

1-1 By: Rose (Senate Sponsor - Wentworth) H.B. No. 4056
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 4, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Hays County Municipal Utility
1-9 District No. 6; providing authority to impose a tax and issue bonds;
1-10 granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8297 to read as follows:

1-14 CHAPTER 8297. HAYS COUNTY MUNICIPAL UTILITY

1-15 DISTRICT NO. 6

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8297.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the Hays County Municipal Utility
1-21 District No. 6.

1-22 Sec. 8297.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district in Hays County created under and
1-24 essential to accomplish the purposes of Section 52, Article III,
1-25 and Section 59, Article XVI, Texas Constitution.

1-26 Sec. 8297.003. FINDINGS OF PUBLIC USE AND BENEFIT. (a) The
1-27 district is created to serve a public use and benefit.

1-28 (b) All land and other property included in the district
1-29 will benefit from the works and projects to be accomplished by the
1-30 district under powers conferred by Section 52, Article III, and
1-31 Section 59, Article XVI, Texas Constitution.

1-32 Sec. 8297.004. CONFIRMATION ELECTION REQUIRED. If the
1-33 creation of the district is not confirmed at a confirmation
1-34 election held under Section 8297.023 before September 1, 2011:

1-35 (1) the district is dissolved September 1, 2011,
1-36 except that:

1-37 (A) any debts incurred shall be paid;

1-38 (B) any assets that remain after the payment of
1-39 debts shall be transferred to Hays County; and

1-40 (C) the organization of the district shall be
1-41 maintained until all debts are paid and remaining assets are
1-42 transferred; and

1-43 (2) this chapter expires September 1, 2012.

1-44 Sec. 8297.005. INITIAL DISTRICT TERRITORY. (a) The
1-45 district is initially composed of the territory described by
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of
1-48 the Act creating this chapter form a closure. A mistake made in the
1-49 field notes or in copying the field notes in the legislative process
1-50 does not affect:

1-51 (1) the organization, existence, or validity of the
1-52 district;

1-53 (2) the right of the district to impose taxes;

1-54 (3) the validity of the district's bonds, notes, or
1-55 indebtedness; or

1-56 (4) the legality or operation of the district or the
1-57 board.

1-58 Sec. 8297.006. CONSTRUCTION OF CHAPTER. This chapter shall
1-59 be liberally construed in conformity with the findings and purposes
1-60 set forth in this chapter.

1-61 [Sections 8297.007-8297.020 reserved for expansion]

1-62 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-63 Sec. 8297.021. TEMPORARY DIRECTORS. (a) The temporary
1-64 board consists of:

- 2-1 (1) Sam McBride;
- 2-2 (2) Ken Austin;
- 2-3 (3) Mike Coble;
- 2-4 (4) Mike Schroeder; and
- 2-5 (5) David Fulkerson.

2-6 (b) If a temporary director fails to qualify for office, the
 2-7 temporary directors who have qualified shall appoint a person to
 2-8 fill the vacancy. If at any time there are fewer than three
 2-9 qualified temporary directors, the Texas Commission on
 2-10 Environmental Quality shall appoint the necessary number of persons
 2-11 to fill all vacancies on the board.

2-12 (c) Temporary directors serve until the earlier of:
 2-13 (1) the date directors are elected under Section
 2-14 8297.023; or
 2-15 (2) the date this chapter expires under Section
 2-16 8297.004.

2-17 Sec. 8297.022. CONSENT OF MUNICIPALITY REQUIRED. (a) The
 2-18 temporary directors may not hold an election under Section 8297.023
 2-19 until each municipality in whose corporate limits or
 2-20 extraterritorial jurisdiction the district is located has adopted a
 2-21 resolution consenting to the creation of the district.

2-22 (b) A resolution adopted by a municipality before April 1,
 2-23 2007, is not effective under this section.

2-24 Sec. 8297.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-25 ELECTION. (a) The temporary directors shall hold an election to
 2-26 confirm the creation of the district and to elect five directors as
 2-27 provided by Section 49.102, Water Code.

2-28 (b) If a majority of the votes cast at the election favor the
 2-29 creation of the district, the temporary directors shall declare the
 2-30 district created. If a majority of the votes cast at the election
 2-31 do not favor the creation of the district, the district is not
 2-32 created. The temporary directors shall file a copy of the election
 2-33 results with the Texas Commission on Environmental Quality.

