

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

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

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

21 (1) macadamized, graveled, or paved roads and  
22 turnpikes; or

23 (2) works, facilities, or improvements related to the  
24 roads and turnpikes.

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

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

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

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

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

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

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

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

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

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

1 named in the petition.

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

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

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

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

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

17 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

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

26 (c) The commission has filed its recommendations relating  
27 to this Act with the governor, lieutenant governor, and speaker of

1 the house of representatives within the required time.

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

6 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
7 takes effect September 1, 2003.

8 (b) If the creation of the district is not confirmed at a  
9 confirmation election held under Section 12 of this Act before  
10 September 1, 2005, this Act expires on that date.