

By: Phillips

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 BY 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 may not be dissolved and

1 shall continue until the district is dissolved under Section
2 43.074, Local Government Code.

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

7 [Sections 8256.006-8256.050 reserved for expansion]

8 SUBCHAPTER B. BOARD OF DIRECTORS

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

11 (b) Except as provided by Section 8256.053 of this code and
12 Section 49.102, Water Code, directors serve staggered four-year
13 terms, with the terms of two or three directors expiring June 1 of
14 each even-numbered year.

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

18 Sec. 8256.053. INITIAL DIRECTORS. (a) On or after
19 September 1, 2007, a person who owns land in the district may submit
20 a petition to the Texas Commission on Environmental Quality
21 requesting that the commission appoint as initial directors the
22 five persons named in the petition.

23 (b) The commission shall appoint as initial directors the
24 five persons named in the first petition received by the commission
25 under Subsection (a).

26 (c) If an initial director fails to qualify for office, the
27 commission shall appoint a person to fill the vacancy.

1 (d) Initial directors serve terms that expire when the first
2 directors are elected at the confirmation election under Section
3 8256.055.

4 (e) This section expires September 1, 2011.

5 Sec. 8256.054. CONSENT OF MUNICIPALITY REQUIRED. The
6 initial directors may not hold an election under Section 8256.055
7 until:

8 (1) all of the territory of the district is included in
9 the corporate limits of the City of Gunter; and

10 (2) the City of Gunter has adopted a resolution
11 consenting to the creation of the district.

12 Sec. 8256.055. CONFIRMATION AND INITIAL DIRECTORS'
13 ELECTION. The initial directors shall hold an election to confirm
14 the creation of the district and to elect five directors as provided
15 by Section 49.102, Water Code.

16 [Sections 8256.056-8256.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8256.101. MUNICIPAL UTILITY DISTRICT POWERS AND
19 DUTIES. The district has the powers and duties provided by the
20 general law of this state, including Chapters 49 and 54, Water Code,
21 applicable to municipal utility districts created under Section 59,
22 Article XVI, Texas Constitution.

23 Sec. 8256.102. ROAD PROJECTS. (a) To the extent authorized
24 by Section 52, Article III, Texas Constitution, the district may
25 construct, acquire, improve, maintain, or operate macadamized,
26 graveled, or paved roads, or improvements in aid of those roads,
27 inside the district.

1 (b) A road project must meet all applicable construction
2 standards, subdivision requirements, and regulatory ordinances of
3 the municipality in whose corporate limits or extraterritorial
4 jurisdiction the district is located.

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

- 7 (1) the district has no outstanding bonded debt;
8 (2) the district is not imposing ad valorem taxes; and
9 (3) each new district is within the corporate limits
10 of the City of Gunter.

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

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

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

18 [Sections 8256.104-8256.150 reserved for expansion]

19 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

20 Sec. 8256.151. TAX TO REPAY BONDS. The district may impose
21 a tax to pay the principal of or interest on bonds or other
22 obligations issued under Section 8256.201.

23 [Sections 8256.152-8256.200 reserved for expansion]

24 SUBCHAPTER E. BONDS

25 Sec. 8256.201. AUTHORITY TO ISSUE BONDS AND OTHER
26 OBLIGATIONS. (a) The district may issue bonds or other obligations
27 as provided by Chapters 49 and 54, Water Code, to finance the

1 construction, maintenance, or operation of a project under Section
2 8256.101 or 8256.102.

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

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

10 SECTION 2. The Platinum Ranch Municipal Utility District
11 No. 1 of Grayson County includes all the territory contained in the
12 following area:

13 All that certain tract or parcel of land situated in the William
14 Richards Survey, Abstract Number 998, the Robert Mason Survey,
15 Abstract Number 784, the J.R. Worrall Survey, Abstract Number 1357,
16 and the William Wells Survey, Abstract Number 1354, County of
17 Grayson, State of Texas and being all that called 339.24 acre tract
18 of land as described in Deed to Platinum Ranch Venture, LTD, filed
19 16 February 2001 and recorded in Volume 3033 Page 185 of the Deed
20 Records of the County of Grayson, State of Texas, and being all that
21 called 300.264 acre tract of land as described in Deed to Platinum
22 Ranch Venture, LTD, filed 16 February 2001 and recorded in Volume
23 3033 Page 189 of said Deed Records, and being all that called 100.00
24 acre tract of land as described in Deed to Platinum Ranch Venture,
25 LTD, filed 01 March 2001 and recorded in Volume 3038 Page 100 of
26 said Deed Records, and being all that called 851.808 acre tract of
27 land as described in Deed to Platinum Ranch Venture, LTD, filed 16

1 May 2001 and recorded in Volume 3072 Page 217 of said Deed Records,
2 and being all that called 78.427 acre tract of land as described in
3 Deed to Platinum Ranch Venture, LTD, filed 23 May 2002 and recorded
4 in Volume 3253 Page 743 of said Deed Records, and being more fully
5 described as follows:

6 BEGINNING for the Southeast corner of the tract being described
7 herein at a found 1\2 inch iron rod at the intersection of Old
8 Scaggs School Road and Merilee Roads for the Southeast corner of
9 said 851.808 acre tract, said rod being on the South line of said
10 Mason Survey;

