

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 4069
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, rereferred to
1-5 International Relations and Trade; May 19, 2007, reported
1-6 favorably by the following vote: Yeas 6, Nays 0; May 19, 2007, sent
1-7 to printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Platinum Ranch Municipal Utility
1-11 District No. 1 of Grayson County; providing authority to impose
1-12 taxes and issue bonds; granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8256 to read as follows:

1-16 CHAPTER 8256. PLATINUM RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF
1-17 GRAYSON COUNTY

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8256.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the board of directors of the
1-21 district.

1-22 (2) "Director" means a member of the board.

1-23 (3) "District" means the Platinum Ranch Municipal
1-24 Utility District No. 1 of Grayson County.

1-25 Sec. 8256.002. NATURE OF DISTRICT. The district is a
1-26 municipal utility district in Grayson County created under and
1-27 essential to accomplish the purposes of Section 59, Article XVI,
1-28 Texas Constitution.

1-29 Sec. 8256.003. CONFIRMATION ELECTION REQUIRED. If the
1-30 creation of the district is not confirmed at a confirmation
1-31 election held under Section 8256.055 before September 1, 2009:

1-32 (1) the district is dissolved September 1, 2009,
1-33 except that:

1-34 (A) any debts incurred shall be paid;

1-35 (B) any assets that remain after the payment of
1-36 debts shall be transferred to Grayson County; and

1-37 (C) the organization of the district shall be
1-38 maintained until all debts are paid and remaining assets are
1-39 transferred; and

1-40 (2) this chapter expires September 1, 2014.

1-41 Sec. 8256.004. INITIAL DISTRICT TERRITORY. (a) The
1-42 district is initially composed of the territory described by
1-43 Section 2 of the Act creating this chapter.

1-44 (b) The boundaries and field notes contained in Section 2 of
1-45 the Act creating this chapter form a closure. A mistake made in the
1-46 field notes or in copying the field notes in the legislative process
1-47 does not affect:

1-48 (1) the organization, existence, or validity of the
1-49 district;

1-50 (2) the right of the district to impose taxes;

1-51 (3) the validity of the district's bonds, notes, or
1-52 other indebtedness; or

1-53 (4) the legality or operation of the district or the
1-54 board.

1-55 Sec. 8256.005. ANNEXATION INTO CITY OF GUNTER. (a)
1-56 Notwithstanding any other law, if all of the territory of the
1-57 district is annexed by the City of Gunter into the corporate limits
1-58 of that municipality before the date of the election held to confirm
1-59 the creation of the district, the district is not dissolved and
1-60 shall continue in full force and effect.

1-61 (b) Any future annexation or inclusion of additional
1-62 territory into a district governed by this chapter may not occur
1-63 unless the City of Gunter is allowed to voluntarily annex the same
1-64 territory into the municipality's corporate limits.

2-1 Sec. 8256.006. DISSOLUTION. Section 43.074, Local
2-2 Government Code, applies to the dissolution of the district.

2-3 [Sections 8256.007-8256.050 reserved for expansion]

2-4 SUBCHAPTER B. BOARD OF DIRECTORS

2-5 Sec. 8256.051. DIRECTORS; TERMS. (a) The district is
2-6 governed by a board of five directors.

2-7 (b) Except as provided by Section 8256.053, directors serve
2-8 staggered four-year terms.

2-9 Sec. 8256.052. ELECTION OF DIRECTORS. On the uniform
2-10 election date in May of each even-numbered year, the appropriate
2-11 number of directors shall be elected.

2-12 Sec. 8256.053. INITIAL DIRECTORS. (a) The initial board
2-13 consists of:

- 2-14 (1) Mark McClure;
- 2-15 (2) Greg Meador;
- 2-16 (3) Lance Hancock;
- 2-17 (4) David Howell; and
- 2-18 (5) Mark Smith.

2-19 (b) The terms of the first three directors named in
2-20 Subsection (a) expire on the uniform election date in May 2008, and
2-21 the terms of the last two directors named in Subsection (a) expire
2-22 on the uniform election date in May 2010.

