

Amend **HB 3622** (Senate committee printing) by striking all below the enacting clause and substituting the following:

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" or "boards" means, as appropriate, the board of directors of one or all of the Kingsborough municipal utility districts.

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

(3) "District" or "districts" means, as appropriate, one or all of the Kingsborough Municipal Utility District Nos. 1, 2, 3, 4, and 5 of Kaufman County.

SECTION 2. CREATION. (a) Five conservation and reclamation districts, to be known as the Kingsborough Municipal Utility District Nos. 1, 2, 3, 4, and 5 of Kaufman County, are created in Kaufman County, subject to approval at a confirmation election under Section 13 of this Act.

(b) Each district is a governmental agency and a political subdivision of this state.

SECTION 3. AUTHORITY FOR CREATION. Each district is created under and is essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

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

(b) All of the land and other property included within the boundaries of each district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

SECTION 5. BOUNDARIES. The boundaries of each district are as follows:

(1) Kingsborough Municipal Utility District No. 1:

BEING all that certain lot, tract or parcel of land located in the J. G. Moore Survey, Abstract No. 309 and the Martha Musick Survey, Abstract No. 312, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

COMMENCING at the intersection of the of the Northeasterly

right-of-way line of Farm-Market 2757 (a 100 foot wide right-of-way), and the Northwesterly line of said J. G. Moore Survey and the Southeasterly line of said Martha Musick Survey;

THENCE North 44 deg. 34 min. 48 sec. East, along the common line between said J. G. Moore Survey and the Martha Musick Survey, a distance of 1644.55 feet, to the POINT OF BEGINNING of the herein described tract of land;

THENCE North 44 deg. 34 min. 48 sec. East, continuing along the common line between said J. G. Moore Survey and the Martha Musick Survey, a distance of 2015.87 feet;

THENCE North 44 deg. 20 min. 17 sec. West, departing said common line, a distance of 763.42 feet;

THENCE North 44 deg. 46 min. 22 sec. East, a distance of 110.79 feet;

THENCE North 45 deg. 13 min. 38 sec. West, a distance of 1367.42 feet;

THENCE North 44 deg. 46 min. 22 sec. East, a distance of 247.49 feet;

THENCE South 68 deg. 13 min. 38 sec. East, a distance of 627.70 feet;

THENCE North 44 deg. 26 min. 44 sec. East, a distance of 853.26 feet;

THENCE North 45 deg. 59 min. 01 sec. West, a distance of 1118.32 feet;

THENCE North 25 deg. 16 min. 32 sec. East, a distance of 918.27 feet;

THENCE North 27 deg. 53 min. 12 sec. East, a distance of 712.32 feet;

THENCE North 44 deg. 02 min. 09 sec. East, a distance of 693.71 feet, to the Southwesterly right-of-way line of High Country Lane (a 60 foot wide right-of-way);

THENCE South 45 deg. 14 min. 23 sec. East, along the Southwesterly right-of-way line of said High Country Lane, a distance of 263.11 feet, to the intersection of the Southwesterly right-of-way line of said High Country Lane and the Southwesterly right-of-way line of Farm-Market 741 (a variable width right-of-way), and being the beginning of a non-tangent curve to

the left having a radius of 999.93 feet;

THENCE along the Southwesterly right-of-way line of said Farm-Market 741 as follows;

Along said non-tangent curve to the left and in a Southeasterly direction, through a central angle of 09 deg. 56 min. 12 sec., an arc length of 173.42 feet, said non-tangent curve also having a long chord which bears South 40 deg. 16 min. 17 sec. East, 173.20 feet; South 45 deg. 14 min. 23 sec. East, a distance of 1653.79 feet, to the beginning of a non-tangent curve to the left having a radius of 11,472.09 feet;

Along said non-tangent curve to the left and in a Southeasterly direction, through a central angle of 03 deg. 05 min. 42 sec., an arc length of 619.69 feet, said non-tangent curve to the left having a long chord which bears South 46 deg. 47 min. 14 sec. East, 619.62 feet;

