

1-1 By: Brown of Kaufman (Senate Sponsor - Deuell) H.B. No. 3617
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. 6 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. 6 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. 6 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 D. Wilkerson Survey, Abstract No. 566 and the J. G. Moore
1-40 Survey, Abstract No. 309, 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 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 BEGINNING at the West corner of said called 1000 acre tract
1-49 and the South 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. 269 (an undefined
1-53 width public roadway);

1-54 THENCE North 44 deg. 14 min. 23 sec. East, along the Northwest
1-55 boundary line of said called 1000 acre tract, a distance of 2640.00
1-56 feet, to the beginning of a non-tangent curve to the right having a
1-57 radius of 2640.00 feet;

1-58 THENCE departing the Northwest boundary line of said called
1-59 1000 acre tract and along said non-tangent curve in a Southeasterly
1-60 direction, through a central angle of 00 deg. 01 min. 24 sec., an
1-61 arc length of 1.07 feet, said non-tangent curve also having a long
1-62 chord which bears South 45 deg. 44 min. 55 sec. East, 1.07 feet;

1-63 THENCE South 45 deg. 44 min. 13 sec. East, a distance of
1-64 1700.00 feet, to the beginning of a curve to the right having a

2-1 radius of 2640.00 feet;

2-2 THENCE along said curve to the right and in a Southwesterly
2-3 direction, through a central angle of 90 deg. 59 min. 14 sec., an
2-4 arc length of 4192.39 feet, said curve also having a long chord
2-5 which bears South 00 deg. 14 min. 36 sec. East, 3765.55 feet;

2-6 THENCE South 45 deg. 15 min. 01 sec. West, a distance of
2-7 717.14 feet, to a point on the West boundary line of the
2-8 aforementioned 81 acre tract;

2-9 THENCE North 02 deg. 58 min. 25 sec. East, along the West
2-10 boundary line of said 81 acre tract, a distance of 1014.81 feet, to
2-11 the North corner of said called 81 acre tract and the South corner
2-12 of the aforementioned 1000 acre tract;

2-13 THENCE North 45 deg. 44 min. 13 sec. West, along the Southwest
2-14 boundary line of said called 1000 acre tract, a distance of 3657.62
2-15 feet, to the POINT OF BEGINNING and containing 234.703 acres
2-16 (10,223,647 square feet), of land.

2-17 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
2-18 legislature finds that the boundaries and field notes of the
2-19 district form a closure. If a mistake is made in the field notes or
2-20 in copying the field notes in the legislative process, the mistake
2-21 does not affect in any way:

2-22 (1) the organization, existence, or validity of the
2-23 district;

2-24 (2) the right of the district to impose taxes; or

2-25 (3) the legality or operation of the district or the
2-26 board.

2-27 SECTION 7. GENERAL POWERS. (a) Except as provided by
2-28 Subsection (b) of this section, the district has all of the rights,
2-29 powers, privileges, authority, functions, and duties provided by
2-30 the general law of this state, including Chapters 49 and 54, Water
2-31 Code, applicable to municipal utility districts created under
2-32 Section 59, Article XVI, Texas Constitution. This Act prevails
2-33 over any provision of general law that is in conflict or
2-34 inconsistent with this Act.

2-35 (b) The district may not provide retail water service to an
2-36 area designated by ordinance or resolution of the governing body of
2-37 a municipality as within the water service area, extraterritorial
2-38 jurisdiction, or corporate limits of that municipality if the
2-39 municipality:

2-40 (1) has a population of less than 5,000; and

2-41 (2) has not given its express written consent.

2-42 SECTION 8. ADDITIONAL POWERS. (a) The district has the
2-43 additional rights, powers, privileges, authority, and functions
2-44 provided by this section.

2-45 (b) To the extent authorized by Section 52, Article III,
2-46 Texas Constitution, the district may provide for the construction,
2-47 maintenance, and operation inside or outside the boundaries of the
2-48 district of:

2-49 (1) paved roads and turnpikes; or

2-50 (2) works, facilities, or improvements related to the
2-51 roads and turnpikes.

2-52 SECTION 9. BONDS. (a) The district may issue bonds as
2-53 provided by Chapters 49 and 54, Water Code, and the general laws of
2-54 this state.

2-55 (b) The district may issue bonds, notes, or other
2-56 obligations of the district to finance construction, maintenance,
2-57 and operation under Section 8 of this Act and may impose a tax to pay
2-58 the principal of or interest on bonds issued under this subsection.

2-59 (c) The district may not issue bonds under Subsection (b) of
2-60 this section unless the issuance is approved by a vote of a
2-61 two-thirds majority of the qualified voters of the district voting
2-62 at an election called for that purpose. Bonds, notes, or other
2-63 obligations issued or incurred under Subsection (b) of this section
2-64 may not exceed one-fourth of the assessed value of the real property
2-65 in the district.

