

1 AN ACT

2 relating to the creation, administration, powers, duties,  
3 operation, and financing of the Lazy Nine Municipal Utility  
4 District.

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) "District" means the Lazy Nine Municipal Utility  
10 District.

11 SECTION 2. CREATION. (a) A municipal utility district, to  
12 be known as the Lazy Nine Municipal Utility District, is created in  
13 Travis County, subject to approval at a confirmation election under  
14 Section 9 of this Act.

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

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

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

22 (c) All of the land and other property included within the  
23 boundaries of the district will be benefited by the works and  
24 projects that are to be accomplished by the district under powers

1 conferred by Section 59, Article XVI, Texas Constitution.

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

4 A 1,719.449 acre tract of land out of and part of the following  
5 eight (8) surveys: F. Sterzing survey no. 62, H. Pruett survey no.  
6 51, Sam Wildy survey no. 527, c. J. Strother survey no. 606,  
7 Seale-Morris & Seale survey no. 61, W. A. Barlow survey no. 86, J.  
8 H. Johman survey no. 524 and E. Hallman survey no. 61, situated in  
9 Travis County, Texas, being a portion of those certain tracts of  
10 land called first tract and second tract conveyed to Mrs. O. H.  
11 Davenport by deed of record in volume 1214, page 472 of the deed  
12 records of Travis County, Texas (the "deed records"); said  
13 1,719.449 acre tract being more particularly described by metes and  
14 bounds as follows:

15 BEGINNING, at a concrete highway monument found in the southerly  
16 right-of-way of State Highway No. 71 (R.O.W. varies), being the  
17 northeasterly corner of that certain 453.54 acre tract of land  
18 conveyed to Gregory A. Kozmetsky by deed of record in Volume 8132,  
19 Page 262 of the Real Property Records of Travis County, Texas (The  
20 "Real Property Records"), same being the most northerly corner of  
21 said First Tract for the most northerly corner hereof;

22 THENCE, S51°09'02"E, along the southerly line of State Highway No.  
23 71, being the northerly line of said First Tract, same being the  
24 northerly line hereof, a distance of 590.29 feet to a 60d nail found  
25 at the northwesterly corner of that certain 2.766 acre tract of land  
26 called Tract 2 conveyed to Arthur Lee Sanders by deed of record in  
27 Volume 8522, Page 125 of the Real Property Records for an angle

1 point hereof;

2 THENCE, S00°26'50"W, leaving the southerly line of State Highway No.  
3 71, and continuing along the northerly line hereof, being the  
4 northerly line of said First Tract, same being the westerly line of  
5 said Tract 2 and the westerly line of that certain 0.364 acre tract  
6 of land called Tract 1 conveyed to Arthur Lee Sanders by deed of  
7 record in Volume 8522, Page 125 of the Real Property Records, a  
8 distance of 747.71 feet to a 1/2 inch iron pipe found at the  
9 southwesterly corner of said Tract 1 for an angle point hereof;

10 THENCE, continuing along the northerly line hereof, along and with  
11 a fence, being the northerly line of said First Tract, same being  
12 the southerly line of said Tract 1, in part the southerly line of  
13 said Tract 2, the southerly of that certain 2.34 acre tract of land  
14 called Tract 3 conveyed to Arthur Lee Sanders by deed of record in  
15 Volume 8522, Page 125 of the Real Property Records, the southerly  
16 line of that certain 3.91 acre tract of land conveyed to John W.  
17 Combs by deed of record in Volume 5829, Page 966 of the Deed  
18 records, the southerly line of that certain 4.1 acre tract of land  
19 conveyed to William Otto Combs by deed of record in Volume 2019,  
20 Page 514 of the Deed Records and the southerly line of that certain  
21 2.1 acre tract of land conveyed to William Otto Combs by deed of  
22 record in Volume 1881, Page 194 of the Deed Records, the following  
23 ten (10) courses and distances:

24 1) S89°16'04"E, passing at a distance of 181.53 feet a fence post  
25 found at the beginning of a fence and continuing for a total  
26 distance of 514.91 feet to a fence post found for an angle point;

