

By: Cook of Colorado

H.B. No. 3566

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of Elgin Municipal Utility District No. 1

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. CREATION. (a) A conservation and reclamation
6 district, to be known as Elgin Municipal Utility District No. 1, is
7 created in Williamson County, Texas, subject to approval by the
8 City of Elgin as provided in Section 7 of this Act and voter
9 approval at a confirmation election as provided in Section 10 of
10 this Act. The district is a governmental agency and a body politic
11 and corporate.

12 (b) The district is created under and is essential to
13 accomplish the purposes of Article XVI, Section 59, of the Texas
14 Constitution.

15 SECTION 2. DEFINITION. In this Act, "district" means Elgin
16 Municipal Utility District No. 1.

17 SECTION 3. BOUNDARIES. The district includes the territory
18 contained within the following area:

19 A PARCEL OF LAND IN THE ELIZABETH STANDIFER SURVEY, ABSTRACT 59, IN
20 BASTROP COUNTY, TEXAS, BEING A PART OF THAT 294.496 ACRE TRACT OF
21 LAND CONVEYED TO THE RIVERS FAMILY LIMITED PARTNERSHIP D, BY DEED
22 RECORDED IN VOLUME 917, PAGE 766 OF THE OFFICIAL RECORDS OF BASTROP
23 COUNTY, TEXAS, AND BEING A PART OF THAT 132.1 ACRE TRACT OF LAND
24 CONVEYED TO THE RIVERS FAMILY LIMITED PARTNERSHIP D, BY DEED

1 RECORDED IN VOLUME 793, PAGE 577 OF THE OFFICIAL RECORDS OF BASTROP
2 COUNTY, TEXAS, SAID 132.1 ACRE TRACT OF LAND BEING THE SAME PROPERTY
3 RECORDED IN VOLUME 94, PAGE 187 OF THE DEED RECORDS OF BASTROP
4 COUNTY, TEXAS, AND BEING ALL OF THAT 10 ACRE TRACT OF LAND CONVEYED
5 TO THE RIVERS FAMILY LIMITED PARTNERSHIP D IN THE SAID DEED RECORDED
6 IN VOLUME 793, PAGE 557, SAID 10 ACRES BEING THE SAME PROPERTY
7 DESCRIBED IN VOLUME 84, PAGE 438 OF THE DEED RECORDS OF BASTROP
8 COUNTY, TEXAS, AND BEING THE SAME PROPERTY DESCRIBED IN DEED BOOK
9 44, PAGE 637 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND BEING
10 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11 BEGIN AT A POINT IN THE EAST LINE OF THE UPPER ELGIN RIVER ROAD, SAID
12 POINT BEING THE SOUTHWEST CORNER OF THE SAID 294.496 ACRE TRACT AND
13 ALSO LYING IN THE NORTHERLY LINE OF THAT 103.11 ACRE TRACT OF LAND
14 CONVEYED TO WILLIAM WESLEY SCHMIDT AND WIFE, ALMA SCHMIDT, BY DEED
15 RECORDED IN VOLUME 180, PAGE 650 OF THE DEED RECORDS OF BASTROP
16 COUNTY, TEXAS;

17 THENCE N.28°57'45"E., ALONG THE WEST LINE OF THE SAID 294.496 ACRE
18 TRACT, THE SAME BEING THE EAST LINE OF THE UPPER ELGIN RIVER ROAD, A
19 DISTANCE OF 2,626.52 FEET;

20 THENCE S.61°14'10"E., CROSSING THE SAID 294.496 ACRE TRACT, A
21 DISTANCE OF 1,303.64 FEET;

22 THENCE N.28°50'12"E., CROSSING THE SAID 294.496 ACRE TRACT, A
23 DISTANCE OF 594.81 FEET TO THE NORTH LINE OF THE SAID 294.496 ACRE
24 TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 132.1 ACRE TRACT;

25 THENCE CONTINUE N.28°50'12"E., CROSSING THE SAID 132.1 ACRE TRACT, A

1 DISTANCE OF 1,051.98 FEET TO THE NORTH LINE OF THE SAID 132.1 ACRE
2 TRACT AND TO THE SOUTH LINE OF THAT 45.063 ACRE TRACT OF LAND
3 CONVEYED TO ELGIN BREEDING SERVICE, A PARTNERSHIP, BY DEED RECORDED
4 IN VOLUME 319, PAGE 257 OF THE DEED RECORDS OF BASTROP COUNTY,
5 TEXAS;