South 45 deg. 21 min. 23 sec. East, a distance of 182.35 feet, to the beginning of a non-tangent curve to the left having a radius of 2993.57 feet;

Along said non-tangent curve to the left and in a Southeasterly direction, through a central angle of 04 deg. 13 min. 00 sec., an arc length of 220.31 feet, said non-tangent curve to the left also having a long chord which bears South 47 deg. 27 min. 53 sec. East, 220.26 feet;

South 49 deg. 34 min. 23 sec. East, a distance of 222.84 feet, to the beginning of a curve to the left having a radius of 1858.59 feet;

Along said curve to the left and in a Southeasterly direction, through a central angle of 07 deg. 34 min. 00 sec., an arc length of 245.45 feet, said curve to the left also having a long chord which bears South 53 deg. 21 min. 23 sec. East, 245.27 feet;

South 57 deg. 08 min. 23 sec. East, a distance of 300.24 feet, to the beginning of a curve to the left having a radius of 11,472.09 feet;

Along said curve to the left and in a Southwesterly direction, through a central angle of 02 deg. 58 min. 15 sec., an arc length of 594.81 feet, said curve to the left also having a long chord which bears South 55 deg. 39 min. 16 sec. East, 594.75 feet;

South 57 deg. 06 min. 23 sec. East, a distance of 327.99 feet, to the beginning of a curve to the right having a radius of 5684.58 feet;

Along said curve to the right and in a Southeasterly direction, through a central angle of 12 deg. 08 min. 00 sec., an arc length of 1203.80 feet, said curve also having a long chord which bears South 51 deg. 02 min. 23 sec. East, 1201.56 feet;

South 44 deg. 58 min. 23 sec. East, a distance of 755.25 feet;

South 45 deg. 13 min. 23 sec. East, a distance of 238.92 feet, to the North corner of the Dallas East Estates which is located to the Southwest of said Farm-Market 741;

THENCE South 44 deg. 19 min. 24 sec. West, departing the Southwesterly right-of-way line of said Farm-Market 741 and along the Northwesterly boundary line of said Dallas East Addition, a distance of 1401.27 feet, to the most Westerly corner of said Dallas East Addition;

THENCE South 44 deg. 45 min. 48 sec. East, along the most Southwesterly boundary line of said Dallas East Addition, a distance of 1444.80 feet, to the Northwesterly right-of-way line of said Farm-Market 741;

THENCE along the Northwesterly right-of-way line of said Farm-Market 741 as follows;

South 44 deg. 20 min. 25 sec. West, a distance of 545.05 feet;

North 45 deg. 39 min. 35 sec. West, a distance of 10.00 feet;

South 44 deg. 20 min. 25 sec. West, a distance of 700.00 feet;

South 45 deg. 39 min. 35 sec. East, a distance of 10.00 feet;

South 44 deg. 20 min. 25 sec. West, a distance of 933.41 feet;

THENCE North 49 deg. 43 min. 48 sec. East, departing the Northwesterly right-of-way line of said Farm-Market 741, a distance of 794.74 feet;

THENCE North 78 deg. 41 min. 33 sec. West, a distance of 280.00 feet;

THENCE North 46 deg. 19 min. 02 sec. West, a distance of 1073.59 feet;

THENCE North 66 deg. 21 min. 14 sec. East, a distance of

1045.54 feet;

THENCE South 81 deg. 36 min. 53 sec. West, a distance of 327.60 feet;

THENCE South 72 deg. 56 min. 15 sec. West, a distance of 778.38 feet;

THENCE South 87 deg. 16 min. 19 sec. West, a distance of 610.31 feet;

THENCE North 77 deg. 32 min. 02 sec. West, a distance of 731.98 feet;

THENCE North 58 deg. 36 min. 37 sec. West, a distance of 578.95 feet, to the POINT OF BEGINNING and containing 692.696 acres (30,173,840 square feet) of land.

