

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 4072
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, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 18, 2007, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the 3 B&J Municipal Utility District;
1-10 providing authority to impose a tax and issue bonds; granting the
1-11 power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8221 to read as follows:

1-15 CHAPTER 8221. 3 B&J MUNICIPAL UTILITY DISTRICT

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8221.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the 3 B&J Municipal Utility
1-21 District.

1-22 Sec. 8221.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district created under and essential to
1-24 accomplish the purposes of Section 59, Article XVI, Texas
1-25 Constitution.

1-26 Sec. 8221.003. CONFIRMATION ELECTION REQUIRED. (a) The
1-27 board shall hold an election to confirm the creation of the district
1-28 as provided by Section 49.102, Water Code.

1-29 (b) If the creation of the district is not confirmed at a
1-30 confirmation election before September 1, 2011:

1-31 (1) the district is dissolved September 1, 2011,
1-32 except that the district shall:

1-33 (A) pay any debts incurred;

1-34 (B) transfer to Williamson County any assets that
1-35 remain after the payment of debts; and

1-36 (C) maintain the organization of the district
1-37 until all debts are paid and remaining assets are transferred; and

1-38 (2) this chapter expires September 1, 2014.

1-39 Sec. 8221.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
1-40 land and other property in the district will benefit from the
1-41 improvements and services to be provided by the district.

1-42 Sec. 8221.005. INITIAL DISTRICT TERRITORY. (a) The
1-43 district is initially composed of the territory described by
1-44 Section 2 of the Act creating this chapter.

1-45 (b) The boundaries and field notes contained in Section 2 of
1-46 the Act creating this chapter form a closure. A mistake made in the
1-47 field notes or in copying the field notes in the legislative process
1-48 does not affect the district's:

1-49 (1) organization, existence, or validity;

1-50 (2) right to issue any type of bond for a purpose for
1-51 which the district is created or to pay the principal of and
1-52 interest on the bond;

1-53 (3) right to impose an assessment or tax; or

1-54 (4) legality or operation.

1-55 [Sections 8221.006-8221.050 reserved for expansion]

1-56 SUBCHAPTER B. BOARD OF DIRECTORS

1-57 Sec. 8221.051. GOVERNING BODY; TERMS. (a) The district is
1-58 governed by a board of five elected directors.

1-59 (b) Directors serve staggered four-year terms.

1-60 Sec. 8221.052. INITIAL DIRECTORS. (a) The initial board
1-61 consists of:

1-62 (1) Duane McGlaufflin;

1-63 (2) Bryan Teich;

1-64 (3) Joe Owen;

- (4) Harold Schneider; and
- (5) Kerry Wiggins.

(b) Unless the initial board agrees otherwise, the initial directors shall draw lots to determine which two shall serve until the first regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

(c) This section expires September 1, 2014.

[Sections 8221.053-8221.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8221.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8221.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8221.103. REGIONAL WASTE DISPOSAL POWERS AND DUTIES. The district has the powers and duties applicable to a district under Chapter 30, Water Code.

Sec. 8221.104. COMPLIANCE WITH MUNICIPAL CONSENT RESOLUTION. The district shall comply with all applicable requirements of any resolution, adopted by the governing body of a municipality under Section 54.016, Water Code, that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8221.105. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the design of any district wastewater treatment facility.

Sec. 8221.106. WASTEWATER SERVICE PROVIDERS. Only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

Sec. 8221.107. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT. The district shall comply with the terms of the "Agreement Regarding Sewer Services Areas and Customers" among the Lower Colorado River Authority, the Brazos River Authority, the City of Georgetown, the City of Liberty Hill, and the Chisholm Trail Special Utility District dated February 1, 2005.

Sec. 8221.108. STREET REPAIR AND MAINTENANCE. (a) After July 1, 2017, the district, at the district's expense, shall repair and maintain any streets in the district.

(b) A district's repair and maintenance of streets under this section must meet all applicable construction standards and regulations of the City of Georgetown and Williamson County.

[Sections 8221.109-8221.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8221.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from a source other than ad valorem taxation.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) An ad valorem tax rate imposed by the district may not exceed the rate approved at the election.

Sec. 8221.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8221.151, the district may impose an operation and maintenance tax on taxable property in the district as provided by Chapter 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

[Sections 8221.153-8221.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 8221.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees,

3-1 revenue, grants, or other district money, or any combination of
 3-2 those sources, to pay for any authorized district purpose.

