

By: Phillips

H.B. No. 3984

Substitute the following for H.B. No. 3984:

By: Puente

C.S.H.B. No. 3984

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Double Platinum Ranch Water Control and Improvement District No. 1 of Grayson County; providing 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 9206 to read as follows:

CHAPTER 9206. DOUBLE PLATINUM RANCH WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 1 OF GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9206.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Double Platinum Ranch Water Control and Improvement District No. 1 of Grayson County.

Sec. 9206.002. NATURE OF DISTRICT. The district is a water control and improvement district in Grayson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9206.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9206.064 before September 1, 2011:

1 (1) the district is dissolved September 1, 2011,
2 except that:

3 (A) any debts incurred shall be paid;

4 (B) any assets that remain after the payment of
5 debts shall be transferred to Grayson County; and

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

9 (2) this chapter expires September 1, 2014.

10 Sec. 9206.004. 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 impose taxes;

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

22 (4) the legality or operation of the district or the
23 board.

24 Sec. 9206.005. ANNEXATION BY CITY OF GUNTER. (a)
25 Notwithstanding any other law, if all of the territory of the
26 district is annexed by the City of Gunter into the corporate limits
27 of that municipality before the date of the election held to confirm

1 the creation of the district, the district may not be dissolved and
2 shall continue until the district is dissolved under Section
3 43.074, Local Government Code.

4 (b) Any future annexation or inclusion of additional
5 territory into a district governed by this chapter may not occur
6 unless the City of Gunter is allowed to voluntarily annex the same
7 territory into its corporate limits.

8 [Sections 9206.006-9206.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 9206.051. DIRECTORS; TERMS. (a) The district is
11 governed by a board of five directors.

12 (b) Except as provided by Section 9206.061 of this code and
13 Section 49.102, Water Code, directors serve staggered four-year
14 terms, with the terms of two or three directors expiring June 1 of
15 each even-numbered year.

16 Sec. 9206.052. ELECTION OF DIRECTORS. On the uniform
17 election date in May of each even-numbered year, the appropriate
18 number of directors shall be elected.

19 [Sections 9206.053-9206.060 reserved for expansion]

20 SUBCHAPTER B-1. TEMPORARY PROVISIONS

21 Sec. 9206.061. INITIAL DIRECTORS. (a) On or after
22 September 1, 2007, a person who owns land in the district may submit
23 a petition to the Texas Commission on Environmental Quality
24 requesting that the commission appoint as initial directors the
25 five persons named in the petition.

26 (b) The commission shall appoint as initial directors the
27 five persons named in the first petition received by the commission

1 under Subsection (a).

2 (c) If an initial director fails to qualify for office, the
3 commission shall appoint a person to fill the vacancy.

4 (d) Initial directors serve until the earlier of:

5 (1) the date the first directors are elected at the
6 confirmation election under Section 9206.064; or

7 (2) the date this subchapter expires under Section
8 9206.066.

9 Sec. 9206.062. ORGANIZATIONAL MEETING OF INITIAL
10 DIRECTORS. As soon as practicable after all the initial directors
11 have qualified under Section 49.055, Water Code, the initial
12 directors shall meet at a location in the district agreeable to a
13 majority of the directors. At the meeting, the initial directors
14 shall elect officers from among the initial directors and conduct
15 any other district business.

16 Sec. 9206.063. CONSENT OF MUNICIPALITY REQUIRED. The
17 initial directors may not hold an election under Section 9206.064
18 until all of the territory of the district is included in the
19 corporate limits of the City of Gunter.

20 Sec. 9206.064. CONFIRMATION AND INITIAL DIRECTORS'
21 ELECTION. The initial directors shall hold an election to confirm
22 the creation of the district and to elect five directors as provided
23 by Section 49.102, Water Code.

24 Sec. 9206.065. INITIAL ELECTED DIRECTORS; TERMS. The
25 directors elected under Section 9206.064 shall draw lots to
26 determine which two shall serve until the first regularly scheduled
27 election of directors and which three shall serve until the second

1 regularly scheduled election of directors.

