

By: Brown of Kaufman

H.B. No. 3619

Substitute the following for H.B. No. 3619:

By: Callegari

C.S.H.B. No. 3619

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. 4 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. 4 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. 4 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 Martha Musick Survey, Abstract No. 312 and the J. G. Moore  
10 Survey, Abstract No. 309, Kaufman County, Texas, and being the  
11 remainder of those certain tracts of land described as Tracts K14  
12 through K20, in the deed the West Foundation, as filed for record in  
13 Volume 720, Page 860 of the Deed Records of Kaufman County, Texas,  
14 and being more particularly described by metes and bounds as  
15 follows:

16 BEGINNING at the intersection of the Southerly right-of-way  
17 line of Interstate 20 (a variable width right-of-way) and the  
18 Southeasterly right-of-way line of Farm-Market 741 (a variable  
19 width right-of-way at this point);

20 THENCE along the Southerly right-of-way line of said  
21 Interstate 20 as follows;

22 North 83 deg. 22 min. 27 sec. East, a distance of 751.86 feet; North  
23 88 deg. 29 min. 25 sec. East, a distance of 474.54 feet; South 84  
24 deg. 18 min. 42 sec. East, a distance of 952.45 feet; South 78 deg.  
25 59 min. 16 sec. East, a distance of 4.49 feet to the intersection of  
26 the Southerly right-of-way line of Interstate 20 and the  
27 Northeasterly boundary line of the aforementioned Tract K17, said

1 point also being the intersection of the said Southerly  
2 right-of-way line and the Southwesterly boundary line of that  
3 certain called 113.75 acre tract of land conveyed to Austin W.  
4 Shipley, according to the deed filed for record in Volume 270, Page  
5 221, Deed Records, Kaufman County, Texas;

6       THENCE South 45 deg. 06 min. 28 sec. East, along the common  
7 boundary line between said Tract K17 and said called 113.75 acre  
8 tract, at a distance of approximately 1240 feet passing the most  
9 Southerly corner of said called 113.75 acre tract and the East  
10 corner of that certain tract of land conveyed to Gordon T. West,  
11 according to the deed filed for record in Volume 1636, Page 43, Deed  
12 Records, Kaufman County, Texas, and continuing along the common  
13 boundary line between said Tract K17 and said Gordon T. West tract,  
14 in all a distance of 2131.39 feet to the Northwest boundary line of  
15 that certain called 300 acre tract of land conveyed to Gordon T.  
16 West, according to the deed filed for record in Volume 1636, Page  
17 43, Deed Records, Kaufman County, Texas;

18       THENCE South 44 deg. 34 min. 38 sec. West, along the common  
19 boundary line of said Tract K17 and said called 300 acre tract, and  
20 generally along a barbed wire fence, a distance of 1891.96 feet, to  
21 the South corner of said Tract K17 and the West corner of said  
22 called 300 acre tract, said iron rod also being the North corner of  
23 the aforementioned Tract K19;

24       THENCE South 46 deg. 09 min. 59 sec. East, along the common  
25 boundary line between said called 300 acre tract and said Tract K19,  
26 a distance of 3513.32 feet, to the Northwesterly right-of-way line  
27 of Griffin Lane (a 50 foot wide right-of-way);

1           THENCE South 43 deg. 50 min. 01 sec. West, along the  
2   Northwesterly right-of-way line of said Griffin Lane, a distance  
3   of 2649.80 feet, to the Northeasterly right-of-way line of the  
4   aforementioned Farm-Market 741;

5           THENCE along the Northeasterly right-of-way line of said  
6   Farm-Market 741 as follows;

7   North 45 deg. 13 min. 23 sec. West, a distance of 4.98 feet;

8   North 44 deg. 58 min. 23 sec. West, at a distance of 632.24 feet  
9   passing a wood monument found, and continuing in all a distance of  
10  755.05 feet, said point being the beginning of a curve to the left  
11  having a radius of 5774.58 feet;

12  Along said curve to the left, through a central angle of 12 deg. 08  
13  min. 00 sec., an arc length of 1222.86 feet, and having a long chord  
14  of North 51 deg. 02 min. 23 sec. West, 1220.58 feet;

15  North 57 deg. 06 min. 23 sec. West, generally along a barbed wire  
16  fence, a distance of 328.05 feet, said point being the beginning of  
17  a curve to the right having a radius of 11,382.09 feet;

18  Along said curve to the right and along said fence, through a  
19  central angle of 11 deg. 54 min. 00 sec., an arc length of 2363.99  
20  feet, and having a long chord which bears North 51 deg. 11 min. 23  
21  sec. West, 2359.75 feet;