(2) Kingsborough Municipal Utility District No. 2:

BEING all that certain lot, tract or parcel of land located in the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being a portion of that certain tract of land described as Tract K31 in the deed to West Foundation, according to the deed filed for record in Volume 720, Page 860 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the Southwesterly boundary line of said Tract K31 and the Southeasterly right-of-way line of Farm-Market 741 (a 90 foot wide right-of-way), said iron rod being in the center of County Road No. 269;

THENCE along the Southwesterly right-of-way line of said Farm-Market 741 as follows:

North 43 deg. 59 min. 38 sec. East, along the Southeasterly right-of-way line of said Farm-Market 741, a distance of 2525.09 feet;

North 44 deg. 20 min. 25 sec. East, a distance of 4582.54 feet, to the beginning of a curve to the left having a radius of 761.20 feet;

Along said curve to the left, through a central angle of 11 deg. 23 min. 36 sec., an arc length of 151.37 feet and having a long chord which bears North 38 deg. 38 min. 37 sec. East, 151.12 feet;

North 44 deg. 20 min. 25 sec. East, a distance of 463.83 feet, to the beginning of a curve to the left having a radius of 127.30

feet;

Along said curve to the left, through a central angle of 40 deg. 09 min. 07 sec., an arc length of 89.21 feet and having a long chord which bears North 24 deg. 15 min. 15 min. East, 87.40 feet;

THENCE North 44 deg. 20 min. 24 sec. East, along the Northwesterly line of said Tract K31, a distance of 14.48 feet, to a point in County Road No. 260 (an undefined width right of way);

THENCE South 46 deg. 07 min. 54 sec. East, along said County Road No. 260, a distance of 3434.03 feet;

THENCE South 44 deg. 14 min. 23 sec. West, departing said County Road No. 260, a distance of 5193.79 feet, to the beginning of a non-tangent curve to the left having a radius of 2640.00 feet;

THENCE along said non-tangent curve to the left, through a central angle of 90 deg. 07 min. 01 sec., an arc length of 4152.29 feet, and having a long chord which bears South 89 deg. 10 min. 52 sec. West, 3737.33 feet, to a point in County Road No. 269 (an undefined width right-of-way);

THENCE North 45 deg. 52 min. 38 sec. West, along said County Road No. 269, a distance of 747.41 feet to the POINT OF BEGINNING and containing 484.081 acres (21,086,547 square feet) of land.

(3) Kingsborough Municipal Utility District No. 3:

BEING all that certain lot, tract or parcel of land located in the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the of the Northeasterly right-of-way line of Farm-Market 2757 (a 100 foot wide right-of-way), and the Northwesterly line of said J. G. Moore Survey and the Southeasterly line of said Martha Musick Survey;

THENCE North 44 deg. 34 min. 48 sec. East, along the common line between said J. G. Moore Survey and the Martha Musick Survey, a distance of 1644.55 feet;

THENCE South 58 deg. 36 min. 37 sec. East, departing said common line, a distance of 578.95 feet;

THENCE South 77 deg. 32 min. 02 sec. East, a distance of 731.98 feet;

THENCE North 87 deg. 16 min. 19 sec. East, a distance of 610.31 feet;

THENCE North 72 deg. 56 min. 15 sec. East, a distance of 778.38 feet;

THENCE North 81 deg. 36 min. 53 sec. East, a distance of 327.60 feet;

THENCE South 66 deg. 21 min. 14 sec. East, a distance of 1045.54 feet;

THENCE South 46 deg. 19 min. 02 sec. East, a distance of 1073.59 feet;

THENCE South 78 deg. 41 min. 33 sec. East, a distance of 280.00 feet;

THENCE South 49 deg. 43 min. 48 sec. East, a distance of 794.74 feet, to a point on the Northwesterly right-of-way line of Farm-Market 741 (an 80 foot wide right-of-way);

THENCE along the Northwesterly right-of-way line of said Farm-Market 741 as follows;

South 44 deg. 20 min. 25 sec. West, a distance of 1657.58 feet;

