

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 3594
1-2 (In the Senate - Received from the House May 24, 2003;
1-3 May 24, 2003, read first time and referred to Committee on Natural
1-4 Resources; May 26, 2003, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 26, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation, administration, powers, duties,
1-9 operation, and financing of the Williamson County Municipal Utility
1-10 District No. 14.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. DEFINITIONS. In this Act:

1-13 (1) "Board" means the board of directors of the
1-14 district.

1-15 (2) "Commission" means the Texas Commission on
1-16 Environmental Quality.

1-17 (3) "District" means the Williamson County Municipal
1-18 Utility District No. 14.

1-19 SECTION 2. CREATION. (a) A municipal utility district, to
1-20 be known as the Williamson County Municipal Utility District No.
1-21 14, is created in Williamson County, subject to approval at a
1-22 confirmation election under Section 9 of this Act.

1-23 (b) The district is a governmental agency and a political
1-24 subdivision of this state.

1-25 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
1-26 district is created to serve a public use and benefit.

1-27 (b) The district is created under and is essential to
1-28 accomplish the purposes of Section 59, Article XVI, Texas
1-29 Constitution.

1-30 (c) All of the land and other property included within the
1-31 boundaries of the district will be benefited by the works and
1-32 projects that are to be accomplished by the district under powers
1-33 conferred by Section 59, Article XVI, Texas Constitution.

1-34 SECTION 4. BOUNDARIES. The district includes the
1-35 territory contained within the following area:

1-36 Being 426.80 acres of land located in the Byrd Smith Survey,
1-37 Abstract No. 581, the W.B. McClellan Survey, Abstract No. 444, and
1-38 the Robert Lile Survey, Abstract No. 391 Williamson County, Texas,
1-39 said 426.80 acres being more particularly described in three (3)
1-40 parts by metes and bounds as follows, all bearings based on the
1-41 Texas State Plane Coordinate System, Central Zone;

1-42 Part 1

1-43 A first tract of land being 58.47 acres of the Byrd Smith
1-44 Survey, Abstract No. 581, the same property which was called 58.488
1-45 acres as described in a deed to Helen Jezisek, of record in Document
1-46 9747444, Official Records of Williamson County, Texas. Surveyed on
1-47 the ground in September of 2002, by William F. Forest, Jr.,
1-48 Registered Professional Land Surveyor No. 1847.

1-49 BEGINNING at an iron pin which was set for the Southeast
1-50 corner of the said 58.488 acre tract, in the North line of F.M.
1-51 Highway 487. THENCE with the South line of the said Helen Jezisek
1-52 property and the North line of F.M. Highway 487, S 69 deg. 47 min. W
1-53 749.04 feet to an iron pin set. THENCE along the general line of an
1-54 existing fence, N 19 deg. 01 min. 38 sec. W 3409.21 feet to an iron
1-55 pin found. An iron pin found at the Southwest fence corner of a
1-56 148.53 acre tract surveyed this date stands S 70 deg. 40 min. 13
1-57 sec. W 389.74 feet. THENCE along the general line of an existing
1-58 fence, with the South line of the said 148.53 acre tract, N 71 deg.
1-59 00 min. 53 sec. E 748.90 feet to an iron pin found. THENCE with the
1-60 West line of the property conveyed to Isabel Fiebrich in Document
1-61 9747092, passing iron pins set on line, S 19 deg. 01 min. 37 sec. E
1-62 3393.11 feet to the POINT OF BEGINNING; and

1-63 Part 2

1-64 A second tract of land being 148.53 acres of the W.B.

2-1 McClellan Survey, Abstract No. 444, the same property which was
 2-2 called 148.81 acres as described in a deed to J.G. Fowler, et. ux.,
 2-3 of record in Vol. 313, Pg. 286, Deed Records of Williamson County,
 2-4 Texas. Surveyed on the ground in September of 2002, by William F.
 2-5 Forest, Jr., Registered Professional Land Surveyor No. 1847.
 2-6 BEGINNING at a pipe which was found on the West line of the said W.B.
 2-7 McClellan Survey at the Northwest fence corner of the said 148.81
 2-8 acre tract conveyed to J.G. Fowler. This corner exists at the
 2-9 Southwest corner of the Phillip Jumonville property which is
 2-10 described in Doc. 9642137. THENCE with the North line of the Fowler
 2-11 tract and the South line of the Jumonville tract, N 70 deg. 54 min.
 2-12 10 sec. E at 1743.97 feet pass an iron pin set (S 19 deg. 05 min. 50
 2-13 sec. 4.79 feet from a stake in a fence), at 3196.32 feet pass an iron
 2-14 pin set (S 19 deg. 05 min. 50 sec. E 2.83 feet from a stake in a
 2-15 fence), continuing in all 4678.81 feet to an iron pin found. THENCE
 2-16 with the general line of a fence existing on the West line of County
 2-17 Road 303, S 19 deg. 18 min. 13 sec. E 1381.26 feet to an iron pin
 2-18 found. THENCE with the general line of an existing fence, finding
 2-19 iron pins at bends as follows; S 71 deg. 00 min. 49 sec. W 879.52
 2-20 feet; S 70 deg. 33 min. 12 sec. W 1185.75 feet; S 71 deg. 00 min. 21
 2-21 sec. W 719.02 feet; S 71 deg. 05 min. 45 sec. W 754.36 feet; S 71
 2-22 deg. 00 min. 53 sec. W 748.90 feet; and S 70 deg. 40 min. 13 sec. W
 2-23 389.74 feet to an iron pin found. An iron pin found at the Southeast
 2-24 corner of a 219.80 acre tract surveyed this date stands S 19 deg. 01
 2-25 min. 58 sec. E 441.42 feet. THENCE with the East line of the Second
 2-26 Tract (called 138.6 acres) which is described in a deed to Lucille
 2-27 Fowler et. vir. of record in Vol. 464, Pg. 603, N 19 deg. 22 min. 03
 2-28 sec. W 1383.09 feet to the POINT OF BEGINNING; and

