

By: Gattis

H.B. No. 3560

Substitute the following for H.B. No. 3560:

By: Puente

C.S.H.B. No. 3560

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. 12.

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. 12.

13 SECTION 2. CREATION. (a) A municipal utility district, to
14 be known as the Williamson County Municipal Utility District No.
15 12, 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 Tract 1. A 357.494 acre tract of land situated in the
7 Greenleaf Fisk Survey, Abstract No. 5, Williamson County, Texas,
8 and being all of a called 87.00 acre tract as described in Volume
9 581, Page 510 of the Williamson County, Texas Deed Records
10 (W.C.T.D.R.); all of a called 165.00 acre tract and a 0.7764 acre
11 tract as described as tracts one and two respectively in Document
12 No. 2000071872 of the Official Records Williamson County, Texas
13 (O.R.W.C.T.); and being a portion of a called 352.8468 acre tract as
14 described in Document No. 2000070961 of the O.R.W.C.T. Said
15 357.494 acres being more particularly described with bearings
16 herein are based on the east line of said 0.7764 acre tract being
17 South 09°26'35" West;

18 BEGINNING at the northeast corner of said 0.7764 acre tract
19 described as Tract Two in Document No. 2000071872 O.R.W.C.T. and
20 being on the south right-of-way line of State Highway No. 29 and
21 being the northeast corner of herein described 357.494 acre tract;

22 THENCE, South 09°26'35" West, 422.76 feet, leaving south
23 right-of-way line to a point for corner of the herein-described
24 tract and being the southeast corner of said 0.7764 acre tract and
25 the northeast corner of said 165.00 acre tract described as Tract
26 One in Document No. 2000071872 O.R.W.C.T.;

27 THENCE, along the east and south-easterly lines of said 165.00 acre

1 tract the following Sixteen (16) courses and distances:

2 1. South 09°26'35" West, 42.13 feet to a point for corner of
3 the herein-described tract;

4 2. South 09°22'35" West, 956.30 feet to a point for corner of
5 the herein-described tract;

6 3. South 11°27'53" West, 27.99 feet to a point for corner of
7 the herein-described tract;

8 4. North 84°50'31" West, 281.88 feet to a point for corner of
9 the herein-described tract;

10 5. North 81°14'51" West, 485.91 feet to a point for corner of
11 the herein-described tract;

12 6. North 81°19'16" West, 374.79 feet to a point for corner of
13 the herein-described tract;

14 7. South 88°21'31" West, 358.84 feet to a point for corner of
15 the herein-described tract;

16 8. South 86°55'01" West, 572.11 feet to a point for an inside
17 ell corner of the herein-described tract;

18 9. South 12°46'01" East, 25.16 feet to a point for corner of
19 the herein-described tract;

20 10. South 12°13'47" East, 1130.03 feet to a point for corner
21 of the herein-described tract;

22 11. South 12°21'48" East, 129.82 feet to a point for corner
23 of the herein-described tract;

24 12. South 12°20'49" East, 203.34 feet to a point for corner
25 of the herein-described tract;

26 13. South 12°25'06" East, 329.18 feet to a point for corner
27 of the herein-described tract;

1 14. South 12°25'45" East, 295.61 feet to a point for corner
2 of the herein-described tract;

3 15. South 12°17'32" East, 385.60 feet to a point for corner
4 of the herein-described tract;

5 16. South 12°21'14" East, 141.07 feet to a point for corner
6 of the herein-described tract and being the northeast corner of
7 said 352.8467 acre tract as described in Document No. 2000070961
8 O.R.W.C.T.

