

By: Armbrister

S.B. No. 1891

A BILL TO BE ENTITLED

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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 9008 to read as follows:

CHAPTER 9008. LA SALLE WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9008.001. 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. 9008.002. 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.

Sec. 9008.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All of the land and other property included within the boundaries of the district will be benefited by the works and

1 projects that are to be accomplished by the district under powers
2 conferred by Section 52, Article III, and Section 59, Article XVI,
3 Texas Constitution.

4 Sec. 9008.004. CONFIRMATION ELECTION REQUIRED. If the
5 creation of the district is not confirmed at a confirmation
6 election held under Section 9008.023 before September 1, 2007:

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

9 (A) any debts incurred shall be paid;

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

12 (C) the organization of the district shall be
13 maintained until all debts are paid and remaining assets are
14 transferred; and

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

16 Sec. 9008.005. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act creating this chapter.

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

23 (1) the organization, existence, or validity of the
24 district;

25 (2) the right of the district to impose ad valorem
26 taxes; or

27 (3) the legality or operation of the district or the

1 board.

2 Sec. 9008.006. APPLICABILITY OF OTHER LAW. Except as
3 otherwise provided by this chapter, Chapters 49 and 51, Water Code,
4 apply to the district.

5 [Sections 9008.007-9008.020 reserved for expansion]

6 SUBCHAPTER A1. TEMPORARY PROVISIONS

7 Sec. 9008.021. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Douglas A. Baker;

10 (2) W. H. "Bill" Bauer, Jr.;

11 (3) Waymond Boyd;

12 (4) Lawrence A. Korenek; and

13 (5) Edwin A. Wagner.

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

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

18 (1) the date directors are elected under Section
19 9008.023; or

20 (2) the date this chapter expires under Section
21 9008.004.

22 Sec. 9008.022. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

23 (a) The temporary directors may not hold an election under Section
24 9008.023 until each municipality in whose corporate limits or
25 extraterritorial jurisdiction the district is located has adopted a
26 resolution consenting to the creation of the district.

27 (b) If the district is located outside the extraterritorial

1 jurisdiction of a municipality, the temporary directors may not
2 hold the election until each county in which the district is located
3 has adopted a resolution consenting to the creation of the
4 district.

5 (c) A municipality or county may not adopt a resolution
6 under this section before the effective date of the Act creating
7 this chapter.

8 Sec. 9008.023. CONFIRMATION AND INITIAL DIRECTORS'
9 ELECTION. If each municipality or county has consented to the
10 creation of the district under Section 9008.022, the temporary
11 directors shall hold an election before September 1, 2007, to
12 confirm the creation of the district and to elect five directors as
13 provided by Section 49.102, Water Code.

14 Sec. 9008.024. ORGANIZATIONAL MEETING OF TEMPORARY
15 DIRECTORS. As soon as practicable after all the temporary
16 directors have qualified under Section 49.055, Water Code, the
17 temporary directors shall meet and elect officers from their
18 membership.

19 Sec. 9008.025. INITIAL ELECTED DIRECTORS; TERMS. The
20 directors elected under Section 9008.023 shall draw lots to
21 determine which two shall serve until the first regularly scheduled
22 election of directors under Section 9008.052 and which three shall
23 serve until the second regularly scheduled election of directors.

24 Sec. 9008.026. EXPIRATION OF SUBCHAPTER. This subchapter
25 expires September 1, 2010.

26 [Sections 9008.027-9008.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 9008.051. DIRECTORS; TERMS. (a) The district is
3 governed by a board of five directors.

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

5 Sec. 9008.052. 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 9008.053-9008.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 9008.101. GENERAL POWERS. (a) The district has:

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

16 (2) subject to Section 9008.105, the rights,
17 authority, privileges, and functions of a road district operating
18 under Section 52(b)(3), Article III, Texas Constitution, Chapter
19 257, Transportation Code, and other general laws of this state
20 relating to road districts.

