c), 501.058, 501.062,
10 501.063, 501.064, except as that section applies to amending a corporation's bylaws, 501.065,
11 501.066, 501.068-501.072, 501.401-501.406, and Subchapters G and H, Chapter 501, Local
12 Government Code, apply to a corporation created under this section, except that in those
13 sections:

14 (1) a reference to the Development Corporation Act (Subtitle C1, Title 12,
15 Local Government Code) includes this chapter; and
16

17 (2) a reference to a unit includes the district.
18

19 (d) A reference in this chapter to an instrumentality of a political subdivision shall
20 include a nonprofit corporation created by the district to act on its behalf.
21

22
23 Sec. _____.302. POWERS OF NONPROFIT CORPORATION.
24

25 (a) A corporation created under Section _____.301 may exercise any power of the
26 district or of a development corporation.
27

28 (b) When exercising a power under this chapter, a corporation created under Section
29 _____.301 and the board of directors of the corporation have the same powers as the district and
30 the district's board, including the power to issue bonds, notes or other obligations or otherwise
31 borrow money on behalf of the district to accomplish any purpose of the corporation. As
32 security for the payment of any bonds, notes or other obligations issued or incurred by a
33 corporation, the corporation may mortgage and pledge any or all of the corporation's projects, or
34 any revenue therefrom, or any part of a project, including the project financed or refinanced and
35 any enlargements of and additions to the project, owned before or acquired after the time of the
36 mortgage or pledge and assign any mortgage and repledge any security conveyed to the
37 corporation to secure any loan made by the corporation, and pledge the revenues and receipts
38 from the assigned mortgage or security.
39

40 (c) With regard to the issuance of a bond, note or other obligation, the board of
41 directors of a corporation created under Section _____.301 may exercise the powers granted to
42 the governing body of:

43 (1) an issuer under Chapters 1201 and 1371, Government Code; and
44

45 (2) a public agency under Chapter 1204, Government Code.
46

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(d) A corporation created under Section _____.301 and the district may:

(1) share officers, directors, employees, equipment, and facilities; and

(2) provide goods or services to each other at cost without the requirement of competitive bidding.

Sec. _____.303. BOARD OF DIRECTORS.

(a) The board of directors of the district shall appoint the directors of a corporation created under Section _____.301.

(b) A member of the district's board of directors may serve as a member of the corporation's board of directors.

(c) The directors of the corporation serve at the will of the district's board of directors.

Sec. _____.304. SUPERVISION BY BOARD OF DIRECTORS OF DISTRICT.

(a) The budget of a corporation created under Section _____.301 must be approved by the board of directors of the district.

(b) The activities of the corporation are subject to the continuing review and supervision of the district's board of directors.

(c) The issuance of bonds or other obligations under this chapter by a corporation created under Section _____.301 must be approved by the board of directors of the district.

Sec. _____.305. GUARANTEE AND OTHER CREDIT SUPPORT RELATING TO PUBLIC SECURITIES AND OTHER OBLIGATIONS.

(a) In this section, "public security" has the meaning assigned by Section 1202.001, Government Code.

(b) Under Section 52-a, Article III, Texas Constitution, the district may guarantee or otherwise provide credit support for any public security or other obligation or contract of that corporation if the board of directors of the district determines that the guarantee or other credit agreement:

(1) is beneficial to a public purpose of the district; and

(2) is for the public purpose of:

(A) the development and diversification of the economy of the state;

1 (B) the elimination of unemployment or underemployment in the state; or

2
3 (C) the development or expansion of transportation or commerce in the
4 state.

5
6 (c) A determination by the board of directors of the district under Subsection (b) is
7 conclusive.

8
9 (d) A guarantee or other credit agreement authorized by Subsection (b) may provide for
10 the guarantee of or other credit support for public securities or other obligations or contracts of
11 the corporation, all or a portion of which may be authorized, executed, and delivered in the
12 future.

13
14 (e) Chapter 1202, Government Code, applies to a guarantee or other credit agreement
15 under this section as if the guarantee or other credit agreement were a public security.

16
17 **SUBCHAPTER E. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS**

18
19 **Sec. ---.401. DIVISION OF DISTRICT; REQUIREMENTS.**

20
21 (a) At any time before the district issues or incurs indebtedness secured by ad
22 valorem taxes, the district may be divided into two or more successor districts.

23
24 (b) A successor district created by division of the district must contain at least 100
25 acres.

