

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 3559
1-2 (In the Senate - Received from the House May 7, 2003;
1-3 May 9, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 22, 2003, reported favorably by the following vote:
1-5 Yeas 10, Nays 0; May 22, 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 Williamson County Municipal Utility
1-10 District No. 13.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. DEFINITIONS. In this Act:

1-13 (1) "Board" means the board of directors of the
1-14 district.

1-15 (2) "Commission" means the Texas Commission on
1-16 Environmental Quality.

1-17 (3) "District" means the Williamson County Municipal
1-18 Utility District No. 13.

1-19 SECTION 2. CREATION. (a) A municipal utility district, to
1-20 be known as the Williamson County Municipal Utility District No.
1-21 13, is created in Williamson County, subject to approval at a
1-22 confirmation election under Section 9 of this Act.

1-23 (b) The district is a governmental agency and a political
1-24 subdivision of this state.

1-25 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
1-26 district is created to serve a public use and benefit.

1-27 (b) The district is created under and is essential to
1-28 accomplish the purposes of Section 59, Article XVI, Texas
1-29 Constitution.

1-30 (c) All of the land and other property included within the
1-31 boundaries of the district will be benefited by the works and
1-32 projects that are to be accomplished by the district under powers
1-33 conferred by Section 59, Article XVI, Texas Constitution.

1-34 SECTION 4. BOUNDARIES. The boundaries of the district are
1-35 as follows:

1-36 Being 168.6316 acres of land out of the John B Robinson
1-37 League, Abstract No 521, in Williamson County, Texas, being a
1-38 portion of a 200.00 acre tract called tract one and a 5.00 acre
1-39 tract called tract two described in deed recorded in Vol. 450, Pg.
1-40 388, a portion of a 195.00 acre tract described in deed recorded in
1-41 Vol. 374, Pg. 596, all of a 4.00 acre tract recorded in Vol. 1287,
1-42 Pg. 811 and Vol. 1302, Pg. 128, a portion of an undivided 12/25ths
1-43 interest in an 25.0 acre tract, and a portion of the remaining
1-44 13/25ths interest in the said 25.00 acre tract described in deed
1-45 recorded in Vol. 1302, Pg. 115, all of the Williamson County, Texas
1-46 Deed Records. Said 168.6316 acre tract being more particularly
1-47 described by metes and bounds as follows:

1-48 BEGINNING at a point in the South line of an 83.56 acre tract
1-49 described in deed to Scott Spangler, et. al. in Doc. #9641085,
1-50 Official Records, Williamson County, Texas, also being the North
1-51 line of the said 200.00 acre tract, from which the Southeast corner
1-52 of the said Spangler tract also being the Northeast corner of the
1-53 said 200.00 acre tract, bears N 71° 00'00" E, 368.79 feet. Said
1-54 point being the Northeast corner of this tract and the POINT OF
1-55 BEGINNING.

1-56 THENCE through the interior of the said 200.00 acre tract,
1-57 the 5.00 acre tract and the said 195.00 acre tract, and with the
1-58 east line of this tract, the following thirteen (13) courses and
1-59 distances:

- 1-60 1) S 33° 23'33"W, 290.93 feet to a point.
- 1-61 2) S 04° 50'28" E, 888.61 feet to a point.
- 1-62 3) S 16° 04'44"W, 680.17 feet to a point.
- 1-63 4) S 70° 25'29"E, 491.10 feet to a point.
- 1-64 5) N 84° 01'50"E, 496.48 feet to a point.

- 2-1 6) S 35° 32'29"E, 154.54 feet to a point.
- 2-2 7) S 11° 39'31"W, 319.42 feet to a point.
- 2-3 8) S 72° 29'52"W, 190.53 feet to a point.
- 2-4 9) S 29° 49'45"W, 346.68 feet to a point.
- 2-5 10) S 35° 22'51"E, 408.71 feet to a point.
- 2-6 11) S 79° 00'24"E, 225.60 feet to a point.
- 2-7 12) S 33° 09'42"E, 1081.52 feet to a point.
- 2-8 13) S 19° 00'00"E, 451.98 feet to a point being the Southeast
- 2-9 corner of this tract.

