

By: Gattis

H.B. No. 3524

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Williamson County Municipal Utility District No. 19; 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 8134 to read as follows:

CHAPTER 8134. WILLIAMSON COUNTY MUNICIPAL UTILITY DISTRICT NO. 19

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8134.001. 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 Williamson County Municipal Utility District No. 19.

Sec. 8134.002. 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. 8134.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8134.023 before September 1, 2009:

(1) the district is dissolved September 1, 2009, except that:

1 (A) any debts incurred shall be paid;

2 (B) any assets that remain after the payment of
3 debts shall be transferred to Williamson County; 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, 2012.

8 Sec. 8134.004. 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. 8134.005. 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 8134.006-8134.020 reserved for expansion]

23 SUBCHAPTER A1. TEMPORARY PROVISIONS

24 Sec. 8134.021. TEMPORARY DIRECTORS. (a) The temporary
25 board consists of:

26 (1) Aubrey Richard Hightower;

27 (2) Eddie W. Karam;

1 (3) Shelley Ledyard;

2 (4) Brian Lott; and

3 (5) Joe W. McDaniel.

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

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

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

13 (1) the date directors are elected under
14 Section 8134.023; or

15 (2) the date this chapter expires under
16 Section 8134.003.

17 Sec. 8134.022. ORGANIZATIONAL MEETING OF TEMPORARY
18 DIRECTORS. As soon as practicable after all the temporary
19 directors have qualified under Section 49.055, Water Code, a
20 majority of the temporary directors shall convene the
21 organizational meeting of the district at a location in the
22 district agreeable to a majority of the directors.

23 Sec. 8134.023. CONFIRMATION AND INITIAL DIRECTORS'
24 ELECTION. (a) The temporary directors shall hold an election to
25 confirm the creation of the district and to elect five directors as
26 provided by Section 49.102, Water Code. If the creation of the
27 district is not confirmed at the initial election, the temporary

1 directors may hold a second election not sooner than the first
2 anniversary of the initial election.

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

5 (1) an issuance of bonds;

6 (2) a maintenance tax; or

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

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

11 Sec. 8134.024. INITIAL ELECTED DIRECTORS; TERMS. The
12 directors elected under Section 8134.023 shall draw lots to
13 determine which two shall serve terms expiring June 1 following the
14 first regularly scheduled election of directors under Section
15 8134.052 and which three shall serve until June 1 following the
16 second regularly scheduled election of directors.

17 Sec. 8134.025. EXPIRATION OF SUBCHAPTER. This subchapter
18 expires September 1, 2012.

19 [Sections 8134.026-8134.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 8134.051. DIRECTORS; TERMS. (a) The district is
22 governed by a board of five directors.

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

25 Sec. 8134.052. ELECTION OF DIRECTORS. On the uniform
26 election date in May of each even-numbered year, the appropriate
27 number of directors shall be elected.

1 [Sections 8134.053-8134.100 reserved for expansion]

2 SUBCHAPTER C. DIVISION OF DISTRICT INTO MULTIPLE DISTRICTS

3 Sec. 8134.101. DIVISION OF DISTRICT; PREREQUISITES. (a)

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

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

12 (c) After a division under Subsection (a) or (b), the
13 original district and any new district created must be at least 100
14 acres.

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

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

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

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

25 Sec. 8134.102. DISTRICT DIVISION BY ELECTION. (a) Except
26 as provided by Section 8134.103, the board shall hold an election in
27 the district to determine whether the district should be divided as

1 proposed under Section 8134.101(d).

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

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

6 (2) the proposition to be voted on.

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

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

11 Sec. 8134.103. DISTRICT DIVISION BY CONSENT. (a) The board
12 may approve and order the division of the district without an
13 election if the board has received written consent to the proposed
14 division from all title holders of the land in the proposed new
15 district or districts as indicated by the tax rolls of the central
16 appraisal district.

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

19 Sec. 8134.104. NOTICE OF DIVISION. Not later than the 30th
20 day after the date of a division under this subchapter, the district
21 shall provide written notice of the plan for division to:

22 (1) the Texas Commission on Environmental Quality;

23 (2) the attorney general;

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

26 (4) any municipality having extraterritorial
27 jurisdiction over territory in a new district.

1 Sec. 8134.105. DISTRICT NAMES FOLLOWING DIVISION. The area
2 designated by the board as the original district retains the name of
3 the original district. The resulting new districts are assigned
4 consecutive letters to be appended to the name of the original
5 district.

6 Sec. 8134.106. ELECTION OF DIRECTORS OF NEW DISTRICTS. (a)
7 After a division under this subchapter, the board shall continue to
8 act as the board of the original district.

