

By: Rose

H.B. No. 3634

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation, administration, powers, duties,  
3 operation, and financing of the Winfield Municipal Utility District  
4 No. 1.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. CREATION. (a) A conservation and reclamation  
7 district, to be known as the Winfield Municipal Utility District  
8 No. 1, is created in Travis and Hays Counties, subject to approval  
9 at a confirmation election under Section 9 of this Act. The  
10 district is a governmental agency and a body politic and corporate.

11 (b) The district is created under and is essential to  
12 accomplish the purposes of Section 59, Article XVI, Texas  
13 Constitution.

14 SECTION 2. DEFINITION. In this Act, "district" means the  
15 Winfield Municipal Utility District No. 1.

16 SECTION 3. BOUNDARIES. The district includes the territory  
17 contained within the following areas but only to the extent any such  
18 area is within the extraterritorial jurisdiction of the City of  
19 Buda:

20 a tract or parcel of land containing 782.70 acres being more  
21 particularly described as follows:

22 BEGINNING at a point on the easterly right-of-way line of  
23 Interstate Highway 35 (R.O.W. Varies) at the northeasterly cut-back  
24 line of Turnersville Road (R.O.W. Varies), also being on the west

1 line of the said 35.00 acre tract;

2           THENCE, along the easterly line of Interstate Highway 35,  
3 being the westerly line of the said 35.00 acre tract, the following  
4 two (2) courses:

5           1) N20°42'24"E, a distance of 1159.28 feet to an angle point;

6           2) N21°36'29"E, passing the Hays-Travis County line at an  
7 approximate distance of 6.06 feet and continuing for a total  
8 distance of 170.51 feet to the northwesterly corner hereof, from  
9 which an angle point in the easterly line of Interstate Highway 35,  
10 bears N21°36'29"E, a distance of 177.38 feet;

11           THENCE, leaving the westerly line of Interstate Highway 35,  
12 along the northerly and easterly line of the said 35.00 acre tract,  
13 the following two (2) courses:

14           1) S68°24'18"E, a distance of 957.34 feet to a point for a  
15 northeasterly corner hereof;

16           2) S01°39'10"E, passing the Travis-Hays County line at an  
17 approximate distance of 542.40, feet at a distance of 1125.16 feet  
18 pass the northerly line of Turnersville Road and continuing for a  
19 total distance of 1162.02 feet to a point in the centerline of  
20 Turnersville Road; being a point on the northerly line of the  
21 aforesaid 2392.529 acre tract;

22           THENCE, along the centerline of Turnersville Road, being the  
23 northerly line of the 2392.529 acre tract, the following six (6)  
24 courses:

25           1) N88°17'00"E, passing the Hays-Travis county line at an  
26 approximate distance of 736.83 feet and continuing for a total  
27 distance of 738.37 feet to an angle point;

1           2) N87°56'00"E, a distance of 4585.56 feet to the point of  
2 curvature of a non-tangent curve to the right;

3           3) Along said non-tangent curve to the right, having a  
4 radius of 270.00 feet, a central angle of 62°40'11", a long chord of  
5 280.82 feet (chord bears S61°42'52"E), for an arc distance of 295.32  
6 feet;

7           4) S28°25'34"E, a distance of 451.78 feet to the point of  
8 curvature of a non-tangent curve to the left;

9           5) Along said non-tangent curve to the left, having a  
10 central angle of 64°39'59", a radius of 190.00 feet, a long chord of  
11 203.24 feet (chord bears S60°45'34"E) for an arc distance of 214.44  
12 feet to the most easterly corner of the herein described tract;

13           6) N86°54'26"E, a distance of 60.00 feet to an angle point;

14           THENCE, leaving the northerly line of, and crossing through  
15 the 2392.529 acre tract, for the following three (3) courses:

16           1) S37°10'17"W, 6375.24 feet, to an angle point;

17           2) S01°16'19"E, 3150.00 feet to an angle point;

18           3) S87°47'17"W, 1425.00 feet to a point on the easterly line  
19 of FM 2001 and the southwesterly line of the aforesaid 2392.529 acre  
20 tract;

21           THENCE, S87°47'17"W, with the southwesterly line of the  
22 2322.529 acre tract, 931.61 feet to a point at the intersection of  
23 the easterly line of FM 2001, with the east line of County Road 118,  
24 for a southwest corner of the aforesaid 2392.529 acre tract;

25           THENCE, along the easterly line of County Road 118, being the  
26 westerly line of the 2392.529 acre tract, the following five (5)  
27 courses:

- 1           1) N01°37'25"W, a distance of 2491.03 feet to an angle point;
- 2           2) N19°29'49"E, a distance of 277.25 feet to an angle point;
- 3           3) N02°11'25"W, a distance of 1835.03 feet to an angle point;
- 4           4) N02°10'32"W, a distance of 2055.18 feet to an angle point;
- 5           5) N02°34'56"W, a distance of 2078.71 feet to an angle point
- 6 at the intersection of the east line of County Road 118, with the
- 7 south line of Turnersville Road, being an angle point in the
- 8 2392.529 acre tract;

