

By: Armbrister

S.B. No. 22

A BILL TO BE ENTITLED

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AN ACT

relating to the creation, administration, powers, duties, operation, and financing of Elgin Municipal Utility District No. 1.

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

SECTION 1. CREATION.

(a) A conservation and reclamation district, to be known as Elgin Municipal Utility District No. 1, is created in Bastrop County, Texas, subject to approval by the City of Elgin as provided in Section 7 of this Act and voter approval at a confirmation election as provided in Section 10 of this Act. The district is a governmental agency and a body politic and corporate.

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

SECTION 2. DEFINITION. In this Act, "district" means Elgin Municipal Utility District No. 1.

SECTION 3. BOUNDARIES. The district includes the territory contained within the following area:

A PARCEL OF LAND IN THE ELIZABETH STANDIFER SURVEY, ABSTRACT 59, IN BASTROP COUNTY, TEXAS, BEING A PART OF THAT 294.496 ACRE TRACT OF LAND CONVEYED TO THE RIVERS FAMILY LIMITED PARTNERSHIP D, BY DEED RECORDED IN VOLUME 917, PAGE 766 OF THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, AND BEING A PART OF THAT 132.1 ACRE TRACT OF LAND CONVEYED TO THE RIVERS FAMILY LIMITED

1 PARTNERSHIP D, BY DEED RECORDED IN VOLUME 793, PAGE 577 OF THE  
2 OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS, SAID 132.1 ACRE TRACT OF  
3 LAND BEING THE SAME PROPERTY RECORDED IN VOLUME 94, PAGE 187 OF THE  
4 DEED RECORDS OF BASTROP COUNTY, TEXAS, AND BEING ALL OF THAT 10 ACRE  
5 TRACT OF LAND CONVEYED TO THE RIVERS FAMILY LIMITED PARTNERSHIP D IN  
6 THE SAID DEED RECORDED IN VOLUME 793, PAGE 557, SAID 10 ACRES BEING  
7 THE SAME PROPERTY DESCRIBED IN VOLUME 84, PAGE 438 OF THE DEED  
8 RECORDS OF BASTROP COUNTY, TEXAS, AND BEING THE SAME PROPERTY  
9 DESCRIBED IN DEED BOOK 44, PAGE 637 OF THE DEED RECORDS OF BASTROP  
10 COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

11 BEGIN AT A POINT IN THE EAST LINE OF THE UPPER ELGIN  
12 RIVER ROAD, SAID POINT BEING THE SOUTHWEST CORNER OF THE SAID  
13 294.496 ACRE TRACT AND ALSO LYING IN THE NORTHERLY LINE OF THAT  
14 103.11 ACRE TRACT OF LAND CONVEYED TO WILLIAM WESLEY SCHMIDT AND  
15 WIFE, ALMA SCHMIDT, BY DEED RECORDED IN VOLUME 180, PAGE 650 OF THE  
16 DEED RECORDS OF BASTROP COUNTY, TEXAS;

17 THENCE N.28°57'45"E., ALONG THE WEST LINE OF THE SAID  
18 294.496 ACRE TRACT, THE SAME BEING THE EAST LINE OF THE UPPER ELGIN  
19 RIVER ROAD, A DISTANCE OF 2,626.52 FEET;

20 THENCE S.61°14'10"E., CROSSING THE SAID 294.496 ACRE  
21 TRACT, A DISTANCE OF 1,303.64 FEET;

22 THENCE N.28°50'12"E., CROSSING THE SAID 294.496 ACRE  
23 TRACT, A DISTANCE OF 594.81 FEET TO THE NORTH LINE OF THE SAID  
24 294.496 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 132.1  
25 ACRE TRACT;

26 THENCE CONTINUE N.28°50'12"E., CROSSING THE SAID 132.1  
27 ACRE TRACT, A DISTANCE OF 1,051.98 FEET TO THE NORTH LINE OF THE

1 SAID 132.1 ACRE TRACT AND TO THE SOUTH LINE OF THAT 45.063 ACRE  
2 TRACT OF LAND CONVEYED TO ELGIN BREEDING SERVICE, A PARTNERSHIP, BY  
3 DEED RECORDED IN VOLUME 319, PAGE 257 OF THE DEED RECORDS OF BASTROP  
4 COUNTY, TEXAS;