2 Sec. 9206.066. EXPIRATION OF SUBCHAPTER. This subchapter
3 expires September 1, 2014.

4 [Sections 9206.067-9206.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 9206.101. WATER CONTROL AND IMPROVEMENT DISTRICT
7 POWERS AND DUTIES. (a) The district has the powers and duties
8 provided by the general law of this state, including Chapters 49 and
9 51, Water Code, applicable to water control and improvement
10 districts created under Section 59, Article XVI, Texas
11 Constitution.

12 (b) Notwithstanding Subsection (a), the district may not
13 act as a retail provider of water or wastewater services.

14 (c) The district shall make its water and wastewater
15 facilities available to an entity holding the applicable
16 certificate of convenience and necessity.

17 Sec. 9206.102. ROAD PROJECTS. (a) To the extent authorized
18 by Section 52, Article III, Texas Constitution, the district may
19 construct, acquire, improve, maintain, or operate macadamized,
20 graveled, or paved roads or turnpikes, or improvements in aid of
21 those roads or turnpikes, inside the district.

22 (b) A road project must meet or exceed all applicable
23 construction standards, zoning and subdivision requirements, and
24 regulatory ordinances of the municipality in whose corporate limits
25 or extraterritorial jurisdiction the district is located.

26 (c) If a portion of the territory of the district is
27 excluded from the corporate limits of the City of Gunter, the

1 district shall:

2 (1) improve, maintain, and operate the roads located
3 in that portion of territory in accordance with the ordinances and
4 rules of the political subdivision possessing jurisdiction over the
5 roads in that portion of territory; and

6 (2) pay the entire cost of performing the district's
7 duties under Subdivision (1).

8 Sec. 9206.103. DIVISION OF DISTRICT. (a) The district may
9 be divided into two new districts only if:

10 (1) the district has no outstanding bonded debt;

11 (2) the district is not imposing ad valorem taxes; and

12 (3) each new district is within the corporate limits
13 of the City of Gunter.

14 (b) The division procedure is prescribed by Sections 53.030
15 through 53.041, Water Code. Sections 51.748 through 51.753, Water
16 Code, do not apply to the district.

17 (c) Any new district created by the division of the district
18 has all the powers and duties of the district.

19 (d) At the time of creation, any new district created by the
20 division of the district may not contain any land outside the area
21 described by Section 2 of the Act creating this chapter.

22 [Sections 9206.104-9206.150 reserved for expansion]

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 9206.151. TAX TO REPAY BONDS. The district may impose
25 a tax to pay the principal of or interest on bonds or other
26 obligations issued under Section 9206.201.

27 [Sections 9206.152-9206.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 9206.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 51, Water Code, to finance the construction, maintenance, or operation of a project under Section 9206.101 or 9206.102.

(b) The district may not issue bonds to finance projects authorized by Section 9206.102 unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election called for that purpose.

(c) Bonds or other obligations issued or incurred to finance projects authorized by Section 9206.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Double Platinum Ranch Water Control and Improvement District No. 1 of Grayson County includes all the territory contained in the following area:

TRACT ONE:

All that certain tract or parcel of land situated in the John Palms Survey, Abstract Number 926, County of Grayson, State of Texas, said tract being part of a called 197.3 acre tract as described in Deed to Dryden Dorchester Ltd., filed 27 December 2000, and Recorded in Volume 3014, Page 743 of the Deed Records of the County of Grayson, State of Texas, and being more fully described as follows:

BEGINNING for the northeast corner of the tract being herein at a Wood Fence corner Post, said post being the northeast corner of said Dryden tract, and the southeast corner of a tract as described

1 in Deed to Gordon W. Doodier et ux, Delores Goodier, filed 14
2 January 1971, and Recorded in Volume 1179, Page 63 of said Deed
3 Records, said post also being on a west line of a called 1022 acre
4 tract as described in Tract 7 in Deed to Jeribeth Sharp, filed 30
5 June 1998, and Recorded in Volume 2668 Page 09 of said Deed Records;

6 THENCE South 00 degrees 20 minutes 01 seconds East, with the
7 east line of said Dryden tract, and west line of said Sharp tract, a
8 distance of 3318.06 feet to a set $\frac{1}{2}$ inch Steel Square Tubing for the
9 southeast corner of said Dryden tract, and an ell corner of said
10 Sharp tract;

11 THENCE South 88 degrees 45 minutes 58 8 seconds West, with the
12 south line at said Dryden tract, a distance of 2576.18 feet to a set
13 $1\frac{1}{2}$ inch Steel Square Tubing for the southwest corner of said Dryden
14 tract, and an ell corner of said Sharp tract,

