

By: Rose

H.B. No. 3579

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. CREATION.

7 (a) A conservation and reclamation district, to be known as
8 Ranch at Clear Fork Creek Municipal Utility District No. 1, is
9 created in Caldwell County, Texas, subject to voter approval at a
10 confirmation election as provided in Section 9 of this Act. The
11 district is a governmental agency and a body politic 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 Ranch
16 at Clear Fork Creek Municipal Utility District No. 1.

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

19 BEGINNING, at an iron rod set in the south right-of-way
20 line of State Highway No. 21 at the northwest corner of said Pape
21 tract, being also the northeast corner of that certain tract of land
22 described in a deed to Jack Turner, recorded in Volume 448, Page 310
23 of the Deed Records of Caldwell County, Texas, for the northwest
24 corner and POINT OF BEGINNING of the herein described 405.39 acre

1 tract of land, from which point a concrete monument found in the
2 south right-of-way line of said State Highway No. 21 bears,
3 S60°16'12"W, a distance of 3077.82 feet,

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

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

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

12 3. continuing with the south right-of-way line of
13 County Road No. 227, being also the north line of said Pape tract,
14 N65°44'19"E, a distance of 3736.36 feet to an iron rod found at the
15 northeast corner of said Pape tract, being also at the intersection
16 of the south right-of-way line of said County Road No. 227 and the
17 west right-of-way line of F.M. Highway No. 2720, for the northeast
18 corner of the herein described tract,

19 THENCE, with the east line of said Pape tract, being
20 also the west right-of-way line of said F.M. Highway No. 2720,
21 S42°12'40"E, a distance of 1758.47 feet to an iron rod found at the
22 most easterly southeast corner of said Pape tract, being also the
23 northeast corner of that certain tract of land described in a deed
24 to Leeona Jo Schaeffer and Clifton N. Schaeffer, recorded in Volume
25 128, Page 294 of the Deed Records of Caldwell County, Texas, for the
26 most easterly southeast corner of the herein described tract,

27 THENCE, departing the west right-of-way line of said

1 F.M. Highway No. 2720, with the south line of said Pape tract, being
2 also the north line of said Schaeffer tract, S47°34'13"W, a distance
3 of 2482.31 feet to an iron rod set at the northwest corner of said
4 Schaeffer tract, being also an interior corner of said Pape tract,

5 THENCE, with an east line of said Pape tract, being also
6 the west line of said Schaeffer tract, S42°18'42"E, a distance of
7 619.67 feet to an iron rod found at the most southerly southeast
8 corner of said Pape tract, being also the northeast corner of that
9 certain tract of land described in a deed to Roland Holz, recorded
10 in Volume 88, Page 318 of the Deed Records of Caldwell County,
11 Texas,

12 THENCE, continuing with the south line of said Pape
13 tract, being also the north line of said Holz tract, S47°37'18"W, a
14 distance of 706.95 feet to an iron rod found at the northwest corner
15 of said Holz tract, being also the northeast corner of that certain
16 tract of land described in a deed to Florence M. Holz Vickery,
17 recorded in Volume 88, Page 318 of the Deed Records of Caldwell
18 County, Texas,

19 THENCE, continuing with the south line of said Pape
20 tract, being also the north line of said Vickery tract, S47°31'05"W,
21 a distance of 701.12 feet to an iron rod found at the northwest
22 corner of said Vickery tract, being also the northeast corner of
23 that certain tract of land described in a deed to William Walter
24 Holz, recorded in Volume 378, Page 47 of the Deed Records of
25 Caldwell County, Texas,

26 THENCE, continuing with the south line of said Pape
27 tract, S47°35'46"W, a distance of 2332.36 feet to an iron rod found

1 at the northwest corner of that certain tract of land described in a
2 deed to Helen Sue Carter, recorded in Volume 117, Page 72 of the
3 Deed Records of Caldwell County, Texas, being also the northeast
4 corner of that certain tract of land described in a deed to Wilbur
5 Burklund, recorded in Volume 340, Page 209 of the Deed Records of
6 Caldwell County, Texas,

7 THENCE, continuing with the south line of said Pape
8 tract, being also the north line of said Burklund tract,
9 S47°47'30"W, a distance of 81.93 feet to an iron rod set at the
10 southwest corner of said Pape tract, being also the southeast
11 corner of that certain tract of land described in a deed to Jim
12 Mattox, Trustee, recorded in Volume 197, Page 926 of the Deed
13 Records of Caldwell County, Texas, for the southwest corner of the
14 herein described tract,

