

1-1 By: Brown of Kaufman (Senate Sponsor - Deuell) H.B. No. 3619
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. 4 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. 4 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. 4 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 Martha Musick Survey, Abstract No. 312 and the J. G. Moore
1-40 Survey, Abstract No. 309, Kaufman County, Texas, and being the
1-41 remainder of those certain tracts of land described as Tracts K14
1-42 through K20, in the deed the West Foundation, as filed for record in
1-43 Volume 720, Page 860 of the Deed Records of Kaufman County, Texas,
1-44 and being more particularly described by metes and bounds as
1-45 follows:

1-46 BEGINNING at the intersection of the Southerly right-of-way
1-47 line of Interstate 20 (a variable width right-of-way) and the
1-48 Southeasterly right-of-way line of Farm-Market 741 (a variable
1-49 width right-of-way at this point);

1-50 THENCE along the Southerly right-of-way line of said
1-51 Interstate 20 as follows;

1-52 North 83 deg. 22 min. 27 sec. East, a distance of 751.86 feet; North
1-53 88 deg. 29 min. 25 sec. East, a distance of 474.54 feet; South 84
1-54 deg. 18 min. 42 sec. East, a distance of 952.45 feet; South 78 deg.
1-55 59 min. 16 sec. East, a distance of 4.49 feet to the intersection of
1-56 the Southerly right-of-way line of Interstate 20 and the
1-57 Northeasterly boundary line of the aforementioned Tract K17, said
1-58 point also being the intersection of the said Southerly
1-59 right-of-way line and the Southwesterly boundary line of that
1-60 certain called 113.75 acre tract of land conveyed to Austin W.
1-61 Shipley, according to the deed filed for record in Volume 270, Page
1-62 221, Deed Records, Kaufman County, Texas;

1-63 THENCE South 45 deg. 06 min. 28 sec. East, along the common
1-64 boundary line between said Tract K17 and said called 113.75 acre
1-65 tract, at a distance of approximately 1240 feet passing the most
1-66 Southerly corner of said called 113.75 acre tract and the East

2-1 corner of that certain tract of land conveyed to Gordon T. West,
 2-2 according to the deed filed for record in Volume 1636, Page 43, Deed
 2-3 Records, Kaufman County, Texas, and continuing along the common
 2-4 boundary line between said Tract K17 and said Gordon T. West tract,
 2-5 in all a distance of 2131.39 feet to the Northwest boundary line of
 2-6 that certain called 300 acre tract of land conveyed to Gordon T.
 2-7 West, according to the deed filed for record in Volume 1636, Page
 2-8 43, Deed Records, Kaufman County, Texas;

2-9 THENCE South 44 deg. 34 min. 38 sec. West, along the common
 2-10 boundary line of said Tract K17 and said called 300 acre tract, and
 2-11 generally along a barbed wire fence, a distance of 1891.96 feet, to
 2-12 the South corner of said Tract K17 and the West corner of said
 2-13 called 300 acre tract, said iron rod also being the North corner of
 2-14 the aforementioned Tract K19;

2-15 THENCE South 46 deg. 09 min. 59 sec. East, along the common
 2-16 boundary line between said called 300 acre tract and said Tract K19,
 2-17 a distance of 3513.32 feet, to the Northwesterly right-of-way line
 2-18 of Griffin Lane (a 50 foot wide right-of-way);

2-19 THENCE South 43 deg. 50 min. 01 sec. West, along the
 2-20 Northwesterly right-of-way line of said Griffin Lane, a distance
 2-21 of 2649.80 feet, to the Northeasterly right-of-way line of the
 2-22 aforementioned Farm-Market 741;

2-23 THENCE along the Northeasterly right-of-way line of said
 2-24 Farm-Market 741 as follows;

2-25 North 45 deg. 13 min. 23 sec. West, a distance of 4.98 feet;

2-26 North 44 deg. 58 min. 23 sec. West, at a distance of 632.24 feet
 2-27 passing a wood monument found, and continuing in all a distance of
 2-28 755.05 feet, said point being the beginning of a curve to the left
 2-29 having a radius of 5774.58 feet;

2-30 Along said curve to the left, through a central angle of 12 deg. 08
 2-31 min. 00 sec., an arc length of 1222.86 feet, and having a long chord
 2-32 of North 51 deg. 02 min. 23 sec. West, 1220.58 feet;

2-33 North 57 deg. 06 min. 23 sec. West, generally along a barbed wire
 2-34 fence, a distance of 328.05 feet, said point being the beginning of
 2-35 a curve to the right having a radius of 11,382.09 feet;