15 Thence: North 00 degrees 23 minutes 33 seconds West, with the west
16 line of said Dryden tract, a distance of 3325.00 feet to a found $\frac{1}{2}$
17 inch Steel Rebar at the base of a wood fence corner post, being an
18 ell corner of said Dryden tract and Sharp tract and the Palms
19 Survey, and being the northeast corner of the John D. Nelson Survey,
20 Abstract Number 902;

21 THENCE South 89 degrees 45 minutes 03 seconds West, with a
22 wire fence line, and a south line of said Dryden tract, and a line of
23 said Sharp tract, a distance of 790.04 feet to a Wood Fence post for
24 the southwest corner of said Dryden tract, an ell corner of said
25 Palms Survey, and the southeast corner of the Antonia Hernandez
26 Survey, Abstract Number 489;

27 THENCE North, a distance of 26.12 feet to a set $\frac{1}{2}$ inch Steel

1 Square Tubing Ike the northwest corner of said Dryden tract, and the
2 southwest corner of a tract described in Deed to Marjoriet Limited,
3 filed 24 March 1999, and Recorded in Volume 2769 Page 624 of said
4 Deed Records;

5 THENCE North 89 degrees 45 minutes 03 seconds East, with the
6 north line of said Dryden tract, and the south line of said Marjoriet
7 tract, a distance of 789.43 feet to a Wood Fence corner Post for a
8 corner;

9 THENCE North 89 degrees 30 minuses 06 seconds East, with the
10 north line of said Dryden tract, and passing the southeast corner of
11 said Marjoriet tract, and the southwest corner of said Goodier
12 tract, and continuing on said course for a total distance of 2579.75
13 feet to the POINT OF BEGINNING and containing 197.783 acres of land.

14 TRACT TWO:

15 Being a 1,022.20 acre tract of land situated in the John Palms
16 Survey, Abstract No. 926, and the John D. Nelson Survey, Abstract
17 No. 902, and being that certain tract of land conveyed to as Tract
18 I, to Marita Wiseman Sharp, Marita Wiseman Sharp Grantor Trust, and
19 Billy Jack Sharp Grantor Trust, by deed recorded in Volume 2427,
20 Page 448, and also conveyed as Tract 7, to Billy Jack Sharp Grantor
21 Trust, by deed recorded in Volume 2668, Page 00009, all of the Deed
22 Records of Grayson County, Texas, and being more particularly
23 described by metes and bounds as follows:

24 BEGINNING at a 1/2 inch iron rod set for corner, said point
25 being the southeast corner of said Billy Jack Sharp Grantor Trust
26 tract, and being at the centerline intersection more or less, of
27 McDonald Road, and Kimberlin Road;

1 THENCE North 86°52'06" West, along the common line of said
2 Billy Jack Sharp Grantor Trust tract, and the centerline more or
3 less of said Kimberlin Road, and along the south line of said Palms
4 Survey, passing the southwest corner of said Palms Survey, same
5 being the southeast corner of said Nelson Survey, and continuing
6 along the south line of said Nelson Survey, a distance of 6400.79
7 feet to a 1/2 inch iron rod set for corner, said point being in the
8 centerline of Kimberlin Road more or less, said point being the
9 southwest corner of said Billy Jack Sharp Grantor Trust tract, and
10 being the southeast corner of a called 1073.77 acre tract of land
11 conveyed to Davidson Land and Cattle Company, by deed recorded in
12 Volume 2235, Page 583, of the Deed Records of Grayson County, Texas;

13 THENCE North 02°35'02" East, along the common line of said
14 Billy Jack Sharp Grantor Trust tract, and said called 1073.77 acre
15 tract, a distance of 3806.58 feet to a 1/2 inch iron rod found for
16 corner;

17 THENCE North 85°53'34" West, continuing along the common line
18 of said Billy Jack Sharp Grantor Trust tract, and said called
19 1073.77 acre tract, a distance of 150.50 feet to a 1/2 inch iron rod
20 found for corner;

21 THENCE North 02°33'45" East, continuing along the common line
22 of said Billy Sank Grantor Trust tract, and said called 1073.77 acre
23 tract, a distance of 1112.85 feet to a 1/2 inch iron rod found for
24 corner;