15 THENCE, with the west line of said Pape tract, being
16 also the east line of said Mattox tract, N29°28'35"W, a distance of
17 1953.89 feet to an iron rod found at the northeast corner of said
18 Mattox tract, being also the southeast corner of that certain tract
19 of land described in a deed to Jack Turner, recorded in Volume 448,
20 Page 310 of the Deed Records of Caldwell County, Texas,

21 THENCE, continuing with the west line of said Pape
22 tract, being also the east line of said Turner tract, the following
23 two (2) courses and distances, numbered 1 and 2,

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

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

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

8 SECTION 5. FINDING OF BENEFIT. All of the land and other
9 property included within the boundaries of the district will be
10 benefitted by the works and projects that are to be accomplished by
11 the district under the powers conferred by Article XVI, Section 59,
12 of the Texas Constitution. The district is created to serve a
13 public use and benefit.

14 SECTION 6. POWERS.

15 (a) The district has all of the rights, powers, privileges,
16 authority, functions, and duties provided by the general law of
17 this state, including Chapters 49 and 54, Water Code, applicable to
18 municipal utility districts created under Article XVI, Section 59,
19 of the Texas Constitution.

20 (b) Subject to approval by the City of Umland, the district
21 has the power and authority to divide into two or more contiguous
22 districts following the procedure set forth in Sections 51.749
23 through 51.758, Water Code, without any further approval or
24 consent.

25 (c) The rights, powers, privileges, authority, functions,
26 and duties of the district are subject to the continuing right of
27 supervision of the state to be exercised by and through the Texas

1 Commission on Environmental Quality.

2 (d) The district created under this Act is wholly located
3 within the area of extra-territorial jurisdiction of the City of
4 Umland and is subject to the requirements of municipal ordinances
5 applicable to extra-territorial areas, unless the municipality's
6 governing body waives compliance.

7 (e) This Act prevails over any provision of general law that
8 is in conflict or inconsistent with this Act.

9 SECTION 7. BOARD OF DIRECTORS.

10 (a) The district is governed by a board of five directors.

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

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

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

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

19 (f) A director serves until the director's successor has
20 qualified.

21 SECTION 8. TEMPORARY DIRECTORS.

22 (a) The temporary board of directors is composed of:

- 23 (1) Barry Krieger;
24 (2) Tim Hendon
25 (3) Shelly Ledyard;
26 (4) Michael Matz; and
27 (5) Danny Smith.

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 The temporary board of directors shall call and hold an election to
9 confirm establishment of the district and to elect five initial
10 directors as provided by Chapter 49, Water Code.

11 SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in

12 May of the first even-numbered year occurring at least three years
13 after the year in which the confirmation election is held, an
14 election shall be held in the district for the election of two
15 directors who shall each serve two-year terms and three directors
16 who shall each serve four-year terms. Thereafter, on the same date
17 in each subsequent even-numbered year, the appropriate number of
18 directors shall be elected to the board.

19 SECTION 11. DEVELOPMENT AGREEMENT. The district, and/or

20 the owners of land within the district, may enter into written
21 contracts with any municipality within whose extraterritorial
22 jurisdiction the district is located, in whole or in part:

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

26 (b) regulating the development within the boundaries of the
27 district in a manner that the parties agree will further the health,

1 safety and welfare of the residents of the district;

2 (c) containing other terms and consideration that the
3 district and the municipality agree to be reasonable and
4 appropriate; and

5 (d) which may be renewed or extended for successive periods
6 of time not to exceed 15 years.

7 A municipality may contract with the district, and/or the
8 owners of the land within the district, to accomplish the purposes
9 set forth.

10 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

11 (a) The proper and legal notice of the intention to introduce
12 this Act, setting forth the general substance of this Act, has been
13 published as provided by law, and the notice and a copy of this Act
14 have been furnished to all persons, agencies, officials, or
15 entities to which they are required to be furnished by the
16 constitution and other laws of this state, including the governor,
17 who has submitted the notice and Act to the Texas Commission on
18 Environmental Quality.

19 (b) The Texas Commission on Environmental Quality has filed
20 its recommendations relating to this Act with the governor,
21 lieutenant governor, and speaker of the house of representatives
22 within the required time.

23 (c) All requirements of the constitution and laws of this
24 state and the rules and procedures of the legislature with respect
25 to the notice, introduction, and passage of this Act are fulfilled
26 and accomplished.

27 SECTION 13. EFFECTIVE DATE. This Act takes effect

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1 immediately if it receives a vote of two-thirds of all the members
2 elected to each house, as provided by Section 39, Article III, Texas
3 Constitution. If this Act does not receive the vote necessary for
4 immediate effect, this Act takes effect September 1, 2003.