

By: Brown of Kaufman

H.B. No. 3618

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. 5 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. 5 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. 5 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 tract of land described as Tract K31
11 in the deed to West Foundation, according to the deed filed for
12 record in Volume 720, Page 860 of the Deed Records of Kaufman
13 County, Texas, and being more particularly described by metes and
14 bounds as follows:

15 BEGINNING at a 5/8 inch iron rod found for the South corner of
16 said Tract K31, said iron rod being in County Road No. 269 (an
17 undefined width public roadway);

18 THENCE North 45 deg. 52 min. 38 sec. West, along the Southwest
19 boundary line of said Track K31, and generally along said County
20 Road No. 269, a distance of 2640.00 feet, said point being the
21 beginning of a non-tangent curve to the right having a radius of
22 2640.00 feet;

23 THENCE departing the Southwest boundary line of said Tract
24 K31, through a central angle of 90 deg. 07 min. 01 sec., an arc
25 length of 4152.29 feet, said non-tangent curve also having a long
26 chord which bears North 89 deg. 10 min. 52 sec. East, a distance of
27 3737.33 feet, to the Southeast boundary line of said Tract K31;

1 THENCE South 44 deg. 14 min. 23 sec. West, along the Southeast
2 boundary line of said Tract K31, a distance of 2640.00 feet, to the
3 POINT OF BEGINNING and containing 125.839 acres (5,481,550 square
4 feet) of land.

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

10 (1) the organization, existence, or validity of the
11 district;

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

13 (3) the legality or operation of the district or the
14 board.

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

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) macadamized, graveled, or paved roads and
3 turnpikes; or

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

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

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

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

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

27 (c) Initial directors serve until permanent directors are

1 elected under Section 13 of this Act.

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

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

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

10 (b) The commission shall appoint as temporary directors the
11 five persons named in the first petition received by the
12 commission.

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

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

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

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

25 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

26 (a) The legal notice of the intention to introduce this Act,
27 setting forth the general substance of this Act, has been published

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

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

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

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

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

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