25 THENCE South 87°09'16" East, continuing along the common line
26 of said Billy Jack Sharp Grantor Trust tract, and said called
27 1073.77 acre tract, a distance of 149.97 feet to a 1/2 inch iron rod

1 found for corner;

2 THENCE North 02°38'21" East, continuing along the common line
3 of said Billy Jack Sharp Grantor Trust tract, and said called
4 1073.77 acre tract, a distance of 2500.00 feet to a 1/2 inch iron
5 rod found for corner, said point being in the north line of said
6 Nelson Survey, and the south line of Antonio Hernandez Survey,
7 Abstract No. 489, and being in the south line of a called 300 acre
8 tract of land conveyed to Lucian Touchtone, et ux, by deed recorded
9 in Volume 1013, Page 677, of the Deed Records of Grayson County,
10 Texas, and being the northeast corner of said called 1073.77 acre
11 tract, and being the northwest corner of said Billy Jack Sharp
12 Grantor Trust tract;

13 THENCE South 87°07'47" East, along the common line of said
14 Palms Survey, and the said Antonio Survey, and the common line of
15 said Billy Jack Sharp Grantor Trust tract, and said called 300 acre
16 tract, and passing the southeast corner of said called 300 acre
17 tract, same being the southeast corner of said Antonio Survey, same
18 being the southwest corner of said Palms Survey, and being the
19 southwest corner of a called 108.84 acre tract of land conveyed to
20 Lucian Touchtone, by deed recorded in Volume 1219, Page 360, of the
21 Deed Records of Grayson County, Texas, and continuing a total
22 distance of 2698.53 feet to a 1/2 inch iron rod found for corner,
23 said point being the northeast corner of said Nelson Survey, and an
24 ell corner of a called 197.3 acre tract of land conveyed to S.A.
25 Schott by deed recorded in Volume 359, Page 369, of the Deed Records
26 of Grayson County, Texas;

27 THENCE South 02°52'48" West, along the common line of said

1 Billy Jack Sharp Grantor Trust tract, and said called 197.3 acre
2 tract, a distance of 3325.00 feet to a 1/2 inch iron rod set for
3 corner, said point being the southwest corner of said called 197.3
4 acre tract;

5 THENCE South 87°56'40" East, along the common line of said
6 Billy Jack Sharp Grantor Trust tract, and said called 197.3 acre
7 tract, a distance of 2577.31 feet to a 1/2 inch iron rod set for
8 corner, said point being the southeast corner of said called 197.3
9 acre tract;

10 THENCE North 02°54'54" East, along the common line of said
11 Billy Jack Sharp Grantor Trust tract, and said called 197.3 acre
12 tract, a distance of 3318.06 feet to a 1/2 inch iron rod set for
13 corner, said point being the northwest corner of said called 197.3
14 acre tract, same being the southeast corner of a called 245.67 acre
15 tract of land conveyed to Gordon W. Goodier, et ux, by deed recorded
16 in Volume 1179, Page 63, of the Deed Records of Grayson County,
17 Texas;

18 THENCE North 03°09'39" East, along the common line of said
19 Billy Jack Sharp Grantor Trust tract, and said called 245.67 acre
20 tract, a distance of 4542.15 feet to a 1/2 inch iron rod found for
21 corner, said point being the northwest corner of said Billy Jack
22 Sharp Grantor Trust tract, same being the northeast corner of said
23 called 245.67 acre tract, and being in the south right-of-way line
24 of F.M. Highway 902;

25 THENCE South 86°51'00" East, along the north line of said
26 Billy Jack Sharp Grantor Trust tract, with the south right-of-way
27 line of F.M. Highway 902, a distance of 1119.25 feet to a railroad

1 spike found for corner, said point being in the centerline
2 intersection more or less of the south right-of-way line of F.M.
3 Highway 902, and McDonald Road, and being in the east line of said
4 Palms Survey;

5 THENCE South 02°47'31" West, with the east line of said Palms
6 Survey, and the east line of said Billy Jack Sharp Grantor Trust
7 tract, and along the centerline of McDonald Road more or less, a
8 distance of 12,018.20 feet to the POINT OF BEGINNING and containing
9 44,527,033 square feet or 1,022.20 acres of computed land.

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

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

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

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

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