

By: Gattis

H.B. No. 3497

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Sonterra Municipal Utility District; 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 8111 to read as follows:

CHAPTER 8111. SONTERRA MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8111.001. 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 Sonterra Municipal Utility District.

Sec. 8111.002. NATURE OF DISTRICT. The district is a municipal utility district in Williamson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8111.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8111.023 before September 1, 2009:

(1) the district is dissolved September 1, 2009, 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 Williamson County; and

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

6           (2) this chapter expires September 1, 2012.

7           Sec. 8111.004. INITIAL DISTRICT TERRITORY. (a) The  
8 district is initially composed of the territory described by  
9 Section 2 of the Act creating this chapter.

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

14           (1) the organization, existence, or validity of the  
15 district;

16           (2) the right of the district to impose taxes; or

17           (3) the legality or operation of the board.

18           Sec. 8111.005. APPLICABILITY OF OTHER LAW. Except as  
19 otherwise provided by this chapter, Chapters 30, 49, and 54, Water  
20 Code, apply to the district.

21           [Sections 8111.006-8111.020 reserved for expansion]

22           SUBCHAPTER A-1. TEMPORARY PROVISIONS

23           Sec. 8111.021. TEMPORARY DIRECTORS. (a) The temporary  
24 board consists of:

25           (1) Mike Ortiz;

26           (2) Roger Gallamore;

27           (3) John Faske;

1           (4) Doug Porteous; and

2           (5) Erma Wedge.

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

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

11           (d) Temporary directors serve until the earlier of:

12           (1) the date directors are elected under Section  
13 8111.023; or

14           (2) the date this chapter expires under Section  
15 8111.003.

16           Sec. 8111.022. ORGANIZATIONAL MEETING OF TEMPORARY  
17 DIRECTORS. As soon as practicable after all the temporary  
18 directors have qualified under Section 49.055, Water Code, a  
19 majority of the temporary directors shall convene the  
20 organizational meeting of the district at a location in the  
21 district agreeable to a majority of the directors.

22           Sec. 8111.023. CONFIRMATION AND INITIAL DIRECTORS'  
23 ELECTION. (a) The temporary directors shall hold an election to  
24 confirm the creation of the district and to elect five initial  
25 directors as provided by Section 49.102, Water Code. If the  
26 creation of the district is not confirmed at the initial election,  
27 the temporary directors may hold a second election not sooner than

1 the first anniversary of the initial election.

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

4 (1) an issuance of bonds;

5 (2) a maintenance tax; or

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

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

10 Sec. 8111.024. INITIAL ELECTED DIRECTORS; TERMS. The  
11 directors elected under Section 8111.023 shall draw lots to  
12 determine which two shall serve until the first regularly scheduled  
13 election of directors under Section 8111.052 and which three shall  
14 serve until the second regularly scheduled election of directors.

15 Sec. 8111.025. EXPIRATION OF SUBCHAPTER. This subchapter  
16 expires September 1, 2012.

17 [Sections 8111.026-8111.050 reserved for expansion]

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 8111.051. DIRECTORS; TERMS. (a) The district is  
20 governed by a board of five directors.

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

23 Sec. 8111.052. ELECTION OF DIRECTORS. On the uniform  
24 election date in May of each even-numbered year, the appropriate  
25 number of directors shall be elected.

26 [Sections 8111.053-8111.100 reserved for expansion]

1       SUBCHAPTER C. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

2       Sec. 8111.101. DIVISION OF DISTRICT; PREREQUISITES. (a)

3       At any time before the district issues indebtedness secured by  
4       taxes or net revenues, the district, including any annexed  
5       territory, may be divided into an original district and one or more  
6       new districts. The board shall determine which portion of the  
7       divided area constitutes the original district.

8       (b) A district created by division of the original district  
9       under Subsection (a) may further subdivide as determined by the  
10       board of the new district.

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

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

16               (1) set the terms of the division, including a plan for  
17       the payment or performance of any outstanding district obligations;  
18       and

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

21       (e) Section 42.042, Local Government Code, and Section  
22       54.016, Water Code, do not apply to the creation of a new district  
23       by division under this subchapter.

24       Sec. 8111.102. DISTRICT DIVISION BY ELECTION. (a) Except  
25       as provided by Section 8111.103, the board shall hold an election in  
26       the district to determine whether the district should be divided as  
27       proposed under Section 8111.101(d).

1       (b) The board shall give notice of the election not later  
2 than the 20th day before the date of the election. The notice must  
3 state:

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

5           (2) the proposition to be voted on.

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

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

10       Sec. 8111.103. DISTRICT DIVISION BY CONSENT. (a) The board  
11 may approve and order the division of the district without an  
12 election if the board has received written consent to the proposed  
13 division from all title holders of the land in the proposed new  
14 district or districts as indicated by the tax rolls of the central  
15 appraisal district.

