

By: Phillips

H.B. No. 4069

Substitute the following for H.B. No. 4069:

By: Puente

C.S.H.B. No. 4069

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Platinum Ranch Municipal Utility District No. 1 of Grayson County; providing authority to impose taxes 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 8256 to read as follows:

CHAPTER 8256. PLATINUM RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8256.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Platinum Ranch Municipal Utility District No. 1 of Grayson County.

Sec. 8256.002. NATURE OF DISTRICT. The district is a municipal utility district in Grayson County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8256.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8256.055 before September 1, 2009:

(1) the district is dissolved September 1, 2009,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Grayson County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2014.

9 Sec. 8256.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

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

16 (1) the organization, existence, or validity of the
17 district;

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

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

21 (4) the legality or operation of the district or the
22 board.

23 Sec. 8256.005. ANNEXATION INTO CITY OF GUNTER. (a)
24 Notwithstanding any other law, if all of the territory of the
25 district is annexed by the City of Gunter into the corporate limits
26 of that municipality before the date of the election held to confirm
27 the creation of the district, the district is not dissolved and

1 shall continue in full force and effect.

2 (b) Any future annexation or inclusion of additional
3 territory into a district governed by this chapter may not occur
4 unless the City of Gunter is allowed to voluntarily annex the same
5 territory into the municipality's corporate limits.

6 Sec. 8256.006. DISSOLUTION. Section 43.074, Local
7 Government Code, applies to the dissolution of the district.

8 [Sections 8256.007-8256.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8256.051. DIRECTORS; TERMS. (a) The district is
11 governed by a board of five directors.

12 (b) Except as provided by Section 8256.053, directors serve
13 staggered four-year terms.

14 Sec. 8256.052. ELECTION OF DIRECTORS. On the uniform
15 election date in May of each even-numbered year, the appropriate
16 number of directors shall be elected.

17 Sec. 8256.053. INITIAL DIRECTORS. (a) The initial board
18 consists of:

- 19 (1) Mark McClure;
- 20 (2) Greg Meador;
- 21 (3) Lance Hancock;
- 22 (4) David Howell; and
- 23 (5) Mark Smith.

24 (b) The terms of the first three directors named in
25 Subsection (a) expire on the uniform election date in May 2008, and
26 the terms of the last two directors named in Subsection (a) expire
27 on the uniform election date in May 2010.

1 (c) This section expires September 1, 2011.

2 Sec. 8256.054. INCORPORATION OF DISTRICT TERRITORY INTO
3 MUNICIPALITY REQUIRED. The directors may not hold an election
4 under Section 8256.055 until all of the territory of the district is
5 included in the corporate limits of the City of Gunter.

6 Sec. 8256.055. CONFIRMATION AND INITIAL DIRECTORS'
7 ELECTION. The initial directors shall hold an election to confirm
8 the creation of the district.

9 [Sections 8256.056-8256.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8256.101. MUNICIPAL UTILITY DISTRICT POWERS AND
12 DUTIES. (a) The district has the powers and duties provided by the
13 general law of this state, including Chapters 49 and 54, Water Code,
14 applicable to municipal utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 (b) Notwithstanding Subsection (a), the district may not
17 act as a retail provider of water or wastewater service.

18 (c) The district shall make the district's water and
19 wastewater facilities available to an entity holding the applicable
20 certificate of convenience and necessity.

21 Sec. 8256.102. 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 turnpikes, or improvements in aid of
25 those roads, inside the district.

26 (b) A road project must meet all applicable construction
27 standards, subdivision requirements, and regulatory ordinances of

1 the municipality in whose corporate limits or extraterritorial
2 jurisdiction the district is located.

3 (c) If a portion of the territory of the district is
4 excluded from the corporate limits of the City of Gunter, the
5 district shall:

6 (1) improve, maintain, and operate the roads located
7 in that portion of territory in accordance with the ordinances and
8 rules of the political subdivision possessing jurisdiction over the
9 roads in that portion of territory; and

10 (2) pay the entire cost of performing the district's
11 duties under Subdivision (1).