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

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

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

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

5 Sec. 8134.107. CONTINUING POWERS AND OBLIGATIONS OF NEW
6 DISTRICTS. (a) Each new district may incur and pay debts and has
7 all powers of the original district created by this chapter.

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

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

18 Sec. 8134.108. CONTRACT AUTHORITY OF NEW DISTRICTS. The
19 new districts may contract with each other for:

20 (1) water and wastewater services; or

21 (2) any other matter the boards of the new districts
22 consider appropriate.

23 Sec. 8134.109. ANNEXATION BY MUNICIPALITY. (a) A
24 municipality may annex the original district, or a new district
25 that is created as a result of a division of the district under
26 Section 8134.102 or 8134.103, only after:

27 (1) the district has installed at least 90 percent of

1 all works, improvements, facilities, plants, equipment, and
2 appliances necessary and adequate to:

3 (A) provide service to the proposed development
4 within the district;

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

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

9 (2) at least 20 years have elapsed since the creation
10 of the district was confirmed at an election held under Section
11 8134.023.

12 SECTION 2. The Williamson County Municipal Utility District
13 No. 19 initially includes all the territory contained in the
14 following described area:

15 A PARCEL OF LAND IN WILLIAMSON COUNTY, TEXAS, BEING A PART OF THE
16 NOAH SMITHWICK SURVEY, ABSTRACT No. 590; THE W. H. MONROE SURVEY,
17 ABSTRACT No. 453; THE B. MANLOVE SURVEY, ABSTRACT No. 417; THE
18 GEORGE W. GLASSCOCK SURVEY, ABSTRACT No. 266; THE WILLIAM W. SMITH
19 SURVEY, ABSTRACT No. 591; AND THE WINSLOW TURNER SURVEY, ABSTRACT
20 No. 607; AND BEING A PART OF THAT TRACT OF LAND CONTAINING 150.0
21 ACRES DESCRIBED IN A DEED FROM E. W. BRADY AND WIFE, KATHLEEN BRADY
22 TO A. G. BRAUN RECORDED IN VOLUME 310, PAGE 86, DEED RECORDS OF
23 WILLIAMSON COUNTY, TEXAS, AND A PART OF THAT 86.09 ACRE TRACT OF
24 LAND DESCRIBED IN A CONVEYANCE TO CURTIS T. BRAUN AND HIS WIFE,
25 ROSELLE BRAUN RECORDED IN VOLUME 375, PAGE 477, DEED RECORDS OF
26 WILLIAMSON COUNTY, TEXAS; AND A PART OF THAT 175.3 ACRE TRACT OF
27 LAND DESCRIBED IN A CONVEYANCE TO CURTIS T. BRAUN AND HIS WIFE,

1 ROSELLE BRAUN RECORDED IN VOLUME 375, PAGE 477, DEED RECORDS OF
2 WILLIAMSON COUNTY, TEXAS; AND A PART OF THAT TRACT OF LAND SAID TO
3 CONTAIN 1526.34 ACRES CONVEYED TO BRAUN FAMILY LIMITED PARTNERSHIP
4 BY DEED RECORDED IN DOCUMENT NO. 2004033001 OF THE OFFICIAL PUBLIC
5 RECORDS OF WILLIAMSON COUNTY, TEXAS; AND ALL OF THAT TRACT OF LAND
6 SAID TO CONTAIN 0.32 ACRES CONVEYED TO A. G. BRAUN BY DEED RECORDED
7 IN VOLUME 308, PAGE 616 OF THE DEED RECORDS OF WILLIAMSON COUNTY,
8 TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

9 BEGIN at the point of intersection of the North Right-of-way Line of
10 State Highway 29 with the West Line of the said 86.09 Acre Tract
11 described in Volume 375, Page 477;

12 THENCE N.20°59'29"W., along said West Line, a distance of 662.40
13 feet;

14 THENCE N.69°00'31"E., crossing the said 86.09 Acre Tract a distance
15 of 37.18 feet to the Southwest Corner of that 1.00 acre tract of
16 land conveyed to Chisholm Trail Water Supply Corporation by deed
17 recorded in Volume 1008, Page 272 of the Official Records of
18 Williamson County, Texas;

19 THENCE along the South, East and North Lines of the said 1.00 Acre
20 Tract the following three courses:

- 21 1. S.77°55'29"E. a distance of 227.64 feet;
- 22 2. N.20°43'29"W. a distance of 227.64 feet;
- 23 3. N.77°55'29"W. a distance of 148.80 feet to a point on a
24 non-tangent curve to the left;

