

By: Parker

H.B. No. 4060

Substitute the following for H.B. No. 4060:

By: Puente

C.S.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 AND GRAYSON COUNTIES

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 and Grayson Counties.

Sec. 8208.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton and Grayson Counties 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 and Grayson Counties, as
3 appropriate, any assets that 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. DIVISION OF DISTRICT. (a) The district may
21 be divided into two new districts only if the district:

22 (1) has no outstanding bonded debt; and

23 (2) is not imposing ad valorem taxes.

24 (b) The division procedure is prescribed by Sections 53.030
25 through 53.041, Water Code.

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

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

4 [Sections 8208.105-8208.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

9 [Sections 8208.152-8208.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

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

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

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

23 SECTION 2. The Four Seasons Ranch Municipal Utility
24 District No. 1 of Denton and Grayson Counties initially includes
25 all the territory contained in the following area:

26 All that certain tract or parcel of land situated in the
27 Charles Mason Survey, Abstract Number 858, and the William Wells

1 Survey, Abstract Number 1354, County of Grayson, State of Texas,
2 and in the Juana Curbello Survey, Abstract Number 213, and the A. H.
3 Gee Survey, Abstract Number 1522, County of Denton, State of Texas,
4 said tract being all of a Tract, as described in deed to Sadot
5 Venture, LTD, filed 03 December 2003, and recorded in clerk number
6 2003-195563, and being all of a tract as described in deed to
7 McKinney 17 Venture L.T.D., filed 28 May 2002, and recorded in
8 volume 3257 page 22 of the Deed Records of the County of Grayson,
9 State of Texas, and recorded in volume 5094 page 2020 of the Deed
10 Records of the County of Denton, State of Texas, said tract being
11 all of a Tract, as described in deed to Sadot Venture, LTD, filed 17
12 December 2003, and recorded in clerk number 2003-203006, and being
13 all of a tract as described in deed to Netzer Environmental
14 Consulting, filed 28 May 2002, and recorded in volume 5094 page 2014
15 of the Deed Records of the County of Denton, State of Texas and
16 being more fully described as follows:

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

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

26 Thence: North 00 degrees 01 minutes 19 seconds West, with the
27 west line of said Brock South tract, and with the center of said

1 road, a distance of 1439.64 feet to a found 1\2 inch rebar for the
2 northwest corner of said Brock South tract, same being a turn in
3 said road;

4 Thence: North 86 degrees 29 minutes 35 seconds East, with the
5 north line of said Brock South tract, and with the center of said
6 road, a distance of 256.11 feet to a found 1\2 inch rebar for an ell
7 corner of this tract, and said rebar being the southwest corner of
8 said Street tract, same being a turn in said road, said rebar also
9 being an angle point in the north line of said Brock South tract;

10 Thence: North 02 degrees 34 seconds 12 seconds East, with the
11 west 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
14 distance of 27.25 feet to a found 1\2 inch steel rebar for a corner
15 of this tract,

16 Thence: North 02 degrees 25 seconds 53 seconds East, with the
17 west line of said Venture tract, and with the east side of said
18 road, a distance of 1028.83 feet to a point for an ell corner of this
19 tract;

20 Thence: North 89 degrees 53 minutes 08 seconds East, a
21 distance of 521.59 feet to a found 1\2 inch rebar;

22 Thence: North 00 degrees 00 minutes 32 seconds East, with the
23 west line of said venture tract, a distance of 4225.1 feet to a
24 found 1\2 inch steel square tubing for the northwest corner of said
25 Venture tract;

26 Thence: North 89 degrees 31 minutes 51 seconds East, with the
27 north line of said Venture tract, a distance of 866.39 feet to a set

1 1\2 inch steel square tubing for an ell corner of this tract,

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

5 Thence: North 89 degrees 45 minutes 28 seconds East, with the
6 north line of said Brock North tract, and with the center of said
7 road, a distance of 3230.35 feet to a found 1\2 inch steel square
8 tubing for the northeast corner of said Brock North tract, said
9 tubing being at the intersection of said Berend Road, and Blaine
10 Road;

11 Thence: South 00 degrees 07 minutes 51 seconds East with the
12 east line of said Brock North tract, and with the center of said
13 Blaine Road, a distance of 2818.67 feet to a set 1\2 inch steel
14 square tubing for a angle point in the east line of said Brock North
15 tract same being a turn in said road;

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

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

23 Thence: South 00 degrees 18 minutes 38 seconds East, with the
24 east line of said Street tract, and with the center of said road,
25 and passing at 3031.32 feet the southeast corner of said Street
26 tract same being the northeast corner of said Brock South tract and
27 continuing on said course a total distance of 3071.37 feet to a

1 found 1\2 inch rebar for an angle point in said road;

2 Thence: South 00 degrees 23 minutes 56 seconds East with the
3 east line of said Brock South tract, and with the center of said
4 road, a distance of 1104.84 feet to a found 1\2 inch rebar for the
5 most easterly southeast corner of said Brock South tract;

6 Thence: North 89 degrees 30 minutes 05 seconds West, a
7 distance of 27.25 feet to a old wood fence corner post;

8 Thence: South 00 degrees 19 minutes 28 seconds East, with the
9 east line of said road, a distance of 1292.99 feet to a pipe fence
10 corner post for an ell corner of this tract,

11 Thence: North 89 degrees 31 minutes 21 seconds West, with the
12 south line of said Venture tract, a distance of 3326.78 feet to a
13 pipe fence corner post for an ell corner of said Venture South
14 tract;

15 Thence: South 00 degrees 41 minutes 02 seconds East, a
16 distance of 1534.63 feet to a found nail for the southeast corner of
17 said Venture tract, said nail being in the center of Fritcher Road;

18 Thence: North 89 degrees 30 minutes 14 seconds West, with the
19 south line of said Venture tract, and with the center of said road,
20 a distance of 527.38 feet to a found 1\2 inch rebar for an ell corner
21 of said Venture tract;

22 Thence: South 89 degrees 34 minutes 19 seconds West, with the
23 south line of said Venture tract, and with the center of said road,
24 a distance of 1437.85 feet to the POINT OF BEGINNING and containing
25 1115.2944 acres of land.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

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