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

18       Sec. 8111.104. NOTICE OF DIVISION. Not later than the 30th  
19 day after the date of a division under this subchapter, the district  
20 shall provide written notice of the plan for division to:

21           (1) the Texas Commission on Environmental Quality;

22           (2) the attorney general;

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

25           (4) each municipality having extraterritorial  
26 jurisdiction over territory in a new district.

27       Sec. 8111.105. DISTRICT NAMES FOLLOWING DIVISION. The area

1 designated by the board as the original district retains the name of  
2 the original district. The resulting new districts are assigned  
3 consecutive letters to be appended to the name of the original  
4 district.

5 Sec. 8111.106. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)  
6 After a division under this subchapter, the board shall continue to  
7 act as the board of the original district.

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

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

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

27 (e) Except as provided by Subsection (d), directors serve

1 staggered four-year terms. On the uniform election date in May of  
2 each even-numbered year, the appropriate number of directors shall  
3 be elected.

4 Sec. 8111.107. CONTINUING POWERS AND OBLIGATIONS OF NEW  
5 DISTRICTS. (a) Each new district may incur and pay debts and has  
6 all powers of the original district created by this chapter.

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

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

17 Sec. 8111.108. CONTRACT AUTHORITY OF NEW DISTRICTS. The  
18 new districts may contract with each other for:

- 19 (1) water and wastewater services; or  
20 (2) any other matter the boards of the new districts  
21 consider appropriate.

22 Sec. 8111.109. ANNEXATION. A municipality may annex the  
23 original district, or a new district that is created as a result of  
24 a division of the district under Section 8111.102 or 8111.103, only  
25 after:

- 26 (1) the district has installed at least 90 percent of  
27 all works, improvements, facilities, plants, equipment, and



1 appliances necessary to:

2 (A) provide service to the proposed development  
3 in the district;

4 (B) accomplish the purposes for which the  
5 district was created; and

6 (C) exercise the powers provided by general law  
7 and this chapter; or

8 (2) at least 10 years have elapsed since the creation  
9 of the district was confirmed at an election held under Section  
10 8111.023.

11 SECTION 2. The Sonterra Municipal Utility District  
12 initially includes the territory contained within the following  
13 area:

14 BEING 1,135.71 acres of land situated in the Isaac Bunker  
15 Survey, Abstract No. 54 and the A.A. Lewis Survey, Abstract No. 384,  
16 Williamson County, Texas, said 1,135.71 acres made up 17 tracts of  
17 land and more particularly described by metes and bounds as  
18 follows, all bearings based on the Texas State Plane Coordinate  
19 System, Central Zone;

20 BEGINNING at an iron pin set on the East line of Interstate  
21 Highway No. 35 said point being the most westerly corner of the  
22 236.37 acre Schewertner tract for the most westerly corner hereof:

23 THENCE, along Interstate Highway No. 35 and the west line of  
24 the Schewertner 236.37 acre tract N 22° 57' 34" E for a distance of  
25 1,140.30 feet to a point,

26 THENCE, N 22° 56' 46" E for a distance of 1,313.33 feet to a  
27 point;

1           THENCE, N 25° 14' 15" E for a distance of 920.51 feet to a  
2 point:

3           THENCE, S 18° 46' 42" E for a distance of 1,662.48 feet to a  
4 point;

5           THENCE, N 71° 08' 28" E for a distance of 613.52 feet to a  
6 point;

7           THENCE, N 71° 00' 00" E for a distance of 250.22 feet to a  
8 point;

9           THENCE along the west line of the Odell Faske 112.45 acre  
10 tract, N 18° 50' 51" W for a distance of 2,407.45 feet to a point;

11           THENCE, continuing along the north line of the Odell Faske  
12 112.45 acre tract, N 33° 52' 12" E for a distance of 687.00 feet to a  
13 point for the most northerly northwest corner herein;

14           THENCE, continuing along the north line of the Odell Faske  
15 112.45 acre tract, N 70° 23' 58" E for a distance of 1,507.28 feet to  
16 a point for the most northerly northeast corner herein;

17           THENCE, along the east line of the Odell Faske 112.45 acre  
18 tract, S 19° 11' 34" E for a distance of 3,116.65 feet to a point;

19           THENCE, along the north line of the M. Howard Faske 129.75  
20 acre tract, N 71° 33' 31" E for a distance of 2,918.84 feet to a point  
21 in the west ROW line of Williamson County Road No. 332;

22           THENCE, continuing along the West ROW line of CR 332, and  
23 being the east line of the M. Howard Faske tract and the Wilson  
24 Raven 159.65 acre tract, S 18° 13' 27" E for a distance of 2,164.71  
25 feet to a point;

