

By: Estes

S.B. No. 1826

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the Parker County Special Utility District; granting the power of eminent domain.

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

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7202 to read as follows:

CHAPTER 7202. PARKER COUNTY SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7202.001. DEFINITION. In this chapter, "district" means the Parker County Special Utility District.

Sec. 7202.002. NATURE OF DISTRICT. The district is a special utility district in Parker County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 7202.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation and initial directors' election held before September 1, 2007:

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

(A) any debts of the district incurred shall be paid;

(B) any assets of the district that remain after the payment of debts shall be transferred to Parker County; and

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

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

5 Sec. 7202.004. APPLICABILITY OF OTHER SPECIAL UTILITY
6 DISTRICT LAW. Except as otherwise provided by this chapter,
7 Chapters 49 and 65, Water Code, apply to the district.

8 Sec. 7202.005. 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 issue any type of
18 bond, including a refunding bond, for a purpose for which the
19 district is created or to pay the principal of and interest on a
20 bond; or

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

23 [Sections 7202.006-7202.020 reserved for expansion]

24 SUBCHAPTER A-1. TEMPORARY PROVISIONS

25 Sec. 7202.021. TEMPORARY DIRECTORS. (a) The temporary
26 board of directors of the district is composed of:

27 (1) Jennifer Edwards;

- 1 (2) Bob Elder;
- 2 (3) James Estes;
- 3 (4) Bonnie Finch;
- 4 (5) Mike Hooten;
- 5 (6) Skip Queen; and
- 6 (7) George Wootten.

7 (b) Each temporary director shall qualify for office as
8 provided by Section 49.055, Water Code.

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

15 (d) Temporary directors serve until initial directors are
16 elected under Section 7202.022.

17 Sec. 7202.022. CONFIRMATION AND INITIAL DIRECTORS'
18 ELECTION. (a) The temporary directors shall hold an election to
19 confirm the creation of the district and to elect seven initial
20 directors in accordance with Chapters 49 and 65, Water Code, on or
21 before September 1, 2007.

22 (b) The temporary board of directors shall determine the
23 method for determining the initial term of each person on the
24 initial board of directors. The terms must be clearly stated on the
25 ballot for the confirmation and directors' election.

26 (c) Section 41.001(a), Election Code, does not apply to a
27 confirmation election held as provided by this section.

1 (d) Initial directors serve until the first regularly
2 scheduled election of directors under Subchapter C, Chapter 65,
3 Water Code.

4 Sec. 7202.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If
5 the district's creation is confirmed under Section 7202.022, the
6 Parker County Water Supply Corporation shall transfer the assets,
7 debts, and contractual rights and obligations of the corporation to
8 the district.

9 (b) Not later than the 30th day after the date of the
10 transfer under Subsection (a), the board of directors of the Parker
11 County Water Supply Corporation shall commence dissolution
12 proceedings of the corporation.

13 (c) On dissolution of the Parker County Water Supply
14 Corporation, Certificate of Convenience and Necessity No. 12313 is
15 considered to be held by the district.

16 (d) The board of directors of the Parker County Water Supply
17 Corporation shall notify the Texas Commission on Environmental
18 Quality of the dissolution of the corporation and of the transfer of
19 Certificate of Convenience and Necessity No. 12313 to the district.

20 (e) On receipt of notice under Subsection (d), the Texas
21 Commission on Environmental Quality shall note in its records that
22 Certificate of Convenience and Necessity No. 12313 is held by the
23 district and shall reissue the certificate in the name of the
24 district without further application or notice.

25 Sec. 7202.024. EXPIRATION OF SUBCHAPTER. This subchapter
26 expires September 1, 2010.

27 [Sections 7202.025-7202.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 7202.051. DIRECTORS: TERM OF OFFICE. (a) The
3 district is governed by a board of not fewer than five and not more
4 than 11 directors.

5 (b) A member of the board of directors of the district
6 serves a three-year term of office and may serve consecutive terms.

7 [Sections 7202.052-7202.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7202.101. GENERAL POWERS. The district has all of the
10 rights, powers, privileges, authority, functions, and duties
11 provided by the general law of this state, including Chapters 49 and
12 65, Water Code, applicable to special utility districts created
13 under Section 59, Article XVI, Texas Constitution.

14 Sec. 7202.102. WATER SERVICE IMPACT FEE. (a) The district
15 may charge a water service impact fee that is equal to the sum of the
16 equity buy-in fee and the installation fee charged by the Parker
17 County Water Supply Corporation on November 1, 2004, under that
18 corporation's tariff.

19 (b) Chapter 395, Local Government Code, does not apply to
20 the initial water service impact fee set under this section.

21 (c) The district may increase the water service impact fee
22 only as provided by Chapter 395, Local Government Code, or as
23 approved by the Texas Commission on Environmental Quality.

24 Sec. 7202.103. EMINENT DOMAIN. (a) Except as provided by
25 Subsection (b), the district has all the authority under Chapters
26 49 and 65, Water Code, of a special utility district to acquire by
27 condemnation any land, easement, or other property located inside

1 or outside the boundaries of the district for any district project
2 or purpose.

