

1-1 By: Brown of Kaufman (Senate Sponsor - Deuell) H.B. No. 3620
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. 3 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. 3 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. 3 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 J. G. Moore Survey, Abstract No. 309, Kaufman County, Texas, and
1-40 being more particularly described by metes and bounds as follows:

1-41 BEGINNING at the intersection of the of the Northeasterly
1-42 right-of-way line of Farm-Market 2757 (a 100 foot wide
1-43 right-of-way), and the Northwesterly line of said J. G. Moore
1-44 Survey and the Southeasterly line of said Martha Musick Survey;

1-45 THENCE North 44 deg. 34 min. 48 sec. East, along the common
1-46 line between said J. G. Moore Survey and the Martha Musick Survey, a
1-47 distance of 1644.55 feet;

1-48 THENCE South 58 deg. 36 min. 37 sec. East, departing said
1-49 common line, a distance of 578.95 feet;

1-50 THENCE South 77 deg. 32 min. 02 sec. East, a distance of
1-51 731.98 feet;

1-52 THENCE North 87 deg. 16 min. 19 sec. East, a distance of
1-53 610.31 feet;

1-54 THENCE North 72 deg. 56 min. 15 sec. East, a distance of
1-55 778.38 feet;

1-56 THENCE North 81 deg. 36 min. 53 sec. East, a distance of
1-57 327.60 feet;

1-58 THENCE South 66 deg. 21 min. 14 sec. East, a distance of
1-59 1045.54 feet;

1-60 THENCE South 46 deg. 19 min. 02 sec. East, a distance of
1-61 1073.59 feet;

1-62 THENCE South 78 deg. 41 min. 33 sec. East, a distance of
1-63 280.00 feet;

1-64 THENCE South 49 deg. 43 min. 48 sec. East, a distance of

2-1 794.74 feet, to a point on the Northwesterly right-of-way line of
2-2 Farm- Market 741 (an 80 foot wide right-of-way);
2-3 THENCE along the Northwesterly right-of-way line of said
2-4 Farm- Market 741 as follows;
2-5 South 44 deg. 20 min. 25 sec. West, a distance of 1657.58
2-6 feet;
2-7 South 43 deg. 59 min. 38 sec. West, a distance of 2422.82
2-8 feet, to the intersection of the Northwesterly right-of-way line of
2-9 said Farm-Market 741 and the Northeasterly right-of-way line of the
2-10 aforementioned Farm-Market 2757;

2-11 THENCE along the Northeasterly right-of-way line of said
2-12 Farm-Market 2757 as follows;
2-13 South 89 deg. 23 min. 24 sec. West, a distance of 138.28 feet;
2-14 North 44 deg. 17 min. 39 sec. West, a distance of 1248.09
2-15 feet;
2-16 North 45 deg. 23 min. 39 sec. West, a distance of 624.62 feet;
2-17 North 45 deg. 36 min. 39 sec. West, a distance of 3302.91
2-18 feet, to the POINT OF BEGINNING and containing 392.241 acres
2-19 (17,086,006 square feet) of land.

2-20 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
2-21 legislature finds that the boundaries and field notes of the
2-22 district form a closure. If a mistake is made in the field notes or
2-23 in copying the field notes in the legislative process, the mistake
2-24 does not affect in any way:

- 2-25 (1) the organization, existence, or validity of the
- 2-26 district;
- 2-27 (2) the right of the district to impose taxes; or
- 2-28 (3) the legality or operation of the district or the
- 2-29 board.

2-30 SECTION 7. GENERAL POWERS. (a) Except as provided by
2-31 Subsection (b) of this section, the district has all of the rights,
2-32 powers, privileges, authority, functions, and duties provided by
2-33 the general law of this state, including Chapters 49 and 54, Water
2-34 Code, applicable to municipal utility districts created under
2-35 Section 59, Article XVI, Texas Constitution. This Act prevails
2-36 over any provision of general law that is in conflict or
2-37 inconsistent with this Act.

2-38 (b) The district may not provide retail water service to an
2-39 area designated by ordinance or resolution of the governing body of
2-40 a municipality as within the water service area, extraterritorial
2-41 jurisdiction, or corporate limits of that municipality if the
2-42 municipality:

- 2-43 (1) has a population of less than 5,000; and
- 2-44 (2) has not given its express written consent.

2-45 SECTION 8. ADDITIONAL POWERS. (a) The district has the
2-46 additional rights, powers, privileges, authority, and functions
2-47 provided by this section.

2-48 (b) To the extent authorized by Section 52, Article III,
2-49 Texas Constitution, the district may provide for the construction,
2-50 maintenance, and operation inside or outside the boundaries of the
2-51 district of:

- 2-52 (1) paved roads and turnpikes; or
- 2-53 (2) works, facilities, or improvements related to the
- 2-54 roads and turnpikes.

2-55 SECTION 9. BONDS. (a) The district may issue bonds as
2-56 provided by Chapters 49 and 54, Water Code, and the general laws of
2-57 this state.

2-58 (b) The district may issue bonds, notes, or other
2-59 obligations of the district to finance construction, maintenance,
2-60 and operation under Section 8 of this Act and may impose a tax to pay
2-61 the principal of or interest on bonds issued under this subsection.

