

By: Fraser

S.B. No. 1895

A BILL TO BE ENTITLED

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AN ACT

relating to the creation, administration, powers, duties,
operation and financing of the Bluebonnet Municipal Utility
District.

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

SECTION 1. DEFINITIONS. In this Act:

(1) "Board" means the board of directors of the
district.

(2) "Commission" means the Texas Commission on
Environmental Quality.

(3) "District" means the Bluebonnet Municipal Utility
District.

SECTION 2. CREATION. (a) A municipal utility district, to
be known as the Bluebonnet Municipal Utility District, is created
in Travis and Burnet Counties, subject to approval at a
confirmation election under Section 9 of this Act.

(b) The district is a governmental agency and a political
subdivision of this state.

SECTION 3. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

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

(b) The district is created under and is essential to
accomplish the purposes of Section 59, Article XVI, Texas
Constitution.

(c) All of the land and other property included within the

1 boundaries of the district will be benefited by the works and
2 projects that are to be accomplished by the district under powers
3 conferred by Section 59, Article XVI, Texas Constitution.

4 SECTION 4. BOUNDARIES. The boundaries of the district are
5 as follows:

6 A DESCRIPTION OF 759.150 ACRES OF LAND SITUATED IN THE
7 L. & A. SHAFFER SURVEY NO. 58, THE BENNETT BUTTLER
8 SURVEY NO. 306, THE R. CHAPPELL SURVEY NO. 61, THE
9 MARINDA REID SURVEY NO. 654 AND THE MARIA C. SALINAS
10 SURVEY NO. 17, TRAVIS COUNTY AND BURNETT COUNTY,
11 TEXAS, BEING A PORTION OF THAT CERTAIN 654.53 ACRES OF
12 LAND, DESIGNATED AS TRACT THREE, CONVEYED TO MALCOLM
13 B. LEVI, JR. BY DEED RECORDED IN VOLUME 6511, PAGE 1283
14 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS AND ALL OF
15 THAT CERTAIN 289.96 ACRES CONVEY TO MIKE LEVI BY DEED
16 RECORDED IN VOLUME 10033, PAGE 187 OF THE REAL PROPERTY
17 RECORDS OF TRAVIS COUNTY, TEXAS, SAID 759.150 ACRES
18 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS
19 AS FOLLOWS:

20 BEGINNING at a 5/8 inch iron rod with plastic cap marked "RPLS 4532"
21 set on the northeast right-of-way (R.O.W.) line of State Highway
22 No. 71 and the southwest line of said Tract Three from which a 1/2
23 inch iron rod found at a point of curvature on the northeast
24 right-of-way (R.O.W.) line of said State Highway No. 71 at
25 centerline highway station 697+05.2 bears N57°21'06"W, 457.65 feet;
26 THENCE crossing said Tract Three along an eight (8) foot high game
27 fence as found used upon the ground the following nine (9) courses:

- 1 1. N43°45'56"E, at a distance of 0.84 feet pass a metal fence
2 post continuing for a total distance of 1179.14 feet to a
3 metal fence post,
- 4 2. N11°21'19"W, 631.91 feet to a metal fence post found,
- 5 3. N09°06'28"W, 639.53 feet to a metal fence post found,
- 6 4. N13°48'01"W, 677.87 feet to a metal fence post found,
- 7 5. N14°06'52"W, 228.91 feet to a metal fence post found,
- 8 6. N09°37'12"W, 14.28 feet to a metal fence post found,
- 9 7. N09°43'55"W, 189.73 feet to a metal fence post found,
- 10 8. N12°02'10"W, 257.03 feet to a metal fence post found, and
- 11 9. N18°02'04"W, 529.85 feet to a 5/8 inch iron rod with
12 plastic cap marked "RPLS 4532" set;

13 THENCE, departing said game fence, continuing across said Tract
14 Three the following five (5) courses:

- 15 1. N53°11'54"W, 283.40 feet to a 5/8 inch iron rod with
16 plastic cap marked "RPLS 4532" set,
- 17 2. N27°55'24"W, 234.99 feet to a 5/8 inch iron rod with
18 plastic cap marked "RPLS 4532" set,
- 19 3. N53°33'22"W, 112.65 feet to a 5/8 inch iron rod with
20 plastic cap marked "RPLS 4532" set,
- 21 4. N35°13'46"W, 131.56 feet to a 5/8 inch iron rod with
22 plastic cap marked "RPLS 4532" set, and
- 23 5. N06°48'08"W, 264.97 feet to a 5/8 inch iron rod with
24 plastic cap marked "RPLS 4532" set on the north line of
25 said Tract Three for the southwest corner of said 289.96
26 acres being the southeast corner of that certain 184.12
27 acres of land conveyed to Betty Ann Hollingsworth

