

By: Rose

H.B. No. 4056

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation and to the administration, powers, duties,
3 operation and financing of Hays County Municipal Utility District
4 No. 6.

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

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

13 Section 2. DEFINITIONS. In this Act,

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

15 (2) "Commission" means the Texas Commission on
16 Environmental Quality.

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

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

23 Section 3. BOUNDARIES. The district's boundaries include
24 approximately 127 acres to wit:

1 FIELD NOT DESCRIPTION OF 127.59 ACRES OF LAND OUT OF THE TEXAS
2 CENTRAL RR. CO. SURVEY ABSTRACT No. 621, THE GEORGE W. LINDSAY
3 SURVEY ABSTRACT No. 289 AND THE GEORGE A. HARVEY SURVEY ABSTRACT No.
4 254 IN HAYS COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THAT
5 CERTAIN (120.00) ACRE TRACT OF LAND AS CONVEYED TO B.L. JOHNSON, ET
6 UX, BY DEED RECORDED IN VOLUME 757 PAGE 587 OF THE REAL PROPERTY
7 RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF THAT
8 CERTAIN (56.27 ACRE) TRACT OF LAND AS CONVEYED TO B.L. JOHNSON, ET
9 UX, BY DEED RECORDED IN VOLUME 728 PAGE 438 OF THE REAL PROPERTY
10 RECORDS OF HAYS COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED
11 AS FOLLOWS:

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

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

5 THENCE with the common line of said Johnson (120.00 acre) tract and
6 said Walker and Kenoyer (1298.22 acre) tract, N 00 deg. 05' 55" W
7 866.04 ft. to a point for the Southwest corner and PLACE OF
8 BEGINNING of the herein described tract;

9 THENCE continuing with the common line of said Johnson (120.00
10 acre) tract and said Walker and Kenoyer (1298.22 acre) tract, N 00
11 deg. 05' 55" W 3608.01 ft. to a 1/2" iron rod found for the Northwest
12 corner of said Johnson (120.00 acre) tract and for the Northeast
13 corner of said Walker and Kenoyer (1298.22 acre) tract, and for an
14 angle corner in the South line of that certain (226.20 acre) tract
15 of land as conveyed to Kimbo Investments Limited Partnership by
16 deed recorded in Volume 1487 Page 474 of the Official Public Records
17 of Hays County, Texas, and being the Northwest corner of this tract;

18 THENCE with the North line of said Johnson (120.00 acre) tract, the
19 following two (2) courses;

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

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

27 THENCE with the East line of said Johnson (120.00 acre) tract, the

1 following five (5) courses;

2 1) S 00 deg. 31' 56" E 904.11 ft. to a 1/2" iron rod found at
3 a fence corner post;

4 2) S 00 deg. 28' 10" E 351.91 ft. to a 1/2" iron rod found at
5 a fence corner post;

6 3) S 00 deg. 08' 50" E 400.35 ft. to a 1/2" iron rod set with
7 a plastic cap imprinted with "Carson and Bush Professional
8 Surveyors" at a fence corner post for the Northwest corner of that
9 certain (56.27 acre) tract of land as conveyed to B.L. Johnson, et
10 ux, by deed recorded in Volume 728 Page 438 of the Real Property
11 Records of Hays County, Texas;

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

13 5) S 02 deg. 55' 19" E at 178.59 ft. passing a bent 60D nail
14 found in a rock and continuing with the same bearing for a total
15 distance of 206.45 ft. to a point for an angle corner of this tract;
16 THENCE crossing the interior of said Johnson (56.27 acre) tract,
17 the following twelve (12) courses;

18 1) S 77 deg. 05' 07" E 69.09 ft. to a 1/2" iron rod set;

19 2) S 88 deg. 45' E 75.20 ft. to a 1/2" iron rod set;

20 3) S 84 deg. 41' E 94.73 ft. to a 1/2" iron rod set;

