

1-1 By: Brown of Kaufman (Senate Sponsor - Deuell) H.B. No. 3614
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 Kingsborough Municipal Utility
1-10 District No. 8 of Kaufman County.

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 Kingsborough Municipal
1-18 Utility District No. 8 of Kaufman County.

1-19 SECTION 2. CREATION. (a) A conservation and reclamation
1-20 district, to be known as the Kingsborough Municipal Utility
1-21 District No. 8 of Kaufman County, is created in Kaufman County,
1-22 subject to approval at a confirmation election under Section 13 of
1-23 this Act.

1-24 (b) The district is a governmental agency and a political
1-25 subdivision of this state.

1-26 SECTION 3. AUTHORITY FOR CREATION. The district is created
1-27 under and is essential to accomplish the purposes of Section 52,
1-28 Article III, and Section 59, Article XVI, Texas Constitution.

1-29 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
1-30 district is created to serve a public use and benefit.

1-31 (b) All of the land and other property included within the
1-32 boundaries of the district will be benefited by the works and
1-33 projects that are to be accomplished by the district under powers
1-34 conferred by Section 52, Article III, and Section 59, Article XVI,
1-35 Texas Constitution.

1-36 SECTION 5. BOUNDARIES. The boundaries of the district are
1-37 as follows:

1-38 BEING all that certain lot, tract or parcel of land located in
1-39 the J. G. Moore Survey, Abstract No. 309 and the D. Wilkerson
1-40 Survey, Abstract No. 566, Kaufman County, Texas, and being a
1-41 portion of that certain called 1000 acre tract of land conveyed to
1-42 Fitzpatrick, Ltd., according to the deed filed for record in Volume
1-43 1166, Page 368 of the Deed Records of Kaufman County, Texas, and
1-44 being a portion of that certain called 81 acre tract of land
1-45 conveyed to said Fitzpatrick, Ltd., according to the deed filed for
1-46 record in Volume 1166, Page 377, of said Deed Records, and being
1-47 more particularly described by metes and bounds as follows:

1-48 COMMENCING at the North corner of said called 1000 acre tract
1-49 and the East corner of that certain tract of land conveyed to the
1-50 West Foundation, and described as Tract K31 in the deed filed for
1-51 record in Volume 749, Page 245, Deed Records, Kaufman County,
1-52 Texas, said point also being in County Road No. 260 (an undefined
1-53 width public roadway);

1-54 THENCE South 47 deg. 51 min. 37 sec. East, along the Northeast
1-55 boundary line of said called 1000 acre tract, and generally along
1-56 said County Road No. 260, a distance of 1400.00 feet;

1-57 THENCE South 46 deg. 15 min. 37 sec. East, continuing along
1-58 the Northeast boundary line of said called 1000 acre tract and
1-59 generally along said County Road No. 260, a distance of 1273.15
1-60 feet, to the POINT OF BEGINNING;

1-61 THENCE South 46 deg. 15 min. 37 sec. East, continuing along
1-62 the Northeast boundary line of said called 1000 acre tract, a
1-63 distance of 2092.15 feet;

1-64 THENCE South 44 deg. 01 min. 29 sec. West, departing the

2-1 Northeast boundary line of said called 1000 acre tract, a distance
 2-2 of 8996.63 feet, to the beginning of a non-tangent curve to the left
 2-3 having a radius of 3635.85 feet;

2-4 THENCE along said curve to the left and in a Southwesterly
 2-5 direction, through a central angle of 02 deg. 17 min. 33 sec., an
 2-6 arc length of 145.47 feet, said non-tangent curve to the left also
 2-7 having a long chord which bears South 86 deg. 07 min. 33 sec. West,
 2-8 145.46 feet, to the West boundary line of the aforementioned called
 2-9 81 acre tract of land;

2-10 THENCE North 02 deg. 58 min. 25 sec. East, along the West
 2-11 boundary line of said called 81 acre tract, a distance of 566.92
 2-12 feet;