9           THENCE, N03°30'27"W, 36.78 feet to a point in the centerline  
10 of Turnersville Road for the northwest corner of the said 2392.529  
11 acre tract;

12           THENCE, N02°34'56"W, 34.12 feet to a point on the north line  
13 of Turnersville Road being the south line of the aforementioned  
14 35.00 acre tract;

15           THENCE, along the northerly line of Turnersville Road, being  
16 the southerly line of the 35.00 acre tract, the following three (3)  
17 courses:

- 18           1) S88°20'39"W, a distance of 110.57 feet to an angle point;
- 19           2) N81°08'15"W, a distance of 893.08 feet to an angle point;
- 20           3) N29°57'50"W, a distance of 126.41 feet to the POINT OF  
21 BEGINNING, CONTAINING an area of 782.70 acres.

22           SECTION 4. FINDINGS RELATING TO BOUNDARIES.        The  
23 legislature finds that the boundaries of the district form a  
24 closure. A mistake in the boundaries or in copying the boundaries  
25 in the legislative process does not affect the organization,  
26 existence, or validity of the district, the right of the district to  
27 levy and collect taxes, or the legality or operation of the district

1 or its governing body.

2 SECTION 5. FINDING OF BENEFIT. All of the land and other  
3 property included within the boundaries of the district will be  
4 benefitted by the works and projects that are to be accomplished by  
5 the district under powers conferred by Section 59, Article XVI,  
6 Texas Constitution. The district is created to serve a public use  
7 and benefit.

8 SECTION 6. POWERS. (a) The district has all of the rights,  
9 powers, privileges, authority, functions, and duties provided by  
10 the general law of this state, including Chapters 30, 49, 50, and  
11 54, Water Code, applicable to municipal utility districts created  
12 under Section 59, Article XVI, Texas Constitution. The district  
13 also has the powers of Sections 51.748 through 51.753, Water Code,  
14 applicable to water control and improvement districts and may, from  
15 time to time, either before or after annexing any land into the  
16 district, divide the territory of the district, included any  
17 annexed territory, into two or more districts as provided in said  
18 sections.

19 (b) The rights, powers, privileges, authority, functions,  
20 and duties of the district are subject to the continuing right of  
21 supervision of the state to be exercised by and through the Texas  
22 Commission on Environmental Quality.

23 SECTION 7. BOARD OF DIRECTORS. (a) The district is  
24 governed by a board of five directors.

25 (b) Temporary directors appointed in this Act or of a  
26 district created by division of the district shall serve until  
27 permanent directors are elected under Section 9 of this Act.

1 Temporary directors of the district or of a district created by  
2 division of the district need not own land in or be residents of the  
3 District. Until permanent directors are elected and qualified to  
4 hold office, the temporary directors shall exercise all rights,  
5 powers, privileges, authority, functions, and duties conferred  
6 upon the district by general law, including Chapters 49 and 54,  
7 Water Code.

8 SECTION 8. APPOINTMENT OF TEMPORARY OFFICERS. (a) The  
9 following persons are hereby appointed as the temporary directors  
10 of the district:

- 11 1.
- 12 2.
- 13 3.
- 14 4.
- 15 5.

16 (b) The temporary directors shall take the oath of office  
17 and execute bonds to qualify for holding their offices as soon as  
18 possible after the effective date of this Act.

19 SECTION 9. CONFIRMATION AND INITIAL ELECTION. (a) The  
20 temporary board of directors shall call and hold an election to  
21 confirm establishment of the district and to elect five initial  
22 directors as provided by Chapter 49, Water Code. Also at that  
23 election, the board may submit to the voters propositions to  
24 authorize issuance of bonds, a maintenance tax, and a tax to make  
25 payments under a contract.

26 (b) Section 41.001(a), Election Code, does not apply to an  
27 election held as provided by this section.

1           SECTION 10. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

2       (a) The proper and legal notice of the intention to introduce this  
3 Act, setting forth the general substance of this Act, has been  
4 published as provided by law, and the notice and a copy of this Act  
5 have been furnished to all persons, agencies, officials, or  
6 entities to which they are required to be furnished by the  
7 constitution and other laws of this state, including the governor,  
8 who has submitted the notice and Act to the Texas Commission on  
9 Environmental Quality.

10       (b) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor,  
12 lieutenant governor, and speaker of the house of representatives  
13 within the required time.

14       (c) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

18           SECTION 11. EMERGENCY. The importance of this legislation  
19 and the crowded condition of the calendars in both houses create an  
20 emergency and an imperative public necessity that the  
21 constitutional rule requiring bills to be read on three several  
22 days in each house be suspended, and this rule is hereby suspended,  
23 and that this Act take effect and be in force from and after its  
24 passage, and it is so enacted.