6 THENCE S.60°50'55"E., ALONG THE NORTH LINE OF THE SAID 132.1 ACRE
7 TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 45.063 ACRE TRACT,
8 A DISTANCE OF 963.75 FEET TO THE SOUTHEAST CORNER OF THE SAID 45.063
9 ACRE TRACT AND TO THE SOUTHWEST CORNER OF THAT 32.937 ACRE TRACT OF
10 LAND CONVEYED TO WALLACE H. CARDWELL AND ARDETH M. CARDWELL,
11 TRUSTEES, BY DEED RECORDED IN VOLUME 661, PAGE 576 OF THE OFFICIAL
12 RECORDS OF BASTROP COUNTY, TEXAS;

13 THENCE ALONG THE NORTH LINE OF SAID 132.1 ACRE TRACT, THE SAME BEING
14 THE SOUTH LINE OF THE SAID 32.937 ACRE TRACT THE FOLLOWING TWO (2)
15 COURSES:

16 1. S.62°03'10"E., A DISTANCE OF 1,473.94 FEET;

17 2. S.61°25'10"E., A DISTANCE OF 382.17 FEET TO THE SOUTHEAST
18 CORNER OF THE SAID 32.937 ACRE TRACT AND TO A SOUTHWEST CORNER OF
19 THAT 11.476 ACRE TRACT OF LAND CONVEYED TO THE LOWER COLORADO RIVER
20 AUTHORITY BY DEED RECORDED IN VOLUME 871, PAGE 687 OF THE OFFICIAL
21 RECORDS OF BASTROP COUNTY, TEXAS;

22 THENCE S.61°12'58"E., ALONG THE NORTH LINE OF THE SAID 132.1 ACRE
23 TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 11.476 ACRE TRACT,
24 A DISTANCE OF 453.91 FEET TO THE SOUTHEAST CORNER OF THE SAID 11.476

1 ACRE TRACT AND TO THE SOUTHWEST CORNER OF THAT 2.00 ACRE TRACT OF
2 LAND CONVEYED TO CONRRADO JONSE, III AND WIFE, LISA JONSE, BY DEED
3 RECORDED IN VOLUME 423, PAGE 516 OF THE OFFICIAL RECORDS OF BASTROP
4 COUNTY, TEXAS;

5 THENCE S.61°39'46"E., ALONG THE NORTH LINE OF THE SAID 132.1 ACRE
6 TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 2.00 ACRE TRACT, A
7 DISTANCE OF 295.16 FEET TO THE SOUTHEAST CORNER OF THE SAID 2.00
8 ACRE TRACT

9 THENCE CONTINUE S.61°39'46"E. ALONG THE NORTH LINE OF THE SAID 132.1
10 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THAT 16.12 ACRE TRACT
11 OF LAND CONVEYED TO PEDRO BEGA BY DEED RECORDED IN VOLUME 113, PAGE
12 266 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AT A DISTANCE OF
13 342.72 FEET PASS THE NORTHEAST CORNER OF THE SAID 132.1 ACRE TRACT,
14 THE SAME BEING NORTHWEST CORNER OF THE 10 ACRE TRACT, AND AT A
15 DISTANCE OF 593.73 FEET PASS THE SOUTHEAST CORNER OF THE SAID 16.12
16 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 707.47 FEET TO THE NORTHEAST
17 CORNER OF THE SAID 10 ACRE TRACT;

18 THENCE S.28°59'32"W., ALONG THE EAST LINE OF THE SAID 10 ACRE TRACT,
19 A DISTANCE OF 1,198.61 FEET TO THE SOUTHEAST CORNER OF THE SAID 10
20 ACRE TRACT;

21 THENCE N.61°58'15"W., ALONG THE SOUTH LINE OF THE SAID 10 ACRE
22 TRACT, IN PART, AND CONTINUING ALONG A SOUTH LINE OF THE SAID 132.1
23 ACRE TRACT, A DISTANCE OF 1,302.89 FEET TO THE SOUTHERLY NORTHEAST
24 CORNER OF THE SAID 294.496 ACRE TRACT, THE SAME BEING THE NORTHWEST
25 CORNER OF THAT 50 ACRE TRACT OF LAND CONVEYED TO HEINE NEIDIG BY

