

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 3560
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. 12.

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. 12.

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 12, 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 Tract 1. A 357.494 acre tract of land situated in the
1-37 Greenleaf Fisk Survey, Abstract No. 5, Williamson County, Texas,
1-38 and being all of a called 87.00 acre tract as described in Volume
1-39 581, Page 510 of the Williamson County, Texas Deed Records
1-40 (W.C.T.D.R.); all of a called 165.00 acre tract and a 0.7764 acre
1-41 tract as described as tracts one and two respectively in Document
1-42 No. 2000071872 of the Official Records Williamson County, Texas
1-43 (O.R.W.C.T.); and being a portion of a called 352.8468 acre tract as
1-44 described in Document No. 2000070961 of the O.R.W.C.T. Said
1-45 357.494 acres being more particularly described with bearings
1-46 herein are based on the east line of said 0.7764 acre tract being
1-47 South 09°26'35" West;

1-48 BEGINNING at the northeast corner of said 0.7764 acre tract
1-49 described as Tract Two in Document No. 2000071872 O.R.W.C.T. and
1-50 being on the south right-of-way line of State Highway No. 29 and
1-51 being the northeast corner of herein described 357.494 acre tract;

1-52 THENCE, South 09°26'35" West, 422.76 feet, leaving south
1-53 right-of-way line to a point for corner of the herein-described
1-54 tract and being the southeast corner of said 0.7764 acre tract and
1-55 the northeast corner of said 165.00 acre tract described as Tract
1-56 One in Document No. 2000071872 O.R.W.C.T.;

1-57 THENCE, along the east and south-easterly lines of said 165.00 acre
1-58 tract the following Sixteen (16) courses and distances:

1-59 1. South 09°26'35" West, 42.13 feet to a point for corner of
1-60 the herein-described tract;

1-61 2. South 09°22'35" West, 956.30 feet to a point for corner of
1-62 the herein-described tract;

1-63 3. South 11°27'53" West, 27.99 feet to a point for corner of
1-64 the herein-described tract;

2-1 4. North 84°50'31" West, 281.88 feet to a point for corner of
2-2 the herein-described tract;
2-3 5. North 81°14'51" West, 485.91 feet to a point for corner of
2-4 the herein-described tract;
2-5 6. North 81°19'16" West, 374.79 feet to a point for corner of
2-6 the herein-described tract;
2-7 7. South 88°21'31" West, 358.84 feet to a point for corner of
2-8 the herein-described tract;
2-9 8. South 86°55'01" West, 572.11 feet to a point for an inside
2-10 ell corner of the herein-described tract;
2-11 9. South 12°46'01" East, 25.16 feet to a point for corner of
2-12 the herein-described tract;
2-13 10. South 12°13'47" East, 1130.03 feet to a point for corner
2-14 of the herein-described tract;
2-15 11. South 12°21'48" East, 129.82 feet to a point for corner
2-16 of the herein-described tract;
2-17 12. South 12°20'49" East, 203.34 feet to a point for corner
2-18 of the herein-described tract;
2-19 13. South 12°25'06" East, 329.18 feet to a point for corner
2-20 of the herein-described tract;
2-21 14. South 12°25'45" East, 295.61 feet to a point for corner
2-22 of the herein-described tract;
2-23 15. South 12°17'32" East, 385.60 feet to a point for corner
2-24 of the herein-described tract;
2-25 16. South 12°21'14" East, 141.07 feet to a point for corner
2-26 of the herein-described tract and being the northeast corner of
2-27 said 352.8467 acre tract as described in Document No. 2000070961
2-28 O.R.W.C.T.
2-29 THENCE, along the south line hereof over and across said 352.8467
2-30 acre tract the following Eleven (11) courses and distances:
2-31 1. South 04°12'41" East, 1118.04 feet to a point for corner
2-32 of the herein-described tract;
2-33 2. South 71°42'35" West, 589.32 feet to a point for corner of
2-34 the herein-described tract;
2-35 3. North 86°23'57" West, 842.53 feet to a point for corner of
2-36 the herein-described tract;
2-37 4. North 40°33'15" West, 1120.00 feet to a point for corner
2-38 of the herein-described tract;
2-39 5. North 17°08'39" West, 456.49 feet to a point for corner of
2-40 the herein-described tract;
2-41 6. North 36°33'21" West, 300.00 feet to a point for corner of
2-42 the herein-described tract, being a point of curvature to the right
2-43 and from which the radius point bears; North 54°23'41" West, 2120.00
2-44 feet;
2-45 7. 210.08 feet, along the arc of said curve to the right
2-46 which contains the following elements a Radius of 2120.00 feet, a
2-47 Delta Angle of 05°40'40", and a cord bearing and distance of South
2-48 38°26'39" West, 210.00 feet, to a point for corner of the
2-49 herein-described tract;
2-50 8. North 48°43'01" West, 120.00 feet to a point for corner of
2-51 the herein-described tract, being a point of curvature to the right
2-52 and from which the radius point bears; North 48°43'01" West, 2000.00
2-53 feet;
2-54 9. 1010.72 feet, along the arc of said curve to the right
2-55 which contains the following elements a Radius of 2000.00 feet, a
2-56 Delta Angle of 28°57'18", and a cord bearing and distance of South
2-57 55°45'38" West, 1000.00 feet, to a point for corner of the
2-58 herein-described tract;
2-59 10. North 18°57'17" West, 120.00 feet to a point for corner
2-60 of the herein-described tract;
2-61 11. South 71°02'43" West, 850.00 feet to a point in the
2-62 approximate centerline of County Road Number 268, for the westerly
2-63 most corner of the herein-described tract and being a point in the
2-64 west line of said 352.8467 acre tract and the southwest corner of
2-65 said 165.00 acre tract;
2-66 THENCE, along the northwest lines of said 352.8467 acre tract same
2-67 being the called approximate centerline of County Road Number 268
2-68 the following Eleven (11) courses and distances:
2-69 1. North 18°57'17" West, 415.74 feet to a point for corner of

