

By: Aycock

H.B. No. 3990

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation and to the administration, powers, duties,
3 operation and financing of Burnet County Water Control and
4 Improvement District No. 1

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

6 Section 1. CREATION. A Water Control and Improvement
7 District, to be known as Burnet County Water Control and
8 Improvement District No. 1, is created in Burnet County, subject to
9 approval at a confirmation election under Section 8 of this Act.
10 The District is created as a special district pursuant to and is
11 essential to accomplish the purposes of Section 52, Article III,
12 Texas Constitution, Section 59, Article XVI of the Texas
13 Constitution.

14 Section 2. DEFINITIONS. In this Act,

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

16 (2) "Commission" means the Texas Commission on
17 Environmental Quality or its successor agency.

18 (3) "District" means the Burnet County Water Control
19 and Improvement District No. 1.

20 (4) "Project" means any program or project authorized
21 by this Act or general laws, inside or outside the boundaries of the
22 district that is necessary to accomplish the public purposes of the
23 district.

24 Section 3. BOUNDARIES. The district's boundaries include

1 approximately 324 acres to wit:

2 FIELD NOTES TO DESCRIBE A 324.621 ACRE TRACT OF LAND, CONSISTING OF
3 APPROXIMATELY 149.768 ACRES OF LAND, OUT OF THE F. LEUDERS SURVEY
4 NO. 602, ABSTRACT NO. 560 AND APPROXIMATELY 174.852 ACRES OF LAND,
5 OUT OF THE F ENGLEKING SURVEY NO. 611, ABSTRACT NO. 284, BOTH OF
6 WHICH ARE SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF
7 THAT CALLED 414.78 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SEALY
8 KRUMM PARTNERS, L.P., A GEORGIA LIMITED PARTNERSHIP, AS RECORDED IN
9 VOLUME 1382, PAGE 439 OF THE OFFICIAL PUBLIC RECORDS OF BURNET
10 COUNTY, TEXAS (O.P.R.B.C.T.), SAID 324.621 ACRES BEING MORE
11 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

12 BEGINNING AT A ½" IRON ROD FOUND, LYING IN THE SOUTH RIGHT-OF-WAY,
13 DESCRIBED IN A DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME
14 129, PAGE 551 OF THE DEED RECORDS OF BURNET COUNTY TEXAS
15 (D.R.B.C.T.), THE APPROXIMATE WEST LINE OF THE JASON WORMSLEY
16 SURVEY NO. 601, ABSTRACT NO. 959 AND THE APPROXIMATE EAST LINE OF
17 SAID F. LEUDERS SURVEY, FOR THE NORTHWEST CORNER OF THAT CALLED 470
18 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO H. R. ANDERSON, AS
19 RECORDED IN VOLUME 80, PAGE 593 D.R.B.C.T., THE NORTHEAST CORNER OF
20 SAID 414.7 ACRE TRACT, AND THE NORTHEAST CORNER HEREOF.

21 THENCE S01°52'16"E [S01°52'16"E], WITH THE APPROXIMATE WEST LINE OF
22 SAID JASON WORMSLEY SURVEY, THE WEST LINE OF SAID 470 ACRE TRACT,
23 THE APPROXIMATE EAST LINE OF SAID F. LEUDERS SURVEY, THE EAST LINE
24 OF SAID 414.78 ACRE TRACT, AND THE EAST LINE HEREOF, A DISTANCE OF
25 2,643.85 FEET, TO A CALCULATED POINT, IN THE CITY OF HORSESHOE BAY'S
26 APPROXIMATE EXTRA TERRITORIAL JURISDICTION (ETJ) LINE, FOR THE
27 EASTERLY SOUTHEAST CORNER HEREOF, FROM WHICH A ½" IRON ROD FOUND, FOR

1 THE NORTHEAST CORNER OF HORSESHOE BAY SOUTH PLAT K10.1, AS RECORDED
2 IN VOLUME 4 PAGE 87-B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS
3 (P.R.B.C.T.) AND THE EASTERLY SOUTHEAST CORNER OF SAID 414.78 ACRE
4 TRACT, BEARS $S01^{\circ}52'16''E$ [$S01^{\circ}52'16''E$]. A DISTANCE OF 1,628.02
5 FEET;

6 THENCE, OVER AND ACROSS, SAID 414.78 ACRE TRACT, WITH SAID CITY OF
7 HORSESHOE BAY'S APPROXIMATE ETJ LINE, THE FOLLOWING TWO (2) CALLS
8 NUMBERED 1 AND 2:

9 1. $S88^{\circ}25'56''W$, WITH A SOUTH LINE HEREOF, A DISTANCE OF
10 2,117.67 FEET. TO A CALCULATED POINT, AT THE BEGINNING OF
11 A NON-TANGENT CURVE TO THE RIGHT, FOR AN INTERIOR CONER
12 HEREOF, AND

