

By: Brown of Kaufman

H.B. No. 3621

Substitute the following for H.B. No. 3621:

By: Callegari

C.S.H.B. No. 3621

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. 2 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. 2 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. 2 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 a portion of that certain tract of land described as Tract K31
11 in the deed to West Foundation, according to the deed filed for
12 record in Volume 720, Page 860 of the Deed Records of Kaufman
13 County, Texas, and being more particularly described by metes and
14 bounds as follows:

15 BEGINNING at the intersection of the Southwesterly boundary
16 line of said Tract K31 and the Southeasterly right-of-way line of
17 Farm-Market 741 (a 90 foot wide right-of-way), said iron rod being
18 in the center of County Road No. 269;

19 THENCE along the Southwesterly right-of-way line of said
20 Farm-Market 741 as follows:

21 North 43 deg. 59 min. 38 sec. East, along the Southeasterly
22 right-of-way line of said Farm-Market 741, a distance of 2525.09
23 feet;

24 North 44 deg. 20 min. 25 sec. East, a distance of 4582.54
25 feet, to the beginning of a curve to the left having a radius of
26 761.20 feet;

27 Along said curve to the left, through a central angle of 11

1 deg. 23 min. 36 sec., an arc length of 151.37 feet and having a long
2 chord which bears North 38 deg. 38 min. 37 sec. East, 151.12 feet;

3 North 44 deg. 20 min. 25 sec. East, a distance of 463.83 feet,
4 to the beginning of a curve to the left having a radius of 127.30
5 feet;

6 Along said curve to the left, through a central angle of 40
7 deg. 09 min. 07 sec., an arc length of 89.21 feet and having a long
8 chord which bears North 24 deg. 15 min. 15 min. East, 87.40 feet;

9 THENCE North 44 deg. 20 min. 24 sec. East, along the
10 Northwesterly line of said Tract K31, a distance of 14.48 feet, to a
11 point in County Road No. 260 (an undefined width right of way);

12 THENCE South 46 deg. 07 min. 54 sec. East, along said County
13 Road No. 260, a distance of 3434.03 feet;

14 THENCE South 44 deg. 14 min. 23 sec. West, departing said
15 County Road No. 260, a distance of 5193.79 feet, to the beginning of
16 a non-tangent curve to the left having a radius of 2640.00 feet;

17 THENCE along said non-tangent curve to the left, through a
18 central angle of 90 deg. 07 min. 01 sec., an arc length of 4152.29
19 feet, and having a long chord which bears South 89 deg. 10 min. 52
20 sec. West, 3737.33 feet, to a point in County Road No. 269 (an
21 undefined width right-of-way);

22 THENCE North 45 deg. 52 min. 38 sec. West, along said County
23 Road No. 269, a distance of 747.41 feet to the POINT OF BEGINNING
24 and containing 484.081 acres (21,086,547 square feet) of land.

25 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
26 legislature finds that the boundaries and field notes of the
27 district form a closure. If a mistake is made in the field notes or

1 in copying the field notes in the legislative process, the mistake
2 does not affect in any way:

3 (1) the organization, existence, or validity of the
4 district;

5 (2) the right of the district to impose taxes; or

6 (3) the legality or operation of the district or the
7 board.

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

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

21 (1) has a population of less than 5,000; and

22 (2) has not given its express written consent.

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

26 (b) To the extent authorized by Section 52, Article III,
27 Texas Constitution, the district may provide for the construction,

1 maintenance, and operation inside or outside the boundaries of the
2 district of:

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

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

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

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

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

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

27 SECTION 11. BOARD OF DIRECTORS. (a) The district is

1 governed by a board of five directors.

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

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

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

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

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

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

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

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

22 (e) The commission may appoint temporary directors for a
23 district that is located wholly or in part within an area designated
24 by ordinance or resolution of the governing body of a municipality
25 with a population of less than 5,000 as the water service area,
26 extraterritorial jurisdiction, or corporate limits of that
27 municipality only if the municipality has given its express written

1 consent to the creation of the district. The municipality may give
2 its consent only on the execution of a written agreement between the
3 developer of the district and a school district affiliated with the
4 municipality providing that the district will:

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

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

11 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

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

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

27 (1) fund the construction of buildings and

1 improvements for the school district; and

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

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

9 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

16 (b) The governor has submitted the notice and Act to the
17 commission.

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

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

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

27 (b) If the creation of the district is not confirmed at a

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1 confirmation election held under Section 13 of this Act before
2 September 1, 2005, this Act expires on that date.