

By: Gattis

H.B. No. 1346

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the CLL Municipal Utility District No. 1; providing authority to impose a tax and issue bonds.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8109 to read as follows:

CHAPTER 8109. CLL MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8109.001. DEFINITIONS. In this chapter:

(1) "Board" means the board of directors of the district.

(2) "Director" means a member of the board.

(3) "District" means the CLL Municipal Utility District No. 1.

Sec. 8109.002. NATURE OF DISTRICT. The district is a municipal utility district in Bell and Williamson Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8109.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8109.023 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that:

(A) any debts incurred shall be paid;

1 (B) any assets that remain after the payment of
2 debts shall be transferred to Bell and Williamson Counties in
3 proportion to the contribution of money made; and

4 (C) the organization of the district shall be
5 maintained until all debts are paid and remaining assets are
6 transferred; and

7 (2) this chapter expires September 1, 2014.

8 Sec. 8109.004. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act creating this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect:

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 board.

19 Sec. 8109.005. APPLICABILITY OF OTHER LAW. Except as
20 otherwise provided by this chapter, Chapters 30, 49, and 54, Water
21 Code, apply to the district.

22 [Sections 8109.006-8109.020 reserved for expansion]

23 SUBCHAPTER A1. TEMPORARY PROVISIONS

24 Sec. 8109.021. TEMPORARY DIRECTORS. (a) The temporary
25 board consists of:

26 (1) Bobby Steiner;

27 (2) S. Tim Casey;

- (3) Raymond James Chatelain;
- (4) Glenn Russell Chiappe; and
- (5) William M. Coltharp.

(b) A temporary director is not required to own land in or reside in the district.

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

(d) Temporary directors serve until the earlier of:

(1) the date directors are elected under Section 8109.023; or

(2) the date this chapter expires under Section 8109.003.

Sec. 8109.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 49.055, Water Code, a majority of the temporary directors shall convene the organizational meeting of the district at a location in the district agreeable to a majority of the directors. If a location cannot be agreed upon, the organizational meeting shall be at the Williamson County Courthouse.

Sec. 8109.023. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary directors shall hold an election to confirm the creation of the district and to elect five directors as

1 provided by Section 49.102, Water Code. If the creation of the
2 district is not confirmed at the initial election, the temporary
3 directors may hold a second election not sooner than the first
4 anniversary of the initial election.

5 (b) At the confirmation and initial directors' election the
6 board may submit to the voters a proposition to authorize:

7 (1) an issuance of bonds;

8 (2) a maintenance tax; or

9 (3) a tax to fund payments required under a contract.

10 (c) Section 41.001(a), Election Code, does not apply to a
11 confirmation and initial directors' election held under this
12 section.

13 Sec. 8109.024. INITIAL ELECTED DIRECTORS; TERMS. The
14 directors elected under Section 8109.023 shall draw lots to
15 determine which two shall serve terms expiring June 1 following the
16 first regularly scheduled election of directors under Section
17 8109.052 and which three shall serve until June 1 following the
18 second regularly scheduled election of directors.

19 Sec. 8109.025. EXPIRATION OF SUBCHAPTER. This subchapter
20 expires September 1, 2014.

21 [Sections 8109.026-8109.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8109.051. DIRECTORS; TERMS. (a) The district is
24 governed by a board of five directors.

25 (b) Directors serve staggered four-year terms that expire
26 June 1 of even-numbered years.

27 Sec. 8109.052. ELECTION OF DIRECTORS. On the uniform

1 election date in May of each even-numbered year, the appropriate
2 number of directors shall be elected.

3 [Sections 8109.053-8109.100 reserved for expansion]

4 SUBCHAPTER C. DIVISION OF DISTRICT TO MULTIPLE DISTRICTS

5 Sec. 8109.101. DIVISION OF DISTRICT; PREREQUISITES. (a) At
6 any time before the district issues indebtedness secured by taxes
7 or net revenues, the district, including any annexed territory, may
8 be divided into an original district and one or more new districts.
9 The board shall determine which portion of the divided area
10 constitutes the original district.

11 (b) A district created by division of the original district
12 under Subsection (a) may further subdivide as determined by the
13 board of that district.

14 (c) After a division under Subsection (a) or (b), the
15 original district and any new district created must be at least 85
16 acres.