2-10 THENCE S 71° 00'00"W, through the interior of the said 195.00 acre
 2-11 tract, 1872.37 feet to a 1/2" iron rod set in the West line of a
 2-12 12.954 acre tract described in deed to Allen Reagan in Doc.
 2-13 #199986910, official records, Williamson County, Texas, being the
 2-14 Southwest corner of this tract.

2-15 THENCE with the West line of this tract, the following five (5)
 2-16 courses:

- 2-17 1) N 19° 21'39"W passing the Northeast corner said 12.954
- 2-18 acre tract, also being the Southeast corner of a 10.000
- 2-19 acre tract conveyed to Kepner in Doc. No. 9711721 of the
- 2-20 Official Records of Williamson County, Texas, at 492.09
- 2-21 pass the Northeast corner of said 10.00 acre tract and
- 2-22 the Southeast corner of a 59.18 acre tract conveyed to
- 2-23 Pumphrey in Doc. No. 9908729 Official Records of
- 2-24 Williamson County, Texas, in all a 778.37 feet to a 1/2"
- 2-25 iron pin in the Northeast corner of said 59.18 acre tract
- 2-26 also being the Southeast corner of a 20.0 acre tract
- 2-27 conveyed to Ochotnicki in Doc. No. 2001015782 of the
- 2-28 Official Records of Williamson County, Texas.
- 2-29 2) N 19° 16'45"W, 940.22 feet to a 1/2" iron pin found at the
- 2-30 Northeast corner of said 20.0 acre tract, also being the
- 2-31 Southeast corner of a 97.32 acre tract conveyed to Abbot
- 2-32 in Vol. 593 P.G.. 229 of the Williamson County, Texas
- 2-33 Deed Records.
- 2-34 3) N 19° 36'30"W continuing with said 97.32 acre tract,
- 2-35 1444.35 feet to a 1/2" iron pin found.
- 2-36 4) N 18° 21'45"W continuing with said 97.32 acre tract,
- 2-37 901.04 feet to a 1/2" iron pin found.
- 2-38 5) N 19° 48'12"W continuing with said 97.32 acre tract,
- 2-39 601.88 feet to a nail found in a fence post at the
- 2-40 Southwest corner of said 83.56 acre tract for the
- 2-41 Northwest corner of this tract.

2-42 THENCE N 71° 00'00"E with the South line of said 83.56 acre tract,
 2-43 1861.76 feet to the POINT OF BEGINNING and containing 168.6316
 2-44 acres more or less.

2-45 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
 2-46 legislature finds that the boundaries and field notes of the
 2-47 district form a closure. If a mistake is made in the field notes or
 2-48 in copying the field notes in the legislative process, the mistake
 2-49 does not affect in any way:

- 2-50 (1) the organization, existence, or validity of the
- 2-51 district;
- 2-52 (2) the right of the district to impose taxes; or
- 2-53 (3) the legality or operation of the district or the
- 2-54 board.

2-55 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails
 2-56 over any provision of general law that is in conflict or
 2-57 inconsistent with this Act.

2-58 SECTION 7. BOARD OF DIRECTORS. (a) The district is
 2-59 governed by a board of five directors.

2-60 (b) Temporary directors serve until initial directors are
 2-61 elected under Section 9 of this Act.

2-62 (c) Initial directors serve until permanent directors are
 2-63 elected under Section 10 of this Act.

2-64 (d) Permanent directors serve staggered four-year terms.

2-65 (e) Each director must qualify to serve as director in the
 2-66 manner provided by Section 49.055, Water Code.

2-67 (f) A director serves until the director's successor has
 2-68 qualified.

2-69 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board

3-1 consists of:

- 3-2 (1) Bill Blood;
- 3-3 (2) Collie Cowden;
- 3-4 (3) Bill Gordon;
- 3-5 (4) Doug Lewis; and
- 3-6 (5) Jesse Whittenton.

3-7 (b) If a temporary director fails to qualify for office, the
 3-8 temporary directors who have qualified shall appoint a person to
 3-9 fill the vacancy. If at any time there are fewer than three
 3-10 qualified temporary directors, the commission shall appoint the
 3-11 necessary number of persons to fill all vacancies on the board.

3-12 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

3-13 (a) The temporary board of directors shall call and hold an
 3-14 election to confirm the establishment of the district and to elect
 3-15 five initial directors as provided by Section 49.102, Water Code.

