

By: Seaman

H.B. No. 3587

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the La Salle Water Control and Improvement 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9003 to read as follows:

CHAPTER 9003. LA SALLE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9003.001. 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 La Salle Water Control and Improvement District No. 1.

Sec. 9003.002. NATURE OF DISTRICT. The La Salle Water Control and Improvement District No. 1 is a water control and improvement district in Calhoun County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 9003.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9003.023 before September 1, 2007:

1 (1) the district is dissolved September 1, 2007,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Calhoun County; and

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

9 (2) this chapter expires September 1, 2010.

10 Sec. 9003.004. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

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

17 (1) the organization, existence, or validity of the
18 district;

19 (2) the right of the district to impose ad valorem
20 taxes; or

21 (3) the legality or operation of the district or the
22 board.

23 Sec. 9003.005. APPLICABILITY OF OTHER LAW. Except as
24 otherwise provided by this chapter, Chapters 49 and 51, Water Code,
25 apply to the district.

26 [Sections 9003.006-9003.020 reserved for expansion]

1 SUBCHAPTER A1. TEMPORARY PROVISIONS

2 Sec. 9003.021. TEMPORARY DIRECTORS. (a) The temporary
3 board consists of:

- 4 (1) Douglas A. Baker;
5 (2) W. H. "Bill" Bauer, Jr.;
6 (3) Waymond Boyd;
7 (4) Lawrence A. Korenek; and
8 (5) Edwin A. Wagner.

9 (b) If a temporary director fails to qualify for office, the
10 Texas Commission on Environmental Quality shall appoint a person to
11 fill the vacancy.

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

- 13 (1) the date directors are elected under Section
14 9003.023; or
15 (2) the date this chapter expires under Section
16 9003.003.

17 Sec. 9003.022. ORGANIZATIONAL MEETING OF TEMPORARY
18 DIRECTORS. As soon as practicable after all the temporary
19 directors have qualified under Section 49.055, Water Code, the
20 temporary directors shall meet and elect officers from their
21 membership.

22 Sec. 9003.023. CONFIRMATION AND INITIAL DIRECTORS'
23 ELECTION. Before September 1, 2007, the temporary directors shall
24 hold an election to confirm the creation of the district and to
25 elect five directors as provided by Section 49.102, Water Code.

26 Sec. 9003.024. INITIAL ELECTED DIRECTORS; TERMS. The
27 directors elected under Section 9003.023 shall draw lots to

1 determine which two shall serve until the first regularly scheduled
2 election of directors under Section 9003.052 and which three shall
3 serve until the second regularly scheduled election of directors.

4 Sec. 9003.025. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2010.

6 [Sections 9003.026-9003.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 9003.051. DIRECTORS; TERMS. (a) The district is
9 governed by a board of five directors.

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

11 Sec. 9003.052. ELECTION OF DIRECTORS. On the uniform
12 election date in May of each even-numbered year, the appropriate
13 number of directors shall be elected.

14 [Sections 9003.053-9003.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 9003.101. GENERAL POWERS. (a) The district has:

17 (1) all of the rights, powers, privileges, authority,
18 functions, and duties provided by the general law of this state,
19 including Chapters 49 and 51, Water Code, applicable to water
20 control and improvement districts created under Section 59, Article
21 XVI, Texas Constitution; and

22 (2) subject to Section 9003.105, the rights,
23 authority, privileges, and functions of a road district operating
24 under Section 52(b)(3), Article III, Texas Constitution, Chapter
25 257, Transportation Code, and other general laws of this state
26 relating to road districts.

27 (b) The district may provide water, sanitary sewer,

1 drainage, and, subject to Section 9003.105, road services to each
2 part of the district not receiving those services on the effective
3 date of the Act creating this chapter.

4 Sec. 9003.102. AUTHORITY TO CONTRACT WITH OWNERS OF REAL
5 PROPERTY IN DISTRICT. The district may enter into a contract with
6 an owner of real property in the district for the construction,
7 acquisition, financing, ownership, maintenance, and operation of a
8 work or project described by Section 9003.101(b).

9 Sec. 9003.103. EMINENT DOMAIN. The district may exercise
10 the power of eminent domain as provided by Section 49.222, Water
11 Code.

12 Sec. 9003.104. DIVISION OF DISTRICT. The district may
13 divide into two or more districts in the manner specified by Section
14 53.029, Water Code.

15 Sec. 9003.105. VOTER APPROVED ROAD DISTRICT POWERS. (a) If
16 a majority of the voters of the district vote in favor of the
17 district's assumption of road district powers in the manner
18 provided by Section 53.029, Water Code, at an election held for that
19 purpose, the district shall assume the rights, authority,
20 privileges, and functions of a road district as described by
21 Section 9003.101(a)(2).

22 (b) If the voters approve road district powers under
23 Subsection (a), the district may provide for, or provide aid for,
24 the construction, acquisition, financing, maintenance, and
25 operation of macadamized, graveled, or paved roads.

26 (c) Section 49.182, Water Code, does not apply to a project
27 undertaken by the district under this section.

1 [Sections 9003.106-9003.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 9003.151. AD VALOREM PLAN OF TAXATION. The district
4 shall use the ad valorem plan of taxation, subject to voter approval
5 at an election held in the district for that purpose.

