

By: Armbrister

S.B. No. 1891

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the La Salle Water Control and Improvement District No. 1; providing the 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 or its successors or assigns.

(2) "Commission" means the Texas Commission on Environmental Quality or its successors or assigns.

(3) "District" means the La Salle Water Control and Improvement District No. 1 or its successors and assigns.

Sec. 9008.002. CREATION. A conservation and reclamation district to be known as the La Salle Water Control and Improvement District No. 1 is created in Calhoun County, Texas, subject to approval at a confirmation election to be conducted in accordance with Section 9008.053.

Sec. 9008.003. AUTHORITY FOR CREATION. The district is a governmental agency and a political subdivision of this state and

1 is created under and is essential to accomplish the purposes of  
2 Section 52, Article III, and Section 59, Article XVI, Texas  
3 Constitution.

4 Sec. 9008.004. FINDING OF BENEFIT AND PUBLIC PURPOSE.

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

6 (b) All of the land and other property included within the  
7 boundaries of the district will be benefited by the works and  
8 projects that are to be accomplished by the district under powers  
9 conferred by Section 52, Article III, and Section 59, Article XVI,  
10 Texas Constitution. The district may enter into contracts with  
11 owners of real property within the district for the construction,  
12 acquisition, financing, ownership, maintenance, and operation of  
13 such works and projects to provide water, sanitary sewer, drainage,  
14 and road services to each portion of the district not actually  
15 receiving such services on the effective date of the Act creating  
16 this chapter.

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

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

24 (1) organization, existence, or validity;

25 (2) right to impose ad valorem taxes; or

26 (3) legality or operation.

27 [Sections 9008.006-9008.050 reserved for expansion]

1           SUBCHAPTER B. BOARD OF DIRECTORS; CONFIRMATION ELECTION

2           Sec. 9008.051. BOARD OF DIRECTORS. (a) The district shall  
3 be governed by a board of five directors.

4           (b) The following five persons shall serve as temporary  
5 directors of the district until permanent directors are elected  
6 under Section 9008.053:

7                   (1) Douglas A. Baker;

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

9                   (3) Waymond Boyd;

10                   (4) Lawrence A. Korenek; and

11                   (5) Edwin A. Wagner.

12           (c) Permanent directors shall serve staggered four-year  
13 terms.

14           (d) Each director must qualify to serve as director in the  
15 manner provided by Section 49.055, Water Code.

16           Sec. 9008.052. APPOINTMENT OF TEMPORARY DIRECTORS. (a) If  
17 for any reason a temporary director fails to qualify for office, the  
18 commission shall appoint a person to fill the vacancy.

19           (b) As soon as practicable after all of the temporary  
20 directors have qualified, the temporary directors shall meet and  
21 elect officers from among their membership.

22           Sec. 9008.053. CONFIRMATION AND PERMANENT DIRECTORS'  
23 ELECTION. Before September 1, 2007, the temporary board of  
24 directors of the district shall call and hold an election to confirm  
25 establishment of the district and to elect five permanent directors  
26 in the manner provided by Chapter 49, Water Code.

27           [Sections 9008.054-9008.100 reserved for expansion]

1                   SUBCHAPTER C. POWERS AND DUTIES

2           Sec. 9008.101. GENERAL POWERS. (a) The district has all  
3 of the rights, powers, privileges, authority, functions, and duties  
4 provided by the general law of this state to water control and  
5 improvement districts, including Chapters 49 and 51, Water Code,  
6 and all general powers granted to a conservation and reclamation  
7 district created under Section 52, Article III, and Section 59,  
8 Article XVI, Texas Constitution. The district has the specific  
9 powers granted by Section 53.029, Water Code, if the exercise of  
10 those powers is approved at an election called and held for that  
11 purpose. This chapter prevails over any provision of general law  
12 that is in conflict or inconsistent with this chapter.

13           (b) The district shall specifically have authority to use  
14 proceeds from the sale of its bonds to acquire improvements or  
15 facilities from a private water supply corporation or political  
16 subdivision of this state to furnish water or sanitary sewer  
17 services to territory within the district's boundaries.

18           (c) The district may divide itself into two or more  
19 districts in the manner specified in Section 53.029, Water Code.

20           Sec. 9008.102. ADDITIONAL POWERS. (a) The district has  
21 the additional rights, powers, privileges, authority, and  
22 functions provided by this section.

23           (b) To the extent authorized by Section 52, Article III, and  
24 Section 59, Article XVI, Texas Constitution, including, but not  
25 limited to, the authority of the district pursuant to an election  
26 held in accordance with Section 53.029, Water Code, the district  
27 may provide for the construction, acquisition, financing,

1 maintenance, and operation of macadamized, graveled, or paved roads  
2 or improvements in aid of those roads.

3 (c) The district may provide water, sanitary sewer,  
4 drainage, and road services to each portion of the district not  
5 actually receiving such services on the effective date of the Act  
6 creating this chapter and enter into contracts with landowners  
7 within the district to construct, acquire, finance, own, maintain,  
8 and operate works and projects to provide such services. The  
9 district may use proceeds from the sale of its bonds to acquire  
10 improvements or facilities to provide such services. No portion of  
11 the district is located within the boundaries of a municipality nor  
12 within the extraterritorial jurisdiction of a municipality.

13 Sec. 9008.103. EMINENT DOMAIN. The district has the power  
14 of eminent domain granted by the general laws to water control and  
15 improvement districts.

16 [Sections 9008.104-9008.150 reserved for expansion]

17 SUBCHAPTER D. FINANCIAL PROVISIONS

18 Sec. 9008.151. BONDS; AD VALOREM TAX. (a) The district  
19 may issue bonds as provided by Chapters 49 and 51 and Section  
20 53.029, Water Code, and the general laws of this state.

21 (b) The district may issue bonds, notes, or other  
22 obligations of the district to finance the construction,  
23 maintenance, and operation of macadamized, graveled, or paved roads  
24 and turnpikes or improvements in aid of those roads and turnpikes.  
25 The district may impose an ad valorem tax to pay the principal of or  
26 interest on bonds issued under this subsection.

27 (c) The district may not issue bonds under Section 53.029,

1 Water Code, unless the issuance is authorized by a vote of a  
2 two-thirds majority of the qualified voters of the district voting  
3 at an election called for that purpose. Bonds, notes, or other  
4 obligations issued or incurred under Section 53.029, Water Code,  
5 may not exceed one-fourth of the assessed value of the real property  
6 in the district.

7 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
8 projects undertaken by the district under Section 53.029, Water  
9 Code.

10 Sec. 9008.052. AD VALOREM PLAN OF TAXATION. The district  
11 shall use the ad valorem plan of taxation.

12 SECTION 2. As of the effective date of this Act, the La  
13 Salle Water Control and Improvement District No. 1 includes all  
14 territory contained in the following described area:

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

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

1 North line of 8.163 acre tract described as Part II in Right-of-Way  
2 Easement described in Volume 263, Page 509 of the Calhoun County  
3 Deed Records for Northeast corner of this 3396.3 acres being  
4 described;

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

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

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

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

26 THENCE North 25° 50' 49" West, a distance of 12,751.14 feet to a  
27 point in the North line of the 13,326.88 acre tract and the North

1 line of the said Right-of-Way Easement for the West corner of this  
2 3396.3 acres being described;

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

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

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

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

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

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



1 and accomplished.

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