

1-1 By: Otto (Senate Sponsor - Williams) H.B. No. 2782
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Liberty County Municipal Utility
1-9 District No. 5.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-11 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-12 Code, is amended by adding Chapter 8185 to read as follows:

1-13 CHAPTER 8185. LIBERTY COUNTY MUNICIPAL
1-14 UTILITY DISTRICT NO. 5

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8185.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the board of directors of the
1-18 district.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the Liberty County Municipal
1-21 Utility District No. 5.

1-22 Sec. 8185.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district in Liberty County created under and
1-24 essential to accomplish the purposes of Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8185.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation
1-28 election held under Section 8185.023 before September 1, 2012:

1-29 (1) the district is dissolved September 1, 2012,
1-30 except that:

1-31 (A) any debts incurred shall be paid;

1-32 (B) any assets that remain after the payment of
1-33 debts shall be transferred to Liberty County; and

1-34 (C) the organization of the district shall be
1-35 maintained until all debts are paid and remaining assets are
1-36 transferred; and

1-37 (2) this chapter expires September 1, 2015.

1-38 Sec. 8185.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
1-39 All land and other property in the district will benefit from the
1-40 works and projects to be accomplished by the district under powers
1-41 conferred by Section 59, Article XVI, Texas Constitution.

1-42 (b) The district is created to serve a public use and
1-43 benefit.

1-44 Sec. 8185.005. INITIAL DISTRICT TERRITORY. (a) The
1-45 district is initially composed of the territory described by
1-46 Section 2 of the act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of
1-48 the act creating this chapter form a closure. A mistake made in the
1-49 field notes or in copying the field notes in the legislative process
1-50 does not affect:

1-51 (1) the organization, existence, or validity of the
1-52 district;

1-53 (2) the right of the district to impose taxes;

1-54 (3) the validity of the district's bonds, notes, or
1-55 other indebtedness; or

1-56 (4) the legality or operation of the district or the
1-57 board.

1-58 [Sections 8185.006-8185.020 reserved for expansion]

1-59 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-60 Sec. 8185.021. TEMPORARY DIRECTORS. (a) On or after
1-61 September 1, 2007, a person who owns land in the district may submit
1-62 a petition to the Texas Commission on Environmental Quality
1-63 requesting that the commission appoint as temporary directors the
1-64 five persons named in the petition.

2-1 (b) The commission shall appoint as temporary directors the
2-2 five persons named in the first petition received by the commission
2-3 under Subsection (a).

2-4 (c) If a temporary director fails to qualify for office or
2-5 if a vacancy occurs in the office of temporary director, the vacancy
2-6 shall be filled as provided by Section 49.105, Water Code.

2-7 (d) Temporary directors serve until the earlier of:

2-8 (1) the date directors are elected under Section
2-9 8185.023; or

2-10 (2) the date this chapter expires under Section
2-11 8185.003.

2-12 Sec. 8185.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-13 DIRECTORS. As soon as practicable after all the temporary
2-14 directors have qualified under Section 49.055, Water Code, the
2-15 directors shall meet at a location in the district agreeable to a
2-16 majority of the directors. If a location cannot be agreed upon, the
2-17 meeting shall be at the Liberty County Courthouse. At the meeting,
2-18 the temporary directors shall elect officers from among the
2-19 temporary directors and conduct any other district business.

2-20 Sec. 8185.023. CONFIRMATION AND INITIAL DIRECTORS'
2-21 ELECTION. (a) The temporary directors shall hold an election to
2-22 confirm the creation of the district and to elect five directors as
2-23 provided by Section 49.102, Water Code.

2-24 (b) Section 41.001(a), Election Code, does not apply to a
2-25 confirmation and initial directors' election held under this
2-26 section.

2-27 Sec. 8185.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-28 directors elected under Section 8185.023 shall draw lots to
2-29 determine which two serve until the first regularly scheduled
2-30 election of directors under Section 8185.052 and which three shall
2-31 serve until the second regularly scheduled election of directors.