1 Herbert by deed recorded in Volume 11690, Page 447 of the
2 said Real Property Records;

3 THENCE along the west line of said 289.96 acres and the east line of
4 said 184.12 acres, as fenced, the following two (2) courses:

5 1. N01°11'59"W, 2524.47 feet to a 3/8 inch iron rod found,
6 and

7 2. N01°18'01"W, 2875.05 feet to a 1/2 inch iron rod found for
8 the northwest corner of said 289.96 acres and the
9 northeast corner of said 184.12 acres on the south line
10 of that certain 333.55 acres of land conveyed to Michelle
11 Segall Bassett and Lynn Darrell Segal, Et. Al. By deeds
12 recorded in Volume 838, Page 494 and Volume 896, Page 314
13 of the Official Public Records of Burnet County, Texas;

14 THENCE, departing the east line of said 184.12 acres, along the
15 north line of said 289.96 acres and the south line of said 333.55
16 acres, as fenced, N88°39'17"E, 2321.20 feet to a 5/8 inch iron rod
17 with plastic cap marked "RPLS 4532" set for the northeast corner of
18 said 289.96 acres and the southeast corner of said 333.55 acres on
19 the west line of that certain 36.724 acres of land conveyed to Ralph
20 Bowman Thomas by deed recorded in Volume 12112, Page 1719 of the
21 said Real Property Records;

22 THENCE, departing the north line of said 289.96 acres and the south
23 line of said 333.55 acres, along the east line of said 289.96 acres,
24 the west line of said 36.724 acres, the west line of that certain
25 97.9 acres conveyed to F. G. Ramsey, Et. Ux. By deed recorded in
26 Volume 2511, Page 582 of the said Deed Records and the west and
27 south lines of that certain 90.08 acres conveyed to Foster G.

1 Ramsey, Et. Ux. By deed recorded in Volume 3480, Page 205 of the
2 said Deed Records, as fenced, the following fifteen (15) courses:

- 3 1. S02°01'27"E, 378.12 feet to a 1/2 inch iron rod found,
- 4 2. S00°35'50"E, 607.34 feet to a 1/2 inch iron rod found,
- 5 3. S00°01'27"E, 190.41 feet to a 1/2 inch iron rod found,
- 6 4. S01°16'30"E, 728.08 feet to a 1/2 inch iron rod found,
- 7 5. S01°27'20"E, 1144.21 feet to a 1/2 inch iron rod found,
- 8 6. S01°59'41"E, 224.48 feet to a 1/2 inch iron rod found,
- 9 7. S00°33'20"E, 49.31 feet to a 1/2 inch iron rod found,
- 10 8. S00°28'42"W, 232.02 feet to a 1/2 inch iron rod found,
- 11 9. S00°15'29"E, 205.16 feet to a 1/2 inch iron rod found,
- 12 10. S00°42'09"W, 475.15 feet to a 5/8 inch iron rod with
13 plastic cap marked "RPLS 4532" set,
- 14 11. S01°55'33"E, 867.34 feet to a 1/2 inch iron rod found,
15 and
- 16 12. S02°18'50"E, 303.71 feet to a 5/8 inch iron rod with
17 plastic cap marked "RPLS 4532" set for the southwest
18 corner of said 90.08 acres,
- 19 13. S76°09'19"E, 1538.58 feet to a 1/2 inch iron rod found,
- 20 14. S48°03'50"E, 90.66 feet to a 1/2 inch iron rod found, and
- 21 15. S77°11'35"E, 466.41 feet to a 1/2 inch iron rod found for
22 the most easterly southeast corner of said 289.96 acres
23 and the southeast corner of said 90.08 acres on the west
24 right-of-way (R.O.W.) line of Paleface Ranch Road,
25 formerly known as Haynie Flat Road (R.O.W. varies);

26 THENCE, departing the south line of said 90.08 acres, along the east
27 line of said 289.96 acres, the east line of said Tract Three and the

1 west R.O.W. line of said Paleface Ranch Road, as fenced, the
2 following two (2) courses:

- 3 1. S33°36'13"W, 308.32 feet to a metal fence post found, and
- 4 2. S30°01'35"W, 113.86 feet to a concrete monument found for
5 the most easterly corner of that certain electric
6 easement containing 2.25 acres of land conveyed to Lower
7 Colorado River Authority (LCRA) by deed recorded in
8 Volume 2226, Page 410 of the said Deed Records;

