

By: Callegari

H.B. No. 48

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,  
3 operation, and financing of the Williamson County Municipal Utility  
4 District No. 15.

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

6 SECTION 1. DEFINITIONS. In this Act:

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

9 (2) "District" means the Williamson County Municipal  
10 Utility District No. 15.

11 SECTION 2. CREATION. (a) A conservation and reclamation  
12 district, to be known as the Williamson County Municipal Utility  
13 District No. 15, is created in Williamson County, subject to  
14 approval at a confirmation election under Section 9 of this Act.

15 (b) The district is a governmental agency and a political  
16 subdivision of this state.

17 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The  
18 district is created to serve a public use and benefit.

19 (b) The district is created under and is essential to  
20 accomplish the purposes of Section 59, Article XVI, Texas  
21 Constitution.

22 (c) All of the land and other property included within the  
23 boundaries of the district will be benefited by the works and  
24 projects that are to be accomplished by the district under powers

1 conferred by Section 59, Article XVI, Texas Constitution.

2 SECTION 4. BOUNDARIES. The boundaries of the district  
3 include the land within the following area, which is not located  
4 within the extraterritorial jurisdiction of any municipality:

5 Approximately 546.69 acres of land, in Williamson County, Texas,  
6 consisting of two tracts or parcels of land, more fully described as  
7 follows:

8 Tract 1: Approximately 454.41 acres of land situated in the R.S.  
9 Neighbors Survey, Abstractor No. 483, the Charles Gerlack Survey,  
10 Abstract No. 260, and the William Mullen Survey, Abstract No. 446,  
11 in Williamson County, Texas, being out of and a part of the 506.25  
12 acre tract or parcel of land conveyed to Max Boehm by The Federal  
13 Land Bank of Houston by deed dated June 11, 1937, recorded in Volume  
14 287, Page 182, Deed Records of Williamson County, Texas, and being  
15 all of such 506.25 acre tract SAVE, LESS and EXCEPT (i) the tract of  
16 land described as 51.08 acres in the deed dated October 9, 1974,  
17 recorded in Volume 597, Page 183, Deed Records of Williamson  
18 County, Texas; and (ii) the tracts of land described as .43 acres  
19 and .33 acres by correction deed dated March 28, 1990, recorded in  
20 Volume 1884, Page 195, Deed Records of Williamson County, Texas.  
21 Reference is here made to each of the deeds described above for a  
22 more particular metes and bounds description of the properties  
23 therein conveyed; and

24 Tract 2: 92.278 acres of land situated in the John Kuykendall  
25 Survey, Abstract No. 378, and the R. S. Neighbors Survey, Abstract  
26 No. 483, in Williamson County, Texas, and more particularly  
27 described by metes and bounds as follows:

1 COMMENCING at a 1/2" iron rod found at an interior corner in the  
2 west line of said 156.8 acre Vorwerk tract and being the northeast  
3 corner of a called 150.69 acre tract conveyed to Morris W. Krueger,  
4 et al, by instrument recorded in Volume 1066, Page 457, Official  
5 Records, Williamson County, Texas;

6 THENCE with the west line of said 156.8 acre Vorwerk tract and the  
7 east line of said 150.69 acre Krueger tract, S 7°23'13" E for a  
8 distance of 760.11 feet to a 1/2" iron rod set with plastic cap and  
9 being the POINT OF BEGINNING for the herein described tract;

10 THENCE over and across said 156.8 acre Vorwerk tract, with the south  
11 line of a 20' wide access lane described in Volume 1066, Page 457,  
12 Official Records, Williamson County, Texas, and with the north line  
13 of the herein described tract for the following three (3) calls:

14 1. S 82°52'52" E for a distance of 580.39 feet to a 1/2" iron  
15 rod with plastic cap set for an angle point in said north line, from  
16 which point a 1/2" iron rod found near a fence post for an angle  
17 point in the north line of said 20' wide lane bears N 11°13'57" E a  
18 distance of 20.05 feet;