12 Sec. 8256.103. DIVISION OF DISTRICT. (a) The district may
13 be divided into two new districts only if:

14 (1) the district has no outstanding bonded debt;

15 (2) the district is not imposing ad valorem taxes; and

16 (3) each new district is within the corporate limits
17 of the City of Gunter.

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

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

22 (d) At the time of creation, any new district created by the
23 division of the district may not contain any land outside the area
24 described by Section 2 of the Act creating this chapter.

25 [Sections 8256.104-8256.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8256.151. TAX TO REPAY BONDS. The district may impose

1 a tax to pay the principal of or interest on bonds or other
2 obligations issued under Section 8256.201.

3 [Sections 8256.152-8256.200 reserved for expansion]

4 SUBCHAPTER E. BONDS

5 Sec. 8256.201. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. (a) The district may issue bonds or other obligations
7 as provided by Chapters 49 and 54, Water Code, to finance the
8 construction, maintenance, or operation of a project under Section
9 8256.101 or 8256.102.

10 (b) The district may not issue bonds to finance projects
11 authorized by Section 8256.102 unless the issuance is approved by a
12 vote of a two-thirds majority of the district voters voting at an
13 election called for that purpose.

14 (c) Bonds or other obligations issued or incurred to finance
15 projects authorized by Section 8256.102 may not exceed one-fourth
16 of the assessed value of the real property in the district.

17 SECTION 2. The Platinum Ranch Municipal Utility District
18 No. 1 of Grayson County includes all the territory contained in the
19 following area:

20 All that certain tract or parcel of land situated in the William
21 Richards Survey, Abstract Number 998, the Robert Mason Survey,
22 Abstract Number 784, the J.R. Worrall Survey, Abstract Number 1357,
23 and the William Wells Survey, Abstract Number 1354, County of
24 Grayson, State of Texas and being all that called 339.24 acre tract
25 of land as described in Deed to Platinum Ranch Venture, LTD, filed
26 16 February 2001 and recorded in Volume 3033 Page 185 of the Deed
27 Records of the County of Grayson, State of Texas, and being all that

1 called 300.264 acre tract of land as described in Deed to Platinum
2 Ranch Venture, LTD, filed 16 February 2001 and recorded in Volume
3 3033 Page 189 of said Deed Records, and being all that called 100.00
4 acre tract of land as described in Deed to Platinum Ranch Venture,
5 LTD, filed 01 March 2001 and recorded in Volume 3038 Page 100 of
6 said Deed Records, and being all that called 851.808 acre tract of
7 land as described in Deed to Platinum Ranch Venture, LTD, filed 16
8 May 2001 and recorded in Volume 3072 Page 217 of said Deed Records,
9 and being all that called 78.427 acre tract of land as described in
10 Deed to Platinum Ranch Venture, LTD, filed 23 May 2002 and recorded
11 in Volume 3253 Page 743 of said Deed Records, and being more fully
12 described as follows:

13 BEGINNING for the Southeast corner of the tract being described
14 herein at a found 1\2 inch iron rod at the intersection of Old
15 Scaggs School Road and Merilee Roads for the Southeast corner of
16 said 851.808 acre tract, said rod being on the South line of said
17 Mason Survey;

18 Thence: South 89 degrees 57 minutes 55 seconds West, with the South
19 line of said 851.808 acre tract and said Mason Survey, along the
20 centerline of said Marilee Road, a distance of 3186.43 feet to a
21 found 1\2 inch iron rod for the Southwest corner of said 851.808
22 acre tract and the Southeast corner of said 329.424 acre tract;

23 Thence: North 89 degrees 22 minutes 52 seconds West, with the South
24 line of said 329.424 acre tract, continuing along the centerline of
25 said road, and passing at 4174.77 feet the Southwest corner of said
26 329.424 acre tract and the Southeast corner of said 100.00 acre
27 tract, and continuing along said course, a total distance of