26
27 (c) The board may consider a proposal to divide the district on:

28 (1) a petition of a landowner in the district; or

29 (2) a motion by the board.

30
31 (d) If the board decides to divide the district, the board shall:

32 (1) set the terms of the division, including names for the successor districts
33 and a plan for the payment or performance of any outstanding district obligations;
34 and

35 (2) prepare a metes and bounds description for each proposed district.
36
37
38

39
40
41 **Sec. ---.402. ELECTION FOR DIVISION OF DISTRICT.**

42
43 (a) After the board has complied with Section _____.401, the board shall hold an
44 election in the district to determine whether the district should be divided as proposed.
45

1 (b) The board shall give notice of the election not later than the 35th day before the
2 date of the election. The notice must state:

- 3
4 (1) the date and location of the election; and
5
6 (2) the proposition to be voted on.

7
8 (c) If a majority of the votes cast are in favor of the division:

- 9
10 (1) the district is divided; and
11
12 (2) not later than the 30th day after the date of the election, the district shall
13 provide written notice of the division to the Texas Commission on Environmental
14 Quality.

15
16 (d) If a majority of the votes cast are not in favor of the division, the district is not
17 divided.

18
19 Sec. ____403. ELECTION OF DIRECTORS OF SUCCESSOR DISTRICTS.

20
21 (a) Not later than the 90th day after the date of an election in favor of the division of
22 the district, the board shall:

- 23
24 (1) appoint itself as the board of one of the successor districts; and
25
26 (2) appoint five directors for each of the other successor districts.

27
28 (b) Directors appointed under Subsection (a)(1) serve the staggered terms to which
29 they were elected in the original district. Directors appointed under Subsection (a)(2) serve until
30 the election for directors under Subsection (c).

31
32 (c) On the uniform election date in May of the first even-numbered year after the year
33 in which the directors are appointed, the appointed board shall hold an election to elect five
34 directors in each district for which directors were appointed under Subsection (a)(2). The
35 directors shall draw lots to determine which two shall serve until the next regularly scheduled
36 election of directors and which three shall serve until the second regularly scheduled election of
37 directors.

38
39 Sec. ____404. CONTINUING POWERS AND OBLIGATIONS OF SUCCESSOR
40 DISTRICTS.

41
42 (a) Each successor district may incur and pay debts and has all powers of the district.

43
44 (b) If the district is divided as provided by this subchapter, the current obligations and
45 any bond authorizations of the district are not impaired. Debts shall be paid by revenue or by
46 taxes or assessments imposed on real property in the district as if the district had not been

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1 divided or by contributions from each successor district as stated in the terms set by the board
2 under Section _____.401(d).

3
4 (d) Any other district obligation is divided pro rata among the successor districts on
5 an acreage basis or on other terms that are satisfactory to the successor districts.

6
7 Sec. _____.305. CONTRACT AUTHORITY OF SUCCESSOR DISTRICTS. The
8 successor districts may contract with each other for any matter the boards of the successor
9 districts consider appropriate.

10
11 SUBCHAPTER E. SPECIAL PROVISIONS.

12
13 Sec. _____.____. ELECTIONS.

14
15 (a) If the constitution of this state requires an election to permit any procedure,
16 action, transaction or matter authorized by this chapter, including but not limited to the issuance
17 of bonds or the execution of any agreement, the district shall order an election to authorize such
18 procedure, action, transaction or matter, which shall be held substantially in accordance, to the
19 extent appropriate, with Subchapter D of Chapter 49, Water Code.

20
21 (b) A bond election, maintenance tax election, and any other election held in a district
22 may be held at the same time and in conjunction with any other election.

23
24 (c) The board may call an election for the purpose of voting on any measure.

25
26 Sec. _____.____. DEVELOPMENT AGREEMENT.

27
28 (a) The district and a municipality, county or other political subdivision of the state,
29 or an instrumentality thereof, and any owner of land in the district may enter into a development
30 agreement for a term not to exceed 30 years on any terms and conditions the board and the other
31 party or parties consider advisable. The parties may amend the agreement.

32
33 (b) To accomplish an authorized purpose, the agreement may provide that all or part
34 of the taxes or funds available to the political subdivision or required by law to be used by the
35 political subdivision for an authorized purpose shall be transferred or paid directly to the district
36 to accomplish such purpose.