27 2) S86°12'59"E, a distance of 202.86 feet to a 1/2 inch iron rod

- 1 found for an angle point;
- 2 3) S79°49'24"E, a distance of 143.52 feet to a 1/2 inch iron rod  
3 found for an angle point;
- 4 4) S88°06'26"E, a distance of 138.97 feet to a 1/2 inch iron rod  
5 found for an angle point;
- 6 5) N83°35'08"E, a distance of 181.40 feet to a 1/2 inch iron rod  
7 found for an angle point;
- 8 6) N84°27'36"E, a distance of 171.27 feet to a fence post found for  
9 an angle point;
- 10 7) S85°42'15"E, a distance of 37.57 feet to a fence post found for  
11 an angle point;
- 12 8) S75°25'37"E, a distance of 66.50 feet to a fence post found for  
13 an angle point;
- 14 9) N84°57'37"E, a distance of 174.95 feet to a fence post found for  
15 an angle point;
- 16 10) S89°11'36"E, a distance of 418.46 feet to a 1/2 inch iron pipe  
17 found at the northwesterly corner of that certain 5.375 acre tract  
18 of land conveyed to James Aaron Hudson by deed of record in Volume  
19 12926, Page 2404 of the Real Property Records;
- 20 THENCE, continuing along the northerly line hereof, being the  
21 northerly line of said First Tract, same being the westerly and  
22 southerly lines of said Hudson 5.375 acre tract, the following two  
23 (2) courses and distances:
- 24 1) S01°58'32"E, a distance of 471.85 feet to a 3/4 inch iron pipe  
25 found at the southwesterly corner of said Hudson 5.375 acre tract  
26 for an angle point hereof;
- 27 2) N88°27'05"E, a distance of 778.62 feet to a 1/2 inch iron rod

1 found in the southerly line of State Highway No. 71, being the  
2 southeasterly corner of said Hudson 5.375 acre tract for an angle  
3 point hereof;

4 THENCE, continuing along the northerly line hereof, being in part  
5 the northerly line of said First Tract and in part the northerly  
6 line of said Second Tract, same being the southerly line of State  
7 Highway No. 71, the following twenty (20) courses and distances:

8 1) Along a non-tangent curve to the right having a radius of  
9 3819.84, a central angle of  $01^{\circ}24'04''$ , an arc distance of 93.40 feet  
10 and a chord which bears  $S48^{\circ}33'39''E$ , a distance of 93.40 feet to a  
11 concrete highway monument for the end of said curve;

12 2)  $S47^{\circ}43'40''E$ , a distance of 471.66 feet to a concrete highway  
13 monument found for the point of curvature of a non-tangent curve to  
14 the left;

15 3) Along said non-tangent curve to the left having a radius of  
16 2009.75 feet, a central angle of  $17^{\circ}14'18''$ , an arc distance of  
17 604.67 feet and a chord which bears  $S56^{\circ}23'51''E$ , a distance of  
18 602.39 feet to a concrete highway monument found for the end of said  
19 curve;

20 4)  $S65^{\circ}00'59''E$ , a distance of 386.46 feet to a 1/2 inch iron rod set  
21 with cap for the point of curvature of a curve to the right;

22 5) Along said curve to the right having a radius of 1045.92 feet, a  
23 central angle of  $19^{\circ}27'13''$ , an arc distance of 355.12 feet and a  
24 chord which bears  $S55^{\circ}12'32''E$ , a distance of 353.42 feet to a 1/2  
25 inch iron rod set with cap for the end of said curve;

26 6)  $S45^{\circ}32'07''E$ , a distance of 492.28 feet to a concrete highway  
27 monument found for the point of curvature of a non-tangent curve to