25 THENCE northwesterly along the arc of said curve and crossing the
26 said 86.09 Acre Tract and crossing the said 150.0 Acre Tract
27 described in Volume 310, Page 86, a distance of 3304.50 feet (said

1 curve having a radius of 2640.00 feet, a central angle of 71°43'03"
2 and a chord bearing N.22°35'59"W., 3092.96 feet);

3 THENCE along the West Line of the said 150.0 Acre Tract, the
4 following two courses:

- 5 1. N.20°29'48"W. a distance of 453.12 feet;
- 6 2. N.21°13'45"W. a distance of 255.98 feet to the Northwest Corner
7 thereof;

8 THENCE N.69°20'45"E., along the North Line of the said 150.0 Acre
9 Tract and along the North Line of the said 0.32 Acre Tract, a
10 distance of 3138.54 feet to the Southwest Corner of the said 1526.34
11 Acre Tract of land described in document No. 2004033001;

12 THENCE along the West, North and East Line of the said 1526.34 Acre
13 Tract the following 54 courses:

- 14 1. N.20°22'53"W. a distance of 2754.03 feet;
- 15 2. N.21°03'33"W. a distance of 663.22 feet;
- 16 3. N.21°03'33"W. a distance of 719.33 feet;
- 17 4. N.19°37'50"W. a distance of 262.65 feet;
- 18 5. N.20°16'49"W. a distance of 923.76 feet;
- 19 6. N.21°32'26"W. a distance of 794.23 feet;
- 20 7. N.19°37'58"W. a distance of 262.33 feet;
- 21 8. N.60°33'49"E. a distance of 767.61 feet;
- 22 9. N.60°31'50"E. a distance of 1239.57 feet;
- 23 10. N.20°56'08"W. a distance of 744.93 feet;
- 24 11. N.19°13'57"W. a distance of 275.80 feet;
- 25 12. N.21°53'56"W. a distance of 310.32 feet;
- 26 13. N.20°48'18"W. a distance of 154.00 feet;
- 27 14. N.66°32'02"E. a distance of 263.23 feet;

- 1 15. N.55°19'44"E. a distance of 432.07 feet;
- 2 16. N.78°09'07"E. a distance of 319.40 feet;
- 3 17. N.45°23'47"E. a distance of 133.90 feet;
- 4 18. N.03°25'42"E. a distance of 125.75 feet;
- 5 19. N.32°48'50"W. a distance of 177.00 feet;
- 6 20. N.58°20'21"E. a distance of 194.00 feet;
- 7 21. S.72°37'01"E. a distance of 82.50 feet;
- 8 22. S.66°30'17"E. a distance of 147.13 feet;
- 9 23. S.83°59'23"E. a distance of 160.92 feet;
- 10 24. N.53°31'37"E. a distance of 58.03 feet;
- 11 25. N.48°34'31"E. a distance of 291.41 feet;
- 12 26. N.49°09'48"E. a distance of 74.21 feet;
- 13 27. S.61°17'48"E. a distance of 57.52 feet;
- 14 28. S.40°23'07"E. a distance of 78.83 feet;
- 15 29. S.30°47'27"E. a distance of 100.01 feet;
- 16 30. S.19°15'34"E. a distance of 205.00 feet;
- 17 31. S.71°24'17"E. a distance of 197.88 feet;
- 18 32. N.81°20'26"E. a distance of 262.55 feet;
- 19 33. N.42°35'27"E. a distance of 221.71 feet;
- 20 34. N.31°53'53"W. a distance of 34.49 feet;
- 21 35. N.44°41'16"E. a distance of 75.26 feet;
- 22 36. N.44°08'34"E. a distance of 209.87 feet;
- 23 37. N.50°42'20"E. a distance of 98.29 feet;
- 24 38. N.52°33'03"E. a distance of 121.66 feet;
- 25 39. N.35°55'55"E. a distance of 56.08 feet;
- 26 40. N.51°51'32"E. a distance of 56.07 feet;
- 27 41. N.59°43'33"E. a distance of 148.90 feet;