5           THENCE S.60°50'55"E., ALONG THE NORTH LINE OF THE SAID  
6 132.1 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 45.063  
7 ACRE TRACT, A DISTANCE OF 963.75 FEET TO THE SOUTHEAST CORNER OF THE  
8 SAID 45.063 ACRE TRACT AND TO THE SOUTHWEST CORNER OF THAT 32.937  
9 ACRE TRACT OF LAND CONVEYED TO WALLACE H. CARDWELL AND ARDETH M.  
10 CARDWELL, TRUSTEES, BY DEED RECORDED IN VOLUME 661, PAGE 576 OF THE  
11 OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS;

12           THENCE ALONG THE NORTH LINE OF SAID 132.1 ACRE TRACT,  
13 THE SAME BEING THE SOUTH LINE OF THE SAID 32.937 ACRE TRACT THE  
14 FOLLOWING TWO (2) COURSES:

- 15           1. S.62°03'10"E., A DISTANCE OF 1,473.94 FEET;
- 16           2. S.61°25'10"E., A DISTANCE OF 382.17 FEET TO THE  
17 SOUTHEAST CORNER OF THE SAID 32.937 ACRE TRACT AND TO A SOUTHWEST  
18 CORNER OF THAT 11.476 ACRE TRACT OF LAND CONVEYED TO THE LOWER  
19 COLORADO RIVER AUTHORITY BY DEED RECORDED IN VOLUME 871, PAGE 687 OF  
20 THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS;

21           THENCE S.61°12'58"E., ALONG THE NORTH LINE OF THE SAID  
22 132.1 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 11.476  
23 ACRE TRACT, A DISTANCE OF 453.91 FEET TO THE SOUTHEAST CORNER OF THE  
24 SAID 11.476 ACRE TRACT AND TO THE SOUTHWEST CORNER OF THAT 2.00 ACRE  
25 TRACT OF LAND CONVEYED TO CONRRADO JONSE, III AND WIFE, LISA JONSE,  
26 BY DEED RECORDED IN VOLUME 423, PAGE 516 OF THE OFFICIAL RECORDS OF  
27 BASTROP COUNTY, TEXAS;

1           THENCE S.61°39'46"E., ALONG THE NORTH LINE OF THE SAID  
2 132.1 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 2.00  
3 ACRE TRACT, A DISTANCE OF 295.16 FEET TO THE SOUTHEAST CORNER OF THE  
4 SAID 2.00 ACRE TRACT

5           THENCE CONTINUE S.61°39'46"E. ALONG THE NORTH LINE OF THE  
6 SAID 132.1 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THAT 16.12  
7 ACRE TRACT OF LAND CONVEYED TO PEDRO BEGA BY DEED RECORDED IN VOLUME  
8 113, PAGE 266 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AT A  
9 DISTANCE OF 342.72 FEET PASS THE NORTHEAST CORNER OF THE SAID 132.1  
10 ACRE TRACT, THE SAME BEING NORTHWEST CORNER OF THE 10 ACRE TRACT,  
11 AND AT A DISTANCE OF 593.73 FEET PASS THE SOUTHEAST CORNER OF THE  
12 SAID 16.12 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 707.47 FEET TO THE  
13 NORTHEAST CORNER OF THE SAID 10 ACRE TRACT;

14           THENCE S.28°59'32"W., ALONG THE EAST LINE OF THE SAID 10  
15 ACRE TRACT, A DISTANCE OF 1,198.61 FEET TO THE SOUTHEAST CORNER OF  
16 THE SAID 10 ACRE TRACT;

17           THENCE N.61°58'15"W., ALONG THE SOUTH LINE OF THE SAID  
18 10 ACRE TRACT, IN PART, AND CONTINUING ALONG A SOUTH LINE OF THE  
19 SAID 132.1 ACRE TRACT, A DISTANCE OF 1,302.89 FEET TO THE SOUTHERLY  
20 NORTHEAST CORNER OF THE SAID 294.496 ACRE TRACT, THE SAME BEING THE  
21 NORTHWEST CORNER OF THAT 50 ACRE TRACT OF LAND CONVEYED TO HEINE  
22 NEIDIG BY DEED RECORDED IN VOLUME 160, PAGE 300 OF THE DEED RECORDS  
23 OF BASTROP COUNTY, TEXAS;

