

By: Parker

H.B. No. 4060

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Four Seasons Ranch Municipal Utility District No. 1 of Denton and Grayson Counties; providing authority to impose a tax 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 8208 to read as follows:

CHAPTER 8208. FOUR SEASONS RANCH MUNICIPAL UTILITY DISTRICT NO. 1  
OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8208.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Four Seasons Ranch Municipal Utility District No. 1 of Denton County.

Sec. 8208.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8208.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8208.024 before September 1, 2011:

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

1           (A) pay any debts incurred;

2           (B) transfer to Denton 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. 8208.004. INITIAL DISTRICT TERRITORY. (a) The  
8 district is initially composed of the territory described by  
9 Section 2 of the Act creating this chapter.

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

14           (1) the organization, existence, or validity of the  
15 district;

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

17           (3) the validity of the district's bonds, notes, or  
18 other indebtedness; or

19           (4) the legality or operation of the board.

20       [Sections 8208.005-8208.020 reserved for expansion]

21           SUBCHAPTER A-1. TEMPORARY PROVISIONS

22       Sec. 8208.021. TEMPORARY DIRECTORS. (a) On or after  
23 September 1, 2007, a person who owns land in the district may submit  
24 a petition to the Texas Commission on Environmental Quality  
25 requesting that the commission appoint as temporary directors the  
26 five persons named in the petition.

27       (b) The commission shall appoint as temporary directors the

1 five persons named in the first petition received by the commission  
2 under Subsection (a).

3 (c) If a temporary director fails to qualify for office, the  
4 commission shall appoint a person to fill the vacancy.

5 (d) Temporary directors serve until the earlier of:

6 (1) the date directors are elected under Section  
7 8208.024; or

8 (2) the date this subchapter expires under Section  
9 8208.026.

10 Sec. 8208.022. ORGANIZATIONAL MEETING OF TEMPORARY  
11 DIRECTORS. As soon as practicable after all the temporary  
12 directors have qualified under Section 49.055, Water Code, the  
13 temporary directors shall meet at a location in the district  
14 agreeable to a majority of the directors. At the meeting the  
15 temporary directors shall elect officers from among the temporary  
16 directors and conduct any other district business.

17 Sec. 8208.023. CONSENT OF MUNICIPALITY REQUIRED. The  
18 temporary directors may not hold an election under Section 8208.024  
19 until each municipality in whose corporate limits or  
20 extraterritorial jurisdiction the district is located, if any, has  
21 adopted a resolution consenting to the creation of the district.

22 Sec. 8208.024. CONFIRMATION AND INITIAL DIRECTORS'  
23 ELECTION. The temporary directors shall hold an election to  
24 confirm the creation of the district and to elect five directors as  
25 provided by Section 49.102, Water Code.

26 Sec. 8208.025. INITIAL ELECTED DIRECTORS; TERMS. The  
27 directors elected under Section 8208.024 shall draw lots to

1 determine which two shall serve until the first regularly scheduled  
2 election of directors and which three shall serve until the second  
3 regularly scheduled election of directors.

4 Sec. 8208.026. EXPIRATION OF SUBCHAPTER. This subchapter  
5 expires September 1, 2014.

6 [Sections 8208.027-8208.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8208.051. DIRECTORS; TERMS. (a) The district is  
9 governed by a board of five directors.

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

11 Sec. 8208.052. ELECTION OF DIRECTORS. On the uniform  
12 election date in May of each even-numbered year, the appropriate  
13 number of directors shall be elected.

14 [Sections 8208.053-8208.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8208.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
17 DUTIES. The district has the powers and duties provided by the  
18 general law of this state, including Chapters 49 and 54, Water Code,  
19 applicable to municipal utility districts created under Section 59,  
20 Article XVI, Texas Constitution.

21 Sec. 8208.102. ROAD PROJECTS. (a) To the extent authorized  
22 by Section 52, Article III, Texas Constitution, the district may  
23 construct, acquire, improve, maintain, or operate macadamized,  
24 graveled, or paved roads, or improvements in aid of those roads,  
25 inside the district.

26 (b) A road project must meet or exceed all applicable  
27 construction standards, zoning and subdivision requirements, and

1 regulatory ordinances of each municipality in whose corporate  
2 limits or extraterritorial jurisdiction the district is located.

3 (c) The district may not undertake a road project unless  
4 each municipality in whose corporate limits or extraterritorial  
5 jurisdiction the district is located consents by ordinance or  
6 resolution.

