

By: Keffer

H.B. No. 1573

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the Fort Griffin Special Utility District.

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 7210 to read as follows:

CHAPTER 7210. FORT GRIFFIN SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7210.001. DEFINITION. In this chapter, "district" means the Fort Griffin Special Utility District.

Sec. 7210.002. NATURE OF DISTRICT. The district is a special utility district in portions of Shackelford, Stephens, and Throckmorton Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 7210.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation and initial directors' election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

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

(B) any assets of the district that remain after

1 the payment of debts shall be transferred to Shackelford, Stephens,
2 and Throckmorton Counties as appropriate; and

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

6 (2) this chapter expires September 1, 2012.

7 Sec. 7210.004. APPLICABILITY OF OTHER SPECIAL UTILITY
8 DISTRICT LAW. Except as otherwise provided by this chapter,
9 Chapters 49 and 65, Water Code, apply to the district.

10 Sec. 7210.005. 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 issue any type of
20 bond, including a refunding bond, for a purpose for which the
21 district is created or to pay the principal of and interest on a
22 bond; or

23 (3) the legality or operation of the district or the
24 board of directors of the district.

25 [Sections 7210.006-7210.020 reserved for expansion]

26 SUBCHAPTER A-1. TEMPORARY PROVISIONS

27 Sec. 7210.021. TEMPORARY DIRECTORS. (a) The temporary

1 board of directors of the district is composed of:

- 2 (1) E. D. "Buddy" Fincher;
- 3 (2) Sam R. Snyder;
- 4 (3) Burrell R. McKelvain;
- 5 (4) John A. Adams;
- 6 (5) James Lamoine Johnson;
- 7 (6) Sidney Collinsworth; and
- 8 (7) Richard Lawrence Spore.

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

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

17 (d) Temporary directors serve until initial directors are
18 elected under Section 7210.022.

19 (e) As soon as practicable after all the temporary directors
20 have qualified under Section 49.055, Water Code, the temporary
21 directors shall meet and elect officers from among their
22 membership.

23 Sec. 7210.022. CONFIRMATION AND INITIAL DIRECTORS'
24 ELECTION. (a) The temporary directors shall hold an election to
25 confirm the creation of the district and to elect seven initial
26 directors in accordance with Chapters 49 and 65, Water Code, on or
27 before September 1, 2009.

1 (b) The temporary board of directors shall determine the
2 method for determining the initial term of each person on the
3 initial board of directors. The terms must be clearly stated on the
4 ballot for the confirmation and directors' election.

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

7 (d) Initial directors serve until the first regularly
8 scheduled election of directors under Subchapter C, Chapter 65,
9 Water Code.

10 Sec. 7210.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If the
11 district's creation is confirmed under Section 7210.022, the
12 Shackelford Water Supply Corporation shall transfer the assets,
13 debts, and contractual rights and obligations of the corporation to
14 the district.

15 (b) Not later than the 30th day after the date of the
16 transfer under Subsection (a), the board of directors of the
17 Shackelford Water Supply Corporation shall commence dissolution
18 proceedings of the corporation.

19 (c) On dissolution of the Shackelford Water Supply
20 Corporation, Certificate of Convenience and Necessity No. 11637 is
21 considered to be held by the district.

22 (d) The board of directors of the Shackelford Water Supply
23 Corporation shall notify the Texas Commission on Environmental
24 Quality of the dissolution of the corporation and of the transfer of
25 Certificate of Convenience and Necessity No. 11637 to the district.

26 (e) On receipt of notice under Subsection (d), the Texas
27 Commission on Environmental Quality shall note in its records that

1 Certificate of Convenience and Necessity No. 11637 is held by the
2 district and shall reissue the certificate in the name of the
3 district without further application, notice, or hearing. A person
4 does not have a right to protest or to request an administrative
5 review of the transfer prescribed by this section.

6 Sec. 7210.024. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2012.

8 [Sections 7210.025-7210.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 7210.051. DIRECTORS. The district is governed by a
11 board of not fewer than five and not more than 11 directors.

12 [Sections 7210.052-7210.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 7210.101. GENERAL POWERS. Except as otherwise
15 provided by this subchapter, the district has all of the rights,
16 powers, privileges, functions, and duties provided by the general
17 law of this state, including Chapters 49 and 65, Water Code,
18 applicable to special utility districts created under Section 59,
19 Article XVI, Texas Constitution.

20 Sec. 7210.102. WATER SERVICE IMPACT FEE. (a) The district
21 may charge a water service impact fee that is equal to the equity
22 buy-in fee charged by the Shackelford Water Supply Corporation on
23 December 31, 2006, under that corporation's tariff.

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

26 (c) The district may increase the water service impact fee
27 only as provided by Chapter 395, Local Government Code, or as

1 approved by the Texas Commission on Environmental Quality.

