

1-1 By: Brown of Kaufman (Senate Sponsor - Deuell) H.B. No. 3621  
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. 2 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. 2 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. 2 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 a portion of that certain tract of land described as Tract K31  
1-41 in the deed to West Foundation, according to the deed filed for  
1-42 record in Volume 720, Page 860 of the Deed Records of Kaufman  
1-43 County, Texas, and being more particularly described by metes and  
1-44 bounds as follows:

1-45 BEGINNING at the intersection of the Southwesterly boundary  
1-46 line of said Tract K31 and the Southeasterly right-of-way line of  
1-47 Farm-Market 741 (a 90 foot wide right-of-way), said iron rod being  
1-48 in the center of County Road No. 269;

1-49 THENCE along the Southwesterly right-of-way line of said  
1-50 Farm-Market 741 as follows:

1-51 North 43 deg. 59 min. 38 sec. East, along the Southeasterly  
1-52 right-of-way line of said Farm-Market 741, a distance of 2525.09  
1-53 feet;

1-54 North 44 deg. 20 min. 25 sec. East, a distance of 4582.54  
1-55 feet, to the beginning of a curve to the left having a radius of  
1-56 761.20 feet;

1-57 Along said curve to the left, through a central angle of 11  
1-58 deg. 23 min. 36 sec., an arc length of 151.37 feet and having a long  
1-59 chord which bears North 38 deg. 38 min. 37 sec. East, 151.12 feet;

1-60 North 44 deg. 20 min. 25 sec. East, a distance of 463.83 feet,  
1-61 to the beginning of a curve to the left having a radius of 127.30  
1-62 feet;

1-63 Along said curve to the left, through a central angle of 40  
1-64 deg. 09 min. 07 sec., an arc length of 89.21 feet and having a long

2-1 chord which bears North 24 deg. 15 min. 15 min. East, 87.40 feet;  
2-2 THENCE North 44 deg. 20 min. 24 sec. East, along the  
2-3 Northwesterly line of said Tract K31, a distance of 14.48 feet, to a  
2-4 point in County Road No. 260 (an undefined width right of way);  
2-5 THENCE South 46 deg. 07 min. 54 sec. East, along said County  
2-6 Road No. 260, a distance of 3434.03 feet;  
2-7 THENCE South 44 deg. 14 min. 23 sec. West, departing said  
2-8 County Road No. 260, a distance of 5193.79 feet, to the beginning of  
2-9 a non-tangent curve to the left having a radius of 2640.00 feet;  
2-10 THENCE along said non-tangent curve to the left, through a  
2-11 central angle of 90 deg. 07 min. 01 sec., an arc length of 4152.29  
2-12 feet, and having a long chord which bears South 89 deg. 10 min. 52  
2-13 sec. West, 3737.33 feet, to a point in County Road No. 269 (an  
2-14 undefined width right-of-way);  
2-15 THENCE North 45 deg. 52 min. 38 sec. West, along said County  
2-16 Road No. 269, a distance of 747.41 feet to the POINT OF BEGINNING  
2-17 and containing 484.081 acres (21,086,547 square feet) of land.  
2-18 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The  
2-19 legislature finds that the boundaries and field notes of the  
2-20 district form a closure. If a mistake is made in the field notes or  
2-21 in copying the field notes in the legislative process, the mistake  
2-22 does not affect in any way:  
2-23 (1) the organization, existence, or validity of the  
2-24 district;  
2-25 (2) the right of the district to impose taxes; or  
2-26 (3) the legality or operation of the district or the  
2-27 board.  
2-28 SECTION 7. GENERAL POWERS. (a) Except as provided by  
2-29 Subsection (b) of this section, the district has all of the rights,  
2-30 powers, privileges, authority, functions, and duties provided by  
2-31 the general law of this state, including Chapters 49 and 54, Water  
2-32 Code, applicable to municipal utility districts created under  
2-33 Section 59, Article XVI, Texas Constitution. This Act prevails  
2-34 over any provision of general law that is in conflict or  
2-35 inconsistent with this Act.  
2-36 (b) The district may not provide retail water service to an  
2-37 area designated by ordinance or resolution of the governing body of  
2-38 a municipality as within the water service area, extraterritorial  
2-39 jurisdiction, or corporate limits of that municipality if the  
2-40 municipality:  
2-41 (1) has a population of less than 5,000; and  
2-42 (2) has not given its express written consent.  
2-43 SECTION 8. ADDITIONAL POWERS. (a) The district has the  
2-44 additional rights, powers, privileges, authority, and functions  
2-45 provided by this section.  
2-46 (b) To the extent authorized by Section 52, Article III,  
2-47 Texas Constitution, the district may provide for the construction,  
2-48 maintenance, and operation inside or outside the boundaries of the  
2-49 district of:  
2-50 (1) paved roads and turnpikes; or  
2-51 (2) works, facilities, or improvements related to the  
2-52 roads and turnpikes.  
2-53 SECTION 9. BONDS. (a) The district may issue bonds as  
2-54 provided by Chapters 49 and 54, Water Code, and the general laws of  
2-55 this state.  
2-56 (b) The district may issue bonds, notes, or other  
2-57 obligations of the district to finance construction, maintenance,  
2-58 and operation under Section 8 of this Act and may impose a tax to pay  
2-59 the principal of or interest on bonds issued under this subsection.  
2-60 (c) The district may not issue bonds under Subsection (b) of  
2-61 this section unless the issuance is approved by a vote of a  
2-62 two-thirds majority of the qualified voters of the district voting  
2-63 at an election called for that purpose. Bonds, notes, or other  
2-64 obligations issued or incurred under Subsection (b) of this section  
2-65 may not exceed one-fourth of the assessed value of the real property  
2-66 in the district.  
2-67 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
2-68 projects undertaken by the district under Section 8(b) of this Act  
2-69 or to bonds issued by the district under Subsection (b) of this

3-1 section.

3-2 SECTION 10. EMINENT DOMAIN. The district may exercise the  
3-3 right of eminent domain, as provided by Section 49.222, Water Code,  
3-4 only within the boundaries of the district.

3-5 SECTION 11. BOARD OF DIRECTORS. (a) The district is  
3-6 governed by a board of five directors.

3-7 (b) Temporary directors serve until initial directors are  
3-8 elected under Section 13 of this Act.

3-9 (c) Initial directors serve until permanent directors are  
3-10 elected under Section 14 of this Act.

3-11 (d) Permanent directors serve staggered four-year terms.

3-12 (e) Each director must qualify to serve as director in the  
3-13 manner provided by Section 49.055, Water Code.

3-14 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or  
3-15 after the effective date of this Act, a person who owns land in the  
3-16 district may submit a petition to the commission requesting that  
3-17 the commission appoint as temporary directors the five persons  
3-18 named in the petition.

3-19 (b) Subject to Subsection (e) of this section, the  
3-20 commission shall appoint as temporary directors the five persons  
3-21 named in the first petition received by the commission.

3-22 (c) If a temporary director fails to qualify for office, the  
3-23 commission shall appoint a person to fill the vacancy.

3-24 (d) As soon as practicable after all of the temporary  
3-25 directors have qualified, the temporary directors shall meet and  
3-26 elect officers from among their membership.

3-27 (e) The commission may appoint temporary directors for a  
3-28 district that is located wholly or in part within an area designated  
3-29 by ordinance or resolution of the governing body of a municipality  
3-30 with a population of less than 5,000 as the water service area,  
3-31 extraterritorial jurisdiction, or corporate limits of that  
3-32 municipality only if the municipality has given its express written  
3-33 consent to the creation of the district. The municipality may give  
3-34 its consent only on the execution of a written agreement between the  
3-35 developer of the district and a school district affiliated with the  
3-36 municipality providing that the district will:

3-37 (1) fund the construction of buildings and  
3-38 improvements for the school district; and

3-39 (2) establish an educational fund for the school  
3-40 district of an amount based on an annually determined transaction  
3-41 fee on the sale and resale of any home within the district  
3-42 boundaries for the duration of the existence of the district.

3-43 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

3-44 (a) Subject to Subsection (b) of this section, the temporary board  
3-45 of directors shall call and hold an election to confirm  
3-46 establishment of the district and to elect five initial directors  
3-47 in the manner provided by Chapter 49, Water Code.

3-48 (b) The temporary board of directors may call and hold an  
3-49 election to confirm establishment of a district that is located  
3-50 wholly or in part within an area designated by ordinance or  
3-51 resolution of the governing body of a municipality with a  
3-52 population of less than 5,000 as the water service area,  
3-53 extraterritorial jurisdiction, or corporate limits of that  
3-54 municipality only if the municipality has given its express written  
3-55 consent to the creation of the district. The municipality may give  
3-56 its consent only on the execution of a written agreement between the  
3-57 developer of the district and a school district affiliated with the  
3-58 municipality providing that the district will:

3-59 (1) fund the construction of buildings and  
3-60 improvements for the school district; and

3-61 (2) establish an educational fund for the school  
3-62 district of an amount based on an annually determined transaction  
3-63 fee on the sale and resale of any home within the district  
3-64 boundaries for the duration of the existence of the district.

3-65 SECTION 14. ELECTION OF DIRECTORS. The board shall call and  
3-66 hold elections to elect permanent directors in the manner provided  
3-67 by Chapter 49, Water Code.

3-68 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

3-69 (a) The legal notice of the intention to introduce this Act,

4-1 setting forth the general substance of this Act, has been published  
4-2 as provided by law, and the notice and a copy of this Act have been  
4-3 furnished to all persons, agencies, officials, or entities to which  
4-4 they are required to be furnished under Section 59, Article XVI,  
4-5 Texas Constitution, and Chapter 313, Government Code.

4-6 (b) The governor has submitted the notice and Act to the  
4-7 commission.

4-8 (c) The commission has filed its recommendations relating  
4-9 to this Act with the governor, lieutenant governor, and speaker of  
4-10 the house of representatives within the required time.

4-11 (d) All requirements of the constitution and laws of this  
4-12 state and the rules and procedures of the legislature with respect  
4-13 to the notice, introduction, and passage of this Act are fulfilled  
4-14 and accomplished.

4-15 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
4-16 takes effect September 1, 2003.

4-17 (b) If the creation of the district is not confirmed at a  
4-18 confirmation election held under Section 13 of this Act before  
4-19 September 1, 2005, this Act expires on that date.

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