19 2. S 74°39'14" E for a distance of 323.07 feet to a 1/2" iron  
20 rod with plastic cap set for an angle point in said north line, from  
21 which point a 1/2" iron rod found near a fence post for an angle  
22 point in the north line of said 20' wide lane bears N 11°34'46" E at a  
23 distance of 20.04 feet;

24 3. S 82°11'14" E for a distance of 899.97 feet to a 1/2" iron  
25 rod with plastic cap set on the westerly right-of-way line of  
26 Farm-to-Market Road No. 3349 (100' wide right-of-way), conveyed to  
27 the State of Texas by instrument recorded in Volume 669, Page 359,

1 Deed Records, Williamson County, Texas, said point being on the  
2 east line of said 156.8 Vorwerk tract for the northeast corner of  
3 the herein described tract;

4 THENCE with the east line of said 156.8 acre Vorwerk tract and the  
5 westerly right-of-way line of Farm-to-Market Road No. 3349, S  
6  $7^{\circ}26'31''$  W for a distance of 2214.64 feet to a 1/2" iron rod with  
7 plastic cap set on said right-of-way line for southeast corner of  
8 the herein described tract, from which point a Texas Department of  
9 Transportation Type 1 right-of-way monument bears S  $1^{\circ}44'23''$  W a  
10 distance of 4.96 feet;

11 THENCE leaving said right-of-way line, and with the south line of  
12 said 156.8 acre Vorwek tract, N  $82^{\circ}40'43''$  W for a distance of 1230.12  
13 feet to a 1/2" iron rod found for the northwest corner of a called  
14 72.78 acre tract of land conveyed to Herbert Raesz, et ux, by  
15 instrument recorded in Volume 1019, Page 352, Official Records,  
16 Williamson County, Texas, said point also being on the east line of  
17 a tract of land conveyed Edna Werchan, et al, by instrument recorded  
18 in Document No. 96007756, Official Records, Williamson County,  
19 Texas; and being an angle point in the south line of the herein  
20 described tract;

21 THENCE with the east line of said Werchan tract and the south line  
22 of said 156.8 acre Vorwerk tract, N  $7^{\circ}19'17''$  E for a distance of  
23 14.44 feet to a 1/2" iron rod with plastic cap set for the northeast  
24 corner of said Werchan tract and being an angle point in the south  
25 line of the herein described tract;

26 THENCE with the north line of said Werchan Tract and the south line  
27 of said 156.8 acre Vorwerk tract, N  $82^{\circ}40'43''$  W for a distance of

1 568.02 feet to a 1/2" iron rod found near a 3" diameter steel post  
2 for the southeast corner of said 150.69 acre Krueger tract and being  
3 the southwest corner of the said 156.8 acre Vorwerk tract and the  
4 herein described tract;

5 THENCE with the east line of said 150.69 acre Krueger tract and the  
6 west line of said 156.8 acre Vorwerk tract, N 7°23'13" E for a  
7 distance of 2250.96 feet to the POINT OF BEGINNING of the herein  
8 described tract and containing 92.278 ACRES of land, more or less.

9 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The  
10 legislature finds that the boundaries and field notes of the  
11 district form one or more closures. If a mistake is made in the  
12 field notes or in copying the field notes in the legislative  
13 process, the mistake does not affect in any way:

14 (1) the organization, existence, or validity of the  
15 district;

16 (2) the right of the district to impose taxes; or

17 (3) the legality or operation of the district or the  
18 board.

19 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails  
20 over any provision of general law that is in conflict or  
21 inconsistent with this Act.

22 SECTION 7. BOARD OF DIRECTORS. (a) The district is  
23 governed by a board of five directors.

24 (b) Temporary directors serve until directors are elected  
25 under Section 9 of this Act.

26 (c) Temporary directors of the district, or of a new  
27 district created by division of the district under Section 13 of

1 this Act, are not required to own land in or be residents of the  
2 district.

3 (d) Permanent directors serve staggered four-year terms.

4 (e) Each director must qualify to serve as director in the  
5 manner provided by Section 49.055, Water Code.

