

By: Pitts

H.B. No. 3544

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Ellis County Municipal Utility District No. 1; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 8121 to read as follows:

CHAPTER 8121. ELLIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8121.001. 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 Ellis County Municipal Utility District No. 1.

Sec. 8121.002. NATURE OF DISTRICT. The district is a municipal utility district in Ellis County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8121.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8121.022 before September 1, 2007:

(1) the district is dissolved September 1, 2007, 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 Ellis 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, 2010.

8 Sec. 8121.004. 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. 8121.005. APPLICABILITY OF OTHER LAW. Except as
20 otherwise provided by this chapter, Chapters 49 and 54, Water Code,
21 apply to the district.

22 [Sections 8121.006-8121.020 reserved for expansion]

23 SUBCHAPTER A-1. TEMPORARY PROVISIONS

24 Sec. 8121.021. TEMPORARY DIRECTORS. (a) On or after
25 September 1, 2005, a person who owns land in the proposed district
26 may submit a petition to the Texas Commission on Environmental
27 Quality requesting that the commission appoint as temporary

1 directors the five persons named in the petition.

2 (b) The commission shall appoint as temporary directors the
3 five persons named in the first petition received by the commission
4 under Subsection (a).

5 (c) If a temporary director fails to qualify for office, the
6 commission shall appoint a person to fill the vacancy.

7 (d) As soon as practicable after all of the temporary
8 directors have qualified, the temporary directors shall meet and
9 elect officers from among their membership.

10 (e) Temporary directors serve until the earlier of:

11 (1) the date directors are elected under Section
12 8121.022; or

13 (2) the date this chapter expires under Section
14 8121.003.

15 Sec. 8121.022. CONFIRMATION AND INITIAL DIRECTORS'
16 ELECTION. The temporary directors shall hold an election to
17 confirm the creation of the district and to elect five initial
18 directors as provided by Section 49.102, Water Code.

19 Sec. 8121.023. INITIAL ELECTED DIRECTORS; TERMS. The
20 directors elected under Section 8121.022 shall draw lots to
21 determine which two shall serve until the first regularly scheduled
22 election of directors under Section 8121.052 and which three shall
23 serve until the second regularly scheduled election of directors.

24 Sec. 8121.024. EXPIRATION OF SUBCHAPTER. This subchapter
25 expires September 1, 2010.

26 [Sections 8121.025-8121.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8121.051. DIRECTORS; TERMS. (a) The district is
3 governed by a board of five directors.

4 (b) Directors serve staggered four-year terms.

5 Sec. 8121.052. ELECTION OF DIRECTORS. On the uniform
6 election date in May of each even-numbered year, the appropriate
7 number of directors shall be elected.

8 [Sections 8121.053-8121.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8121.101. COMPLIANCE WITH CITY ORDINANCE OR
11 RESOLUTION. Subject to the limitations of Section 54.016, Water
12 Code, the district shall comply with all valid and applicable
13 requirements of an ordinance or resolution adopted by the city
14 council of the City of Ferris, including an ordinance or resolution
15 adopted before September 1, 2005, that consents to the creation of
16 the district or to the inclusion of lands within the district.

17 SECTION 2. BOUNDARIES. The Ellis County Municipal Utility
18 District No. 1 initially includes the territory contained within
19 the following area:

20 BEGINNING at a point for corner at an iron rod found at the
21 intersection of the southerly line of FM 664 and the southwesterly
22 line of said 79.75 acre tract said point being South 54 degrees 49
23 minutes 05 seconds East a distance of 110.16 feet from the
24 northwesterly corner of said 79.75 acre tract and also being in the
25 easterly line of that 74 acre tract of land conveyed to Logan B.
26 Cox, Jr. by deed recorded in Volume 508, Page 952 of the Deed
27 Records of Ellis County;

1 THENCE North 60 degrees 01 minutes 30 seconds East along the
2 southerly line of FM 664 a distance of 669.07 feet to an angle point
3 at a highway monument;

4 THENCE North 59 degrees 55 minutes 50 seconds East continuing
5 along the southerly line of FM 664 a distance of 499.75 feet to an
6 angle point at a highway monument;

7 THENCE North 60 degrees 05 minutes 35 seconds East continuing
8 along the southerly line of FM 664 a distance of 450.59 feet to an
9 angle point at a highway monument;

10 THENCE North 61 degrees 06 minutes 35 seconds East continuing
11 along the southerly line of FM 664 a distance of 1168.57 feet to the
12 beginning of a curve to the right;