37
38 SECTION 2. Upon compliance by the District with the provisions of Water Code, section
39 49.301 or 49.302, as applicable, the District's Board is authorized to add, from time to time, any
40 part of the following territory to the boundaries of the District:

41
42 LEGAL DESCRIPTION OF TRACT 1: BEING A 333.016 ACRE TRACT OF LAND LYING
43 IN AND BEING SITUATED OUT OF THE JOHN B. WALTERS ½ LEAGUE, ABSTRACT
44 67, ALL IN BASTROP COUNTY, TEXAS AND ALL OF THAT CERTAIN 332.16 ACRE
45 TRACT OF LAND CONVEYED TO DAVID C. McFARLAND AND WIFE, ANN L.
46 McFARLAND AND TO JOHN B. McFARLAND AND WIFE, JILL S. McFARLAND BY

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1 DEED RECORDED IN VOLUME 1591, PAGE 792, OF THE DEED RECORDS OF
2 BASTROP COUNTY, TEXAS; SAID 333.016 ACRE TRACT BEING MORE
3 PARTICULARLY DESCRIBED AS FOLLOWS:
4

5 BEGINNING at an ½" iron rod set in the southwesterly right-of-way (80') line of
6 F.M. Highway 969 for the east corner hereof and said 332.16 acre tract and the
7 north corner of that certain 120.411 acre tract of land conveyed to Gladys Ott
8 Smith by will recorded in Volume 1167, Page 332 of said deed records;
9

10 THENCE S 29°36'25" W, passing an iron rod set for reference at a distance of
11 1892.00 feet, passing an iron rod set for reference at a distance of 2339.00 feet,
12 passing an iron rod set for reference at a distance of 7995.00 feet and continuing
13 for a total distance of 8338.55 feet to a calculated point at the bank of the
14 Colorado River for the southerly corner hereof:
15

16 THENCE upstream with the bank of the Colorado River the following ten (10)
17 calls:
18

- 19 1. S. 68°05'46" W a distance of 15.71 feet;
- 20 2. S 70°41'19" W a distance of 210.13 feet;
- 21 3. S 72°18'11" W a distance of 319.41 feet;
- 22 4. S 76°33'49"
- 23 5. S 75°1 902"
- 24 6. S 72°1 5'30"
- 25 7. S 76°40'54"
- 26 8. S 74°29'04"
- 27 9. N 89°26'1 6"
- 28 10. N 77°18'06" W a distance of 234.11 feet to the westerly corner of said
29 332.19 acre tract and the southerly corner of that certain 730.604 acre tract of land
30 conveyed to David McFarland and Ann L. McFarland by deed recorded in
31 Volume 802, Page 648 of said deed records;
32

33 THENCE with the common line of said tracts the following eleven (11) calls;
34

- 35 1. N 22°14'26" E a distance of 150.57 feet to an angle point;
- 36 2. N 30°58'19" E a distance of 512.26 feet to an angle point;
- 37 3. N 28°40'38" E a distance of 661.87 feet to an angle point;
- 38 4. N 31°34'34" E a distance of 356.38 feet to an angle point;
- 39 5. N 30°15'17" E a distance of 1609.17 feet to an angle point;
- 40 6. N 30°08'09" E a distance of 956.68 feet to an angle point;
- 41 7. N 30°19'48" E a distance of 1602.84 feet to an angle point;
- 42 8. N 30°37'25" E a distance of 1614.59 feet to an angle point;
- 43 9. N 30°44'51" E a distance of 1726.19 feet to an angle point;
- 44 10. N 30°02'04" E a distance of 412.63 feet to an angle point;

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1 11. N 31°06'04" E a distance of 764.32 feet to a point on the curving
2 southwesterly right-of-way (80') line of F.M. Highway 969 for the northerly
3 corner hereof and easterly corner of said 730.604 acre tract;

4
5 THENCE along said right-of-way line the following three (3) calls:

- 6
7 1. a length of 302.29 feet along the arc of said curving line to the left having
8 a radius of 2905.07 feet and a chord bearing S 35°40'17" E a distance of 302.16
9 feet to an iron rod set for endpoint;
10 2. S 38°27'50" E a distance of 670.86 feet to a concrete right-of-way
11 monument found (broken) for angle point;
12 3. S 38°24'38" E a distance of 609.51 feet to the POINT OF BEGINNING
13 for TRACT 1, containing 333.016 acres of land, more or less.
14

