

By: Gattis

H.B. No. 3594

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Williamson County Municipal Utility
4 District No. 14.

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) "Commission" means the Texas Commission on
10 Environmental Quality.

11 (3) "District" means the Williamson County Municipal
12 Utility District No. 14.

13 SECTION 2. CREATION. (a) A municipal utility district, to
14 be known as the Williamson County Municipal Utility District No.
15 14, is created in Williamson County, subject to approval at a
16 confirmation election under Section 9 of this Act.

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

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

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

24 (c) All of the land and other property included within the

1 boundaries of the district will be benefited by the works and
2 projects that are to be accomplished by the district under powers
3 conferred by Section 59, Article XVI, Texas Constitution.

4 SECTION 4. BOUNDARIES. The district includes the
5 territory contained within the following area:

6 Being 426.80 acres of land located in the Byrd Smith Survey,
7 Abstract No. 581, the W.B. McClellan Survey, Abstract No. 444, and
8 the Robert Lile Survey, Abstract No. 391 Williamson County, Texas,
9 said 426.80 acres being more particularly described in three (3)
10 parts by metes and bounds as follows, all bearings based on the
11 Texas State Plane Coordinate System, Central Zone;

12 Part 1

13 A first tract of land being 58.47 acres of the Byrd Smith
14 Survey, Abstract No. 581, the same property which was called 58.488
15 acres as described in a deed to Helen Jezisek, of record in Document
16 9747444, Official Records of Williamson County, Texas. Surveyed on
17 the ground in September of 2002, by William F. Forest, Jr.,
18 Registered Professional Land Surveyor No. 1847.

19 BEGINNING at an iron pin which was set for the Southeast
20 corner of the said 58.488 acre tract, in the North line of F.M.
21 Highway 487. THENCE with the South line of the said Helen Jezisek
22 property and the North line of F.M. Highway 487, S 69 deg. 47 min. W
23 749.04 feet to an iron pin set. THENCE along the general line of an
24 existing fence, N 19 deg. 01 min. 38 sec. W 3409.21 feet to an iron
25 pin found. An iron pin found at the Southwest fence corner of a
26 148.53 acre tract surveyed this date stands S 70 deg. 40 min. 13
27 sec. W 389.74 feet. THENCE along the general line of an existing

1 fence, with the South line of the said 148.53 acre tract, N 71 deg.
2 00 min. 53 sec. E 748.90 feet to an iron pin found. THENCE with the
3 West line of the property conveyed to Isabel Fiebrich in Document
4 9747092, passing iron pins set on line, S 19 deg. 01 min. 37 sec. E
5 3393.11 feet to the POINT OF BEGINNING; and

6 Part 2

7 A second tract of land being 148.53 acres of the W.B.
8 McClellan Survey, Abstract No. 444, the same property which was
9 called 148.81 acres as described in a deed to J.G. Fowler, et. ux.,
10 of record in Vol. 313, Pg. 286, Deed Records of Williamson County,
11 Texas. Surveyed on the ground in September of 2002, by William F.
12 Forest, Jr., Registered Professional Land Surveyor No. 1847.
13 BEGINNING at a pipe which was found on the West line of the said W.B.
14 McClellan Survey at the Northwest fence corner of the said 148.81
15 acre tract conveyed to J.G. Fowler. This corner exists at the
16 Southwest corner of the Phillip Jumonville property which is
17 described in Doc. 9642137. THENCE with the North line of the Fowler
18 tract and the South line of the Jumonville tract, N 70 deg. 54 min.
19 10 sec. E at 1743.97 feet pass an iron pin set (S 19 deg. 05 min. 50
20 sec. 4.79 feet from a stake in a fence), at 3196.32 feet pass an iron
21 pin set (S 19 deg. 05 min. 50 sec. E 2.83 feet from a stake in a
22 fence), continuing in all 4678.81 feet to an iron pin found. THENCE
23 with the general line of a fence existing on the West line of County
24 Road 303, S 19 deg. 18 min. 13 sec. E 1381.26 feet to an iron pin
25 found. THENCE with the general line of an existing fence, finding
26 iron pins at bends as follows; S 71 deg. 00 min. 49 sec. W 879.52
27 feet; S 70 deg. 33 min. 12 sec. W 1185.75 feet; S 71 deg. 00 min. 21