13 2. WITH AN INTERIOR LINE HEREOF AND SAID NON-TANGENT CURVE
14 TO THE RIGHT, AN ARC LENGTH OF 1,262.09 FEET, HAVING A
15 RADIUS OF 2,545.06 FEET, THROUGH A CENTRAL ANGLE OF
16 $28^{\circ}24'47''$, A CHORD BEARING $S32^{\circ}48'10''W$, A DISTANCE OF
17 1,249.20 FEET, TO A CALCULATED POINT, IN THE APPROXIMATE
18 NORTH LINE OF THE J. HARRELL SURVEY NO. 570, ABSTRACT NO.
19 454, THE NORTH LINE OF HORSESHOE BAY SOUTH PLAT K8.1, AS
20 RECODED IN VOLUME 3, PAGE 86 P.R.B.C.T., THE APPROXIMATE
21 SOUTH LINE OF SAID F. ENGLEKING SURVEY, A SOUTH LINE OF
22 SAID 414.78 ACRE TRACT, FOR THE WESTERLY SOUTHEAST CONER
23 HEREOF;

24 THENCE $S88^{\circ}51'32''W$ [$S88^{\circ}51'32''W$], WITH THE APPROXIMATE NORTH LINE OF
25 SAID J. HARRELL SURVEY, THE NORTH LINE OF SAID HORSESHOE BAY PLAT
26 K8.1, A NORTH LINE OF HORSESHOE BAY PLAT K11.1, AS RECORDED IN
27 VOLUME 4, PAGE 103 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F.

1 ENGLEKING SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, AND A
2 SOUTH LINE HEREOF, A DISTANCE OF 1,727.31 FEET, TO A STONE MOUND
3 FOUND, LYING WITHIN SAID HORSESHOE BAY PLAT K11.1, IN THE
4 APPROXIMATE EAST LINE OF THE A.C. FUCHS SURVEY NO. 1448, ABSTRACT
5 NO. 1484, FOR THE SOUTHWEST CONER OF SAID F. ENGLEKING SURVEY, THE
6 SOUTHWEST CORNER OF SAID 414.78 ACRE TRACT, AND THE SOUTHWEST
7 CORNER HEREOF;

8 THENCE, N01°59'42"W [N01°59'42"W], WITH THE APPROXIMATE EAST LINE OF
9 SAID A. C. FUCHS SURVEY, THE EAST LINE OF SAID HORSESHOE BAY SOUTH
10 PLAT K11.1, THE EAST LINE OF HORSESHOE BAY PLAT K13.1, AS RECORDED
11 IN VOLUME 4, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE TERRACE,
12 AS RECODED IN VOLUME 1, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE
13 TERRACE, AS RECORDED IN VOLUME 1 PAGE 198 P.R.B.C.T., THE
14 APPROXIMATE WEST LINE OF SAID F. ENGLEKING SURVEY, THE WEST LINE OF
15 SAID 414.78 ACRE TRACT, AND THE WEST LINE HEREOF, A DISTANCE OF
16 3,529.55 FEET, TO A PK NAIL FOUND, LYING IN THE SOUTH RIGHT-OF-WAY
17 LINE OF SAID FM HIGHWAY NO. 2147, FOR THE NORTHEAST CORNER OF SAID
18 CASTLE TERRACE, THE NORTHWEST CORNER OF SAID 414.78 ACRE TRACT AND
19 THE NORTHWEST CORNER HEREOF;

20 THENCE, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO.
21 2147, THE NORTHERLY LINE OF SAID 414.78 ACRE TRACT, AND THE
22 NORTHERLY LINE HEREOF, THE FOLLOWING SIX (6) CALLS, NUMBERED 3 THRU
23 8:

24 3. N79°32'49"E [N79°32'49"E], A DISTANCE OF 37.51 FEET [37.51
25 FEET], TO A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)
26 TYPE I CONCRETE MARKER FOUND;

27 4. N80°43'47"E [N80°43'47"E], A DISTANCE OF 370.69 FEET

1 [370.69 FEET], TO A TXDOT TPE I CONCRETE MARKER FOUND, AT
2 THE BEGINNING OF A TANGENT CURVE TO THE LEFT, 50 FEET
3 RIGHT OF ENGINEER'S PC STATION NO. 31+69.60, FROM WHICH A
4 TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
5 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
6 N09°21'04"W, A DISTANCE OF 100.01 FEET;

7 5. WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 740.00 FEET
8 [740 FEET], HAVING A RADIUS OF 5,679.58 FEET [5,679.58
9 FEET], THROUGH A CENTRAL ANGLE OF 07°27'54" [07°27'54"], A
10 CHORD BEARING N84°22'32"E [N84°22'32"E], A DISTANCE OF
11 739.47 FEET [739.47 FEET], TO A TXDOT TYPE I CONCRETE
12 MARKER FOUND, FOR A POINT OF TANGENCY HEREOF, FROM WHICH A
13 TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
14 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
15 N01°51'40"W, A DISTANCE OF 100.20 FEET;