15 LEGAL DESCRIPTION OF TRACT 2: BEING A 712.931 ACRE TRACT OF LAND LYING
16 IN AND BEING SITUATED OUT OF THE MARTIN WELLS LEAGUE, ABSTRACT 68
17 AND THE JOHN B. WALTERS ½ LEAGUE, ABSTRACT 67, ALL IN BASTROP COUNTY,
18 TEXAS AND BEING A PORTION OF THAT CERTAIN 730.604 ACRE TRACT OF LAND
19 CONVEYED TO DAVID McFARLAND AND ANN L. McFARLAND BY DEED
20 RECORDED IN VOLUME 802, PAGE 648 OF THE DEED RECORDS OF BASTROP
21 COUNTY, TEXAS; SAID 712.931 ACRE TRACT BEING MORE PARTICULARLY
22 DESCRIBED AS FOLLOWS:
23

24 BEGINNING at an iron rod set on the southwesterly right-of-way (100') line of
25 F.M. Highway 969 for the northerly corner hereof and said 730.604 acre tract and
26 the easterly corner of that portion of that certain 568.24 acre tract of land, lying
27 southwesterly of F.M. Highway 969, conveyed to James Robert Glass by deed
28 recorded in Volume 815, Page 212 of said deed records;
29

30 THENCE along said right-of-way line the following three (3) calls:

- 31
32 1. S 42°03'46" E a distance of 604.42 feet to a concrete right-of-way
33 monument found for point of curvature of a curve to the right;
34 2. a length of 1150.28 feet along the arc of said curve having a radius of
35 2242.02 feet and a chord bearing S 27°19' 52" E a distance of 1137.70 feet to a
36 concrete right-of-way monument found for endpoint;
37 3. S 12°40'40" E a distance of 434.98 feet to an iron rod set for corner;
38

39 THENCE S 65°24'48" W a distance of 1035.58 feet to an iron rod set for angle
40 point;

41
42 THENCE S 06°51 '23" W a distance of 137.70 feet to an iron rod set for angle
43 point;

44
45 THENCE S 40°04'29" E a distance of 848.49 feet to an iron rod set for corner;
46

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1 THENCE N 58°13'34" E a distance of 718.24 feet to an iron rod set for corner on
2 the curving southwesterly right-of-way (80') line of F.M. Highway 969;

3
4 THENCE an arc length of 973.80 feet along said curving line to the left having a
5 radius of 2905.07 feet and a chord bearing S 23°05'15" E, a distance of 969.24
6 feet a point for the easterly corner hereof and said 730.604 acre tract and the
7 northerly corner of that certain 332.16 acre tract of land conveyed to David
8 McFarland and Ann L. McFarland by deed recorded in Volume 1591, Page 792 of
9 said deed records;

10
11 THENCE with the southeasterly line of said 730.604-acre tract and the
12 northwesterly line of said 332.16-acre tract the following eleven (11) calls;

- 13
14 1. S 31°06'04" E a distance of 764.32 feet to an angle point;
15 2. S 30°02'04" W a distance of 412.63 feet to an angle point;
16 3. S 30°44'51" W a distance of 1726.19 feet to an angle point;
17 4. S 30°37'25" W a distance of 1614.59 feet to an angle point;
18 5. S 30°19'48" W a distance of 1602.84 feet to an angle point;
19 6. S 30°08'09" W a distance of 956.68 feet to an angle point;
20 7. S 30°15'17" W a distance of 1609.17 feet to an angle point;
21 8. S 31°34'34" W a distance of 356.38 feet to an angle point;
22 9. S 28°40'38" W a distance of 661.87 feet to an angle point;
23 10. S 30°58'19" W a distance of 512.26 feet to an angle point;
24
25 11. S 22°14'26" W a distance of 150.57 feet to a calculated point on the bank
26 of the Colorado River for the southerly corner of said 730.604 acre tract and
27 westerly corner of said 332.16 acre tract;

28
29 THENCE upstream with the bank of the Colorado River the following six (6)
30 calls:

- 31
32 1. N 24°20'08" W a distance of 106.90 feet;
33 2. N 32°30'02" W a distance of 142.41 feet;
34 3. N 42°12'30" W a distance of 150.29 feet;
35 4. N 43°37'12" W a distance of 118.46 feet;
36 5. N 51°30'51" W a distance of 307.97 feet;
37 6. N 60°48'22" W a distance of 134.11 feet;