- 1 the left;
- 2 7) Along said non-tangent curve to the left having a radius of  
3 1245.92 feet, a central angle of  $20^{\circ}04'19''$ , an arc distance of  
4 436.47 and a chord which bears  $S55^{\circ}28'17''E$ , a distance of 434.24  
5 feet to a concrete highway monument found for the end of said curve;
- 6 8)  $S65^{\circ}34'29''E$ , a distance of 406.32 feet to a 1/2 inch iron rod set  
7 with cap for the point of curvature of a non-tangent curve to the  
8 right;
- 9 9) Along said non-tangent curve to the right having a radius of  
10 1045.92 feet, a central angle of  $24^{\circ}05'24''$ , an arc distance of  
11 439.76 feet and a chord which bears  $S53^{\circ}31'12''E$ , a distance of  
12 436.52 feet to a concrete highway monument found for the end of said  
13 curve;
- 14 10)  $S41^{\circ}34'34''E$ , a distance of 372.97 feet to a concrete highway  
15 monument found for the point of curvature of a non-tangent curve to  
16 the left;
- 17 11) Along said non-tangent curve to the left having a radius of  
18 1245.85, a central angle of  $28^{\circ}41'02''$ , an arc distance of 623.71 and  
19 a chord which bears  $S55^{\circ}51'42''E$ , a distance of 617.21 feet to a 1/2  
20 inch iron rod set with cap for the end of said curve;
- 21 12)  $S70^{\circ}09'46''E$ , a distance of 279.53 feet to a concrete highway  
22 monument found for the point of curvature of a non-tangent curve to  
23 the right;
- 24 13) Along said non-tangent curve to the right having a radius of  
25 5629.58, a central angle of  $07^{\circ}56'42''$ , an arc distance of 780.63  
26 feet and a chord which bears  $S66^{\circ}12'39''E$ , a distance of 780.00 feet  
27 to a point for the end of said curve;

1 THENCE, leaving the southerly line of State Highway No. 71, over and  
2 across said Second Tract, same being the easterly line hereof, the  
3 following six (6) courses and distances:

- 4 1) S01°57'57"E, a distance of 608.00 feet to an angle point;
- 5 2) S51°05'31"E, a distance of 523.00 feet to an angle point;
- 6 3) S04°28'34"E, a distance of 1298.00 feet to an angle point;
- 7 4) S17°44'05"E, a distance of 571.00 feet to an angle point;
- 8 5) S00°06'48"E, a distance of 810.00 feet to an angle point;
- 9 6) S14°11'47"E a distance of 764.00 feet to a point in the westerly  
10 line of that certain 122.61 acre tract of land conveyed to Dudley D.  
11 McCalla by deed of record in Volume 5337, Page 469 of the Deed  
12 Records, being in the southerly line of said Second Tract for an  
13 angle point hereof;

14 THENCE, continuing along the easterly line hereof, being the  
15 southerly line of said Second Tract, same being the westerlyline of  
16 said McCalla 122.61 acre tract, along and with a fence, the  
17 following ten (10) courses and distances:

- 18 1) S16°38'51"W, a distance of 552.00 feet to a 1/2 inch iron rod set  
19 with cap for an angle point;
- 20 2) S20°22'32"W, a distance of 101.01 feet to a 1/2 inch iron rod set  
21 with cap for an angle point;
- 22 3) S23°26'28"W, a distance of 90.43 feet to a 1/2 inch iron rod set  
23 with cap for an angle point;
- 24 4) S30°43'32"W, a distance of 31.30 feet to a 14 inch Cedar tree at  
25 a fence angle for an angle point hereof;
- 26 5) S47°59'22"W, a distance of 30.05 feet to a 60d nail found at the  
27 most westerly corner of said McCalla 122.61 acre tract for an angle

1 point;

2 6) S44°10'51"E, a distance of 692.15 feet to a 1/2 inch iron rod set  
3 with cap for an angle point;

4 7) S58°40'21"E, a distance of 259.20 feet to a 1/2 inch iron rod  
5 found for an angle point;

6 8) S02°07'19"E, a distance of 261.57 feet to a 16 inch Cedar tree at  
7 a fence angle for an angle point hereof;

8 9) S10°50'02"E, a distance of 84.28 feet to a 1/2 inch iron rod set  
9 with cap for an angle point;

10 10) S04°52'47"E, a distance of 298.75 feet to a 1/2 inch iron rod  
11 found at the southwesterly corner of said McCalla 122.61 acre  
12 tract, being a point in the northerly line of that certain 327.341  
13 acre tract of land conveyed to Henry R. Heffington by deed of record  
14 in Volume 5246, Page 2045 of the Deed Records for the southeasterly  
15 corner hereof;

16 THENCE, continuing along the southerly line hereof, being the  
17 northerly line of said Heffington 327.341 acre tract, southerly  
18 line of said Second Tract, same being along and with a fence, the  
19 following two (2) courses and distances:

20 1) S84°40'07"W, a distance of 396.25 feet to a 1/2 inch iron rod  
21 found for an angle point;