2 SECTION 2. The Fort Griffin Special Utility District
3 initially includes all the territory contained in the following
4 area:

5 BEING that portion of Shackelford, Stephens and Throckmorton
6 Counties, Texas, which has a boundary more particularly described
7 as follows:

8 BEGINNING at the Northwest corner of said Stephens County,
9 same being the Northeast corner of said Shackelford County and said
10 point being on the South line of said Throckmorton County;

11 Thence in an easterly direction approximately 8,310 feet
12 along the common boundary line of said Stephens and Throckmorton
13 Counties to a point;

14 Thence in a northerly direction, cross-country, a distance of
15 16,450 feet to a point 500 feet at right angles and in a southerly
16 direction from the centerline of FM Highway 209;

17 Thence in an easterly direction parallel and 500 feet in a
18 southerly direction from said centerline of FM Highway 209
19 approximately 920 feet to a point;

20 Thence in a northerly direction perpendicular to said
21 centerline of FM Highway 209, at 500 feet pass said centerline,
22 continuing a total distance of 1000 feet to a point 500 feet at
23 right angles and in a northerly direction from said centerline;

24 Thence in a westerly direction parallel and 500 feet in a
25 northerly direction from said centerline approximately 3,470 feet
26 to a point;

27 Thence in a northerly direction, cross-country, a distance of

1 approximately 11,960 feet to the centerline of U.S. Highway 183;

2 Thence in a northwesterly direction along said centerline of
3 U.S. Highway 183 approximately 5,870 feet to the intersection of
4 said centerline with the centerline of County Road 334;

5 Thence in a northerly direction along said centerline of
6 County Road 334 a distance of approximately 6,720 feet to the
7 beginning of a curve to the right in said centerline;

8 Thence in an easterly direction continuing along the
9 centerline of said County Road 334 approximately 11,150 feet to the
10 intersection of said centerline with the centerline of FM Highway
11 1710;

12 Thence in a northerly direction along said centerline of FM
13 Highway 1710, at approximately 6300 feet pass a point being the
14 beginning of a curve to the right in said centerline, said point
15 further being the beginning of the centerline of County Road 324,
16 continuing northerly, at approximately 11,200 feet pass a point
17 where said centerline of County Road 324 turns easterly, and
18 continuing northerly, cross country, a total distance of 43,860
19 feet to the intersection of said centerline with the centerline of
20 U.S. Highway 380;

21 Thence in a westerly direction along said centerline of U.S.
22 Highway 380 approximately 23,550 feet to its intersection with the
23 centerline of County Road 306;

24 Thence in a southerly direction along said centerline of
25 County Road 306 approximately 6,300 feet to the intersection of
26 said centerline with the centerline of County Road 304;

27 Thence in a westerly direction along said centerline of

1 County Road 304 a distance of approximately 13,100 feet to the
2 intersection of said centerline with the centerline of U.S. Highway
3 183;

4 Thence in a southeasterly direction, then in a southwesterly
5 direction along said centerline approximately 5,800 feet to a
6 point;

7 Thence in a westerly direction, cross-country, approximately
8 12,750 feet to the centerline of County Road 212;

9 Thence in a northerly direction along said centerline of said
10 County Road 212, at approximately 4,225 feet pass the termination
11 of County Road 212 at a point on the centerline of FM Highway 923,
12 and continuing along said centerline of FM Highway 923 a total
13 distance of 9,190 feet to its intersection with the centerline of
14 U.S. Highway 380;

15 Thence in a westerly direction along the centerline of said
16 U.S. Highway 380 a distance of approximately 78,155 feet to the
17 common boundary line of Haskell and Throckmorton Counties;

18 Thence in a southerly direction approximately 82,400 feet
19 along said Haskell/ Throckmorton County line to the Southeast
20 corner of Haskell County, same being the Southwest corner of
21 Throckmorton County at a point on the North line of Shackelford
22 County;

23 Thence in an easterly direction approximately 25,380 feet
24 along said Throckmorton/Shackelford County line to a point;

25 Thence in a southerly direction, cross-country,
26 approximately 128,518 feet to a point;

27 Thence South 31 degrees 52 minutes East, cross-country, at

1 approximately 28,145 feet pass County Road 191, continuing a total
2 distance of approximately 28,624 feet to the centerline of U.S.
3 Highway 283;

4 Thence in a southerly direction, cross-country,
5 approximately 7,660 feet to the common boundary line of Callahan
6 and Shackelford Counties;

7 Thence in an easterly direction along said Callahan/
8 Shackelford County line approximately 51,500 feet to the centerline
9 of County Road 192;

10 Thence in a northerly direction along said centerline of
11 County Road 192 approximately 7,280 feet to a point;

12 Thence in an easterly direction, cross-country, a distance of
13 approximately 4,040 feet to the centerline of State Highway 6;

14 Thence in a southeasterly direction along said State Highway
15 6 a distance of approximately 8190 feet to the common boundary line
16 of Shackelford and Callahan Counties;