2-36 Along said curve to the right and along said fence, through a
 2-37 central angle of 11 deg. 54 min. 00 sec., an arc length of 2363.99
 2-38 feet, and having a long chord which bears North 51 deg. 11 min. 23
 2-39 sec. West, 2359.75 feet;

2-40 North 45 deg. 14 min. 23 sec. West, generally along said fence, a
 2-41 distance of 1653.79 feet, said point being the beginning of a curve
 2-42 to the right having a radius of 909.93 feet;

2-43 THENCE along said curve to the right and along the Easterly
 2-44 right-of-way line of said Farm-Market 741 and generally along said
 2-45 fence, through a central angle of 90 deg. 33 min. 04 sec., an arc
 2-46 length of 1438.07 feet, and having a long chord which bears North 00
 2-47 deg. 02 min. 09 sec. East, 1293.01 feet;

2-48 THENCE along the Southeasterly right-of-way line of said
 2-49 Farm-Market 741 as follows;

2-50 North 45 deg. 18 min. 41 sec. East, a distance of 199.54 feet;

2-51 North 46 deg. 06 min. 41 sec. East, a distance of 1039.75 feet;

2-52 North 46 deg. 21 min. 41 sec. East, a distance of 759.38 feet, said
 2-53 point being the beginning of a curve to the left having a radius of
 2-54 999.93 feet;

2-55 Along said curve to the left, through a central angle of 14 deg. 28
 2-56 min. 00 sec., an arc length of 252.47 feet, and having a long chord
 2-57 which bears North 39 deg. 07 min. 41 sec. East, 251.80 feet;

2-58 North 31 deg. 53 min. 41 sec. East, a distance of 210.50 feet, said
 2-59 point being the beginning of a curve to the right having a radius of
 2-60 909.38 feet;

2-61 Along said curve to the right, through a central angle of 01 deg. 00
 2-62 min. 31 sec., an arc length of 16.01 feet, and having a long chord
 2-63 which bears North 32 deg. 23 min. 57 sec. East, 16.01 feet to the
 2-64 POINT OF BEGINNING and containing 606.441 acres (26,416,564 square
 2-65 feet) of land.

2-66 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
 2-67 legislature finds that the boundaries and field notes of the
 2-68 district form a closure. If a mistake is made in the field notes or
 2-69 in copying the field notes in the legislative process, the mistake

3-1 does not affect in any way:

- 3-2 (1) the organization, existence, or validity of the
- 3-3 district;
- 3-4 (2) the right of the district to impose taxes; or
- 3-5 (3) the legality or operation of the district or the
- 3-6 board.

3-7 SECTION 7. GENERAL POWERS. (a) Except as provided by
 3-8 Subsection (b) of this section, the district has all of the rights,
 3-9 powers, privileges, authority, functions, and duties provided by
 3-10 the general law of this state, including Chapters 49 and 54, Water
 3-11 Code, applicable to municipal utility districts created under
 3-12 Section 59, Article XVI, Texas Constitution. This Act prevails
 3-13 over any provision of general law that is in conflict or
 3-14 inconsistent with this Act.

3-15 (b) The district may not provide retail water service to an
 3-16 area designated by ordinance or resolution of the governing body of
 3-17 a municipality as within the water service area, extraterritorial
 3-18 jurisdiction, or corporate limits of that municipality if the
 3-19 municipality:

- 3-20 (1) has a population of less than 5,000; and
- 3-21 (2) has not given its express written consent.

3-22 SECTION 8. ADDITIONAL POWERS. (a) The district has the
 3-23 additional rights, powers, privileges, authority, and functions
 3-24 provided by this section.

3-25 (b) To the extent authorized by Section 52, Article III,
 3-26 Texas Constitution, the district may provide for the construction,
 3-27 maintenance, and operation inside or outside the boundaries of the
 3-28 district of:

- 3-29 (1) paved roads and turnpikes; or
- 3-30 (2) works, facilities, or improvements related to the
- 3-31 roads and turnpikes.

3-32 SECTION 9. BONDS. (a) The district may issue bonds as
 3-33 provided by Chapters 49 and 54, Water Code, and the general laws of
 3-34 this state.

3-35 (b) The district may issue bonds, notes, or other
 3-36 obligations of the district to finance construction, maintenance,
 3-37 and operation under Section 8 of this Act and may impose a tax to pay
 3-38 the principal of or interest on bonds issued under this subsection.

3-39 (c) The district may not issue bonds under Subsection (b) of
 3-40 this section unless the issuance is approved by a vote of a
 3-41 two-thirds majority of the qualified voters of the district voting
 3-42 at an election called for that purpose. Bonds, notes, or other
 3-43 obligations issued or incurred under Subsection (b) of this section
 3-44 may not exceed one-fourth of the assessed value of the real property
 3-45 in the district.