6 Sec. 9003.152. AD VALOREM TAX FOR ROAD PROJECTS. The
7 district may impose an ad valorem tax to pay the principal of or
8 interest on bonds issued under Section 9003.201(b) to finance
9 projects under Section 9003.105.

10 [Sections 9003.153-9003.200 reserved for expansion]

11 SUBCHAPTER E. BONDS

12 Sec. 9003.201. AUTHORITY TO ISSUE BONDS. (a) The district
13 may issue bonds as provided by Chapter 49 or 51, Water Code, or
14 Section 53.029, Water Code, the general laws of this state, or this
15 section.

16 (b) Except as provided by Subsection (c) and Section
17 9003.202, the district may issue bonds, notes, or other obligations
18 as provided by Section 53.029, Water Code, to finance, or assist in
19 the financing of, projects under Section 9003.105.

20 (c) The district may not issue bonds under Subsection (b)
21 unless the issuance is authorized by two-thirds of the district's
22 voters voting at an election called for that purpose.

23 (d) Section 49.181, Water Code, does not apply to a bond
24 issued by the district under Section 53.029, Water Code.

25 Sec. 9003.202. LIMIT ON BONDS AND OTHER OBLIGATIONS.
26 Bonds, notes, or other obligations issued or incurred by the
27 district under Section 53.029, Water Code, may not exceed

1 one-fourth of the assessed value of the real property in the
2 district.

3 Sec. 9003.203. USE OF BOND PROCEEDS. The district may use
4 proceeds from the sale of bonds to acquire improvements or
5 facilities:

6 (1) from a private water supply corporation or a
7 political subdivision of this state to provide water or sanitary
8 sewer services to territory in the district; or

9 (2) to provide services described by Section
10 9003.101(b).

11 SECTION 2. The La Salle Water Control and Improvement
12 District No. 1 initially includes all the territory contained in
13 the following described area:

14 All of that certain tract or parcel containing 3396.3 acres, being
15 1934.1 acres situated in the Faustino Albarado Survey, Abstract No.
16 1 and 1462.2 acres situated in the Cleto Garcia Survey, Abstract No.
17 14 of Calhoun County, Texas and being a part of the same property
18 described as 13,326.88 acres in Exhibit "A" in Deed dated December
19 13, 1995 from W. H. Bauer, et ux, to Bauer Family Ranches, LTD., a
20 Texas Limited Partnership recorded in Volume 153, Page 15 of the
21 Official Records of Calhoun County, Texas. This 3396.3 acres is
22 more particularly described by metes and bounds as follows:

23 BEGINNING in the North line of the above referenced 13,326.88 acre
24 tract at the intersection of the Northerly projection of the West
25 line of a 1019.707 acre tract described in deed recorded in Volume
26 175, Page 521 of the Calhoun County Official Records and in the
27 North line of 8.163 acre tract described as Part II in Right-of-Way

1 Easement described in Volume 263, Page 509 of the Calhoun County
2 Deed Records for Northeast corner of this 3396.3 acres being
3 described;

4 THENCE South 25° 50' 49" East, with the Northerly projection of the
5 West line of the said 1,019.707 acre tract, pass the South line of
6 the said 8.163 acre tract and the present Right-of-Way of State
7 Highway No. 185 and the Northwest corner of the said 1,019.707 acre
8 tract at a distance of 13.00 feet, and continuing with the West line
9 of the said 1,019.707 acre tract and continuing a total distance of
10 6,706.96 feet to the Northwest line of the Intracoastal Waterway
11 (Volume 33, Page 618 of the Calhoun County Deed Records) and the
12 Southwest corner of the said 1,019.707 acre tract for the Southeast
13 corner of this 3396.3 acres being described;

14 THENCE South 61° 15' 14" West, with the Northwest line of the said
15 Intracoastal Waterway a distance of 1,613.99 feet to a point of
16 curve for corner of this 3396.3 acres being described;

17 THENCE with the Northwest line of the said Intracoastal Waterway
18 along a curve to the right with a Delta of 00° 50' 41"; a Radius of
19 5,423.42 feet; and a Long Chord of South 61° 40' 35" West a distance
20 of 79.95 feet to a point of tangency for a corner of this 3396.3
21 acres being described;

22 THENCE South 62° 05' 55" West, with the Northwest line of the said
23 Intracoastal Waterway a distance of 13,506.22 feet to a point for a
24 corner of this 3396.3 acres being described;

25 THENCE North 25° 50' 49" West, a distance of 12,751.14 feet to a
26 point in the North line of the 13,326.88 acre tract and the North
27 line of the said Right-of-Way Easement for the West corner of this

1 3396.3 acres being described;

2 THENCE North 83° 58' 28" East, with the North line of the said
3 13,326.88 acre tract and the North line of said Right-of-Way
4 Easement a distance of 16,145.90 feet to the PLACE OF BEGINNING,
5 containing within these metes and bounds 3396.3 acres.

6 The bearings and distances recited herein refer to Texas State
7 Plane Lambert Grid Nad 83 (1986) and are based on NGS Monument
8 "Porto 2" with published coordinates of (Northing = 13,348,963.42)
9 and (Easting = 2,779,103.72).

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

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

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

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

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2005.