2-34 Sec. 8297.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-35 directors elected under Section 8297.023 shall draw lots to
 2-36 determine which two shall serve until the first regularly scheduled
 2-37 election of directors and which three shall serve until the second
 2-38 regularly scheduled election of directors.

2-39 Sec. 8297.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-40 expires September 1, 2012.

2-41 [Sections 8297.026-8297.050 reserved for expansion]

2-42 SUBCHAPTER B. BOARD OF DIRECTORS

2-43 Sec. 8297.051. DIRECTORS; TERMS. (a) The district is
 2-44 governed by a board of five directors.

2-45 (b) Directors serve staggered four-year terms.

2-46 [Sections 8297.052-8297.100 reserved for expansion]

2-47 SUBCHAPTER C. POWERS AND DUTIES

2-48 Sec. 8297.101. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-49 DUTIES. The district has the powers and duties provided by the
 2-50 general law of this state, including Chapters 49 and 54, Water Code,
 2-51 applicable to municipal utility districts created under Section 59,
 2-52 Article XVI, Texas Constitution.

2-53 Sec. 8297.102. COMPLIANCE WITH MUNICIPAL CONSENT
 2-54 ORDINANCES OR RESOLUTIONS. The district shall comply with all
 2-55 applicable requirements of any ordinance or resolution adopted by
 2-56 the city council of the City of Dripping Springs that consents to
 2-57 the creation of the district.

2-58 Sec. 8297.103. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-59 district may exercise the power of eminent domain outside the
 2-60 district only to acquire an easement necessary for a pipeline that
 2-61 serves the district.

2-62 SECTION 2. The Hays County Municipal Utility District No. 6
 2-63 includes all the territory contained in the following area:
 2-64 FIELD NOT DESCRIPTION OF 127.59 ACRES OF LAND OUT OF THE TEXAS
 2-65 CENTRAL RR. CO. SURVEY ABSTRACT No. 621, THE GEORGE W. LINDSAY
 2-66 SURVEY ABSTRACT No. 289 AND THE GEORGE A. HARVEY SURVEY ABSTRACT No.
 2-67 254 IN HAYS COUNTY, TEXAS, AND BEING COMPRISED OF A PORTION OF THAT
 2-68 CERTAIN (120.00) ACRE TRACT OF LAND AS CONVEYED TO B.L. JOHNSON, ET
 2-69 UX, BY DEED RECORDED IN VOLUME 757 PAGE 587 OF THE REAL PROPERTY