26           THENCE, along the south line of the Wilson Raven tract, S 71°  
27 43' 55" W for a distance of 2,611.40 feet to a point;

1           THENCE, along the most westerly east line of the Wilson Raven  
2 tract, S 18° 16' 05" E for a distance of 615.37 feet to a point:

3           THENCE, along the north line of the Tyre Flynn 26.0 acre  
4 tract, N 85° 45' 21" E for a distance of 1,367.46 feet to a point;

5           THENCE, along the north line of the Tyre Flynn 27.02 acre  
6 tract N 57° 19' 36" E for a distance 1,330.67 feet to a point in the  
7 west ROW line of CR 332;

8           THENCE, along the west ROW line of CR 332, same being the east  
9 line of the Tyre Flynn 27.02 acre tract, S 18° 39' 11" E for a  
10 distance of 939.88 feet to a point;

11           THENCE, crossing CR 332 and continuing along the north ROW  
12 line of CR 332 where it turns easterly, N 71° 20' 49" E for a distance  
13 of 442.41 feet to a point, said point being the southwest corner of  
14 the Dora Ann Vogt 10.57 acre tract;

15           THENCE, along the west line of the Vogt tract, N 19° 52' 30" W  
16 for a distance of 433.27 feet to a point, said point being the  
17 northwest corner of the Vogt tract;

18           THENCE, along the north line of the Vogt tract, N 70° 56' 10" E  
19 for a distance of 1,038.24 feet to a point, said point being the  
20 northeast corner of the Vogt tract;

21           THENCE, along the east line of the Vogt tract, S 18° 46' 01" E  
22 for a distance of 421.09 feet to a point in the north ROW line of CR  
23 332 said point being the southeast corner of the Vogt tract;

24           THENCE, along the south line of the Vogt tract, same being the  
25 north ROW line of CR 332, S 70° 15' 40" W for a distance of 659.37  
26 feet to a point;

27           THENCE, crossing CR 332 in a southerly direction and

1 continuing along the east lines of the Mary V. Lee 21.09 acre tract  
2 and the Ann V. Taylor 25.65 acre tracts, S 17° 57' 07" E for a  
3 distance of 2,771.54 feet to a point, said point being the southeast  
4 corner of the Ann V. Taylor tract, same being in the north ROW line  
5 of CR 314;

6 THENCE, along the north ROW line of CR 314 same being the  
7 south line of the Ann V. Taylor, George P. Vrazel and Frank Vrazel  
8 tracts, S 71° 19' 57" W for a distance of 2,091.86 feet to a point,  
9 said point being the southwest corner of the Frank Vrazel tract;

10 THENCE, along the west line of the Frank Vrazel tract and the  
11 Edward I. Vrazel 13.33 acre tract N 17° 48' 03" W for a distance of  
12 2,307.44 feet to a point;

13 THENCE, continuing along the west line of the Edward I.  
14 Vrazel tract and crossing CR 313, N 01° 17' 24" W for a distance of  
15 326.26 feet to a point in the north ROW line of CR 313, same being  
16 the south line of the Tyre Flynn 27.02 acre tract;

17 THENCE, S 71° 24' 53" W for a distance of 337.61 feet to a  
18 point,

19 THENCE N 22° 26' 34" W for a distance of 310.34 feet to a  
20 point;

21 THENCE, S 70° 36' 51" W for a distance of 302.14 feet to a  
22 point;

23 THENCE, S 18° 35' 07" E for a distance of 305.42 feet to a  
24 point in the north ROW line of CR 313;

25 THENCE, continuing along the north ROW line of CR 313, S 71°  
26 24' 53" W for a distance of 1,798.96 feet to a point;

27 THENCE, N 22° 36' 44" W for a distance of 297.30 feet to a

1 point;  
2           THENCE S 67° 39' 50" W for a distance of 238.81 feet to a  
3 point;  
4           THENCE, S 18° 35' 07" E for a distance of 280.94 feet to a  
5 point in the north ROW line of CR 313;  
6           THENCE, continuing along the north ROW line of CR 313, S 71°  
7 24' 53" W for a distance of 509.48 feet to a point;  
8           THENCE, continuing along the north ROW line of CR 313, N 82°  
9 10' 01" W for a distance of 24.21 feet to a point;  
10           THENCE, continuing along the north ROW line of CR 313, N 27°  
11 00' 23" W for a distance of 100.85 feet;  
12           THENCE, continuing along the north ROW line of CR 313, N 55°  
13 48' 28" W for a distance of 32.42 feet to a point;  
14           THENCE, continuing along the north ROW line of CR 313, S 78°  
15 30' 07" W for a distance of 19.20 feet to a point;  
16           THENCE, continuing along the north ROW line of CR 313, S 70°  
17 34' 28" W for a distance of 223.36 feet to a point;  
18           THENCE, crossing CR 313 in a southerly direction and  
19 continuing along the east line of the Carroll Fuchs 92.5 acre tract,  
20 S 19° 08' 38" E for a distance of 1,478.56 feet to a point;  
21           THENCE, S 12° 12' 34" E for a distance of 70.62 feet to a  
22 point;  
23           THENCE, S 80° 07' 04" E for a distance of 1,269.10 feet to a  
24 point;  
25           THENCE, S 19° 12' 42" E for a distance of 660.04 feet; crossing  
26 CR 314 to a point in the south ROW line of CR 314, same being the  
27 north line of the Marturano Living Trust 50.0 acre tract;