2-32 Sec. 8185.025. FIRST REGULARLY SCHEDULED ELECTION OF
2-33 DIRECTORS. The board by order may postpone the first election under
2-34 Section 8185.052 following the confirmation and initial directors'
2-35 election held under Section 8185.023 if:

2-36 (1) the election would otherwise occur not later than
2-37 the 60th day after the date on which the confirmation election is
2-38 held; or

2-39 (2) the board determines that there is not sufficient
2-40 time to comply with the requirements of law and to order the
2-41 election.

2-42 Sec. 8185.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-43 expires September 1, 2015.

2-44 [Sections 8185.027-8185.050 reserved for expansion]

2-45 SUBCHAPTER B. BOARD OF DIRECTORS

2-46 Sec. 8185.051. DIRECTORS; TERMS. (a) The district is
2-47 governed by a board of five directors.

2-48 (b) Directors serve staggered four-year terms.

2-49 Sec. 8185.052. ELECTION OF DIRECTORS. On the uniform
2-50 election date in May of each even-numbered year, the appropriate
2-51 number of directors shall be elected.

2-52 [Sections 8185.053-8185.100 reserved for expansion]

2-53 SUBCHAPTER C. POWERS AND DUTIES

2-54 Sec. 8185.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-55 DUTIES. The district has the powers and duties provided by the
2-56 general law of this state, including Chapters 49 and 54, Water Code,
2-57 applicable to municipal utility districts created under Section 59,
2-58 Article XVI, Texas Constitution.

2-59 Sec. 8185.102. UTILITIES. The district may not impose an
2-60 impact fee or assessment on the property, equipment, rights-of-way,
2-61 facilities, or improvements of:

2-62 (1) an electric utility as defined by Section 31.002,
2-63 Utilities Code;

2-64 (2) a gas utility as defined by Section 101.003 or
2-65 121.001, Utilities Code;

2-66 (3) a telecommunications provider as defined by
2-67 Section 51.002, Utilities Code; or

2-68 (4) a cable operator as defined by 47 U.S.C. Section
2-69 522.

3-1 Sec. 8185.103. COMPLIANCE WITH MUNICIPAL CONSENT
 3-2 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
 3-3 54.016, Water Code, the district shall comply with all valid and
 3-4 applicable requirements of any ordinance or resolution adopted by a
 3-5 municipality in the corporate limits or extraterritorial
 3-6 jurisdiction of which the district is located, including an
 3-7 ordinance or resolution adopted before September 1, 2007, that
 3-8 consents to the creation of the district or to the inclusion of
 3-9 lands within the district.

3-10 SECTION 2. The Liberty County Municipal Utility District
 3-11 No. 5 includes all the territory contained in the following area:

3-12 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING
 3-13 628.863 ACRES OF LAND SITUATED IN THE I. & G. N. RAILROAD Co.
 3-14 SECTION 7, ABSTRACT No. 288, LIBERTY COUNTY, TEXAS, AND IN THE
 3-15 BEASLEY PRUITT SURVEY, ABSTRACT No. 97 AND BEING OUT AND A PART OF
 3-16 THAT CERTAIN TRACT DESCRIBED AS TRACT L-8 IN A DEED FROM
 3-17 INTERNATIONAL PAPER COMPANY TO FORMER CHAMPLANDS, LLC. AS DESCRIBED
 3-18 IN VOLUME 1902, PAGE 584 OFFICIAL PUBLIC RECORDS LIBERTY COUNTY,
 3-19 TEXAS; SAID 628.863 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY
 3-20 METES AND BOUNDS AS FOLLOWS, TO-WIT:

3-21 COMMENCING at a concrete monument found in the Northwest
 3-22 margin of Farm Market Road No. 1008 and being in the North line of
 3-23 the Town of Liberty North League, Abstract No.356 and in the South
 3-24 line of the Beasley Pruitt Survey, Abstract No. 97 and being the
 3-25 Northeast corner of that certain called 5.45 acre tract as
 3-26 described in Volume 804, Page 704 Deed Records Liberty County,
 3-27 Texas same being the Southeast corner of the parent tract;

3-28 THENCE SOUTH 86 DEGREES 46 MINUTES 51 SECONDS WEST, a
 3-29 distance of 295.08 feet with the North line of the above mentioned
 3-30 5.45 acre tract to a concrete monument found for the Southeast
 3-31 corner of a called 10.47 acre tract as described in Volume 436, Page
 3-32 264 Deed Records Liberty County, Texas;