3-1 RECORDS OF HAYS COUNTY, TEXAS, TOGETHER WITH A PORTION OF THAT
 3-2 CERTAIN (56.27 ACRE) TRACT OF LAND AS CONVEYED TO B.L. JOHNSON, ET
 3-3 UX, BY DEED RECORDED IN VOLUME 728 PAGE 438 OF THE REAL PROPERTY
 3-4 RECORDS OF HAYS COUNTY TEXAS, AND BEING MORE PARTICULARLY DESCRIBED
 3-5 AS FOLLOWS:
 3-6 BEGINNING FOR REFERENCE at a 3/8" iron rod found for the Southeast
 3-7 corner of that certain (120.00 acre) tract of land as conveyed to
 3-8 B.L. Johnson, et ux, by deed recorded in Volume 757 Page 587 of the
 3-9 Real Property Records of Hays County, Texas, and for the Southwest
 3-10 corner of that certain (23.327 acre) tract of land as conveyed to
 3-11 B.L. Johnson, et ux, by deed recorded in Volume 600 Page 474 of the
 3-12 Real Property Records of Hays County, Texas, and for the Northwest
 3-13 corner of that certain (31.63 acre) tract of land as conveyed to
 3-14 Harry Simon, et ux, by deed recorded in Volume 1309 Page 104 of the
 3-15 Official Public Records of Hays County, Texas, and for an angle
 3-16 corner of that certain (128.22 acre) tract of land as conveyed to
 3-17 Barry Walker and Michael Kenoyer by Warranty Deed recorded in
 3-18 Volume 1675 Page 734 of the Official Public Records of Hays County,
 3-19 Texas, and from which a 3/8" iron rod found for an angle corner in
 3-20 the East line of said Walker and Kenoyer (1298.22 acre) tract bears
 3-21 S 01 deg. 33' 30" W 327.34 ft.;
 3-22 THENCE with the South line of said Johnson (120.00 acre) tract, N 89
 3-23 deg. 59' 45" W 1150.77 ft. to a two inch (2") metal fence corner post
 3-24 for the Southwest corner of said Johnson (120.00 acre) tract and for
 3-25 an angle corner of said Walker and Kenoyer (1298.22 acre) tract;
 3-26 THENCE with the common line of said Johnson (120.00 acre) tract and
 3-27 said Walker and Kenoyer (1298.22 acre) tract, N 00 deg. 05' 55" W
 3-28 866.04 ft. to a point for the Southwest corner and PLACE OF
 3-29 BEGINNING of the herein described tract;
 3-30 THENCE continuing with the common line of said Johnson (120.00
 3-31 acre) tract and said Walker and Kenoyer (1298.22 acre) tract, N 00
 3-32 deg. 05' 55" W 3608.01 ft. to a 1/2" iron rod found for the Northwest
 3-33 corner of said Johnson (120.00 acre) tract and for the Northeast
 3-34 corner of said Walker and Kenoyer (1298.22 acre) tract, and for an
 3-35 angle corner in the South line of that certain (226.20 acre) tract
 3-36 of land as conveyed to Kimbo Investments Limited Partnership by
 3-37 deed recorded in Volume 1487 Page 474 of the Official Public Records
 3-38 of Hays County, Texas, and being the Northwest corner of this tract;
 3-39 THENCE with the North line of said Johnson (120.00 acre) tract, the
 3-40 following two (2) courses;
 3-41 1) S 88 deg. 08' 08" E 414.16 ft. to a 60D nail set in a fence angle
 3-42 post;
 3-43 2) N 87 deg. 55' 49" E 749.94 ft. to a 60D nail found in the top of a
 3-44 fence corner post (remnant of a broken 4"x4" concrete monument
 3-45 found lying next to post) for the Northeast corner of said Johnson
 3-46 (120.00 acre) tract and being the northerly Northeast corner of
 3-47 this tract;
 3-48 THENCE with the East line of said Johnson (120.00 acre) tract, the
 3-49 following five (5) courses;
 3-50 1) S 00 deg. 31' 56" E 904.11 ft. to a 1/2" iron rod found at a fence
 3-51 corner post;
 3-52 2) S 00 deg. 28' 10" E 351.91 ft. to a 1/2" iron rod found at a fence
 3-53 corner post;
 3-54 3) S 00 deg. 08' 50" E 400.35 ft. to a 1/2" iron rod set with a
 3-55 plastic cap imprinted with "Carson and Bush Professional Surveyors"
 3-56 at a fence corner post for the Northwest corner of that certain
 3-57 (56.27 acre) tract of land as conveyed to B.L. Johnson, et ux, by
 3-58 deed recorded in Volume 728 Page 438 of the Real Property Records of
 3-59 Hays County, Texas;
 3-60 4) S 00 deg. 11' 02" W 459.51 ft. to a point;
 3-61 5) S 02 deg. 55' 19" E at 178.59 ft. passing a bent 60D nail found
 3-62 in a rock and continuing with the same bearing for a total distance
 3-63 of 206.45 ft. to a point for an angle corner of this tract;
 3-64 THENCE crossing the interior of said Johnson (56.27 acre) tract,
 3-65 the following twelve (12) courses;
 3-66 1) S 77 deg. 05' 07" E 69.09 ft. to a 1/2" iron rod set;
 3-67 2) S 88 deg. 45' E 75.20 ft. to a 1/2" iron rod set;
 3-68 3) S 84 deg. 41' E 94.73 ft. to a 1/2" iron rod set;
 3-69 4) S 65 deg. 50' 39" E 46.68 ft. to a 1/2" iron rod set;

