

By: Kuempel

H.B. No. 4055

Substitute the following for H.B. No. 4055:

By: Puente

C.S.H.B. No. 4055

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the York Valley Municipal Utility District; providing authority to impose taxes and issue bonds.

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 8247 to read as follows:

CHAPTER 8247. YORK VALLEY MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8247.001. 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 York Valley Municipal Utility District.

Sec. 8247.002. NATURE OF DISTRICT. The district is a municipal utility district in Guadalupe County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8247.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 8247.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) All land and other property included in the district will benefit from the improvements and services to be provided by the district.

1       (b) The district is created to accomplish:

2               (1) the purposes of a municipal utility district as  
3 provided by general law; and

4               (2) to the extent authorized by Section 52, Article  
5 III, Texas Constitution, the construction, acquisition,  
6 improvement, maintenance, or operation of macadamized, graveled,  
7 or paved roads, or improvements in aid of those roads.

8       Sec. 8247.005. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

11       (b) The boundaries and field notes contained in Section 2 of  
12 the Act creating this chapter form a closure. A mistake made in the  
13 field notes or in copying the field notes in the legislative process  
14 does not affect the district's:

15               (1) organization, existence, or validity;

16               (2) right to issue any type of bond for the purposes  
17 for which the district is created or to pay the principal of and  
18 interest on a bond;

19               (3) right to impose or collect an assessment or tax; or

20               (4) legality or operation.

21       [Sections 8247.006-8247.050 reserved for expansion]

22               SUBCHAPTER B. BOARD OF DIRECTORS

23       Sec. 8247.051. DIRECTORS; TERMS. (a) The district is  
24 governed by a board of five directors.

25       (b) Except as provided by Section 8247.052, directors serve  
26 staggered four-year terms.

27       Sec. 8247.052. INITIAL DIRECTORS. (a) The initial board

1 consists of:

- 2 (1) Greg Hammonds;
- 3 (2) Carole Baker;
- 4 (3) Jimmy Kull;
- 5 (4) Marcy Steward; and
- 6 (5) William Meyer.

7 (b) Unless the initial board otherwise agrees, the initial  
8 directors shall draw lots to determine which two directors shall  
9 serve until the first regularly scheduled election of directors and  
10 which three directors shall serve until the second regularly  
11 scheduled election of directors.

12 (c) This section expires September 1, 2014.

13 [Sections 8247.053-8247.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8247.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
16 DUTIES. (a) The district has the powers and duties provided by the  
17 general law of this state, including Chapters 49 and 54, Water Code,  
18 applicable to municipal utility districts created under Section 59,  
19 Article XVI, Texas Constitution.

20 (b) The district has the powers and duties necessary to  
21 accomplish the purposes for which the district is created.

22 Sec. 8247.102. ROAD PROJECTS. (a) To the extent authorized  
23 by Section 52, Article III, Texas Constitution, the district may  
24 construct, acquire, improve, maintain, or operate macadamized,  
25 graveled, or paved roads, or improvements in aid of those roads.

26 (b) A road project must meet all applicable standards,  
27 regulations, and ordinances of the municipality or county in whose

1 jurisdiction the district is located.

2 Sec. 8247.103. DIVISION OF DISTRICT. (a) The district may  
3 be divided into two or more new districts only if the district:

4 (1) has no outstanding bonded debt; and

5 (2) is not imposing ad valorem taxes.

6 (b) Any new district created by the division of the district  
7 has all the powers and duties of the district.

8 (c) Any new district created by the division of the district  
9 may not, at the time the new district is created, contain any land  
10 outside the area described by Section 2 of the Act creating this  
11 chapter.

12 (d) The board, on its own motion or on receipt of a petition  
13 signed by the owners of a majority of the assessed value of real  
14 property in the district according to the most recent certified  
15 appraisal roll for the county in which the district is located, may  
16 adopt an order dividing the district.

17 (e) An order dividing the district shall:

18 (1) name each new district;

19 (2) include the metes and bounds of each new district;

20 (3) appoint temporary directors for each new district;

21 and

22 (4) provide for the division of assets and liabilities  
23 between each new district.

24 (f) On or before the 30th day after the adoption of an order  
25 dividing the district, the district shall file the order dividing  
26 the district with the Texas Commission on Environmental Quality and  
27 record the order in the real property records of the county in which

1 the district is located.

2 (g) Any new district created by the division of the district  
3 shall hold a confirmation and directors' election as required by  
4 Section 49.102, Water Code.

