

By: Rose

H.B. No. 4056

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Hays County Municipal Utility District No. 6; 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 8297 to read as follows:

CHAPTER 8297. HAYS COUNTY MUNICIPAL UTILITY

DISTRICT NO. 6

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8297.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Hays County Municipal Utility District No. 6.

Sec. 8297.002. NATURE OF DISTRICT. The district is a municipal utility district in Hays County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8297.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects to be accomplished by the district under powers conferred by Section 52, Article III, and

1 Section 59, Article XVI, Texas Constitution.

2 Sec. 8297.004. CONFIRMATION ELECTION REQUIRED. If the
3 creation of the district is not confirmed at a confirmation
4 election held under Section 8297.023 before September 1, 2011:

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

7 (A) any debts incurred shall be paid;

8 (B) any assets that remain after the payment of
9 debts shall be transferred to Hays County; and

10 (C) the organization of the district shall be
11 maintained until all debts are paid and remaining assets are
12 transferred; and

13 (2) this chapter expires September 1, 2012.

14 Sec. 8297.005. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

17 (b) The boundaries and field notes contained in Section 2 of
18 the Act creating this chapter form a closure. A mistake made in the
19 field notes or in copying the field notes in the legislative process
20 does not affect:

21 (1) the organization, existence, or validity of the
22 district;

23 (2) the right of the district to impose taxes;

24 (3) the validity of the district's bonds, notes, or
25 indebtedness; or

26 (4) the legality or operation of the district or the
27 board.

1 Sec. 8297.006. CONSTRUCTION OF CHAPTER. This chapter shall
2 be liberally construed in conformity with the findings and purposes
3 set forth in this chapter.

4 [Sections 8297.007-8297.020 reserved for expansion]

5 SUBCHAPTER A-1. TEMPORARY PROVISIONS

6 Sec. 8297.021. TEMPORARY DIRECTORS. (a) The temporary
7 board consists of:

8 (1) Sam McBride;

9 (2) Ken Austin;

10 (3) Mike Coble;

11 (4) Mike Schroeder; and

12 (5) David Fulkerson.

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

19 (c) Temporary directors serve until the earlier of:

20 (1) the date directors are elected under Section
21 8297.023; or

22 (2) the date this chapter expires under Section
23 8297.004.

24 Sec. 8297.022. CONSENT OF MUNICIPALITY REQUIRED. (a) The
25 temporary directors may not hold an election under Section 8297.023
26 until each municipality in whose corporate limits or
27 extraterritorial jurisdiction the district is located has adopted a

1 resolution consenting to the creation of the district.

2 (b) A resolution adopted by a municipality before April 1,
3 2007, is not effective under this section.

4 Sec. 8297.023. CONFIRMATION AND INITIAL DIRECTORS'
5 ELECTION. (a) The temporary directors shall hold an election to
6 confirm the creation of the district and to elect five directors as
7 provided by Section 49.102, Water Code.

8 (b) If a majority of the votes cast at the election favor the
9 creation of the district, the temporary directors shall declare the
10 district created. If a majority of the votes cast at the election
11 do not favor the creation of the district, the district is not
12 created. The temporary directors shall file a copy of the election
13 results with the Texas Commission on Environmental Quality.

14 Sec. 8297.024. INITIAL ELECTED DIRECTORS; TERMS. The
15 directors elected under Section 8297.023 shall draw lots to
16 determine which two shall serve until the first regularly scheduled
17 election of directors and which three shall serve until the second
18 regularly scheduled election of directors.

19 Sec. 8297.025. EXPIRATION OF SUBCHAPTER. This subchapter
20 expires September 1, 2012.

21 [Sections 8297.026-8297.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8297.051. DIRECTORS; TERMS. (a) The district is
24 governed by a board of five directors.

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

26 [Sections 8297.052-8297.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8297.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8297.102. COMPLIANCE WITH MUNICIPAL CONSENT
8 ORDINANCES OR RESOLUTIONS. The district shall comply with all
9 applicable requirements of any ordinance or resolution adopted by
10 the city council of the City of Dripping Springs that consents to
11 the creation of the district.

12 Sec. 8297.103. LIMITATION ON USE OF EMINENT DOMAIN. The
13 district may exercise the power of eminent domain outside the
14 district only to acquire an easement necessary for a pipeline that
15 serves the district.