21 4) S 65 deg. 50' 39" E 46.68 ft. to a 1/2" iron rod set;

22 5) S 73 deg. 56' 29" E 119.11 ft. to a 1/2" iron rod set with
23 a plastic cap imprinted with "Carson and Bush Professional
24 Surveyors";

25 6) S 61 deg. 05' E 103.62 ft. to a 1/2" iron rod set;

26 7) S 58 deg. 32' 24" E 54.95 ft. to a 1/2" iron rod set;

27 8) S 82 deg. 30' 40" E 47.93 ft. to a 1/2" iron rod set;

1 9) N 83 deg. 09' 17" E 91.07 ft, to a 1/2" iron rod set;

2 10) N 80 deg. 49' 48" E 45.36 ft. to a 1/2" iron rod set with
3 a plastic cap imprinted with "Carson and Bush Professional
4 Surveyors";

5 11) N 76 deg. 01' 35" E 229.85 ft. to a 1/2" iron rod set with
6 a plastic imprinted with "Carson and Bush Professional Surveyors";

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

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

14 1) S 21 deg. 22' 44" E 92.56 ft.;

15 2) S 03 deg. 53' W 76.71 ft.;

16 3) S 15 deg. 03' 16" W 71.03 ft. to a point for the easterly
17 Southeast corner of this tract;

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

21 1) S 87 deg. 00' W 121.29 ft.;

22 2) S 66 deg. 17' 07" W 147.01 ft.;

23 3) S 60 deg. 14' 31" W 107.95 ft.;

24 4) S 20 deg. 11' 34" W 85.58 ft.;

25 5) S 74 deg. 47' 20" E 103.71 ft.;

26 6) S 49 deg. 58' 19" W 80.43 ft.;

27 7) S 38 deg. 33' 16" W 189.44 ft.;

- 1 8) S 89 deg. 24' 09" W 61.41 ft.;
- 2 9) S 56 deg. 26' 24" W 147.12 ft.;
- 3 10) S 29 deg. 52' 49" W 161.04 ft.;
- 4 11) S 04 deg. 23' 11" W 128.88 ft.;
- 5 12) S 11 deg. 32' 31" E 52.83 ft.;
- 6 13) S 45 deg. 30' 40" W 198.97 ft.;
- 7 14) S 13 deg. 34' 44" W 75.22 ft.;
- 8 15) S 39 deg. 09' 44" W 282.63 ft.;
- 9 16) S 72 deg. 32' W 108.87 ft.;
- 10 17) S 83 deg. 56' 30" W 121.64 ft.;
- 11 18) S 01 deg. 09' 24" E 100.82 ft.;
- 12 19) S 87 deg. 29' 28" W 55.83 ft.;
- 13 20) N 67 deg. 16' 44" W 106.19 ft.;
- 14 21) S 75 deg. 48' 38" W 204.32 ft.;
- 15 22) N 78 deg. 46' 35" W 211.83 ft.;
- 16 23) N 29 deg. 32' 24" W 39.48 ft.;
- 17 24) N 01 deg. 15' 00" E 160.45 ft.;
- 18 25) N 88 deg. 45' 00" W 50.00 ft.;
- 19 26) N 01 deg. 15' 00" E 57.73 ft. to a non-tangent point of
- 20 curvature;
- 21 27) Along a curve to the right with a radius of 65.00 ft. for
- 22 an arc length of 145.96 ft. and which chord bears N 03 deg. 05' 08" W
- 23 117.17 ft.;
- 24 28) N 05 deg. 25' W 7.00 ft.;
- 25 29) S 90 deg. 00' 00" W 538.74 ft. to the PLACE OF BEGINNING
- 26 containing 127.95 acres of land

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 and 54 of the Texas Water Code,
17 including Road Utility District Powers;

18 (2) This Act shall be liberally construed in
19 conformity with the legislative findings and purposes set forth
20 herein.