38
39 THENCE along an oxbow of said river and a common line with that certain
40 568.24-acre tract of land conveyed to James Robert Glass by deed recorded in
41 Volume 815, Page 212 of said deed records the following eighteen (18) calls:

- 42
43 1. N 11°25'33" E a distance of 167.37 feet to a ½" iron rod found for angle
44 point;
45 2. N10°14'33" E a distance of 144.86 feet to a ½" iron rod found for angle
46 point;

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- 1 3. N 18°36'33" E a distance of 141.53 feet to an iron rod set for angle point;
- 2 4. N 20°25'26" E a distance of 46.08 feet to a ½" iron rod found for angle
- 3 point;
- 4 5. N 26°58'14" E a distance of 221.23 feet to a ½" iron rod found for angle
- 5 point;
- 6 6. N 23°58'15" E a distance of 41.71 feet to a ½" iron rod found for angle
- 7 point;
- 8 7. N 22°13'48" E a distance of 139.29 feet to an iron rod set for angle point;
- 9 8. N 13°07'49" E a distance of 258.86 feet to an iron rod set for angle point;
- 10 9. N 39°28'49" E a distance of 177.48 feet to a ½" iron rod found for angle
- 11 point;
- 12 10. N 23°04'49" E a distance of 204.45 feet to a ½" iron rod found for angle
- 13 point;
- 14 11. N 19°53'17" E a distance of 319.35 feet to a ½" iron rod found for angle
- 15 point;
- 16 12. N 01°14'18" W a distance of 341.43 feet to a ½" iron rod found for angle
- 17 point;
- 18 13. N 16°16'05" W a distance of 725.25 feet to a ½" iron rod found for angle
- 19 point;
- 20 14. N 26°04'05" W a distance of 363.54 feet to an iron rod set for angle point;
- 21 15. N 31°08'03" W a distance of 99.92 feet to a ½" iron rod found for angle
- 22 point;
- 23 16. N 50°26'16" W a distance of 406.32 feet to a ½" iron rod found for angle
- 24 point;
- 25 17. N 53°23'21" W a distance of 60.55 feet to a ½" iron rod found for angle
- 26 point;
- 27 18. N 15°56'53" W a distance of 50.48 feet to a ½" iron rod found for a
- 28 westerly corner hereof and said 730.604 acre tract;

29
30 THENCE with the northwest line hereof and said 730.604-acre tract, common
31 with said Glass tract the following eighteen (18) calls:

- 32
- 33 1. N 29°33'10" E a distance of 340.46 feet to a ½" iron rod found for angle
- 34 point;
- 35 2. N 29°53'53" E a distance of 1549.29 feet to an iron rod set for angle
- 36 point;
- 37 3. N 29°38'56" E a distance of 1707.39 feet to an iron rod set for angle
- 38 point;
- 39 4. N 29°27'56" E a distance of 1615.65 feet to an iron rod set for angle
- 40 point;
- 41 5. N 28°58'56" E a distance of 633.34 feet to a nail in 16" Elm tree found for
- 42 angle point;
- 43 6. N 29°21'56" E a distance of 493.44 feet to a ½" iron rod found for angle
- 44 point;
- 45 7. N 27°30'16" E a distance of 75.97 feet to an iron rod set for angle point;

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- 1 8. N 29°29'31" E a distance of 302.68 feet to a ½" iron rod found for angle
- 2 point;
- 3 9. N 29°55'31" E a distance of 204.28 feet to a ½" iron rod found for angle
- 4 point;
- 5 10. N 29°17'08" E a distance of 730.72 feet to a ½" iron rod found for angle
- 6 point;
- 7 11. N 29°37'10" E a distance of 606.68 feet to a ½" iron rod found for angle
- 8 point;
- 9 12. N 33°36'44" E a distance of 118.26 feet to a ½" iron rod found for angle
- 10 point;
- 11 13. N 28°49'08" E a distance of 135.05 feet to a ½" iron rod found for angle
- 12 point;
- 13 14. N 28°37'00" E a distance of 461.78 feet to a ½" iron rod found for angle
- 14 point;
- 15 15. N 26°13'03" E a distance of 92.86 feet to a ½" iron rod found for angle
- 16 point;
- 17 16. N 40°13'32" E a distance of 46.46 feet to a nail found in 4" Elm tree for
- 18 angle point;
- 19 17. N 62°33'46" E a distance of 73.21 feet to a nail found in 9" Elm tree for
- 20 angle point;
- 21 18. N 28°19'46" E a distance of 388.67 feet to the POINT OF BEGINNING
- 22 of TRACT 2, containing 712.931 acres of land, more or less.
- 23

