

By: Otto

H.B. No. 2782

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Liberty County Municipal Utility District No. 5.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8185 to read as follows:

CHAPTER 8185. LIBERTY COUNTY MUNICIPAL

UTILITY DISTRICT NO. 5

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8185.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Liberty County Municipal Utility District No. 5.

Sec. 8185.002. NATURE OF DISTRICT. The district is a municipal utility district in Liberty County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8185.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8185.023 before September 1, 2012:

(1) the district is dissolved September 1, 2012, except that:

1           (A) any debts incurred shall be paid;

2           (B) any assets that remain after the payment of  
3 debts shall be transferred to Liberty County; and

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

7           (2) this chapter expires September 1, 2015.

8           Sec. 8185.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

9 All land and other property in the district will benefit from the  
10 works and projects to be accomplished by the district under powers  
11 conferred by Section 59, Article XVI, Texas Constitution.

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

14           Sec. 8185.005. INITIAL DISTRICT TERRITORY. (a) The  
15 district is initially composed of the territory described by  
16 Section 2 of the act creating this chapter.

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

21           (1) the organization, existence, or validity of the  
22 district;

23           (2) the right of the district to impose taxes;

24           (3) the validity of the district's bonds, notes, or  
25 other indebtedness; or

26           (4) the legality or operation of the district or the  
27 board.

1 [Sections 8185.006-8185.020 reserved for expansion]

2 SUBCHAPTER A-1. TEMPORARY PROVISIONS

3 Sec. 8185.021. TEMPORARY DIRECTORS. (a) On or after  
4 September 1, 2007, a person who owns land in the district may submit  
5 a petition to the Texas Commission on Environmental Quality  
6 requesting that the commission appoint as temporary directors the  
7 five persons named in the petition.

8 (b) The commission shall appoint as temporary directors the  
9 five persons named in the first petition received by the commission  
10 under Subsection (a).

11 (c) If a temporary director fails to qualify for office or  
12 if a vacancy occurs in the office of temporary director, the vacancy  
13 shall be filled as provided by Section 49.105, Water Code.

14 (d) Temporary directors serve until the earlier of:

15 (1) the date directors are elected under Section  
16 8185.023; or

17 (2) the date this chapter expires under Section  
18 8185.003.

19 Sec. 8185.022. ORGANIZATIONAL MEETING OF TEMPORARY  
20 DIRECTORS. As soon as practicable after all the temporary  
21 directors have qualified under Section 49.055, Water Code, the  
22 directors shall meet at a location in the district agreeable to a  
23 majority of the directors. If a location cannot be agreed upon, the  
24 meeting shall be at the Liberty County Courthouse. At the meeting,  
25 the temporary directors shall elect officers from among the  
26 temporary directors and conduct any other district business.

27 Sec. 8185.023. CONFIRMATION AND INITIAL DIRECTORS'

1 ELECTION. (a) The temporary directors shall hold an election to  
2 confirm the creation of the district and to elect five directors as  
3 provided by Section 49.102, Water Code.

4 (b) Section 41.001(a), Election Code, does not apply to a  
5 confirmation and initial directors' election held under this  
6 section.

7 Sec. 8185.024. INITIAL ELECTED DIRECTORS; TERMS. The  
8 directors elected under Section 8185.023 shall draw lots to  
9 determine which two serve until the first regularly scheduled  
10 election of directors under Section 8185.052 and which three shall  
11 serve until the second regularly scheduled election of directors.

12 Sec. 8185.025. FIRST REGULARLY SCHEDULED ELECTION OF  
13 DIRECTORS. The board by order may postpone the first election under  
14 Section 8185.052 following the confirmation and initial directors'  
15 election held under Section 8185.023 if:

16 (1) the election would otherwise occur not later than  
17 the 60th day after the date on which the confirmation election is  
18 held; or

19 (2) the board determines that there is not sufficient  
20 time to comply with the requirements of law and to order the  
21 election.

22 Sec. 8185.026. EXPIRATION OF SUBCHAPTER. This subchapter  
23 expires September 1, 2015.

24 [Sections 8185.027-8185.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8185.051. DIRECTORS; TERMS. (a) The district is  
27 governed by a board of five directors.

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

2       Sec. 8185.052. ELECTION OF DIRECTORS. On the uniform  
3 election date in May of each even-numbered year, the appropriate  
4 number of directors shall be elected.

5       [Sections 8185.053-8185.100 reserved for expansion]

6                   SUBCHAPTER C. POWERS AND DUTIES

7       Sec. 8185.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
8 DUTIES. The district has the powers and duties provided by the  
9 general law of this state, including Chapters 49 and 54, Water Code,  
10 applicable to municipal utility districts created under Section 59,  
11 Article XVI, Texas Constitution.