2-23 (c) This section expires September 1, 2011.

2-24 Sec. 8256.054. INCORPORATION OF DISTRICT TERRITORY INTO
2-25 MUNICIPALITY REQUIRED. The directors may not hold an election
2-26 under Section 8256.055 until all of the territory of the district is
2-27 included in the corporate limits of the City of Gunter.

2-28 Sec. 8256.055. CONFIRMATION AND INITIAL DIRECTORS'
2-29 ELECTION. The initial directors shall hold an election to confirm
2-30 the creation of the district.

2-31 [Sections 8256.056-8256.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 8256.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-34 DUTIES. (a) The district has the powers and duties provided by the
2-35 general law of this state, including Chapters 49 and 54, Water Code,
2-36 applicable to municipal utility districts created under Section 59,
2-37 Article XVI, Texas Constitution.

2-38 (b) Notwithstanding Subsection (a), the district may not
2-39 act as a retail provider of water or wastewater service.

2-40 (c) The district shall make the district's water and
2-41 wastewater facilities available to an entity holding the applicable
2-42 certificate of convenience and necessity.

2-43 Sec. 8256.102. ROAD PROJECTS. (a) To the extent authorized
2-44 by Section 52, Article III, Texas Constitution, the district may
2-45 construct, acquire, improve, maintain, or operate macadamized,
2-46 graveled, or paved roads or turnpikes, or improvements in aid of
2-47 those roads, inside the district.

2-48 (b) A road project must meet all applicable construction
2-49 standards, subdivision requirements, and regulatory ordinances of
2-50 the municipality in whose corporate limits or extraterritorial
2-51 jurisdiction the district is located.

2-52 (c) If a portion of the territory of the district is
2-53 excluded from the corporate limits of the City of Gunter, the
2-54 district shall:

2-55 (1) improve, maintain, repair, and operate the roads
2-56 located in that portion of territory in accordance with the
2-57 ordinances and rules of the political subdivision possessing
2-58 jurisdiction over the roads in that portion of territory; and

2-59 (2) pay the entire cost of performing the district's
2-60 duties under Subdivision (1).

2-61 Sec. 8256.103. DIVISION OF DISTRICT. (a) The district may
2-62 be divided into two new districts only if:

- 2-63 (1) the district has no outstanding bonded debt;
- 2-64 (2) the district is not imposing ad valorem taxes; and
- 2-65 (3) each new district is within the corporate limits
2-66 of the City of Gunter.

2-67 (b) The division procedure is prescribed by Sections 53.030
2-68 through 53.041, Water Code.

2-69 (c) Any new district created by the division of the district

3-1 has all the powers and duties of the district.

3-2 (d) At the time of creation, any new district created by the
 3-3 division of the district may not contain any land outside the area
 3-4 described by Section 2 of the Act creating this chapter.

3-5 [Sections 8256.104-8256.150 reserved for expansion]

3-6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-7 Sec. 8256.151. TAX TO REPAY BONDS. The district may impose
 3-8 a tax to pay the principal of or interest on bonds or other
 3-9 obligations issued under Section 8256.201.

3-10 [Sections 8256.152-8256.200 reserved for expansion]

3-11 SUBCHAPTER E. BONDS

3-12 Sec. 8256.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-13 OBLIGATIONS. (a) The district may issue bonds or other obligations
 3-14 as provided by Chapters 49 and 54, Water Code, to finance the
 3-15 construction, maintenance, or operation of a project under Section
 3-16 8256.101 or 8256.102.

3-17 (b) The district may not issue bonds to finance projects
 3-18 authorized by Section 8256.102 unless the issuance is approved by a
 3-19 vote of a two-thirds majority of the district voters voting at an
 3-20 election called for that purpose.

3-21 (c) Bonds or other obligations issued or incurred to finance
 3-22 projects authorized by Section 8256.102 may not exceed one-fourth
 3-23 of the assessed value of the real property in the district.

