

By: Gattis

H.B. No. 3559

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. 13.

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) "Commission" means the Texas Commission on
10 Environmental Quality.

11 (3) "District" means the Williamson County Municipal
12 Utility District No. 13.

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

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

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

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

24 (c) All of the land and other property included within the

1 boundaries of the district will be benefited by the works and
2 projects that are to be accomplished by the district under powers
3 conferred by Section 59, Article XVI, Texas Constitution.

4 SECTION 4. BOUNDARIES. The boundaries of the district are
5 as follows:

6 Being 168.6316 acres of land out of the John B Robinson
7 League, Abstract No 521, in Williamson County, Texas, being a
8 portion of a 200.00 acre tract called tract one and a 5.00 acre
9 tract called tract two described in deed recorded in Vol. 450, Pg.
10 388, a portion of a 195.00 acre tract described in deed recorded in
11 Vol. 374, Pg. 596, all of a 4.00 acre tract recorded in Vol. 1287,
12 Pg. 811 and Vol. 1302, Pg. 128, a portion of an undivided 12/25ths
13 interest in an 25.0 acre tract, and a portion of the remaining
14 13/25ths interest in the said 25.00 acre tract described in deed
15 recorded in Vol. 1302, Pg. 115, all of the Williamson County, Texas
16 Deed Records. Said 168.6316 acre tract being more particularly
17 described by metes and bounds as follows:

18 BEGINNING at a point in the South line of an 83.56 acre tract
19 described in deed to Scott Spangler, et. al. in Doc. #9641085,
20 Official Records, Williamson County, Texas, also being the North
21 line of the said 200.00 acre tract, from which the Southeast corner
22 of the said Spangler tract also being the Northeast corner of the
23 said 200.00 acre tract, bears N 71° 00'00" E, 368.79 feet. Said
24 point being the Northeast corner of this tract and the POINT OF
25 BEGINNING.

26 THENCE through the interior of the said 200.00 acre tract,
27 the 5.00 acre tract and the said 195.00 acre tract, and with the

1 east line of this tract, the following thirteen (13) courses and
2 distances:

- 3 1) S 33° 23'33"W, 290.93 feet to a point.
- 4 2) S 04° 50'28" E, 888.61 feet to a point.
- 5 3) S 16° 04'44"W, 680.17 feet to a point.
- 6 4) S 70° 25'29"E, 491.10 feet to a point.
- 7 5) N 84° 01'50"E, 496.48 feet to a point.
- 8 6) S 35° 32'29"E, 154.54 feet to a point.
- 9 7) S 11° 39'31"W, 319.42 feet to a point.
- 10 8) S 72° 29'52"W, 190.53 feet to a point.
- 11 9) S 29° 49'45"W, 346.68 feet to a point.
- 12 10) S 35° 22'51"E, 408.71 feet to a point.
- 13 11) S 79° 00'24"E, 225.60 feet to a point.
- 14 12) S 33° 09'42"E, 1081.52 feet to a point.
- 15 13) S 19° 00'00"E, 451.98 feet to a point being the Southeast
16 corner of this tract.

17 THENCE S 71° 00'00"W, through the interior of the said 195.00 acre
18 tract, 1872.37 feet to a 1/2" iron rod set in the West line of a
19 12.954 acre tract described in deed to Allen Reagan in Doc.
20 #199986910, official records, Williamson County, Texas, being the
21 Southwest corner of this tract.

22 THENCE with the West line of this tract, the following five (5)
23 courses:

- 24 1) N 19° 21'39"W passing the Northeast corner said 12.954
25 acre tract, also being the Southeast corner of a 10.000
26 acre tract conveyed to Kepner in Doc. No. 9711721 of the
27 Official Records of Williamson County, Texas, at 492.09

1 pass the Northeast corner of said 10.00 acre tract and
2 the Southeast corner of a 59.18 acre tract conveyed to
3 Pumphrey in Doc. No. 9908729 Official Records of
4 Williamson County, Texas, in all a 778.37 feet to a 1/2"
5 iron pin in the Northeast corner of said 59.18 acre tract
6 also being the Southeast corner of a 20.0 acre tract
7 conveyed to Ochotnicki in Doc. No. 2001015782 of the
8 Official Records of Williamson County, Texas.

9 2) N 19° 16'45"W, 940.22 feet to a 1/2" iron pin found at the
10 Northeast corner of said 20.0 acre tract, also being the
11 Southeast corner of a 97.32 acre tract conveyed to Abbot
12 in Vol. 593 P.G.. 229 of the Williamson County, Texas
13 Deed Records.

14 3) N 19° 36'30"W continuing with said 97.32 acre tract,
15 1444.35 feet to a 1/2" iron pin found.

16 4) N 18° 21'45"W continuing with said 97.32 acre tract,
17 901.04 feet to a 1/2" iron pin found.