South 43 deg. 59 min. 38 sec. West, a distance of 2422.82 feet, to the intersection of the Northwesterly right-of-way line of said Farm-Market 741 and the Northeasterly right-of-way line of the aforementioned Farm-Market 2757;

THENCE along the Northeasterly right-of-way line of said Farm-Market 2757 as follows;

South 89 deg. 23 min. 24 sec. West, a distance of 138.28 feet;

North 44 deg. 17 min. 39 sec. West, a distance of 1248.09 feet;

North 45 deg. 23 min. 39 sec. West, a distance of 624.62 feet;

North 45 deg. 36 min. 39 sec. West, a distance of 3302.91 feet, to the POINT OF BEGINNING and containing 392.241 acres (17,086,006 square feet) of land.

(4) Kingsborough Municipal Utility District No. 4:

BEING all that certain lot, tract or parcel of land located in the Martha Musick Survey, Abstract No. 312 and the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being the remainder of those certain tracts of land described as Tracts K14 through K20, in the deed the West Foundation, as filed for record in Volume 720, Page 860 of the Deed Records of Kaufman County, Texas,

and being more particularly described by metes and bounds as follows:

BEGINNING at the intersection of the Southerly right-of-way line of Interstate 20 (a variable width right-of-way) and the Southeasterly right-of-way line of Farm-Market 741 (a variable width right-of-way at this point);

THENCE along the Southerly right-of-way line of said Interstate 20 as follows;

North 83 deg. 22 min. 27 sec. East, a distance of 751.86 feet; North 88 deg. 29 min. 25 sec. East, a distance of 474.54 feet; South 84 deg. 18 min. 42 sec. East, a distance of 952.45 feet; South 78 deg. 59 min. 16 sec. East, a distance of 4.49 feet to the intersection of the Southerly right-of-way line of Interstate 20 and the Northeasterly boundary line of the aforementioned Tract K17, said point also being the intersection of the said Southerly right-of-way line and the Southwesterly boundary line of that certain called 113.75 acre tract of land conveyed to Austin W. Shipley, according to the deed filed for record in Volume 270, Page 221, Deed Records, Kaufman County, Texas;

THENCE South 45 deg. 06 min. 28 sec. East, along the common boundary line between said Tract K17 and said called 113.75 acre tract, at a distance of approximately 1240 feet passing the most Southerly corner of said called 113.75 acre tract and the East corner of that certain tract of land conveyed to Gordon T. West, according to the deed filed for record in Volume 1636, Page 43, Deed Records, Kaufman County, Texas, and continuing along the common boundary line between said Tract K17 and said Gordon T. West tract, in all a distance of 2131.39 feet to the Northwest boundary line of that certain called 300 acre tract of land conveyed to Gordon T. West, according to the deed filed for record in Volume 1636, Page 43, Deed Records, Kaufman County, Texas;

THENCE South 44 deg. 34 min. 38 sec. West, along the common boundary line of said Tract K17 and said called 300 acre tract, and generally along a barbed wire fence, a distance of 1891.96 feet, to the South corner of said Tract K17 and the West corner of said called 300 acre tract, said iron rod also being the North corner of the aforementioned Tract K19;

THENCE South 46 deg. 09 min. 59 sec. East, along the common boundary line between said called 300 acre tract and said Tract K19, a distance of 3513.32 feet, to the Northwesterly right-of-way line of Griffin Lane (a 50 foot wide right-of-way);

THENCE South 43 deg. 50 min. 01 sec. West, along the Northwesterly right-of-way line of said Griffin Lane, a distance of 2649.80 feet, to the Northeasterly right-of-way line of the aforementioned Farm-Market 741;

THENCE along the Northeasterly right-of-way line of said Farm-Market 741 as follows;

North 45 deg. 13 min. 23 sec. West, a distance of 4.98 feet;

North 44 deg. 58 min. 23 sec. West, at a distance of 632.24 feet passing a wood monument found, and continuing in all a distance of 755.05 feet, said point being the beginning of a curve to the left having a radius of 5774.58 feet;