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

16 Thence: North 89 degrees 22 minutes 52 seconds West, with the South
17 line of said 329.424 acre tract, continuing along the centerline of
18 said road, and passing at 4174.77 feet the Southwest corner of said
19 329.424 acre tract and the Southeast corner of said 100.00 acre
20 tract, and continuing along said course, a total distance of
21 5198.85 feet to a found 1\2 inch steel square tube for corner at the
22 intersection of said Marilee Road and County Road Number 10;

23 Thence: North 88 degrees 59 minutes 54 seconds West, continuing
24 with the South line of said 100.00 acre tract, along the centerline
25 of said Marilee Road, a distance of 244.55 feet to a found 1\2 inch
26 steel square tube at the intersection of said Marilee Road and Blame
27 Road for the Southwest corner of said 100.00 acre tract;

1 Thence: North 00 degrees 07 minutes 57 seconds West, with the West
2 line of said 100.00 acre tract, along the centerline of said Blaine
3 Road, and passing at 3425.72 feet the Northwest corner of said
4 100.00 acre tract and the Southwest corner of said 300.264 acre
5 tract, and continuing along said course and road, and passing at
6 5630.58 feet the Northwest corner of said 300.264 acre tract and the
7 Southwest corner of said 78.427 acre tract, and continuing along
8 said course and road, a total distance of 7236.34 feet to a found
9 1\2 inch steel square tube at the intersection of said Blaine Road
10 and Jaresh Road for the Northwest corner of said 78.427 acre tract;
11 Thence: North 88 degrees 26 minutes 13 seconds East, with the North
12 line of said 78.427 acre tract, along the centerline of said Jaresh
13 Road, a distance of 2076.20 feet to a found 1\2 inch iron rod for the
14 Northeast corner of said 78.427 acre tract;
15 Thence: South 01 degrees 09 minutes 52 seconds East, with the East
16 line of said 78.427 acre tract, and passing at 14.0 feet a cross-tie
17 fence corner post on the South side of said Jaresh Road, and
18 continuing along said course, along and near a fence, a total
19 distance of 1662.51 feet to a found 1\2 inch steel square tube for
20 the Southeast corner of said 78.427 acre tract, said tubing being on
21 the North line of said 300.264 acre tract, said tubing also being
22 the Southwest corner of a called 252.043 tract of land as described
23 in Deed to Ronald Evans Box, et ux Nita Gay Box, filed 15 December
24 1992 and recorded in Volume 2246 Page 173 of said Deed Records;
25 Thence: North 89 degrees 32 minutes 42 seconds East, with the North
26 line of said 300.264 acre tract and the South line of said Box
27 tract, with a fence, a distance of 1771.60 feet to a bois d' arc post

1 for corner;

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

7 Thence: North 00 degrees 40 minutes 31 seconds West, with the West
8 line of said 851.808 acre tract and the East line of said Box tract,
9 along and near a fence, a distance of 1208.96 feet to a wood fence
10 corner post for an ell corner of this tract and a Northeast corner
11 of said Box tract;

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

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

20 Thence: North 87 degrees 51 minutes 31 seconds East, continuing
21 with the West line of said 851.808 acre tract and the East line of
22 said Box tract, along and near a fence, 849.86 feet to a pipe fence
23 corner post for corner;

24 Thence: North 01 degrees 26 minutes 50 seconds West, continuing
25 with the West line of said 851.808 acre tract and the East line of
26 said Box tract, along and near a fence, a distance of 1216.06 feet
27 to a pipe fence corner post for the Northwest corner of said 851.808

1 acre tract, said post also being the Southwest corner of a called
2 374.17 acre tract of land as described in Deed to Martinek Grain &
3 Bins, Inc., filed 01 June 1993 and recorded in Volume 2272 Page 912
4 of said Deed Records;

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

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

13 Thence: North 89 degrees 57 minutes 15 seconds East, continuing
14 with the North line of said 851.808 acre tract and the South line of
15 said 374.17 acre tract, with said fence, a distance of 1491.72 feet
16 to a cross-tie fence corner post for the Northeast corner of said
17 851.808 acre tract, said post also being the most Westerly
18 Northwest corner of a called 178.842 acre tract of land as described
19 in Deed to Martinek Grain & Bins, Inc., dated 03 August 1994 and
20 recorded in Volume 2352 Page 18 of said Deed Records;

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

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

6 Thence: South 89 degrees 54 minutes 04 seconds East, continuing
7 with the East line of said 851.808 acre tract and the South line of
8 said Cole tract, along and near a fence, and passing a cross-tie
9 fence corner post on the West side of Old Skaggs School Road, and
10 continuing along said course, a distance of 3118.80 feet to a set
11 1\2 inch steel square tube with a plastic cap marked COX 4577 in the
12 centerline of said Old Skaggs School Road for the Southeast corner
13 of said Cole tract;

14 Thence: South 00 degrees 04 minutes 13 seconds East, continuing
15 with the East line of said 851.808 acre tract, along the center of
16 said Old Skaggs School Road, a distance of 1561.21 feet to a found
17 1\2 inch iron rod for corner, said road making a turn to the West at
18 this corner;

19 Thence: North 89 degrees 46 minutes 04 seconds West, continuing
20 with the East line of said 851.808 acre tract, along the center of
21 said Old Skaggs School Road, a distance of 3072.50 feet to a found
22 nail for corner, said nail being at a turn of said Old Skaggs School
23 Road;

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

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

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

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

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

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