3 (b) The district may not exercise the power of eminent
4 domain to condemn, for sanitary sewer purposes, land, easements, or
5 other property located outside the boundaries of the district.

6 SECTION 2. The Parker County Special Utility District
7 initially includes all the territory contained in the following
8 area:

9 Beginning on Dobbs Valley Road at the intersection of the
10 centerline of Dobbs Valley Road and the Palo Pinto/Parker County
11 line;

12 THENCE South approximately 500 feet to a point 500 feet south of the
13 centerline of Dobbs Valley Road;

14 THENCE easterly along Dobbs Valley Road, 500 feet south of the
15 centerline of Dobbs Valley Road, to a point 500 feet west of the
16 centerline of Bennett Road;

17 THENCE southerly along Bennett Road, 500 feet west of the
18 centerline of Bennett Road, to a point 200 feet North of the Union
19 Pacific Railroad right-of-way;

20 THENCE westerly along the Union Pacific Railroad right-of-way, 200
21 feet north of the centerline of the railroad right-of-way;

22 THENCE South approximately 666 feet cross-country along the Palo
23 Pinto/Parker County line to the centerline of the Brazos River.

24 THENCE easterly approximately 26,020 feet along the centerline of
25 the Brazos River;

26 THENCE East approximately 8,625 feet cross-country to a point on
27 the centerline of the Brazos River;

1 THENCE southerly along the Brazos River approximately 9,300 feet;
2 THENCE East approximately 10,539 feet cross-country to a point 500
3 feet south of the centerline of Lazy Bend Road;
4 THENCE South approximately 6,156 feet cross-country to a point on
5 the centerline of the Brazos River;
6 THENCE easterly approximately 2,683 feet along the centerline of
7 the Brazos River;
8 THENCE South approximately 9,216 feet cross-country;
9 THENCE W17° 6' 56"S, approximately 6,375 feet cross-country to a
10 point 500 feet north of the centerline of Cougar Road;
11 THENCE westerly approximately 2,883 feet along Cougar Road, 500
12 feet north of the centerline of Cougar Road;
13 THENCE southerly across Cougar Road to a point 500 feet south of the
14 centerline of Cougar Road;
15 THENCE easterly along Cougar Road, 500 feet south of the centerline
16 of Cougar Road, to a point 500 feet west of the centerline of
17 Kickapoo Falls Road;
18 THENCE southerly approximately 1,586 feet along Kickapoo Falls
19 Road, 500 feet west of the centerline of Kickapoo Falls Road;
20 THENCE easterly across Kickapoo Falls Road to a point 500 feet east
21 of the centerline of Kickapoo Falls Road;
22 THENCE northerly along Kickapoo Falls Road, 500 feet east of the
23 centerline of Kickapoo Falls Road, to a point 500 feet south of the
24 centerline of Cougar Road;
25 THENCE easterly along Cougar Road, 500 feet south of the centerline
26 of Cougar Road, to a point 500 feet west of the centerline of Combs
27 Bend Road;

1 THENCE southerly approximately 3,105 feet along Combs Bend Road,
2 500 feet west of the centerline of Combs Bend Road;
3 THENCE E29° 29' 36"S approximately 3,833 feet cross-country to the
4 centerline of Kickapoo Creek;
5 THENCE northerly approximately 17,400 feet along the centerline of
6 Kickapoo Creek;
7 THENCE South approximately 2,787 feet cross-country;
8 THENCE East approximately 4,485 feet cross-country;
9 THENCE North approximately 6,350 feet cross-country to a point 200
10 feet south of the centerline of Big Valley Circle;
11 THENCE northerly approximately 20,538 feet along Big Valley Circle,
12 200 feet from the centerline of Big Valley Circle;
13 THENCE North approximately 9,431 feet cross-country to a point 200
14 feet west of the centerline of Old Dennis Road;
15 THENCE westerly along Old Dennis Road to the intersection of Old
16 Dennis Road and FM 1189, 200 feet north of the centerline of Old
17 Dennis Road;
18 THENCE northerly along FM 1189 to the intersection of FM 1189 and
19 Dennis Road, 1,000 feet east of the centerline of FM 1189;
20 THENCE northerly approximately 17,908 feet along Dennis Road, 1,000
21 feet east of the centerline of Dennis Road;
22 THENCE westerly approximately 1,237 feet to the centerline of
23 Dennis Road;
24 THENCE northerly approximately 4,108 feet along the centerline of
25 Dennis Road;
26 THENCE easterly approximately 200 feet, to a point 200 feet east of
27 the centerline of Dennis Road;