1 DEED RECORDED IN VOLUME 160, PAGE 300 OF THE DEED RECORDS OF BASTROP
2 COUNTY, TEXAS;

3 THENCE S.27°11'21"W., ALONG THE EAST LINE OF THE SAID 294.496 ACRE
4 TRACT, THE SAME BEING THE WEST LINE OF THE 50 ACRE TRACT, A DISTANCE
5 OF 1,489.14 FEET TO A POINT IN THE NORTH LINE OF THAT 99.294 ACRE
6 TRACT OF LAND CONVEYED TO A. E. MASSENGALE, JR., AND LINDA D.
7 MASSENGALE BY DEED RECORDED IN VOLUME 825, PAGE 377 OF THE OFFICIAL
8 RECORDS OF BASTROP COUNTY, TEXAS;

9 THENCE ALONG THE EASTERLY LINE OF THE SAID 294.496 ACRE TRACT, THE
10 SAME BEING THE NORTHERLY AND WESTERLY LINES OF THE SAID 99.294 ACRE
11 TRACT, THE FOLLOWING TWO (2) COURSES:

- 12 1. N.61°20'05"W., A DISTANCE OF 668.18 FEET;
- 13 2. S.28°20'03"W., A DISTANCE OF 1,610.81 FEET TO THE SOUTHEAST
14 CORNER OF THE SAID 294.486 ACRE TRACT AND TO THE SOUTHWEST CORNER OF
15 THE SAID 99.924 ACRE TRACT;

16 THENCE N.60°44'02"W., ALONG THE SOUTH LINE OF THE SAID 294.496 ACRE
17 TRACT, THAT SAME BEING THE NORTH LINE OF THAT 170.255 ACRE TRACT OF
18 LAND CONVEYED TO FRED D. HOOPER, JR., AND WIFE, MARY E. HOOPER, BY
19 DEED RECORDED IN VOLUME 300, PAGE 733 OF THE DEED RECORDS OF BASTROP
20 COUNTY, TEXAS, A DISTANCE OF 1,233.47 FEET TO THE NORTHWEST CORNER
21 OF THE SAID 170.255 ACRE TRACT AND TO THE NORTHEAST CORNER OF THE
22 SAID 103.11 ACRE TRACT;

23 THENCE ALONG THE SOUTH LINE OF THE SAID 294.496 ACRE TRACT, THE SAME
24 BEING THE NORTH LINE OF THE SAID 103.11 ACRE TRACT, THE FOLLOWING
25 TWO (2) COURSES:

- 26 1. N.60°29'39"W., A DISTANCE OF 1,324.83 FEET;
- 27 2. N.61°40'28"W., A DISTANCE OF 1,110.17 FEET TO THE POINT OF

1 BEGINNING.
2 CONTAINING 384.83 ACRES, MORE OR LESS.
3 THIS DESCRIPTION WAS PREPARED FROM THE DEEDS OF RECORD AND DOES NOT
4 PURPORT TO BE AN ON-THE-GROUND SURVEY.
5 CONTAINING, within these metes and bounds 384.83 acres of land
6 area.

7 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The
8 legislature finds that the boundaries and field notes of the
9 district form one or more closures. A mistake in the field notes or
10 in copying the field notes in the legislative process does not
11 affect the organization, existence, or validity of the district,
12 the right of the district to levy and collect taxes, or the legality
13 or operation of the district or its governing body.

14 SECTION 5. FINDING OF BENEFIT. All of the land and other
15 property included within the boundaries of the district will be
16 benefited by the works and projects that are to be accomplished by
17 the district under the powers conferred by Article XVI, Section 59,
18 of the Texas Constitution. The district is created to serve a
19 public use and benefit.

20 SECTION 6. POWERS. (a) The district has all of the rights,
21 powers, privileges, authority, functions, and duties provided by
22 the general law of this state, including Chapters 49 and 54, Water
23 Code, applicable to municipal utility districts created under
24 Article XVI, Section 59, of the Texas Constitution.