5 (h) Any new district created by the division of the district  
6 must hold an election in the manner provided by Chapters 49 and 54,  
7 Water Code, to obtain voter approval before the district may impose  
8 a maintenance tax or issue bonds payable wholly or partly from ad  
9 valorem taxes.

10 Sec. 8247.104. FIREFIGHTING AND EMERGENCY MEDICAL  
11 SERVICES. (a) The district may establish, operate, and maintain,  
12 or contract with another political subdivision for the joint  
13 operation of, a fire department to perform all firefighting and  
14 emergency medical services in the district in accordance with  
15 Subchapter L, Chapter 49, Water Code.

16 (b) The district may issue bonds or impose a mandatory fee,  
17 with voter approval, for financing a fire plan approved in  
18 accordance with Section 49.351, Water Code, including the  
19 construction and purchase of necessary buildings, facilities,  
20 land, and equipment and the provision of an adequate water supply.

21 [Sections 8247.105-8247.150 reserved for expansion]

22 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

23 Sec. 8247.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
24 district may issue, without an election, bonds and other  
25 obligations secured by revenue or contract payments from any source  
26 other than ad valorem taxation.

27 (b) The district must hold an election in the manner

1 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
2 before the district may impose an operation and maintenance tax or  
3 issue bonds payable from ad valorem taxes.

4 Sec. 8247.152. OPERATION AND MAINTENANCE TAX. (a) If  
5 authorized at an election held under Section 8247.151, the district  
6 may impose an operation and maintenance tax on taxable property in  
7 the district in accordance with Section 49.107, Water Code.

8 (b) The board shall determine the tax rate. The rate may not  
9 exceed the rate approved at the election.

10 [Sections 8247.153-8247.200 reserved for expansion]

11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12 Sec. 8247.201. AUTHORITY TO ISSUE BONDS AND OTHER  
13 OBLIGATIONS. (a) The district may issue bonds or other obligations  
14 payable wholly or partly from ad valorem taxes, impact fees,  
15 revenue, grants, or other district money, or any combination of  
16 those sources, to pay for any authorized district purpose.

17 (b) The district may not issue bonds to finance projects  
18 authorized by Section 8247.102 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 8247.102 may not exceed one-fourth  
23 of the assessed value of the real property in the district.

24 Sec. 8247.202. TAXES FOR BONDS. At the time bonds payable  
25 wholly or partly from ad valorem taxes are issued:

26 (1) the board shall impose a continuing direct annual  
27 ad valorem tax, without limit as to rate or amount, for each year

1 that all or part of the bonds are outstanding; and

2 (2) the district annually shall impose an ad valorem  
3 tax on all taxable property in the district in an amount sufficient  
4 to:

5 (A) pay the interest on the bonds as the interest  
6 becomes due;

7 (B) create a sinking fund for the payment of the  
8 principal of the bonds when due or the redemption price at any  
9 earlier required redemption date; and

10 (C) pay the expenses of imposing the taxes.

11 SECTION 2. The York Valley Municipal Utility District  
12 initially includes all the territory contained in the following  
13 area:

14 PART 1:

15 Being a 1,495.541 acre tract of land situated in the Solomon Barnes  
16 Survey, Abstract No. 56, the William Burnett Survey, Abstract No.  
17 73, the Wakefield & Stewart Survey, Abstract No. 326, and the  
18 Gustavos Chotwell Survey, Abstract No. 85, Guadalupe County, Texas,  
19 and being all of a tract called Tract Two, called 1,241.414 acres  
20 described in Volume 2273, Pages 447-460, all of a 160.372 acre tract  
21 described in Volume 1673, Page 158 and all of a tract called 94.118  
22 acres described in Volume 1801, Page 589, all of the Official Public  
23 Records of Guadalupe County, Texas, and all bearings referred to in  
24 this description are referenced to Geodetic or True North based on  
25 GPS Observations, said 1,495.541 acre tract of land surveyed under  
26 the supervision of Richard A. Goodwin, RPLS #4069, S. Craig  
27 Hollmig, Inc., and being more particularly described as follows:

1 BEGINNING: At a 3/4" iron pipe found in the approximate Southeast  
2 line of the Solomon Barnes Survey, the approximate Northwest line  
3 of the William Burnett Survey, for the North corner of a 36.256 acre  
4 tract recorded in Volume 1156, Pages 289-291 of the Official Public  
5 Records of Guadalupe County, Texas, for a re-entrant corner of the  
6 above referenced 1,241.414 acre tract, for a corner of this tract;  
7 THENCE: Generally with fence, the Northwest line of said 36.256  
8 acre tract, the Southeast line of the above referenced 1,241.414  
9 acre tract, S 48° 42' 51" W at 1452.17 feet a 1/2" iron pin found in  
10 the Northeast line of County Road #241 (Wade Road), and continuing a  
11 total distance of 1474.61 feet to a 1/2" iron pin found for a South  
12 corner of the above referenced 1241.414 acre tract, for a corner of  
13 this tract;  
14 THENCE: With the centerline of County Road #241 (Wade Road), a  
15 Southwest line of the above referenced 1241.414 acre tract, N 42°  
16 32' 02" W 10.14 feet to a 1/2" iron pin found for an interior corner  
17 of the above referenced 1241.414 acre tract, for an interior corner  
18 of this tract;  
19 THENCE: Continuing with the centerline of County Road #241 (Wade  
20 Road), S 48° 15' 01" W 725.50 feet to a 1/2" iron pin found at the  
21 intersection of the centerline of County Road #241 (Wade Road),  
22 with the centerline of County Road #241-A (York Creek Crossing),  
23 for a South corner of the above referenced 1241.414 acre tract, for  
24 the South corner of this tract;  
25 THENCE: With the centerline of County Road #241-A (York Creek  
26 Crossing), a Southwest line of the above referenced 1241.414 acre  
27 tract, N 41° 27' 31" W 1036.00 feet to a 1/2" iron pin found for a



1 West corner of the above referenced 1241.414 acre tract, for a West  
2 corner of this tract;

3 THENCE: With a Northwest line of the above referenced 1241.414 acre  
4 tract, N 49° 26' 38" E 22.56 feet to a 4" pipe post situated on the  
5 North line of said County Road #241-A (York Creek Crossing), for  
6 South corner of the above referenced 94.118 acre tract, for a corner  
7 of this tract;

8 THENCE: With the North line of County Road #241-A (York Creek  
9 Crossing), the Southwest line of the above referenced 94.118 acre  
10 tract, N 41° 07' 48" W 2175.16 feet to a 10" corner post in same, for  
11 the West corner of the above referenced 94.118 acre tract, the South  
12 corner of the above referenced 160.372 acre tract, for a corner of  
13 this tract;

14 THENCE: Continuing with the North line of County Road #241-A (York  
15 Creek Crossing), the South line of the above referenced 160.372  
16 acre tract, N 41° 30' 48" W 137.47 feet to a 1 1/2" pipe post, N 41°  
17 03' 33" W 1036.19 feet to a 2" pipe post, N 40° 49' 39" W 260.40 feet  
18 to a 3" pipe post and N 41° 32' 52" W 58.16 feet to a 3" pipe post, and  
19 N 40° 36' 14" W 706.44 feet to a 1/2" iron pin found in same, for the  
20 South corner of a 100.00 acre tract recorded in Volume 1650, Page  
21 762 of the Official Public Records of Guadalupe County, Texas, for a  
22 West corner of the above referenced 160.372 acre tract, for a West  
23 corner of this tract;

24 THENCE: Leaving County Road #241-A (York Creek Crossing), N 49° 23'  
25 38" E 3270.85 feet to a 1/2" iron pin found for the East corner of  
26 said 100.00 acre tract, the North corner of the above referenced  
27 160.372 acre tract, situated on the Southwest line of the above

1 referenced 1241.414 acre tract, for an interior corner of this  
2 tract;

3 THENCE: With said Southwest line, N 41° 28' 20" W 1007.42 feet to a  
4 3" pipe post for an interior corner of that certain 206.749 acre  
5 tract, Exhibit "H", recorded in Volume 1245, Pages 217-243 of the  
6 Official Public Records of Guadalupe County, Texas, for the West  
7 corner of the above referenced 1241.414 acre tract, for a West  
8 corner of this tract;

9 THENCE: With fence, the Northwest line of the above referenced  
10 1241.414 acre tract, as follows:

- 11 N 48° 38' 58" E 888.68 feet, a 1/2" iron pin found
- 12 N 48° 27' 59" E 1295.63 feet, a 1/2" iron pin found
- 13 N 48° 25' 29" E 1476.85 feet, a 1/2" iron pin found
- 14 N 48° 19' 29" E 1445.81 feet, a 1/2" iron pin found
- 15 N 48° 14' 16" E 1389.77 feet, a 3" pipe post in the Southwest  
16 line of County Road #242 (Bylerpool Road), for the North corner of  
17 the above referenced 1241.414 acre tract, for the North corner of  
18 this tract;

