

By: Phillips

H.B. No. 4096

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the King's Crossing Municipal Utility District of Grayson County; providing authority to impose a tax 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 8251 to read as follows:

CHAPTER 8251. KING'S CROSSING MUNICIPAL UTILITY DISTRICT OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8251.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the King's Crossing Municipal Utility District of Grayson County.

Sec. 8251.002. NATURE OF DISTRICT. The district is a municipal utility district in Grayson County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8251.003. FINDING OF PUBLIC USE AND BENEFIT. The district is created to serve a public use and benefit.

Sec. 8251.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8251.024 before September 1, 2009:

1 (1) the district shall, as soon as it reasonably knows
2 the district will not be confirmed and before September 1, 2009:

3 (A) pay any debts incurred; and

4 (B) transfer to Grayson County any assets that
5 remain after the payment of debts;

6 (2) the district is dissolved September 1, 2009; and

7 (3) this chapter expires September 1, 2009.

8 Sec. 8251.005. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

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

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

17 (2) the right of the district to impose taxes; or

18 (3) the legality or operation of the board.

19 [Sections 8251.006-8251.020 reserved for expansion]

20 SUBCHAPTER A-1. TEMPORARY PROVISIONS

21 Sec. 8251.021. TEMPORARY DIRECTORS. (a) The temporary
22 board consists of:

23 (1) Hill Johnson;

24 (2) Joe Henneburger;

25 (3) Bill Casanova;

26 (4) Adrian Butler; and

27 (5) Kevin Eddy.

1 (b) If a temporary director fails to qualify for office, the
2 temporary directors who have qualified shall appoint a person to
3 fill the vacancy. If at any time there are fewer than three
4 qualified temporary directors, the Texas Commission on
5 Environmental Quality shall appoint the necessary number of persons
6 to fill all vacancies on the board.

7 (c) Temporary directors serve until the earlier of:

8 (1) the date directors are elected under Section
9 8251.024; or

10 (2) the date this chapter expires under Section
11 8251.004.

12 Sec. 8251.022. ORGANIZATIONAL MEETING OF TEMPORARY
13 DIRECTORS. As soon as practicable after all the temporary
14 directors have qualified under Section 49.055, Water Code, the
15 temporary directors shall convene the organizational meeting of the
16 district at a location in the district agreeable to a majority of
17 the directors. If a location cannot be agreed upon, the
18 organizational meeting shall be at the Grayson County Courthouse.

19 Sec. 8251.023. DEVELOPMENT AGREEMENT REQUIRED. The
20 temporary directors may not hold an election under Section 8251.024
21 or approve the issuance of bonds until a district landowner enters
22 into a development agreement regarding district land with the City
23 of Howe.

24 Sec. 8251.024. CONFIRMATION AND INITIAL DIRECTORS'
25 ELECTION. The temporary directors shall hold an election to
26 confirm the creation of the district and to elect five directors as
27 provided by Section 49.102, Water Code.

1 Sec. 8251.025. INITIAL ELECTED DIRECTORS; TERMS. The
2 directors elected under Section 8251.024 shall draw lots to
3 determine which two shall serve until the first regularly scheduled
4 election of directors and which three shall serve until the second
5 regularly scheduled election of directors.

6 Sec. 8251.026. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2009.

8 [Sections 8251.027-8251.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 8251.051. DIRECTORS; TERMS. (a) The district is
11 governed by a board of five directors.

12 (b) Directors serve staggered four-year terms.

13 [Sections 8251.052-8251.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8251.101. MUNICIPAL UTILITY DISTRICT POWERS AND
16 DUTIES. The district has the powers and duties provided by the
17 general law of this state, including Chapters 49 and 54, Water Code,
18 applicable to municipal utility districts created under Section 59,
19 Article XVI, Texas Constitution.

20 Sec. 8251.102. ROAD PROJECTS. (a) The district may
21 construct, acquire, improve, maintain, or operate macadamized,
22 graveled, or paved roads or improvements in aid of those roads,
23 inside or outside the district.