3-3 Sec. 8221.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
 3-4 the time bonds or other obligations payable wholly or partly from ad
 3-5 valorem taxes are issued:

3-6 (1) the board shall impose a continuing direct annual
 3-7 ad valorem tax, at a rate not to exceed the rate approved at an
 3-8 election held under Section 8221.151, for each year that all or part
 3-9 of the bonds are outstanding; and

3-10 (2) the district annually shall impose an ad valorem
 3-11 tax on all taxable property in the district in an amount sufficient
 3-12 to:

3-13 (A) pay the interest on the bonds or other
 3-14 obligations as the interest becomes due;

3-15 (B) create a sinking fund for the payment of the
 3-16 principal of the bonds or other obligations when due or the
 3-17 redemption price at any earlier required redemption date; and

3-18 (C) pay the expenses of imposing the taxes.

3-19 SECTION 2. The 3 B&J Municipal Utility District initially
 3-20 includes all the territory contained in the following area:

3-21 TRACT 1

3-22 DESCRIPTION OF 545.85 ACRES OUT OF THE C.H. DELANEY SURVEY,
 3-23 ABSTRACT NO 181, THE LEWIS P. DYCHES SURVEY, ABSTRACT NO. 171, THE
 3-24 ROBERT BAKER SURVEY, ABSTRACT NO. 824, THE DELORES CASANOVA SURVEY,
 3-25 ABSTRACT NO. 128, THE H.J. HAYHERST SURVEY, ABSTRACT NO. 305, AND
 3-26 THE JAMES NORTHCROSS SURVEY, ABSTRACT NO. 478 IN WILLIAMSON COUNTY,
 3-27 TEXAS, BEING ALL THAT CERTAIN FIRST TRACT DESCRIBED AS 18.2 ACRES,
 3-28 SECOND TRACT DESCRIBED AS 113.91 ACRES, THIRD TRACT DESCRIBED AS
 3-29 169.16 ACRES, FOURTH TRACT DESCRIBED AS 79.24 ACRES, FIFTH TRACT
 3-30 DESCRIBED AS 134.95 ACRES, AND SIXTH TRACT DESCRIBED AS 3.48 ACRES
 3-31 IN AN INSTRUMENT TO W.H. CARDWELL RECORDED IN VOLUME 495, PAGE 84 OF
 3-32 THE DEED RECORDS OF SAID COUNTY, BEING ALL THAT CERTAIN 20.31 ACRE
 3-33 TRACT OF LAND DESCRIBED IN AN INSTRUMENT TO W.H. CARDWELL RECORDED
 3-34 IN VOLUME 495, PAGE 87 OF SAID DEED RECORDS, BEING A PORTION OF THAT
 3-35 CERTAIN 451.6 ACRE TRACT OF LAND DESCRIBED IN AN INSTRUMENT TO W.H.
 3-36 CARDWELL RECORDED IN VOLUME 529, PAGE 342 OF SAID DEED RECORDS, AND
 3-37 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

3-38 BEGINNING at an iron rod found in the southwesterly right-of-way
 3-39 line of Williamson County Road No. 248 at the east corner of said
 3-40 20.31 acre tract of land for an east corner and PLACE OF BEGINNING
 3-41 hereof;

3-42 THENCE, with the south line of said 20.31 acre tract of land and the
 3-43 south line of said Fifth Tract, same being the north line of said
 3-44 451.6 acre tract of land. South 70 degrees 50 minutes 00 seconds
 3-45 West for a distance of 3,065.57 feet to a cotton gin spindle set in
 3-46 the east line of said Third Tract at the southwest corner of said
 3-47 Fifth Tract, same being the northwest corner of said 451.6 acre
 3-48 tract of land for an interior corner hereof;

3-49 THENCE, with the east line of said Third Tract, in part, and the
 3-50 east lines of said Second and First Tracts, same being the west line
 3-51 of said 451.6 acre tract of land, the following courses:

3-52 1. South 18 degrees 57 minutes 38 seconds East for a
 3-53 distance of 2,128.41 feet to an iron rod set at an angle point;

3-54 2. South 68 degrees 46 minutes 17 seconds West for a
 3-55 distance of 15.90 feet to an iron rod set at an angle point;

3-56 3. South 18 degrees 37 minutes 31 seconds East for a
 3-57 distance of 1,217.94 feet to cedar fence post at an angle point;

3-58 4. South 25 degrees 14 minutes 24 seconds East for a
 3-59 distance of 239.36 feet to an iron rod set at a 12" Elm and a 14"
 3-60 Live Oak for an angle point;

