

1-1 By: Armbrister S.B. No. 29
1-2 (In the Senate - Filed October 2, 2003; October 2, 2003,
1-3 read first time and referred to Committee on Natural Resources;
1-4 October 8, 2003, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; October 8, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation, administration, powers, duties,
1-9 operation, and financing of the Ranch at Clear Fork Creek Municipal
1-10 Utility District No. 1; granting the authority to impose taxes and
1-11 issue bonds; granting the power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. DEFINITIONS. In this Act:

1-14 (1) "Board" means the board of directors of the
1-15 district.

1-16 (2) "Commission" means the Texas Commission on
1-17 Environmental Quality.

1-18 (3) "District" means the Ranch at Clear Fork Creek
1-19 Municipal Utility District No. 1.

1-20 SECTION 2. CREATION. (a) A conservation and reclamation
1-21 district to be known as the Ranch at Clear Fork Creek Municipal
1-22 Utility District No. 1 is created in Caldwell County, subject to
1-23 approval by the City of Umland, as provided by Section 7(b) of this
1-24 Act, and to approval at a confirmation election under Section 12 of
1-25 this Act.

1-26 (b) The district is a governmental agency and a political
1-27 subdivision of this state.

1-28 SECTION 3. AUTHORITY FOR CREATION. The district is created
1-29 under and is essential to accomplish the purposes of Section 59,
1-30 Article XVI, Texas Constitution.

1-31 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
1-32 district is created to serve a public use and benefit.

1-33 (b) All of the land and other property included within the
1-34 boundaries of the district will be benefited by the works and
1-35 projects that are to be accomplished by the district under powers
1-36 conferred by Section 59, Article XVI, Texas Constitution.

1-37 SECTION 5. BOUNDARIES. The district includes the territory
1-38 contained within the following area:

1-39 BEGINNING, at an iron rod set in the south right-of-way line
1-40 of State Highway No. 21 at the northwest corner of said Pape tract,
1-41 being also the northeast corner of that certain tract of land
1-42 described in a deed to Jack Turner, recorded in Volume 448, Page 310
1-43 of the Deed Records of Caldwell County, Texas, for the northwest
1-44 corner and POINT OF BEGINNING of the herein described 405.39 acre
1-45 tract of land, from which point a concrete monument found in the
1-46 south right-of-way line of said State Highway No. 21 bears,
1-47 S60°16'12"W, a distance of 3077.82 feet,

1-48 THENCE, continuing with the south right-of-way line of said
1-49 State Highway No. 21, being also the north line of said Pape tract,
1-50 the following three (3) courses and distances, numbered 1 through
1-51 3,

1-52 1. N60°16'12"E, a distance of 1340.33 feet to an iron
1-53 rod set,

1-54 2. N65°14'11"E, a distance of 556.14 feet to an iron
1-55 rod found, and

1-56 3. continuing with the south right-of-way line of
1-57 County Road No. 227, being also the north line of said Pape tract,
1-58 N65°44'19"E, a distance of 3736.36 feet to an iron rod found at the
1-59 northeast corner of said Pape tract, being also at the intersection
1-60 of the south right-of-way line of said County Road No. 227 and the
1-61 west right-of-way line of F.M. Highway No. 2720, for the northeast
1-62 corner of the herein described tract,

1-63 THENCE, with the east line of said Pape tract, being also the
1-64 west right-of-way line of said F.M. Highway No. 2720, S42°12'40"E, a

2-1 distance of 1758.47 feet to an iron rod found at the most easterly
2-2 southeast corner of said Pape tract, being also the northeast
2-3 corner of that certain tract of land described in a deed to Leeona
2-4 Jo Schaeffer and Clifton N. Schaeffer, recorded in Volume 128, Page
2-5 294 of the Deed Records of Caldwell County, Texas, for the most
2-6 easterly southeast corner of the herein described tract,

2-7 THENCE, departing the west right-of-way line of said F.M.
2-8 Highway No. 2720, with the south line of said Pape tract, being also
2-9 the north line of said Schaeffer tract, S47°34'13"W, a distance of
2-10 2482.31 feet to an iron rod set at the northwest corner of said
2-11 Schaeffer tract, being also an interior corner of said Pape tract,

2-12 THENCE, with an east line of said Pape tract, being also the
2-13 west line of said Schaeffer tract, S42°18'42"E, a distance of 619.67
2-14 feet to an iron rod found at the most southerly southeast corner of
2-15 said Pape tract, being also the northeast corner of that certain
2-16 tract of land described in a deed to Roland Holz, recorded in Volume
2-17 88, Page 318 of the Deed Records of Caldwell County, Texas,