24 LEGAL DESCRIPTION OF TRACT 3: BEING 568.24 ACRES OF LAND LYING AND
25 BEING SITUATED OUT OF THE MARTIN WELLS LEAGUE, ABSTRACT 68 OF
26 BASTROP COUNTY, TEXAS AND THE JOSE ANTONIO NAVARRO GRANT OF TRAVIS
27 AND BASTROP COUNTY, TEXAS AND BEING ALL OF THAT SAME TRACT OR
28 PARCEL OF LAND CONVEYED TO JAMES T. GLASS BY DEED RECORDED IN
29 VOLUME 129, PAGE 555 OF THE BASTROP COUNTY DEED RECORDS TO INCLUDE
30 THAT PORTION OF THE OLD BED OF THE COLORADO RIVER (APPROXIMATELY
31 118.50 ACRES) DESCRIBED BY AFFIDAVIT OF POSSESSION AND USE RECORDED IN
32 VOLUME 129, PAGE 557 OF SAID DEED RECORDS FOR WHICH NO DEED OF
33 CONVEYANCE IS FOUND OF RECORD; SAID 568.24 ACRE TRACT BEING MORE
34 PARTICULARLY DESCRIBED AS FOLLOWS:

35
36 PARCEL 1 of TRACT 3:

37
38 BEGINNING at an iron rod set for the most northerly corner hereof at the
39 intersection of the easterly line of that certain tract of land conveyed to W.A.
40 Barton by deed recorded in Volume 123, Page 114 of the Bastrop County Deed
41 Records with the southerly r-o-w (100') line of F.M. Highway 969;

42
43 THENCE S 42°05'41" E. 678.35 feet along said r-o-w line to an iron rod set for
44 corner with the intersection of the westerly line of that certain tract of land
45 conveyed to Henry Reniert, Jr. by deed recorded in Volume 342, Page 563 of said
46 deed records;

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1
2 THENCE with said westerly line the following nineteen (19) calls;
3

- 4 1. S 28°19'46" W, 388.67 feet to a nail found set in 9" elm tree;
- 5 2. S 62°33'46" W, 73.21 feet to a nail found set in 4" elm tree;
- 6 3. S 40°13'32" W, 46.46 feet to an iron rod found;
- 7 4. S 26°13'03" W, 92.86 feet to an iron rod found;
- 8 5. S 28°37'00" W, 461.78 feet to an iron rod found;
- 9 6. S 28°49'08" W, 135.05 feet to an iron rod found;
- 10 7. S 33°36'44" W, 118.26 feet to an iron rod found;
- 11 8. S 29°37'10" W, 606.68 feet to an iron rod found;
- 12 9. S 29°17'08" W, 730.72 feet to an iron rod found;
- 13 10. S 29°55'31" W, 204.28 feet to an iron rod found;
- 14 11. S 29°29'31" W, 302.58 feet to an iron rod set;
- 15 12. S 27°30'16" W, 75.97 feet to an iron rod found;
- 16 13. S 29°21'66" W, 493.44 feet to a nail found set in 16" elm tree;
- 17 14. S 28°58'56" W, 633.34 feet to an iron rod set;
- 18 15. S 29°27'56" W, 1615.65 feet to an iron rod set;
- 19 16. S 29°38'56" W, 1707.39 feet to an iron rod set;
- 20 17. S 29°53'53" W, 1549.29 feet to an iron rod found;
- 21 18. S 29°33'10" W, 340.46 feet to an iron rod found;
- 22 19. S 15°56'53" W, 50.48 feet to an iron rod found on the former high north
23 bank of the Colorado River;

24
25 THENCE along said former high north bank of river the following seventeen (17)
26 calls:
27