6 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board  
7 consists of:

8 (1) Todd Routh;

9 (2) Chien Lee;

10 (3) Carey Gambrell;

11 (4) Elton Malish; and

12 (5) Karen Bradley.

13 (b) If a temporary director fails to qualify for office, the  
14 temporary directors who have qualified shall appoint a person to  
15 fill the vacancy. If at any time there are fewer than three  
16 qualified temporary directors, the Texas Commission on  
17 Environmental Quality shall appoint the necessary number of persons  
18 to fill all vacancies on the board.

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

20 (a) The temporary board shall call and hold an election to confirm  
21 establishment of the district and to elect initial directors under  
22 Section 49.102, Water Code.

23 (b) At the confirmation and initial directors' election the  
24 board may submit to the voters a proposition to authorize:

25 (1) the issuance of bonds;

26 (2) a maintenance tax; or

27 (3) a tax to fund payments required under a contract.

1 (c) Section 41.001(a), Election Code, does not apply to a  
2 confirmation and initial directors' election held as provided by  
3 this section.

4 (d) The elected initial directors shall draw lots to  
5 determine which two directors serve until the election of directors  
6 under Section 10(a) of this Act and which three serve until the  
7 following election of directors.

8 SECTION 10. ELECTION OF DIRECTORS. (a) On the uniform  
9 election date prescribed by Section 41.001, Election Code, in May  
10 of the first even-numbered year after the year in which the district  
11 is authorized to be created at a confirmation election, an election  
12 shall be held in the district for the election of two directors to  
13 replace the two initial directors serving shorter terms from the  
14 confirmation election.

15 (b) On the uniform election date prescribed by Section  
16 41.001, Election Code, in May of each subsequent even-numbered year  
17 following the election under Subsection (a) of this section, the  
18 appropriate number of directors shall be elected.

19 SECTION 11. GENERAL POWERS. The district has all of the  
20 rights, powers, privileges, authority, functions, and duties  
21 provided by the general law of this state, including Chapters 30,  
22 49, 50, and 54, Water Code, applicable to municipal utility  
23 districts created under Section 59, Article XVI, Texas  
24 Constitution.

25 SECTION 12. ANNEXATION. The board may annex land as  
26 provided by Chapter 49 or Chapter 54, Water Code.

27 SECTION 13. DIVISION OF DISTRICT. (a) Notwithstanding any

1 other law, either before or after annexing land into the district  
2 under Section 12 of this Act, and before issuing indebtedness  
3 secured by taxes or net revenues, the board may divide the territory  
4 of the district, including any annexed territory, into two or more  
5 new districts as provided by this Act.

6 (b) A new district created by division of the district must  
7 be at least 100 acres in size.

8 SECTION 14. ELECTION FOR DIVISION OF DISTRICT. (a) After  
9 the board adopts a resolution consenting to the terms and  
10 conditions of a division under Section 13 of this Act, including a  
11 plan for payment and performance of any outstanding obligations of  
12 the district, and a metes and bounds description of the proposed new  
13 districts, the board shall order an election to be held in the  
14 district to determine if the district should be divided as  
15 proposed.

16 (b) The board shall give notice of the election not later  
17 than the 20th day before the date of the election in the manner  
18 provided by Section 49.102, Water Code.

19 (c) If the district's voters approve the division of the  
20 district, the board shall, not later than the 30th day after the  
21 date of the election, provide written notice of the plan for  
22 division to:

- 23 (1) the Texas Commission on Environmental Quality;  
24 (2) the attorney general;  
25 (3) the commissioners court of each county in which  
26 each new district is located; and  
27 (4) any municipality having extraterritorial



1 jurisdiction over the land within each new district.

2 SECTION 15. GOVERNANCE OF DISTRICTS AFTER DIVISION. (a) If  
3 a majority of the qualified voters of the district voting in an  
4 election held under Section 14 of this Act vote in favor of dividing  
5 the district, the district shall be divided.