2-18 THENCE, continuing with the south line of said Pape tract,
2-19 being also the north line of said Holz tract, S47°37'18"W, a
2-20 distance of 706.95 feet to an iron rod found at the northwest corner
2-21 of said Holz tract, being also the northeast corner of that certain
2-22 tract of land described in a deed to Florence M. Holz Vickery,
2-23 recorded in Volume 88, Page 318 of the Deed Records of Caldwell
2-24 County, Texas,

2-25 THENCE, continuing with the south line of said Pape tract,
2-26 being also the north line of said Vickery tract, S47°31'05"W, a
2-27 distance of 701.12 feet to an iron rod found at the northwest corner
2-28 of said Vickery tract, being also the northeast corner of that
2-29 certain tract of land described in a deed to William Walter Holz,
2-30 recorded in Volume 378, Page 47 of the Deed Records of Caldwell
2-31 County, Texas,

2-32 THENCE, continuing with the south line of said Pape tract,
2-33 S47°35'46"W, a distance of 2332.36 feet to an iron rod found at the
2-34 northwest corner of that certain tract of land described in a deed
2-35 to Helen Sue Carter, recorded in Volume 117, Page 72 of the Deed
2-36 Records of Caldwell County, Texas, being also the northeast corner
2-37 of that certain tract of land described in a deed to Wilbur
2-38 Burklund, recorded in Volume 340, Page 209 of the Deed Records of
2-39 Caldwell County, Texas,

2-40 THENCE, continuing with the south line of said Pape tract,
2-41 being also the north line of said Burklund tract, S47°47'30"W, a
2-42 distance of 81.93 feet to an iron rod set at the southwest corner of
2-43 said Pape tract, being also the southeast corner of that certain
2-44 tract of land described in a deed to Jim Mattox, Trustee, recorded
2-45 in Volume 197, Page 926 of the Deed Records of Caldwell County,
2-46 Texas, for the southwest corner of the herein described tract,

2-47 THENCE, with the west line of said Pape tract, being also the
2-48 east line of said Mattox tract, N29°28'35"W, a distance of 1953.89
2-49 feet to an iron rod found at the northeast corner of said Mattox
2-50 tract, being also the southeast corner of that certain tract of land
2-51 described in a deed to Jack Turner, recorded in Volume 448, Page 310
2-52 of the Deed Records of Caldwell County, Texas,

2-53 THENCE, continuing with the west line of said Pape tract,
2-54 being also the east line of said Turner tract, the following two (2)
2-55 courses and distances, numbered 1 and 2,

2-56 1. N19°23'14"W, a distance of 680.16 feet to an iron
2-57 rod found, and

2-58 2. N33°54'43"W, a distance of 1491.63 feet to the POINT
2-59 OF BEGINNING and containing 405.39 Acres of Land.

2-60 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The
2-61 legislature finds that the boundaries and field notes of the
2-62 district form one or more closures. If a mistake is made in the
2-63 field notes or in copying the field notes in the legislative
2-64 process, the mistake does not affect in any way:

2-65 (1) the organization, existence, or validity of the
2-66 district;

2-67 (2) the right of the district to impose taxes; or

2-68 (3) the legality or operation of the district or the
2-69 board.

3-1 SECTION 7. POWERS. (a) The district has all of the rights,
3-2 powers, privileges, authority, functions, and duties provided by
3-3 the general law of this state, including Chapters 49 and 54, Water
3-4 Code, applicable to municipal utility districts created under
3-5 Section 59, Article XVI, Texas Constitution.

3-6 (b) The district is located partly in the extraterritorial
3-7 jurisdiction of the City of Umland and that part of the district is
3-8 subject to the requirements of municipal ordinances of the City of
3-9 Umland applicable to extraterritorial areas, unless the
3-10 municipality's governing body waives compliance. Creation of the
3-11 district is subject to approval of the City of Umland, as provided
3-12 by Section 42.042, Local Government Code, and Section 54.016, Water
3-13 Code.

3-14 (c) Subject to the approval of the governing body of the
3-15 City of Umland, the district, or any district created by division of
3-16 the district, may divide into two or more contiguous districts as
3-17 provided by Sections 51.749-51.758, Water Code, without any further
3-18 approval or consent.