7 (d) The district shall, at its sole cost and expense,  
8 maintain, improve, operate, and repair all roads constructed or  
9 acquired by the district unless the municipality or county in which  
10 a road is located voluntarily assumes the obligation. An  
11 assumption of an obligation under this subsection is not valid or  
12 binding unless the assumption is in writing, executed by the  
13 necessary parties, and filed in the land records of the county in  
14 which the road is located.

15 Sec. 8208.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
16 RESOLUTIONS. The district shall comply with all applicable  
17 requirements of any ordinance or resolution adopted by the  
18 governing body of each municipality in whose corporate limits or  
19 extraterritorial jurisdiction the district is located.

20 Sec. 8208.104. ANNEXATION OF LAND IN GRAYSON COUNTY. The  
21 district may not annex land located in Grayson County without the  
22 prior consent of the Commissioners Court of Grayson County.

23 Sec. 8208.105. DIVISION OF DISTRICT. (a) The district may  
24 be divided into two new districts only if the district:

25 (1) has no outstanding bonded debt; and

26 (2) is not imposing ad valorem taxes.

27 (b) The division procedure is prescribed by Sections 53.030

1 through 53.041, Water Code.

2 (c) Any new district created by the division of the district  
3 has all the powers and duties of the district.

4 (d) A new district, at the time it is created by the division  
5 of the district, may not contain land outside the area described by  
6 Section 2 of the Act creating this chapter.

7 [Sections 8208.106-8208.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 8208.151. TAX TO REPAY BONDS. The district may impose  
10 a tax to pay the principal of and interest on bonds issued under  
11 Section 8208.201.

12 [Sections 8208.152-8208.200 reserved for expansion]

13 SUBCHAPTER E. BONDS

14 Sec. 8208.201. AUTHORITY TO ISSUE BONDS AND OTHER  
15 OBLIGATIONS. (a) The district may issue bonds or other obligations  
16 as provided by Chapters 49 and 54, Water Code, and to finance the  
17 construction, maintenance, or operation of projects under Sections  
18 8208.101 and 8208.102.

19 (b) The district may not issue bonds to finance projects  
20 authorized by Section 8208.102 unless the issuance is approved by a  
21 vote of a two-thirds majority of district voters voting at an  
22 election called for that purpose.

23 (c) Bonds or other obligations issued or incurred to finance  
24 projects authorized by Section 8208.102 may not exceed one-fourth  
25 of the assessed value of the real property in the district.

26 SECTION 2. The Four Seasons Ranch Municipal Utility  
27 District No. 1 of Denton County initially includes all the

1 territory contained in the following area:

2 All that certain tract or parcel of land situated in the Juana  
3 Curbello Survey, Abstract Number 213, and the A. H. Gee Survey,  
4 Abstract Number 1522, County of Denton, State of Texas, said tract  
5 being all of a Tract, as described in deed to Sadot Venture, LTD ,  
6 filed 03 December 2003, and recorded in clerk number 2003-195563,  
7 and being all of a tract as described in deed to McKinney 17 Venture  
8 L.T.D., filed 28 May 2002, and recorded in volume 3257 page 22 of  
9 the Deed Records of the County of Grayson, State of Texas, and  
10 recorded in volume 5094 page 2020 of the Deed Records of the County  
11 of Denton, State of Texas, said tract being all of a Tract, as  
12 described in deed to Sadot Venture, LTD , filed 17 December 2003,  
13 and recorded in clerk number 2003-203006, and being all of a tract  
14 as described in deed to Netzer Environmental Consulting,, filed 28  
15 May 2002, and recorded in volume 5094 page 2014 of the Deed Records  
16 of the County of Denton, State of Texas and being more fully  
17 described as follows:

18 Beginning for the southwest corner of the tract being described  
19 herein at a found 1\2 inch rebar at the intersection of Garell Road  
20 and Fritcher Road, said rebar being the southwest corner of said  
21 Brock South tract;

22 Thence: North 00 degrees 32 minutes 08 seconds West, with the west  
23 line of said Brock South tract, and with the center of said Garell  
24 Road, a distance of 2487.12 feet to a found 1\2 inch rebar for an  
25 angle point in the west line of said Brock South tract, same being  
26 an angle point in said road;