17 (d) The board by resolution may declare an intent to divide
18 the district. The resolution must:

19 (1) set the terms of the division, including a plan for
20 the payment or performance of any outstanding district obligations;
21 and

22 (2) contain a metes and bounds description for each
23 district, including the modified original district.

24 (e) Section 42.042, Local Government Code, and Section
25 54.016, Water Code, do not apply to the creation of a new district
26 by division under this subchapter.

27 Sec. 8109.102. DISTRICT DIVISION BY ELECTION. (a) Except

1 as provided by Section 8109.103, the board shall hold an election in
2 the district to determine whether the district should be divided as
3 proposed under Section 8109.101(d).

4 (b) The board shall give notice of the election not later
5 than the 20th day before the date of the election. The notice must
6 state:

7 (1) the date and location of the election; and

8 (2) the proposition to be voted on.

9 (c) If a majority of the votes are cast in favor of the
10 division, the district is divided.

11 (d) If less than a majority of the votes are cast in favor of
12 the division, the district may not be divided.

13 Sec. 8109.103. DISTRICT DIVISION BY CONSENT. (a) The board
14 may approve and order the division of the district without an
15 election if the board has received written consent to the proposed
16 division from all title holders of the land in the district as
17 indicated by the tax rolls of the central appraisal district of each
18 county in which the district is located.

19 (b) If the board orders the division without an election,
20 the district is divided as of the date of the order.

21 Sec. 8109.104. NOTICE OF DIVISION. Not later than the 30th
22 day after the date of a division under this subchapter, the district
23 shall provide written notice of the plan for division to:

24 (1) the Texas Commission on Environmental Quality;

25 (2) the attorney general;

26 (3) the commissioners court of each county in which a
27 new district is located; and

1 (4) any municipality having extraterritorial
2 jurisdiction over territory in each new district.

3 Sec. 8109.105. DISTRICT NAMES FOLLOWING DIVISION. The area
4 designated by the board as the original district retains the name of
5 the original district. The resulting new districts are assigned
6 consecutive letters to be appended to the name of the original
7 district.

8 Sec. 8109.106. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
9 After a division under this subchapter, the board shall continue to
10 act as the board of the original district.

11 (b) Not later than the 90th day after the date of the
12 division, the board shall appoint five directors for each of the new
13 districts. A person appointed under this subsection is not
14 required to own land in or reside in the district for which the
15 person is appointed.

16 (c) Directors of the original district serve the staggered
17 terms to which they were elected before the division. Directors
18 appointed under Subsection (b) serve until June 1 following the
19 election for directors under Subsection (d).

20 (d) On the uniform election date in May of the first
21 even-numbered year after the year in which the directors are
22 appointed, an election shall be held to elect five directors in each
23 district for which directors were appointed under Subsection (b).
24 Of the five directors elected in each district, the three directors
25 receiving the greatest number of votes shall serve terms expiring
26 June 1 following the second regularly scheduled election of
27 directors under Subsection (e), and the remaining two directors

1 shall serve terms expiring June 1 following the first regularly
2 scheduled election of directors.

3 (e) Except as provided by Subsection (d), directors serve
4 staggered four-year terms. On the uniform election date in May of
5 each even-numbered year, the appropriate number of directors shall
6 be elected.

7 Sec. 8109.107. CONTINUING POWERS AND OBLIGATIONS OF NEW
8 DISTRICTS. (a) Each new district may incur and pay debts and has
9 all powers of the original district created by this chapter.

10 (b) If the district is divided as provided by this
11 subchapter, the current obligations and any bond authorizations of
12 the district are not impaired. Debts shall be paid by revenues or
13 by taxes or assessments imposed on real property in the district as
14 if the district had not been divided or by contributions from each
15 new district as stated in the terms set by the board in the plan for
16 division.

17 (c) Any other district obligation shall be divided pro rata
18 among the new districts and the original district on an acreage
19 basis or on other terms that are satisfactory to the new districts.

20 Sec. 8109.108. CONTRACT AUTHORITY OF NEW DISTRICTS. The new
21 districts may contract with each other and with the original
22 district for:

23 (1) water and wastewater services; or

24 (2) any other matter the boards of the new districts
25 consider appropriate.