24 (b) A road project must meet all applicable construction
25 standards, zoning and subdivision requirements, and regulations of
26 each municipality in whose corporate limits or extraterritorial
27 jurisdiction the district is located. If the district is not

1 located in the corporate limits or extraterritorial jurisdiction of
2 a municipality, a road project must meet all applicable
3 construction standards, zoning and subdivision requirements, and
4 regulations of each county in which the district is located.

5 (c) The district may not undertake a road project unless
6 each municipality in whose corporate limits or extraterritorial
7 jurisdiction the district is located consents by resolution. If
8 the district is not located in the corporate limits or
9 extraterritorial jurisdiction of a municipality, the district may
10 not undertake a road project unless each county in which the
11 district is located consents by resolution.

12 Sec. 8251.103. ROAD CONTRACTS. The district may contract
13 for a road project in the manner provided by Subchapter I, Chapter
14 49, Water Code.

15 Sec. 8251.104. MAINTENANCE AND REPAIR OF ROADS IN TERRITORY
16 OUTSIDE CORPORATE LIMITS OF MUNICIPALITY. If district territory,
17 or a portion of district territory, is located outside the
18 corporate limits of a municipality, the district shall:

19 (1) maintain, improve, operate, and repair any road
20 located in that territory in accordance with the ordinances and
21 rules of each political subdivision in whose jurisdiction the road
22 is located; and

23 (2) pay for the cost of performing the district's
24 duties under Subdivision (1).

25 [Sections 8251.105-8251.150 reserved for expansion]

26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

27 Sec. 8251.151. OPERATION AND MAINTENANCE TAX. The district

1 may impose a tax for any district operation and maintenance purpose
2 in the manner provided by Section 49.107, Water Code.

3 Sec. 8251.152. TAX TO REPAY BONDS. The district may impose
4 a tax to pay the principal of and interest on bonds issued under
5 Section 8251.201.

6 Sec. 8251.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
7 ASSESSMENTS. The district may not impose an impact fee or
8 assessment on the property, including the equipment,
9 rights-of-way, facilities, or improvements, of:

10 (1) an electric utility or a power generation company
11 as defined by Section 31.002, Utilities Code;

12 (2) a gas utility as defined by Section 101.003 or
13 121.001, Utilities Code;

14 (3) a telecommunications provider as defined by
15 Section 51.002, Utilities Code;

16 (4) a cable operator as defined by 47 U.S.C. Section
17 522; or

18 (5) a person who provides to the public advanced
19 telecommunications services.

20 [Sections 8251.154-8251.200 reserved for expansion]

21 SUBCHAPTER E. BONDS

22 Sec. 8251.201. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. (a) The district may issue bonds or other obligations
24 as provided by Chapters 49 and 54, Water Code, and to finance the
25 construction, maintenance, or operation of projects under Section
26 8251.102.

27 (b) The district may issue bonds or other obligations

1 payable wholly or partly from ad valorem taxes, impact fees,
2 revenue, grants, or other district money.

3 (c) The district may not issue bonds or other obligations
4 secured wholly or partly by ad valorem taxation to finance projects
5 authorized by Section 8251.102 unless the issuance is approved by a
6 vote of a two-thirds majority of district voters voting at an
7 election called for that purpose.

8 (d) Bonds or other obligations issued or incurred to finance
9 projects authorized by Section 8251.102 may not exceed one-fourth
10 of the assessed value of the real property in the district.

11 SECTION 2. The King's Crossing Municipal Utility District
12 of Grayson County initially includes all the territory contained in
13 the following described area:

14 TRACT 1

15 BEING a tract of land situated in the J. ARMENDARIS SURVEY, ABSTRACT
16 NO. 39, the J. MARSHALL SURVEY, ABSTRACT NO. 868, the C. MASON
17 SURVEY, ABSTRACT NO. 859 and the E. REYNOLDS SURVEY, ABSTRACT NO.
18 1008, in Grayson County, Texas, and being all of a called 146 acre
19 tract of land described in a deed to W. C. King recorded in Volume
20 464, Page 531 of the Deed Records of Grayson County, Texas, part of
21 a called 273.2255 acre tract described in a deed to W. C. King
22 recorded in Volume 418, Page 320 of said Deed Records, (both of said
23 King tracts being subsequently conveyed in part to Joe C. King,
24 Nancy Jane Yarborough and the Mary Ann Arterbury Revocable Trust by
25 deeds recorded in Volume 2182, Page 950, Volume 2192, Page 234,
26 Volume 2249, Page 895, and Volume 3259, Page 266, all of said Deed
27 Records), all of a called 60.2 acre tract of land described as Tract