9 THENCE, departing the west R.O.W. line of said Paleface Ranch Road,
10 continuing along the east line of said Tract Three, along the
11 northeast and northwest lines of said 2.25 acres, and the northwest
12 and southwest lines of that certain 2.56 acres of land conveyed to
13 LCRA by deed recorded in Volume 4608, Page 754 of the said Deed
14 Records, as fenced, the following three (3) courses:

- 15 1. N45°08'15"W, 298.35 feet to a concrete monument found for
16 the north corner of said 2.25 acres,
- 17 2. S44°51'19"W, 500.99 feet to a to a concrete monument found
18 for the west corner of said 2.56 acres, and
- 19 3. S45°06'05"E, 435.56 feet to a to a concrete monument found
20 for the south corner of said 2.56 acres on the west
21 R.O.W. line of said Paleface Ranch Road;

22 THENCE, departing the southwest line of said 2.56 acres, continuing
23 along the east line of said Tract Three and the west R.O.W. line of
24 said Paleface Ranch Road, as fenced, the following nineteen (19)
25 courses:

- 26 1. S28°33'51"W, 38.65 feet to a 5/8 inch iron rod with
27 plastic cap marked "RPLS 4532" set,

- 1 2. S14°52'45"W, 209.27 feet to a 5/8 inch iron rod with
- 2 plastic cap marked "RPLS 4532" set,
- 3 3. S04°42'15"W, 579.46 feet to a metal fence post found,
- 4 4. S07°26'04"E, 112.44 feet to a metal fence post found,
- 5 5. S34°32'10"E, 137.10 feet to a metal fence post found,
- 6 6. S57°58'28"E, 756.26 feet to a metal fence post found,
- 7 7. S41°50'29"E, 127.18 feet to a metal fence post found,
- 8 8. S24°19'01"E, 106.71 feet to a metal fence post found,
- 9 9. S02°34'54"E, 116.42 feet to a metal fence post found,
- 10 10. S16°21'08"W, 118.48 feet to a metal fence post found,
- 11 11. S28°42'52"W, 27.91 feet to a metal fence post found,
- 12 12. S43°19'53"W, 548.42 feet to a metal fence post found,
- 13 13. S04°12'15"W, 209.74 feet to a metal fence post found,
- 14 14. S09°15'46"E, 1054.22 feet to a metal fence post found,
- 15 15. S10°31'14"W, 211.69 feet to a metal fence post found,
- 16 16. S18°42'55"W, 332.38 feet to a metal fence post found,
- 17 17. S04°11'54"E, 260.18 feet to a metal fence post found,
- 18 18. S31°27'51"E, 535.04 feet to a metal fence post found, and
- 19 19. S09°36'02"E, 716.55 feet to a 1/2 inch iron rod found at
- 20 a non-tangent point of curvature;

21 THENCE, departing the east line of said Tract Three, crossing said
22 Tract Three along the west R.O.W. line of said Paleface Ranch Road,
23 as fenced, the following two (2) courses:

- 24 1. a distance of 505.90 feet along the arc of a curve to the
- 25 right whose radius is 686.75 feet, central angle is
- 26 42°12'27" and whose chord bears S11°40'34"W, 494.54 feet
- 27 to a 1/2 inch iron rod found, and

1 2. S33°00'05"W, at 93.03 feet pass a 10 inch cedar fence post
2 found, continuing for a total distance of 95.53 feet to a
3 5/8 inch iron rod with plastic cap marked "RPLS 4532" set
4 on the northeast R.O.W. line of said State Highway No. 71
5 and the southwest line of said Tract Three;

6 THENCE, departing the west R.O.W. line of said Paleface Ranch Road,
7 along the northeast R.O.W. line of said State Highway No. 71 and the
8 southwest line of said Tract Three, as fenced, N57°21'06"W, 4783.17
9 feet to the POINT OF BEGINNING containing 759.150 acres of land,
10 more or less.

11 SECTION 5. FINDINGS RELATIVE TO BOUNDARIES. The
12 legislature finds that the boundaries and field notes of the
13 district form a closure. If a mistake is made in the field notes or
14 in copying the field notes in the legislative process, the mistake
15 does not affect in any way:

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

18 (2) the right of the district to impose taxes; or

19 (3) the legality or operation of the district or the
20 board.

21 SECTION 6. APPLICABILITY OF OTHER LAW. This Act prevails
22 over any provision of general law that is in conflict or
23 inconsistent with this Act.

24 SECTION 7. BOARD OF DIRECTORS. (a) The district is
25 governed by a board of five directors.

26 (b) Temporary directors serve until initial directors are
27 elected under Section 9 of this Act.

