

By: Brown of Kaufman

H.B. No. 3617

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. 6 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. 6 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. 6 of Kaufman County, is created in Kaufman County,
16 subject to approval at a confirmation election under Section 13 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 D. Wilkerson Survey, Abstract No. 566 and the J. G. Moore
10 Survey, Abstract No. 309, Kaufman County, Texas, and being a
11 portion of that certain called 1000 acre tract of land conveyed to
12 Fitzpatrick, Ltd., according to the deed filed for record in Volume
13 1166, Page 368 of the Deed Records of Kaufman County, Texas, and
14 being a portion of that certain called 81 acre tract of land
15 conveyed to Fitzpatrick, Ltd., according to the deed filed for
16 record in Volume 1166, Page 377, of said Deed Records, and being
17 more particularly described by metes and bounds as follows:

18 BEGINNING at the West corner of said called 1000 acre tract
19 and the South corner of that certain tract of land conveyed to the
20 West Foundation, and described as Tract K31 in the deed filed for
21 record in Volume 749, Page 245, Deed Records, Kaufman County,
22 Texas, said point also being in County Road No. 269 (an undefined
23 width public roadway);

24 THENCE North 44 deg. 14 min. 23 sec. East, along the Northwest
25 boundary line of said called 1000 acre tract, a distance of 2640.00
26 feet, to the beginning of a non-tangent curve to the right having a
27 radius of 2640.00 feet;

1 THENCE departing the Northwest boundary line of said called
2 1000 acre tract and along said non-tangent curve in a Southeasterly
3 direction, through a central angle of 00 deg. 01 min. 24 sec., an
4 arc length of 1.07 feet, said non-tangent curve also having a long
5 chord which bears South 45 deg. 44 min. 55 sec. East, 1.07 feet;

6 THENCE South 45 deg. 44 min. 13 sec. East, a distance of
7 1700.00 feet, to the beginning of a curve to the right having a
8 radius of 2640.00 feet;

9 THENCE along said curve to the right and in a Southwesterly
10 direction, through a central angle of 90 deg. 59 min. 14 sec., an
11 arc length of 4192.39 feet, said curve also having a long chord
12 which bears South 00 deg. 14 min. 36 sec. East, 3765.55 feet;

13 THENCE South 45 deg. 15 min. 01 sec. West, a distance of
14 717.14 feet, to a point on the West boundary line of the
15 aforementioned 81 acre tract;

16 THENCE North 02 deg. 58 min. 25 sec. East, along the West
17 boundary line of said 81 acre tract, a distance of 1014.81 feet, to
18 the North corner of said called 81 acre tract and the South corner
19 of the aforementioned 1000 acre tract;

20 THENCE North 45 deg. 44 min. 13 sec. West, along the Southwest
21 boundary line of said called 1000 acre tract, a distance of 3657.62
22 feet, to the POINT OF BEGINNING and containing 234.703 acres
23 (10,223,647 square feet), of land.

24 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
25 legislature finds that the boundaries and field notes of the
26 district form a closure. If a mistake is made in the field notes or
27 in copying the field notes in the legislative process, the mistake

1 does not affect in any way:

2 (1) the organization, existence, or validity of the
3 district;

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

5 (3) the legality or operation of the district or the
6 board.

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

15 (b) The district may not provide retail water service to an
16 area designated by ordinance or resolution of the governing body of
17 a municipality as within the water service area, extraterritorial
18 jurisdiction, or corporate limits of that municipality if the
19 municipality:

20 (1) has a population of less than 5,000; and

21 (2) has not given its express written consent.

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

25 (b) To the extent authorized by Section 52, Article III,
26 Texas Constitution, the district may provide for the construction,
27 maintenance, and operation inside or outside the boundaries of the

1 district of:

2 (1) paved roads and turnpikes; or

3 (2) works, facilities, or improvements related to the
4 roads and turnpikes.

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

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

12 (c) The district may not issue bonds under Subsection (b) of
13 this section unless the issuance is approved by a vote of a
14 two-thirds majority of the qualified voters of the district voting
15 at an election called for that purpose. Bonds, notes, or other
16 obligations issued or incurred under Subsection (b) of this section
17 may not exceed one-fourth of the assessed value of the real property
18 in the district.

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

23 SECTION 10. EMINENT DOMAIN. The district may exercise the
24 right of eminent domain, as provided by Section 49.222, Water Code,
25 only within the boundaries of the district.

26 SECTION 11. BOARD OF DIRECTORS. (a) The district is
27 governed by a board of five directors.

1 (b) Temporary directors serve until initial directors are
2 elected under Section 13 of this Act.

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

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

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

8 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
9 after the effective date of this Act, a person who owns land in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition.

13 (b) Subject to Subsection (e) of this section, the
14 commission shall appoint as temporary directors the five persons
15 named in the first petition received by the commission.

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

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

21 (e) The commission may appoint temporary directors for a
22 district that is located wholly or in part within an area designated
23 by ordinance or resolution of the governing body of a municipality
24 with a population of less than 5,000 as the water service area,
25 extraterritorial jurisdiction, or corporate limits of that
26 municipality only if the municipality has given its express written
27 consent to the creation of the district. The municipality may give

1 its consent only on the execution of a written agreement between the
2 developer of the district and a school district affiliated with the
3 municipality providing that the district will:

4 (1) fund the construction of buildings and
5 improvements for the school district; and

6 (2) establish an educational fund for the school
7 district of an amount based on an annually determined transaction
8 fee on the sale and resale of any home within the district
9 boundaries for the duration of the existence of the district.

10 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

11 (a) Subject to Subsection (b) of this section, the temporary board
12 of directors shall call and hold an election to confirm
13 establishment of the district and to elect five initial directors
14 in the manner provided by Chapter 49, Water Code.

15 (b) The temporary board of directors may call and hold an
16 election to confirm establishment of a district that is located
17 wholly or in part within an area designated by ordinance or
18 resolution of the governing body of a municipality with a
19 population of less than 5,000 as the water service area,
20 extraterritorial jurisdiction, or corporate limits of that
21 municipality only if the municipality has given its express written
22 consent to the creation of the district. The municipality may give
23 its consent only on the execution of a written agreement between the
24 developer of the district and a school district affiliated with the
25 municipality providing that the district will:

26 (1) fund the construction of buildings and
27 improvements for the school district; and

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

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

8 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

15 (b) The governor has submitted the notice and Act to the
16 commission.

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

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

24 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
25 takes effect September 1, 2003.

26 (b) If the creation of the district is not confirmed at a
27 confirmation election held under Section 13 of this Act before

H.B. No. 3617

1 September 1, 2005, this Act expires on that date.