

By: Rose

H.B. No. 3579

Substitute the following for H.B. No. 3579:

By: Cook of Colorado

C.S.H.B. No. 3579

A BILL TO BE ENTITLED

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AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Ranch at Clear Fork Creek Municipal Utility District No. 1.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the district.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "District" means the Ranch at Clear Fork Creek Municipal Utility District No. 1.

SECTION 2. CREATION. (a) A conservation and reclamation district, to be known as the Ranch at Clear Fork Creek Municipal Utility District No. 1, is created in Caldwell County, subject to approval by the City of Umland, as provided by Section 7(b) of this Act, and to approval at a confirmation election under Section 12 of this Act.

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

SECTION 3. AUTHORITY FOR CREATION. The district is created under and is essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The

1 district is created to serve a public use and benefit.

2 (b) All of the land and other property included within the
3 boundaries of the district will be benefited by the works and
4 projects that are to be accomplished by the district under powers
5 conferred by Section 59, Article XVI, Texas Constitution.

6 SECTION 5. BOUNDARIES. The district includes the territory
7 contained within the following area:

8 BEGINNING, at an iron rod set in the south right-of-way line of
9 State Highway No. 21 at the northwest corner of said Pape tract,
10 being also the northeast corner of that certain tract of land
11 described in a deed to Jack Turner, recorded in Volume 448, Page 310
12 of the Deed Records of Caldwell County, Texas, for the northwest
13 corner and POINT OF BEGINNING of the herein described 405.39 acre
14 tract of land, from which point a concrete monument found in the
15 south right-of-way line of said State Highway No. 21 bears,
16 S60°16'12"W, a distance of 3077.82 feet,

17 THENCE, continuing with the south right-of-way line of said State
18 Highway No. 21, being also the north line of said Pape tract, the
19 following three (3) courses and distances, numbered 1 through 3,

20 1. N60°16'12"E, a distance of 1340.33 feet to an iron rod
21 set,

22 2. N65°14'11"E, a distance of 556.14 feet to an iron rod
23 found, and

24 3. continuing with the south right-of-way line of County
25 Road No. 227, being also the north line of said Pape tract,
26 N65°44'19"E, a distance of 3736.36 feet to an iron rod found at the
27 northeast corner of said Pape tract, being also at the intersection

1 of the south right-of-way line of said County Road No. 227 and the
2 west right-of-way line of F.M. Highway No. 2720, for the northeast
3 corner of the herein described tract,
4 THENCE, with the east line of the said Pape tract, being also the
5 west right-of-way line of said F.M. Highway No. 2720, S42°12'40"E, a
6 distance of 1758.47 feet to an iron rod found at the most easterly
7 southeast corner of said Pape tract, being also the northeast
8 corner of that certain tract of land described in a deed to Leona
9 Jo Schaeffer and Clifton N. Schaeffer, recorded in Volume 128, Page
10 294 of the Deed Records of Caldwell County, Texas, for the most
11 easterly southeast corner of the herein described tract,
12 THENCE, departing the west right-of-way line of said F.M. Highway
13 No. 2720, with the south line of said Pape tract, being also the
14 north line of said Schaeffer tract, S47°34'13"W, a distance of
15 2482.31 feet to an iron rod set at the northwest corner of said
16 Schaeffer tract, being also an interior corner of said Pape tract,
17 THENCE, with an east line of said Pape tract, being also the west
18 line of said Schaeffer tract, S42°18'42"E, a distance of 619.67 feet
19 to an iron rod found at the most southerly southeast corner of said
20 Pape tract, being also the northeast corner of that certain tract of
21 land described in a deed to Roland Holz, recorded in Volume 88, Page
22 318 of the Deed Records of Caldwell County, Texas,
23 THENCE, continuing with the south line of said Pape tract, being
24 also the north line of said Holz tract, S47°37'18"W, a distance of
25 706.95 feet to an iron rod found at the northwest corner of said
26 Holz tract, being also the northeast corner of that certain tract of
27 land described in a deed to Florence M. Holz Vickery, recorded in

