

By: Krusee

H.B. No. 3608

Substitute the following for H.B. No. 3608:

By: Puente

C.S.H.B. No. 3608

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Northeast Williamson County
4 Municipal Utility District.

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 Northeast Williamson County
12 Municipal Utility District.

13 SECTION 2. CREATION. (a) A conservation and reclamation
14 district, to be known as the Northeast Williamson County Municipal
15 Utility District, is created in Williamson County, subject to
16 approval at a confirmation election under Section 12 of this Act.

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

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

22 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
23 district is created to serve a public use and benefit.

24 (b) 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 5. BOUNDARIES. The district includes the territory
5 contained within the following area in Williamson County:

6 Being 208.777 acres of land situated in the Robert McNutt
7 Survey, Abstract No. 422, Williamson County, Texas, and being all
8 of a called 15-acre tract and a portion of a called 84.88 acre tract
9 both being described under Document No. 9903832 in the Official
10 Records of Williamson County, Texas (O.R.W.C.T.); a portion of a
11 called 15-acre tract described under Document No. 993830 in the
12 O.R.W.C.T.; all of a called 64.01-acre tract and all of a 0.6-acre
13 tract both being described under Document No. 2000067229 in the
14 O.R.W.C.T.; all of a called 22.0-acre tract described as Tract 3
15 under Document No. 2000067229 in the O.R.W.C.T. and further defined
16 in Volume 648, Page 33 of the Williamson County Deed Records; and
17 all of that called 22.0-acre tract as described in Volume 648, Page
18 447 of the Williamson County Deed Records. Said 208.777 acres being
19 more particularly described as follows with bearings herein are
20 based on the east line of said 84.88 acre tract being South 00°21'00"
21 West;

22 BEGINNING at the northwest corner of said 15 acre tract
23 described under Document No. 9903832 and being on the south
24 right-of-way line of CR 109;

25 THENCE, South 89°51'30" East, 1581.34 feet, along said south
26 right-of-way line to a point for corner and being the northwest
27 corner of a called 3.0176 acre tract of land as described under

1 Document No. 9903832 of the O.R.W.C.T.;

2 THENCE, South 00°06'43" West, 137.41 feet to a point for
3 corner of the herein-described tract;

4 THENCE, North 89°28'10" West, 28.26 feet to a point for corner
5 of the herein-described tract;

6 THENCE, South 00°31'50" West, 34.10 feet to a point for corner
7 of the herein-described tract;

8 THENCE, South 89°28'10" East, 28.51 feet to a point for corner
9 of the herein-described tract;

10 THENCE, South 00°06'43" West, 228.46 feet to a point for
11 corner of the herein-described tract;

12 THENCE, North 89°59'47" East, 326.37 feet to a point for
13 corner of the herein-described tract;

14 THENCE, North 00°10'01" East, 399.14 feet to a point for
15 corner of the herein-described tract and being on the
16 aforementioned south right-of-way line of CR 109;

17 THENCE, South 89°51'30" East, 150.96 feet along said south
18 right-of-way line to a point for corner;

19 THENCE, South 87°35'00" East, 164.00 feet continuing along
20 said right-of-way line to a point for corner;

21 THENCE, South 80°43'00" East, 119.43 feet to the northeast
22 corner of the herein-described tract;

23 THENCE, South 00°21'00" West, 2341.04 feet to a point for
24 corner of the herein-described tract and marking the southeast
25 corner of the aforementioned 84.88 acre tract;

26 THENCE, South 89°40'30" West, 687.90 feet to a point for
27 corner of the herein-described tract;

1 THENCE, South 00°06'00" East, 2328.81 feet to a point for
2 corner of the herein-described tract and marking the southeast
3 corner of the aforementioned 64.01 acre tract;

4 THENCE, South 89°59'37" West, 1778.50 feet to a point for
5 corner of the herein-described tract located on the east
6 right-of-way line of CR 110 and marking the southwest corner of said
7 64.01 acre tract;

8 THENCE, North 00°02'30" East, 2143.96 feet along the east
9 right-of-way line of said CR 110 to a point for corner of the
10 herein-described tract;

11 THENCE, along the right-of-way line of said CR 110 the
12 following seven (7) courses and distances:

- 13 1) North 03°19'30" West, 100.00 feet to a point for corner;
- 14 2) North 14°36'30" West, 86.40 feet to a point for corner;
- 15 3) North 14°36'29" West, 13.60 feet to a point for corner;
- 16 4) North 30°40'00" West, 100.00 feet to a point for corner;
- 17 5) North 43°17'00" West, 100.00 feet to a point for corner;
- 18 6) North 48°00'30" West, 119.00 feet to a point for corner;
- 19 7) North 43°31'00" West, 24.18 feet to a point for corner and
20 marking the most westerly corner of the aforementioned 0.6-acre
21 tract;