- 4-1 5) S 73 deg. 56' 29" E 119.11 ft. to a ½" iron rod set with a
4-2 plastic cap imprinted with "Carson and Bush Professional
4-3 Surveyors";
4-4 6) S 61 deg. 05' E 103.62 ft. to a ½" iron rod set;
4-5 7) S 58 deg. 32' 24" E 54.95 ft. to a ½" iron rod set;
4-6 8) S 82 deg. 30' 40" E 47.93 ft. to a ½" iron rod set;
4-7 9) N 83 deg. 09' 17" E 91.07 ft. to a ½" iron rod set;
4-8 10) N 80 deg. 49' 48" E 45.36 ft. to a ½" iron rod set with a
4-9 plastic cap imprinted with "Carson and Bush Professional
4-10 Surveyors";
4-11 11) N 76 deg. 01' 35" E 229.85 ft. to a ½" iron rod set with a
4-12 plastic imprinted with "Carson and Bush Professional Surveyors";
4-13 12) N 86 deg. 28' 22" E 326.01 ft. to a point in the approximate
4-14 centerline of Bell Springs Road and in the East line of said Johnson
4-15 (56.27 acre) tract, and being the easterly Northwest corner of this
4-16 tract;
4-17 THENCE with the approximate centerline of Bell Spring Road and with
4-18 the East line of said Johnson (56.27 acre) tract, the following
4-19 three (3) courses;
4-20 1) S 21 deg. 22' 44" E 92.56 ft.;
4-21 2) S 03 deg. 53' W 76.71 ft.;
4-22 3) S 15 deg. 03' 16" W 71.03 ft. to a point for the easterly
4-23 Southeast corner of this tract;
4-24 THENCE leaving the centerline of Bell Springs Road and crossing the
4-25 interiors of said Johnson (56.27 acre) and (120.00 acre) tracts,
4-26 respectively, the following twenty-nine (29) courses;
4-27 1) S 87 deg. 00' W 121.29 ft.;
4-28 2) S 66 deg. 17' 07" W 147.01 ft.;
4-29 3) S 60 deg. 14' 31" W 107.95 ft.;
4-30 4) S 20 deg. 11' 34" W 85.58 ft.;
4-31 5) S 74 deg. 47' 20" E 103.71 ft.;
4-32 6) S 49 deg. 58' 19" W 80.43 ft.;
4-33 7) S 38 deg. 33' 16" W 189.44 ft.;
4-34 8) S 89 deg. 24' 09" W 61.41 ft.;
4-35 9) S 56 deg. 26' 24" W 147.12 ft.;
4-36 10) S 29 deg. 52' 49" W 161.04 ft.;
4-37 11) S 04 deg. 23' 11" W 128.88 ft.;
4-38 12) S 11 deg. 32' 31" E 52.83 ft.;
4-39 13) S 45 deg. 30' 40" W 198.97 ft.;
4-40 14) S 13 deg. 34' 44" W 75.22 ft.;
4-41 15) S 39 deg. 09' 44" W 282.63 ft.;
4-42 16) S 72 deg. 32' W 108.87 ft.;
4-43 17) S 83 deg. 56' 30" W 121.64 ft.;
4-44 18) S 01 deg. 09' 24" E 100.82 ft.;
4-45 19) S 87 deg. 29' 28" W 55.83 ft.;
4-46 20) N 67 deg. 16' 44" W 106.19 ft.;
4-47 21) S 75 deg. 48' 38" W 204.32 ft.;
4-48 22) N 78 deg. 46' 35" W 211.83 ft.;
4-49 23) N 29 deg. 32' 24" W 39.48 ft.;
4-50 24) N 01 deg. 15' 00" E 160.45 ft.;
4-51 25) N 88 deg. 45' 00" W 50.00 ft.;
4-52 26) N 01 deg. 15' 00" E 57.73 ft. to a non-tangent point of
4-53 curvature;
4-54 27) Along a curve to the right with a radius of 65.00 ft. for an arc
4-55 length of 145.96 ft. and which chord bears N 03 deg. 05' 08" W 117.17
4-56 ft.;
4-57 28) N 05 deg. 25' W 7.00 ft.;
4-58 29) S 90 deg. 00' 00" W 538.74 ft. to the PLACE OF BEGINNING
4-59 containing 127.95 acres of land.
4-60 SECTION 3. (a) The legal notice of the intention to
4-61 introduce this Act, setting forth the general substance of this
4-62 Act, has been published as provided by law, and the notice and a
4-63 copy of this Act have been furnished to all persons, agencies,
4-64 officials, or entities to which they are required to be furnished
4-65 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-66 Government Code.
4-67 (b) The governor, one of the required recipients, has
4-68 submitted the notice and Act to the Texas Commission on
4-69 Environmental Quality.

5-1 (c) The Texas Commission on Environmental Quality has filed
5-2 its recommendations relating to this Act with the governor, the
5-3 lieutenant governor, and the speaker of the house of
5-4 representatives within the required time.

5-5 (d) All requirements of the constitution and laws of this
5-6 state and the rules and procedures of the legislature with respect
5-7 to the notice, introduction, and passage of this Act are fulfilled
5-8 and accomplished.

5-9 SECTION 4. This Act takes effect immediately if it receives
5-10 a vote of two-thirds of all the members elected to each house, as
5-11 provided by Section 39, Article III, Texas Constitution. If this
5-12 Act does not receive the vote necessary for immediate effect, this
5-13 Act takes effect September 1, 2007.

5-14 * * * * *