25 (b) The district created under this Act is wholly located
26 within the area of extra-territorial jurisdiction of the City of
27 Elgin. Creation of the district is subject to approval of the City

1 of Elgin, as provided in Section 42.042, Local Government Code and
2 54.016, Water Code,. Subject to approval by the City of Elgin, the
3 district has the power and authority to divide into two or more
4 districts following the procedure set forth in Sections 51.749
5 through 51.758, Water Code, without any further approval or
6 consent. The district is further subject to the requirements of
7 municipal ordinances of the City of Elgin applicable to
8 extra-territorial areas, unless the municipality's governing body
9 waives compliance.

10 (c) The rights, powers, privileges, authority, functions,
11 and duties of the district are subject to the continuing right of
12 supervision of the state to be exercised by and through the Texas
13 Commission on Environmental Quality.

14 (d) This Act prevails over any provision of general law that
15 is in conflict or inconsistent with this Act.

16 SECTION 7. DEVELOPMENT AGREEMENT. The district, and/or the
17 owners of land within the district, may enter into written
18 contracts with any municipality within whose extraterritorial
19 jurisdiction the district is located, in whole or in part:

20 (a) to guarantee the continuation of the extraterritorial
21 status of the district and its immunity from annexation by the
22 municipality for a period not to exceed 25 years;

23 (b) regulating the development within the boundaries of the
24 district in a manner that the parties agree will further the health,
25 safety and welfare of the residents of the district;

26 (c) containing other terms and consideration that the
27 district and the municipality agree to be reasonable and

1 appropriate; and

2 (d) which may be renewed or extended for successive periods
3 of time not to exceed 15 years. A municipality may contract with
4 the district, and/or the owners of the land within the district, to
5 accomplish the purposes set forth above.

6 SECTION 8. BOARD OF DIRECTORS. (a) The district is
7 governed by a board of five directors.

8 (b) Temporary directors serve until initial permanent
9 directors are elected under Section 10 of this Act.

10 (c) Initial permanent directors serve until permanent
11 directors are elected under Section 11 of this Act.

12 (d) Permanent directors other than initial permanent
13 directors serve staggered four-year terms.

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

16 (f) A director serves until the director's successor has
17 qualified.

18 SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board of
19 directors is composed of:

- 20 (1) Gary Jones;
- 21 (2) Harry Turner;
- 22 (3) Stan McElroy;
- 23 (4) Billy Ray Walker; and
- 24 (5) Richard Fadal.

25 (b) If a temporary director fails to qualify for office, the
26 temporary directors who have qualified shall appoint a person to
27 fill the vacancy. If at any time there are fewer than three

1 qualified temporary directors, the Texas Commission on
2 Environmental Quality shall appoint the necessary number of persons
3 to fill all vacancies on the board.

4 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS ELECTION.
5 The temporary board of directors shall call and hold an election to
6 confirm establishment of the district and to elect five initial
7 directors as provided by Chapter 49, Water Code.

8 SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in
9 May of the first even-numbered year occurring at least three years
10 after the year in which the confirmation election is held, an
11 election shall be held in the district for the election of two
12 directors who shall each serve two-year terms and three directors
13 who shall each serve four-year terms. Thereafter, on the same date
14 in each subsequent even-numbered year, the appropriate number of
15 directors shall be elected to the board.

16 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
17 (a) The proper and legal notice of the intention to introduce this
18 Act, setting forth the general substance of this Act, has been
19 published as provided by law, and the notice and a copy of this Act
20 have been furnished to all persons, agencies, officials, or
21 entities to which they are required to be furnished by the
22 constitution and other laws of this state, including the governor,
23 who has submitted the notice and Act to the Texas Commission on
24 Environmental Quality.

25 (b) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor,
27 lieutenant governor, and speaker of the house of representatives

1 within the required time.

2 (c) All requirements of the constitution and laws of this
3 state and the rules and procedures of the legislature with respect
4 to the notice, introduction, and passage of this Act are fulfilled
5 and accomplished.

6 SECTION 13. EFFECTIVE DATE. This Act takes effect
7 immediately if it receives a vote of two-thirds of all the members
8 elected to each house, as provided by Section 39, Article III, Texas
9 Constitution. If this Act does not receive the vote necessary for
10 immediate effect, this Act takes effect September 1, 2003.