

By: Gattis

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 266.50 acre tract of land out of the Greenleaf
7 Fisk Survey Abstract No. 5 in Williamson County, Texas being a
8 portion of the tract described in Volume 515 Page 639 Deed Records
9 of Williamson County, Texas. Said tract more particularly
10 described be metes and bounds as follows:

11 Beginning at a 1/2" rebar found on the south R.O.W. of State
12 Highway No. 29 and at the Northwest corner of a 449.985 acre tract
13 conveyed to 452 LTD. in Doc. No. 199947956 Official Records of
14 Williamson County, Texas also being the Northeast corner of this
15 tract and the POINT OF BEGINNING.

16 THENCE leaving said highway and with the fenced West Line of said
17 449-985 acre tract also being the East line this tract the following
18 three (3) courses.

- 19 1) S 09° 26'35"W, 464.89 feet to a 1/2" rebar found.
20 2) S 09° 22'35"W, 956.30 feet to a 1/2" rebar found.
21 3) S 11° 27'53"W, 27.99 feet to a 1/2" rebar found at an
22 interior ell corner of said 449.985 acre tract also being
23 the most Southerly Northeast corner of this tract.

24 THENCE with a fenced line in common with said 449.985 acre tract the
25 following two (2) courses.

- 26 1) N 84° 50'31"W, 281-88 feet to a 1/2" rebar found.
27 2) N 81° 14'51"W, 485-91 feet to a 1/2" rebar found at the

1 Northeast corner of a 37.133 acre tract conveyed to Maund
2 in Volume 908 Page 203 Deed Records of Williamson County,
3 Texas also being a corner in common with said 449.985
4 acre tract.

5 THENCE with the fenced North line of said 37.133 acre tract also
6 being a line in common with this tract the following three (3)
7 courses.

- 8 1) N 81° 19'16"W, 374.79 feet to a fence post found.
- 9 2) S 88° 21'31"W, 358.84 feet to a 1/2" rebar set.
- 10 3) S 86° 55'01"W, 572.11 feet to a fence corner found at the
11 Northwest corner of said 37.133 acre tract for an inside
12 ell corner of this tract.

13 THENCE with the West line of said 37.133 acre tract also being the
14 east line of this tract the following three (3) courses.

- 15 1) S 12° 46'01"E, 25.16 feet to a 1/2" rebar set.
- 16 2) S 12° 13'47"E, 1130.03 feet to a 1/2" rebar set.
- 17 3) S 12° 21'48"E, 129.82 feet to a 1/2" rebar found at the
18 Southwest corner of said 37.133 acre tract also being a
19 corner in common with said 449.985 acre tract and this
20 tract.

21 THENCE with the fenced East line of this tract also being the West
22 line of said 449.985 acre tract the following six (6) courses.

- 23 1) S 12° 20'49"E, 203.34 feet a 1/2" rebar found.
- 24 2) S 12° 25'06"E, 329.18 feet to a 1/2" rebar found.
- 25 3) S 12° 25'45"E, 295.61 feet to a 1/2" rebar found.
- 26 4) S 12° 17'32"E, 385.60 feet to a 1/2" rebar found.
- 27 5) S 12° 21'14"E, 687.17 feet to a 1/2" rebar found.

1 6) S 12° 31'02"E, 560.49 feet to a 1/2" rebar to be set.
2 THENCE S 70° 05'14"W, 1000.00 feet to a 1/2" rebar to be set.
3 THENCE S 95° 05'14"W, 670.00 feet to a 1/2" rebar to be set.
4 THENCE S 145° 05'14"W, 1260.00 feet to a 1/2" rebar to be set.
5 THENCE S 175° 05'14"W, 200.00 feet to a 1/2" rebar to be set.
6 THENCE S 135° 05'14"W, 240.00 feet to a 1/2" rebar to be set.
7 THENCE S 69° 05'14"W, 2090.00 feet to a 1/2" rebar to be set at the
8 R.O.W. of County Road No. 268.
9 THENCE N 18° 57'17"W, 674 feet to a 1/2" rebar found.
10 THENCE with the approximate center of County Road No. 268 also being
11 the west line of this tract the following sixteen (16) courses.
12 1) N 18° 57'17"W, 674.67 feet to a point.
13 2) N 15° 09'57"W, 210.30 feet to a point.
14 3) N 01° 33'58"E, 78.97 feet to a point.
15 4) N 45° 00'21"E, 90.36 feet to a point.
16 5) N 59° 50'23"E, 164.93 feet to a point.
17 6) N 68° 28'27"E, 173.78 feet to a point.
18 7) N 73° 52'24"E, 238.95 feet to a point.
19 8) N 69° 47'23"E, 241.07 feet to a point.
20 9) N 63° 05'54"E, 172.61 feet to a point.
21 10) N 55° 59'05"E, 173.50 feet to a point.
22 11) N 47° 55'13"E, 162.26 feet to a point.
23 12) N 26° 17'46"E, 846.67 feet to a point.
24 13) N 28° 00'24"E, 748.09 feet to a point.
25 14) N 17° 59'52"E, 292.01 feet to a 1/2" rebar set on the
26 South line of a 87.0 acre tract conveyed to
27 Kaufman/Phillips in Volume 581 Page 510 Deed Records of

1 Williamson County, Texas for a corner of this tract.
2 THENCE with the fenced South line of said 87.0 acre tract also being
3 the North line of this tract the following two (2) courses.

4 1) N 84° 11'33"E, 801.45 feet to a fence post found.

5 2) N 05° 10'59"W, 30.39 feet to a fence post found.