22  North 45 deg. 14 min. 23 sec. West, generally along said fence, a  
23  distance of 1653.79 feet, said point being the beginning of a curve  
24  to the right having a radius of 909.93 feet;

25           THENCE along said curve to the right and along the Easterly  
26  right-of-way line of said Farm-Market 741 and generally along said  
27  fence, through a central angle of 90 deg. 33 min. 04 sec., an arc

1 length of 1438.07 feet, and having a long chord which bears North 00  
2 deg. 02 min. 09 sec. East, 1293.01 feet;

3       THENCE along the Southeasterly right-of-way line of said  
4 Farm-Market 741 as follows;

5 North 45 deg. 18 min. 41 sec. East, a distance of 199.54 feet;

6 North 46 deg. 06 min. 41 sec. East, a distance of 1039.75 feet;

7 North 46 deg. 21 min. 41 sec. East, a distance of 759.38 feet, said  
8 point being the beginning of a curve to the left having a radius of  
9 999.93 feet;

10 Along said curve to the left, through a central angle of 14 deg. 28  
11 min. 00 sec., an arc length of 252.47 feet, and having a long chord  
12 which bears North 39 deg. 07 min. 41 sec. East, 251.80 feet;

13 North 31 deg. 53 min. 41 sec. East, a distance of 210.50 feet, said  
14 point being the beginning of a curve to the right having a radius of  
15 909.38 feet;

16 Along said curve to the right, through a central angle of 01 deg. 00  
17 min. 31 sec., an arc length of 16.01 feet, and having a long chord  
18 which bears North 32 deg. 23 min. 57 sec. East, 16.01 feet to the  
19 POINT OF BEGINNING and containing 606.441 acres (26,416,564 square  
20 feet) of land.

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

26               (1) the organization, existence, or validity of the  
27 district;

- 1           (2) the right of the district to impose taxes; or
- 2           (3) the legality or operation of the district or the
- 3 board.

4           SECTION 7. GENERAL POWERS. (a) Except as provided by

5 Subsection (b) of this section, the district has all of the rights,

6 powers, privileges, authority, functions, and duties provided by

7 the general law of this state, including Chapters 49 and 54, Water

8 Code, applicable to municipal utility districts created under

9 Section 59, Article XVI, Texas Constitution. This Act prevails

10 over any provision of general law that is in conflict or

11 inconsistent with this Act.

12           (b) The district may not provide retail water service to an

13 area designated by ordinance or resolution of the governing body of

14 a municipality as within the water service area, extraterritorial

15 jurisdiction, or corporate limits of that municipality if the

16 municipality:

- 17           (1) has a population of less than 5,000; and
- 18           (2) has not given its express written consent.

19           SECTION 8. ADDITIONAL POWERS. (a) The district has the

20 additional rights, powers, privileges, authority, and functions

21 provided by this section.

22           (b) To the extent authorized by Section 52, Article III,

23 Texas Constitution, the district may provide for the construction,

24 maintenance, and operation inside or outside the boundaries of the

25 district of:

- 26           (1) paved roads and turnpikes; or
- 27           (2) works, facilities, or improvements related to the

1 roads and turnpikes.

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

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

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

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

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

23 SECTION 11. 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 13 of this Act.

27 (c) Initial directors serve until permanent directors are

1 elected under Section 14 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 12. 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) Subject to Subsection (e) of this section, the  
11 commission shall appoint as temporary directors the five persons  
12 named in the first petition received by the 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 (e) The commission may appoint temporary directors for a  
19 district that is located wholly or in part within an area designated  
20 by ordinance or resolution of the governing body of a municipality  
21 with a population of less than 5,000 as the water service area,  
22 extraterritorial jurisdiction, or corporate limits of that  
23 municipality only if the municipality has given its express written  
24 consent to the creation of the district. The municipality may give  
25 its consent only on the execution of a written agreement between the  
26 developer of the district and a school district affiliated with the  
27 municipality providing that the district will:



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

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

7           SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

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

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

23           (1) fund the construction of buildings and  
24 improvements for the school district; and

25           (2) establish an educational fund for the school  
26 district of an amount based on an annually determined transaction  
27 fee on the sale and resale of any home within the district

1 boundaries for the duration of the existence of the district.

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

5 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

12 (b) The governor has submitted the notice and Act to the  
13 commission.

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

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

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

23 (b) If the creation of the district is not confirmed at a  
24 confirmation election held under Section 13 of this Act before  
25 September 1, 2005, this Act expires on that date.