3-24 SECTION 2. The Platinum Ranch Municipal Utility District
 3-25 No. 1 of Grayson County includes all the territory contained in the
 3-26 following area:

3-27 All that certain tract or parcel of land situated in the William
 3-28 Richards Survey, Abstract Number 998, the Robert Mason Survey,
 3-29 Abstract Number 784, the J.R. Worrall Survey, Abstract Number 1357,
 3-30 and the William Wells Survey, Abstract Number 1354, County of
 3-31 Grayson, State of Texas and being all that called 339.24 acre tract
 3-32 of land as described in Deed to Platinum Ranch Venture, LTD, filed
 3-33 16 February 2001 and recorded in Volume 3033 Page 185 of the Deed
 3-34 Records of the County of Grayson, State of Texas, and being all that
 3-35 called 300.264 acre tract of land as described in Deed to Platinum
 3-36 Ranch Venture, LTD, filed 16 February 2001 and recorded in Volume
 3-37 3033 Page 189 of said Deed Records, and being all that called 100.00
 3-38 acre tract of land as described in Deed to Platinum Ranch Venture,
 3-39 LTD, filed 01 March 2001 and recorded in Volume 3038 Page 100 of
 3-40 said Deed Records, and being all that called 851.808 acre tract of
 3-41 land as described in Deed to Platinum Ranch Venture, LTD, filed 16
 3-42 May 2001 and recorded in Volume 3072 Page 217 of said Deed Records,
 3-43 and being all that called 78.427 acre tract of land as described in
 3-44 Deed to Platinum Ranch Venture, LTD, filed 23 May 2002 and recorded
 3-45 in Volume 3253 Page 743 of said Deed Records, and being more fully
 3-46 described as follows:

3-47 BEGINNING for the Southeast corner of the tract being described
 3-48 herein at a found 1\2 inch iron rod at the intersection of Old
 3-49 Scaggs School Road and Merilee Roads for the Southeast corner of
 3-50 said 851.808 acre tract, said rod being on the South line of said
 3-51 Mason Survey;

3-52 Thence: South 89 degrees 57 minutes 55 seconds West, with the South
 3-53 line of said 851.808 acre tract and said Mason Survey, along the
 3-54 centerline of said Marilee Road, a distance of 3186.43 feet to a
 3-55 found 1\2 inch iron rod for the Southwest corner of said 851.808
 3-56 acre tract and the Southeast corner of said 329.424 acre tract;

3-57 Thence: North 89 degrees 22 minutes 52 seconds West, with the South
 3-58 line of said 329.424 acre tract, continuing along the centerline of
 3-59 said road, and passing at 4174.77 feet the Southwest corner of said
 3-60 329.424 acre tract and the Southeast corner of said 100.00 acre
 3-61 tract, and continuing along said course, a total distance of
 3-62 5198.85 feet to a found 1\2 inch steel square tube for corner at the
 3-63 intersection of said Marilee Road and County Road Number 10;

3-64 Thence: North 88 degrees 59 minutes 54 seconds West, continuing
 3-65 with the South line of said 100.00 acre tract, along the centerline
 3-66 of said Marilee Road, a distance of 244.55 feet to a found 1\2 inch
 3-67 steel square tube at the intersection of said Marilee Road and Blame
 3-68 Road for the Southwest corner of said 100.00 acre tract;