6 THENCE N 70° 59'21"E, continuing with the fenced South line of said
7 87.0 acre tract also being the North line of this tract at about
8 1200 feet passing the Southeast corner of said 87.0 acre tract also
9 being the Southwest corner of a 6.49 acre tract conveyed to Batt in
10 Volume 649 Page 167 Deed Records of Williamson County, Texas,
11 continuing with the North line of this tract also being the South
12 line of said 6.49 acre tract at 1492.11 feet passing a 1/2" rebar
13 found at the Southeast corner of said 6.49 acre tract also being the
14 Southwest corner of a 19.05 acre tract conveyed to Liu in Volume
15 2081 Page 318 Deed Records of Williamson County, Texas continuing
16 with the North line of this tract also being the South line of said
17 19.05 acre tract a total distance of 1637.24 feet to a 1/2" rebar
18 set.

19 THENCE N 70° 31'25"E, with the fenced North line of this tract also
20 being the South line of said 19.05 acre tract 1080.00 feet to a 1/2"
21 rebar found at the Southeast corner of said 19.05 acre tract also
22 being an interior ell corner of this tract.

23 THENCE N 19° 04'23"W, with the fence East line of said 19.05 acre
24 tract 446.22 feet to a fence post found on the South R.O.W. of State
25 Highway No. 29 for the Northeast corner of said 19.05 acre tract
26 being the Northwest corner of this tract.

27 THENCE S 88° 45'00"E, (bearing basis Vol. 515 pg. 639) with the South

1 R.O.W. of State Highway No. 29 also being the North line of this
2 tract 900.75 feet to the POINT OF BEGINNING and containing 266.50
3 acres more or less;

4 SAVE AND EXCEPT a 7.6190 acre tract of land out of the Greenleaf
5 Risk Survey Abstract No. 5 in Williamson County, Texas being a
6 portion of a 49.8 acre tract referred to as "First Tract" and
7 described in Volume 515 Page 639 Deed Records of Williamson County,
8 Texas. Said tract more particularly described by metes and bounds
9 as follows.

10 Beginning at a 1/2" rebar found on the South R.O.W. of State
11 Highway No. 29 and at the Northwest corner of a 449.985 acre tract
12 conveyed to 452 LTD. in Doc. No. 199947956 Official Records of
13 Williamson County, Texas also being the Northeast corner of this
14 tract and the POINT OF BEGINNING.

15 THENCE S 09° 26'35"W leaving said highway and with the fenced West
16 line of said 449.985 acre tract also being the East line this tract
17 422.76 feet to a 1/2" rebar set for the Southeast corner of this
18 tract.

19 THENCE N 88° 45'00"W parallel with said highway R.O.W. and through
20 the interior of said 49.8 acre tract 685.52 feet to a 1/2" rebar
21 found at the Southeast corner of a 19.05 acre tract conveyed to Liu
22 in Volume 2081 Page 318 Deed Records of Williamson County, Texas
23 also being an interior ell corner of said 49.8 acre tract and the
24 Southwest corner of this tract.

25 THENCE N 19° 04'23"W with the fenced East line of said 19.05 acre
26 tract 446.22 feet to a fence post found on the South R.O.W. of State
27 Highway No. 29 for the Northeast corner of said 19.05 acre tract

1 also being the Northwest corner of this tract.
2 THENCE S 88° 45'00"E (bearing basis vol. 515 pg. 639) with the South
3 R.O.W. of State Highway No. 29 also being the North line of this
4 tract 900.75 feet to the POINT OF BEGINNING and containing 7.6190
5 acres more or less.

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

10 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
11 legislature finds that the boundaries and field notes of the
12 district form a closure. If a mistake is made in the field notes or
13 in copying the field notes in the legislative process, the mistake
14 does not affect in any way:

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

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

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

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

27 (c) Initial directors serve until permanent directors are

1 elected under Section 10 of this Act.

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

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

5 (f) A director serves until the director's successor has
6 qualified.

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

9 (1) Rex Bohls;

10 (2) Leanna Einhaus;

11 (3) Glen Kistenmacher;

12 (4) Hagen McMann; and

13 (5) Bill Simpson.

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

19 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

23 (b) The initial directors elected shall draw lots to decide
24 which two shall serve terms lasting until replacement directors are
25 elected at the first regularly scheduled election of directors
26 under Section 10 of this Act and which three shall serve until the
27 second regularly scheduled election of directors.

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

4 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
5 Saturday in May of the first even-numbered year after the year in
6 which the district is authorized to be created at a confirmation
7 election, an election shall be held in the district for the election
8 of two directors to replace the two initial directors serving
9 shorter terms from the confirmation election.

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

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

18 SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A
19 municipality in whose extraterritorial jurisdiction the district
20 is located may not adopt an ordinance or resolution or take any
21 other action that:

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

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

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

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

4 (A) provide service to the proposed development
5 within the district;

6 (B) accomplish the purposes for which the
7 district was created; and

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

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

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

15 SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER;
16 INSTALLATION OF FACILITIES. If a municipality in whose
17 extraterritorial jurisdiction the district is located annexes the
18 district for full or limited purposes and the annexation precludes
19 or impairs the ability of the district to issue bonds, the
20 municipality shall:

21 (1) simultaneously with the annexation, pay in cash to
22 the landowner or developer of the district a sum equal to all actual
23 costs and expenses incurred by the landowner or developer in
24 connection with the district that the district has, in writing,
25 agreed to pay and that would otherwise have been eligible for
26 reimbursement from bond proceeds under the rules and requirements
27 of the commission as such rules and requirements exist on the date

1 of annexation; and

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

5 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

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

17 (c) All requirements of the constitution and laws of this
18 state and the rules and procedures of the legislature with respect
19 to the notice, introduction, and passage of this Act are fulfilled
20 and accomplished.

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

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