22 2) S39°52'13"W, a distance of 643.37 feet to a 1/2 inch iron rod  
23 found at northeasterly corner of that certain 226.240 acre tract of  
24 land conveyed to F/M 255 Joint Venture by deed of record in Volume  
25 12801, Page 81 of the Real Property Records for an angle point;

26 THENCE, along the southerly line hereof, being the southerly line  
27 of said Second Tract, same being the northerly line of said F/M 255



1 Joint Venture 226.240 acre tract, continuing along and with a  
2 fence, the following twenty-two (22) courses and distances:

- 3 1) N45°32'29"W, a distance of 135.38 feet to a 1/2 inch iron rod  
4 found for an angle point;
- 5 2) N32°13'05"W, a distance of 77.83 feet to a 12 inch Live Oak tree  
6 at a fence angle for an angle point hereof;
- 7 3) N28°17'27"W, a distance of 68.02 feet to a 1/2 inch iron rod  
8 found for an angle point;
- 9 4) N29°39'13"W, a distance of 59.82 feet to a 1/2 inch iron rod  
10 found for an angle point;
- 11 5) N25°51'34"W, a distance of 51.41 feet to a 22 inch Cedar tree at  
12 a fence angle for an angle point hereof;
- 13 6) N27°58'18"W, a distance of 61.26 feet to a 1/2 inch iron rod  
14 found for an angle point;
- 15 7) N26°22'18"W, a distance of 19.69 feet to a 16 inch Live Oak tree  
16 at a fence angle for an angle point hereof;
- 17 8) N23°05'26"W, a distance of 92.03 feet to a 1/2 inch iron rod  
18 found for an angle point;
- 19 9) N27°33'17"W, a distance of 47.34 feet to a 1/2 inch iron rod set  
20 with cap for an angle point;
- 21 10) N29°42'38"W, a distance of 45.51 feet to a 1/2 inch iron rod  
22 found for an angle point;
- 23 11) N33°01'45"W, a distance of 20.27 feet to a 1/2 inch iron rod  
24 found for an angle point;
- 25 12) N36°03'00"W, a distance of 118.14 feet to a 1/2 inch iron rod  
26 found for an angle point;
- 27 13) N43°23'00"W, a distance of 53.33 feet to a 1/2 inch iron rod

1 found for an angle point;  
2 14) N49°44'51"W, a distance of 58.51 feet to a 14 inch Live Oak tree  
3 at a fence angle for an angle point hereof;  
4 15) N42°18'26"W, a distance of 63.88 feet to a 1/2 inch iron rod set  
5 with cap for an angle point;  
6 16) N35°47'19"W, a distance of 417.51 feet to a 1/2 inch iron rod  
7 found for an angle point;  
8 17) N35°55'57"W, a distance of 264.76 feet to a 1/2 inch iron rod  
9 found for an angle point;  
10 18) N35°23'52"W, a distance of 452.03 feet to a 1/2 inch iron rod  
11 found for an angle point;  
12 19) N39°49'00"W, a distance of 439.63 feet to a 1/2 inch iron rod  
13 found for an angle point;  
14 20) N51°32'45"W, a distance of 855.86 feet to a 1/2 inch iron rod  
15 found at the most northerly corner of said F/M 255 Joint Venture  
16 226.240 acre tract for an angle point;  
17 21) S50°49'26"W, a distance of 943.88 feet to a 60d nail found for  
18 an angle point;  
19 22) S82°56'43"W, a distance of 862.76 feet to a 1/2 inch iron rod  
20 found in the easterly line of that certain 443.7304 acre tract of  
21 land conveyed to Jan M. Harris, Sara Lee Harris Wallace and Kay  
22 Harris by deed of record in Volume 12542, Page 260 of the Real  
23 Property Records, being the northwesterly corner of said F/M 255  
24 Joint Venture 226.240 acre tract, same being the southwesterly  
25 corner of said Second Tract for an angle point;  
26 THENCE, continuing along the southerly line hereof, being in part  
27 the westerly line of said Second Tract, same being in part the

1 easterly line of said Harris 443.7304 acre tract, continuing along  
2 and with a fence, the following fourteen (14) courses and  
3 distances:

- 4 1) N04°41'49"W, a distance of 1732.66 feet to a 1/2 inch iron rod  
5 set with cap for an angle point;
- 6 2) N04°47'02"W, a distance of 280.16 feet to a 1/2 inch iron rod set  
7 with cap for an angle point;
- 8 3) N03°29'21"W, a distance of 340.14 feet to a 1/2 inch iron rod set  
9 with cap for an angle point;
- 10 4) N03°25'43"W, a distance of 259.11 feet to a 1/2 inch iron rod set  
11 with cap for an angle point;
- 12 5) N01°55'24"W, a distance of 88.08 feet to a 20 inch Cedar tree at  
13 a fence angle for an angle point hereof;
- 14 6) N82°09'10"W, a distance of 29.32 feet to a 60d nail found for an  
15 angle point;
- 16 7) N28°51'28"W, a distance of 17.03 feet to a 60d nail found for an  
17 angle point;
- 18 8) N05°05'20"W, a distance of 20.23 feet to a 1/2 inch iron rod  
19 found for an angle point;
- 20 9) N08°48'44"E, a distance of 41.12 feet to a 1/2 inch iron rod  
21 found for an angle point;
- 22 10) N10°37'54"E, a distance of 135.21 feet to a 1/2 inch iron rod  
23 found for an angle point;
- 24 11) N19°41'13"E, a distance of 40.58 feet to a 60d nail found for an  
25 angle point;
- 26 12) N37°34'24"E, a distance of 72.42 feet to a 60d nail found for an  
27 angle point;

1 13) N12°02'45"E, a distance of 124.13 feet to a 60d nail found for  
2 an angle point;

3 14) N04°13'45"E, a distance of 27.86 feet to a 1/2 inch iron rod  
4 found at the northeasterly corner of said Harris 443.7304 acre  
5 tract, being the southeasterly corner of said First Tract for an  
6 angle point;

7 THENCE, continuing along the southerly line hereof, being the  
8 southerly line of said First Tract, same being the northerly line of  
9 said Harris 443.7304 acre tract, continuing along and with a fence,  
10 the following two (2) courses and distances:

11 1) S89°05'48"W, a distance of 69.31 feet to a 1/2 inch iron rod  
12 found for an angle point;

13 2) S88°10'16"W, a distance of 2328.58 feet to a 1/2 inch iron pipe  
14 found at the northeasterly corner of that certain 1128.30 acre  
15 tract called Tract 1 conveyed to Jerome N. Gregoire by deed of  
16 record in Volume 13401, Page 596 of the Real Property Records, being  
17 the northwesterly corner of said Harris 443.7304 acre tract for an  
18 angle point;

19 THENCE, S88°11'40"W, continuing along the southerly line hereof,  
20 being the southerly line of said First Tract, same being the  
21 northerly line of said Gregoire 1128.30 acre tract, continuing  
22 along and with a fence, a distance of 3316.76 feet to a 1/2 inch iron  
23 pipe found in the irregular easterly line of that certain 2601.5  
24 acre tract of land called First Tract conveyed to William Michael  
25 Peacock by deed of record in Volume 12851, Page 635 of the Real  
26 Property Records for an angle point;

27 THENCE, continuing along the southerly line hereof, being the

1 southerly line of said First Tract, same being in part the irregular  
2 easterly and northerly lines of said 2601.5 acre Peacock tract,  
3 continuing along and with a fence, the following five (5) courses  
4 and distances:

5 1) N03°38'26"W, a distance of 638.53 feet to a 1/2 inch iron rod set  
6 with cap for an angle point;

7 2) N04°19'32"W, a distance of 752.53 feet to a cotton spindle found  
8 at the northeasterly corner of said 2601.5 acre Peacock tract for an  
9 angle point;

10 3) S88°17'27"W, a distance of 1347.71 feet to a fence post found  
11 for an angle point;

12 4) S28°22'30"W, a distance of 730.45 feet to a cotton spindle found  
13 for an angle point;

14 5) N61°34'59"W, a distance of 1595.89 feet to a fence post found in  
15 the easterly line of that certain 320 acre tract of land called  
16 Second Tract conveyed to William Michael Peacock by deed of record  
17 in Volume 12851, Page 635 of the Real Property Records, being the  
18 southwesterly corner of said First Tract for the southwesterly  
19 corner hereof;

20 THENCE, along the westerly line hereof, being the westerly line of  
21 said First Tract, same being in part the easterly and northerly  
22 lines of said Peacock 320 acre tract, continuing along and with a  
23 fence, the following two (2) courses and distances:

24 1) N26°42'35"E, a distance of 428.73 feet to a cotton spindle found  
25 at the northeasterly corner of said Peacock 320 acre tract for an  
26 angle point;

27 2) N62°04'20"W, a distance of 3584.02 feet to a 1/2 inch iron rod

1 found at the southeasterly corner of that certain 109.733 acre  
2 tract of land conveyed to Gregory A. Kozmetsky by deed of record in  
3 Volume 7986, Page 412 of the Real Property Records for an angle  
4 point;

5 THENCE, N28°15'21"E, continuing along the westerly line hereof,  
6 being the westerly line of said First Tract, same being the easterly  
7 line of said Kozmetsky 109.733 acre tract, a distance of 2638.72  
8 feet to a 1/2 inch iron rod found in the southerly line of said  
9 Kozmetsky 453.54 acre tract, being the northeasterly corner of said  
10 Kozmetsky 109.733 acre tract for an angle point;

11 THENCE, continuing along the westerly line hereof, being the  
12 westerly line of said First Tract, same being in part the southerly  
13 and easterly lines of said Kozmetsky 453.54 acre tract, continuing  
14 along and with a fence, the following three (3) courses and  
15 distances:

16 1) S61°52'07"E, a distance of 3589.01 feet to a fence post found at  
17 the southeasterly corner of said kozmetsky 453.54 acre tract for an  
18 angle point;

19 2) N28°13'55"E, a distance of 2904.91 feet to a fence post found  
20 for an angle point;

21 3) N88°32'20"E, a distance of 1379.32 feet to the POINT OF  
22 BEGINNING, containing an area of 1,719.449 acres (74,899,209 sq.  
23 ft.) of land, more or less, within these metes and bounds.

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

1 does not affect in any way:

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

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

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

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

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

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

14 (c) Temporary directors of the district, or of a new  
15 district created by division of the district under Section 13 of  
16 this Act, are not required to own land in or be residents of the  
17 district.

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

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

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

23 (1) C.A. Elder;

24 (2) Gary Valdez;

25 (3) Vincent Huebinger;

26 (4) Bill Simpson; and

27 (5) Cord Shifflett.

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

7           SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

11           (b) At the confirmation and initial directors' election the  
12 board may submit to the voters a proposition to authorize:

- 13                   (1) an issuance of bonds;  
14                   (2) a maintenance tax; or  
15                   (3) a tax to fund payments required under a contract.

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 Chapters 30,  
4 49, 50, and 54, Water Code, applicable to municipal utility  
5 districts created under Section 59, Article XVI, Texas  
6 Constitution.

7           SECTION 12. ANNEXATION. The board may annex land as  
8 provided by Chapter 49 or Chapter 54, Water Code.

9           SECTION 13. DIVISION OF DISTRICT. (a) Notwithstanding any  
10 other law, either before or after annexing land into the district  
11 under Section 12 of this Act, and before issuing indebtedness  
12 secured by taxes or net revenues, the board may divide the territory  
13 of the district, including any annexed territory, into two or more  
14 new districts.

15           (b) A new district created by division of the district must  
16 be at least 100 acres in size.

17           SECTION 14. ELECTION FOR DIVISION OF DISTRICT. (a) On a  
18 board resolution consenting to the terms and conditions of a  
19 division under Section 13 of this Act, including a plan for payment  
20 and performance of any outstanding obligations of the district, and  
21 a metes and bounds description of the proposed new districts, the  
22 board shall order an election to be held in the district to  
23 determine if the district should be divided as proposed.

24           (b) The board shall give notice of the election not later  
25 than the 20th day before the election in the manner provided by  
26 Section 49.102, Water Code.

27           (c) Not later than the 30th day after the date of the

1 election the district shall provide written notice of the plan for  
2 division to:

- 3 (1) the Texas Commission on Environmental Quality;
- 4 (2) the attorney general;
- 5 (3) the commissioners court of each county in which  
6 each new district is located; and
- 7 (4) any municipality having extraterritorial  
8 jurisdiction over the land within each new district.

9 SECTION 15. GOVERNANCE OF DISTRICTS AFTER DIVISION. (a) On  
10 a vote of a majority of the qualified electors in the district in  
11 favor of dividing the district in an election held under Section 14  
12 of this Act, the district shall be divided.

