

By: Brown of Kaufman

H.B. No. 3616

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,
3 operation, and financing of the Kingsborough Municipal Utility
4 District No. 7 of Kaufman County.

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 Kingsborough Municipal
12 Utility District No. 7 of Kaufman County.

13 SECTION 2. CREATION. (a) A conservation and reclamation
14 district, to be known as the Kingsborough Municipal Utility
15 District No. 7 of Kaufman County, is created in Kaufman County,
16 subject to approval at a confirmation election under Section 12 of
17 this Act.

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

20 SECTION 3. AUTHORITY FOR CREATION. The district is created
21 under and is essential to accomplish the purposes of Section 52,
22 Article III, and Section 59, Article XVI, Texas Constitution.

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

1 (b) All of the land and other property included within the
2 boundaries of the district will be benefited by the works and
3 projects that are to be accomplished by the district under powers
4 conferred by Section 52, Article III, and Section 59, Article XVI,
5 Texas Constitution.

6 SECTION 5. BOUNDARIES. The boundaries of the district are
7 as follows:

8 BEING all that certain lot, tract or parcel of land located in
9 the J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and
10 being a portion of that certain called 1000 acre tract of land
11 conveyed to Fitzpatrick, Ltd., according to the deed filed for
12 record in Volume 1166, Page 368 of the Deed Records of Kaufman
13 County, Texas, and being more particularly described by metes and
14 bounds as follows:

15 BEGINNING at the North corner of said called 1000 acre tract
16 and the East corner of that certain tract of land conveyed to the
17 West Foundation, and described as Tract K31 in the deed filed for
18 record in Volume 749, Page 245, Deed Records, Kaufman County,
19 Texas, said point also being in County Road No. 260 (an undefined
20 width public roadway);

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

24 THENCE South 46 deg. 15 min. 37 sec. East, continuing along
25 the Northeast boundary line of said called 1000 acre tract and
26 generally along said County Road No. 260, a distance of 1273.15
27 feet;

1 THENCE South 44 deg. 01 min. 29 sec. West, departing the
2 Northeast boundary line of said called 1000 acre tract, a distance
3 of 5450.63 feet, to the beginning of a non-tangent curve to the left
4 having a radius of 2640.00 feet

5 THENCE along said non-tangent curve to the left and in a
6 Northwesterly direction, through a central angle of 22 deg. 03 min.
7 43 sec., an arc length of 1016.54 feet, said curve also having a
8 long chord which bears North 34 deg. 42 min. 22 sec. West, 1010.27
9 feet;

10 THENCE North 45 deg. 44 min. 13 sec. West, a distance of
11 1700.00 feet, to the beginning of a non-tangent curve to the left
12 having a radius of 2640.00 feet;

13 THENCE along said non-tangent curve to the left and in a
14 Northwesterly direction, through a central angle of 00 deg. 01 min.
15 24 sec., an arc length of 1.07 feet, said curve also having a long
16 chord which bears North 45 deg. 44 min. 55 sec. West, 1.07 feet, to a
17 the Northwest boundary line of the aforementioned called 1000 acre
18 tract;

19 THENCE North 44 deg. 14 min. 23 sec. East, along the Northwest
20 boundary line of said called 1000 acre tract, a distance of 5193.79
21 feet, to the POINT OF BEGINNING and containing 323.760 acres
22 (14,102,963 square feet), of land.

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

- 1 (1) the organization, existence, or validity of the
2 district;
- 3 (2) the right of the district to impose taxes; or
- 4 (3) the legality or operation of the district or the
5 board.

6 SECTION 7. GENERAL POWERS. The district has all of the
7 rights, powers, privileges, authority, functions, and duties
8 provided by the general law of this state, including Chapters 49 and
9 54, Water Code, applicable to municipal utility districts created
10 under Section 59, Article XVI, Texas Constitution. This Act
11 prevails over any provision of general law that is in conflict or
12 inconsistent with this Act.

13 SECTION 8. ADDITIONAL POWERS. (a) The district has the
14 additional rights, powers, privileges, authority, and functions
15 provided by this section.

16 (b) To the extent authorized by Section 52, Article III,
17 Texas Constitution, the district may provide for the construction,
18 maintenance, and operation inside or outside the boundaries of the
19 district of:

- 20 (1) macadamized, graveled, or paved roads and
21 turnpikes; or
- 22 (2) works, facilities, or improvements related to the
23 roads and turnpikes.

24 SECTION 9. BONDS. (a) The district may issue bonds as
25 provided by Chapters 49 and 54, Water Code, and the general laws of
26 this state.

27 (b) The district may issue bonds, notes, or other

1 obligations of the district to finance construction, maintenance,
2 and operation under Section 8 of this Act and may impose a tax to pay
3 the principal of or interest on bonds issued under this subsection.

4 (c) The district may not issue bonds under Subsection (b)
5 unless the issuance is approved by a vote of a two-thirds majority
6 of the qualified voters of the district voting at an election called
7 for that purpose. Bonds, notes, or other obligations issued or
8 incurred under Subsection (b) may not exceed one-fourth of the
9 assessed value of the real property in the district.

10 (d) Sections 49.181 and 49.182, Water Code, do not apply to
11 projects undertaken by the district under Section 8(b) of this Act
12 or to bonds issued by the district under Subsection (b) of this
13 section.

14 SECTION 10. BOARD OF DIRECTORS. (a) The district is
15 governed by a board of five directors.

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

18 (c) Initial directors serve until permanent directors are
19 elected under Section 13 of this Act.

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

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

23 SECTION 11. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
24 after the effective date of this Act, a person who owns land in the
25 district may submit a petition to the commission requesting that
26 the commission appoint as temporary directors the five persons
27 named in the petition.

1 (b) The commission shall appoint as temporary directors the
2 five persons named in the first petition received by the
3 commission.

4 (c) If a temporary director fails to qualify for office, the
5 commission shall appoint a person to fill the vacancy.

6 (d) As soon as practicable after all of the temporary
7 directors have qualified, the temporary directors shall meet and
8 elect officers from among their membership.

9 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.
10 The temporary board of directors shall call and hold an election to
11 confirm establishment of the district and to elect five initial
12 directors in the manner provided by Chapter 49, Water Code.

13 SECTION 13. ELECTION OF DIRECTORS. The board shall call and
14 hold elections to elect permanent directors in the manner provided
15 by Chapter 49, Water Code.

16 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

23 (b) The governor has submitted the notice and Act to the
24 commission.

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

1 (d) All requirements of the constitution and laws of this
2 state and the rules and procedures of the legislature with respect
3 to the notice, introduction, and passage of this Act are fulfilled
4 and accomplished.

5 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
6 takes effect 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, 2005, this Act expires on that date.