3-1 the herein-described tract;

3-2 2. North 15°09'57" West, 210.30 feet to a point for corner of

3-3 the herein-described tract;

3-4 3. North 01°33'58" East, 78.97 feet to a point for corner of

3-5 the herein-described tract;

3-6 4. North 45°00'21" East, 90.36 feet to a point for corner of

3-7 the herein-described tract;

3-8 5. North 59°50'23" East, 164.93 feet to a point for corner of

3-9 the herein-described tract;

3-10 6. North 68°28'27" East, 173.78 feet to a point for corner of

3-11 the herein-described tract;

3-12 7. North 73°52'24" East, 238.95 feet to a point for corner of

3-13 the herein-described tract;

3-14 8. North 69°47'23" East, 241.07 feet to a point for corner of

3-15 the herein-described tract;

3-16 9. North 63°05'54" East, 172.61 feet to a point for corner of

3-17 the herein-described tract;

3-18 10. North 55°59'05" East, 173.50 feet to a point for corner

3-19 of the herein-described tract;

3-20 11. North 47°55'13" East, 162.26 feet to a point for corner

3-21 of the herein-described tract, being the northerly most corner of

3-22 said 352.8467 acre tract;

3-23 THENCE, along the west lines of said 165.00 acre tract same being

3-24 the called approximate centerline of County Road Number 268 the

3-25 following three (3) courses and distances:

3-26 1. North 26°17'46" East, 846.67 feet to a point for corner of

3-27 the herein-described tract;

3-28 2. North 28°00'24" East, 748.09 feet to a point for corner of

3-29 the herein-described tract;

3-30 3. North 17°59'52" East, 289.40 feet to a point for an inside

3-31 ell corner of the herein-described tract, being a point in a south

3-32 line of said 87.00 acre tract;

3-33 THENCE, along the south lines of said 87.00 acre tract the following

3-34 Two (2) courses and distances:

3-35 1. South 85°08'21" West, 468.01 feet to a point for corner of

3-36 the herein-described tract;

3-37 2. South 87°27'21" West, 623.10 feet to a point for corner of

3-38 the herein-described tract, being the southwest corner of said

3-39 87.00 acre tract;

