

By: Armbrister

S.B. No. 1917

A BILL TO BE ENTITLED

1 AN ACT

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

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) "District" means the Elgin Municipal Utility  
10 District No. 1.

11 SECTION 2. CREATION. (a) A municipal utility district, to  
12 be known as the Elgin Municipal Utility District No. 1, is created  
13 in Bastrop County, subject to approval by the City of Elgin under  
14 Section 7 of this Act and voter approval at a confirmation election  
15 under Section 12 of this Act.

16 (b) The district is a governmental agency and a political  
17 subdivision of this state.

18 SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The  
19 district is created to serve a public use and benefit.

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

23 (c) All of the land and other property included within the  
24 boundaries of the district will be benefited by the works and

1 projects that are to be accomplished by the district under powers  
2 conferred by Section 59, Article XVI, Texas Constitution.

3 SECTION 4. BOUNDARIES. The boundaries of the district are  
4 as follows:

5 A PARCEL OF LAND IN THE ELIZABETH STANDIFER SURVEY, ABSTRACT  
6 59, IN BASTROP COUNTY, TEXAS, BEING A PART OF THAT 294.496 ACRE  
7 TRACT OF LAND CONVEYED TO THE RIVERS FAMILY LIMITED PARTNERSHIP D,  
8 BY DEED RECORDED IN VOLUME 917, PAGE 766 OF THE OFFICIAL RECORDS OF  
9 BASTROP COUNTY, TEXAS, AND BEING A PART OF THAT 132.1 ACRE TRACT OF  
10 LAND CONVEYED TO THE RIVERS FAMILY LIMITED PARTNERSHIP D, BY DEED  
11 RECORDED IN VOLUME 793, PAGE 577 OF THE OFFICIAL RECORDS OF BASTROP  
12 COUNTY, TEXAS, SAID 132.1 ACRE TRACT OF LAND BEING THE SAME PROPERTY  
13 RECORDED IN VOLUME 94, PAGE 187 OF THE DEED RECORDS OF BASTROP  
14 COUNTY, TEXAS, AND BEING ALL OF THAT 10 ACRE TRACT OF LAND CONVEYED  
15 TO THE RIVERS FAMILY LIMITED PARTNERSHIP D IN THE SAID DEED RECORDED  
16 IN VOLUME 793, PAGE 557, SAID 10 ACRES BEING THE SAME PROPERTY  
17 DESCRIBED IN VOLUME 84, PAGE 438 OF THE DEED RECORDS OF BASTROP  
18 COUNTY, TEXAS, AND BEING THE SAME PROPERTY DESCRIBED IN DEED BOOK  
19 44, PAGE 637 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AND BEING  
20 MORE PARTICULARLY DESCRIBED AS FOLLOWS:

21 BEGIN AT A POINT IN THE EAST LINE OF THE UPPER ELGIN RIVER ROAD, SAID  
22 POINT BEING THE SOUTHWEST CORNER OF THE SAID 294.496 ACRE TRACT AND  
23 ALSO LYING IN THE NORTHERLY LINE OF THAT 103.11 ACRE TRACT OF LAND  
24 CONVEYED TO WILLIAM WESLEY SCHMIDT AND WIFE, ALMA SCHMIDT, BY DEED  
25 RECORDED IN VOLUME 180, PAGE 650 OF THE DEED RECORDS OF BASTROP  
26 COUNTY, TEXAS;

27 THENCE N.28°57'45"E., ALONG THE WEST LINE OF THE SAID 294.496

1 ACRE TRACT, THE SAME BEING THE EAST LINE OF THE UPPER ELGIN RIVER  
2 ROAD, A DISTANCE OF 2,626.52 FEET;

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

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

8 THENCE CONTINUE N.28°50'12"E., CROSSING THE SAID 132.1 ACRE  
9 TRACT, A DISTANCE OF 1,051.98 FEET TO THE NORTH LINE OF THE SAID  
10 132.1 ACRE TRACT AND TO THE SOUTH LINE OF THAT 45.063 ACRE TRACT OF  
11 LAND CONVEYED TO ELGIN BREEDING SERVICE, A PARTNERSHIP, BY DEED  
12 RECORDED IN VOLUME 319, PAGE 257 OF THE DEED RECORDS OF BASTROP  
13 COUNTY, TEXAS;

14 THENCE S.60°50'55"E., ALONG THE NORTH LINE OF THE SAID 132.1  
15 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 45.063 ACRE  
16 TRACT, A DISTANCE OF 963.75 FEET TO THE SOUTHEAST CORNER OF THE SAID  
17 45.063 ACRE TRACT AND TO THE SOUTHWEST CORNER OF THAT 32.937 ACRE  
18 TRACT OF LAND CONVEYED TO WALLACE H. CARDWELL AND ARDETH M.  
19 CARDWELL, TRUSTEES, BY DEED RECORDED IN VOLUME 661, PAGE 576 OF THE  
20 OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS;