24           THENCE S.27°11'21"W., ALONG THE EAST LINE OF THE SAID  
25 294.496 ACRE TRACT, THE SAME BEING THE WEST LINE OF THE 50 ACRE  
26 TRACT, A DISTANCE OF 1,489.14 FEET TO A POINT IN THE NORTH LINE OF  
27 THAT 99.294 ACRE TRACT OF LAND CONVEYED TO A. E. MASSENGALE, JR.,

1 AND LINDA D. MASSENGALE BY DEED RECORDED IN VOLUME 825, PAGE 377 OF  
2 THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS;

3 THENCE ALONG THE EASTERLY LINE OF THE SAID 294.496 ACRE  
4 TRACT, THE SAME BEING THE NORTHERLY AND WESTERLY LINES OF THE SAID  
5 99.294 ACRE TRACT, THE FOLLOWING TWO (2) COURSES:

- 6 1. N.61°20'05"W., A DISTANCE OF 668.18 FEET;
- 7 2. S.28°20'03"W., A DISTANCE OF 1,610.81 FEET TO THE  
8 SOUTHEAST CORNER OF THE SAID 294.486 ACRE TRACT AND TO THE SOUTHWEST  
9 CORNER OF THE SAID 99.924 ACRE TRACT;

10 THENCE N.60°44'02"W., ALONG THE SOUTH LINE OF THE SAID  
11 294.496 ACRE TRACT, THAT SAME BEING THE NORTH LINE OF THAT 170.255  
12 ACRE TRACT OF LAND CONVEYED TO FRED D. HOOPER, JR., AND WIFE, MARY  
13 E. HOOPER, BY DEED RECORDED IN VOLUME 300, PAGE 733 OF THE DEED  
14 RECORDS OF BASTROP COUNTY, TEXAS, A DISTANCE OF 1,233.47 FEET TO THE  
15 NORTHWEST CORNER OF THE SAID 170.255 ACRE TRACT AND TO THE NORTHEAST  
16 CORNER OF THE SAID 103.11 ACRE TRACT;

17 THENCE ALONG THE SOUTH LINE OF THE SAID 294.496 ACRE  
18 TRACT, THE SAME BEING THE NORTH LINE OF THE SAID 103.11 ACRE TRACT,  
19 THE FOLLOWING TWO (2) COURSES:

- 20 1. N.60°29'39"W., A DISTANCE OF 1,324.83 FEET;
- 21 2. N.61°40'28"W., A DISTANCE OF 1,110.17 FEET TO THE  
22 POINT OF BEGINNING.

23 CONTAINING, within these metes and bounds 384.83 acres of  
24 land area.

25 THIS DESCRIPTION WAS PREPARED FROM THE DEEDS OF RECORD AND  
26 DOES NOT PURPORT TO BE AN ON-THE-GROUND SURVEY.

27 SECTION 4. FINDINGS RELATING TO BOUNDARIES. The

1 legislature finds that the boundaries and field notes of the  
2 district form one or more closures. A mistake in the field notes or  
3 in copying the field notes in the legislative process does not  
4 affect the organization, existence, or validity of the district,  
5 the right of the district to levy and collect taxes, or the legality  
6 or operation of the district or its governing body.

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

13 SECTION 6. POWERS.

14 (a) The district has all of the rights, powers, privileges,  
15 authority, functions, and duties provided by the general law of  
16 this state, including Chapters 49 and 54, Water Code, applicable to  
17 municipal utility districts created under Article XVI, Section 59,  
18 of the Texas Constitution.

19 (b) The district created under this Act is wholly located  
20 within the area of extra-territorial jurisdiction of the City of  
21 Elgin. Creation of the district is subject to approval of the City  
22 of Elgin, as provided in Section 42.042, Local Government Code and  
23 54.016, Water Code,. Subject to approval by the City of Elgin, the  
24 district has the power and authority to divide into two or more  
25 districts following the procedure set forth in Sections 51.749  
26 through 51.758, Water Code, without any further approval or  
27 consent. The district is further subject to the requirements of

1 municipal ordinances of the City of Elgin applicable to  
2 extra-territorial areas, unless the municipality's governing body  
3 waives compliance.