1           THENCE, along the north line of the Marturano tract, same  
2 being the south ROW line of CR 314, N 71° 28' 05" E for a distance of  
3 1,649.87 feet to a point, same being the northeast corner of the  
4 Marturano tract;

5           THENCE, along the east line of the Marturano 50.0 acre tract  
6 and the Marturano Living Trust 125.0 acre tract, S 18° 22' 52" E for  
7 a distance of 3,746.44 feet to a point, in the north ROW line of CR  
8 315, said point being the southeast corner of the Marturano 125.0  
9 acre tract;

10          THENCE, along the south line of the Marturano 125.0 acre  
11 tract same being the north ROW line of CR 315, S 71° 44' 03" W for a  
12 distance of 2,154.74 feet to a point, said point being the southwest  
13 corner of the Marturano 125.0 acre tract;

14          THENCE, northerly along the west line of the Marturano Living  
15 Trust 125.0 acre; 6.07 acre and 35.0 acre tracts and crossing CR  
16 314, N 18° 52' 21" W for a distance of 3,785.93 feet to a point in the  
17 north ROW line of CR 314;

18          THENCE, along the north ROW line of CR 314, same being the  
19 south line of the Carroll Fuchs 92.5 acre tract, S 71° 06' 10" W for a  
20 distance of 1,728.64 feet to a point, said point being the southwest  
21 corner of the Fuchs tract;

22          THENCE, Northerly along the west line of the Fuchs tract and  
23 crossing CR 313, N 18° 42' 19" W for a distance of 2,767.85 feet to a  
24 point in the north ROW line of CR 313, same being the south line of  
25 the Schwertner 236.37 acre tract;

26          THENCE, continuing along the south line of the Schwertner  
27 236.37 acre tract, S 70° 31' 36" W for a distance of 310.97 feet to a

1 point;  
2           THENCE, S 70° 48' 51" W for a distance of 1,049.83 feet to a  
3 point;  
4           THENCE, N 83° 35' 36" W for a distance of 66.77 feet to a  
5 point;  
6           THENCE N 31° 20' 00" W for a distance of 68.85 feet to a point  
7 in the west line of the Schwertner 236.37 acre tract;  
8           THENCE, along the west line of the Schwertner 236.37 acre  
9 tract, N 17° 50' 33" W for a distance of 975.24 feet to a point;  
10          THENCE, N 39° 01' 57" W for a distance of 46.05 feet to a  
11 point;  
12          THENCE N 50° 03' 01" W for a distance of 43.17 feet to a point;  
13          THENCE, N 18° 23' 53" W for a distance of 1,353.19 feet to a  
14 point;  
15          THENCE, S 86° 25' 58" W for a distance of 447.22 feet to a  
16 point;  
17          THENCE N 13° 24' 55" E for a distance of 467.70 feet to a  
18 point;  
19          THENCE, S 86° 38' 42" W for a distance of 97.28 feet to a  
20 point;  
21          THENCE, N 05° 08' 31" E for a distance of 226.78 feet to a  
22 point;  
23          THENCE, S 86° 37' 46" W for a distance of 350.02 feet to a  
24 point,  
25          THENCE, S 22° 58' 49" W for a distance of 249.95 feet to a  
26 point;  
27          THENCE, S 84° 37' 40" W for a distance of 119.72 feet to the

1 Point of Beginning and Containing 1,211.08 acres, more or less;

2 SAVE and EXCEPT the Luis Danek 39.38 acre tract as described  
3 in Volume 1361, Page 528 of the Official Public Records of  
4 Williamson County, Texas and the Mary Tschoerner 35.99 acre tract  
5 as described in Volume 1361, Page 528 of the Official Public Records  
6 of Williamson County, Texas for a total acreage contained within  
7 the boundary of Sonterra Municipal Utility District of 1,135.72  
8 acres, more or less.

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

16 (b) The governor, one of the required recipients, has  
17 submitted the notice and Act to the Texas Commission on  
18 Environmental Quality.

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

23 (d) All requirements of the constitution and laws of this  
24 state and the rules and procedures of the legislature with respect  
25 to the notice, introduction, and passage of this Act are fulfilled  
26 and accomplished.

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