

By: Kuempel

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. If the creation of the district is not confirmed at a confirmation election as provided by Section 49.102, Water Code, before September 1, 2014:

(1) the district is dissolved September 1, 2014, except that the district shall:

1 (A) pay any debts incurred;

2 (B) transfer to Guadalupe County any assets that
3 remain after the payment of debts; and

4 (C) maintain the organization of the district
5 until all debts are paid and remaining assets are transferred; and

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

7 Sec. 8247.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)

8 All land and other property included in the district will benefit
9 from the improvements and services to be provided by the district.

10 (b) The district is created to accomplish:

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

13 (2) to the extent authorized by Section 52, Article
14 III, Texas Constitution, the construction, acquisition,
15 improvement, maintenance, or operation of macadamized, graveled,
16 or paved roads, or improvements in aid of those roads.

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

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

24 (1) organization, existence, or validity;

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

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

2 (4) legality or operation.

3 [Sections 8247.006-8247.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

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

7 (b) Except as provided by Section 8247.053, directors serve
8 staggered four-year terms.

9 Sec. 8247.052. ELECTION OF DIRECTORS. On the uniform
10 election date in May of each even-numbered year, the appropriate
11 number of directors shall be elected.

12 Sec. 8247.053. INITIAL DIRECTORS. (a) The initial board
13 consists of:

14 (1) Greg Hammonds;

15 (2) Carole Baker;

16 (3) Jimmy Kull;

17 (4) Marcy Steward; and

18 (5) William Meyer.

19 (b) Unless the initial board otherwise agrees, the initial
20 directors shall draw lots to determine which two directors shall
21 serve until the first regularly scheduled election of directors and
22 which three directors shall serve until the second regularly
23 scheduled election of directors.

24 [Sections 8247.054-8247.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8247.101. MUNICIPAL UTILITY DISTRICT POWERS AND
27 DUTIES. (a) The district has the powers and duties provided by the

1 general law of this state, including Chapters 49 and 54, Water Code,
2 applicable to municipal utility districts created under Section 59,
3 Article XVI, Texas Constitution.

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

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

10 (b) A road project must meet all applicable standards,
11 regulations, and ordinances of the municipality or county in whose
12 jurisdiction the district is located.

13 Sec. 8247.103. DIVISION OF DISTRICT. (a) The district may
14 be divided into two new districts only if the district:

15 (1) has no outstanding bonded debt; and

16 (2) is not imposing ad valorem taxes.

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

19 (c) Any new district created by the division of the district
20 may not, at the time the new district is created, contain any land
21 outside the area described by Section 2 of the Act creating this
22 chapter.

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

1 (e) An order dividing the district shall:

2 (1) name each new district;

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

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

5 and

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

8 (f) On or before the 30th day after the adoption of an order
9 dividing the district, the district shall file the order dividing
10 the district with the Texas Commission on Environmental Quality and
11 record the order in the real property records of the county in which
12 the district is located.

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

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

21 Sec. 8247.104. FIREFIGHTING AND EMERGENCY MEDICAL
22 SERVICES. (a) The district may establish, operate, and maintain,
23 or contract with another political subdivision for the joint
24 operation of, a fire department to perform all firefighting and
25 emergency medical services in the district in accordance with
26 Subchapter L, Chapter 49, Water Code.

27 (b) The district may issue bonds or impose a mandatory fee,

1 with voter approval, for financing a fire plan approved in
2 accordance with Section 49.351, Water Code, including the
3 construction and purchase of necessary buildings, facilities,
4 land, and equipment and the provision of an adequate water supply.

5 [Sections 8247.105-8247.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

11 (b) The district must hold an election in the manner
12 provided by Chapters 49 and 54, Water Code, to obtain voter approval
13 before the district may impose an operation and maintenance tax or
14 issue bonds payable from ad valorem taxes.

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

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

21 [Sections 8247.153-8247.200 reserved for expansion]

22 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

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

1 (b) The district may not issue bonds to finance projects
2 authorized by Section 8247.102 unless the issuance is approved by a
3 vote of a two-thirds majority of the voters of the district voting
4 at an election called for that purpose.

5 (c) Bonds or other obligations issued or incurred to finance
6 projects authorized by Section 8247.102 may not exceed one-fourth
7 of the assessed value of the real property in the district.