9 THENCE, along the south line hereof over and across said 352.8467
10 acre tract the following Eleven (11) courses and distances:

11 1. South 04°12'41" East, 1118.04 feet to a point for corner
12 of the herein-described tract;

13 2. South 71°42'35" West, 589.32 feet to a point for corner of
14 the herein-described tract;

15 3. North 86°23'57" West, 842.53 feet to a point for corner of
16 the herein-described tract;

17 4. North 40°33'15" West, 1120.00 feet to a point for corner
18 of the herein-described tract;

19 5. North 17°08'39" West, 456.49 feet to a point for corner of
20 the herein-described tract;

21 6. North 36°33'21" West, 300.00 feet to a point for corner of
22 the herein-described tract, being a point of curvature to the right
23 and from which the radius point bears; North 54°23'41" West, 2120.00
24 feet;

25 7. 210.08 feet, along the arc of said curve to the right
26 which contains the following elements a Radius of 2120.00 feet, a
27 Delta Angle of 05°40'40", and a cord bearing and distance of South

1 38°26'39" West, 210.00 feet, to a point for corner of the
2 herein-described tract;

3 8. North 48°43'01" West, 120.00 feet to a point for corner of
4 the herein-described tract, being a point of curvature to the right
5 and from which the radius point bears; North 48°43'01" West, 2000.00
6 feet;

7 9. 1010.72 feet, along the arc of said curve to the right
8 which contains the following elements a Radius of 2000.00 feet, a
9 Delta Angle of 28°57'18", and a cord bearing and distance of South
10 55°45'38" West, 1000.00 feet, to a point for corner of the
11 herein-described tract;

12 10. North 18°57'17" West, 120.00 feet to a point for corner
13 of the herein-described tract;

14 11. South 71°02'43" West, 850.00 feet to a point in the
15 approximate centerline of County Road Number 268, for the westerly
16 most corner of the herein-described tract and being a point in the
17 west line of said 352.8467 acre tract and the southwest corner of
18 said 165.00 acre tract;

19 THENCE, along the northwest lines of said 352.8467 acre tract same
20 being the called approximate centerline of County Road Number 268
21 the following Eleven (11) courses and distances:

22 1. North 18°57'17" West, 415.74 feet to a point for corner of
23 the herein-described tract;

24 2. North 15°09'57" West, 210.30 feet to a point for corner of
25 the herein-described tract;

26 3. North 01°33'58" East, 78.97 feet to a point for corner of
27 the herein-described tract;

1 4. North 45°00'21" East, 90.36 feet to a point for corner of
2 the herein-described tract;

3 5. North 59°50'23" East, 164.93 feet to a point for corner of
4 the herein-described tract;

5 6. North 68°28'27" East, 173.78 feet to a point for corner of
6 the herein-described tract;

7 7. North 73°52'24" East, 238.95 feet to a point for corner of
8 the herein-described tract;

9 8. North 69°47'23" East, 241.07 feet to a point for corner of
10 the herein-described tract;

11 9. North 63°05'54" East, 172.61 feet to a point for corner of
12 the herein-described tract;

13 10. North 55°59'05" East, 173.50 feet to a point for corner
14 of the herein-described tract;

15 11. North 47°55'13" East, 162.26 feet to a point for corner
16 of the herein-described tract, being the northerly most corner of
17 said 352.8467 acre tract;

18 THENCE, along the west lines of said 165.00 acre tract same being
19 the called approximate centerline of County Road Number 268 the
20 following three (3) courses and distances:

21 1. North 26°17'46" East, 846.67 feet to a point for corner of
22 the herein-described tract;

23 2. North 28°00'24" East, 748.09 feet to a point for corner of
24 the herein-described tract;

25 3. North 17°59'52" East, 289.40 feet to a point for an inside
26 ell corner of the herein-described tract, being a point in a south
27 line of said 87.00 acre tract;

1 THENCE, along the south lines of said 87.00 acre tract the following
2 Two (2) courses and distances:

3 1. South 85°08'21" West, 468.01 feet to a point for corner of
4 the herein-described tract;

5 2. South 87°27'21" West, 623.10 feet to a point for corner of
6 the herein-described tract, being the southwest corner of said
7 87.00 acre tract;

8 THENCE, along the west lines of said 87.00 acre tract the following
9 Two (2) courses and distances:

10 1. North 10°04'21" East, 1511.30 feet to a point for corner
11 of the herein-described tract;