19 THENCE: With the Southwest line of County Road #242 (Bylerpool  
20 Road), a Northeast line of the above referenced 1241.414 acre  
21 tract, S 41° 16' 03" E 18.26 feet to a 1/2" iron pin found for an  
22 interior corner of the above referenced 1241.414 acre tract, for an  
23 interior corner of this tract;

24 THENCE: Into said County Road #242 (Bylerpool Road), with a  
25 Northwest line of the above referenced 1241.414 acre tract, N 49°  
26 25' 04" E 22.50 feet to a 1/2" iron pin found in the centerline of  
27 County Road #242 (Bylerpool Road), for the West corner of a 582.060

1 acre tract, called Tract One, described in Volume 2273, Page 447 of  
2 the Official Public Records of Guadalupe County, Texas, for a North  
3 corner of this tract;

4 THENCE: With the centerline of County Road #242 (Bylerpool Road),  
5 the Southwest line of said 582.060 acre tract, S 40° 46' 35" E  
6 6174.46 feet to a P.K. nail found in same, for an East corner of the  
7 above referenced 1241.414 acre tract, for an East corner of this  
8 tract;

9 THENCE: With the common line between the above referenced 1241.414  
10 acre tract and an 89.24 acre tract recorded in Volume 1125, Pages  
11 269-272 of the Official Public Records of Guadalupe County, Texas,  
12 S 47° 39' 53" W at 22.74 feet a 1/2" iron pin found and continuing a  
13 total distance of 883.08 feet to a 1/2" iron pin found and  
14 continuing with said common line, S 40° 44' 14" E 1010.58 feet to a  
15 1/2" iron pin found, S 48° 45' 15" W 4335.00 feet to a 1/2" iron pin  
16 found, and S 42° 05' 24" E at 318.26 feet, a 1/2" iron pin found at a  
17 corner post at the North corner of County Road #241 (Wade Road), and  
18 continuing a total distance of 335.72 feet to a 1/2" iron pin found  
19 for an East corner of the above referenced 1241.414 acre tract, for  
20 an East corner of this tract;

21 THENCE: With the centerline of County Road #241 (Wade Road), a  
22 Southeast line of the above referenced 1241.414 acre tract, S 49°  
23 13' 22" W 2346.24 feet to a 1/2" iron pin found in same, for a South  
24 corner of the above referenced 1241.414 acre tract, for a South  
25 corner of this tract;

26 THENCE: With a Southwest line of the above referenced 1241.414 acre  
27 tract, the Northeast line of the above referenced 36.256 acre

1 tract, N 41° 21' 18" W at 17.20 feet a 1/2" iron pin found in the  
2 Northwest line of County Road #241 (Wade Road), and continuing a  
3 total distance of 1113.55 feet to the Point of Beginning and  
4 containing 1,495.541 acres of land, more or less.

5 PART 2:

6 Being a 581.850 acre tract of land, being approximately 144.81  
7 acres out of the Gustavos Chotwell Survey, Abstract No. 85 and  
8 approximately 437.04 acres out of the George Allen Survey, Abstract  
9 No. 1, Guadalupe County, Texas, said 581.850 acre tract being the  
10 same tract, called Tract One, called 582.060 acres, as described in  
11 Volume 2273, Pages 447-460 of the Official Public Records of  
12 Guadalupe County, Texas, and all bearings referred to are based  
13 upon Geodetic or True North from GPS observations, said 581.850  
14 acre tract of land surveyed under the supervision of Richard A.  
15 Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more  
16 particularly described as follows:

17 BEGINNING: At a 5/8" iron bar found in the center of a creek, in the  
18 South line of a 250 acre tract described in Volume 1272, Pages  
19 171-173 of the Official Public Records of Guadalupe County, Texas,  
20 for the East corner of a 253.25 acre tract described in Volume 895,  
21 Pages 546-548 of the Official Public Records of Guadalupe County,  
22 Texas, for the North corner of the above referenced 582.060 acre  
23 tract, for the North corner of this tract;

