

By: Phillips

H.B. No. 3984

A BILL TO BE ENTITLED

AN ACT

relating to the creation of 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter ____ to read as follows:

CHAPTER ____ . DOUBLE PLATINUM RANCH WATER CONTROL AND IMPROVEMENT DISTRICT NO. 1 OF GRAYSON COUNTY.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. ____ .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 Double Platinum Ranch Water Control and Improvement District No. 1 of Grayson County.

Sec. ____ .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. ____ .003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section. ____ .025 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. _____.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 indebtedness; or

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

24 Sections [_____.005-_____.020 reserved for expansion]

25 SUBCHAPTER A1. TEMPORARY PROVISIONS

26 Sec. _____.021. TEMPORARY DIRECTORS. (a) On or after
27 September 1, 2007, a person who owns land in the district may submit

1 a petition to the Texas Commission on Environmental Quality
2 requesting that the Commission appoint as temporary directors the
3 five persons named in the petition.

4 (b) The commission shall appoint as temporary directors the
5 five persons named in the first petition received by the commission
6 under Subsection (a).

7 (c) If a temporary director fails to qualify for office, the
8 commission shall appoint a person to fill the vacancy.

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

10 (1) the date directors are elected under Section
11 _____.024; or

12 (2) the date this chapter expires under Section
13 _____.026.

14 Sec. _____.022. ORGANIZATIONAL MEETING OF TEMPORARY
15 DIRECTORS. As soon as practicable after all the temporary directors
16 have qualified under Section 49.055, Water Code, the temporary
17 directors shall meet at a location in the district agreeable to a
18 majority of the directors.

19 At the meeting, the temporary directors shall elect officers
20 from among the temporary directors and conduct any other district
21 business.

22 Sec. _____.023. ANNEXATION INTO CITY OF GUNTER.
23 Notwithstanding any other provision of law to the contrary, in the
24 event all of the land in a district is annexed into the corporate
25 limits of the City of Gunter before the date of the election held to
26 confirm the creation of the district, the district shall not be
27 dissolved but shall continue in full force and effect. Any future

1 annexation or inclusion of additional territory into a district
2 governed by this Act may not occur unless the City of Gunter is
3 allowed to voluntarily annex said territory into the City of
4 Gunter's corporate limits. Section 43.074, Local Government Code,
5 shall apply to dissolution of the district.

6 Sec. _____.024. CONFIRMATION AND INITIAL DIRECTORS'
7 ELECTION. The temporary directors of each district shall hold an
8 election to confirm the creation of the district and to elect five
9 directors as provided by Section 49.102, Water Code. The temporary
10 directors may not hold an election to confirm the creation of the
11 district until all of the land in the district is included in the
12 corporate limits of the City of Gunter

13 Sec. _____.025 INITIAL ELECTED DIRECTORS; TERMS. The
14 directors elected under Section _____.024 shall draw lots to
15 determine which two shall serve until the first regularly scheduled
16 election of directors under Section _____.052 and which three shall
17 serve until the second regularly scheduled election of directors.

18 Sec. _____.026. EXPIRATION OF SUBCHAPTER. This subchapter
19 expires September 1, 2014.

20 Sections [_____.027-_____.050 reserved for expansion]

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. _____.051. BOARD OF DIRECTORS; TERMS. (a) The
23 district is governed by a board of five directors.

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

25 Sec. _____.052. ELECTION OF DIRECTORS. On the uniform
26 election date in May of each even-numbered year, the appropriate
27 number of directors shall be elected.

1 Sections [____.053-____.100 reserved for expansion]

2 SUBCHAPTER C. POWERS AND DUTIES

3 Sec. _____.101. WATER CONTROL AND IMPROVEMENT DISTRICT
4 POWERS AND DUTIES. The district has the powers and duties provided
5 by the general law of this state, including Chapters 49 and 51,
6 Water Code, applicable to water control and improvement districts
7 created under Section 59, Article XVI, Texas Constitution,
8 including Section 51.331, Water Code.

9 Sec. _____.102. ROAD PROJECTS. (a) To the extent authorized
10 by Section 52, Article III, Texas Constitution, the district may
11 construct, acquire, improve, maintain, or operate macadamized,
12 graveled, or paved roads or turnpikes, or improvements in aid of
13 those roads or turnpikes, inside the district.

14 (b) A road project must meet or exceed all applicable
15 construction standards, zoning and subdivision requirements, and
16 regulatory ordinances of each municipality in whose corporate
17 limits or extraterritorial jurisdiction the district is located.

18 Sec. _____.103 DIVISION OF THE DISTRICT. (a) The district
19 may be divided into two (2) new districts only if the district:

- 20 (1) has no outstanding bonded debt;
21 (2) is not imposing ad valorem taxes; and
22 (3) each new District is within the corporate limits
23 of the City of Gunter.