3-33 THENCE NORTH 02 DEGREES 58 MINUTES 59 SECONDS WEST, a
 3-34 distance of 821.62 feet with the East line of said 10.47 acre tract
 3-35 to a concrete monument found for the Northeast corner of said 10.47
 3-36 acre tract;

3-37 THENCE SOUTH 86 DEGREES 53 MINUTES 58 SECONDS WEST, a
 3-38 distance of 291.62 feet with the North line of said 10.47 acre tract
 3-39 to a point in the East line of the Dayton E.T.J. and the West line of
 3-40 the Dayton City Limits same being the PLACE OF BEGINNING of this
 3-41 tract herein described tract;

3-42 THENCE SOUTH 86 DEGREES 53 MINUTES 58 SECONDS WEST, a
 3-43 distance of 234.59 feet continuing with the North line of said 10.47
 3-44 acre tract to a concrete monument found for the Northwest corner of
 3-45 said 10.47 acre tract;

3-46 THENCE SOUTH 02 DEGREES 57 MINUTES 31 SECONDS EAST, a
 3-47 distance of 287.28 feet with the West line of 10.47 acre tract to a
 3-48 point in the East line of the Dayton E.T.J. and the West line of the
 3-49 Dayton City Limits;

3-50 THENCE SOUTH 36 DEGREES 13 MINUTES 07 SECONDS WEST, a
 3-51 distance of 696.59 feet with the common line of said Dayton E.T.J.
 3-52 and the Dayton City Limits line to a point in the South line of said
 3-53 Pruitt Survey and the North line of said Town of Liberty North
 3-54 League;

3-55 THENCE SOUTH 86 DEGREES 39 MINUTES 45 SECONDS WEST, a
 3-56 distance of 4555.63 feet with the common line of said Pruitt Survey
 3-57 and Town of Liberty North League to a point in the center of Linney
 3-58 Creek;

3-59 THENCE UP LINNEY CREEK WITH IT'S MEANDERS IN A NORTHWESTERLTY
 3-60 DIRECTION AS FOLLOWS:

3-61 THENCE NORTH 50 DEGREES 09 MINUTES 30 SECONDS WEST, a
 3-62 distance of 163.69 feet to a meander point;

3-63 THENCE NORTH 45 DEGREES 37 MINUTES 37 SECONDS WEST, a
 3-64 distance of 143.60 feet to a meander point;

3-65 THENCE NORTH 32 DEGREES 27 MINUTES 18 SECONDS WEST, a
 3-66 distance of 72.97 feet to a meander point;

3-67 THENCE NORTH 44 DEGREES 58 MINUTES 01 SECONDS WEST, a
 3-68 distance of 80.73 feet to a meander point in the East line of that
 3-69 certain tract of land conveyed to K. Robert Seaberg as described

4-1 under Clerk's File No. 2002055625 Official Public Records Liberty
4-2 County, Texas;

4-3 THENCE NORTH 02 DEGREES 42 MINUTES 27 SECONDS WEST, a
4-4 distance of 1371.66 feet to a concrete monument found for the
4-5 Northeast corner of said K. Robert Seaberg tract;

4-6 THENCE SOUTH 87 DEGREES 03 MINUTES 53 SECONDS WEST, a
4-7 distance of 3702.05 feet to a concrete monument found in the East
4-8 line of that certain tract of land described in Volume 977, Page 703
4-9 Deed Records Liberty County, Texas situated in the I. & G. N. R.R.
4-10 Survey, Abstract No. 288 and being the Northwest corner of said K.
4-11 Robert Seaberg tract;

4-12 THENCE NORTH 03 DEGREES 52 MINUTES 55 SECONDS WEST, a
4-13 distance of 658.99 feet with the common line of said Pruitt Survey
4-14 and said I. & G. N. Survey to a 2 inch aluminum cap found for the
4-15 Northeast corner of that certain tract of land described in Volume
4-16 1574, Page 330 Official Public Records Liberty County, Texas;

4-17 THENCE SOUTH 88 DEGREES 32 MINUTES 00 SECONDS WEST, a
4-18 distance of 1569.68 feet with the North line of the above mentioned
4-19 tract to a point in the East line of the Dayton E.T.J. and the West
4-20 line of the Dayton City Limits;