16 SECTION 2. The Hays County Municipal Utility District No. 6
17 includes all the territory contained in the following area:

18 FIELD NOT DESCRIPTION OF 127.59 ACRES OF LAND OUT OF THE TEXAS
19 CENTRAL RR. CO. SURVEY ABSTRACT No. 621, THE GEORGE W. LINDSAY
20 SURVEY ABSTRACT No. 289 AND THE GEORGE A. HARVEY SURVEY ABSTRACT No.
21 254 IN HAYS COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THAT
22 CERTAIN (120.00) ACRE TRACT OF LAND AS CONVEYED TO B.L. JOHNSON, ET
23 UX, BY DEED RECORDED IN VOLUME 757 PAGE 587 OF THE REAL PROPERTY
24 RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF THAT
25 CERTAIN (56.27 ACRE) TRACT OF LAND AS CONVEYED TO B.L. JOHNSON, ET
26 UX, BY DEED RECORDED IN VOLUME 728 PAGE 438 OF THE REAL PROPERTY
27 RECORDS OF HAYS COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED

1 AS FOLLOWS:

2 BEGINNING FOR REFERENCE at a 3/8" iron rod found for the Southeast
3 corner of that certain (120.00 acre) tract of land as conveyed to
4 B.L. Johnson, et ux, by deed recorded in Volume 757 Page 587 of the
5 Real Property Records of Hays County, Texas, and for the Southwest
6 corner of that certain (23.327 acre) tract of land as conveyed to
7 B.L. Johnson, et ux, by deed recorded in Volume 600 Page 474 of the
8 Real Property Records of Hays County, Texas, and for the Northwest
9 corner of that certain (31.63 acre) tract of land as conveyed to
10 Harry Simon, et ux, by deed recorded in Volume 1309 Page 104 of the
11 Official Public Records of Hays County, Texas, and for an angle
12 corner of that certain (128.22 acre) tract of land as conveyed to
13 Barry Walker and Michael Kenoyer by Warranty Deed recorded in
14 Volume 1675 Page 734 of the Official Public Records of Hays County,
15 Texas, and from which a 3/8" iron rod found for an angle corner in
16 the East line of said Walker and Kenoyer (1298.22 acre) tract bears
17 S 01 deg. 33' 30" W 327.34 ft.;

18 THENCE with the South line of said Johnson (120.00 acre) tract, N 89
19 deg. 59' 45" W 1150.77 ft. to a two inch (2") metal fence corner post
20 for the Southwest corner of said Johnson (120.00 acre) tract and for
21 an angle corner of said Walker and Kenoyer (1298.22 acre) tract;

22 THENCE with the common line of said Johnson (120.00 acre) tract and
23 said Walker and Kenoyer (1298.22 acre) tract, N 00 deg. 05' 55" W
24 866.04 ft. to a point for the Southwest corner and PLACE OF
25 BEGINNING of the herein described tract;

26 THENCE continuing with the common line of said Johnson (120.00
27 acre) tract and said Walker and Kenoyer (1298.22 acre) tract, N 00

1 deg. 05' 55" W 3608.01 ft. to a $\frac{1}{2}$ " iron rod found for the Northwest
2 corner of said Johnson (120.00 acre) tract and for the Northeast
3 corner of said Walker and Kenoyer (1298.22 acre) tract, and for an
4 angle corner in the South line of that certain (226.20 acre) tract
5 of land as conveyed to Kimbo Investments Limited Partnership by
6 deed recorded in Volume 1487 Page 474 of the Official Public Records
7 of Hays County, Texas, and being the Northwest corner of this tract;
8 THENCE with the North line of said Johnson (120.00 acre) tract, the
9 following two (2) courses;

10 1) S 88 deg. 08' 08" E 414.16 ft. to a 60D nail set in a fence angle
11 post;

12 2) N 87 deg. 55' 49" E 749.94 ft. to a 60D nail found in the top of a
13 fence corner post (remnant of a broken 4"x4" concrete monument
14 found lying next to post) for the Northeast corner of said Johnson
15 (120.00 acre) tract and being the northerly Northeast corner of
16 this tract;

17 THENCE with the East line of said Johnson (120.00 acre) tract, the
18 following five (5) courses;

19 1) S 00 deg. 31' 56" E 904.11 ft. to a $\frac{1}{2}$ " iron rod found at a fence
20 corner post;

21 2) S 00 deg. 28' 10" E 351.91 ft. to a $\frac{1}{2}$ " iron rod found at a fence
22 corner post;

23 3) S 00 deg. 08' 50" E 400.35 ft. to a $\frac{1}{2}$ " iron rod set with a
24 plastic cap imprinted with "Carson and Bush Professional Surveyors"
25 at a fence corner post for the Northwest corner of that certain
26 (56.27 acre) tract of land as conveyed to B.L. Johnson, et ux, by
27 deed recorded in Volume 728 Page 438 of the Real Property Records of

1 Hays County, Texas;

2 4) S 00 deg. 11' 02" W 459.51 ft. to a point;

3 5) S 02 deg. 55' 19" E at 178.59 ft. passing a bent 60D nail found
4 in a rock and continuing with the same bearing for a total distance
5 of 206.45 ft. to a point for an angle corner of this tract;