16 6. N88°02'40"E [N88°02'40"E], A DISTANCE OF 983.60 FEET, TO A
17 TXDOT TYPE I CONCRETE MARKER FOUND, FROM WHICH A TXDOT
18 TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
19 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
20 N01°44'07"W, A DISTANCE OF 99.01 FEET;

21 7. N88°04'28"E [N88°04'28"E], A DISTANCE OF 1,400.30 FEET
22 [1,400.30 FEET], TO A TXDOT TYPE I CONCRETE MARKER FOUND,
23 AND

24 8. N87°54'44"E [N87°54'44'E], A DISTANCE OF 1036.65 FEET, TO
25 THE POINT OF BEGINNING, AND CONTAINING 324.621 ACRES OF
26 LAND, MORE OR LESS.

27 Section 4. FINDINGS RELATED TO BOUNDARIES. The Legislature

1 finds that the boundaries and field notes of the district form a
2 closure. A mistake in the field notes or in copying the field notes
3 in the legislative process does not affect the organization ,
4 existence, or validity of the district, the right of the district to
5 levy and collect taxes, or the legality or operation of the district
6 or its governing body.

7 Section 5. FINDING OF BENEFIT. All of the land and other
8 property included within the boundaries of the district will be
9 benefited by the works and projects that are to be accomplished by
10 the district pursuant to the powers conferred by Section 52,
11 Article III and Section 59, Article XVI, Texas Constitution. The
12 district serves a public use and benefit.

13 Section 6. POWERS. (a) The district has all of the rights,
14 powers, privileges, authority, functions, and duties provided by
15 the general law of this state, including:

16 (1) Chapters 49, 51 and 54 of the Texas Water Code;

17 (2) The general laws of the state on road districts and
18 road utility districts created pursuant to Section 52, Article III,
19 Texas Constitution, and on conservation and reclamation districts
20 created pursuant to Section 59, Article XVI, Texas Constitution.

21 (3) This Act shall be liberally construed in
22 conformity with the legislative findings and purposes set forth
23 therein.

24 (4) This Act prevails over any provision of general
25 law that is in conflict or inconsistent with this Act.

26 Section 7. ADMINISTRATIVE PROVISIONS. The district shall
27 operate as a Water Control and Improvement District and comply with

1 the Administrative Provisions in Texas Water Code Chapter 51,
2 except as specifically provided in this Act. The district shall
3 also comply with Texas Water Code Chapter 49 to the extent it does
4 not conflict with Chapter 51, in which case Chapter 51 controls.

5 Section 8. TEMPORARY DIRECTORS. (a) The temporary board of
6 directors is composed of:

- 7 (1) Brian Carlton
- 8 (2) Brandon Myers
- 9 (3) Brent Wicker
- 10 (4) Bob Sewell
- 11 (5) Brandon Raney

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

17 Section 9. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

18 (a) The temporary board of directors shall call and hold an
19 election to confirm establishment of the district and to elect five
20 initial directors.

21 (b) The Uniform Election dates do not apply to an election
22 to confirm establishment of the district.

23 (c) If a majority of votes cast at the election favor the
24 establishment of the district, the temporary directors shall
25 declare the district created. The temporary directors shall file a
26 copy of the election results with the Commission.

27 Section 10. APPOINTMENT AND TERMS OF INITIAL DIRECTORS.

1 The initial board of directors shall serve a term of six years. The
2 terms shall expire as follows:

3 (a) Two initial directors' term shall expire on September 1,
4 2011;

5 (b) Three initial directors' term shall expire on September
6 1, 2013.

7 (c) The election for directors following the expired term
8 for initial directors shall comply with Chapters 49 and 51 Texas
9 Water Code as those provisions read at that time.

10 Section 11. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.
11 The Legislature finds:

12 (a) The proper and legal notice of the intention to
13 introduce this Act, setting forth the general substance of this
14 Act, has been published as provided by law, and the notice and a
15 copy of this Act have been furnished to all persons, agencies,
16 officials, or entities to which they are required to be furnished by
17 the constitution and other laws of this state, including the
18 governor, who has submitted the notice and Act to the Texas
19 Commission on Environmental Quality.

20 (b) The Texas Commission on Environmental Quality has filed
21 its recommendations relating to this Act with the Governor,
22 Lieutenant Governor, and Speaker of the House of Representatives
23 within the required time.

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

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

6 SECTION 13. EMERGENCY. The importance of this legislation
7 and the crowded condition of the calendars in both houses create an
8 emergency and an imperative public necessity that the
9 constitutional rule requiring bills to be read on three several
10 days in each house be suspended, and this rule is hereby suspended.