1 5198.85 feet to a found 1\2 inch steel square tube for corner at the
2 intersection of said Marilee Road and County Road Number 10;
3 Thence: North 88 degrees 59 minutes 54 seconds West, continuing
4 with the South line of said 100.00 acre tract, along the centerline
5 of said Marilee Road, a distance of 244.55 feet to a found 1\2 inch
6 steel square tube at the intersection of said Marilee Road and Blaine
7 Road for the Southwest corner of said 100.00 acre tract;
8 Thence: North 00 degrees 07 minutes 57 seconds West, with the West
9 line of said 100.00 acre tract, along the centerline of said Blaine
10 Road, and passing at 3425.72 feet the Northwest corner of said
11 100.00 acre tract and the Southwest corner of said 300.264 acre
12 tract, and continuing along said course and road, and passing at
13 5630.58 feet the Northwest corner of said 300.264 acre tract and the
14 Southwest corner of said 78.427 acre tract, and continuing along
15 said course and road, a total distance of 7236.34 feet to a found
16 1\2 inch steel square tube at the intersection of said Blaine Road
17 and Jaresh Road for the Northwest corner of said 78.427 acre tract;
18 Thence: North 88 degrees 26 minutes 13 seconds East, with the North
19 line of said 78.427 acre tract, along the centerline of said Jaresh
20 Road, a distance of 2076.20 feet to a found 1\2 inch iron rod for the
21 Northeast corner of said 78.427 acre tract;
22 Thence: South 01 degrees 09 minutes 52 seconds East, with the East
23 line of said 78.427 acre tract, and passing at 14.0 feet a cross-tie
24 fence corner post on the South side of said Jaresh Road, and
25 continuing along said course, along and near a fence, a total
26 distance of 1662.51 feet to a found 1\2 inch steel square tube for
27 the Southeast corner of said 78.427 acre tract, said tubing being on

1 the North line of said 300.264 acre tract, said tubing also being
2 the Southwest corner of a called 252.043 tract of land as described
3 in Deed to Ronald Evans Box, et ux Nita Gay Box, filed 15 December
4 1992 and recorded in Volume 2246 Page 173 of said Deed Records;

5 Thence: North 89 degrees 32 minutes 42 seconds East, with the North
6 line of said 300.264 acre tract and the South line of said Box
7 tract, with a fence, a distance of 1771.60 feet to a bois d' arc post
8 for corner;

9 Thence: North 89 degrees 04 minutes 11 seconds East, continuing
10 with the North line of said 300.264 acre tract and the South line of
11 said Box tract, with a fence, a distance of 1940.19 feet to a
12 cross-tie fence corner post for an ell corner of this tract, said
13 corner also being the Southeast corner of said Box tract;

14 Thence: North 00 degrees 40 minutes 31 seconds West, with the West
15 line of said 851.808 acre tract and the East line of said Box tract,
16 along and near a fence, a distance of 1208.96 feet to a wood fence
17 corner post for an ell corner of this tract and a Northeast corner
18 of said Box tract;

19 Thence: South 87 degrees 48 minutes 54 seconds West, continuing
20 with the West line of said 851.808 acre tract and the East line of
21 said Box tract, along and near a fence, a distance of 1749.62 feet
22 to a pipe fence corner post for corner;

23 Thence: North 01 degrees 29 minutes 27 seconds West, continuing
24 with the West line of said 851.808 acre tract and the East line of
25 said Box tract, along and near a fence, a distance of 1664.74 feet
26 to a pipe fence corner post for corner;

27 Thence: North 87 degrees 51 minutes 31 seconds East, continuing

1 with the West line of said 851.808 acre tract and the East line of
2 said Box tract, along and near a fence, 849.86 feet to a pipe fence
3 corner post for corner;