3-40 THENCE, along the west lines of said 87.00 acre tract the following

3-41 Two (2) courses and distances:

3-42 1. North 10°04'21" East, 1511.30 feet to a point for corner

3-43 of the herein-described tract;

3-44 2. North 01°10'21" East, 100.00 feet to a point for corner of

3-45 the herein-described tract, being the northwest corner of said

3-46 87.00 acre tract and being a point in the south right-of-way line of

3-47 State highway No. 29,;

3-48 THENCE, along the north lines of said 87.00 acre tract the following

3-49 Two (2) courses and distances:

3-50 1. South 88°50'15" East, 2422.13 feet, along the south

3-51 right-of-way line of State Highway No. 29, to a point for corner of

3-52 the herein-described tract;

3-53 2. South 19°00'39" East, 1021.80 feet to a point for corner

3-54 of the herein-described tract, being a point in a north line of said

3-55 165.00 acre tract;

3-56 THENCE, along the north lines of said 165.00 acre tract the

3-57 following Three (3) courses and distances:

3-58 1. North 70°59'21" East, 435.04 feet to a point for corner of

3-59 the herein-described tract;

3-60 2. North 70°31'25" East, 1080.00 feet to a point for corner

3-61 of the herein-described tract;

3-62 3. South 88°45'03" East, 604.71 feet to a point for corner of

3-63 the herein-described tract, being the southwest corner of said

3-64 0.7764 acre tract;

3-65 THENCE, North 09°26'35" East, 422.76 feet, along the west line of

3-66 said 0.7764 acre tract, to a point for corner of the

3-67 herein-described tract, being the northwest corner of said 0.7764

3-68 acre tract and being in the south right-of-way line of State Highway

3-69 No. 29,;

4-1 THENCE, South 88°45'00" East, 80.81 feet, along the south
4-2 right-of-way line of State Highway No. 29, to the POINT OF BEGINNING
4-3 and containing a computed area of 357.494 acres or (15,572,458
4-4 Square Feet) of land.

4-5 Tract 2. A 87.0 acre tract of land, more or less, more
4-6 particularly described in a conveyance to East Belt, Ltd., recorded
4-7 as Document No. 200039722 in the Official Records of Williamson
4-8 County, Texas.

4-9 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
4-10 legislature finds that the boundaries and field notes of the
4-11 district form a closure. If a mistake is made in the field notes or
4-12 in copying the field notes in the legislative process, the mistake
4-13 does not affect in any way:

4-14 (1) the organization, existence, or validity of the
4-15 district;

4-16 (2) the right of the district to impose taxes; or

4-17 (3) the legality or operation of the district or the
4-18 board.

4-19 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails
4-20 over any provision of general law that is in conflict or
4-21 inconsistent with this Act.

4-22 SECTION 7. BOARD OF DIRECTORS. (a) The district is
4-23 governed by a board of five directors.

4-24 (b) Temporary directors serve until initial directors are
4-25 elected under Section 9 of this Act.

4-26 (c) Initial directors serve until permanent directors are
4-27 elected under Section 10 of this Act.

4-28 (d) Permanent directors serve staggered four-year terms.

4-29 (e) Each director must qualify to serve as director in the
4-30 manner provided by Section 49.055, Water Code.

4-31 (f) A director serves until the director's successor has
4-32 qualified.

4-33 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
4-34 consists of:

4-35 (1) Rex Bohls;

4-36 (2) Leanna Einhaus;

4-37 (3) Glen Kistenmacher;

4-38 (4) Hagen McMann; and

4-39 (5) Bill Simpson.

4-40 (b) If a temporary director fails to qualify for office, the
4-41 temporary directors who have qualified shall appoint a person to
4-42 fill the vacancy. If at any time there are fewer than three
4-43 qualified temporary directors, the commission shall appoint the
4-44 necessary number of persons to fill all vacancies on the board.

4-45 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

4-46 (a) The temporary board of directors shall call and hold an
4-47 election to confirm the establishment of the district and to elect
4-48 five initial directors as provided by Section 49.102, Water Code.