12       Sec. 8185.102. UTILITIES. The district may not impose an  
13 impact fee or assessment on the property, equipment, rights-of-way,  
14 facilities, or improvements of:

15               (1) an electric utility as defined by Section 31.002,  
16 Utilities Code;

17               (2) a gas utility as defined by Section 101.003 or  
18 121.001, Utilities Code;

19               (3) a telecommunications provider as defined by  
20 Section 51.002, Utilities Code; or

21               (4) a cable operator as defined by 47 U.S.C. Section  
22 522.

23       Sec. 8185.103. COMPLIANCE WITH MUNICIPAL CONSENT  
24 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
25 54.016, Water Code, the district shall comply with all valid and  
26 applicable requirements of any ordinance or resolution adopted by a  
27 municipality in the corporate limits or extraterritorial

1 jurisdiction of which the district is located, including an  
2 ordinance or resolution adopted before September 1, 2007, that  
3 consents to the creation of the district or to the inclusion of  
4 lands within the district.

5 SECTION 2. The Liberty County Municipal Utility District  
6 No. 5 includes all the territory contained in the following area:

7 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING  
8 628.863 ACRES OF LAND SITUATED IN THE I. & G. N. RAILROAD Co.  
9 SECTION 7, ABSTRACT No. 288, LIBERTY COUNTY, TEXAS, AND IN THE  
10 BEASLEY PRUITT SURVEY, ABSTRACT No. 97 AND BEING OUT AND A PART OF  
11 THAT CERTAIN TRACT DESCRIBED AS TRACT L-8 IN A DEED FROM  
12 INTERNATIONAL PAPER COMPANY TO FORMER CHAMPLANDS, LLC. AS DESCRIBED  
13 IN VOLUME 1902, PAGE 584 OFFICIAL PUBLIC RECORDS LIBERTY COUNTY,  
14 TEXAS; SAID 628.863 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY  
15 METES AND BOUNDS AS FOLLOWS, TO-WIT:

16 COMMENCING at a concrete monument found in the Northwest  
17 margin of Farm Market Road No. 1008 and being in the North line of  
18 the Town of Liberty North League, Abstract No.356 and in the South  
19 line of the Beasley Pruitt Survey, Abstract No. 97 and being the  
20 Northeast corner of that certain called 5.45 acre tract as  
21 described in Volume 804, Page 704 Deed Records Liberty County,  
22 Texas same being the Southeast corner of the parent tract;

23 THENCE SOUTH 86 DEGREES 46 MINUTES 51 SECONDS WEST, a  
24 distance of 295.08 feet with the North line of the above mentioned  
25 5.45 acre tract to a concrete monument found for the Southeast  
26 corner of a called 10.47 acre tract as described in Volume 436, Page  
27 264 Deed Records Liberty County, Texas;

1           THENCE NORTH 02 DEGREES 58 MINUTES 59 SECONDS WEST, a  
2 distance of 821.62 feet with the East line of said 10.47 acre tract  
3 to a concrete monument found for the Northeast corner of said 10.47  
4 acre tract;

5           THENCE SOUTH 86 DEGREES 53 MINUTES 58 SECONDS WEST, a  
6 distance of 291.62 feet with the North line of said 10.47 acre tract  
7 to a point in the East line of the Dayton E.T.J. and the West line of  
8 the Dayton City Limits same being the PLACE OF BEGINNING of this  
9 tract herein described tract;

10          THENCE SOUTH 86 DEGREES 53 MINUTES 58 SECONDS WEST, a  
11 distance of 234.59 feet continuing with the North line of said 10.47  
12 acre tract to a concrete monument found for the Northwest corner of  
13 said 10.47 acre tract;

14          THENCE SOUTH 02 DEGREES 57 MINUTES 31 SECONDS EAST, a  
15 distance of 287.28 feet with the West line of 10.47 acre tract to a  
16 point in the East line of the Dayton E.T.J. and the West line of the  
17 Dayton City Limits;

18          THENCE SOUTH 36 DEGREES 13 MINUTES 07 SECONDS WEST, a  
19 distance of 696.59 feet with the common line of said Dayton E.T.J.  
20 and the Dayton City Limits line to a point in the South line of said  
21 Pruitt Survey and the North line of said Town of Liberty North  
22 League;

23          THENCE SOUTH 86 DEGREES 39 MINUTES 45 SECONDS WEST, a  
24 distance of 4555.63 feet with the common line of said Pruitt Survey  
25 and Town of Liberty North League to a point in the center of Linney  
26 Creek;

27          THENCE UP LINNEY CREEK WITH IT'S MEANDERS IN A NORTHWESTERLTY

1 DIRECTION AS FOLLOWS:

2 THENCE NORTH 50 DEGREES 09 MINUTES 30 SECONDS WEST, a  
3 distance of 163.69 feet to a meander point;

4 THENCE NORTH 45 DEGREES 37 MINUTES 37 SECONDS WEST, a  
5 distance of 143.60 feet to a meander point;

6 THENCE NORTH 32 DEGREES 27 MINUTES 18 SECONDS WEST, a  
7 distance of 72.97 feet to a meander point;

8 THENCE NORTH 44 DEGREES 58 MINUTES 01 SECONDS WEST, a  
9 distance of 80.73 feet to a meander point in the East line of that  
10 certain tract of land conveyed to K. Robert Seaberg as described  
11 under Clerk's File No. 2002055625 Official Public Records Liberty  
12 County, Texas;