3-69 Thence: North 00 degrees 07 minutes 57 seconds West, with the West

4-1 line of said 100.00 acre tract, along the centerline of said Blaine
4-2 Road, and passing at 3425.72 feet the Northwest corner of said
4-3 100.00 acre tract and the Southwest corner of said 300.264 acre
4-4 tract, and continuing along said course and road, and passing at
4-5 5630.58 feet the Northwest corner of said 300.264 acre tract and the
4-6 Southwest corner of said 78.427 acre tract, and continuing along
4-7 said course and road, a total distance of 7236.34 feet to a found
4-8 1\2 inch steel square tube at the intersection of said Blaine Road
4-9 and Jaresh Road for the Northwest corner of said 78.427 acre tract;
4-10 Thence: North 88 degrees 26 minutes 13 seconds East, with the North
4-11 line of said 78.427 acre tract, along the centerline of said Jaresh
4-12 Road, a distance of 2076.20 feet to a found 1\2 inch iron rod for the
4-13 Northeast corner of said 78.427 acre tract;
4-14 Thence: South 01 degrees 09 minutes 52 seconds East, with the East
4-15 line of said 78.427 acre tract, and passing at 14.0 feet a cross-tie
4-16 fence corner post on the South side of said Jaresh Road, and
4-17 continuing along said course, along and near a fence, a total
4-18 distance of 1662.51 feet to a found 1\2 inch steel square tube for
4-19 the Southeast corner of said 78.427 acre tract, said tubing being on
4-20 the North line of said 300.264 acre tract, said tubing also being
4-21 the Southwest corner of a called 252.043 tract of land as described
4-22 in Deed to Ronald Evans Box, et ux Nita Gay Box, filed 15 December
4-23 1992 and recorded in Volume 2246 Page 173 of said Deed Records;
4-24 Thence: North 89 degrees 32 minutes 42 seconds East, with the North
4-25 line of said 300.264 acre tract and the South line of said Box
4-26 tract, with a fence, a distance of 1771.60 feet to a bois d' arc post
4-27 for corner;
4-28 Thence: North 89 degrees 04 minutes 11 seconds East, continuing
4-29 with the North line of said 300.264 acre tract and the South line of
4-30 said Box tract, with a fence, a distance of 1940.19 feet to a
4-31 cross-tie fence corner post for an ell corner of this tract, said
4-32 corner also being the Southeast corner of said Box tract;
4-33 Thence: North 00 degrees 40 minutes 31 seconds West, with the West
4-34 line of said 851.808 acre tract and the East line of said Box tract,
4-35 along and near a fence, a distance of 1208.96 feet to a wood fence
4-36 corner post for an ell corner of this tract and a Northeast corner
4-37 of said Box tract;
4-38 Thence: South 87 degrees 48 minutes 54 seconds West, continuing
4-39 with the West line of said 851.808 acre tract and the East line of
4-40 said Box tract, along and near a fence, a distance of 1749.62 feet
4-41 to a pipe fence corner post for corner;
4-42 Thence: North 01 degrees 29 minutes 27 seconds West, continuing
4-43 with the West line of said 851.808 acre tract and the East line of
4-44 said Box tract, along and near a fence, a distance of 1664.74 feet
4-45 to a pipe fence corner post for corner;
4-46 Thence: North 87 degrees 51 minutes 31 seconds East, continuing
4-47 with the West line of said 851.808 acre tract and the East line of
4-48 said Box tract, along and near a fence, 849.86 feet to a pipe fence
4-49 corner post for corner;
4-50 Thence: North 01 degrees 26 minutes 50 seconds West, continuing
4-51 with the West line of said 851.808 acre tract and the East line of
4-52 said Box tract, along and near a fence, a distance of 1216.06 feet
4-53 to a pipe fence corner post for the Northwest corner of said 851.808
4-54 acre tract, said post also being the Southwest corner of a called
4-55 374.17 acre tract of land as described in Deed to Martinek Grain &
4-56 Bins, Inc., filed 01 June 1993 and recorded in Volume 2272 Page 912
4-57 of said Deed Records;
4-58 Thence: North 87 degrees 58 minutes 36 seconds East, with the North
4-59 line of said 851.808 acre tract and the South line of said 374.17
4-60 acre tract, with the general course of a fence, a distance of 973.27
4-61 feet to a wood post for corner;
4-62 Thence: North 87 degrees 53 minutes 22 seconds East, continuing
4-63 with the North line of said 851.808 acre tract and the South line of
4-64 said 374.17 acre tract, with said fence, a distance of 1091.88 feet
4-65 to a wood fence corner post for corner;
4-66 Thence: North 89 degrees 57 minutes 15 seconds East, continuing
4-67 with the North line of said 851.808 acre tract and the South line of
4-68 said 374.17 acre tract, with said fence, a distance of 1491.72 feet
4-69 to a cross-tie fence corner post for the Northeast corner of said

