

By: Brown of Kaufman

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

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

20 (b) To the extent authorized by Section 52, Article III,  
21 Texas Constitution, the district may provide for the construction,  
22 maintenance, and operation inside or outside the boundaries of the  
23 district of:

24 (1) macadamized, graveled, or paved roads and  
25 turnpikes; or

26 (2) works, facilities, or improvements related to the  
27 roads and turnpikes.

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

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

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

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

18 SECTION 10. BOARD OF DIRECTORS. (a) The district is  
19 governed by a board of five directors.

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

22 (c) Initial directors serve until permanent directors are  
23 elected under Section 13 of this Act.

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

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

27 SECTION 11. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or

1 after the effective date of this Act, a person who owns land in the  
2 district may submit a petition to the commission requesting that  
3 the commission appoint as temporary directors the five persons  
4 named in the petition.

5 (b) The commission shall appoint as temporary directors the  
6 five persons named in the first petition received by the  
7 commission.

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

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

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

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

20 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

27 (b) The governor has submitted the notice and Act to the

1 commission.

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

5 (d) All requirements of the constitution and laws of this  
6 state and the rules and procedures of the legislature with respect  
7 to the notice, introduction, and passage of this Act are fulfilled  
8 and accomplished.

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

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