1 sec. W 719.02 feet; S 71 deg. 05 min. 45 sec. W 754.36 feet; S 71
2 deg. 00 min. 53 sec. W 748.90 feet; and S 70 deg. 40 min. 13 sec. W
3 389.74 feet to an iron pin found. An iron pin found at the Southeast
4 corner of a 219.80 acre tract surveyed this date stands S 19 deg. 01
5 min. 58 sec. E 441.42 feet. THENCE with the East line of the Second
6 Tract (called 138.6 acres) which is described in a deed to Lucille
7 Fowler et. vir. of record in Vol. 464, Pg. 603, N 19 deg. 22 min. 03
8 sec. W 1383.09 feet to the POINT OF BEGINNING; and

9 Part 3

10 A third tract of land being 219.80 acres of the Robert Lile
11 Survey, Abstract No. 391, including the First Tract (called 56.3
12 acres) and the Second Tract (called 138.6 acres) that were conveyed
13 to Lucille Fowler, et. vir., as described in a deed recorded in Vol.
14 464, Pg. 603, Deed Records of Williamson County, Texas, and as
15 claimed and used on the ground. Surveyed on the ground in September
16 of 2002, by William F. Forest, Jr., Registered Professional Land
17 Surveyor No. 1847. BEGINNING at an iron pin which was set at an
18 existing fence corner at the Southwest corner of the said Fowler
19 Second Tract and at the Southeast corner of the Pauline Boatright
20 property which is described in Vol. 1078, Pg 557. THENCE with the
21 West line of the said Second Tract, N 19 deg. 06 min. 22 sec. W at
22 2258.77 feet pass an iron pin set N 71 deg. E 1.53 feet from a point
23 in the fence, at 2484.08 feet pass an iron pin set S 71 deg. W 3.78
24 feet from a fence corner existing on the South side of a driveway
25 which extends Northerly and Westerly to Interstate Highway 35,
26 continuing with the same line, at 2779.72 feet pass an iron pin
27 which was set 1.5 feet East of a fence, in line with the approximate

1 center of an existing driveway, at the Southeast corner of the F.L.
2 Boatright property which is described in Doc. 9629779 (Boatright
3 description Document 9629779 contains no metes and bounds, refers
4 to former H.W. King tract described in Vol. 319, Pg. 357 less
5 exceptions); continuing with the same line in all 3649.36 feet to an
6 iron pin found at the Northeast corner of the said Boatright
7 property. THENCE along the fenced East line of the 20 acre tract
8 conveyed to Vulcan Inc. in Vol. 1716, Pg. 393, N 19 deg. 05 min. 46
9 sec. W 125.96 feet to an iron pin set at a fence corner. This point
10 exists at the Northwest corner of the First Tract described in Vol.
11 464, Pg. 603, as fenced and used on the ground. THENCE along the
12 general line of an existing old fence, with the South line of the
13 Robert Johnson tract described in Doc. 9752123, N 70 deg. 43 min. 57
14 sec. E 2526.10 feet to an iron pin set at the Northeast fence corner
15 of the Fowler First Tract, as fenced and used on the ground. THENCE
16 along the general line of an existing fence, with the West line of
17 the Robert Hill tract described in Vol. 2165, Pg. 44, S 19 deg. 16
18 min. 29 sec. E 583.73 feet to a concrete monument found; and S 19
19 deg. 19 min. 24 sec. E 864.95 feet to a pipe found at the Northwest
20 corner of the Phillip Jumonville property described in Doc.
21 9642137; continuing with the West line of the Jumonville tract, S 19
22 deg. 17 min. 53 sec. E 510.85 feet to a pipe found at a fence corner.
23 THENCE with the West line of the tract called 148.81 acres as
24 described in a deed to J.G. Fowler, et. ux., recorded in Vol. 313,
25 Pg. 286, S 19 deg. 22 min. 03 sec. E 1383.09 feet to an iron pin
26 found; continuing with the West line of the Lawrence Havelka
27 property described in Doc. 9747592, S 19 deg. 01 min. 58 sec. E

