

By: Quintanilla

H.B. No. 3580

A BILL TO BE ENTITLED

1 AN ACT

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

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

6 SECTION 1. CREATION. (a) A conservation and reclamation
7 district, to be known as Desert View Municipal Utility District, is
8 created in El Paso County, subject to approval at a confirmation
9 election under Section 9 of this Act. The district is a governmental
10 agency and a body politic and corporate.

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

14 SECTION 2. DEFINITION. In this Act, "district" means the
15 Desert View Municipal Utility District.

16 SECTION 3. BOUNDARIES. The district includes the territory
17 contained within the following area within El Paso County:

18 Being Tract 2 of the ROBERT E. NIX SURVEY NO. 302 and Tract 3 of the
19 ROBERT E. NIX SURVEY NO. 303, El Paso County, Texas and more
20 particularly described as follows;

21 BEGINNING at the most Easterly common corner of the Socorro
22 Grant and the San Elizario Grant, said point is a Westerly corner of
23 said Nix Survey No. 303;

24 THENCE, North 31°43'34" West with the Eastern boundary of the

1 Socorro Grant 1902.78 feet to the Northwest corner of said Nix
2 Survey No. 303;

3 THENCE, North 89° 26' 26" East a distance of 3387.22 feet to
4 the Northeast corner of said Nix Survey 303 and the Northwest corner
5 of said nix Survey no. 302;

6 THENCE, North 89° 26' 26" East with the North line of said Nix
7 Survey No. 302 a distance of 499.43 feet to a point on the
8 Southwesterly right-of-way of State Highway F. M. 2233(I10);

9 THENCE, South 33° 33' 37" East along said right-of-way a
10 distance of 858.80 feet;

11 THENCE, South 54° 26' 32" West a distance of 387.41 feet;

12 THENCE, South 35° 20' 46" West a distance of 479.83 feet;

13 THENCE, South 61° 30' 13" West a distance of 134.29 feet;

14 THENCE, North 86° 46' 34" West a distance of 113.78 feet;

15 THENCE, South 53° 03' 18" West a distance of 73.17 feet;

16 THENCE, South 19° 03' 40" West a distance of 142.22 feet;

17 THENCE, South 72° 09' 53" West a distance of 91.78 feet;

18 THENCE, North 71° 37' 08" West a distance of 160.54 feet;

19 THENCE, North 88° 39' 41" West a distance of 61.34 feet;

20 THENCE, South 60° 18' 44" West a distance of 113.88 feet;

21 THENCE, South 76° 48' 16" West a distance of 112.56 feet;

22 THENCE, South 88° 46' 07" West a distance of 131.50 feet;

23 THENCE, North 80° 17' 59" West a distance of 90.98 feet;

24 THENCE, North 59° 20' 33" West a distance of 58.62 feet;

25 THENCE, North 68° 58' 21" West a distance of 80.05 feet;

26 THENCE, South 69° 33' 34" West a distance of 86.92 feet;

27 THENCE, South 34° 00' 09" West a distance of 102.37 feet;

1 THENCE, South 13° 48' 14" West a distance of 351.09 feet;
2 THENCE, South 46° 10' 26" West a distance of 71.86 feet;
3 THENCE, North 57° 10' 45" West a distance of 180.68 feet;
4 THENCE, North 88° 40' 14" West a distance of 75.03 feet;
5 THENCE, South 37° 47' 48" West a distance of 81.75 feet;
6 THENCE, South 67° 03' 01" West a distance of 53.79 feet;
7 THENCE, South 76° 40' 43" West a distance of 108.76 feet;
8 THENCE, South 53° 29' 54" West a distance of 104.94 feet;
9 THENCE, South 34° 30' 36" West a distance of 106.14 feet;
10 THENCE, South 55° 04' 51" West a distance of 98.95 feet;
11 THENCE, South 43° 36' 38" West a distance of 115.33 feet;
12 THENCE, South 48° 46' 43" West a distance of 54.09 feet to a
13 point on the Southwesterly line of said Nix Survey No. 303;
14 THENCE, North 35° 11' 34" West along said Southwesterly line a
15 distance of 907.44 feet to the POINT OF BEGINNING containing
16 142.322 acres.

17 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The
18 legislature finds that the boundaries of the district form a
19 closure. A mistake in the boundaries or in copying the boundaries in
20 the legislative process does not affect the organization,
21 existence, or validity of the district, the right of the district to
22 levy and collect taxes, or the legality or operation of the district
23 or its governing body.

24 SECTION 5. FINDING OF BENEFIT. All of the land and other
25 property included within the boundaries of the district will be
26 benefitted by the works and projects that are to be accomplished by
27 the district under powers conferred by Section 59, Article XVI,

1 Texas Constitution. The district is created to serve a public use
2 and benefit.

3 SECTION 6. POWERS. (a) The district is governed by and has
4 all of the rights, powers, privileges, authority, functions, and
5 duties provided by the general law of this state, including
6 Chapters 30, 49, 50, and 54, Water Code, applicable to municipal
7 utility districts created under Section 59, Article XVI, Texas
8 Constitution.

9 (b) 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 Texas
12 Commission on Environmental Quality.

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

15 (b) Temporary directors appointed in this Act shall serve
16 until permanent directors are elected as provided in this Act.
17 Temporary directors of the district need not own land in or be
18 residents of the district. Until permanent directors are elected
19 and qualified to hold office, the temporary directors shall
20 exercise all rights, powers, privileges, authority, functions, and
21 duties conferred upon the district by general law, including
22 Chapters 49 and 54, Water Code.

23 SECTION 8. APPOINTMENT OF TEMPORARY OFFICERS. (a) The
24 following persons are hereby appointed as the temporary directors
25 of the district:

26 1.

27 2.

1 3.

2 4.

3 5.

4 (b) The temporary directors shall take the oath of office
5 and execute bonds to qualify for holding their offices as soon as
6 possible after the effective date of this Act.

7 SECTION 9. CONFIRMATION AND INITIAL ELECTION. (a) The
8 temporary board of directors shall call and hold an election to
9 confirm establishment of the district and to elect five permanent
10 directors as provided by Section 49.102, Water Code. Also at that
11 election, the board may submit to the voters propositions to
12 authorize issuance of bonds, a maintenance tax, and a tax to make
13 payments under a contract.

14 (b) Section 41.001(a), Election Code, does not apply to an
15 election held as provided by this section.

16 SECTION 10. 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 11. This Act takes effect immediately if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect on September 1, 2003.