4 Thence: North 01 degrees 26 minutes 50 seconds West, continuing
5 with the West line of said 851.808 acre tract and the East line of
6 said Box tract, along and near a fence, a distance of 1216.06 feet
7 to a pipe fence corner post for the Northwest corner of said 851.808
8 acre tract, said post also being the Southwest corner of a called
9 374.17 acre tract of land as described in Deed to Martinek Grain &
10 Bins, Inc., filed 01 June 1993 and recorded in Volume 2272 Page 912
11 of said Deed Records;

12 Thence: North 87 degrees 58 minutes 36 seconds East, with the North
13 line of said 851.808 acre tract and the South line of said 374.17
14 acre tract, with the general course of a fence, a distance of 973.27
15 feet to a wood post for corner;

16 Thence: North 87 degrees 53 minutes 22 seconds East, continuing
17 with the North line of said 851.808 acre tract and the South line of
18 said 374.17 acre tract, with said fence, a distance of 1091.88 feet
19 to a wood fence corner post for corner;

20 Thence: North 89 degrees 57 minutes 15 seconds East, continuing
21 with the North line of said 851.808 acre tract and the South line of
22 said 374.17 acre tract, with said fence, a distance of 1491.72 feet
23 to a cross-tie fence corner post for the Northeast corner of said
24 851.808 acre tract, said post also being the most Westerly
25 Northwest corner of a called 178.842 acre tract of land as described
26 in Deed to Martinek Grain & Bins, Inc., dated 03 August 1994 and
27 recorded in Volume 2352 Page 18 of said Deed Records;

1 Thence: South 02 degrees 33 minutes 15 seconds East, with the East
2 line of said 851.808 acre tract, along and near a fence, a distance
3 of 960.89 feet to a found 1\2 inch iron rod for a Southwest corner of
4 said 178.842 acre tract, said rod also being the Northwest corner of
5 a called 112.268 acre tract of land as described in Deed to Marion
6 Cole, et ux Linda Cole, dated 27 May 1999 and recorded in Volume
7 2796 Page 848 of said Deed Records;

8 Thence: South 02 degrees 57 minutes 08 seconds East, continuing
9 with the East line of said 851.808 acre tract and the West line of
10 said Cole tract, along and near a fence, a distance of 1552.77 feet
11 to a found 1\2 inch iron rod for the Southwest corner of said Cole
12 tract;

13 Thence: South 89 degrees 54 minutes 04 seconds East, continuing
14 with the East line of said 851.808 acre tract and the South line of
15 said Cole tract, along and near a fence, and passing a cross-tie
16 fence corner post on the West side of Old Skaggs School Road, and
17 continuing along said course, a distance of 3118.80 feet to a set
18 1\2 inch steel square tube with a plastic cap marked COX 4577 in the
19 centerline of said Old Skaggs School Road for the Southeast corner
20 of said Cole tract;

21 Thence: South 00 degrees 04 minutes 13 seconds East, continuing
22 with the East line of said 851.808 acre tract, along the center of
23 said Old Skaggs School Road, a distance of 1561.21 feet to a found
24 1\2 inch iron rod for corner, said road making a turn to the West at
25 this corner;

26 Thence: North 89 degrees 46 minutes 04 seconds West, continuing
27 with the East line of said 851.808 acre tract, along the center of

1 said Old Skaggs School Road, a distance of 3072.50 feet to a found
2 nail for corner, said nail being at a turn of said Old Skaggs School
3 Road;

4 Thence: South 00 degrees 51 minutes 03 seconds East, continuing
5 with the East line of said 851.808 acre tract, along the center of
6 said Old Scaggs School Road, a distance of 5800.26 feet to the POINT
7 OF BEGINNING and containing 1659.998 acres of land.

8 SECTION 3. (a) The legal notice of the intention to
9 introduce this Act, setting forth the general substance of this
10 Act, has been published as provided by law, and the notice and a
11 copy of this Act have been furnished to all persons, agencies,
12 officials, or entities to which they are required to be furnished
13 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
14 Government Code.

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

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