1 (c) Initial directors serve until permanent directors are
2 elected under Section 10 of this Act.

3 (d) Permanent directors serve staggered four-year terms.

4 (e) Each director must qualify to serve as director in the
5 manner provided by Section 49.055, Water Code.

6 (f) A director serves until the director's successor has
7 qualified.

8 SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board
9 consists of:

- 10 (1) Charles Auler
- 11 (2) Tom Martine
- 12 (3) Trent Chastain
- 13 (4) Tom Granger
- 14 (5) Don Walden

15 (b) If a temporary director fails to qualify for office, the
16 temporary directors who have qualified shall appoint a person to
17 fill the vacancy. If at any time there are fewer than three
18 qualified temporary directors, the commission shall appoint the
19 necessary number of persons to fill all vacancies on the board.

20 SECTION 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

21 (a) The temporary board of directors shall call and hold an
22 election to confirm the establishment of the district and to elect
23 five initial directors as provided by Section 49.102, Water Code.

24 (b) The initial directors elected shall draw lots to decide
25 which two shall serve terms lasting until replacement directors are
26 elected at the first regularly scheduled election of directors
27 under Section 10 of this Act and which three shall serve until the

1 second regularly scheduled election of directors.

2 SECTION 10. ELECTION OF DIRECTORS. (a) On the first
3 Saturday in May of the first even-numbered year after the year in
4 which the district is authorized to be created at a confirmation
5 election, an election shall be held in the district for the election
6 of two directors to replace the two initial directors serving
7 shorter terms from the confirmation election.

8 (b) On the first Saturday in May of each subsequent
9 even-numbered year following the election, the appropriate number
10 of directors shall be elected.

11 SECTION 11. GENERAL POWERS. The district has all of the
12 rights, powers, privileges, authority, functions, and duties
13 provided by the general law of this state, including Chapter 54,
14 Water Code, applicable to municipal utility districts created under
15 Section 59, Article XVI, Texas Constitution. The district shall
16 also have powers to finance and construct necessary roadways within
17 the boundaries of the district. The district shall also have the
18 power and authority to divide into two or more districts following
19 the procedure set forth in Sections 51.749 through 51.758, Water
20 Code, without any further approval or consent.

21 SECTION 12. PROHIBITION AGAINST IMPAIRMENT OF DISTRICT. A
22 municipality in whose extraterritorial jurisdiction the district
23 is located, partially or in its entirety, may not adopt an ordinance
24 or resolution or take any other action that:

25 (1) impairs the ability of the district to exercise
26 its powers under this article; or

27 (2) limits the ability of the district to finance,

1 construct, or operate its water, wastewater, or drainage systems.

2 SECTION 13. ANNEXATION. (a) A municipality may annex land
3 within the district pursuant to Chapter 43 of the Local Government
4 Code only after the installation of 90 percent of all works,
5 improvements, facilities, plants, equipment, and appliances
6 necessary and adequate to:

7 (1) provide service to the proposed development within
8 the district;

9 (2) accomplish the purposes for which the district was
10 created; and

11 (3) exercise the powers provided by the general law of
12 this state and this article.

13 (b) Such installation of 90 percent prior to any annexation
14 of land within the district by a municipality is required
15 regardless of whether the district is located within the
16 extraterritorial jurisdiction of one or more municipalities.

17 (c) The district may add or exclude land in the manner
18 provided by Chapters 49 and 54, Water Code, without the consent of
19 any municipality.

20 SECTION 14. REIMBURSEMENT TO LANDOWNER OR DEVELOPER;
21 INSTALLATION OF FACILITIES. If a municipality in whose
22 extraterritorial jurisdiction the district is located annexes the
23 district for full or limited purposes and the annexation precludes
24 or impairs the ability of the district to issue bonds, the
25 municipality shall:

26 (1) simultaneously with the annexation, pay in cash to
27 the landowner or developer of the district a sum equal to all actual

1 costs and expenses incurred by the landowner or developer in
2 connection with the district that the district has, in writing,
3 agreed to pay and that would otherwise have been eligible for
4 reimbursement from bond proceeds under the rules and requirements
5 of the commission as such rules and requirements exist on the date
6 of annexation; and

7 (2) after the annexation, install all necessary water,
8 wastewater, and drainage facilities to serve full buildout of
9 development within the district.

10 SECTION 15. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

19 (b) The commission has filed its recommendations relating
20 to this Act with the governor, lieutenant governor, and speaker of
21 the house of representatives within the required time.

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

26 SECTION 16. EFFECTIVE DATE; EXPIRATION DATE. This Act
27 takes effect September 1, 2005.