3-16 (b) The initial directors elected shall draw lots to decide
 3-17 which two shall serve terms lasting until replacement directors are
 3-18 elected at the first regularly scheduled election of directors
 3-19 under Section 10 of this Act and which three shall serve until the
 3-20 second regularly scheduled election of directors.

3-21 (c) Section 41.001(a), Election Code, does not apply to a
 3-22 confirmation and initial directors' election held as provided by
 3-23 this section.

3-24 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
 3-25 Saturday in May of the first even-numbered year after the year in
 3-26 which the district is authorized to be created at a confirmation
 3-27 election, an election shall be held in the district for the election
 3-28 of two directors to replace the two initial directors serving
 3-29 shorter terms from the confirmation election.

3-30 (b) On the first Saturday in May of each subsequent
 3-31 even-numbered year following the election, the appropriate number
 3-32 of directors shall be elected.

3-33 SECTION 11. GENERAL POWERS. The district has all of the
 3-34 rights, powers, privileges, authority, functions, and duties
 3-35 provided by the general law of this state, including Chapter 54,
 3-36 Water Code, applicable to municipal utility districts created under
 3-37 Section 59, Article XVI, Texas Constitution.

3-38 SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A
 3-39 municipality in whose extraterritorial jurisdiction the district
 3-40 is located may not adopt an ordinance or resolution or take any
 3-41 other action that:

3-42 (1) impairs the ability of the district to exercise
 3-43 its powers under this article; or

3-44 (2) limits the ability of the district to finance,
 3-45 construct, or operate its water, wastewater, or drainage systems.

3-46 SECTION 13. ANNEXATION. (a) A municipality may annex the
 3-47 district on the earlier of:

3-48 (1) the date of installation of 90 percent of all
 3-49 works, improvements, facilities, plants, equipment, and appliances
 3-50 necessary and adequate to:

3-51 (A) provide service to the proposed development
 3-52 within the district;

3-53 (B) accomplish the purposes for which the
 3-54 district was created; and

3-55 (C) exercise the powers provided by the general
 3-56 law of this state and this article; or

3-57 (2) the 20th anniversary of the date the district is
 3-58 confirmed.

3-59 (b) The district may add or exclude land in the manner
 3-60 provided by Chapters 49 and 54, Water Code, without the consent of
 3-61 any municipality.

3-62 SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER;
 3-63 INSTALLATION OF FACILITIES. If a municipality in whose
 3-64 extraterritorial jurisdiction the district is located annexes the
 3-65 district for full or limited purposes and the annexation precludes
 3-66 or impairs the ability of the district to issue bonds, the
 3-67 municipality shall:

3-68 (1) simultaneously with the annexation, pay in cash to
 3-69 the landowner or developer of the district a sum equal to all actual

4-1 costs and expenses incurred by the landowner or developer in
4-2 connection with the district that the district has, in writing,
4-3 agreed to pay and that would otherwise have been eligible for
4-4 reimbursement from bond proceeds under the rules and requirements
4-5 of the commission as such rules and requirements exist on the date
4-6 of annexation; and

4-7 (2) after the annexation, install all necessary water,
4-8 wastewater, and drainage facilities to serve full buildout of
4-9 development within the district.

4-10 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

4-11 (a) The legal notice of the intention to introduce this Act,
4-12 setting forth the general substance of this Act, has been published
4-13 as provided by law, and the notice and a copy of this Act have been
4-14 furnished to all persons, agencies, officials, or entities to which
4-15 they are required to be furnished under Section 59, Article XVI,
4-16 Texas Constitution, and Chapter 313, Government Code. The
4-17 governor, one of the required recipients, has submitted the notice
4-18 and Act to the commission.

4-19 (b) The commission has filed its recommendations relating
4-20 to this Act with the governor, lieutenant governor, and speaker of
4-21 the house of representatives within the required time.

4-22 (c) All requirements of the constitution and laws of this
4-23 state and the rules and procedures of the legislature with respect
4-24 to the notice, introduction, and passage of this Act are fulfilled
4-25 and accomplished.

4-26 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4-27 takes effect September 1, 2003.

4-28 (b) If the creation of the district is not confirmed at a
4-29 confirmation election held under Section 9 of this Act before
4-30 September 1, 2005, this Act expires on that date.

4-31 * * * * *