- 28 1. S 53°23'21" E, 60.55 feet to an iron rod found;
- 29 2. S 50°26'16" E, 406.32 feet to an iron rod found;
- 30 3. S 31°08'03" E, 99.92 feet to an iron rod found;
- 31 4. S 26°04'05" E, 363.51 feet to an iron rod found;
- 32 5. S 16°16'05" E, 725.25 feet to an iron rod found;
- 33 6. S 01°14'18" E, 341.43 feet to an iron rod found;
- 34 7. S 19°53'17" W, 319.35 feet to an iron rod found;
- 35 8. S 23°04'49" W, 204.45 feet to an iron rod found;
- 36 9. S 39°28'49" W, 177.48 feet to an iron rod found;
- 37 10. S 13°07'49" W, 258.86 feet to an iron rod found;
- 38 11. S 22°13'48" W, 139.29 feet to an iron rod found;
- 39 12. S 23°58'15" W, 41.71 feet to an iron rod found;
- 40 13. S 26°58'14" W, 221.23 feet to an iron rod found;
- 41 14. S 20°25'26" W, 46.08 feet to an iron rod found;
- 42 15. S 18°36'33" W, 141.53 feet to an iron rod found;
- 43 16. S 10°14'33" W, 144.86 feet to an iron rod found;
- 44 17. S 11°25'33" W, 167.37 feet to an iron rod set for corner on the current
45 high bank of the Colorado River;

1 THENCE along said current high bank the following nineteen (19) calls:

- 2
- 3 1. N 62°28'42" W, 117.57 feet;
- 4 2. N 60°27'56" W, 222.34 feet;
- 5 3. N 68°09'24" W, 158.74 feet;
- 6 4. N 81°44'10" W, 254.75 feet;
- 7 5. N 59°13'06" W, 282.08 feet;
- 8 6. N 64°05'21" W, 272.07 feet;
- 9 7. N 56°45'15" W, 202.37 feet;
- 10 8. N 60°12'38" W, 226.12 feet;
- 11 9. N 65°41'30" W, 176.10 feet;
- 12 10. N 77°19'37" W, 214.33 feet;
- 13 11. N 87°27'01" W, 393.57 feet;
- 14 12. N 80°47'37" W, 211.59 feet;
- 15 13. N 66°11'38" W, 208.96 feet;
- 16 14. N 76°02'19" W, 205.18 feet;
- 17 15. N 52°50'58" W, 164.12 feet;
- 18 16. N 28°02'22" W, 342.71 feet;
- 19 17. N 12°55'24" W, 190.94 feet;
- 20 18. N 57°37'25" W, 183.45 feet;
- 21 19. N 68°42'56" W, 172.03 feet to a point for corner at the approximate
- 22 intersection with the former high west bank of the Colorado River;

23
24 THENCE with said former high west bank and the east line of the aforesaid
25 Barton tract the following sixteen (16) calls:

- 26
- 27 1. N 03°05'56" W, 184.41 feet;
- 28 2. N 28°36'07" E, 238.63 feet;
- 29 3. N 57°21'57" E, 221.10 feet;
- 30 4. N 44°23'23" E, 227.62 feet;
- 31 5. N 39°53'17" E, 371.03 feet;
- 32 6. N 10°49'13" W, 210.26 feet;
- 33 7. N 04°22'08" W, 675.90 feet;
- 34 8. N 01°47'14" E, 93.94 feet;
- 35 9. N 16°50'33" E, 191.63 feet;
- 36 10. N 13°16'39" E, 74.54 feet;
- 37 11. N 37°08'57" E, 226.53 feet;
- 38 12. N 38°26'23" E, 293.43 feet;
- 39 13. N 48°05'21" E, 292.66 feet;
- 40 14. N 60°27'16" E, 266.72 feet;
- 41 15. N 72°16'15" E, 241.03 feet;
- 42 16. N 89°03'49" E, 33.70 feet to an iron rod set for corner at the intersection
- 43 with the said line of the Barton tract and the west line hereof;

44
45 THENCE N 29°46'14" E, 6,248.52 feet to an iron rod found for exterior all
46 corner hereof;

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1
2 THENCE S 59°57'16" E, 865.94 feet to an iron rod found for interior all corner
3 hereof;

4
5 THENCE N 29°38'55" E, 4,269.11 feet to the POINT OF BEGINNING and
6 containing 541.75 acres of land, more or less;

7
8 PARCEL 2 of TRACT 3:

9
10 BEGINNING at an iron rod set on the northerly r-o-w (100') line of F.M.
11 Highway 969 at the Intersection of the easterly line of the aforementioned Barton
12 tract and west line hereof;

13
14 THENCE N 29°38'55" E, 1,764.44 feet to an iron rod and set for the northerly
15 most corner hereof;

16
17 THENCE S 60°48'02" E, 520.11 feet to an iron rod for corner;

18
19 THENCE S 29°47'57" W, 1,972.16 feet to an iron rod set for corner on said r-o-w
20 line of F.M. Highway 969;

21
22 THENCE N 42°05'41" W, 647.50 feet along said r-o-w line to the POINT OF
23 BEGINNING and containing 28.49 acres of land, more or less.