21 (b) The district may provide water, sanitary sewer,
22 drainage, and, subject to Section 9008.105, road services to each
23 part of the district not receiving those services on the effective
24 date of the Act creating this chapter.

25 Sec. 9008.102. AUTHORITY TO CONTRACT WITH OWNERS OF REAL
26 PROPERTY IN DISTRICT. The district may enter into a contract with
27 an owner of real property in the district for the construction,

1 acquisition, financing, ownership, maintenance, and operation of a
2 work or project described by Section 9008.101(b).

3 Sec. 9008.103. LIMITATION ON USE OF EMINENT DOMAIN. The
4 district may exercise the power of eminent domain outside the
5 district only to acquire an easement necessary for a pipeline that
6 serves the district.

7 Sec. 9008.104. DIVISION OF DISTRICT. (a) The district may
8 divide into two or more districts in the manner specified by Section
9 53.029(b), Water Code.

10 (b) Section 53.029(a), Water Code, does not apply to the
11 district.

12 Sec. 9008.105. VOTER-APPROVED ROAD DISTRICT POWERS.
13 (a) If a majority of the voters of the district vote in favor of
14 the district's assumption of road district powers in the manner
15 provided by Sections 53.029(c), (d), and (e), Water Code, at an
16 election held for that purpose, the district shall assume the
17 rights, authority, privileges, and functions of a road district as
18 described by Section 9008.101(a)(2).

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

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

25 Sec. 9008.106. ROAD PROJECTS. (a) To the extent
26 authorized by Section 52, Article III, Texas Constitution, the
27 district may construct, acquire, improve, maintain, or operate

1 macadamized, graveled, or paved roads, or improvements in aid of
2 those roads, inside the district.

3 (b) A road project must meet or exceed all applicable
4 construction standards, zoning and subdivision requirements, and
5 regulatory ordinances of each municipality in whose corporate
6 limits or extraterritorial jurisdiction the district is located.
7 If the district is located outside the extraterritorial
8 jurisdiction of a municipality, a road project must meet all
9 applicable construction standards, zoning and subdivision
10 requirements, and regulatory ordinances of the county in which the
11 district is located.

12 (c) The district may not undertake a road project unless
13 each municipality in whose corporate limits or extraterritorial
14 jurisdiction the district is located consents by ordinance or
15 resolution. If the district is located outside the
16 extraterritorial jurisdiction of a municipality, the district may
17 not undertake a road project unless the county in which the district
18 is located consents by ordinance or resolution.

19 [Sections 9008.107-9008.150 reserved for expansion]

20 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

21 Sec. 9008.151. AD VALOREM PLAN OF TAXATION. The district
22 shall use the ad valorem plan of taxation, subject to voter approval
23 at an election held in the district for that purpose.

24 Sec. 9008.152. AD VALOREM TAX FOR ROAD PROJECTS. The
25 district may impose an ad valorem tax to pay the principal of or
26 interest on bonds issued under Section 9008.201(b) to finance
27 projects under Section 9008.105.

1 [Sections 9008.153-9008.200 reserved for expansion]

2 SUBCHAPTER E. BONDS

3 Sec. 9008.201. AUTHORITY TO ISSUE BONDS. (a) The district
4 may issue bonds as provided by Chapter 49 or 51, Water Code, or
5 Sections 53.029(c), (d), and (e), Water Code, the general laws of
6 this state, or this section.

7 (b) Except as provided by Subsection (c) and Section
8 9008.202, the district may issue bonds, notes, or other obligations
9 as provided by Sections 53.029(c), (d), and (e), Water Code, to
10 finance, or assist in the financing of, projects under Section
11 9008.105.

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

15 (d) Section 49.181, Water Code, does not apply to a bond
16 issued by the district under Sections 53.029(c), (d), and (e),
17 Water Code.

