

By: Armbrister

S.B. No. 29

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Ranch at Clear Fork Creek Municipal
4 Utility District No. 1; granting the authority to impose taxes and
5 issue bonds; granting the power of eminent domain.

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

7 SECTION 1. DEFINITIONS. In this Act:

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

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

12 (3) "District" means the Ranch at Clear Fork Creek
13 Municipal Utility District No. 1.

14 SECTION 2. CREATION. (a) A conservation and reclamation
15 district to be known as the Ranch at Clear Fork Creek Municipal
16 Utility District No. 1 is created in Caldwell County, subject to
17 approval by the City of Umland, as provided by Section 7(b) of this
18 Act, and to approval at a confirmation election under Section 12 of
19 this Act.

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

22 SECTION 3. AUTHORITY FOR CREATION. The district is created
23 under and is essential to accomplish the purposes of Section 59,
24 Article XVI, Texas Constitution.

1 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
2 district is created to serve a public use and benefit.

3 (b) All of the land and other property included within the
4 boundaries of the district will be benefited by the works and
5 projects that are to be accomplished by the district under powers
6 conferred by Section 59, Article XVI, Texas Constitution.

7 SECTION 5. BOUNDARIES. The district includes the territory
8 contained within the following area:

9 BEGINNING, at an iron rod set in the south right-of-way line
10 of State Highway No. 21 at the northwest corner of said Pape tract,
11 being also the northeast corner of that certain tract of land
12 described in a deed to Jack Turner, recorded in Volume 448, Page 310
13 of the Deed Records of Caldwell County, Texas, for the northwest
14 corner and POINT OF BEGINNING of the herein described 405.39 acre
15 tract of land, from which point a concrete monument found in the
16 south right-of-way line of said State Highway No. 21 bears,
17 S60°16'12"W, a distance of 3077.82 feet,

18 THENCE, continuing with the south right-of-way line of said
19 State Highway No. 21, being also the north line of said Pape tract,
20 the following three (3) courses and distances, numbered 1 through
21 3,

22 1. N60°16'12"E, a distance of 1340.33 feet to an iron
23 rod set,

24 2. N65°14'11"E, a distance of 556.14 feet to an iron
25 rod found, and

26 3. continuing with the south right-of-way line of
27 County Road No. 227, being also the north line of said Pape tract,

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1 N65°44'19"E, a distance of 3736.36 feet to an iron rod found at the
2 northeast corner of said Pape tract, being also at the intersection
3 of the south right-of-way line of said County Road No. 227 and the
4 west right-of-way line of F.M. Highway No. 2720, for the northeast
5 corner of the herein described tract,

6 THENCE, with the east line of said Pape tract, being also the
7 west right-of-way line of said F.M. Highway No. 2720, S42°12'40"E, a
8 distance of 1758.47 feet to an iron rod found at the most easterly
9 southeast corner of said Pape tract, being also the northeast
10 corner of that certain tract of land described in a deed to Leona
11 Jo Schaeffer and Clifton N. Schaeffer, recorded in Volume 128, Page
12 294 of the Deed Records of Caldwell County, Texas, for the most
13 easterly southeast corner of the herein described tract,

14 THENCE, departing the west right-of-way line of said F.M.
15 Highway No. 2720, with the south line of said Pape tract, being also
16 the north line of said Schaeffer tract, S47°34'13"W, a distance of
17 2482.31 feet to an iron rod set at the northwest corner of said
18 Schaeffer tract, being also an interior corner of said Pape tract,

19 THENCE, with an east line of said Pape tract, being also the
20 west line of said Schaeffer tract, S42°18'42"E, a distance of 619.67
21 feet to an iron rod found at the most southerly southeast corner of
22 said Pape tract, being also the northeast corner of that certain
23 tract of land described in a deed to Roland Holz, recorded in Volume
24 88, Page 318 of the Deed Records of Caldwell County, Texas,

25 THENCE, continuing with the south line of said Pape tract,
26 being also the north line of said Holz tract, S47°37'18"W, a
27 distance of 706.95 feet to an iron rod found at the northwest corner

1 of said Holz tract, being also the northeast corner of that certain
2 tract of land described in a deed to Florence M. Holz Vickery,
3 recorded in Volume 88, Page 318 of the Deed Records of Caldwell
4 County, Texas,

5 THENCE, continuing with the south line of said Pape tract,
6 being also the north line of said Vickery tract, S47°31'05"W, a
7 distance of 701.12 feet to an iron rod found at the northwest corner
8 of said Vickery tract, being also the northeast corner of that
9 certain tract of land described in a deed to William Walter Holz,
10 recorded in Volume 378, Page 47 of the Deed Records of Caldwell
11 County, Texas,

12 THENCE, continuing with the south line of said Pape tract,
13 S47°35'46"W, a distance of 2332.36 feet to an iron rod found at the
14 northwest corner of that certain tract of land described in a deed
15 to Helen Sue Carter, recorded in Volume 117, Page 72 of the Deed
16 Records of Caldwell County, Texas, being also the northeast corner
17 of that certain tract of land described in a deed to Wilbur
18 Burklund, recorded in Volume 340, Page 209 of the Deed Records of
19 Caldwell County, Texas,

20 THENCE, continuing with the south line of said Pape tract,
21 being also the north line of said Burklund tract, S47°47'30"W, a
22 distance of 81.93 feet to an iron rod set at the southwest corner of
23 said Pape tract, being also the southeast corner of that certain
24 tract of land described in a deed to Jim Mattox, Trustee, recorded
25 in Volume 197, Page 926 of the Deed Records of Caldwell County,
26 Texas, for the southwest corner of the herein described tract,

27 THENCE, with the west line of said Pape tract, being also the

1 east line of said Mattox tract, N29°28'35"W, a distance of 1953.89
2 feet to an iron rod found at the northeast corner of said Mattox
3 tract, being also the southeast corner of that certain tract of land
4 described in a deed to Jack Turner, recorded in Volume 448, Page 310
5 of the Deed Records of Caldwell County, Texas,

6 THENCE, continuing with the west line of said Pape tract,
7 being also the east line of said Turner tract, the following two (2)
8 courses and distances, numbered 1 and 2,

9 1. N19°23'14"W, a distance of 680.16 feet to an iron
10 rod found, and

11 2. N33°54'43"W, a distance of 1491.63 feet to the POINT
12 OF BEGINNING and containing 405.39 Acres of Land.