2-62 (c) The district may not issue bonds under Subsection (b) of
2-63 this section unless the issuance is approved by a vote of a
2-64 two-thirds majority of the qualified voters of the district voting
2-65 at an election called for that purpose. Bonds, notes, or other
2-66 obligations issued or incurred under Subsection (b) of this section
2-67 may not exceed one-fourth of the assessed value of the real property
2-68 in the district.

2-69 (d) Sections 49.181 and 49.182, Water Code, do not apply to

3-1 projects undertaken by the district under Section 8(b) of this Act
3-2 or to bonds issued by the district under Subsection (b) of this
3-3 section.

3-4 SECTION 10. EMINENT DOMAIN. The district may exercise the
3-5 right of eminent domain, as provided by Section 49.222, Water Code,
3-6 only within the boundaries of the district.

3-7 SECTION 11. BOARD OF DIRECTORS. (a) The district is
3-8 governed by a board of five directors.

3-9 (b) Temporary directors serve until initial directors are
3-10 elected under Section 13 of this Act.

3-11 (c) Initial directors serve until permanent directors are
3-12 elected under Section 14 of this Act.

3-13 (d) Permanent directors serve staggered four-year terms.

3-14 (e) Each director must qualify to serve as director in the
3-15 manner provided by Section 49.055, Water Code.

3-16 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
3-17 after the effective date of this Act, a person who owns land in the
3-18 district may submit a petition to the commission requesting that
3-19 the commission appoint as temporary directors the five persons
3-20 named in the petition.

3-21 (b) Subject to Subsection (e) of this section, the
3-22 commission shall appoint as temporary directors the five persons
3-23 named in the first petition received by the commission.

3-24 (c) If a temporary director fails to qualify for office, the
3-25 commission shall appoint a person to fill the vacancy.

3-26 (d) As soon as practicable after all of the temporary
3-27 directors have qualified, the temporary directors shall meet and
3-28 elect officers from among their membership.

3-29 (e) The commission may appoint temporary directors for a
3-30 district that is located wholly or in part within an area designated
3-31 by ordinance or resolution of the governing body of a municipality
3-32 with a population of less than 5,000 as the water service area,
3-33 extraterritorial jurisdiction, or corporate limits of that
3-34 municipality only if the municipality has given its express written
3-35 consent to the creation of the district. The municipality may give
3-36 its consent only on the execution of a written agreement between the
3-37 developer of the district and a school district affiliated with the
3-38 municipality providing that the district will:

3-39 (1) fund the construction of buildings and
3-40 improvements for the school district; and

3-41 (2) establish an educational fund for the school
3-42 district of an amount based on an annually determined transaction
3-43 fee on the sale and resale of any home within the district
3-44 boundaries for the duration of the existence of the district.

3-45 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

3-46 (a) Subject to Subsection (b) of this section, the temporary board
3-47 of directors shall call and hold an election to confirm
3-48 establishment of the district and to elect five initial directors
3-49 in the manner provided by Chapter 49, Water Code.

3-50 (b) The temporary board of directors may call and hold an
3-51 election to confirm establishment of a district that is located
3-52 wholly or in part within an area designated by ordinance or
3-53 resolution of the governing body of a municipality with a
3-54 population of less than 5,000 as the water service area,
3-55 extraterritorial jurisdiction, or corporate limits of that
3-56 municipality only if the municipality has given its express written
3-57 consent to the creation of the district. The municipality may give
3-58 its consent only on the execution of a written agreement between the
3-59 developer of the district and a school district affiliated with the
3-60 municipality providing that the district will:

3-61 (1) fund the construction of buildings and
3-62 improvements for the school district; and

3-63 (2) establish an educational fund for the school
3-64 district of an amount based on an annually determined transaction
3-65 fee on the sale and resale of any home within the district
3-66 boundaries for the duration of the existence of the district.

3-67 SECTION 14. ELECTION OF DIRECTORS. The board shall call and
3-68 hold elections to elect permanent directors in the manner provided
3-69 by Chapter 49, Water Code.

4-1 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.
4-2 (a) The legal notice of the intention to introduce this Act,
4-3 setting forth the general substance of this Act, has been published
4-4 as provided by law, and the notice and a copy of this Act have been
4-5 furnished to all persons, agencies, officials, or entities to which
4-6 they are required to be furnished under Section 59, Article XVI,
4-7 Texas Constitution, and Chapter 313, Government Code.

4-8 (b) The governor has submitted the notice and Act to the
4-9 commission.

4-10 (c) The commission has filed its recommendations relating
4-11 to this Act with the governor, lieutenant governor, and speaker of
4-12 the house of representatives within the required time.

4-13 (d) All requirements of the constitution and laws of this
4-14 state and the rules and procedures of the legislature with respect
4-15 to the notice, introduction, and passage of this Act are fulfilled
4-16 and accomplished.

4-17 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
4-18 takes effect September 1, 2003.

4-19 (b) If the creation of the district is not confirmed at a
4-20 confirmation election held under Section 13 of this Act before
4-21 September 1, 2005, this Act expires on that date.

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