12 2. North 01°10'21" East, 100.00 feet to a point for corner of
13 the herein-described tract, being the northwest corner of said
14 87.00 acre tract and being a point in the south right-of-way line of
15 State highway No. 29,;

16 THENCE, along the north lines of said 87.00 acre tract the following
17 Two (2) courses and distances:

18 1. South 88°50'15" East, 2422.13 feet, along the south
19 right-of-way line of State Highway No. 29, to a point for corner of
20 the herein-described tract;

21 2. South 19°00'39" East, 1021.80 feet to a point for corner
22 of the herein-described tract, being a point in a north line of said
23 165.00 acre tract;

24 THENCE, along the north lines of said 165.00 acre tract the
25 following Three (3) courses and distances:

26 1. North 70°59'21" East, 435.04 feet to a point for corner of
27 the herein-described tract;

1 2. North 70°31'25" East, 1080.00 feet to a point for corner
2 of the herein-described tract;

3 3. South 88°45'03" East, 604.71 feet to a point for corner of
4 the herein-described tract, being the southwest corner of said
5 0.7764 acre tract;

6 THENCE, North 09°26'35" East, 422.76 feet, along the west line of
7 said 0.7764 acre tract, to a point for corner of the
8 herein-described tract, being the northwest corner of said 0.7764
9 acre tract and being in the south right-of-way line of State Highway
10 No. 29,;

11 THENCE, South 88°45'00" East, 80.81 feet, along the south
12 right-of-way line of State Highway No. 29, to the POINT OF BEGINNING
13 and containing a computed area of 357.494 acres or (15,572,458
14 Square Feet) of land.

15 Tract 2. A 87.0 acre tract of land, more or less, more
16 particularly described in a conveyance to East Belt, Ltd., recorded
17 as Document No. 200039722 in the Official Records of Williamson
18 County, Texas.

19 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
20 legislature finds that the boundaries and field notes of the
21 district form a closure. If a mistake is made in the field notes or
22 in copying the field notes in the legislative process, the mistake
23 does not affect in any way:

24 (1) the organization, existence, or validity of the
25 district;

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

27 (3) the legality or operation of the district or the

1 board.

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

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

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

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

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

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

14 (f) A director serves until the director's successor has
15 qualified.

16 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
17 consists of:

- 18 (1) Rex Bohls;
- 19 (2) Leanna Einhaus;
- 20 (3) Glen Kistenmacher;
- 21 (4) Hagen McMann; and
- 22 (5) Bill Simpson.

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

1 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

5 (b) The initial directors elected shall draw lots to decide
6 which two shall serve terms lasting until replacement directors are
7 elected at the first regularly scheduled election of directors
8 under Section 10 of this Act and which three shall serve until the
9 second regularly scheduled election of directors.

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

13 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
14 Saturday in May of the first even-numbered year after the year in
15 which the district is authorized to be created at a confirmation
16 election, an election shall be held in the district for the election
17 of two directors to replace the two initial directors serving
18 shorter terms from the confirmation election.

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

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

27 SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A

1 municipality in whose extraterritorial jurisdiction the district
2 is located may not adopt an ordinance or resolution or take any
3 other action that:

4 (1) impairs the ability of the district to exercise
5 its powers under this Act; or

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

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

10 (1) the date of installation of 90 percent of all
11 works, improvements, facilities, plants, equipment, and appliances
12 necessary and adequate to:

13 (A) provide service to the proposed development
14 within the district;

15 (B) accomplish the purposes for which the
16 district was created; and

17 (C) exercise the powers provided by the general
18 law of this state and this Act; or

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

21 (b) The district may add or exclude land in the manner
22 provided by Chapters 49 and 54, Water Code, without the consent of
23 any municipality.

24 SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER;
25 INSTALLATION OF FACILITIES. If a municipality in whose
26 extraterritorial jurisdiction the district is located annexes the
27 district for full or limited purposes and the annexation precludes

1 or impairs the ability of the district to issue bonds, the
2 municipality shall:

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

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

14 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

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

26 (c) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

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

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