4-21 THENCE NORTH 25 DEGREES 37 MINUTES 53 SECONDS WEST, a
4-22 distance of 248.66 feet with the common line said Dayton E.T.J. and
4-23 the Dayton City Limits line to a point in the South line of the
4-24 Charles E. Seaberg called second tract as described in Volume 1702,
4-25 Page 883 Official Public Records Liberty County, Texas;

4-26 THENCE NORTH 88 DEGREES 32 MINUTES 00 SECONDS EAST, a
4-27 distance of 1645.76 feet with the South line of said Charles E.
4-28 Seaberg tract to a 2 inch aluminum cap found in the West line of said
4-29 Pruitt Survey and the East line of said I. & G. N. Survey same being
4-30 the Southeast corner of said Charles E. Seaberg tract;

4-31 THENCE NORTH 03 DEGREES 52 MINUTES 11 SECONDS WEST, a
4-32 distance of 889.56 feet with the common line of said Pruitt Survey
4-33 and said I. & G. N. Survey to a concrete monument found for the
4-34 Southwest corner of that certain tract of land described in Volume
4-35 1628, Page 688 Official Public Records Liberty County Texas;

4-36 THENCE NORTH 86 DEGREES 35 MINUTES 54 SECONDS EAST, a
4-37 distance of 9879.41 feet with the South line of the above mentioned
4-38 tract to a concrete monument found for the Northeast corner of this
4-39 tract same being in the South line of that certain tract of land
4-40 described in Volume 1628, Page 702 Official Public Records Liberty
4-41 County Texas and being the Northwest corner of that certain tract of
4-42 land conveyed to Tom R. Kersh as described Volume 1355, Page 188
4-43 Official Public Records Liberty County Texas;

4-44 THENCE SOUTH 03 DEGREES 29 MINUTES 41 SECONDS EAST, a
4-45 distance of 1223.82 feet with the West line of the above mentioned
4-46 tract to a 5/8 inch iron rod found for an angle point In the West
4-47 line of that certain tract of land as described in Volume 1244, Page
4-48 900 Official Public Records Liberty County Texas;

4-49 THENCE SOUTH 21 DEGREES 27 MINUTES 18 SECONDS WEST, a
4-50 distance of 1066.08 feet with the West line of the City of Dayton
4-51 tract to an axle found for the Southwest corner of that certain
4-52 tract of land conveyed to the City of Dayton as described in Volume
4-53 1346, Page 153 Official Public Records Liberty County Texas;

4-54 THENCE SOUTH 72 DEGREES 25 MINUTES 10 SECONDS EAST, a
4-55 distance of 201.66 feet with the South line of the above mentioned
4-56 City of Dayton tract to a point in the East line of the Dayton E.T.J.
4-57 and the West line of the Dayton City Limits;

4-58 THENCE SOUTH 36 DEGREES 13 MINUTES 37 SECONDS WEST, a
4-59 distance of 570.77 feet with the common line said Dayton E.T.J. and
4-60 the Dayton City Limits line to the PLACE OF BEGINNING and containing
4-61 27393252 square feet or 628.863 acres more or less.

4-62 SECTION 3. (a) The legal notice of the intention to
4-63 introduce this Act, setting forth the general substance of this
4-64 Act, has been published as provided by law, and the notice and a
4-65 copy of this Act have been furnished to all persons, agencies,
4-66 officials, or entities to which they are required to be furnished
4-67 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-68 Government Code.

4-69 (b) The governor, one of the required recipients, has

5-1 submitted the notice and Act to the Texas Commission on
5-2 Environmental Quality.

5-3 (c) The Texas Commission on Environmental Quality has filed
5-4 its recommendations relating to this Act with the governor, the
5-5 lieutenant governor, and the speaker of the house of
5-6 representatives within the required time.

5-7 (d) All requirements of the constitution and laws of this
5-8 state and the rules and procedures of the legislature with respect
5-9 to the notice, introduction, and passage of this Act are fulfilled
5-10 and accomplished.

5-11 SECTION 4. This Act takes effect September 1, 2007.

5-12 * * * * *