5-1 851.808 acre tract, said post also being the most Westerly
5-2 Northwest corner of a called 178.842 acre tract of land as described
5-3 in Deed to Martinek Grain & Bins, Inc., dated 03 August 1994 and
5-4 recorded in Volume 2352 Page 18 of said Deed Records;
5-5 Thence: South 02 degrees 33 minutes 15 seconds East, with the East
5-6 line of said 851.808 acre tract, along and near a fence, a distance
5-7 of 960.89 feet to a found 1\2 inch iron rod for a Southwest corner of
5-8 said 178.842 acre tract, said rod also being the Northwest corner of
5-9 a called 112.268 acre tract of land as described in Deed to Marion
5-10 Cole, et ux Linda Cole, dated 27 May 1999 and recorded in Volume
5-11 2796 Page 848 of said Deed Records;
5-12 Thence: South 02 degrees 57 minutes 08 seconds East, continuing
5-13 with the East line of said 851.808 acre tract and the West line of
5-14 said Cole tract, along and near a fence, a distance of 1552.77 feet
5-15 to a found 1\2 inch iron rod for the Southwest corner of said Cole
5-16 tract;
5-17 Thence: South 89 degrees 54 minutes 04 seconds East, continuing
5-18 with the East line of said 851.808 acre tract and the South line of
5-19 said Cole tract, along and near a fence, and passing a cross-tie
5-20 fence corner post on the West side of Old Skaggs School Road, and
5-21 continuing along said course, a distance of 3118.80 feet to a set
5-22 1\2 inch steel square tube with a plastic cap marked COX 4577 in the
5-23 centerline of said Old Skaggs School Road for the Southeast corner
5-24 of said Cole tract;
5-25 Thence: South 00 degrees 04 minutes 13 seconds East, continuing
5-26 with the East line of said 851.808 acre tract, along the center of
5-27 said Old Skaggs School Road, a distance of 1561.21 feet to a found
5-28 1\2 inch iron rod for corner, said road making a turn to the West at
5-29 this corner;
5-30 Thence: North 89 degrees 46 minutes 04 seconds West, continuing
5-31 with the East line of said 851.808 acre tract, along the center of
5-32 said Old Skaggs School Road, a distance of 3072.50 feet to a found
5-33 nail for corner, said nail being at a turn of said Old Skaggs School
5-34 Road;
5-35 Thence: South 00 degrees 51 minutes 03 seconds East, continuing
5-36 with the East line of said 851.808 acre tract, along the center of
5-37 said Old Skaggs School Road, a distance of 5800.26 feet to the POINT
5-38 OF BEGINNING and containing 1659.998 acres of land.
5-39 SECTION 3. (a) The legal notice of the intention to
5-40 introduce this Act, setting forth the general substance of this
5-41 Act, has been published as provided by law, and the notice and a
5-42 copy of this Act have been furnished to all persons, agencies,
5-43 officials, or entities to which they are required to be furnished
5-44 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-45 Government Code.
5-46 (b) The governor, one of the required recipients, has
5-47 submitted the notice and Act to the Texas Commission on
5-48 Environmental Quality.
5-49 (c) The Texas Commission on Environmental Quality has filed
5-50 its recommendations relating to this Act with the governor, the
5-51 lieutenant governor, and the speaker of the house of
5-52 representatives within the required time.
5-53 (d) All requirements of the constitution and laws of this
5-54 state and the rules and procedures of the legislature with respect
5-55 to the notice, introduction, and passage of this Act are fulfilled
5-56 and accomplished.
5-57 SECTION 4. This Act takes effect September 1, 2007.

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