26 SECTION 2. The CLL Municipal Utility District No. 1
27 initially includes all the territory contained in the following

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1 S70°59'15"W 289.02 feet to a 1/2" iron rod found at the westernmost
2 corner of a 1.0 acre parcel described in Volume 1818, page 4, Bell
3 County Deed Records; THENCE S19°01'50"E 149.46 feet with a fence to
4 a 1/2" iron rod found at the southernmost corner of said 1.0 acre
5 parcel and northwesterly line of 2.0 acre parcel described in
6 Volume 1830, Page 384, Bell County Deed Records; THENCE S71°00'02"W
7 95.96 feet with a fence to a 1/2" iron rod found at the westernmost
8 corner of said 2.0 acre parcel; THENCE S18°56'35"E 240.86 feet with
9 a fence to a 1/2" iron rod found at the southernmost corner of said
10 2.0 acre parcel; THENCE N70°57'02"E 345.97 feet with a fence to a
11 1/2" iron rod set at the northernmost corner of Lot 1, Block B,
12 Stagecoach Hill Phase One Addition; THENCE S19°02'36"E 790.28 feet
13 with a fence with the southwesterly right-of-way line of said Hill
14 Road to a 1/2" iron rod set at the easternmost corner of this parcel
15 and Lot 2, Block A, Stagecoach Hill Phase One Addition; THENCE
16 S70°59'39"W 1349.99 feet with a fence to a 1/2" iron rod found at the
17 base of a twin hackberry tree; THENCE S70°18'45"W 724.97 feet with a
18 fence to a 1/2" iron rod at the southernmost corner of this parcel;
19 THENCE N19°07'45"W 1235.91 feet with a fence at a 1/2" iron rod set
20 at an angle point; THENCE N18°29'15"W 692.39 feet with a fence to a
21 cotton spindle set on top of a corner fence post at the westernmost
22 corner of this parcel; THENCE N69°58'26"E 1123.78 feet with a fence
23 to a 1/2" iron rod found at an angle point; THENCE N70°51'01"E 977.83
24 feet with a fence to the POINT OF BEGINNING, containing 90.085 acres
25 of land, more or less.

26 Part 2

27 A second tract of land being all of that certain lot, tract or

1 parcel of land out of and a part of the Samuel Wolfenbarger Survey,
2 Abstract No. 165 in Williamson County and Abstract No. 909 in Bell
3 County, and the land herein described being that certain 85 acre
4 tract described in First Tract in a Deed from Amanda Knight, et al,
5 to J.R. Knight, Jr., said Deed being of record in Volume 275, Page
6 113, Deed Records of Bell County, Texas.

7 BEGINNING at a point in the east margin of a County Road that
8 bears N 71° 00' 00" E., 25.00 feet and S. 19° 00' 00" E., 1055.6 feet
9 from the southwest corner of the Samuel Allen Survey, Abstract No.
10 31, said point being an iron pipe in a fence corner for the
11 northwest corner of this; THENCE N. 71° 17' 09" E., 2948.74 feet with
12 an existing fence to an iron pipe in a fence corner at the northeast
13 corner of the said 85 acre tract for the northeast corner of this;
14 THENCE with the east line of the said 85 acre tract as fenced and
15 evidenced on the ground as follows, to-wit: S. 18° 23' 39" E., 63.23
16 feet, an iron rod; S. 18° 12' 51" E., 771.02 feet, a 1" galvanized
17 iron pipe; and S 18° 09' 40" E., 422.84 feet to an iron rod at the
18 southeast corner of the said 85 acre tract for the southeast corner
19 of this; THENCE with the south line of the said 85 acre tract as
20 fenced: S 70° 58' 10" W., 1154.44 feet, an iron rod, and S. 71° 06'
21 37" W., 1775.15 feet to an iron pipe in a fence corner in the east
22 margin of the aforementioned County Road for the southwest corner
23 of this; THENCE with the said east margin as fenced N. 19° 19' 07"
24 W., 107.58 feet, an iron pipe; N. 21° 56' 26" W., 98.20 feet, an iron
25 pipe; and N 18° 47' 13" W., 1063.24 feet to the PLACE OF BEGINNING,
26 containing 85.352 acres of land, more or less.