3-46 (d) Sections 49.181 and 49.182, Water Code, do not apply to
 3-47 projects undertaken by the district under Section 8(b) of this Act
 3-48 or to bonds issued by the district under Subsection (b) of this
 3-49 section.

3-50 SECTION 10. EMINENT DOMAIN. The district may exercise the
 3-51 right of eminent domain, as provided by Section 49.222, Water Code,
 3-52 only within the boundaries of the district.

3-53 SECTION 11. BOARD OF DIRECTORS. (a) The district is
 3-54 governed by a board of five directors.

3-55 (b) Temporary directors serve until initial directors are
 3-56 elected under Section 13 of this Act.

3-57 (c) Initial directors serve until permanent directors are
 3-58 elected under Section 14 of this Act.

3-59 (d) Permanent directors serve staggered four-year terms.

3-60 (e) Each director must qualify to serve as director in the
 3-61 manner provided by Section 49.055, Water Code.

3-62 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
 3-63 after the effective date of this Act, a person who owns land in the
 3-64 district may submit a petition to the commission requesting that
 3-65 the commission appoint as temporary directors the five persons
 3-66 named in the petition.

3-67 (b) Subject to Subsection (e) of this section, the
 3-68 commission shall appoint as temporary directors the five persons
 3-69 named in the first petition received by the commission.

4-1 (c) If a temporary director fails to qualify for office, the
4-2 commission shall appoint a person to fill the vacancy.

4-3 (d) As soon as practicable after all of the temporary
4-4 directors have qualified, the temporary directors shall meet and
4-5 elect officers from among their membership.

4-6 (e) The commission may appoint temporary directors for a
4-7 district that is located wholly or in part within an area designated
4-8 by ordinance or resolution of the governing body of a municipality
4-9 with a population of less than 5,000 as the water service area,
4-10 extraterritorial jurisdiction, or corporate limits of that
4-11 municipality only if the municipality has given its express written
4-12 consent to the creation of the district. The municipality may give
4-13 its consent only on the execution of a written agreement between the
4-14 developer of the district and a school district affiliated with the
4-15 municipality providing that the district will:

4-16 (1) fund the construction of buildings and
4-17 improvements for the school district; and

4-18 (2) establish an educational fund for the school
4-19 district of an amount based on an annually determined transaction
4-20 fee on the sale and resale of any home within the district
4-21 boundaries for the duration of the existence of the district.

4-22 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

4-23 (a) Subject to Subsection (b) of this section, the temporary board
4-24 of directors shall call and hold an election to confirm
4-25 establishment of the district and to elect five initial directors
4-26 in the manner provided by Chapter 49, Water Code.

4-27 (b) The temporary board of directors may call and hold an
4-28 election to confirm establishment of a district that is located
4-29 wholly or in part within an area designated by ordinance or
4-30 resolution of the governing body of a municipality with a
4-31 population of less than 5,000 as the water service area,
4-32 extraterritorial jurisdiction, or corporate limits of that
4-33 municipality only if the municipality has given its express written
4-34 consent to the creation of the district. The municipality may give
4-35 its consent only on the execution of a written agreement between the
4-36 developer of the district and a school district affiliated with the
4-37 municipality providing that the district will:

4-38 (1) fund the construction of buildings and
4-39 improvements for the school district; and

4-40 (2) establish an educational fund for the school
4-41 district of an amount based on an annually determined transaction
4-42 fee on the sale and resale of any home within the district
4-43 boundaries for the duration of the existence of the district.

4-44 SECTION 14. ELECTION OF DIRECTORS. The board shall call and
4-45 hold elections to elect permanent directors in the manner provided
4-46 by Chapter 49, Water Code.

4-47 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

4-48 (a) The legal notice of the intention to introduce this Act,
4-49 setting forth the general substance of this Act, has been published
4-50 as provided by law, and the notice and a copy of this Act have been
4-51 furnished to all persons, agencies, officials, or entities to which
4-52 they are required to be furnished under Section 59, Article XVI,
4-53 Texas Constitution, and Chapter 313, Government Code.

4-54 (b) The governor has submitted the notice and Act to the
4-55 commission.

4-56 (c) The commission has filed its recommendations relating
4-57 to this Act with the governor, lieutenant governor, and speaker of
4-58 the house of representatives within the required time.

4-59 (d) All requirements of the constitution and laws of this
4-60 state and the rules and procedures of the legislature with respect
4-61 to the notice, introduction, and passage of this Act are fulfilled
4-62 and accomplished.

4-63 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4-64 takes effect September 1, 2003.

4-65 (b) If the creation of the district is not confirmed at a
4-66 confirmation election held under Section 13 of this Act before
4-67 September 1, 2005, this Act expires on that date.

4-68 * * * * *