21 (3) This Act prevails over any provision of general
22 law that is in conflict or inconsistent with this Act.

23 Section 7. COMPLIANCE WITH MUNICIPAL ORDINANCE OR
24 RESOLUTION. The district shall comply with the requirements of the
25 ordinance or resolution adopted by the city council of the City of
26 Dripping Springs consenting to the creation of the District.

27 Section 8. LIMITATION ON USE OF EMINENT DOMAIN. The

1 district may exercise the power of eminent domain outside the
2 district only to acquire an easement necessary for a pipeline that
3 serves the district.

4 Section 9. ADMINISTRATIVE PROVISIONS. The district shall
5 operate as a Municipal Utility District and comply with the
6 Administrative Provisions in Texas Water Code Chapter 54, except as
7 specifically provided in this Act. The district shall also comply
8 with Texas Water Code Chapter 49 to the extent it does not conflict
9 with Chapter 54, in which case Chapter 54 controls.

10 Section 10. TEMPORARY DIRECTORS. (a) The temporary board
11 of directors is composed of:

- 12 (1) Sam McBride
- 13 (2) Ken Austin
- 14 (3) Mike Coble
- 15 (4) Mike Schroeder
- 16 (5) David Fulkerson

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

22 Section 12. CONSENT OF MUNICIPALITY REQUIRED. (a) The
23 temporary directors may not hold an election under Section 13 until
24 each municipality in whose corporate limits or extraterritorial
25 jurisdiction the district is located has adopted a resolution
26 consenting to the creation of the district.

27 (b) A resolution adopted by a municipality before April 1,

1 2007 is not effective under this Section 12.

2 Section 13. CONFIRMATION AND INITIAL DIRECTORS' ELECTION.

3 (a) If each municipality has consented to the creation of the
4 district under Section 12, the temporary board of directors shall
5 call and hold an election to confirm establishment of the district
6 and to elect five initial directors.

7 (b) If a majority of votes cast at the election favor the
8 establishment of the district, the temporary directors shall
9 declare the district created. The temporary directors shall file a
10 copy of the election results with the Commission.

11 Section 14. APPOINTMENT AND TERMS OF INITIAL DIRECTORS.

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

14 (a) Two initial directors' term shall expire on September 1,
15 2011;

16 (b) Three initial directors' term shall expire on September
17 1, 2013.

18 (c) The election for directors following the expired term
19 for initial directors shall comply with Chapters 49 and 54 Texas
20 Water Code as those provisions read at that time.

21 Section 15. CONFIRMATION ELECTION REQUIRED. If an election
22 has not been held before September 1, 2011:

23 (a) the district is dissolved on September 1, 2011, except
24 that:

25 (A) any debts incurred shall be paid;

26 (B) any assets that remain after the payment of
27 the debts shall be transferred to Hays County;

1 (C) and the organization of the district shall be
2 maintained until all debts are paid and remaining assets are
3 transferred; and

4 (2) this chapter expired September 1, 2011.

5 Section 16. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS.

6 The Legislature finds:

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

15 (b) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor,
17 lieutenant governor, and speaker of the house of representatives
18 within the required time.

19 (c) All requirements of the constitution and laws of this
20 state and rules and procedures of the legislature with respect to
21 the notice, introduction, and passage of this Act are fulfilled and
22 accomplished.

23 SECTION 17. EFFECTIVE DATE. This Act takes effect
24 immediately if it receives a vote of two-thirds of all the members
25 elected to each house, as provided by Section 39, Article III, Texas
26 Constitution. If this Act does not receive the vote necessary for
27 immediate effect, this Act takes effect September 1, 2007.

1 SECTION 18. EMERGENCY. The importance of this legislation
2 and the crowded condition of the calendars in both houses create an
3 emergency and an imperative public necessity that the
4 constitutional rule requiring bills to be read on three several
5 days in each house be suspended, and this rule is hereby suspended.