13 THENCE in an easterly direction continuing along the
14 southerly line of FM 664 and along said curve to the right having a
15 radius of 1849.86 feet, a central angle of 00 degrees 50 minutes 24
16 seconds, and an arc length of 27.21feet to a point for corner at an
17 iron rod set in the easterly line of said 79.75 acre tract;

18 THENCE South 27 degrees 16 minutes 40 seconds East along the
19 easterly line of said 79.75 acre tract a distance of 1347.75 feet to
20 a point for corner at an iron rod set;

21 THENCE South 61 degrees 07 minutes 30 seconds West along the
22 southerly line of said tract a distance of 58.34 feet to a point for
23 corner in the center of a ditch;

24 THENCE South 28 degrees 30 minutes 10 seconds East along the
25 center of said ditch and the easterly line of said 45.9 acre tract a
26 distance of 1,091.36 feet to a point for corner at an iron rod set;

27 THENCE North 60 degrees 02 minutes 45 seconds East along the

1 northerly line of said 80.4 acre tract a distance of 682.53 feet to
2 an angle point at an iron pipe found;

3 THENCE South 89 degrees 13 minutes 30 seconds East continuing
4 along the northerly line of said 80.4 acre tract a distance of
5 876.81 feet to a point for corner at an iron rod set in the center
6 line of a creek;

7 THENCE in a southerly direction along the meanders of said
8 creek the following calls:

9 South 01 degrees 11 minutes 30 seconds East a distance
10 of 224.29 feet,

11 North 85 degrees 37 minutes 35 seconds West a distance
12 of 63.46 feet,

13 South 01 degrees 45 minutes 30 seconds West a distance
14 of 152.23 feet,

15 South 44 degrees 42 minutes 10 seconds East a distance
16 of 119.7 feet,

17 South 37 degrees 27 minutes 10 seconds West a distance
18 of 112.17 feet,

19 South 46 degrees 42 minutes 30 seconds East a distance
20 of 109.35 feet,

21 South 22 degrees 09 minutes 50 seconds West a distance
22 of 223.42 feet,

23 South 87 degrees 58 minutes 35 seconds East a distance
24 of 83.12 feet,

25 South 07 degrees 39 minutes 30 seconds West a distance
26 of 75.62 feet,

27 South 46 degrees 54 minutes 10 seconds East a distance

1 of 52.78 feet,

2 South 05 degrees 56 minutes 20 seconds West a distance
3 of 83.24 feet,

4 South 33 degrees 42 minutes East a distance of 366.94
5 feet,

6 South 48 degrees 18 minutes 40 seconds East a distance
7 of 175.86 feet

8 South 02 degrees 23 minutes 20 seconds West a distance
9 of 324.45 feet,

10 South 26 degrees 36 minutes 40 seconds East a distance
11 of 60.00 feet,

12 South 08 degrees 57 minutes 05 seconds East a distance
13 of 448.46 feet

14 To a point for corner in the center line of another
15 creek;

16 THENCE in a southeasterly direction along the meanders of
17 said creek the following calls:

18 South 63 degrees 20 minutes 45 seconds East a distance of
19 375.58 feet,

20 South 70 degrees 45 minutes 45 seconds East a distance of
21 393.92 feet to a point for corner in the northerly line of FM 983;

22 THENCE South 39 degrees 20 minutes 10 seconds West along the
23 northerly line of FM 983 a distance of 78.87 feet to the beginning
24 of a curve to the right;

25 THENCE in a westerly direction continuing along the northerly
26 line of FM 983 and along said curve to the right having a radius of
27 909.93 feet, a central angle of 21 degrees 00 minutes, and an arc

1 length of 333.51 feet to the end of said curve to the right;

2 THENCE South 60 degrees 20 minutes 10 seconds West continuing
3 along the northerly Line of FM983 a distance of 121.4 feet to an
4 angle point;

5 THENCE South 48 degrees 53 minutes 35 seconds West continuing
6 along the northerly line of FM 983 a distance of 25.2 feet to an
7 angle point;

8 THENCE South 60 degrees 20 minutes 10 seconds West continuing
9 along the northerly line of FM 983 a distance of 650.5 feet to the
10 beginning of a curve to the left;

11 THENCE in a westerly direction continuing along the northerly
12 line of FM 983 and along said curve to the left having a radius of
13 1949.86 feet, a central angle of 02 degrees 11 minutes 37 seconds,
14 and an arc length of 74.65 feet to a point for corner at an iron rod
15 set;