Part 3

2-30 A third tract of land being 219.80 acres of the Robert Lile
 2-31 Survey, Abstract No. 391, including the First Tract (called 56.3
 2-32 acres) and the Second Tract (called 138.6 acres) that were conveyed
 2-33 to Lucille Fowler, et. vir., as described in a deed recorded in Vol.
 2-34 464, Pg. 603, Deed Records of Williamson County, Texas, and as
 2-35 claimed and used on the ground. Surveyed on the ground in September
 2-36 of 2002, by William F. Forest, Jr., Registered Professional Land
 2-37 Surveyor No. 1847. BEGINNING at an iron pin which was set at an
 2-38 existing fence corner at the Southwest corner of the said Fowler
 2-39 Second Tract and at the Southeast corner of the Pauline Boatright
 2-40 property which is described in Vol. 1078, Pg 557. THENCE with the
 2-41 West line of the said Second Tract, N 19 deg. 06 min. 22 sec. W at
 2-42 2258.77 feet pass an iron pin set N 71 deg. E 1.53 feet from a point
 2-43 in the fence, at 2484.08 feet pass an iron pin set S 71 deg. W 3.78
 2-44 feet from a fence corner existing on the South side of a driveway
 2-45 which extends Northerly and Westerly to Interstate Highway 35,
 2-46 continuing with the same line, at 2779.72 feet pass an iron pin
 2-47 which was set 1.5 feet East of a fence, in line with the approximate
 2-48 center of an existing driveway, at the Southeast corner of the F.L.
 2-49 Boatright property which is described in Doc. 9629779 (Boatright
 2-50 description Document 9629779 contains no metes and bounds, refers
 2-51 to former H.W. King tract described in Vol. 319, Pg. 357 less
 2-52 exceptions); continuing with the same line in all 3649.36 feet to an
 2-53 iron pin found at the Northeast corner of the said Boatright
 2-54 property. THENCE along the fenced East line of the 20 acre tract
 2-55 conveyed to Vulcan Inc. in Vol. 1716, Pg. 393, N 19 deg. 05 min. 46
 2-56 sec. W 125.96 feet to an iron pin set at a fence corner. This point
 2-57 exists at the Northwest corner of the First Tract described in Vol.
 2-58 464, Pg. 603, as fenced and used on the ground. THENCE along the
 2-59 general line of an existing old fence, with the South line of the
 2-60 Robert Johnson tract described in Doc. 9752123, N 70 deg. 43 min. 57
 2-61 sec. E 2526.10 feet to an iron pin set at the Northeast fence corner
 2-62 of the Fowler First Tract, as fenced and used on the ground. THENCE
 2-63 along the general line of an existing fence, with the West line of
 2-64 the Robert Hill tract described in Vol. 2165, Pg. 44, S 19 deg. 16
 2-65 min. 29 sec. E 583.73 feet to a concrete monument found; and S 19
 2-66 deg. 19 min. 24 sec. E 864.95 feet to a pipe found at the Northwest
 2-67 corner of the Phillip Jumonville property described in Doc.
 2-68 9642137; continuing with the West line of the Jumonville tract, S 19
 2-69 deg. 17 min. 53 sec. E 510.85 feet to a pipe found at a fence corner.

3-1 THENCE with the West line of the tract called 148.81 acres as
3-2 described in a deed to J.G. Fowler, et. ux., recorded in Vol. 313,
3-3 Pg. 286, S 19 deg. 22 min. 03 sec. E 1383.09 feet to an iron pin
3-4 found; continuing with the West line of the Lawrence Havelka
3-5 property described in Doc. 9747592, S 19 deg. 01 min. 58 sec. E
3-6 441.42 feet to an iron pin found. THENCE with the South line of the
3-7 Fowler Second Tract, along the general line of an existing fence,
3-8 finding iron pins at bends as follows; S 70 deg. 50 min. 48 sec. W
3-9 771.35 feet ; S 70 deg. 58 min. 54 sec. W 747.25 feet; S 70 deg. 58
3-10 min. 35 sec. W 639.20 feet; and S 70 deg. 54 min. 59 sec. W 380.77
3-11 feet to the POINT OF BEGINNING.