Along said curve to the left, through a central angle of 12 deg. 08 min. 00 sec., an arc length of 1222.86 feet, and having a long chord of North 51 deg. 02 min. 23 sec. West, 1220.58 feet;

North 57 deg. 06 min. 23 sec. West, generally along a barbed wire fence, a distance of 328.05 feet, said point being the beginning of a curve to the right having a radius of 11,382.09 feet;

Along said curve to the right and along said fence, through a central angle of 11 deg. 54 min. 00 sec., an arc length of 2363.99 feet, and having a long chord which bears North 51 deg. 11 min. 23 sec. West, 2359.75 feet;

North 45 deg. 14 min. 23 sec. West, generally along said fence, a distance of 1653.79 feet, said point being the beginning of a curve to the right having a radius of 909.93 feet;

THENCE along said curve to the right and along the Easterly right-of-way line of said Farm-Market 741 and generally along said fence, through a central angle of 90 deg. 33 min. 04 sec., an arc length of 1438.07 feet, and having a long chord which bears North 00 deg. 02 min. 09 sec. East, 1293.01 feet;

THENCE along the Southeasterly right-of-way line of said Farm-Market 741 as follows;

North 45 deg. 18 min. 41 sec. East, a distance of 199.54 feet;

North 46 deg. 06 min. 41 sec. East, a distance of 1039.75 feet;

North 46 deg. 21 min. 41 sec. East, a distance of 759.38 feet, said point being the beginning of a curve to the left having a radius of 999.93 feet;

Along said curve to the left, through a central angle of 14 deg. 28 min. 00 sec., an arc length of 252.47 feet, and having a long chord which bears North 39 deg. 07 min. 41 sec. East, 251.80 feet;

North 31 deg. 53 min. 41 sec. East, a distance of 210.50 feet, said point being the beginning of a curve to the right having a radius of 909.38 feet;

Along said curve to the right, through a central angle of 01 deg. 00 min. 31 sec., an arc length of 16.01 feet, and having a long chord which bears North 32 deg. 23 min. 57 sec. East, 16.01 feet to the POINT OF BEGINNING and containing 606.441 acres (26,416,564 square feet) of land.

(5) Kingsborough Municipal Utility District No. 5:

BEING all that certain lot, tract or parcel of land located in the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and being a portion of that certain tract of land described as Tract K31 in the deed to West Foundation, according to the deed filed for record in Volume 720, Page 860 of the Deed Records of Kaufman County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch iron rod found for the South corner of said Tract K31, said iron rod being in County Road No. 269 (an undefined width public roadway);

THENCE North 45 deg. 52 min. 38 sec. West, along the Southwest boundary line of said Tract K31, and generally along said County Road No. 269, a distance of 2640.00 feet, said point being the beginning of a non-tangent curve to the right having a radius of 2640.00 feet;

THENCE departing the Southwest boundary line of said Tract K31, through a central angle of 90 deg. 07 min. 01 sec., an arc length of 4152.29 feet, said non-tangent curve also having a long chord which bears North 89 deg. 10 min. 52 sec. East, a distance of 3737.33 feet, to the Southeast boundary line of said Tract K31;

THENCE South 44 deg. 14 min. 23 sec. West, along the Southeast boundary line of said Tract K31, a distance of 2640.00 feet, to the

POINT OF BEGINNING and containing 125.839 acres (5,481,550 square feet) of land.

SECTION 6. FINDINGS RELATING TO BOUNDARIES. The legislature finds that the boundaries and field notes of each district form a closure. If a mistake is made in the field notes or in copying the field notes in the legislative process, the mistake does not affect in any way:

- (1) the organization, existence, or validity of the district;
- (2) the right of the district to impose taxes; or
- (3) the legality or operation of the district or the board.

SECTION 7. GENERAL POWERS. Each district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

SECTION 8. ADDITIONAL POWERS. (a) Each district has the additional rights, powers, privileges, authority, and functions provided by this section.