4 (c) The rights, powers, privileges, authority, functions,  
5 and duties of the district are subject to the continuing right of  
6 supervision of the state to be exercised by and through the Texas  
7 Commission on Environmental Quality.

8 (d) This Act prevails over any provision of general law that  
9 is in conflict or inconsistent with this Act.

10 SECTION 7. DEVELOPMENT AGREEMENT. The district, and/or the  
11 owners of land within the district, may enter into written  
12 contracts with any municipality within whose extraterritorial  
13 jurisdiction the district is located, in whole or in part:

14 (a) to guarantee the continuation of the extraterritorial  
15 status of the district and its immunity from annexation by the  
16 municipality for a period not to exceed 25 years;

17 (b) regulating the development within the boundaries of the  
18 district in a manner that the parties agree will further the health,  
19 safety and welfare of the residents of the district;

20 (c) containing other terms and consideration that the  
21 district and the municipality agree to be reasonable and  
22 appropriate; and

23 (d) which may be renewed or extended for successive periods  
24 of time not to exceed 15 years.

25 A municipality may contract with the district, and/or the  
26 owners of the land within the district, to accomplish the purposes  
27 set forth above.

1 SECTION 8. BOARD OF DIRECTORS.

2 (a) The district is governed by a board of five directors.

3 (b) Temporary directors serve until initial permanent  
4 directors are elected under Section 10 of this Act.

5 (c) Initial permanent directors serve until permanent  
6 directors are elected under Section 11 of this Act.

7 (d) Permanent directors other than initial permanent  
8 directors serve staggered four-year terms.

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

11 (f) A director serves until the director's successor has  
12 qualified.

13 SECTION 9. TEMPORARY DIRECTORS. (a) The temporary board  
14 of directors is composed of:

- 15 (1) Gary Jones;
- 16 (2) Harry Turner;
- 17 (3) Stan McElroy;
- 18 (4) Billy Ray Walker; and
- 19 (5) Richard Fadal.

20 (b) If a temporary director fails to qualify for office, the  
21 temporary directors who have qualified shall appoint a person to  
22 fill the vacancy. If at any time there are fewer than three  
23 qualified temporary directors, the Texas Commission on  
24 Environmental Quality shall appoint the necessary number of persons  
25 to fill all vacancies on the board.

26 SECTION 10. CONFIRMATION AND INITIAL DIRECTORS ELECTION.

27 The temporary board of directors shall call and hold an election to



1 confirm establishment of the district and to elect five initial  
2 directors as provided by Chapter 49, Water Code.

3 SECTION 11. ELECTION OF DIRECTORS. On the first Saturday in  
4 May of the first even-numbered year occurring at least three years  
5 after the year in which the confirmation election is held, an  
6 election shall be held in the district for the election of two  
7 directors who shall each serve two-year terms and three directors  
8 who shall each serve four-year terms. Thereafter, on the same date  
9 in each subsequent even-numbered year, the appropriate number of  
10 directors shall be elected to the board.

11 SECTION 12. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

12 (a) The proper and legal notice of the intention to introduce this  
13 Act, setting forth the general substance of this Act, has been  
14 published as provided by law, and the notice and a copy of this Act  
15 have been furnished to all persons, agencies, officials, or  
16 entities to which they are required to be furnished by the  
17 constitution and other laws of this state, including the governor,  
18 who has submitted the notice and Act to the Texas Commission on  
19 Environmental Quality.

20 (b) The Texas Commission on Environmental Quality has filed  
21 its recommendations relating to this Act with the governor,  
22 lieutenant governor, and speaker of the house of representatives  
23 within the required time.

24 (c) 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 13. EFFECTIVE DATE.       This Act takes effect  
2 immediately if it receives a vote of two-thirds of all the members  
3 elected to each house, as provided by Section 39, Article III, Texas  
4 Constitution. If this Act does not receive the vote necessary for  
5 immediate effect, this Act takes effect September 1, 2003.