13 (b) The resulting new districts shall be assigned  
14 consecutive letters, corresponding to the number of the new  
15 district.

16 (c) The resulting new districts shall be separate districts  
17 and shall be governed as separate districts.

18 (d) Until the 91st day after the date of the election  
19 approving the division of the district, the board shall continue to  
20 act on behalf of the district to wind up the affairs of the  
21 district.

22 SECTION 16. ELECTION OF DIRECTORS OF NEW DISTRICT. (a)  
23 After an election approving the division of the district, the  
24 directors of the board shall:

- 25 (1) continue to act as directors of one of the new  
26 districts; and
- 27 (2) appoint temporary directors for each of the other

1 new districts not later than the 90th day after the date of the  
2 election approving the division of the district.

3 (b) Temporary directors appointed under Subsection (a) of  
4 this section shall serve until an election for permanent directors  
5 is held on the next uniform election date under Section 41.001(a),  
6 Election Code. The temporary directors of each new district must  
7 qualify under Section 49.055, Water Code, not later than the 90th  
8 day after the date of the election approving the district. The  
9 temporary directors shall take office at the expiration of this  
10 90-day period.

11 (c) On election of directors under Subsection (b) of this  
12 section, the three directors receiving the greatest number of votes  
13 shall serve until May of the first even-numbered year that is four  
14 years after the date of the election and two directors shall serve  
15 until May of the first even-numbered year that is two years after  
16 the date of the election.

17 (d) The board of each new district shall approve the bond of  
18 each of its directors.

19 SECTION 17. CONTINUING POWERS AND OBLIGATIONS OF NEW  
20 DISTRICTS. (a) Each new district shall have the power to incur and  
21 pay debts and shall in every respect have the full power and  
22 authority of the district created and governed by this Act.

23 (b) If the district is divided in an election under Section  
24 14 of this Act, the current obligations and any bond authorizations  
25 of the district are not impaired. The debts shall be paid by taxes,  
26 revenues, or assessments levied on the land in the district as if  
27 the district had not been divided or by contributions from each new

1 district on terms stated and agreed to in the division plan proposed  
2 by the board and approved by an election under Section 14 of this  
3 Act.

4 (c) Any other obligation of the district shall be divided  
5 pro rata among the new districts on an acreage basis or on other  
6 terms that are satisfactory to the new districts.

7 SECTION 18. CONTRACT AUTHORITY OF NEW DISTRICTS. The new  
8 districts may contract with each other for water, wastewater, and  
9 any other matters the board of each new district considers  
10 appropriate.

11 SECTION 19. BOND ISSUANCE BY NEW DISTRICT. (a) A new  
12 district that is created as a result of an election approving the  
13 division of the district as provided by Section 14 of this Act may  
14 issue bonds payable wholly or partially from ad valorem taxes on the  
15 approval of a majority of the residents voting in an election called  
16 and held for that purpose.

17 (b) Notice of the bond election shall be given as provided  
18 by Section 49.106, Water Code.

19 SECTION 20. MAINTENANCE TAX APPROVAL FOR NEW DISTRICT. A  
20 new district that is created as a result of an election approving  
21 the division of the district as provided by Section 14 of this Act  
22 may levy a maintenance tax on the approval of a majority of the  
23 residents voting in an election called and held for that purpose.

24 SECTION 21. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

25 (a) The legal notice of the intention to introduce this Act,  
26 setting forth the general substance of this Act, has been published  
27 as provided by law, and the notice and a copy of this Act have been

1 furnished to all persons, agencies, officials, or entities to which  
2 they are required to be furnished under Section 59, Article XVI,  
3 Texas Constitution, and Chapter 313, Government Code. The  
4 governor, one of the required recipients, has submitted the notice  
5 and Act to the Texas Commission on Environmental Quality.

6 (b) The Texas Commission on Environmental Quality has filed  
7 its recommendations relating to this Act with the governor,  
8 lieutenant governor, and speaker of the house of representatives  
9 within the required time.

10 (c) All requirements of the constitution and laws of this  
11 state and the rules and procedures of the legislature with respect  
12 to the notice, introduction, and passage of this Act are fulfilled  
13 and accomplished.

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

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3565 was passed by the House on May 16, 2003, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 3565 on May 30, 2003, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 3565 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor