

1-1 By: Brown of Kaufman (Senate Sponsor - Deuell) H.B. No. 3622
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. 1 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. 1 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. 1 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 and the Martha Musick
1-40 Survey, Abstract No. 312, Kaufman County, Texas, and being more
1-41 particularly described by metes and bounds as follows:

1-42 COMMENCING at the intersection of the of the Northeasterly
1-43 right-of-way line of Farm-Market 2757 (a 100 foot wide
1-44 right-of-way), and the Northwesterly line of said J. G. Moore
1-45 Survey and the Southeasterly line of said Martha Musick Survey;

1-46 THENCE North 44 deg. 34 min. 48 sec. East, along the common
1-47 line between said J. G. Moore Survey and the Martha Musick Survey, a
1-48 distance of 1644.55 feet, to the POINT OF BEGINNING of the herein
1-49 described tract of land;

1-50 THENCE North 44 deg. 34 min. 48 sec. East, continuing along
1-51 the common line between said J. G. Moore Survey and the Martha
1-52 Musick Survey, a distance of 2015.87 feet;

1-53 THENCE North 44 deg. 20 min. 17 sec. West, departing said
1-54 common line, a distance of 763.42 feet;

1-55 THENCE North 44 deg. 46 min. 22 sec. East, a distance of
1-56 110.79 feet;

1-57 THENCE North 45 deg. 13 min. 38 sec. West, a distance of
1-58 1367.42 feet;

1-59 THENCE North 44 deg. 46 min. 22 sec. East, a distance of
1-60 247.49 feet;

1-61 THENCE South 68 deg. 13 min. 38 sec. East, a distance of
1-62 627.70 feet;

1-63 THENCE North 44 deg. 26 min. 44 sec. East, a distance of
1-64 853.26 feet;

2-1 THENCE North 45 deg. 59 min. 01 sec. West, a distance of
 2-2 1118.32 feet;
 2-3 THENCE North 25 deg. 16 min. 32 sec. East, a distance of
 2-4 918.27 feet;
 2-5 THENCE North 27 deg. 53 min. 12 sec. East, a distance of
 2-6 712.32 feet;
 2-7 THENCE North 44 deg. 02 min. 09 sec. East, a distance of
 2-8 693.71 feet, to the Southwesterly right-of-way line of High Country
 2-9 Lane (a 60 foot wide right-of-way);
 2-10 THENCE South 45 deg. 14 min. 23 sec. East, along the
 2-11 Southwesterly right-of-way line of said High Country Lane, a
 2-12 distance of 263.11 feet, to the intersection of the Southwesterly
 2-13 right-of-way line of said High Country Lane and the Southwesterly
 2-14 right-of-way line of Farm-Market 741 (a variable width
 2-15 right-of-way), and being the beginning of a non-tangent curve to
 2-16 the left having a radius of 999.93 feet;
 2-17 THENCE along the Southwesterly right-of-way line of said
 2-18 Farm-Market 741 as follows;
 2-19 Along said non-tangent curve to the left and in a Southeasterly
 2-20 direction, through a central angle of 09 deg. 56 min. 12 sec., an
 2-21 arc length of 173.42 feet, said non-tangent curve also having a long
 2-22 chord which bears South 40 deg. 16 min. 17 sec. East, 173.20 feet;
 2-23 South 45 deg. 14 min. 23 sec. East, a distance of 1653.79 feet, to
 2-24 the beginning of a non-tangent curve to the left having a radius of
 2-25 11,472.09 feet;
 2-26 Along said non-tangent curve to the left and in a Southeasterly
 2-27 direction, through a central angle of 03 deg. 05 min. 42 sec., an
 2-28 arc length of 619.69 feet, said non-tangent curve to the left having
 2-29 a long chord which bears South 46 deg. 47 min. 14 sec. East, 619.62
 2-30 feet;
 2-31 South 45 deg. 21 min. 23 sec. East, a distance of 182.35 feet, to the
 2-32 beginning of a non-tangent curve to the left having a radius of
 2-33 2993.57 feet;
 2-34 Along said non-tangent curve to the left and in a Southeasterly
 2-35 direction, through a central angle of 04 deg. 13 min. 00 sec., an
 2-36 arc length of 220.31 feet, said non-tangent curve to the left also
 2-37 having a long chord which bears South 47 deg. 27 min. 53 sec. East,
 2-38 220.26 feet;
 2-39 South 49 deg. 34 min. 23 sec. East, a distance of 222.84 feet, to the
 2-40 beginning of a curve to the left having a radius of 1858.59 feet;
 2-41 Along said curve to the left and in a Southeasterly direction,
 2-42 through a central angle of 07 deg. 34 min. 00 sec., an arc length of
 2-43 245.45 feet, said curve to the left also having a long chord which
 2-44 bears South 53 deg. 21 min. 23 sec. East, 245.27 feet;
 2-45 South 57 deg. 08 min. 23 sec. East, a distance of 300.24 feet, to the
 2-46 beginning of a curve to the left having a radius of 11,472.09 feet;
 2-47 Along said curve to the left and in a Southwesterly direction,
 2-48 through a central angle of 02 deg. 58 min. 15 sec., an arc length of
 2-49 594.81 feet, said curve to the left also having a long chord which
 2-50 bears South 55 deg. 39 min. 16 sec. East, 594.75 feet;
 2-51 South 57 deg. 06 min. 23 sec. East, a distance of 327.99 feet, to the
 2-52 beginning of a curve to the right having a radius of 5684.58 feet;
 2-53 Along said curve to the right and in a Southeasterly direction,
 2-54 through a central angle of 12 deg. 08 min. 00 sec., an arc length of
 2-55 1203.80 feet, said curve also having a long chord which bears South
 2-56 51 deg. 02 min. 23 sec. East, 1201.56 feet;
 2-57 South 44 deg. 58 min. 23 sec. East, a distance of 755.25 feet;
 2-58 South 45 deg. 13 min. 23 sec. East, a distance of 238.92 feet, to the
 2-59 North corner of the Dallas East Estates which is located to the
 2-60 Southwest of said Farm-Market 741;
 2-61 THENCE South 44 deg. 19 min. 24 sec. West, departing the
 2-62 Southwesterly right-of-way line of said Farm-Market 741 and along
 2-63 the Northwesterly boundary line of said Dallas East Addition, a
 2-64 distance of 1401.27 feet, to the most Westerly corner of said Dallas
 2-65 East Addition;
 2-66 THENCE South 44 deg. 45 min. 48 sec. East, along the most
 2-67 Southwesterly boundary line of said Dallas East Addition, a
 2-68 distance of 1444.80 feet, to the Northwesterly right-of-way line of
 2-69 said Farm-Market 741;

3-1 THENCE along the Northwesterly right-of-way line of said
3-2 Farm-Market 741 as follows;
3-3 South 44 deg. 20 min. 25 sec. West, a distance of 545.05
3-4 feet;
3-5 North 45 deg. 39 min. 35 sec. West, a distance of 10.00
3-6 feet;
3-7 South 44 deg. 20 min. 25 sec. West, a distance of 700.00
3-8 feet;
3-9 South 45 deg. 39 min. 35 sec. East, a distance of 10.00
3-10 feet;
3-11 South 44 deg. 20 min. 25 sec. West, a distance of 933.41
3-12 feet;

3-13 THENCE North 49 deg. 43 min. 48 sec. East, departing the
3-14 Northwesterly right-of-way line of said Farm-Market 741, a distance
3-15 of 794.74 feet;

3-16 THENCE North 78 deg. 41 min. 33 sec. West, a distance of
3-17 280.00 feet;

3-18 THENCE North 46 deg. 19 min. 02 sec. West, a distance of
3-19 1073.59 feet;

3-20 THENCE North 66 deg. 21 min. 14 sec. East, a distance of
3-21 1045.54 feet;

3-22 THENCE South 81 deg. 36 min. 53 sec. West, a distance of
3-23 327.60 feet;

3-24 THENCE South 72 deg. 56 min. 15 sec. West, a distance of
3-25 778.38 feet;

3-26 THENCE South 87 deg. 16 min. 19 sec. West, a distance of
3-27 610.31 feet;

3-28 THENCE North 77 deg. 32 min. 02 sec. West, a distance of
3-29 731.98 feet;

3-30 THENCE North 58 deg. 36 min. 37 sec. West, a distance of
3-31 578.95 feet, to the POINT OF BEGINNING and containing 692.696 acres
3-32 (30,173,840 square feet) of land.

3-33 SECTION 6. FINDINGS RELATING TO BOUNDARIES. The
3-34 legislature finds that the boundaries and field notes of the
3-35 district form a closure. If a mistake is made in the field notes or
3-36 in copying the field notes in the legislative process, the mistake
3-37 does not affect in any way:

3-38 (1) the organization, existence, or validity of the
3-39 district;

3-40 (2) the right of the district to impose taxes; or

3-41 (3) the legality or operation of the district or the
3-42 board.

3-43 SECTION 7. GENERAL POWERS. (a) Except as provided by
3-44 Subsection (b) of this section, the district has all of the rights,
3-45 powers, privileges, authority, functions, and duties provided by
3-46 the general law of this state, including Chapters 49 and 54, Water
3-47 Code, applicable to municipal utility districts created under
3-48 Section 59, Article XVI, Texas Constitution. This Act prevails
3-49 over any provision of general law that is in conflict or
3-50 inconsistent with this Act.

3-51 (b) The district may not provide retail water service to an
3-52 area designated by ordinance or resolution of the governing body of
3-53 a municipality as within the water service area, extraterritorial
3-54 jurisdiction, or corporate limits of that municipality if the
3-55 municipality:

3-56 (1) has a population of less than 5,000; and

3-57 (2) has not given its express written consent.

3-58 SECTION 8. ADDITIONAL POWERS. (a) The district has the
3-59 additional rights, powers, privileges, authority, and functions
3-60 provided by this section.

3-61 (b) To the extent authorized by Section 52, Article III,
3-62 Texas Constitution, the district may provide for the construction,
3-63 maintenance, and operation inside or outside the boundaries of the
3-64 district of:

3-65 (1) paved roads and turnpikes; or

3-66 (2) works, facilities, or improvements related to the
3-67 roads and turnpikes.

3-68 SECTION 9. BONDS. (a) The district may issue bonds as
3-69 provided by Chapters 49 and 54, Water Code, and the general laws of

4-1 this state.

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

4-6 (c) The district may not issue bonds under Subsection (b) of
4-7 this section unless the issuance is approved by a vote of a
4-8 two-thirds majority of the qualified voters of the district voting
4-9 at an election called for that purpose. Bonds, notes, or other
4-10 obligations issued or incurred under Subsection (b) of this section
4-11 may not exceed one-fourth of the assessed value of the real property
4-12 in the district.

4-13 (d) Sections 49.181 and 49.182, Water Code, do not apply to
4-14 projects undertaken by the district under Section 8(b) of this Act
4-15 or to bonds issued by the district under Subsection (b) of this
4-16 section.

4-17 SECTION 10. EMINENT DOMAIN. The district may exercise the
4-18 right of eminent domain, as provided by Section 49.222, Water Code,
4-19 only within the boundaries of the district.

4-20 SECTION 11. BOARD OF DIRECTORS. (a) The district is
4-21 governed by a board of five directors.

4-22 (b) Temporary directors serve until initial directors are
4-23 elected under Section 13 of this Act.

4-24 (c) Initial directors serve until permanent directors are
4-25 elected under Section 14 of this Act.

4-26 (d) Permanent directors serve staggered four-year terms.

4-27 (e) Each director must qualify to serve as director in the
4-28 manner provided by Section 49.055, Water Code.

4-29 SECTION 12. APPOINTMENT OF TEMPORARY DIRECTORS. (a) On or
4-30 after the effective date of this Act, a person who owns land in the
4-31 district may submit a petition to the commission requesting that
4-32 the commission appoint as temporary directors the five persons
4-33 named in the petition.

4-34 (b) Subject to Subsection (e) of this section, the
4-35 commission shall appoint as temporary directors the five persons
4-36 named in the first petition received by the commission.

4-37 (c) If a temporary director fails to qualify for office, the
4-38 commission shall appoint a person to fill the vacancy.

4-39 (d) As soon as practicable after all of the temporary
4-40 directors have qualified, the temporary directors shall meet and
4-41 elect officers from among their membership.

4-42 (e) The commission may appoint temporary directors for a
4-43 district that is located wholly or in part within an area designated
4-44 by ordinance or resolution of the governing body of a municipality
4-45 with a population of less than 5,000 as the water service area,
4-46 extraterritorial jurisdiction, or corporate limits of that
4-47 municipality only if the municipality has given its express written
4-48 consent to the creation of the district. The municipality may give
4-49 its consent only on the execution of a written agreement between the
4-50 developer of the district and a school district affiliated with the
4-51 municipality providing that the district will:

4-52 (1) fund the construction of buildings and
4-53 improvements for the school district; and

4-54 (2) establish an educational fund for the school
4-55 district of an amount based on an annually determined transaction
4-56 fee on the sale and resale of any home within the district
4-57 boundaries for the duration of the existence of the district.

4-58 SECTION 13. CONFIRMATION AND INITIAL DIRECTORS ELECTION.
4-59 (a) Subject to Subsection (b) of this section, the temporary board
4-60 of directors shall call and hold an election to confirm
4-61 establishment of the district and to elect five initial directors
4-62 in the manner provided by Chapter 49, Water Code.

4-63 (b) The temporary board of directors may call and hold an
4-64 election to confirm establishment of a district that is located
4-65 wholly or in part within an area designated by ordinance or
4-66 resolution of the governing body of a municipality with a
4-67 population of less than 5,000 as the water service area,
4-68 extraterritorial jurisdiction, or corporate limits of that
4-69 municipality only if the municipality has given its express written

5-1 consent to the creation of the district. The municipality may give
5-2 its consent only on the execution of a written agreement between the
5-3 developer of the district and a school district affiliated with the
5-4 municipality providing that the district will:

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

5-7 (2) establish an educational fund for the school
5-8 district of an amount based on an annually determined transaction
5-9 fee on the sale and resale of any home within the district
5-10 boundaries for the duration of the existence of the district.

5-11 SECTION 14. ELECTION OF DIRECTORS. The board shall call and
5-12 hold elections to elect permanent directors in the manner provided
5-13 by Chapter 49, Water Code.

5-14 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

5-15 (a) The legal notice of the intention to introduce this Act,
5-16 setting forth the general substance of this Act, has been published
5-17 as provided by law, and the notice and a copy of this Act have been
5-18 furnished to all persons, agencies, officials, or entities to which
5-19 they are required to be furnished under Section 59, Article XVI,
5-20 Texas Constitution, and Chapter 313, Government Code.

5-21 (b) The governor has submitted the notice and Act to the
5-22 commission.

5-23 (c) The commission has filed its recommendations relating
5-24 to this Act with the governor, lieutenant governor, and speaker of
5-25 the house of representatives within the required time.

5-26 (d) All requirements of the constitution and laws of this
5-27 state and the rules and procedures of the legislature with respect
5-28 to the notice, introduction, and passage of this Act are fulfilled
5-29 and accomplished.

5-30 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act
5-31 takes effect September 1, 2003.

5-32 (b) If the creation of the district is not confirmed at a
5-33 confirmation election held under Section 13 of this Act before
5-34 September 1, 2005, this Act expires on that date.

5-35 * * * * *