2-13 THENCE North 45 deg. 15 min. 01 sec. East, departing the West
 2-14 boundary line of said called 81 acre tract, a distance of 717.14
 2-15 feet, to the beginning of a non-tangent curve to the left having a
 2-16 radius of 2640.00 feet;

2-17 THENCE along said non-tangent curve to the left and in a
 2-18 Northwesterly direction, through a central angle of 68 deg. 55 min.
 2-19 31 sec., an arc length of 3175.85 feet, said non-tangent curve also
 2-20 having a long chord which North 10 deg. 47 min. 15 sec. East,
 2-21 2987.79 feet;

2-22 THENCE North 44 deg. 01 min 29 sec. East, a distance of
 2-23 5450.63 feet, to the POINT OF BEGINNING and containing 323.765
 2-24 acres (14,103,216 square feet), of land.

2-25 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
 2-26 legislature finds that the boundaries and field notes of the
 2-27 district form a closure. If a mistake is made in the field notes or
 2-28 in copying the field notes in the legislative process, the mistake
 2-29 does not affect in any way:

- 2-30 (1) the organization, existence, or validity of the
- 2-31 district;
- 2-32 (2) the right of the district to impose taxes; or
- 2-33 (3) the legality or operation of the district or the
- 2-34 board.

2-35 SECTION 7. GENERAL POWERS. (a) Except as provided by
 2-36 Subsection (b) of this section, the district has all of the rights,
 2-37 powers, privileges, authority, functions, and duties provided by
 2-38 the general law of this state, including Chapters 49 and 54, Water
 2-39 Code, applicable to municipal utility districts created under
 2-40 Section 59, Article XVI, Texas Constitution. This Act prevails
 2-41 over any provision of general law that is in conflict or
 2-42 inconsistent with this Act.

2-43 (b) The district may not provide retail water service to an
 2-44 area designated by ordinance or resolution of the governing body of
 2-45 a municipality as within the water service area, extraterritorial
 2-46 jurisdiction, or corporate limits of that municipality if the
 2-47 municipality:

- 2-48 (1) has a population of less than 5,000; and
- 2-49 (2) has not given its express written consent.

2-50 SECTION 8. ADDITIONAL POWERS. (a) The district has the
 2-51 additional rights, powers, privileges, authority, and functions
 2-52 provided by this section.

2-53 (b) To the extent authorized by Section 52, Article III,
 2-54 Texas Constitution, the district may provide for the construction,
 2-55 maintenance, and operation inside or outside the boundaries of the
 2-56 district of:

- 2-57 (1) paved roads and turnpikes; or
- 2-58 (2) works, facilities, or improvements related to the
- 2-59 roads and turnpikes.

2-60 SECTION 9. BONDS. (a) The district may issue bonds as
 2-61 provided by Chapters 49 and 54, Water Code, and the general laws of
 2-62 this state.

2-63 (b) The district may issue bonds, notes, or other
 2-64 obligations of the district to finance construction, maintenance,
 2-65 and operation under Section 8 of this Act and may impose a tax to pay
 2-66 the principal of or interest on bonds issued under this subsection.

2-67 (c) The district may not issue bonds under Subsection (b) of
 2-68 this section unless the issuance is approved by a vote of a
 2-69 two-thirds majority of the qualified voters of the district voting

3-1 at an election called for that purpose. Bonds, notes, or other
3-2 obligations issued or incurred under Subsection (b) of this section
3-3 may not exceed one-fourth of the assessed value of the real property
3-4 in the district.

3-5 (d) Sections 49.181 and 49.182, Water Code, do not apply to
3-6 projects undertaken by the district under Section 8(b) of this Act
3-7 or to bonds issued by the district under Subsection (b) of this
3-8 section.

3-9 SECTION 10. EMINENT DOMAIN. The district may exercise the
3-10 right of eminent domain, as provided by Section 49.222, Water Code,
3-11 only within the boundaries of the district.

3-12 SECTION 11. BOARD OF DIRECTORS. (a) The district is
3-13 governed by a board of five directors.

3-14 (b) Temporary directors serve until initial directors are
3-15 elected under Section 13 of this Act.