24 (b) The division procedure is prescribed in Sections 53.030
25 through 53.041, Water Code. Sections 51.748 through 51.753, Water
26 Code, do not apply to the district.

27 (c) Any new district created by the division of the district

1 has all the powers and duties of the district

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

5 [Sections _____.104 _____.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. _____.151 TAX TO REPAY BONDS. The district may impose a
8 tax to pay the principal of or interest on bonds issued under
9 Section _____.201.

10 [Sections _____.152-_____.200 reserved for expansion]

11 SUBCHAPTER E. BONDS

12 Sec. _____.201. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. (a) The district may issue bonds or other obligations
14 as provided by chapters 49 and 51, Water Code, to finance the
15 construction, maintenance, or operation of projects under Sections
16 _____.101 and _____.102.

17 (b) The district may not issue bonds to finance projects
18 authorized by Section _____.102 unless the issuance is approved by a
19 vote of a two-thirds majority of the voters of the district voting
20 at an election called for that purpose.

21 (c) Bonds or other obligations issued or incurred to finance
22 projects authorized by Section _____.102 may not exceed one-fourth
23 of the assessed value of the real property in the district.

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

27 TRACT ONE:

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

8 Beginning for the northeast corner of the tract being herein at a
9 Wood Fence corner Post, said post being the northeast corner of said
10 Dryden tract, and the southeast corner of a tract as described in
11 Deed to Gordon W. Doodier et ux, Delores Goodier, filed 14 January
12 1971, and Recorded in Volume 1179, Page 63 of said Deed Records,
13 said post also being on a west line of a called 1022 acre tract as
14 described in Tract 7 in Deed to Jeribeth Sharp, filed 30 June 1998,
15 and Recorded in Volume 2668 Page 09 of said Deed Records;

16 Thence South 00 degrees 20 minutes 01 seconds East, with the east
17 line of said Dryden tract, and west line of said Sharp tract, a
18 distance of 3318.06 feet to a set 1/2 inch Steel Square Tubing for
19 the southeast corner of said Dryden tract, and an ell corner of said
20 Sharp tract;

21 Thence South 88 degrees 45 minutes 58 8 seconds West, with the south
22 line at said Dryden tract, a distance of 2576.18 feet to a set 1\2
23 inch Steel Square Tubing for the southwest corner of said Dryden
24 tract, and an ell corner of said Sharp tract,

25 Thence: North 00 degrees 23 minutes 33 seconds West, with the west
26 line of said Dryden tract, a distance of 3325.00 feet to a found 1/2
27 inch Steel Rebar at the base of a wood fence corner post, being an

1 ell corner of said Dryden tract and Sharp tract and the Palms
2 Survey, and being the northeast corner of the John D. Nelson Survey,
3 Abstract Number 902;

4 Thence South 89 degrees 45 minutes 03 seconds West, with a wire
5 fence line, and a south line of said Dryden tract, and a line of said
6 Sharp tract, a distance of 790.04 feet to a Wood Fence post for the
7 southwest corner of said Dryden tract, an ell corner of said Palms
8 Survey, and the southeast corner of the Antonia Hernandez Survey,
9 Abstract Number 489;

10 Thence North, a distance of 26.12 feet to a set 1/2 inch Steel
11 Square Tubing like the northwest corner of said Dryden tract, and the
12 southwest corner of a tract described in Deed to Marjoriet Limited,
13 filed 24 March 1999, and Recorded in Volume 2769 Page 624 of said
14 Deed Records;

15 Thence North 89 degrees 45 minutes 03 seconds East, with the north
16 line of said Dryden tract, and the south line of said Marjoriet
17 tract, a distance of 789.43 feet to a Wood Fence corner Post for a
18 corner;

19 Thence North 89 degrees 30 minuses 06 seconds East, with the north
20 line of said Dryden tract, and passing the southeast corner of said
21 Marjoriet tract, and the southwest corner of said Goodier tract,
22 and continuing on said course for a total distance of 2579.75 feet
23 to the POINT OF BEGINNING and containing 197.783 acres of land.

24 TRACT TWO:

25 Being a 1,022.20 acre tract of land situated in the John Palms
26 Survey, Abstract No. 926, and the John D. Nelson Survey, Abstract
27 No. 902, and being that certain tract of land conveyed to as Tract

1 I, to Marita Wiseman Sharp, Marita Wiseman Sharp Grantor Trust, and
2 Billy Jack Sharp Grantor Trust, by deed recorded in Volume 2427,
3 Page 448, and also conveyed as Tract 7, to Billy Jack Sharp Grantor
4 Trust, by deed recorded in Volume 2668, Page 00009, all of the Deed
5 Records of Grayson County, Texas, and being more particularly
6 described by metes and bounds as follows:

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

11 THENCE North 86°52'06" West, along the common line of said Billy
12 Jack Sharp Grantor Trust tract, and the centerline more or less of
13 said Kimberlin Road, and along the south line of said Palms Survey,
14 passing the southwest corner of said Palms Survey, same being the
15 southeast corner of said Nelson Survey, and continuing along the
16 south line of said Nelson Survey, a distance of 6400.79 feet to a
17 1/2 inch iron rod set for corner, said point being in the centerline
18 of Kimberlin Road more or less, said point being the southwest
19 corner of said Billy Jack Sharp Grantor Trust tract, and being the
20 southeast corner of a called 1073.77 acre tract of land conveyed to
21 Davidson Land and Cattle Company, by deed recorded in Volume 2235,
22 Page 583, of the Deed Records of Grayson County, Texas;

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

26 THENCE North 85°53'34" West, continuing along the common line of
27 said Billy Jack Sharp Grantor Trust tract, and said called 1073.77

1 acre tract, a distance of 150.50 feet to a 1/2 inch iron rod found
2 for corner;

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

7 THENCE South 87°09'16" East, continuing along the common line of said
8 Billy Jack Sharp Grantor Trust tract, and said called 1073.77 acre
9 tract, a distance of 149.97 feet to a 1/2 inch iron rod found for
10 corner;

11 THENCE North 02°38'21" East, continuing along the common line of
12 said Billy Jack Sharp Grantor Trust tract, and said called 1073.77
13 acre tract, a distance of 2500.00 feet to a 1/2 inch iron rod found
14 for corner, said point being in the north line of said Nelson
15 Survey, and the south line of Antonio Hernandez Survey, Abstract
16 No. 489, and being in the south line of a called 300 acre tract of
17 land conveyed to Lucian Touchtone, et ux, by deed recorded in Volume
18 1013, Page 677, of the Deed Records of Grayson County, Texas, and
19 being the northeast corner of said called 1073.77 acre tract, and
20 being the northwest corner of said Billy Jack Sharp Grantor Trust
21 tract;

22 THENCE South 87°07'47" East, along the common line of said Palms
23 Survey, and the said Antonio Survey, and the common line of said
24 Billy Jack Sharp Grantor Trust tract, and said called 300 acre
25 tract, and passing the southeast corner of said called 300 acre
26 tract, same being the southeast corner of said Antonio Survey, same
27 being the southwest corner of said Palms Survey, and being the

1 southwest corner of a called 108.84 acre tract of land conveyed to
2 Lucian Touchtone, by deed recorded in Volume 1219, Page 360, of the
3 Deed Records of Grayson County, Texas, and continuing a total
4 distance of 2698.53 feet to a 1/2 inch iron rod found for corner,
5 said point being the northeast corner of said Nelson Survey, and an
6 ell corner of a called 197.3 acre tract of land conveyed to S.A.
7 Schott by deed recorded in Volume 359, Page 369, of the Deed Records
8 of Grayson County, Texas;

9 THENCE South 02°52'48" West, along the common line of said Billy
10 Jack Sharp Grantor Trust tract, and said called 197.3 acre tract, a
11 distance of 3325.00 feet to a 1/2 inch iron rod set for corner, said
12 point being the southwest corner of said called 197.3 acre tract;

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

17 THENCE North 02°54'54" East, along the common line of said Billy
18 Jack Sharp Grantor Trust tract, and said called 197.3 acre tract, a
19 distance of 3318.06 feet to a 1/2 inch iron rod set for corner, said
20 point being the northwest corner of said called 197.3 acre tract,
21 same being the southeast corner of a called 245.67 acre tract of land
22 conveyed to Gordon W. Goodier, et ux, by deed recorded in Volume
23 1179, Page 63, of the Deed Records of Grayson County, Texas;

24 THENCE North 03°09'39" East, along the common line of said Billy
25 Jack Sharp Grantor Trust tract, and said called 245.67 acre tract, a
26 distance of 4542.15 feet to a 1/2 inch iron rod found for corner,
27 said point being the northwest corner of said Billy Jack Sharp

1 Grantor Trust tract, same being the northeast corner of said called
2 245.67 acre tract, and being in the south right-of-way line of F.M.
3 Highway 902;

4 THENCE South 86°51'00" East, along the north line of said Billy Jack
5 Sharp Grantor Trust tract, with the south right-of-way line of F.M.
6 Highway 902, a distance of 1119.25 feet to a railroad spike found
7 for corner, said point being in the centerline intersection more or
8 less of the south right-of-way line of F.M. Highway 902, and
9 McDonald Road, and being in the east line of said Palms Survey;

10 THENCE South 02°47'31" West, with the east line of said Palms
11 Survey, and the east line of said Billy Jack Sharp Grantor Trust
12 tract, and along the centerline of McDonald Road more or less, a
13 distance of 12,018.20 feet to the POINT OF BEGINNING and containing
14 44,527,033 square feet or 1,022.20 acres of computed land.

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

22 (b) The governor, one of the required recipients, has
23 submitted the notice and Act to the Texas Commission on
24 Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

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