27 Part 3

1 A third tract of land being all the certain tract, lot or
2 parcel of land, situated, lying and being in the Counties of Bell
3 and Williamson, in the State of Texas, and described as follows:
4 BEING all of the John Talk 320 acres survey, except a small strip
5 out of the N.W. corner of the same, the land hereby conveyed is
6 described by metes and bounds as follows:

7 BEGINNING at the S.E. corner of the said John Talk Survey,
8 which is also the N.E. corner of the Edward Breeding Survey, a stake
9 in the center of a public road for S.E. corner of this tract; THENCE
10 S 71° W 3925.0 feet to the S.W. corner of the said survey; THENCE N
11 19° W 3420.8 feet with the fence for line to this south line of a
12 tract of land owned by J.R. Knight; THENCE N 71° E with said Knight's
13 line 1316.7 feet to his S.E. corner; THENCE N 19° W 244.4 feet to the
14 N. line of said Talk Survey; THENCE N 71° E 2644.4 feet to cedar post
15 for N.E. corner; THENCE S 18 1/2° E with fence 3658.3 feet to the
16 PLACE OF BEGINNING, containing 320 acres of land, more or less.

17 Part 4

18 A fourth tract of land being 154.421 acres of the Isaac H.
19 Lambert Survey, Abstract No. 394, in Williamson County, Texas, part
20 of 95 acres described in a deed to Fred White of record in Vol. 285,
21 Page 443, and part of 79 acres described in Vol. 426, Page 646, Deed
22 Records of Williamson County, Texas. Surveyed on the ground in
23 March of 1979, under the direction of W.F. Forest, Registered
24 Public Surveyor No. 101.

25 BEGINNING at an iron pin set in the East line of County Road
26 304, at the Northwest corner, as fenced of the 95 acre tract.
27 THENCE N 70°39'55" E 1425.67 feet, N 68°32'25" E 85.13 feet, N

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1 71°35'55" E 142.73 feet, and N 70°30'20" E at about 482.96 feet pass
2 the Northeast corner of the 95 acres and the Northwest corner of the
3 79 acres, continuing in all 2547.68 feet with a fence to an iron pin
4 on or near the East line of the Isaac H. Lambert Survey. THENCE S
5 19°19'10" E at 1543.14 feet the fence bends Easterly, continuing in
6 all 1785.65 feet to set an iron pin in the North line of F.M. 487, a
7 concrete monument stands N 71°00'00" E 97.6 feet. THENCE S 71°00' W
8 1288.66 feet with the R.O.W. line to set an iron pin at the
9 Southeast corner of 15.81 acres also surveyed this date. THENCE N
10 19°00' W 999.11 feet to set an iron pin. THENCE S 71°00' W 689.3 feet
11 to set an iron pin. THENCE S 19°00' E 999.11 feet crossing the
12 common line between the 95 acres and the 79 acres, to set an iron pin
13 in the North line of F.M. 487. THENCE S 71°00' W 2155.3 feet with the
14 North line of F.M. 487 to a concrete R.O.W. marker. THENCE N
15 63°41'40" W at 56.66 feet pass a concrete R.O.W. marker, continuing
16 in all 78.87 feet to set an iron pin in the East line of County Road
17 304. THENCE N 19°45' W 1697.21 feet with the fenced East line of
18 County Road 304, to the POINT OF BEGINNING, containing 154.421
19 acres of land, more or less.

20 Part 5

21 A fifth tract of land being all that certain tract or parcel
22 of land, lying and being situated in Williamson County, Texas, a
23 part of the William Adams Survey, and described by metes and bounds
24 as follows:

25 BEGINNING at the northwest corner of a 237 acre tract of the
26 Adams and Breeding Surveys, described in Volume 116, Page 204, of
27 the Williamson County Deed Records; THENCE South 19° East 3686.1

1 feet to the Southwest corner of said 237 acre tract; THENCE North
2 71° East 369.4 feet to corner; THENCE North 19° West 3686.1 feet to
3 corner in North line of said 237 acre tract; and THENCE South 71°
4 West 369.4 feet to the place of beginning, containing 31 acres of
5 land, more or less. Said above tract being the same as the 31 acre
6 tract which is described in Deed from Fred White and others to
7 Thomas L. White, recorded in Volume 285, Page 444, of the Deed
8 Records of Williamson County, Texas.