3-19 (d) The rights, powers, privileges, authority, functions,
3-20 and duties of the district are subject to the continuing right of
3-21 supervision of the state to be exercised by and through the
3-22 commission.

3-23 SECTION 8. DEVELOPMENT AGREEMENT. (a) The district or the
3-24 owners of land within the district may enter into a written contract
3-25 with a municipality within whose extraterritorial jurisdiction the
3-26 district is wholly or partly located:

3-27 (1) guaranteeing the continuation of the
3-28 extraterritorial status of the district and its immunity from
3-29 annexation by the municipality for a period not to exceed 25 years;

3-30 (2) regulating the development within the boundaries
3-31 of the district in a manner that the parties agree will further the
3-32 health, safety, and welfare of the residents of the district; and

3-33 (3) containing other terms and consideration that the
3-34 district and the municipality agree to be reasonable and
3-35 appropriate.

3-36 (b) A contract under this section may be renewed or extended
3-37 for successive periods not to exceed 15 years.

3-38 SECTION 9. APPLICABILITY OF OTHER LAW. This Act prevails
3-39 over any provision of general law that is in conflict or
3-40 inconsistent with this Act.

3-41 SECTION 10. BOARD OF DIRECTORS. (a) The district is
3-42 governed by a board of five directors.

3-43 (b) Temporary directors serve until initial directors are
3-44 elected under Section 12 of this Act.

3-45 (c) Initial directors serve until the election of permanent
3-46 directors under Section 13 of this Act.

3-47 (d) Except as provided by Section 13(a) of this Act,
3-48 permanent directors serve staggered four-year terms.

3-49 (e) Each director must qualify to serve as director in the
3-50 manner provided by Section 49.055, Water Code.

3-51 SECTION 11. TEMPORARY DIRECTORS. (a) The temporary board
3-52 consists of:

- 3-53 (1) Barry Krieger;
- 3-54 (2) Tim Hendon;
- 3-55 (3) Shelly Ledyard;
- 3-56 (4) Michael Matz; and
- 3-57 (5) Danny Smith.

3-58 (b) If a temporary director fails to qualify for office, the
3-59 temporary directors who have qualified shall appoint a person to
3-60 fill the vacancy. If at any time there are fewer than three
3-61 qualified temporary directors, the commission shall appoint the
3-62 necessary number of persons to fill all vacancies on the board.

3-63 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.
3-64 (a) Not later than the fourth anniversary of the effective date of
3-65 this Act, the temporary board shall hold an election to confirm
3-66 establishment of the district and to elect five initial directors
3-67 as provided by Section 49.102, Water Code.

3-68 (b) Section 41.001(a), Election Code, does not apply to a
3-69 confirmation and initial directors election held under this

4-1 section.

4-2 SECTION 13. ELECTION OF PERMANENT DIRECTORS. (a) On the
4-3 first Saturday in May of an even-numbered year occurring not later
4-4 than three years after the year in which the district is authorized
4-5 to be created at a confirmation election, an election shall be held
4-6 in the district to elect five permanent directors. The directors
4-7 elected shall draw lots to determine which two directors shall
4-8 serve two-year terms and which three shall serve four-year terms.

4-9 (b) On the first Saturday in May of each subsequent
4-10 even-numbered year, the appropriate number of directors shall be
4-11 elected.

4-12 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

4-13 (a) The legal notice of the intention to introduce this Act,
4-14 setting forth the general substance of this Act, has been published
4-15 as provided by law, and the notice and a copy of this Act have been
4-16 furnished to all persons, agencies, officials, or entities to which
4-17 they are required to be furnished under Section 59, Article XVI,
4-18 Texas Constitution, and Chapter 313, Government Code.

4-19 (b) The governor has submitted the notice and Act to the
4-20 commission.

4-21 (c) The commission has filed its recommendations relating
4-22 to this Act with the governor, lieutenant governor, and speaker of
4-23 the house of representatives within the required time.

4-24 (d) All requirements of the constitution and laws of this
4-25 state and the rules and procedures of the legislature with respect
4-26 to the notice, introduction, and passage of this Act are fulfilled
4-27 and accomplished.

4-28 SECTION 15. EFFECTIVE DATE. This Act takes effect
4-29 immediately if it receives a vote of two-thirds of all the members
4-30 elected to each house, as provided by Section 39, Article III, Texas
4-31 Constitution. If this Act does not receive the vote necessary for
4-32 immediate effect, this Act takes effect on the 91st day after the
4-33 last day of the legislative session.

4-34 * * * * *