16 THENCE North 15 degrees 36 minutes 15 seconds West a distance
17 of 593.06 feet to a point for corner at an iron rod set;

18 THENCE South 54 degrees 41 minutes 15 seconds West a distance
19 of 235.06 feet to a point for corner at an iron rod set;

20 THENCE South 15 degrees 36 minutes 15 seconds East a distance
21 of 593.08 feet to a point for corner at an iron rod set in the
22 northerly line of FM 983;

23 THENCE in a westerly direction along the northerly line of FM
24 983 and along a curve to the left having a radius of 1949.86 feet, a
25 central angle of 11 degrees 28 minutes 23 seconds, and an arc length
26 of 390.44 feet to the end of said curve to the left;

27 THENCE South 39 degrees 45 minutes 30 seconds West continuing

1 along the northerly line of FM 983 a distance of 734.13 feet to the
2 beginning of a curve to the right;

3 THENCE in a westerly direction continuing along the northerly
4 line of FM 983 and along said curve to the right having a radius of
5 437.46 feet, a central angle of 50 degrees 54 minutes 50 seconds,
6 and arc length of 388.73 feet to the end of said curve to the right;

7 THENCE North 89 degrees 19 minutes 40 seconds West continuing
8 along the northerly line of FM 983 a distance of 1697.73 feet to the
9 beginning of a curve to the left;

10 THENCE in a westerly direction continuing along the northerly
11 line of FM 983 and along said curve to the left having a radius of
12 421.97 feet, a central angle of 15 degrees 08 minutes 47 seconds,
13 and an arc length of 111.55 feet to a point for corner at an iron rod
14 set;

15 THENCE North 29 degrees 45 minutes 35 seconds West along the
16 westerly line of said 160.04 and 10.6 acre tracts and the easterly
17 line of that 122.75 acre tract of land conveyed to M.A. Keeling by
18 deed recorded Volume 321, Page 422 of the Deed Records of Ellis
19 County, a distance of 2235.66 feet to a point for corner at an iron
20 rod found;

21 THENCE North 36 degrees 50 minutes 45 seconds East along the
22 northerly line of said 160.04 and 10.6 acre tracts and the southerly
23 line of the 74 and 9.1 acre tracts of land conveyed to Logan B. Cox,
24 Jr. by deed recorded in Volume 508, page 952 of the Deed Records of
25 Ellis County a distance of 1706.33 feet to a point for corner at an
26 iron rod found;

27 THENCE North 54 degrees 49 minutes 05 seconds West along the

1 common line between said 9.1 acre tract and 45.9 acre tract a
2 distance of 569.4 feet to an angle point;

3 THENCE North 54 degrees 11 minutes 30 seconds West along the
4 southwesterly line of said 79.75 acre tract a distance of 816.24
5 feet to an angle point;

6 THENCE North 54 degrees 49 minutes 05 seconds West continuing
7 along said southwesterly line and the northeasterly line of said
8 Cox 74 acre tract a distance of 642.64 a feet to the PLACE OF
9 BEGINNING and containing 450.296 acres.

10 SAVE & EXCEPT:

11 BEGINNING at a point for a corner at an iron rod found at the
12 intersection of the southerly line of FM 664 and the southwesterly
13 line of said 79.75 acre tract, said point being South 54 degrees 49
14 minutes 05 seconds East a distance of 110.16 feet from the
15 northwesterly corner of said 79.75 acre tract and also being in the
16 easterly line of that 74 acre tract of land conveyed to Logan B.
17 Cox, Jr. by deed recorded in Volume 508, Page 952 of the Deed
18 Records of Ellis County;

19 THENCE North 60 degrees 01 minutes 30 seconds East along the
20 southerly line of FM 664 a distance of 415.62 feet to a point for a
21 corner;

22 THENCE South 0 degrees 0 minutes 0 seconds East departing
23 said FM 664 right-of-way, A distance of 461.46 feet to the southerly
24 line of the 74 and 9.1 acre tract of land conveyed to Logan B. Cox,
25 Jr. by deed recorded in Volume 508, Page 952 of the Deed Records of
26 Ellis County a distance of 1706.33 feet to a point for corner;

27 THENCE North 54 degrees 49 minutes 05 seconds West continuing

1 along said southwesterly line and the northeasterly line of said
2 Cox 74 acre tract a distance of 44050 feet to the PLACE OF BEGINNING
3 and containing 1.907 acres.

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.