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

10 (1) the board shall impose a continuing direct annual
11 ad valorem tax, without limit as to rate or amount, for each year
12 that all or part of the bonds are outstanding; and

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

16 (A) pay the interest on the bonds as the interest
17 becomes due;

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

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

22 SECTION 2. The York Valley Municipal Utility District
23 initially includes all the territory contained in the following
24 area:

25 PART 1:

26 Being a 1,495.541 acre tract of land situated in the Solomon Barnes
27 Survey, Abstract No. 56, the William Burnett Survey, Abstract No.

1 73, the Wakefield & Stewart Survey, Abstract No. 326, and the
2 Gustavos Chotwell Survey, Abstract No. 85, Guadalupe County, Texas,
3 and being all of a tract called Tract Two, called 1,241.414 acres
4 described in Volume 2273, Pages 447-460, all of a 160.372 acre tract
5 described in Volume 1673, Page 158 and all of a tract called 94.118
6 acres described in Volume 1801, Page 589, all of the Official Public
7 Records of Guadalupe County, Texas, and all bearings referred to in
8 this description are referenced to Geodetic or True North based on
9 GPS Observations, said 1,495.541 acre tract of land surveyed under
10 the supervision of Richard A. Goodwin, RPLS #4069, S. Craig
11 Hollmig, Inc., and being more particularly described as follows:

12 BEGINNING: At a 3/4" iron pipe found in the approximate Southeast
13 line of the Solomon Barnes Survey, the approximate Northwest line
14 of the William Burnett Survey, for the North corner of a 36.256 acre
15 tract recorded in Volume 1156, Pages 289-291 of the Official Public
16 Records of Guadalupe County, Texas, for a re-entrant corner of the
17 above referenced 1,241.414 acre tract, for a corner of this tract;

18 THENCE: Generally with fence, the Northwest line of said 36.256
19 acre tract, the Southeast line of the above referenced 1,241.414
20 acre tract, S 48° 42' 51" W at 1452.17 feet a 1/2" iron pin found in
21 the Northeast line of County Road #241 (Wade Road), and continuing a
22 total distance of 1474.61 feet to a 1/2" iron pin found for a South
23 corner of the above referenced 1241.414 acre tract, for a corner of
24 this tract;

25 THENCE: With the centerline of County Road #241 (Wade Road), a
26 Southwest line of the above referenced 1241.414 acre tract, N 42°
27 32' 02" W 10.14 feet to a 1/2" iron pin found for an interior corner

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

3 THENCE: Continuing with the centerline of County Road #241 (Wade
4 Road), S 48° 15' 01" W 725.50 feet to a 1/2" iron pin found at the
5 intersection of the centerline of County Road #241 (Wade Road),
6 with the centerline of County Road #241-A (York Creek Crossing),
7 for a South corner of the above referenced 1241.414 acre tract, for
8 the South corner of this tract;

9 THENCE: With the centerline of County Road #241-A (York Creek
10 Crossing), a Southwest line of the above referenced 1241.414 acre
11 tract, N 41° 27' 31" W 1036.00 feet to a 1/2" iron pin found for a
12 West corner of the above referenced 1241.414 acre tract, for a West
13 corner of this tract;

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

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

25 THENCE: Continuing with the North line of County Road #241-A (York
26 Creek Crossing), the South line of the above referenced 160.372
27 acre tract, N 41° 30' 48" W 137.47 feet to a 1 1/2" pipe post, N 41°

1 03' 33" W 1036.19 feet to a 2" pipe post, N 40° 49' 39" W 260.40 feet
2 to a 3" pipe post and N 41° 32' 52" W 58.16 feet to a 3" pipe post, and
3 N 40° 36' 14" W 706.44 feet to a 1/2" iron pin found in same, for the
4 South corner of a 100.00 acre tract recorded in Volume 1650, Page
5 762 of the Official Public Records of Guadalupe County, Texas, for a
6 West corner of the above referenced 160.372 acre tract, for a West
7 corner of this tract;

8 THENCE: Leaving County Road #241-A (York Creek Crossing), N 49° 23'
9 38" E 3270.85 feet to a 1/2" iron pin found for the East corner of
10 said 100.00 acre tract, the North corner of the above referenced
11 160.372 acre tract, situated on the Southwest line of the above
12 referenced 1241.414 acre tract, for an interior corner of this
13 tract;