17 Thence in an easterly direction along said Shackelford/
18 Callahan County line a distance of approximately 33,750 feet to a
19 point;

20 Thence North 01 degree 00 minutes West, cross-county, a
21 distance of approximately 48,770 to a point in the centerline of FM
22 Highway 576;

23 Thence in a westerly direction along said centerline of FM
24 Highway 576, a distance of 25,475 feet to a point being the
25 intersection of said centerline with the centerline of FM Road 601;

26 Thence in a northerly direction along said centerline of FM
27 Highway 601 a distance of approximately 12,500 feet to a point being

1 the intersection of said centerline with the centerline of County
2 Road 103;

3 Thence in a northerly direction along said centerline of
4 County Road 103 approximately 15,000 feet to its intersection with
5 said Stephens/Shackelford County line;

6 Thence in a northerly direction along said
7 Stephens/Shackelford County line approximately 300 feet to a point;

8 Thence in an easterly direction parallel and 300 feet in a
9 northerly direction from the centerline of said County Road 290
10 approximately 22,200 feet to a point;

11 Thence North 09 degrees 57 minutes East approximately 7,500
12 feet cross-country to a point along the normal pool elevation
13 contour line of 1183.0 feet of Hubbard Creek Reservoir;

14 Thence in a westerly direction, following said normal pool
15 elevation contour line of Hubbard Creek Reservoir, approximately
16 150,000 feet to said Stephens/ Shackelford County line;

17 Thence in a northerly direction along said
18 Stephens/Shackelford County line, a distance of approximately
19 71,700 feet to the POINT OF BEGINNING;

20 SAVE AND EXCEPT the following tract of land that includes the
21 City of Albany:

22 BEGINNING at a point on the centerline of U.S Highway 283
23 approximately 3,040 feet North of the intersection of U.S. Highway
24 283 and County Road 147;

25 Thence South 81 degrees 20 minutes East approximately 6,250
26 feet to a beginning of a curve to the left;

27 Thence along said curve having a radius of 2,000 feet at

1 approximately 1,730 feet pass State Highway 6, continuing a total
2 distance of approximately 2,265 feet to the point of tangency, said
3 curve having a long chord with a bearing of North 66 degrees 13
4 minutes East and an approximate length of 2,145 feet;

5 Thence North 33 degrees 45 minutes East at approximately
6 2,820 feet pass FM Highway 601, continuing a total distance of
7 approximately 6,690 feet to the beginning of curve to the left;

8 Thence along said curve having a radius of 2,000 feet, a total
9 distance 3,790 feet to the point of tangency, said curve having a
10 long chord with a bearing of North 20 degrees 30 minutes West and a
11 length of approximately 3,245 feet;

12 Thence North 74 degrees 47 minutes West at approximately
13 2,225 feet to the beginning of a curve to the right;

14 Thence along said curve having a radius of 2,000 feet a
15 distance of 1,885 feet to the point of tangency, said curve having a
16 long chord which bears North 47 degrees 45 minutes West and a length
17 of approximately 1,815 feet;

18 Thence North 20 degrees 45 minutes West at approximately
19 3,045 feet to the beginning of curve to the left;

20 Thence along said curve having a radius of 2,000 feet, a
21 distance of approximately 3,140 feet to the point of tangency, said
22 curve having a long chord which bears North 65 degrees 40 minutes
23 West approximately 2,825 feet;

24 Thence South 69 degrees 20 minutes West approximately 1,025
25 feet to the beginning of curve to the left;

26 Thence along said curve having a radius of 2,000 feet, a
27 distance of approximately 2,930 feet to the point of tangency, same

1 being a point in the centerline of a county road, said curve having
2 a long chord with a bearing of South 42 degrees West and a length of
3 approximately 2,675 feet;

4 Thence South 01 degree 00 minutes East approximately 7,430
5 feet to the beginning of curve to the left;

6 Thence along said curve having a radius of 2,000 feet,
7 approximately 2,805 feet to the point of tangency, said curve
8 having a long chord which bears South 41 degrees 08 minutes East and
9 a length of approximately 2,580 feet;

10 Thence South 81 degrees 20 minutes East at approximately
11 3,090 feet to a point;

12 Thence in a southerly direction approximately 10,170 feet to
13 a point;

14 Thence in an easterly direction approximately 4,960 feet to a
15 point;

16 Thence in a northerly direction approximately 9,410 feet to
17 the POINT OF BEGINNING.

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

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor,
2 lieutenant governor, and speaker of the house of representatives
3 within the required time.

4 (d) The general law relating to consent by political
5 subdivisions to the creation of a conservation and reclamation
6 district and the inclusion of land in the district has been complied
7 with. All requirements of the constitution and laws of this state
8 and the rules and procedures of the legislature with respect to the
9 notice, introduction, and passage of this Act are fulfilled and
10 accomplished.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2007.