21 THENCE ALONG THE NORTH LINE OF SAID 132.1 ACRE TRACT, THE SAME  
22 BEING THE SOUTH LINE OF THE SAID 32.937 ACRE TRACT THE FOLLOWING TWO  
23 (2) COURSES:

- 24 1. S.62°03'10"E., A DISTANCE OF 1,473.94 FEET;
- 25 2. S.61°25'10"E., A DISTANCE OF 382.17 FEET TO THE  
26 SOUTHEAST CORNER OF THE SAID 32.937 ACRE TRACT AND TO A SOUTHWEST  
27 CORNER OF THAT 11.476 ACRE TRACT OF LAND CONVEYED TO THE LOWER

1 COLORADO RIVER AUTHORITY BY DEED RECORDED IN VOLUME 871, PAGE 687 OF  
2 THE OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS;

3 THENCE S.61°12'58"E., ALONG THE NORTH LINE OF THE SAID 132.1  
4 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 11.476 ACRE  
5 TRACT, A DISTANCE OF 453.91 FEET TO THE SOUTHEAST CORNER OF THE SAID  
6 11.476 ACRE TRACT AND TO THE SOUTHWEST CORNER OF THAT 2.00 ACRE  
7 TRACT OF LAND CONVEYED TO CONRRADO JONSE, III AND WIFE, LISA JONSE,  
8 BY DEED RECORDED IN VOLUME 423, PAGE 516 OF THE OFFICIAL RECORDS OF  
9 BASTROP COUNTY, TEXAS;

10 THENCE S.61°39'46"E., ALONG THE NORTH LINE OF THE SAID 132.1  
11 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THE SAID 2.00 ACRE  
12 TRACT, A DISTANCE OF 295.16 FEET TO THE SOUTHEAST CORNER OF THE SAID  
13 2.00 ACRE TRACT

14 THENCE CONTINUE S.61°39'46"E. ALONG THE NORTH LINE OF THE SAID  
15 132.1 ACRE TRACT, THE SAME BEING THE SOUTH LINE OF THAT 16.12 ACRE  
16 TRACT OF LAND CONVEYED TO PEDRO BEGA BY DEED RECORDED IN VOLUME 113,  
17 PAGE 266 OF THE DEED RECORDS OF BASTROP COUNTY, TEXAS, AT A DISTANCE  
18 OF 342.72 FEET PASS THE NORTHEAST CORNER OF THE SAID 132.1 ACRE  
19 TRACT, THE SAME BEING NORTHWEST CORNER OF THE 10 ACRE TRACT, AND AT  
20 A DISTANCE OF 593.73 FEET PASS THE SOUTHEAST CORNER OF THE SAID  
21 16.12 ACRE TRACT, IN ALL A TOTAL DISTANCE OF 707.47 FEET TO THE  
22 NORTHEAST CORNER OF THE SAID 10 ACRE TRACT;

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

26 THENCE N.61°58'15"W., ALONG THE SOUTH LINE OF THE SAID 10 ACRE  
27 TRACT, IN PART, AND CONTINUING ALONG A SOUTH LINE OF THE SAID 132.1

1 ACRE TRACT, A DISTANCE OF 1,302.89 FEET TO THE SOUTHERLY NORTHEAST  
2 CORNER OF THE SAID 294.496 ACRE TRACT, THE SAME BEING THE NORTHWEST  
3 CORNER OF THAT 50 ACRE TRACT OF LAND CONVEYED TO HEINE NEIDIG BY  
4 DEED RECORDED IN VOLUME 160, PAGE 300 OF THE DEED RECORDS OF BASTROP  
5 COUNTY, TEXAS;

6 THENCE S.27°11'21"W., ALONG THE EAST LINE OF THE SAID 294.496  
7 ACRE TRACT, THE SAME BEING THE WEST LINE OF THE 50 ACRE TRACT, A  
8 DISTANCE OF 1,489.14 FEET TO A POINT IN THE NORTH LINE OF THAT  
9 99.294 ACRE TRACT OF LAND CONVEYED TO A. E. MASSENGALE, JR., AND  
10 LINDA D. MASSENGALE BY DEED RECORDED IN VOLUME 825, PAGE 377 OF THE  
11 OFFICIAL RECORDS OF BASTROP COUNTY, TEXAS;

12 THENCE ALONG THE EASTERLY LINE OF THE SAID 294.496 ACRE  
13 TRACT, THE SAME BEING THE NORTHERLY AND WESTERLY LINES OF THE SAID  
14 99.294 ACRE TRACT, THE FOLLOWING TWO (2) COURSES:

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

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

26 THENCE ALONG THE SOUTH LINE OF THE SAID 294.496 ACRE TRACT,  
27 THE SAME BEING THE NORTH LINE OF THE SAID 103.11 ACRE TRACT, THE

1 FOLLOWING TWO (2) COURSES:

- 2 1. N.60°29'39"W., A DISTANCE OF 1,324.83 FEET;  
3 2. N.61°40'28"W., A DISTANCE OF 1,110.17 FEET TO THE  
4 POINT OF BEGINNING.  
5 CONTAINING 384.83 ACRES, MORE OR LESS.