18 5) N 19° 48'12"W continuing with said 97.32 acre tract,
19 601.88 feet to a nail found in a fence post at the
20 Southwest corner of said 83.56 acre tract for the
21 Northwest corner of this tract.

22 THENCE N 71° 00'00"E with the South line of said 83.56 acre tract,
23 1861.76 feet to the POINT OF BEGINNING and containing 168.6316
24 acres more or less.

25 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
26 legislature finds that the boundaries and field notes of the
27 district form a closure. If a mistake is made in the field notes or

1 in copying the field notes in the legislative process, the mistake
2 does not affect in any way:

3 (1) the organization, existence, or validity of the
4 district;

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

6 (3) the legality or operation of the district or the
7 board.

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

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

13 (b) Temporary directors serve until initial directors are
14 elected under Section 9 of this Act.

15 (c) Initial directors serve until permanent directors are
16 elected under Section 10 of this Act.

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

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

20 (f) A director serves until the director's successor has
21 qualified.

22 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
23 consists of:

24 (1) Bill Blood;

25 (2) Collie Cowden;

26 (3) Bill Gordon;

27 (4) Doug Lewis; and

1 (5) Jesse Whittenton.

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

7 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

8 (a) The temporary board of directors shall call and hold an
9 election to confirm the establishment of the district and to elect
10 five initial directors as provided by Section 49.102, Water Code.

11 (b) The initial directors elected shall draw lots to decide
12 which two shall serve terms lasting until replacement directors are
13 elected at the first regularly scheduled election of directors
14 under Section 10 of this Act and which three shall serve until the
15 second regularly scheduled election of directors.

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

19 SECTION 10. ELECTION OF DIRECTORS. (a) On the first

20 Saturday in May of the first even-numbered year after the year in
21 which the district is authorized to be created at a confirmation
22 election, an election shall be held in the district for the election
23 of two directors to replace the two initial directors serving
24 shorter terms from the confirmation election.

25 (b) On the first Saturday in May of each subsequent
26 even-numbered year following the election, the appropriate number
27 of directors shall be elected.

1 SECTION 11. GENERAL POWERS. The district has all of the
2 rights, powers, privileges, authority, functions, and duties
3 provided by the general law of this state, including Chapter 54,
4 Water Code, applicable to municipal utility districts created under
5 Section 59, Article XVI, Texas Constitution.

6 SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A
7 municipality in whose extraterritorial jurisdiction the district
8 is located may not adopt an ordinance or resolution or take any
9 other action that:

10 (1) impairs the ability of the district to exercise
11 its powers under this article; or

12 (2) limits the ability of the district to finance,
13 construct, or operate its water, wastewater, or drainage systems.

14 SECTION 13. ANNEXATION. (a) A municipality may annex the
15 district on the earlier of:

16 (1) the date of installation of 90 percent of all
17 works, improvements, facilities, plants, equipment, and appliances
18 necessary and adequate to:

19 (A) provide service to the proposed development
20 within the district;

21 (B) accomplish the purposes for which the
22 district was created; and

23 (C) exercise the powers provided by the general
24 law of this state and this article; or

25 (2) the 20th anniversary of the date the district is
26 confirmed.

27 (b) The district may add or exclude land in the manner

1 provided by Chapters 49 and 54, Water Code, without the consent of
2 any municipality.

3 SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER;
4 INSTALLATION OF FACILITIES. If a municipality in whose
5 extraterritorial jurisdiction the district is located annexes the
6 district for full or limited purposes and the annexation precludes
7 or impairs the ability of the district to issue bonds, the
8 municipality shall:

9 (1) simultaneously with the annexation, pay in cash to
10 the landowner or developer of the district a sum equal to all actual
11 costs and expenses incurred by the landowner or developer in
12 connection with the district that the district has, in writing,
13 agreed to pay and that would otherwise have been eligible for
14 reimbursement from bond proceeds under the rules and requirements
15 of the commission as such rules and requirements exist on the date
16 of annexation; and

17 (2) after the annexation, install all necessary water,
18 wastewater, and drainage facilities to serve full buildout of
19 development within the district.

20 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

21 (a) The legal notice of the intention to introduce this Act,
22 setting forth the general substance of this Act, has been published
23 as provided by law, and the notice and a copy of this Act have been
24 furnished to all persons, agencies, officials, or entities to which
25 they are required to be furnished under Section 59, Article XVI,
26 Texas Constitution, and Chapter 313, Government Code. The
27 governor, one of the required recipients, has submitted the notice

1 and Act to the commission.

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

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

9 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
10 takes effect September 1, 2003.

11 (b) If the creation of the district is not confirmed at a
12 confirmation election held under Section 9 of this Act before
13 September 1, 2005, this Act expires on that date.