4-49 (b) The initial directors elected shall draw lots to decide
4-50 which two shall serve terms lasting until replacement directors are
4-51 elected at the first regularly scheduled election of directors
4-52 under Section 10 of this Act and which three shall serve until the
4-53 second regularly scheduled election of directors.

4-54 (c) Section 41.001(a), Election Code, does not apply to a
4-55 confirmation and initial directors' election held as provided by
4-56 this section.

4-57 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
4-58 Saturday in May of the first even-numbered year after the year in
4-59 which the district is authorized to be created at a confirmation
4-60 election, an election shall be held in the district for the election
4-61 of two directors to replace the two initial directors serving
4-62 shorter terms from the confirmation election.

4-63 (b) On the first Saturday in May of each subsequent
4-64 even-numbered year following the election, the appropriate number
4-65 of directors shall be elected.

4-66 SECTION 11. GENERAL POWERS. The district has all of the
4-67 rights, powers, privileges, authority, functions, and duties
4-68 provided by the general law of this state, including Chapter 54,
4-69 Water Code, applicable to municipal utility districts created under

5-1 Section 59, Article XVI, Texas Constitution.

5-2 SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A
5-3 municipality in whose extraterritorial jurisdiction the district
5-4 is located may not adopt an ordinance or resolution or take any
5-5 other action that:

5-6 (1) impairs the ability of the district to exercise
5-7 its powers under this Act; or

5-8 (2) limits the ability of the district to finance,
5-9 construct, or operate its water, wastewater, or drainage systems.

5-10 SECTION 13. ANNEXATION. (a) A municipality may annex the
5-11 district on the earlier of:

5-12 (1) the date of installation of 90 percent of all
5-13 works, improvements, facilities, plants, equipment, and appliances
5-14 necessary and adequate to:

5-15 (A) provide service to the proposed development
5-16 within the district;

5-17 (B) accomplish the purposes for which the
5-18 district was created; and

5-19 (C) exercise the powers provided by the general
5-20 law of this state and this Act; or

5-21 (2) the 20th anniversary of the date the district is
5-22 confirmed.

5-23 (b) The district may add or exclude land in the manner
5-24 provided by Chapters 49 and 54, Water Code, without the consent of
5-25 any municipality.

5-26 SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER;
5-27 INSTALLATION OF FACILITIES. If a municipality in whose
5-28 extraterritorial jurisdiction the district is located annexes the
5-29 district for full or limited purposes and the annexation precludes
5-30 or impairs the ability of the district to issue bonds, the
5-31 municipality shall:

5-32 (1) simultaneously with the annexation, pay in cash to
5-33 the landowner or developer of the district a sum equal to all actual
5-34 costs and expenses incurred by the landowner or developer in
5-35 connection with the district that the district has, in writing,
5-36 agreed to pay and that would otherwise have been eligible for
5-37 reimbursement from bond proceeds under the rules and requirements
5-38 of the commission as such rules and requirements exist on the date
5-39 of annexation; and

5-40 (2) after the annexation, install all necessary water,
5-41 wastewater, and drainage facilities to serve full buildout of
5-42 development within the district.

5-43 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

5-44 (a) The legal notice of the intention to introduce this Act,
5-45 setting forth the general substance of this Act, has been published
5-46 as provided by law, and the notice and a copy of this Act have been
5-47 furnished to all persons, agencies, officials, or entities to which
5-48 they are required to be furnished under Section 59, Article XVI,
5-49 Texas Constitution, and Chapter 313, Government Code. The
5-50 governor, one of the required recipients, has submitted the notice
5-51 and Act to the commission.

5-52 (b) The commission has filed its recommendations relating
5-53 to this Act with the governor, lieutenant governor, and speaker of
5-54 the house of representatives within the required time.

5-55 (c) All requirements of the constitution and laws of this
5-56 state and the rules and procedures of the legislature with respect
5-57 to the notice, introduction, and passage of this Act are fulfilled
5-58 and accomplished.

5-59 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
5-60 takes effect September 1, 2003.

5-61 (b) If the creation of the district is not confirmed at a
5-62 confirmation election held under Section 9 of this Act before
5-63 September 1, 2005, this Act expires on that date.

5-64 * * * * *