22 THENCE, East, 987.56 feet leaving said east right-of-way line
23 of CR 110 to a point for corner of the herein-described tract;

24 THENCE, North 00°16'01" East, 720.17 feet to a point for
25 corner of the herein-described tract;

26 THENCE, West, 390.20 feet to a point for corner of the
27 herein-described tract;

1 THENCE, North, 397.91 feet to a point for corner of the
2 herein-described tract and marking the northeast corner of the
3 aforementioned 15 acre tract as recorded under Document No.
4 9903830 of the O.R.W.C.T.;

5 THENCE, West, 210.73 feet to a point for corner of the
6 herein-described tract and marking the southwest corner of the
7 aforementioned 15 acre tract as described under Document No.
8 9903832 of the O.R.W.C.T.;

9 THENCE, North, 990.59 feet along to the POINT OF BEGINNING
10 and containing a computed area of 208.777 acres (9,094,308 Square
11 Feet) of land.

12 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The
13 legislature finds that the boundaries and field notes of the
14 district form a closure. If a mistake is made in the field notes or
15 in copying the field notes in the legislative process, the mistake
16 does not affect in any way:

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

22 SECTION 7. GENERAL POWERS. (a) The district has all of the
23 rights, powers, privileges, authority, functions, and duties
24 provided by the general law of this state, including Chapters 30,
25 49, 50, and 54, Water Code, applicable to municipal utility
26 districts created under Section 59, Article XVI, Texas
27 Constitution.

1 (b) The rights, powers, privileges, authority, functions,
2 and duties of the district are subject to the continuing right of
3 supervision of the state to be exercised by and through the
4 commission.

5 SECTION 8. APPLICABILITY OF OTHER LAW. This Act prevails
6 over any provision of general law that is in conflict or
7 inconsistent with this Act.

8 SECTION 9. BOARD OF DIRECTORS. (a) The district is
9 governed by a board of five directors.

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

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

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

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

17 SECTION 10. TEMPORARY DIRECTORS. (a) The temporary board
18 consists of:

- 19 (1) Bill Gordon;
- 20 (2) Mark Scott;
- 21 (3) Brian Sharp;
- 22 (4) Jesse Whittenton; and
- 23 (5) Jack Nelson.

24 (b) If a temporary director fails to qualify for office, the
25 temporary directors who have qualified shall appoint a person to
26 fill the vacancy. If at any time there are fewer than three
27 qualified temporary directors, the commission shall appoint the

1 necessary number of persons to fill all vacancies on the board.

2 (c) A temporary director shall take the oath of office and
3 execute a bond to qualify for holding office as soon as practicable
4 after the effective date of this Act.

5 (d) A temporary director is not required to own land in or be
6 a resident of the district.

7 (e) Until initial directors are elected and qualified to
8 hold office, the temporary directors shall exercise all rights,
9 powers, privileges, authority, functions, and duties conferred on
10 the district by general law, including Chapters 49 and 54, Water
11 Code.

12 SECTION 11. METHOD OF ELECTING DIRECTORS. Directors shall
13 be elected at large.

14 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

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

18 (b) At the confirmation election the board may submit to the
19 voters a proposition to authorize:

- 20 (1) the issuance of bonds;
- 21 (2) a maintenance tax; or
- 22 (3) a tax to make payments under a contract.

23 (c) The initial directors elected shall draw lots to
24 determine which two directors shall serve terms lasting until the
25 first regularly scheduled directors' election under Section 13 of
26 this Act and which three shall serve until the second regularly
27 scheduled directors' election.

1 (d) Section 41.001(a), Election Code, does not apply to a
2 confirmation and initial directors' election held under this
3 section.

4 SECTION 13. ELECTION OF DIRECTORS. (a) On the first
5 Saturday in May of the first even-numbered year after the year in
6 which the district is authorized to be created at a confirmation
7 election, an election shall be held in the district to elect two
8 directors.

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

12 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

19 (b) The governor has submitted the notice and Act to the
20 commission.

21 (c) The commission has filed its recommendations relating
22 to this Act with the governor, lieutenant governor, and speaker of
23 the house of representatives within the required time.

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

1 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
2 takes effect immediately if it receives a vote of two-thirds of all
3 the members elected to each house, as provided by Section 39,
4 Article III, Texas Constitution. If this Act does not receive the
5 vote necessary for immediate effect, this Act takes effect
6 September 1, 2003.

7 (b) If the creation of the district is not confirmed at a
8 confirmation election held under Section 12 of this Act before
9 September 1, 2007, this Act expires on that date.