3-61 5. South 18 degrees 43 minutes 28 seconds East for a
 3-62 distance of 1,502.44 feet to an iron rod set in the east line of said
 3-63 First Tract, same being a westerly line of said 451.6 acre tract of
 3-64 land for an interior corner hereof, from which an iron rod found at
 3-65 an angle point in the north line of a 272.07 acre tract of land
 3-66 described in an instrument to J. Nolan Harvey, and wife Louise
 3-67 Harvey, same being the southeast corner of said First Tract, same
 3-68 being the southwest corner of said 451.6 acre tract of land bears
 3-69 south 18 degrees 43 minutes 28 seconds east, a distance of 100.32

4-1 feet;

4-2 THENCE, departing said common line, through the interior of said

4-3 451.6 acre tract of land, with a line 100.00 feet northerly of and

4-4 parallel with the north line of said 272.07 acre tract of land, same

4-5 being the south line of said 451.6 acre tract, the following

4-6 courses:

4-7 1. North 66 degrees 42 minutes 38 seconds East for a

4-8 distance of 1,112.14 feet to an iron rod set for an angle point

4-9 hereof;

4-10 2. North 65 degrees 13 minutes 46 seconds East for a

4-11 distance of 2,227.44 feet to an iron rod set for an angle point

4-12 hereof;

4-13 3. North 71 degrees 13 minutes 45 seconds East for a

4-14 distance of 105.24 feet to an iron rod set for a corner hereof;

4-15 THENCE, South 18 degrees 46 minutes 15 seconds East for a distance

4-16 of 100.00 feet to an iron rod set in the north right-of-way line of

4-17 Williamson County Road No. 247, as used on the ground, same being

4-18 the south line of said 451.6 acre tract of land, for the easternmost

4-19 corner hereof, from which an iron rod set at the southeast corner of

4-20 said 451.6 acre tract of land bears North 71 degrees 13 minutes 45

4-21 seconds East, a distance of 1,293.93 feet;

4-22 THENCE, with the north right-of-way line of said County Road, same

4-23 being the south line of said 451.6 acre tract of land, South 71

4-24 degrees 13 minutes 45 seconds West for a distance of 100.00 feet to

4-25 an iron rod set at a point described as the point of abandonment of

4-26 said County Road in said Volume 529, Page 342 for an angle point

4-27 hereof;

4-28 THENCE, continuing with the south line of said 451.6 acre tract of

4-29 land, same being the north line of said 272.07 acre tract of land,

4-30 the following courses:

4-31 1. South 65 degrees 13 minutes 46 seconds West for a

4-32 distance of 2,223.49 feet to an iron rod found for an angle point:

4-33 2. South 66 degrees 42 minutes 38 seconds West for a

4-34 distance of 1,121.42 feet to an iron rod found at an angle point in

4-35 the north line of said 272.07 acre tract of land, same being the

4-36 southwest corner of said 451.6 acre tract of land, same being the

4-37 southeast corner of said First Tract for an angle point hereof:

4-38 THENCE, continuing with the north line of said 272.07 acre tract of

4-39 land, same being the south line of said First Tract, South 77

4-40 degrees 03 minutes 37 seconds West for a distance of 2,567.68 feet

4-41 to an iron rod set for the southwest corner of said First Tract, for

4-42 the southwest corner hereof;

4-43 THENCE, with the west lines of said First Tract, Second Tract, Third

4-44 Tract, and Fourth Tract, same being the southern most west line

4-45 hereof, the following courses:

4-46 1. North 17 degrees 17 minutes 19 seconds West for a

4-47 distance of 1,213.15 feet to an iron rod set for an angle point in

4-48 the west line of said Second Tract (an iron pipe called to be said

4-49 angle point in the description of said Second Tract found laying on

4-50 the ground at this point) for an angle point hereof;

4-51 2. North 8 degrees 58 minutes 00 seconds West for a distance

4-52 of 1,344.62 feet to an iron rod set for an angle point in the west

4-53 line of said Third Tract for an angle point hereof;

4-54 3. North 18 degrees 46 minutes 28 seconds West for a

4-55 distance of 1,893.17 feet to an iron rod found at an angle point in

4-56 the west line of said Third Tract, same being the most easterly

4-57 northeast corner of a 325.51 acre tract of land described in an

4-58 instrument recorded in Volume 1996, Page 565 of the Official

4-59 Records of said County for an angle point hereof;