6 THENCE crossing the interior of said Johnson (56.27 acre) tract,
7 the following twelve (12) courses;

8 1) S 77 deg. 05' 07" E 69.09 ft. to a ½" iron rod set;

9 2) S 88 deg. 45' E 75.20 ft. to a ½" iron rod set;

10 3) S 84 deg. 41' E 94.73 ft. to a ½" iron rod set;

11 4) S 65 deg. 50' 39" E 46.68 ft. to a ½" iron rod set;

12 5) S 73 deg. 56' 29" E 119.11 ft. to a ½" iron rod set with a
13 plastic cap imprinted with "Carson and Bush Professional
14 Surveyors";

15 6) S 61 deg. 05' E 103.62 ft. to a ½" iron rod set;

16 7) S 58 deg. 32' 24" E 54.95 ft. to a ½" iron rod set;

17 8) S 82 deg. 30' 40" E 47.93 ft. to a ½" iron rod set;

18 9) N 83 deg. 09' 17" E 91.07 ft. to a ½" iron rod set;

19 10) N 80 deg. 49' 48" E 45.36 ft. to a ½" iron rod set with a
20 plastic cap imprinted with "Carson and Bush Professional
21 Surveyors";

22 11) N 76 deg. 01' 35" E 229.85 ft. to a ½" iron rod set with a
23 plastic imprinted with "Carson and Bush Professional Surveyors";

24 12) N 86 deg. 28' 22" E 326.01 ft. to a point in the approximate
25 centerline of Bell Springs Road and in the East line of said Johnson
26 (56.27 acre) tract, and being the easterly Northwest corner of this
27 tract;

1 THENCE with the approximate centerline of Bell Spring Road and with
2 the East line of said Johnson (56.27 acre) tract, the following
3 three (3) courses;

- 4 1) S 21 deg. 22' 44" E 92.56 ft.;
- 5 2) S 03 deg. 53' W 76.71 ft.;
- 6 3) S 15 deg. 03' 16" W 71.03 ft. to a point for the easterly
7 Southeast corner of this tract;

8 THENCE leaving the centerline of Bell Springs Road and crossing the
9 interiors of said Johnson (56.27 acre) and (120.00 acre) tracts,
10 respectively, the following twenty-nine (29) courses;

- 11 1) S 87 deg. 00' W 121.29 ft.;
- 12 2) S 66 deg. 17' 07" W 147.01 ft.;
- 13 3) S 60 deg. 14' 31" W 107.95 ft.;
- 14 4) S 20 deg. 11' 34" W 85.58 ft.;
- 15 5) S 74 deg. 47' 20" E 103.71 ft.;
- 16 6) S 49 deg. 58' 19" W 80.43 ft.;
- 17 7) S 38 deg. 33' 16" W 189.44 ft.;
- 18 8) S 89 deg. 24' 09" W 61.41 ft.;
- 19 9) S 56 deg. 26' 24" W 147.12 ft.;
- 20 10) S 29 deg. 52' 49" W 161.04 ft.;
- 21 11) S 04 deg. 23' 11" W 128.88 ft.;
- 22 12) S 11 deg. 32' 31" E 52.83 ft.;
- 23 13) S 45 deg. 30' 40" W 198.97 ft.;
- 24 14) S 13 deg. 34' 44" W 75.22 ft.;
- 25 15) S 39 deg. 09' 44" W 282.63 ft.;
- 26 16) S 72 deg. 32' W 108.87 ft.;
- 27 17) S 83 deg. 56' 30" W 121.64 ft.;

- 1 18) S 01 deg. 09' 24" E 100.82 ft.;
- 2 19) S 87 deg. 29' 28" W 55.83 ft.;
- 3 20) N 67 deg. 16' 44" W 106.19 ft.;
- 4 21) S 75 deg. 48' 38" W 204.32 ft.;
- 5 22) N 78 deg. 46' 35" W 211.83 ft.;
- 6 23) N 29 deg. 32' 24" W 39.48 ft.;
- 7 24) N 01 deg. 15' 00" E 160.45 ft.;
- 8 25) N 88 deg. 45' 00" W 50.00 ft.;
- 9 26) N 01 deg. 15' 00" E 57.73 ft. to a non-tangent point of
- 10 curvature;
- 11 27) Along a curve to the right with a radius of 65.00 ft. for an arc
- 12 length of 145.96 ft. and which chord bears N 03 deg. 05' 08" W 117.17
- 13 ft.;
- 14 28) N 05 deg. 25' W 7.00 ft.;
- 15 29) S 90 deg. 00' 00" W 538.74 ft. to the PLACE OF BEGINNING
- 16 containing 127.95 acres of land.

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

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

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

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