2-66 (d) Sections 49.181 and 49.182, Water Code, do not apply to
2-67 projects undertaken by the district under Section 8(b) of this Act
2-68 or to bonds issued by the district under Subsection (b) of this
2-69 section.

3-1 SECTION 10. EMINENT DOMAIN. The district may exercise the
3-2 right of eminent domain, as provided by Section 49.222, Water Code,
3-3 only within the boundaries of the district.

3-4 SECTION 11. BOARD OF DIRECTORS. (a) The district is
3-5 governed by a board of five directors.

3-6 (b) Temporary directors serve until initial directors are
3-7 elected under Section 13 of this Act.

3-8 (c) Initial directors serve until permanent directors are
3-9 elected under Section 14 of this Act.

3-10 (d) Permanent directors serve staggered four-year terms.

3-11 (e) Each director must qualify to serve as director in the
3-12 manner provided by Section 49.055, Water Code.

3-13 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
3-14 after the effective date of this Act, a person who owns land in the
3-15 district may submit a petition to the commission requesting that
3-16 the commission appoint as temporary directors the five persons
3-17 named in the petition.

3-18 (b) Subject to Subsection (e) of this section, the
3-19 commission shall appoint as temporary directors the five persons
3-20 named in the first petition received by the commission.

3-21 (c) If a temporary director fails to qualify for office, the
3-22 commission shall appoint a person to fill the vacancy.

3-23 (d) As soon as practicable after all of the temporary
3-24 directors have qualified, the temporary directors shall meet and
3-25 elect officers from among their membership.

3-26 (e) The commission may appoint temporary directors for a
3-27 district that is located wholly or in part within an area designated
3-28 by ordinance or resolution of the governing body of a municipality
3-29 with a population of less than 5,000 as the water service area,
3-30 extraterritorial jurisdiction, or corporate limits of that
3-31 municipality only if the municipality has given its express written
3-32 consent to the creation of the district. The municipality may give
3-33 its consent only on the execution of a written agreement between the
3-34 developer of the district and a school district affiliated with the
3-35 municipality providing that the district will:

3-36 (1) fund the construction of buildings and
3-37 improvements for the school district; and

3-38 (2) establish an educational fund for the school
3-39 district of an amount based on an annually determined transaction
3-40 fee on the sale and resale of any home within the district
3-41 boundaries for the duration of the existence of the district.

3-42 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

3-43 (a) Subject to Subsection (b) of this section, the temporary board
3-44 of directors shall call and hold an election to confirm
3-45 establishment of the district and to elect five initial directors
3-46 in the manner provided by Chapter 49, Water Code.

3-47 (b) The temporary board of directors may call and hold an
3-48 election to confirm establishment of a district that is located
3-49 wholly or in part within an area designated by ordinance or
3-50 resolution of the governing body of a municipality with a
3-51 population of less than 5,000 as the water service area,
3-52 extraterritorial jurisdiction, or corporate limits of that
3-53 municipality only if the municipality has given its express written
3-54 consent to the creation of the district. The municipality may give
3-55 its consent only on the execution of a written agreement between the
3-56 developer of the district and a school district affiliated with the
3-57 municipality providing that the district will:

3-58 (1) fund the construction of buildings and
3-59 improvements for the school district; and

3-60 (2) establish an educational fund for the school
3-61 district of an amount based on an annually determined transaction
3-62 fee on the sale and resale of any home within the district
3-63 boundaries for the duration of the existence of the district.

3-64 SECTION 14. ELECTION OF DIRECTORS. The board shall call and
3-65 hold elections to elect permanent directors in the manner provided
3-66 by Chapter 49, Water Code.

3-67 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

3-68 (a) The legal notice of the intention to introduce this Act,
3-69 setting forth the general substance of this Act, has been published

4-1 as provided by law, and the notice and a copy of this Act have been
4-2 furnished to all persons, agencies, officials, or entities to which
4-3 they are required to be furnished under Section 59, Article XVI,
4-4 Texas Constitution, and Chapter 313, Government Code.

4-5 (b) The governor has submitted the notice and Act to the
4-6 commission.

4-7 (c) The commission has filed its recommendations relating
4-8 to this Act with the governor, lieutenant governor, and speaker of
4-9 the house of representatives within the required time.

4-10 (d) All requirements of the constitution and laws of this
4-11 state and the rules and procedures of the legislature with respect
4-12 to the notice, introduction, and passage of this Act are fulfilled
4-13 and accomplished.

4-14 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4-15 takes effect September 1, 2003.

4-16 (b) If the creation of the district is not confirmed at a
4-17 confirmation election held under Section 13 of this Act before
4-18 September 1, 2005, this Act expires on that date.

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