

By: Brown of Kaufman

H.B. No. 3622

Substitute the following for H.B. No. 3622:

By: Callegari

C.S.H.B. No. 3622

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. 1 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. 1 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. 1 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 and the Martha Musick
10 Survey, Abstract No. 312, Kaufman County, Texas, and being more
11 particularly described by metes and bounds as follows:

12 COMMENCING at the intersection of the of the Northeasterly
13 right-of-way line of Farm-Market 2757 (a 100 foot wide
14 right-of-way), and the Northwesterly line of said J. G. Moore
15 Survey and the Southeasterly line of said Martha Musick Survey;

16 THENCE North 44 deg. 34 min. 48 sec. East, along the common
17 line between said J. G. Moore Survey and the Martha Musick Survey, a
18 distance of 1644.55 feet, to the POINT OF BEGINNING of the herein
19 described tract of land;

20 THENCE North 44 deg. 34 min. 48 sec. East, continuing along
21 the common line between said J. G. Moore Survey and the Martha
22 Musick Survey, a distance of 2015.87 feet;

23 THENCE North 44 deg. 20 min. 17 sec. West, departing said
24 common line, a distance of 763.42 feet;

25 THENCE North 44 deg. 46 min. 22 sec. East, a distance of
26 110.79 feet;

27 THENCE North 45 deg. 13 min. 38 sec. West, a distance of

1 1367.42 feet;
2 THENCE North 44 deg. 46 min. 22 sec. East, a distance of
3 247.49 feet;
4 THENCE South 68 deg. 13 min. 38 sec. East, a distance of
5 627.70 feet;
6 THENCE North 44 deg. 26 min. 44 sec. East, a distance of
7 853.26 feet;
8 THENCE North 45 deg. 59 min. 01 sec. West, a distance of
9 1118.32 feet;
10 THENCE North 25 deg. 16 min. 32 sec. East, a distance of
11 918.27 feet;
12 THENCE North 27 deg. 53 min. 12 sec. East, a distance of
13 712.32 feet;
14 THENCE North 44 deg. 02 min. 09 sec. East, a distance of
15 693.71 feet, to the Southwesterly right-of-way line of High Country
16 Lane (a 60 foot wide right-of-way);
17 THENCE South 45 deg. 14 min. 23 sec. East, along the
18 Southwesterly right-of-way line of said High Country Lane, a
19 distance of 263.11 feet, to the intersection of the Southwesterly
20 right-of-way line of said High Country Lane and the Southwesterly
21 right-of-way line of Farm-Market 741 (a variable width
22 right-of-way), and being the beginning of a non-tangent curve to
23 the left having a radius of 999.93 feet;
24 THENCE along the Southwesterly right-of-way line of said
25 Farm-Market 741 as follows;
26 Along said non-tangent curve to the left and in a Southeasterly
27 direction, through a central angle of 09 deg. 56 min. 12 sec., an

1 arc length of 173.42 feet, said non-tangent curve also having a long
2 chord which bears South 40 deg. 16 min. 17 sec. East, 173.20 feet;
3 South 45 deg. 14 min. 23 sec. East, a distance of 1653.79 feet, to
4 the beginning of a non-tangent curve to the left having a radius of
5 11,472.09 feet;
6 Along said non-tangent curve to the left and in a Southeasterly
7 direction, through a central angle of 03 deg. 05 min. 42 sec., an
8 arc length of 619.69 feet, said non-tangent curve to the left having
9 a long chord which bears South 46 deg. 47 min. 14 sec. East, 619.62
10 feet;
11 South 45 deg. 21 min. 23 sec. East, a distance of 182.35 feet, to the
12 beginning of a non-tangent curve to the left having a radius of
13 2993.57 feet;
14 Along said non-tangent curve to the left and in a Southeasterly
15 direction, through a central angle of 04 deg. 13 min. 00 sec., an
16 arc length of 220.31 feet, said non-tangent curve to the left also
17 having a long chord which bears South 47 deg. 27 min. 53 sec. East,
18 220.26 feet;
19 South 49 deg. 34 min. 23 sec. East, a distance of 222.84 feet, to the
20 beginning of a curve to the left having a radius of 1858.59 feet;
21 Along said curve to the left and in a Southeasterly direction,
22 through a central angle of 07 deg. 34 min. 00 sec., an arc length of
23 245.45 feet, said curve to the left also having a long chord which
24 bears South 53 deg. 21 min. 23 sec. East, 245.27 feet;
25 South 57 deg. 08 min. 23 sec. East, a distance of 300.24 feet, to the
26 beginning of a curve to the left having a radius of 11,472.09 feet;
27 Along said curve to the left and in a Southwesterly direction,

1 through a central angle of 02 deg. 58 min. 15 sec., an arc length of
2 594.81 feet, said curve to the left also having a long chord which
3 bears South 55 deg. 39 min. 16 sec. East, 594.75 feet;
4 South 57 deg. 06 min. 23 sec. East, a distance of 327.99 feet, to the
5 beginning of a curve to the right having a radius of 5684.58 feet;
6 Along said curve to the right and in a Southeasterly direction,
7 through a central angle of 12 deg. 08 min. 00 sec., an arc length of
8 1203.80 feet, said curve also having a long chord which bears South
9 51 deg. 02 min. 23 sec. East, 1201.56 feet;
10 South 44 deg. 58 min. 23 sec. East, a distance of 755.25 feet;
11 South 45 deg. 13 min. 23 sec. East, a distance of 238.92 feet, to the
12 North corner of the Dallas East Estates which is located to the
13 Southwest of said Farm-Market 741;

14 THENCE South 44 deg. 19 min. 24 sec. West, departing the
15 Southwesterly right-of-way line of said Farm-Market 741 and along
16 the Northwesterly boundary line of said Dallas East Addition, a
17 distance of 1401.27 feet, to the most Westerly corner of said Dallas
18 East Addition;

19 THENCE South 44 deg. 45 min. 48 sec. East, along the most
20 Southwesterly boundary line of said Dallas East Addition, a
21 distance of 1444.80 feet, to the Northwesterly right-of-way line of
22 said Farm-Market 741;

23 THENCE along the Northwesterly right-of-way line of said
24 Farm-Market 741 as follows;

25 South 44 deg. 20 min. 25 sec. West, a distance of 545.05
26 feet;

27 North 45 deg. 39 min. 35 sec. West, a distance of 10.00

1 feet;
2 South 44 deg. 20 min. 25 sec. West, a distance of 700.00
3 feet;
4 South 45 deg. 39 min. 35 sec. East, a distance of 10.00
5 feet;
6 South 44 deg. 20 min. 25 sec. West, a distance of 933.41
7 feet;
8 THENCE North 49 deg. 43 min. 48 sec. East, departing the
9 Northwesterly right-of-way line of said Farm-Market 741, a distance
10 of 794.74 feet;
11 THENCE North 78 deg. 41 min. 33 sec. West, a distance of
12 280.00 feet;
13 THENCE North 46 deg. 19 min. 02 sec. West, a distance of
14 1073.59 feet;
15 THENCE North 66 deg. 21 min. 14 sec. East, a distance of
16 1045.54 feet;
17 THENCE South 81 deg. 36 min. 53 sec. West, a distance of
18 327.60 feet;
19 THENCE South 72 deg. 56 min. 15 sec. West, a distance of
20 778.38 feet;
21 THENCE South 87 deg. 16 min. 19 sec. West, a distance of
22 610.31 feet;
23 THENCE North 77 deg. 32 min. 02 sec. West, a distance of
24 731.98 feet;
25 THENCE North 58 deg. 36 min. 37 sec. West, a distance of
26 578.95 feet, to the POINT OF BEGINNING and containing 692.696 acres
27 (30,173,840 square feet) of land.

1 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
2 legislature finds that the boundaries and field notes of the
3 district form a closure. If a mistake is made in the field notes or
4 in copying the field notes in the legislative process, the mistake
5 does not affect in any way:

6 (1) the organization, existence, or validity of the
7 district;

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

9 (3) the legality or operation of the district or the
10 board.

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

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

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

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

26 SECTION 8. ADDITIONAL POWERS. (a) The district has the
27 additional rights, powers, privileges, authority, and functions

1 provided by this section.

2 (b) To the extent authorized by Section 52, Article III,
3 Texas Constitution, the district may provide for the construction,
4 maintenance, and operation inside or outside the boundaries of the
5 district of:

6 (1) paved roads and turnpikes; or

7 (2) works, facilities, or improvements related to the
8 roads and turnpikes.

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

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

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

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

27 SECTION 10. EMINENT DOMAIN. The district may exercise the

1 right of eminent domain, as provided by Section 49.222, Water Code,
2 only within the boundaries of the district.

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

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

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

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

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

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

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

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

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

25 (e) The commission may appoint temporary directors for a
26 district that is located wholly or in part within an area designated
27 by ordinance or resolution of the governing body of a municipality

1 with a population of less than 5,000 as the water service area,
2 extraterritorial jurisdiction, or corporate limits of that
3 municipality only if the municipality has given its express written
4 consent to the creation of the district. The municipality may give
5 its consent only on the execution of a written agreement between the
6 developer of the district and a school district affiliated with the
7 municipality providing that the district will:

8 (1) fund the construction of buildings and
9 improvements for the school district; and

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

14 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

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

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

1 developer of the district and a school district affiliated with the
2 municipality providing that the district will:

3 (1) fund the construction of buildings and
4 improvements for the school district; and

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

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

12 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

19 (b) The governor has submitted the notice and Act to the
20 commission.

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

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

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

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