1 THENCE northerly along Dennis Road, 200 feet east of the centerline
2 of Dennis Road, to a point 200 feet south of the centerline of Old
3 Brock Road;
4 THENCE easterly approximately 4,250 feet along Old Brock Road, 200
5 feet south of the centerline of Old Brock Road;
6 THENCE northerly 200 feet, to the centerline of Old Brock Road;
7 THENCE easterly along the centerline of Old Brock Road, to a point
8 200 feet east of the intersection of Old Brock Road and Dean Road;
9 THENCE northerly approximately 7,375 feet along Old Brock Road, 200
10 feet east of the centerline of Old Brock Road;
11 THENCE northerly 200 feet to the centerline of Old Brock Road;
12 THENCE southerly approximately 7,415 feet along the centerline of
13 Old Brock Road, to a point 200 feet north of the intersection of
14 Dean Road;
15 THENCE westerly approximately 5,450 feet along Old Brock Road, 200
16 feet north of the centerline of Old Brock Road;
17 THENCE southerly to the centerline of Old Brock Road;
18 THENCE westerly along the centerline of Old Brock Road, to the
19 centerline of Dennis Road;
20 THENCE northerly along the centerline of Dennis Road to the
21 centerline of U.S. Highway 80;
22 THENCE easterly approximately 977 feet along the centerline of U.S.
23 Highway 80;
24 THENCE North approximately 500 feet cross-country;
25 THENCE easterly along U.S. Highway 80, 500 feet north of the
26 centerline of U.S. Highway 80, to a point 1,500 east of the
27 centerline of Windmill Road;

1 THENCE northerly along Windmill Road, 1,500 feet east of the
2 centerline of Windmill Road, to a point 1,000 feet north of the
3 centerline of Greenwood Road;
4 THENCE westerly approximately 10,566 feet along Greenwood Road,
5 1,000 feet north of the centerline of Greenwood Road;
6 THENCE southerly across Greenwood Road, to a point 1,000 feet south
7 of the centerline of Greenwood Road;
8 THENCE easterly approximately 4,927 feet along Greenwood Road,
9 1,000 feet south of the centerline of Greenwood Road;
10 THENCE South approximately 1,651 feet cross-country to a point on
11 the centerline of Ellis Drive;
12 THENCE southerly approximately 25,295 feet along the centerline of
13 Ellis Drive;
14 THENCE W14° 56' 36"S approximately 8,605 feet cross-country to a
15 point on the centerline of Brock Spur;
16 THENCE northerly along Fairview Road, 880 feet east of the
17 centerline of Fairview Road;
18 THENCE westerly approximately 2,058 feet along the centerline of
19 Cox Road;
20 THENCE northerly along Fairview Road, 500 feet east of the
21 centerline of Fairview Road, to a point 1,000 feet east of the
22 centerline of Sandy Hill Road;
23 THENCE northerly approximately 4,451 feet along Sandy Hill Road,
24 1,000 feet east of the centerline of Sandy Hill Road;
25 THENCE westerly across Sandy Hill Road, to a point 1,000 feet west
26 of the centerline of Sandy Hill Road;
27 THENCE southerly along Sandy Hill Road, 1,000 feet west of the

1 centerline of Sandy Hill Road, to a point 500 feet north of the
2 centerline of Fairview Road;
3 THENCE West approximately 2,002 feet cross-country;
4 THENCE South approximately 3,037 feet cross-country;
5 THENCE East approximately 2,017 feet cross-country to a point on
6 the centerline of Grindstone Creek;
7 THENCE southerly approximately 6,029 feet along the centerline of
8 Grindstone Creek;
9 THENCE West approximately 3,849 feet cross-country to the
10 centerline of Stephens Road;
11 THENCE southerly approximately 500 feet along the centerline of
12 Stephens Road;
13 THENCE West approximately 1,113 feet cross-country;
14 THENCE South approximately 500 feet cross-country;
15 THENCE West approximately 2,975 feet cross-country;
16 THENCE North approximately 500 feet cross-country;
17 THENCE West approximately 1,181 feet cross-country;
18 THENCE North approximately 855 feet cross-country, to a point on
19 the centerline of Gholson Road;
20 THENCE westerly approximately 3,160 feet along Gholson Road, 200
21 feet north of the centerline of Gholson Road;
22 THENCE South approximately 668 feet cross-country;
23 THENCE East approximately 1,037 feet cross-country;
24 THENCE South approximately 4,578 feet cross-country;
25 THENCE West approximately 691 feet cross-country;
26 THENCE South approximately 700 feet cross-country;
27 THENCE East approximately 3,956 feet cross-country;

1 THENCE southerly along F.M. Highway 113, 500 feet west of the
2 centerline of F.M. Highway 113, to a point 500 feet north of the
3 centerline of Bennett Road;

4 THENCE northerly approximately 26,933 feet along Bennett Road, 500
5 feet east of the centerline of Bennett Road, to a point 500 feet
6 south of the centerline of F.M. 3028;

7 THENCE northerly across Bennett Road, to a point 500 feet west of
8 the centerline of Bennett Road;

9 THENCE southerly along Bennett Road, 500 feet west of the
10 centerline of Bennett Road, to a point 500 feet north of the
11 centerline of Dobbs Valley Road;

12 THENCE westerly along Dobbs Valley Road, 500 feet north of the
13 centerline of Dobbs Valley Road, to the Palo Pinto/Parker County
14 line;

15 THENCE South approximately 500 feet and back to the point of
16 beginning.

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

24 (b) The governor has submitted the notice and Act to the
25 Texas Commission on Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives
2 within the required time.

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

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