14 THENCE: With said Southwest line, N 41° 28' 20" W 1007.42 feet to a
15 3" pipe post for an interior corner of that certain 206.749 acre
16 tract, Exhibit "H", recorded in Volume 1245, Pages 217-243 of the
17 Official Public Records of Guadalupe County, Texas, for the West
18 corner of the above referenced 1241.414 acre tract, for a West
19 corner of this tract;

20 THENCE: With fence, the Northwest line of the above referenced
21 1241.414 acre tract, as follows:

22 N 48° 38' 58" E 888.68 feet, a 1/2" iron pin found
23 N 48° 27' 59" E 1295.63 feet, a 1/2" iron pin found
24 N 48° 25' 29" E 1476.85 feet, a 1/2" iron pin found
25 N 48° 19' 29" E 1445.81 feet, a 1/2" iron pin found
26 N 48° 14' 16" E 1389.77 feet, a 3" pipe post in the Southwest
27 line of County Road #242 (Bylerpool Road), for the North corner of

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

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

8 THENCE: Into said County Road #242 (Bylerpool Road), with a
9 Northwest line of the above referenced 1241.414 acre tract, N 49°
10 25' 04" E 22.50 feet to a 1/2" iron pin found in the centerline of
11 County Road #242 (Bylerpool Road), for the West corner of a 582.060
12 acre tract, called Tract One, described in Volume 2273, Page 447 of
13 the Official Public Records of Guadalupe County, Texas, for a North
14 corner of this tract;

15 THENCE: With the centerline of County Road #242 (Bylerpool Road),
16 the Southwest line of said 582.060 acre tract, S 40° 46' 35" E
17 6174.46 feet to a P.K. nail found in same, for an East corner of the
18 above referenced 1241.414 acre tract, for an East corner of this
19 tract;

20 THENCE: With the common line between the above referenced 1241.414
21 acre tract and an 89.24 acre tract recorded in Volume 1125, Pages
22 269-272 of the Official Public Records of Guadalupe County, Texas,
23 S 47° 39' 53" W at 22.74 feet a 1/2" iron pin found and continuing a
24 total distance of 883.08 feet to a 1/2" iron pin found and
25 continuing with said common line, S 40° 44' 14" E 1010.58 feet to a
26 1/2" iron pin found, S 48° 45' 15" W 4335.00 feet to a 1/2" iron pin
27 found, and S 42° 05' 24" E at 318.26 feet, a 1/2" iron pin found at a

1 corner post at the North corner of County Road #241 (Wade Road), and
2 continuing a total distance of 335.72 feet to a 1/2" iron pin found
3 for an East corner of the above referenced 1241.414 acre tract, for
4 an East corner of this tract;

5 THENCE: With the centerline of County Road #241 (Wade Road), a
6 Southeast line of the above referenced 1241.414 acre tract, S 49°
7 13' 22" W 2346.24 feet to a 1/2" iron pin found in same, for a South
8 corner of the above referenced 1241.414 acre tract, for a South
9 corner of this tract;

10 THENCE: With a Southwest line of the above referenced 1241.414 acre
11 tract, the Northeast line of the above referenced 36.256 acre
12 tract, N 41° 21' 18" W at 17.20 feet a 1/2" iron pin found in the
13 Northwest line of County Road #241 (Wade Road), and continuing a
14 total distance of 1113.55 feet to the Point of Beginning and
15 containing 1,495.541 acres of land, more or less.

16 PART 2:

17 Being a 581.850 acre tract of land, being approximately 144.81
18 acres out of the Gustavos Chotwell Survey, Abstract No. 85 and
19 approximately 437.04 acres out of the George Allen Survey, Abstract
20 No. 1, Guadalupe County, Texas, said 581.850 acre tract being the
21 same tract, called Tract One, called 582.060 acres, as described in
22 Volume 2273, Pages 447-460 of the Official Public Records of
23 Guadalupe County, Texas, and all bearings referred to are based
24 upon Geodetic or True North from GPS observations, said 581.850
25 acre tract of land surveyed under the supervision of Richard A.
26 Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more
27 particularly described as follows:

1 BEGINNING: At a 5/8" iron bar found in the center of a creek, in the
2 South line of a 250 acre tract described in Volume 1272, Pages
3 171-173 of the Official Public Records of Guadalupe County, Texas,
4 for the East corner of a 253.25 acre tract described in Volume 895,
5 Pages 546-548 of the Official Public Records of Guadalupe County,
6 Texas, for the North corner of the above referenced 582.060 acre
7 tract, for the North corner of this tract;

8 THENCE: With an unfenced line, the South line of said 250 acre
9 tract, the North line of the above referenced 582.060 acre tract, S
10 86° 25' 20" E 721.72 feet to a 3/4" iron pipe found in the Northwest
11 line of a 250 acre tract described in Volume 1275, Pages 995-999 of
12 the Official Public Records of Guadalupe County, Texas, for a
13 Southeast corner of said 250 acre tract (1272/171-173), for a
14 Northeast corner of the above referenced 582.060 acre tract, for a
15 Northeast corner of this tract;

16 THENCE: With a West line of said 250 acre tract (1275/995-999), the
17 East line of the above referenced 582.060 acre tract, S 10° 05' 03" E
18 30.78 feet to a 1/2" iron pin found and continuing with the
19 Southeast line of the above referenced 582.060 acre tract, S 75° 34'
20 44" W 545.80 feet to a 1/2" iron pin found and S 49° 07' 04" W 1884.77
21 feet to a 1/2" iron pin found at a fence corner post, for the West
22 corner of said 250 acre tract (1275/995-999), a re-entry corner of
23 the above referenced 582.060 acre tract, for a corner of this tract;

24 THENCE: Generally with fence, the Southwest line of said 250 acre
25 tract (1275/995-999), the Northeast line of the above referenced
26 582.060 acre tract, S 40° 48' 01" E 4203.59 feet to a 1/2" iron pin
27 found in the Northwest line of a 208 acre tract described in Volume

1 242, Pages 569-570 of the Deed Records of Guadalupe County, Texas,
2 for an East corner of the above referenced 582.060 acre tract, for
3 an East corner of this tract;

4 THENCE: Generally with fence, the Northwest and Southwest lines of
5 said 208 acre tract, S 48° 35' 34" W 1167.35 feet to a 3" pipe post
6 and S 41° 20' 40" E 1069.00 feet to a 1/2" iron pin found for the
7 North corner of a 116 acre tract recorded in Volume 525, Pages
8 150-152 of the Deed Records of Guadalupe County, Texas, for an East
9 corner of the above referenced 582.060 acre tract, for an East
10 corner of this tract;

11 THENCE: Generally with fence, the Northwest line of said 116 acre
12 tract, S 48° 41' 07" W 3430.99 feet to a P.K. nail found in the
13 centerline of Bylerpool Road (County Road #242), for the South
14 corner of the above referenced 582.060 acre tract, for the South
15 corner of this tract;

16 THENCE: With the centerline of Bylerpool Road (County Road #242),
17 the Southwest line of the above referenced 582.060 acre tract, N 40°
18 46' 35" W at 203.75 feet a P.K. nail found in same, for the East
19 corner of that certain 1,241.414 acre tract, called Tract Two,
20 described in Volume 2273, Page 447 of the Official Public Records of
21 Guadalupe County, Texas, and continuing a total distance of 6378.22
22 feet to a 1/2" iron pin found for the North corner of said 1,241.414
23 acre tract, the West corner of the above referenced 582.060 acre
24 tract, for the West corner of this tract;

25 THENCE: With the centerline of Bylerpool Road (County Road #242), a
26 Northwest line of the above referenced 582.060 acre tract, N 49° 25'
27 04" E 476.65 feet to a 1/2" iron pin found for a North corner of the

1 above referenced 582.060 acre tract, for the North corner of this
2 tract;

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

8 THENCE: With the Southeast line of said 253.25 acre tract, the
9 Northwest line of the above referenced 582.060 acre tract,
10 generally with fence, N 49° 14' 57" E 4101.85 feet to a 1/2" iron pin
11 found and N 48° 58' 09" E 1872.83 feet to the Point of Beginning and
12 containing 581.850 acres of land, more or less.

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

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