

By: Brown of Kaufman

H.B. No. 3620

Substitute the following for H.B. No. 3620:

By: Callegari

C.S.H.B. No. 3620

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. 3 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. 3 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. 3 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 J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and
10 being more particularly described by metes and bounds as follows:

11 BEGINNING at the intersection of the of the Northeasterly
12 right-of-way line of Farm-Market 2757 (a 100 foot wide
13 right-of-way), and the Northwesterly line of said J. G. Moore
14 Survey and the Southeasterly line of said Martha Musick Survey;

15 THENCE North 44 deg. 34 min. 48 sec. East, along the common
16 line between said J. G. Moore Survey and the Martha Musick Survey, a
17 distance of 1644.55 feet;

18 THENCE South 58 deg. 36 min. 37 sec. East, departing said
19 common line, a distance of 578.95 feet;

20 THENCE South 77 deg. 32 min. 02 sec. East, a distance of
21 731.98 feet;

22 THENCE North 87 deg. 16 min. 19 sec. East, a distance of
23 610.31 feet;

24 THENCE North 72 deg. 56 min. 15 sec. East, a distance of
25 778.38 feet;

26 THENCE North 81 deg. 36 min. 53 sec. East, a distance of
27 327.60 feet;

1 THENCE South 66 deg. 21 min. 14 sec. East, a distance of
2 1045.54 feet;

3 THENCE South 46 deg. 19 min. 02 sec. East, a distance of
4 1073.59 feet;

5 THENCE South 78 deg. 41 min. 33 sec. East, a distance of
6 280.00 feet;

7 THENCE South 49 deg. 43 min. 48 sec. East, a distance of
8 794.74 feet, to a point on the Northwesterly right-of-way line of
9 Farm- Market 741 (an 80 foot wide right-of-way);

10 THENCE along the Northwesterly right-of-way line of said
11 Farm- Market 741 as follows;

12 South 44 deg. 20 min. 25 sec. West, a distance of 1657.58
13 feet;

14 South 43 deg. 59 min. 38 sec. West, a distance of 2422.82
15 feet, to the intersection of the Northwesterly right-of-way line of
16 said Farm-Market 741 and the Northeasterly right-of-way line of the
17 aforementioned Farm-Market 2757;

18 THENCE along the Northeasterly right-of-way line of said
19 Farm-Market 2757 as follows;

20 South 89 deg. 23 min. 24 sec. West, a distance of 138.28 feet;

21 North 44 deg. 17 min. 39 sec. West, a distance of 1248.09
22 feet;

23 North 45 deg. 23 min. 39 sec. West, a distance of 624.62 feet;

24 North 45 deg. 36 min. 39 sec. West, a distance of 3302.91
25 feet, to the POINT OF BEGINNING and containing 392.241 acres
26 (17,086,006 square feet) of land.

27 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The

1 legislature finds that the boundaries and field notes of the
2 district form a closure. If a mistake is made in the field notes or
3 in copying the field notes in the legislative process, the mistake
4 does not affect in any way:

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

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

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

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

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

1 (b) To the extent authorized by Section 52, Article III,
2 Texas Constitution, the district may provide for the construction,
3 maintenance, and operation inside or outside the boundaries of the
4 district of:

5 (1) paved roads and turnpikes; or

6 (2) works, facilities, or improvements related to the
7 roads and turnpikes.

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

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

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

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

26 SECTION 10. EMINENT DOMAIN. The district may exercise the
27 right of eminent domain, as provided by Section 49.222, Water Code,

1 only within the boundaries of the district.

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

4 (b) Temporary directors serve until initial directors are
5 elected under Section 13 of this Act.

6 (c) Initial directors serve until permanent directors are
7 elected under Section 14 of this Act.

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

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

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

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

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

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

24 (e) The commission may appoint temporary directors for a
25 district that is located wholly or in part within an area designated
26 by ordinance or resolution of the governing body of a municipality
27 with a population of less than 5,000 as the water service area,

1 extraterritorial jurisdiction, or corporate limits of that
2 municipality only if the municipality has given its express written
3 consent to the creation of the district. The municipality may give
4 its consent only on the execution of a written agreement between the
5 developer of the district and a school district affiliated with the
6 municipality providing that the district will:

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

9 (2) establish an educational fund for the school
10 district of an amount based on an annually determined transaction
11 fee on the sale and resale of any home within the district
12 boundaries for the duration of the existence of the district.

13 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

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

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

1 municipality providing that the district will:

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

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

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

11 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

18 (b) The governor has submitted the notice and Act to the
19 commission.

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

23 (d) All requirements of the constitution and laws of this
24 state and the rules and procedures of the legislature with respect
25 to the notice, introduction, and passage of this Act are fulfilled
26 and accomplished.

27 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act

1 takes effect September 1, 2003.

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