1 441.42 feet to an iron pin found. THENCE with the South line of the
2 Fowler Second Tract, along the general line of an existing fence,
3 finding iron pins at bends as follows; S 70 deg. 50 min. 48 sec. W
4 771.35 feet ; S 70 deg. 58 min. 54 sec. W 747.25 feet; S 70 deg. 58
5 min. 35 sec. W 639.20 feet; and S 70 deg. 54 min. 59 sec. W 380.77
6 feet to the POINT OF BEGINNING.

7 Said Part 1, Part 2 and Part 3 containing a total of 426.80
8 total acres of land and 10,750,608 total square feet of land.

9 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
10 legislature finds that the boundaries and field notes of the
11 district form a closure. If a mistake is made in the field notes or
12 in copying the field notes in the legislative process, the mistake
13 does not affect in any way:

14 (1) the organization, existence, or validity of the
15 district;

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

17 (3) the legality or operation of the district or the
18 board.

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

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

24 (b) Temporary directors serve until initial directors are
25 elected under Section 9 of this Act.

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

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

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

4 (f) A director serves until the director's successor has
5 qualified.

6 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
7 consists of:

8 (1) Chester Collinsworth;

9 (2) Robert Tranchon;

10 (3) Byron Goode;

11 (4) Lee Weber; and

12 (5) David Swayze.

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

18 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

19 (a) The temporary board of directors shall call and hold an
20 election to confirm the establishment of the district and to elect
21 five initial directors as provided by Section 49.102, Water Code.

22 (b) The initial directors elected shall draw lots to decide
23 which two shall serve terms lasting until replacement directors are
24 elected at the first regularly scheduled election of directors
25 under Section 10 of this Act and which three shall serve until the
26 second regularly scheduled election of directors.

27 (c) Section 41.001(a), Election Code, does not apply to a

1 confirmation and initial directors' election held as provided by
2 this section.

3 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
4 Saturday in May of the first even-numbered year after the year in
5 which the district is authorized to be created at a confirmation
6 election, an election shall be held in the district for the election
7 of two directors to replace the two initial directors serving
8 shorter terms from the confirmation election.

9 (b) On the first Saturday in May of each subsequent
10 even-numbered year following the election, the appropriate number
11 of directors shall be elected.

12 SECTION 11. GENERAL POWERS. The district has all of the
13 rights, powers, privileges, authority, functions, and duties
14 provided by the general law of this state, including Chapters 49 and
15 54, Water Code, applicable to municipal utility districts created
16 under Section 59, Article XVI, Texas Constitution.

17 SECTION 12. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR
18 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
19 Code, the district shall comply with all applicable requirements of
20 any ordinance or resolution adopted by a municipality in the
21 corporate limits or extraterritorial jurisdiction of which the
22 district is located, including an ordinance or resolution adopted
23 before the effective date of this Act, that consents to the creation
24 of the district or to the inclusion of lands within the district.

25 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

26 (a) The legal notice of the intention to introduce this Act,
27 setting forth the general substance of this Act, has been published

1 as provided by law, and the notice and a copy of this Act have been
2 furnished to all persons, agencies, officials, or entities to which
3 they are required to be furnished under Section 59, Article XVI,
4 Texas Constitution, and Chapter 313, Government Code. The
5 governor, one of the required recipients, has submitted the notice
6 and Act to the commission.

7 (b) The commission has filed its recommendations relating
8 to this Act with the governor, lieutenant governor, and speaker of
9 the house of representatives 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 14. 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.