18 Sec. 9008.202. LIMIT ON BONDS AND OTHER OBLIGATIONS.
19 Bonds, notes, or other obligations issued or incurred by the
20 district under Sections 53.029(c), (d), and (e), Water Code, may
21 not exceed one-fourth of the assessed value of the real property in
22 the district.

23 Sec. 9008.203. USE OF BOND PROCEEDS. The district may use
24 proceeds from the sale of bonds to acquire improvements or
25 facilities:

26 (1) from a private water supply corporation or a
27 political subdivision of this state to provide water or sanitary

1 sewer services to territory in the district; or

2 (2) to provide services described by Section
3 9008.101(b).

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

7 All of that certain tract or parcel containing 3396.3 acres, being
8 1934.1 acres situated in the Faustino Albarado Survey, Abstract No.
9 1 and 1462.2 acres situated in the Cleto Garcia Survey, Abstract No.
10 14 of Calhoun County, Texas and being a part of the same property
11 described as 13,326.88 acres in Exhibit "A" in Deed dated December
12 13, 1995 from W. H. Bauer, et ux, to Bauer Family Ranches, LTD., a
13 Texas Limited Partnership recorded in Volume 153, Page 15 of the
14 Official Records of Calhoun County, Texas. This 3396.3 acres is
15 more particularly described by metes and bounds as follows:

16 BEGINNING in the North line of the above referenced 13,326.88 acre
17 tract at the intersection of the Northerly projection of the West
18 line of a 1019.707 acre tract described in deed recorded in Volume
19 175, Page 521 of the Calhoun County Official Records and in the
20 North line of 8.163 acre tract described as Part II in Right-of-Way
21 Easement described in Volume 263, Page 509 of the Calhoun County
22 Deed Records for Northeast corner of this 3396.3 acres being
23 described;

24 THENCE South 25° 50' 49" East, with the Northerly projection of the
25 West line of the said 1,019.707 acre tract, pass the South line of
26 the said 8.163 acre tract and the present Right-of-Way of State
27 Highway No. 185 and the Northwest corner of the said 1,019.707 acre

1 tract at a distance of 13.00 feet, and continuing with the West line
2 of the said 1,019.707 acre tract and continuing a total distance of
3 6,706.96 feet to the Northwest line of the Intracoastal Waterway
4 (Volume 33, Page 618 of the Calhoun County Deed Records) and the
5 Southwest corner of the said 1,019.707 acre tract for the Southeast
6 corner of this 3396.3 acres being described;
7 THENCE South 61° 15' 14" West, with the Northwest line of the said
8 Intracoastal Waterway a distance of 1,613.99 feet to a point of
9 curve for corner of this 3396.3 acres being described;
10 THENCE with the Northwest line of the said Intracoastal Waterway
11 along a curve to the right with a Delta of 00° 50' 41"; a Radius of
12 5,423.42 feet; and a Long Chord of South 61° 40' 35" West a distance
13 of 79.95 feet to a point of tangency for a corner of this 3396.3
14 acres being described;
15 THENCE South 62° 05' 55" West, with the Northwest line of the said
16 Intracoastal Waterway a distance of 13,506.22 feet to a point for a
17 corner of this 3396.3 acres being described;
18 THENCE North 25° 50' 49" West, a distance of 12,751.14 feet to a
19 point in the North line of the 13,326.88 acre tract and the North
20 line of the said Right-of-Way Easement for the West corner of this
21 3396.3 acres being described;
22 THENCE North 83° 58' 28" East, with the North line of the said
23 13,326.88 acre tract and the North line of said Right-of-Way
24 Easement a distance of 16,145.90 feet to the PLACE OF BEGINNING,
25 containing within these metes and bounds 3396.3 acres.
26 The bearings and distances recited herein refer to Texas State
27 Plane Lambert Grid Nad 83 (1986) and are based on NGS Monument

1 "Porto 2" with published coordinates of (Northing = 13,348,963.42)
2 and (Easting = 2,779,103.72).

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

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

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

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

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