

By: Brown of Kaufman

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

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

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

22 (1) macadamized, graveled, or paved roads and
23 turnpikes; or

24 (2) works, facilities, or improvements related to the
25 roads and turnpikes.

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

1 this state.

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

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

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

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

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

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

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

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

25 SECTION 11. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
26 after the effective date of this Act, a person who owns land in the
27 district may submit a petition to the commission requesting that

1 the commission appoint as temporary directors the five persons
2 named in the petition.

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

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

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

11 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

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

15 SECTION 13. ELECTION OF DIRECTORS. The board shall call and

16 hold elections to elect permanent directors in the manner provided
17 by Chapter 49, Water Code.

18 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

25 (b) The governor has submitted the notice and Act to the
26 commission.

27 (c) The commission has filed its recommendations relating

1 to this Act with the governor, lieutenant governor, and speaker of
2 the house of representatives within the required time.

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

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

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