27 Thence: North 00 degrees 01 minutes 19 seconds West, with the west

1 line of said Brock South tract, and with the center of said road, a  
2 distance of 1439.64 feet to a found 1\2 inch rebar for the northwest  
3 corner of said Brock South tract, same being a turn in said road;  
4 Thence: North 86 degrees 29 minutes 35 seconds East, with the north  
5 line of said Brock South tract, and with the center of said road, a  
6 distance of 256.11 feet to a found 1\2 inch rebar for an ell corner  
7 of this tract, and said rebar being the southwest corner of said  
8 Street tract, same being a turn in said road, said rebar also being  
9 an angle point in the north line of said Brock South tract;  
10 Thence: North 02 degrees 34 seconds 12 seconds East, with the west  
11 line of said Netzer tract, and with the center of said road, a  
12 distance of 2019.60 feet to a point for an ell corner of this tract;  
13 Thence: North 89 degrees 56 minutes 50 seconds East, a distance of  
14 27.25 feet to a found 1\2 inch steel rebar for a corner of this  
15 tract;  
16 Thence: North 02 degrees 25 seconds 53 seconds East, with the west  
17 line of said Venture tract, and with the east side of said road, a  
18 distance of 1028.83 feet to a point for an ell corner of this tract;  
19 Thence: North 89 degrees 53 minutes 08 seconds East, a distance of  
20 521.59 feet to a found 1\2 inch rebar;  
21 Thence: North 00 degrees 00 minutes 32 seconds East, with the west  
22 line of said venture tract, a distance of 4225.1 feet to a found 1\2  
23 inch steel square tubing for the northwest corner of said Venture  
24 tract;  
25 Thence: North 89 degrees 31 minutes 51 seconds East, with the north  
26 line of said Venture tract, a distance of 866.39 feet to a set 1\2  
27 inch steel square tubing for an ell corner of this tract;



1 Thence: South 00 degrees 06 minutes 09 seconds East, a distance of  
2 18.01 feet to a set 1\2 inch steel square tubing for an ell corner of  
3 this tract;

4 Thence: North 89 degrees 45 minutes 28 seconds East, with the north  
5 line of said Brock North tract, and with the center of said road, a  
6 distance of 1130.35 feet for a corner of this tract;

7 Thence: South 00 degrees 07 minutes 51 seconds East, with the  
8 approximate location of the county line, a distance of 2818.67 feet  
9 for a corner of this tract;

10 Thence: North 89 degrees 45 minutes 28 seconds East, with the  
11 approximate location of the county line a distance of 2100.00 feet  
12 for a corner of this tract;

13 Thence: South 89 degrees 59 minutes 54 seconds East, a distance of  
14 244.55 feet to a found 1\2 inch steel square tubing, said tubing  
15 being in the intersection of Merilee Road and County Road Number 10;

16 Thence: South 00 degrees 17 minutes 37 seconds East, with the  
17 center of said road, a distance of 1409.82 feet to a found 1\2 inch  
18 rebar;

19 Thence: South 00 degrees 18 minutes 38 seconds East, with the east  
20 line of said Street tract, and with the center of said road, and  
21 passing at 3031.32 feet the southeast corner of said Street tract,  
22 same being the northeast corner of said Brock South tract, and  
23 continuing on said course a total distance of 3071.37 feet to a  
24 found 1\2 inch rebar for an angle point in said road;

25 Thence: South 00 degrees 23 minutes 56 seconds East, with the east  
26 line of said Brock South tract, and with the center of said road, a  
27 distance of 1104.84 feet to a found 1\2 inch rebar for the most

1 easterly southeast corner of said Brock South tract;  
2 Thence: North 89 degrees 30 minutes 05 seconds West, a distance of  
3 27.25 feet to a old wood fence corner post;  
4 Thence: South 00 degrees 19 minutes 28 seconds East, with the east  
5 line of said road, a distance of 1292.99 feet to a pipe fence corner  
6 post for an ell corner of this tract;  
7 Thence: North 89 degrees 31 minutes 21 seconds West, with the south  
8 line of said Venture tract, a distance of 3326.78 feet to a pipe  
9 fence corner post for an ell corner of said Venture South tract;  
10 Thence: South 00 degrees 41 minutes 02 seconds East, a distance of  
11 1534.63 feet to a found nail for the southeast corner of said  
12 Venture tract, said nail being in the center of Fritcher Road;  
13 Thence: North 89 degrees 30 minutes 14 seconds West, with the south  
14 line of said Venture tract, and with the center of said road, a  
15 distance of 527.38 feet to a found 1\2 inch rebar for an ell corner  
16 of said Venture tract;  
17 Thence: South 89 degrees 34 minutes 19 seconds West, with the south  
18 line of said Venture tract, and with the center of said road, a  
19 distance of 1437.85 feet to the POINT OF BEGINNING and containing  
20 979.408 acres of land.

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

1           (b) The governor, one of the required recipients, has  
2 submitted the notice and Act to the Texas Commission on  
3 Environmental Quality.

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

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

12           SECTION 4. This Act takes effect September 1, 2007.