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

8 CONTAINING, within these metes and bounds 384.83 acres of  
9 land area.

10 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The  
11 legislature finds that the boundaries and field notes of the  
12 district form a closure. If a mistake is made in the field notes or  
13 in copying the field notes in the legislative process, the mistake  
14 does not affect in any way:

- 15 (1) the organization, existence, or validity of the  
16 district;  
17 (2) the right of the district to impose taxes; or  
18 (3) the legality or operation of the district or the  
19 board.

20 SECTION 6. GENERAL POWERS. The district has all of the  
21 rights, powers, privileges, authority, functions, and duties  
22 provided by the general law of this state, including Chapters 49 and  
23 54, Water Code, applicable to municipal utility districts created  
24 under Section 59, Article XVI, Texas Constitution.

25 SECTION 7. CITY OF ELGIN. (a) The district is wholly  
26 located within the extraterritorial jurisdiction of the City of  
27 Elgin. The district is subject to the requirements of municipal

1 ordinances of the City of Elgin applicable to extraterritorial  
2 areas, unless the municipality's governing body waives compliance.  
3 Creation of the district is subject to approval by the City of Elgin  
4 under Sections 42.042, Local Government Code, and 54.016, Water  
5 Code.

6 (b) Subject to the approval of the City of Elgin, the  
7 district may divide into two or more contiguous districts as  
8 provided by Sections 51.749-51.758, Water Code.

9 SECTION 8. DEVELOPMENT AGREEMENT. The district may enter  
10 into a written contract with the City of Elgin that:

11 (1) guarantees the continuation of the  
12 extraterritorial status of the district and its immunity from  
13 annexation by the municipality for a period not to exceed 25 years;

14 (2) regulates development within the boundaries of the  
15 district in a manner that the parties agree will further the health,  
16 safety, and welfare of the residents of the district;

17 (3) contains other terms and considerations that the  
18 parties agree are reasonable and appropriate; and

19 (4) may be renewed or extended for successive periods  
20 not to exceed a total of 15 years.

21 SECTION 9. APPLICABILITY OF OTHER LAW. This Act prevails  
22 over any provision of general law that is in conflict or  
23 inconsistent with this Act.

24 SECTION 10. BOARD OF DIRECTORS. (a) The district is  
25 governed by a board of five directors.

26 (b) Temporary directors serve until initial directors are  
27 elected under Section 12 of this Act.

1 (c) Two of the initial directors serve until the first  
2 election of permanent directors under Section 13 of this Act. Three  
3 of the initial directors serve until the second election of  
4 permanent directors under Section 13 of this Act.

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

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

8 (f) A director serves until the director's successor has  
9 qualified.

10 SECTION 11. TEMPORARY DIRECTORS. (a) The temporary board  
11 consists of:

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

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

23 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

24 (a) The temporary board shall call and hold an election to confirm  
25 establishment of the district and to elect five initial directors  
26 as provided by Section 49.102, Water Code.

27 (b) The initial directors elected shall draw lots to decide



1 which two shall serve terms lasting until replacement directors are  
2 elected at the first regularly scheduled election of directors  
3 under Section 13 of this Act and which three shall serve until the  
4 second regularly scheduled election of directors.

5 (c) Section 41.001(a), Election Code, does not apply to a  
6 confirmation and initial directors' election held as provided by  
7 this section.

8 SECTION 13. ELECTION OF DIRECTORS. (a) On the first  
9 Saturday in May of the first even-numbered year after the year in  
10 which the district is authorized to be created at a confirmation  
11 election, an election shall be held in the district for the election  
12 of two directors to replace the two initial directors serving  
13 shorter terms from the confirmation election.

14 (b) On the first Saturday in May of each subsequent  
15 even-numbered year following the election, the appropriate number  
16 of directors shall be elected.

17 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

18 (a) The legal notice of the intention to introduce this Act,  
19 setting forth the general substance of this Act, has been published  
20 as provided by law, and the notice and a copy of this Act have been  
21 furnished to all persons, agencies, officials, or entities to which  
22 they are required to be furnished under Section 59, Article XVI,  
23 Texas Constitution, and Chapter 313, Government Code. The  
24 governor, one of the required recipients, has submitted the notice  
25 and Act to the Texas Commission on Environmental Quality.

26 (b) The Texas Commission on Environmental Quality has filed  
27 its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives  
2 within the required time.

3 (c) All requirements of the constitution and laws of this  
4 state and the rules and procedures of the legislature with respect  
5 to the notice, introduction, and passage of this Act are fulfilled  
6 and accomplished.

7 SECTION 15. EFFECTIVE DATE; EXPIRATION DATE. (a) This Act  
8 takes effect September 1, 2003.

9 (b) If the creation of the district is not confirmed at a  
10 confirmation election held under Section 12 of this Act before  
11 September 1, 2005, this Act expires on that date.