- 1 42. N.62°02'37"E. a distance of 132.23 feet;
2 43. N.56°29'42"E. a distance of 152.93 feet;
3 44. S.20°38'58"E. a distance of 1580.32 feet;
4 45. N.66°55'31"E. a distance of 173.14 feet;
5 46. N.70°06'39"E. a distance of 1828.83 feet;
6 47. N.69°01'57"E. a distance of 1824.13 feet;
7 48. S.20°59'32"E. a distance of 621.59 feet;
8 49. S.21°12'36"E. a distance of 861.14 feet;
9 50. S.21°00'38"E. a distance of 299.58 feet;
10 51. S.21°56'46"E. a distance of 167.55 feet;
11 52. S.19°57'43"E. a distance of 118.54 feet;
12 53. S.21°33'16"E. a distance of 551.00 feet;
13 54. N.68°36'35"E. a distance of 871.95 feet to a point on a
14 non-tangent curve to the left;
15 THENCE southerly crossing the said 1526.34 Acre Tract along the arc
16 of said curve, a distance of 3367.96 feet (said curve having a
17 radius of 10560.00 feet, a central angle of 18°16'25" and a chord
18 bearing S.08°52'15"E., 3353.70 feet) to the South Line of the said
19 1526.34 Acre Tract;
20 THENCE along said South Line the following 13 courses:
21 1. S.72°45'38"W. a distance of 404.08 feet;
22 2. S.70°53'24"W. a distance of 919.77 feet;
23 3. S.65°40'37"W. a distance of 1024.97 feet;
24 4. S.66°48'12"W. a distance of 1679.07 feet;
25 5. S.66°19'52"W. a distance of 897.44 feet;
26 6. S.67°46'13"W. a distance of 655.66 feet;
27 7. N.14°43'03"W. a distance of 6.73 feet;

1 8. S.69°35'42"W. a distance of 610.48 feet;
2 9. S.64°06'46"W. a distance of 1183.59 feet;
3 10. S.68°15'13"W. a distance of 274.87 feet;
4 11. S.66°27'41"W. a distance of 942.76 feet;
5 12. S.21°06'19"E. a distance of 587.00 feet;
6 13. S.69°05'16"W. a distance of 1110.64 feet to the Northeast
7 Corner of the said 0.32 Acre Tract;
8 THENCE S.12°35'50"E., along the East Line of the said 0.32 Acre
9 Tract, a distance of 43.55 feet;
10 THENCE S.69°02'56"W., along the South Line of the said 0.32 Acre
11 Tract, a distance of 323.26 feet to the East Line of the said 150.00
12 Acre Tract;
13 THENCE along the Easterly Line of the said 150.00 Acre Tract the
14 following three courses:
15 1. S.21°06'19"E. a distance of 1475.63 feet;
16 2. S.69°32'13"W. a distance of 1442.98 feet;
17 3. S.21°23'11"E. a distance of 1528.15 feet to the Southeast Corner
18 of the said 150.00 Acre Tract and to the North Line of the said 175.3
19 Acre Tract;
20 THENCE N.69°03'16"E., along said North Line, a distance of 2845.57
21 feet to the Northeast corner of the 175.3 Acre Tract;
22 THENCE along the East Line of the said 175.3 Acre Tract the
23 following two courses:
24 1. S.06°37'22"E. a distance of 2619.65 feet;
25 2. S.15°11'41"W. a distance of 1791.08 feet to the Southeast Corner
26 of the 175.3 Acre Tract;
27 THENCE along the South Line of the said 175.3 Acre tract the

1 following two courses:

2 1. N.67°20'02"W. a distance of 905.74 feet;

3 2. N.58°01'20"W., at a distance of 508 feet, more or less, pass the
4 Southwest Corner of the said 175.3 Acre Tract and continue along the
5 South Line of the 86.09 Acre Tract, in all a total distance of
6 746.02 feet;

7 THENCE continue along the South Line of the 86.09 Acre Tract the
8 following four courses:

9 1. N.64°17'01"W. a distance of 147.03 feet;

10 2. N.66°06'56"W. a distance of 138.75 feet;

11 3, S.86°18'10"W. a distance of 150.58 feet;

12 4. N.72°10'32"W. a distance of 65.90 feet to the Southeast Corner
13 of that 10.0 acre tract of land conveyed to Duncan Lee Forest by
14 deed recorded in Volume 1990, Page 804 of the Official Records of
15 Williamson County, Texas;

16 THENCE along the East, North and West Lines of the said 10.0 Acre
17 Tract the following five courses:

18 1. N.07°26'42"W. a distance of 614.28 feet;

19 2. N.00°54'32"W. a distance of 139.49 feet;

20 3. N.77°15'12"W. a distance of 595.50 feet;

21 4. S.03°06'52"E. a distance of 207.45 feet;

22 5. S.07°34'35"W. a distance of 448.29 feet to the Southwest Corner
23 of the 10.0 Acre Tract and the South Line of the 86.09 Acre Tract,
24 the same being the North Line of State Highway 29;

25 THENCE along the South Line of the 86.09 Acre Tract and the North
26 Line of State Highway 29 the following two courses:

27 1. N.72°10'32"W. a distance of 605.20 feet;

1 2. N.72°26'32"W. a distance of 43.59 feet to the said Point of
2 Beginning.

3 Containing 1850.50 acres, more or less.

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

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

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