1 Volume 88, Page 318 of the Deed Records of Caldwell County, Texas,
2 THENCE, continuing with the south line of said Pape tract, being
3 also the north line of said Vickery tract, S47°31'05"W, a distance
4 of 701.12 feet to an iron rod found at the northwest corner of said
5 Vickery tract, being also the northeast corner of that certain
6 tract of land described in a deed to William Walter Holz, recorded
7 in Volume 378, Page 47 of the Deed Records of Caldwell County,
8 Texas,
9 THENCE, continuing with the south line of said Pape tract,
10 S47°35'46"W, a distance of 2332.36 feet to an iron rod found at the
11 northwest corner of that certain tract of land described in a deed
12 to Helen Sue Carter, recorded in Volume 117, Page 72 of the Deed
13 Records of Caldwell County, Texas, being also the northeast corner
14 of that certain tract of land described in a deed to Wilbur
15 Burklund, recorded in Volume 340, Page 209 of the Deed Records of
16 Caldwell County, Texas,
17 THENCE, continuing with the south line of said Pape tract, being
18 also the north line of said Burklund tract, S47°47'30"W, a distance
19 of 81.93 feet to an iron rod set at the southwest corner of said Pape
20 tract, being also the southeast corner of that certain tract of land
21 described in a deed to Jim Mattox, Trustee, recorded in Volume 197,
22 Page 926 of the Deed Records of Caldwell County, Texas, for the
23 southwest corner of the herein described tract,
24 THENCE, with the west line of said Pape tract, being also the east
25 line of said Mattox tract, N29°28'35"W, a distance of 1953.89 feet
26 to an iron rod found at the northeast corner of said Mattox tract,
27 being also the southeast corner of that certain tract of land

1 described in a deed to Jack Turner, recorded in Volume 448, Page 310
2 of the Deed Records of Caldwell County, Texas,
3 THENCE, continuing with the west line of said Pape tract, being also
4 the east line of said Turner tract, the following two (2) courses
5 and distances, numbered 1 and 2,

6 1. N19°23'14"W, a distance of 680.16 feet to an iron rod
7 found, and

8 2. N33°54'43"W, a distance of 1491.63 feet to the POINT OF
9 BEGINNING and containing 405.39 Acres of Land.

10 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The
11 legislature finds that the boundaries and field notes of the
12 district form one or more closures. If a mistake is made in the
13 field notes or in copying the field notes in the legislative
14 process, the mistake 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 7. 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 Section 59, Article XVI, Texas Constitution.

25 (b) The district is wholly located in the extraterritorial
26 jurisdiction of the City of Umland and is subject to the
27 requirements of municipal ordinances of the City of Umland

1 applicable to extraterritorial areas, unless the municipality's
2 governing body waives compliance. Creation of the district is
3 subject to approval of the City of Uhland, as provided by Section
4 42.042, Local Government Code, and Section 54.016, Water Code.

5 (c) Subject to the approval of the governing body of the
6 City of Uhland, the district may divide into two or more contiguous
7 districts as provided by Sections 51.749-51.758, Water Code,
8 without any further approval or consent.

9 (d) The rights, powers, privileges, authority, functions,
10 and duties of the district are subject to the continuing right of
11 supervision of the state to be exercised by and through the
12 commission.

13 SECTION 8. DEVELOPMENT AGREEMENT. (a) The district or the
14 owners of land within the district may enter into a written contract
15 with a municipality within whose extraterritorial jurisdiction the
16 district is wholly or partly located:

17 (1) guaranteeing the continuation of the
18 extraterritorial status of the district and its immunity from
19 annexation by the municipality for a period not to exceed 25 years;

20 (2) regulating the development within the boundaries
21 of the district in a manner that the parties agree will further the
22 health, safety, and welfare of the residents of the district; and

23 (3) containing other terms and consideration that the
24 district and the municipality agree to be reasonable and
25 appropriate.

26 (b) A contract under this section may be renewed or extended
27 for successive periods not to exceed 15 years.

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

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

6 (b) Temporary directors serve until initial directors are
7 elected under Section 12 of this Act.

8 (c) Initial directors serve until the election of permanent
9 directors under Section 13 of this Act.

10 (d) Except as provided by Section 13(a) of this Act,
11 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 SECTION 11. TEMPORARY DIRECTORS. (a) The temporary board
15 consists of:

- 16 (1) Barry Krieger;
- 17 (2) Tim Hendon;
- 18 (3) Shelly Ledyard;
- 19 (4) Michael Matz; and
- 20 (5) Danny Smith.

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

26 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

27 (a) Not later than the fourth anniversary of the effective date of

1 this Act, the temporary board shall hold an election to confirm
2 establishment of the district and to elect five initial directors
3 as provided by Section 49.102, Water Code.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation and initial directors election held under this
6 section.

7 SECTION 13. ELECTION OF PERMANENT DIRECTORS. (a) On the
8 first Saturday in May of an even-numbered year occurring not later
9 than three years after the year in which the district is authorized
10 to be created at a confirmation election, an election shall be held
11 in the district to elect five permanent directors. The directors
12 elected shall draw lots to determine which two directors shall
13 serve two-year terms and which three shall serve four-year terms.

14 (b) On the first Saturday in May of each subsequent
15 even-numbered year, the appropriate number of directors shall be
16 elected.

17 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

24 (b) The governor has submitted the notice and Act to the
25 commission.

26 (c) The commission has filed its recommendations relating
27 to this Act with the governor, lieutenant governor, and speaker of

1 the house of representatives within the required time.

2 (d) 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 15. 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.