3-16 (c) Initial directors serve until permanent directors are
3-17 elected under Section 14 of this Act.

3-18 (d) Permanent directors serve staggered four-year terms.

3-19 (e) Each director must qualify to serve as director in the
3-20 manner provided by Section 49.055, Water Code.

3-21 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
3-22 after the effective date of this Act, a person who owns land in the
3-23 district may submit a petition to the commission requesting that
3-24 the commission appoint as temporary directors the five persons
3-25 named in the petition.

3-26 (b) Subject to Subsection (e) of this section, the
3-27 commission shall appoint as temporary directors the five persons
3-28 named in the first petition received by the commission.

3-29 (c) If a temporary director fails to qualify for office, the
3-30 commission shall appoint a person to fill the vacancy.

3-31 (d) As soon as practicable after all of the temporary
3-32 directors have qualified, the temporary directors shall meet and
3-33 elect officers from among their membership.

3-34 (e) The commission may appoint temporary directors for a
3-35 district that is located wholly or in part within an area designated
3-36 by ordinance or resolution of the governing body of a municipality
3-37 with a population of less than 5,000 as the water service area,
3-38 extraterritorial jurisdiction, or corporate limits of that
3-39 municipality only if the municipality has given its express written
3-40 consent to the creation of the district. The municipality may give
3-41 its consent only on the execution of a written agreement between the
3-42 developer of the district and a school district affiliated with the
3-43 municipality providing that the district will:

3-44 (1) fund the construction of buildings and
3-45 improvements for the school district; and

3-46 (2) establish an educational fund for the school
3-47 district of an amount based on an annually determined transaction
3-48 fee on the sale and resale of any home within the district
3-49 boundaries for the duration of the existence of the district.

3-50 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

3-51 (a) Subject to Subsection (b) of this section, the temporary board
3-52 of directors shall call and hold an election to confirm
3-53 establishment of the district and to elect five initial directors
3-54 in the manner provided by Chapter 49, Water Code.

3-55 (b) The temporary board of directors may call and hold an
3-56 election to confirm establishment of a district that is located
3-57 wholly or in part within an area designated by ordinance or
3-58 resolution of the governing body of a municipality with a
3-59 population of less than 5,000 as the water service area,
3-60 extraterritorial jurisdiction, or corporate limits of that
3-61 municipality only if the municipality has given its express written
3-62 consent to the creation of the district. The municipality may give
3-63 its consent only on the execution of a written agreement between the
3-64 developer of the district and a school district affiliated with the
3-65 municipality providing that the district will:

3-66 (1) fund the construction of buildings and
3-67 improvements for the school district; and

3-68 (2) establish an educational fund for the school
3-69 district of an amount based on an annually determined transaction

4-1 fee on the sale and resale of any home within the district
4-2 boundaries for the duration of the existence of the district.

4-3 SECTION 14. ELECTION OF DIRECTORS. The board shall call and
4-4 hold elections to elect permanent directors in the manner provided
4-5 by Chapter 49, Water Code.

4-6 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

4-7 (a) The legal notice of the intention to introduce this Act,
4-8 setting forth the general substance of this Act, has been published
4-9 as provided by law, and the notice and a copy of this Act have been
4-10 furnished to all persons, agencies, officials, or entities to which
4-11 they are required to be furnished under Section 59, Article XVI,
4-12 Texas Constitution, and Chapter 313, Government Code.

4-13 (b) The governor has submitted the notice and Act to the
4-14 commission.

4-15 (c) The commission has filed its recommendations relating
4-16 to this Act with the governor, lieutenant governor, and speaker of
4-17 the house of representatives within the required time.

4-18 (d) All requirements of the constitution and laws of this
4-19 state and the rules and procedures of the legislature with respect
4-20 to the notice, introduction, and passage of this Act are fulfilled
4-21 and accomplished.

4-22 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4-23 takes effect September 1, 2003.

4-24 (b) If the creation of the district is not confirmed at a
4-25 confirmation election held under Section 13 of this Act before
4-26 September 1, 2005, this Act expires on that date.

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