13 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The
14 legislature finds that the boundaries and field notes of the
15 district form one or more closures. If a mistake is made in the
16 field notes or in copying the field notes in the legislative
17 process, the mistake does not affect in any way:

18 (1) the organization, existence, or validity of the
19 district;

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

21 (3) the legality or operation of the district or the
22 board.

23 SECTION 7. POWERS. (a) The district has all of the rights,
24 powers, privileges, authority, functions, and duties provided by
25 the general law of this state, including Chapters 49 and 54, Water
26 Code, applicable to municipal utility districts created under
27 Section 59, Article XVI, Texas Constitution.

1 (b) The district is located partly in the extraterritorial
2 jurisdiction of the City of Uhland and that part of the district is
3 subject to the requirements of municipal ordinances of the City of
4 Uhland applicable to extraterritorial areas, unless the
5 municipality's governing body waives compliance. Creation of the
6 district is subject to approval of the City of Uhland, as provided
7 by Section 42.042, Local Government Code, and Section 54.016, Water
8 Code.

9 (c) Subject to the approval of the governing body of the
10 City of Uhland, the district, or any district created by division of
11 the district, may divide into two or more contiguous districts as
12 provided by Sections 51.749-51.758, Water Code, without any further
13 approval or consent.

14 (d) The rights, powers, privileges, authority, functions,
15 and duties of the district are subject to the continuing right of
16 supervision of the state to be exercised by and through the
17 commission.

18 SECTION 8. DEVELOPMENT AGREEMENT. (a) The district or the
19 owners of land within the district may enter into a written contract
20 with a municipality within whose extraterritorial jurisdiction the
21 district is wholly or partly located:

22 (1) guaranteeing the continuation of the
23 extraterritorial status of the district and its immunity from
24 annexation by the municipality for a period not to exceed 25 years;

25 (2) regulating the development within the boundaries
26 of the district in a manner that the parties agree will further the
27 health, safety, and welfare of the residents of the district; and

1 (3) containing other terms and consideration that the
2 district and the municipality agree to be reasonable and
3 appropriate.

4 (b) A contract under this section may be renewed or extended
5 for successive periods not to exceed 15 years.

6 SECTION 9. APPLICABILITY OF OTHER LAW. This Act prevails
7 over any provision of general law that is in conflict or
8 inconsistent with this Act.

9 SECTION 10. BOARD OF DIRECTORS. (a) The district is
10 governed by a board of five directors.

11 (b) Temporary directors serve until initial directors are
12 elected under Section 12 of this Act.

13 (c) Initial directors serve until the election of permanent
14 directors under Section 13 of this Act.

15 (d) Except as provided by Section 13(a) of this Act,
16 permanent directors serve staggered four-year terms.

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

19 SECTION 11. TEMPORARY DIRECTORS. (a) The temporary board
20 consists of:

- 21 (1) Barry Krieger;
- 22 (2) Tim Hendon;
- 23 (3) Shelly Ledyard;
- 24 (4) Michael Matz; and
- 25 (5) Danny Smith.

26 (b) If a temporary director fails to qualify for office, the
27 temporary directors who have qualified shall appoint a person to

1 fill the vacancy. If at any time there are fewer than three
2 qualified temporary directors, the commission shall appoint the
3 necessary number of persons to fill all vacancies on the board.

4 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

5 (a) Not later than the fourth anniversary of the effective date of
6 this Act, the temporary board shall hold an election to confirm
7 establishment of the district and to elect five initial directors
8 as provided by Section 49.102, Water Code.

9 (b) Section 41.001(a), Election Code, does not apply to a
10 confirmation and initial directors election held under this
11 section.

12 SECTION 13. ELECTION OF PERMANENT DIRECTORS. (a) On the
13 first Saturday in May of an even-numbered year occurring not later
14 than three years after the year in which the district is authorized
15 to be created at a confirmation election, an election shall be held
16 in the district to elect five permanent directors. The directors
17 elected shall draw lots to determine which two directors shall
18 serve two-year terms and which three shall serve four-year terms.

19 (b) On the first Saturday in May of each subsequent
20 even-numbered year, the appropriate number of directors shall be
21 elected.

22 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

23 (a) The legal notice of the intention to introduce this Act,
24 setting forth the general substance of this Act, has been published
25 as provided by law, and the notice and a copy of this Act have been
26 furnished to all persons, agencies, officials, or entities to which
27 they are required to be furnished under Section 59, Article XVI,

1 Texas Constitution, and Chapter 313, Government Code.

2 (b) The governor has submitted the notice and Act to the
3 commission.

4 (c) The commission has filed its recommendations relating
5 to this Act with the governor, lieutenant governor, and speaker of
6 the house of representatives within the required time.

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 15. EFFECTIVE DATE. This Act takes effect
12 immediately if it receives a vote of two-thirds of all the members
13 elected to each house, as provided by Section 39, Article III, Texas
14 Constitution. If this Act does not receive the vote necessary for
15 immediate effect, this Act takes effect on the 91st day after the
16 last day of the legislative session.