(b) To the extent authorized by Section 52, Article III, Texas Constitution, a district may provide for the construction, maintenance, and operation inside or outside the boundaries of the district of:

- (1) paved roads and turnpikes; or
- (2) works, facilities, or improvements related to the roads and turnpikes.

SECTION 9. BONDS. (a) Each district may issue bonds as provided by Chapters 49 and 54, Water Code, and the general laws of this state.

(b) A district may issue bonds, notes, or other obligations of the district to finance construction, maintenance, and operation under Section 8 of this Act and may impose a tax to pay the principal of or interest on bonds issued under this subsection.

(c) A district may not issue bonds under Subsection (b) of

this section unless the issuance is approved by a vote of a two-thirds majority of the qualified voters of the district voting at an election called for that purpose. Bonds, notes, or other obligations issued or incurred under Subsection (b) of this section may not exceed one-fourth of the assessed value of the real property in the district.

(d) Sections 49.181 and 49.182, Water Code, do not apply to projects undertaken by a district under Section 8(b) of this Act or to bonds issued by a district under Subsection (b) of this section.

SECTION 10. EMINENT DOMAIN. (a) Within the boundaries of a district, a district may exercise the power of eminent domain for all public purposes.

(b) Outside the boundaries of a district, a district may exercise the power of eminent domain only for the purpose of constructing, acquiring, operating, repairing, or maintaining water supply lines or sanitary sewer lines.

(c) A district's power of eminent domain is exercised in the same manner as required for a county.

SECTION 11. BOARD OF DIRECTORS. (a) Each district is governed by a board of five directors.

(b) Temporary directors serve until initial directors are elected under Section 13 of this Act.

(c) Initial directors serve until permanent directors are elected under Section 14 of this Act.

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

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

SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or after the effective date of this Act, a person who owns land in a district may submit a petition to the commission requesting that the commission appoint as temporary directors the five persons named in the petition.

(b) Subject to Subsection (e) of this section, the commission shall appoint as temporary directors the five persons named in the first petition received by the commission for each district.

(c) If a temporary director fails to qualify for office, the

commission shall appoint a person to fill the vacancy.

(d) As soon as practicable after all of the temporary directors have qualified, the temporary directors shall meet and elect officers from among their membership.

(e) The commission may appoint temporary directors for a district that is located wholly or partly within an area designated by ordinance or resolution of the City of Crandall as the water service area, extraterritorial jurisdiction, or corporate limits of that city only if the city has given its express written consent to the creation of the district. The City of Crandall may give its consent only on the execution of a written agreement between the developer of the district and the Crandall Independent School District providing that the developer of the district will:

(1) fund the construction of buildings and improvements for the school district; and

(2) establish an educational fund for the school district of an amount based on an annually determined transaction fee on the sale and resale of any home within the district boundaries for the duration of the existence of the district.

SECTION 13. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

(a) Subject to Subsection (b) of this section, the temporary board of directors of each district shall call and hold an election to confirm establishment of the district and to elect five initial directors in the manner provided by Chapter 49, Water Code.

(b) A temporary board of directors may call and hold an election to confirm establishment of a district that is located wholly or partly within an area designated by ordinance or resolution of the City of Crandall as the water service area, extraterritorial jurisdiction, or corporate limits of that city only if the city has given its express written consent to the creation of the district. The City of Crandall may give its consent only on the execution of a written agreement between the developer of the district and the Crandall Independent School District providing that the developer of the district will:

(1) fund the construction of buildings and improvements for the school district; and

(2) establish an educational fund for the school

district of an amount based on an annually determined transaction fee on the sale and resale of any home within the district boundaries for the duration of the existence of the district.

SECTION 14. ELECTION OF DIRECTORS. Each board shall call and hold elections to elect permanent directors in the manner provided by Chapter 49, Water Code.

SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act takes effect September 1, 2003.

(b) If the creation of a district is not confirmed at a confirmation election held under Section 13 of this Act before September 1, 2005, the provisions of this Act relating to that district expire on that date.