6 (b) The resulting new districts shall be assigned  
7 consecutive letters, corresponding to the number of the original  
8 district.

9 (c) The resulting new districts shall be separate districts  
10 and shall be governed as separate districts.

11 (d) Until the 91st day after the date of the election  
12 approving the division of the district, the board shall continue to  
13 act on behalf of the district to wind up the affairs of the  
14 district.

15 SECTION 16. ELECTION OF DIRECTORS OF NEW DISTRICT. (a)  
16 After an election approving the division of the district, the  
17 directors of the board shall:

18 (1) continue to act as directors of one of the new  
19 districts; and

20 (2) appoint temporary directors for each of the other  
21 new districts not later than the 90th day after the date of the  
22 election approving the division of the district.

23 (b) Temporary directors appointed under Subsection (a) of  
24 this section shall serve until an election for permanent directors  
25 is held on the next uniform election date under Section 41.001(a),  
26 Election Code. The temporary directors of each new district must  
27 qualify under Section 49.055, Water Code, not later than the 90th

1 day after the date of the election approving the district. The  
2 temporary directors shall take office at the expiration of this  
3 90-day period.

4 (c) Of the directors elected under Subsection (b) of this  
5 section, the three directors receiving the greatest number of votes  
6 shall serve until the uniform election date prescribed by Section  
7 41.001, Election Code, in May of the first even-numbered year that  
8 is four years after the date of the election and two directors shall  
9 serve until the uniform election date prescribed by Section 41.001,  
10 Election Code, in May of the first even-numbered year that is two  
11 years after the date of the election.

12 (d) The board of each new district shall approve the bond of  
13 each of its directors.

14 (e) Successors to the board of each new district shall be  
15 elected as provided by Section 10 of this Act.

16 SECTION 17. CONTINUING POWERS AND OBLIGATIONS OF NEW  
17 DISTRICTS. (a) Each new district shall have the power to incur and  
18 pay debts and shall in every respect have the full power and  
19 authority of the district created and governed by this Act.

20 (b) If the district is divided in an election under Section  
21 14 of this Act, the current obligations and any bond authorizations  
22 of the district are not impaired. The debts shall be paid by taxes,  
23 revenues, or assessments levied on the land in the district as if  
24 the district had not been divided or by contributions from each new  
25 district on terms stated and agreed to in the division plan proposed  
26 by the board and approved by an election under Section 14 of this  
27 Act.

1           (c) Any other obligation of the district shall be divided  
2 pro rata among the new districts on an acreage basis or on other  
3 terms that are satisfactory to the new districts.

4           SECTION 18. CONTRACT AUTHORITY OF NEW DISTRICTS. The new  
5 districts may contract with each other for water, wastewater, and  
6 any other matters the board of each new district considers  
7 appropriate.

8           SECTION 19. BOND ISSUANCE BY NEW DISTRICT. (a) A new  
9 district that is created as a result of an election approving the  
10 division of the district under Section 14 of this Act may issue  
11 bonds payable wholly or partly from ad valorem taxes on the approval  
12 of a majority of the qualified voters of the new district voting in  
13 an election called and held for that purpose.

14           (b) Notice of the bond election shall be given as provided  
15 by Section 49.106, Water Code.

16           SECTION 20. MAINTENANCE TAX APPROVAL FOR NEW DISTRICT. A  
17 new district that is created as a result of an election approving  
18 the division of the district under Section 14 of this Act may levy a  
19 maintenance tax on the approval of a majority of the qualified  
20 voters of the new district voting in an election called and held for  
21 that purpose.

22           SECTION 21. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
23 takes effect immediately if it receives a vote of two-thirds of all  
24 the members elected to each house, as provided by Section 39,  
25 Article III, Texas Constitution. If this Act does not receive the  
26 vote necessary for immediate effect, this Act takes effect November  
27 1, 2003.

1           (b) If the creation of the district is not confirmed at a  
2 confirmation election held under Section 9 of this Act before the  
3 fourth anniversary of the effective date of this Act, this Act  
4 expires on that date.