24
25 LEGAL DESCRIPTION OF TRACT 4: BEING AN 18.846 ACRE TRACT OF LAND LYING
26 IN AND BEING SITUATED OUT OF THE MARTIN WELLS LEAGUE, ABSTRACT 68
27 AND THE JOHN B. WALTERS ½ LEAGUE, ABSTRACT 67, ALL IN BASTROP COUNTY,
28 TEXAS AND BEING A PORTION OF THAT CERTAIN 730.604 ACRE TRACT OF LAND
29 CONVEYED TO DAVID C. McFARLAND AND ANN L. McFARLAND BY DEED
30 RECORDED IN VOLUME 802, PAGE 648 OF THE DEED RECORDS OF BASTROP
31 COUNTY, TEXAS; SAID 18.846 ACRE TRACT BEING MORE PARTICULARLY
32 DESCRIBED AS FOLLOWS:

33
34 BEGINNING at an iron rod set on the southwesterly right-of-way (100') line of
35 F.M. Highway 969 for the northerly corner hereof and said 730.604 acre tract and
36 the easterly corner of that portion of that certain 568.24 acre tract of land, lying
37 southwesterly of F.M. Highway 969, conveyed to James Robert Glass by deed
38 recorded in Volume 815, Page 212 of said deed records;

39
40 THENCE along said right-of-way line the following three (3) calls:

- 41
42 1. S 42°03'46" E a distance of 604.42 feet to a concrete right-of-way
43 monument found for point of curvature of a curve to the right;
44 2. a length of 1150.28 feet along the arc of said curve having a radius of
45 2242.02 feet and a chord bearing S 27°19'52" E a distance of 1137.70 feet to a
46 concrete right-of-way monument found for endpoint;

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1 3. S 12°40'40" E a distance of 434.98 feet to an iron rod set for the POINT
2 OF BEGINNING and northerly corner of the herein described 18.846 acre tract;

3
4 THENCE continuing with said right-of-way line the following four (4) calls:

- 5
6 1. S 12°40'40" E a distance of 378.84 feet to a concrete monument found for
7 an ell corner;
8 2. N 79°35'25" E a distance of 9.76 feet to a concrete monument found for
9 an ell corner;
10 3. S 12°38'54" E a distance of 439.50 feet to a concrete right-of-way
11 monument found for the beginning of a curve to the left;
12 4. an arc length of 43.09 feet along said curve to the left having a radius of
13 2905.07 feet and a chord bearing S 13°03'34" E, a distance of 43.09 feet to a ½"
14 iron rod set for the easterly corner hereof;

15
16 THENCE crossing said 730.604-acre tract the following four (4) calls:

- 17
18 1. S 58°13'34" W a distance of 718.24 feet to a ½" iron rod set for the
19 southerly corner hereof;
20 2. N 40°04'29" W a distance of 848.49 feet to a ½" iron rod set for angle
21 point;
22 3. N 06°51'23" E a distance of 137.70 feet to a ½" iron rod set for angle
23 point;
24 4. N 65°24'48" E a distance of 1035.58 feet to the POINT OF BEGINNING,
25 containing 18.846 acres of land, more or less.

26
27 SECTION 3.

28
29 (a) The legal notice of the intention to introduce this Act, setting forth the general
30 substance of this Act, has been published as provided by law, and the notice and a copy of this
31 Act have been furnished to all persons, agencies, officials, or entities to which they are required
32 to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313,
33 Government Code.

34
35 (b) The governor has submitted the notice and Act to the Texas Commission on
36 Environmental Quality.

37
38 (c) The Texas Commission on Environmental Quality has filed its recommendations
39 relating to this Act with the governor, lieutenant governor, and speaker of the House of
40 Representatives within the required time.

41
42 (d) All requirements of the constitution and laws of this state and the rules and
43 procedures of the legislature with respect to the notice, introduction, and passage of this Act are
44 fulfilled and accomplished.
45

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DRAFT FOR DISCUSSION PURPOSES ONLY

1 **SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the**
2 **members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this**
3 **Act does not receive the vote necessary for immediate effect, this Act takes effect September 1,**
4 **2009.**

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