13 THENCE NORTH 02 DEGREES 42 MINUTES 27 SECONDS WEST, a  
14 distance of 1371.66 feet to a concrete monument found for the  
15 Northeast corner of said K. Robert Seaberg tract;

16 THENCE SOUTH 87 DEGREES 03 MINUTES 53 SECONDS WEST, a  
17 distance of 3702.05 feet to a concrete monument found in the East  
18 line of that certain tract of land described in Volume 977, Page 703  
19 Deed Records Liberty County, Texas situated in the I. & G. N. R.R.  
20 Survey, Abstract No. 288 and being the Northwest corner of said K.  
21 Robert Seaberg tract;

22 THENCE NORTH 03 DEGREES 52 MINUTES 55 SECONDS WEST, a  
23 distance of 658.99 feet with the common line of said Pruitt Survey  
24 and said I. & G. N. Survey to a 2 inch aluminum cap found for the  
25 Northeast corner of that certain tract of land described in Volume  
26 1574, Page 330 Official Public Records Liberty County, Texas;

27 THENCE SOUTH 88 DEGREES 32 MINUTES 00 SECONDS WEST, a



1 distance of 1569.68 feet with the North line of the above mentioned  
2 tract to a point in the East line of the Dayton E.T.J. and the West  
3 line of the Dayton City Limits;

4 THENCE NORTH 25 DEGREES 37 MINUTES 53 SECONDS WEST, a  
5 distance of 248.66 feet with the common line said Dayton E.T.J. and  
6 the Dayton City Limits line to a point in the South line of the  
7 Charles E. Seaberg called second tract as described in Volume 1702,  
8 Page 883 Official Public Records Liberty County, Texas;

9 THENCE NORTH 88 DEGREES 32 MINUTES 00 SECONDS EAST, a  
10 distance of 1645.76 feet with the South line of said Charles E.  
11 Seaberg tract to a 2 inch aluminum cap found in the West line of said  
12 Pruitt Survey and the East line of said I. & G. N. Survey same being  
13 the Southeast corner of said Charles E. Seaberg tract;

14 THENCE NORTH 03 DEGREES 52 MINUTES 11 SECONDS WEST, a  
15 distance of 889.56 feet with the common line of said Pruitt Survey  
16 and said I. & G. N. Survey to a concrete monument found for the  
17 Southwest corner of that certain tract of land described in Volume  
18 1628, Page 688 Official Public Records Liberty County Texas;

19 THENCE NORTH 86 DEGREES 35 MINUTES 54 SECONDS EAST, a  
20 distance of 9879.41 feet with the South line of the above mentioned  
21 tract to a concrete monument found for the Northeast corner of this  
22 tract same being in the South line of that certain tract of land  
23 described in Volume 1628, Page 702 Official Public Records Liberty  
24 County Texas and being the Northwest corner of that certain tract of  
25 land conveyed to Tom R. Kersh as described Volume 1355, Page 188  
26 Official Public Records Liberty County Texas;

27 THENCE SOUTH 03 DEGREES 29 MINUTES 41 SECONDS EAST, a

1 distance of 1223.82 feet with the West line of the above mentioned  
2 tract to a 5/8 inch iron rod found for an angle point In the West  
3 line of that certain tract of land as described in Volume 1244, Page  
4 900 Official Public Records Liberty County Texas;

5 THENCE SOUTH 21 DEGREES 27 MINUTES 18 SECONDS WEST, a  
6 distance of 1066.08 feet with the West line of the City of Dayton  
7 tract to an axle found for the Southwest corner of that certain  
8 tract of land conveyed to the City of Dayton as described in Volume  
9 1346, Page 153 Official Public Records Liberty County Texas;

10 THENCE SOUTH 72 DEGREES 25 MINUTES 10 SECONDS EAST, a  
11 distance of 201.66 feet with the South line of the above mentioned  
12 City of Dayton tract to a point in the East line of the Dayton E.T.J.  
13 and the West line of the Dayton City Limits;

14 THENCE SOUTH 36 DEGREES 13 MINUTES 37 SECONDS WEST, a  
15 distance of 570.77 feet with the common line said Dayton E.T.J. and  
16 the Dayton City Limits line to the PLACE OF BEGINNING and containing  
17 27393252 square feet or 628.863 acres more or less.

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, one of the required recipients, has  
26 submitted the notice and Act to the Texas Commission on  
27 Environmental Quality.

1           (c) The Texas Commission on Environmental Quality has filed  
2 its recommendations relating to this Act with the governor, the  
3 lieutenant governor, and the speaker of the house of  
4 representatives within the required time.

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

9           SECTION 4. This Act takes effect September 1, 2007.