4-60 4. North 17 degrees 44 minutes 17 seconds West for a

4-61 distance of 2,427.60 feet to a P.K. nail set at a fence corner at the

4-62 northwest corner of said Fourth Tract for the most westerly

4-63 northwest corner hereof;

4-64 THENCE, with the north line of said Fourth Tract, the following

4-65 courses:

4-66 1. North 65 degrees 13 minutes 12 seconds East for a

4-67 distance of 800.97 feet to an iron rod set for an angle point;

4-68 2. North 72 degrees 36 minutes 12 seconds East for a

4-69 distance of 1,447.25 feet to an iron rod set in the west line of said

5-1 Fifth Tract, same being the northeast corner of said Fourth Tract
5-2 for an interior corner hereof;
5-3 THENCE, with the west line of said Fifth Tract, North 18 degrees 43
5-4 minutes 15 seconds West for a distance of 1,682.71 feet to an iron
5-5 rod found at the southwest corner of a 100 acre tract of land
5-6 described in an instrument to Theofil L. Zurovetz and wife Rose
5-7 Marie Zurovetz recorded in Volume 503, Page 481 of said Deed
5-8 Records, same being the northwest corner of said Fifth Tract for the
5-9 most northerly northwest corner hereof;
5-10 THENCE, with the south line of said 100 acre tract of land, same
5-11 being the north line of said Fifth Tract, the following courses:
5-12 1. North 71 degrees 32 minutes 43 seconds East for a
5-13 distance of 677.86 feet to an iron rod found;
5-14 2. North 71 degrees 32 minutes 01 seconds East for a
5-15 distance of 860.90 feet to an iron rod set in the west line of said
5-16 County Road No. 248 at the northeast corner of said Fifth Tract for
5-17 the northeast corner hereof;
5-18 THENCE, with the west line of said County Road No. 248 and the east
5-19 line of said Fifth Tract, the following courses:
5-20 1. South 27 degrees 58 minutes 53 seconds East for a
5-21 distance of 359.95 feet to an iron rod set for an angle point;
5-22 2. South 19 degrees 18 minutes 53 seconds East for a
5-23 distance of 1,284.81 feet to an iron rod set for an angle point;
5-24 3. South 20 degrees 58 minutes 53 seconds East for a
5-25 distance of 339.95 feet to a 30" Live Oak found at the north corner
5-26 of said Sixth Tract for an angle point hereof;
5-27 THENCE, continuing with the west line of said County Road 248, same
5-28 being the east lines of said Sixth Tract, and said 20.31 acre tract
5-29 of land, the following courses:
5-30 1. South 42 degrees 18 minutes 42 seconds East for a
5-31 distance of 570.08 feet to an iron rod set for an angle point;
5-32 2. South 66 degrees 41 minutes 25 seconds East, at 324.00
5-33 feet pass an iron rod found at the southeast corner of said Sixth
5-34 Tract, same being the northeast corner of said 20.31 acre tract of
5-35 land, and continue on for a total distance of 1,223.85 feet to an
5-36 iron rod set for an angle point;
5-37 3. South 62 degrees 41 minutes 25 seconds East for a
5-38 distance of 431.93 feet to the PLACE OF BEGINNING and containing
5-39 545.85 acres of land, more or less.
5-40 BEARING BASIS: Bearings recited herein are based on the record
5-41 bearing of the north line of the herein described 451.6 acre tract
5-42 of land.

5-43 SECTION 3. (a) The legal notice of the intention to
5-44 introduce this Act, setting forth the general substance of this
5-45 Act, has been published as provided by law, and the notice and a
5-46 copy of this Act have been furnished to all persons, agencies,
5-47 officials, or entities to which they are required to be furnished
5-48 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-49 Government Code.

5-50 (b) The governor, one of the required recipients, has
5-51 submitted the notice and Act to the Texas Commission on
5-52 Environmental Quality.

5-53 (c) The Texas Commission on Environmental Quality has filed
5-54 its recommendations relating to this Act with the governor, the
5-55 lieutenant governor, and the speaker of the house of
5-56 representatives within the required time.

5-57 (d) All requirements of the constitution and laws of this
5-58 state and the rules and procedures of the legislature with respect
5-59 to the notice, introduction, and passage of this Act are fulfilled
5-60 and accomplished.

5-61 SECTION 4. This Act takes effect immediately if it receives
5-62 a vote of two-thirds of all the members elected to each house, as
5-63 provided by Section 39, Article III, Texas Constitution. If this
5-64 Act does not receive the vote necessary for immediate effect, this
5-65 Act takes effect September 1, 2007.

5-66 * * * * *