3-12 Said Part 1, Part 2 and Part 3 containing a total of 426.80
3-13 total acres of land and 10,750,608 total square feet of land.

3-14 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
3-15 legislature finds that the boundaries and field notes of the
3-16 district form a closure. If a mistake is made in the field notes or
3-17 in copying the field notes in the legislative process, the mistake
3-18 does not affect in any way:

- 3-19 (1) the organization, existence, or validity of the
3-20 district;
- 3-21 (2) the right of the district to impose taxes; or
- 3-22 (3) the legality or operation of the district or the
3-23 board.

3-24 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails
3-25 over any provision of general law that is in conflict or
3-26 inconsistent with this Act.

3-27 SECTION 7. BOARD OF DIRECTORS. (a) The district is
3-28 governed by a board of five directors.

3-29 (b) Temporary directors serve until initial directors are
3-30 elected under Section 9 of this Act.

3-31 (c) Initial directors serve until permanent directors are
3-32 elected under Section 10 of this Act.

3-33 (d) Permanent directors serve staggered four-year terms.

3-34 (e) Each director must qualify to serve as director in the
3-35 manner provided by Section 49.055, Water Code.

3-36 (f) A director serves until the director's successor has
3-37 qualified.

3-38 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
3-39 consists of:

- 3-40 (1) Chester Collinworth;
- 3-41 (2) Robert Tranchon;
- 3-42 (3) Byron Goode;
- 3-43 (4) Lee Weber; and
- 3-44 (5) David Swayze.

3-45 (b) If a temporary director fails to qualify for office, the
3-46 temporary directors who have qualified shall appoint a person to
3-47 fill the vacancy. If at any time there are fewer than three
3-48 qualified temporary directors, the commission shall appoint the
3-49 necessary number of persons to fill all vacancies on the board.

3-50 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

3-51 (a) The temporary board of directors shall call and hold an
3-52 election to confirm the establishment of the district and to elect
3-53 five initial directors as provided by Section 49.102, Water Code.

3-54 (b) The initial directors elected shall draw lots to decide
3-55 which two shall serve terms lasting until replacement directors are
3-56 elected at the first regularly scheduled election of directors
3-57 under Section 10 of this Act and which three shall serve until the
3-58 second regularly scheduled election of directors.

3-59 (c) Section 41.001(a), Election Code, does not apply to a
3-60 confirmation and initial directors' election held as provided by
3-61 this section.

3-62 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
3-63 Saturday in May of the first even-numbered year after the year in
3-64 which the district is authorized to be created at a confirmation
3-65 election, an election shall be held in the district for the election
3-66 of two directors to replace the two initial directors serving
3-67 shorter terms from the confirmation election.

3-68 (b) On the first Saturday in May of each subsequent
3-69 even-numbered year following the election, the appropriate number

4-1 of directors shall be elected.

4-2 SECTION 11. GENERAL POWERS. The district has all of the
4-3 rights, powers, privileges, authority, functions, and duties
4-4 provided by the general law of this state, including Chapters 49 and
4-5 54, Water Code, applicable to municipal utility districts created
4-6 under Section 59, Article XVI, Texas Constitution.

4-7 SECTION 12. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES OR
4-8 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
4-9 Code, the district shall comply with all applicable requirements of
4-10 any ordinance or resolution adopted by a municipality in the
4-11 corporate limits or extraterritorial jurisdiction of which the
4-12 district is located, including an ordinance or resolution adopted
4-13 before the effective date of this Act, that consents to the creation
4-14 of the district or to the inclusion of lands within the district.

4-15 SECTION 13. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.
4-16 (a) The legal notice of the intention to introduce this Act,
4-17 setting forth the general substance of this Act, has been published
4-18 as provided by law, and the notice and a copy of this Act have been
4-19 furnished to all persons, agencies, officials, or entities to which
4-20 they are required to be furnished under Section 59, Article XVI,
4-21 Texas Constitution, and Chapter 313, Government Code. The
4-22 governor, one of the required recipients, has submitted the notice
4-23 and Act to the commission.

4-24 (b) The commission has filed its recommendations relating
4-25 to this Act with the governor, lieutenant governor, and speaker of
4-26 the house of representatives within the required time.

4-27 (c) All requirements of the constitution and laws of this
4-28 state and the rules and procedures of the legislature with respect
4-29 to the notice, introduction, and passage of this Act are fulfilled
4-30 and accomplished.

4-31 SECTION 14. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4-32 takes effect September 1, 2003.

4-33 (b) If the creation of the district is not confirmed at a
4-34 confirmation election held under Section 9 of this Act before
4-35 September 1, 2005, this Act expires on that date.

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