9 Part 6

10 A sixth tract of land being all that certain lot, tract or
11 parcel of land lying and being situated in Williamson County,
12 Texas, a part of the William Adams Survey, and described as
13 follows:

14 BEGINNING at the Northeast corner of a 31 acre tract out of
15 said Adams Survey and forming a part of allotment No. 2 in the
16 division of the J.S. White lands, which said corner is in the North
17 line of William Adams Survey and of a 237 acre tract conveyed to
18 J.S. White, as shown by the Record of Deeds of Williamson County,
19 Texas; THENCE South 19° East 3686.1 feet to the Southeast corner of
20 said 31 acre tract; THENCE North 71° East 533.3 feet to the
21 Northwest corner of H. Kuykendall Survey; THENCE South 19° East
22 347.2 feet to corner; THENCE North 71° East 463.9 feet to corner;
23 THENCE North 19° West 339.7 feet cross the North line of said
24 Kuykendall Survey and in all 4025 feet to corner in the North line
25 of said 237 acre tract, which is also the North line of William
26 Adams Survey; and THENCE South 71° West 997.2 feet to the place of
27 beginning, being 84 acres of the Adams Survey and 3 acres of the

1 Kuykendall Survey, in all 87 acres of land, more or less.

2 Part 7

3 A seventh tract of land being 113.440 acres of the G.
4 Schneider Survey, Abstract No. 579, in Williamson County, Texas,
5 part of a 120 acre tract described in a deed to Beverly A. Goodnight
6 and Jeannette K. West of record in Vol. 668, Page 643, Deed Records
7 of Williamson County, Texas. Surveyed on the ground in August of
8 1979, under the direction of W.F. Forest, Registered Public
9 Surveyor No. 101.

10 BEGINNING at an iron pin at a fence corner in the North line
11 of County Road 302, at the Southwest corner of the said 120 acre
12 tract. THENCE N 18 degrees 26' 30" W 2774.09 feet with the fenced
13 West line of the 120 acre tract to an iron pin at the Northwest fence
14 corner of the 120 acre tract. THENCE N 71 degrees 39' 25" E. 1446.19
15 feet with the fenced North line of the 120 acre tract and with the
16 North line of the G. Schneider Survey to a Railroad cross-tie post
17 at the Northwest corner of a 9.2 acre tract conveyed to Frank
18 Janosek in Vol. 139, Page 567. Also being the northwest corner of a
19 3.51 acre tract which was excerpted from the 120 acre tract and
20 described in the Second Tract in Vol. 668, Page 643. THENCE S 83
21 degrees 20' 25" E 1423.5 feet with the North line of the Second
22 Tract which was once the R.O.W. line of the Bartlett-Florence
23 Railroad to the East line of the 120 acre tract, an iron pipe bears N
24 83 degrees 20' 25" W 15.65 feet. THENCE S 18 degrees 08' 45" E
25 1214.0 feet with the East line of the 120 acre tract to the center of
26 South Donahoe Creek, an iron pin on the bank bears N 18 degrees 08'
27 45" W 30.14 feet. THENCE N 63 degrees 24' 25" W 592.2 feet, S 68

1 degrees 59' W 377.13 feet, S 43 degrees 58' 50" W 762.0 feet, an iron
2 pin set, and S 70 degrees 45' 55" W 441.50 feet, with the North line
3 of a 51.3 acre tract owned by Joseph K. Urbanovsky to an iron pin at
4 a fence corner. THENCE S 18 degrees 36' E 985.36 feet with a fence
5 to an iron pin at a fence corner in the North line of County Road
6 302, and in the South line of the said G. Schneider Survey. THENCE S
7 70 degrees 44' 45" W 819.63 feet with the fenced North line of the
8 road and the common line between the G. Schneider Survey A-579, and
9 the G. Schneider Survey A-580, to the POINT OF BEGINNING,
10 containing 113.440 acres of land, more or less.

11 Said Part 1, Part 2, Part 3, Part 4, Part 5, Part 6, and Part 7
12 containing a total of 881.298 acres (38,389,341 sq. ft.) of land,
13 more or less.

14 SECTION 3. (a) The legal notice of the intention to
15 introduce this Act, setting forth the general substance of this
16 Act, has been published as provided by law, and the notice and a
17 copy of this Act have been furnished to all persons, agencies,
18 officials, or entities to which they are required to be furnished
19 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
20 Government Code.

21 (b) The governor, one of the required recipients, has
22 submitted the notice and Act to the Texas Commission on
23 Environmental Quality.

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor, the
26 lieutenant governor, and the speaker of the house of
27 representatives within the required time.

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

5 SECTION 4. This Act takes effect September 1, 2005.