24 THENCE: With an unfenced line, the South line of said 250 acre  
25 tract, the North line of the above referenced 582.060 acre tract, S  
26 86° 25' 20" E 721.72 feet to a 3/4" iron pipe found in the Northwest  
27 line of a 250 acre tract described in Volume 1275, Pages 995-999 of

1 the Official Public Records of Guadalupe County, Texas, for a  
2 Southeast corner of said 250 acre tract (1272/171-173), for a  
3 Northeast corner of the above referenced 582.060 acre tract, for a  
4 Northeast corner of this tract;

5 THENCE: With a West line of said 250 acre tract (1275/995-999), the  
6 East line of the above referenced 582.060 acre tract, S 10° 05' 03" E  
7 30.78 feet to a 1/2" iron pin found and continuing with the  
8 Southeast line of the above referenced 582.060 acre tract, S 75° 34'  
9 44" W 545.80 feet to a 1/2" iron pin found and S 49° 07' 04" W 1884.77  
10 feet to a 1/2" iron pin found at a fence corner post, for the West  
11 corner of said 250 acre tract (1275/995-999), a re-entry corner of  
12 the above referenced 582.060 acre tract, for a corner of this tract;

13 THENCE: Generally with fence, the Southwest line of said 250 acre  
14 tract (1275/995-999), the Northeast line of the above referenced  
15 582.060 acre tract, S 40° 48' 01" E 4203.59 feet to a 1/2" iron pin  
16 found in the Northwest line of a 208 acre tract described in Volume  
17 242, Pages 569-570 of the Deed Records of Guadalupe County, Texas,  
18 for an East corner of the above referenced 582.060 acre tract, for  
19 an East corner of this tract;

20 THENCE: Generally with fence, the Northwest and Southwest lines of  
21 said 208 acre tract, S 48° 35' 34" W 1167.35 feet to a 3" pipe post  
22 and S 41° 20' 40" E 1069.00 feet to a 1/2" iron pin found for the  
23 North corner of a 116 acre tract recorded in Volume 525, Pages  
24 150-152 of the Deed Records of Guadalupe County, Texas, for an East  
25 corner of the above referenced 582.060 acre tract, for an East  
26 corner of this tract;

27 THENCE: Generally with fence, the Northwest line of said 116 acre

1 tract, S 48° 41' 07" W 3430.99 feet to a P.K. nail found in the  
2 centerline of Bylerpool Road (County Road #242), for the South  
3 corner of the above referenced 582.060 acre tract, for the South  
4 corner of this tract;

5 THENCE: With the centerline of Bylerpool Road (County Road #242),  
6 the Southwest line of the above referenced 582.060 acre tract, N 40°  
7 46' 35" W at 203.75 feet a P.K. nail found in same, for the East  
8 corner of that certain 1,241.414 acre tract, called Tract Two,  
9 described in Volume 2273, Page 447 of the Official Public Records of  
10 Guadalupe County, Texas, and continuing a total distance of 6378.22  
11 feet to a 1/2" iron pin found for the North corner of said 1,241.414  
12 acre tract, the West corner of the above referenced 582.060 acre  
13 tract, for the West corner of this tract;

14 THENCE: With the centerline of Bylerpool Road (County Road #242), a  
15 Northwest line of the above referenced 582.060 acre tract, N 49° 25'  
16 04" E 476.65 feet to a 1/2" iron pin found for a North corner of the  
17 above referenced 582.060 acre tract, for the North corner of this  
18 tract;

19 THENCE: With a Northeast line of the above referenced 582.060 acre  
20 tract, S 41° 22' 01" E 773.33 feet to a 3" pipe post for the South  
21 corner of a 253.25 acre tract described in Volume 895, Pages 546-548  
22 of the Official Public Records of Guadalupe County, Texas, for a  
23 corner of this tract;

24 THENCE: With the Southeast line of said 253.25 acre tract, the  
25 Northwest line of the above referenced 582.060 acre tract,  
26 generally with fence, N 49° 14' 57" E 4101.85 feet to a 1/2" iron pin  
27 found and N 48° 58' 09" E 1872.83 feet to the Point of Beginning and

1 containing 581.850 acres of land, more or less.

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

9 (b) The governor, one of the required recipients, has  
10 submitted the notice and Act to the Texas Commission on  
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed  
13 its recommendations relating to this Act with the governor, the  
14 lieutenant governor, and the speaker of the house of  
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this  
17 state and the rules and procedures of the legislature with respect  
18 to the notice, introduction, and passage of this Act are fulfilled  
19 and accomplished.

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