1 One in a deed to Nancy McElreath King recorded in Volume 953, Page
2 307 of said Deed Records, all of a called 12.5 acre tract of land
3 described as Tract Two in said deed, and all of a called 40 acre
4 tract of land described as Tract Three in said deed, and being more
5 particularly described as follows:

6 BEGINNING at a railroad spike found at the intersection of the
7 center of Farmington Road (undedicated public road) with the center
8 of Hall Cemetery Road (undedicated public road), said point being
9 the southwest corner of said 60.2 acre tract;

10 THENCE North 00 degrees 57 minutes 32 seconds West, along the
11 approximate center of Farmington Road, and along the west lines of
12 said 60.2 acre tract and said 146 acre tract, a distance of 2577.20
13 feet to a 1-inch iron pipe found for the most westerly northwest
14 corner of said 146 acre tract and the south corner of a called 34
15 acre tract of land described in a deed to the Burks Family Trusts
16 recorded in Volume 3128, Page 820 of said Deed Records;

17 THENCE North 34 degrees 38 minutes 57 seconds East, along the common
18 line between said 34 acre tract and said 146 acre tract, a distance
19 of 2574.44 feet to a 1-inch iron pipe found at an angle point in the
20 approximate center of Davis Road (undedicated public road) for the
21 east corner of said 34 acre tract and the most southerly southeast
22 corner of a called 123.8843 acre tract of land described in a deed
23 to C. J. Matthews and wife Dorothy Matthews recorded in Volume 1180,
24 Page 590 of said Deed Records;

25 THENCE North 33 degrees 34 minutes 50 seconds East, along the common
26 line between said 146 acre tract and said 123.8843 acre tract, and
27 along the approximate center of Davis Road, a distance of 989.01

1 feet to a 1-inch iron pipe found at an angle point in said road for
2 most northerly northwest corner of said 146 acre tract;
3 THENCE South 89 degrees 56 minutes 45 seconds East, along the
4 approximate center of Davis Road and the north lines of said 146
5 acre tract and said 273.2255 acre tract, a distance of 3122.85 feet
6 to a 5/8-inch iron rod with cap marked "PETITT RPLS 4087" set for
7 corner;
8 THENCE South 00 degrees 55 minutes 04 seconds East, along the
9 prolongation of and the west lines of a called 0.923 acre tract
10 described in a deed to Joe C. King and wife Katie Mae King recorded
11 in Volume 1518, Page 747 of said Deed Records, a called 3.086 acre
12 tract of land described in a deed to Joe C. King and wife Katie Mae
13 King recorded in Volume 1331, Page 150, a tract of land described in
14 a deed to Joe C. King recorded in Volume 1293, Page 77 of said Deed
15 Records, a distance of 3195.54 feet to a 5/8-inch iron rod with cap
16 marked "PETITT RPLS 4087" set for a point of the north line of
17 Western Hills, an addition to the City of Howe according to the plat
18 thereof recorded in Volume 3, Page 76 of the Map Records of Grayson
19 County, Texas.
20 THENCE South 89 degrees 24 minutes 28 seconds West, along the north
21 line of Western Hills, and addition to the City of Howe, a distance
22 of 1.52 feet to the northwest corner of said Western Hills to a
23 5/8-inch iron rod with cap marked "PETITT RPLS 4087" set for corner;
24 THENCE South 00 degrees 48 minutes 45 seconds East, departing the
25 northwest corner of said Western Hills, and along the most
26 southerly east line of said 273.2255 acre tract, a distance of
27 410.53 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS

1 4087" set for the most southerly southeast corner of said 273.2255
2 acre tract and the northeast corner of a called 111.5 acre tract
3 described in a deed to Robert Glen Sollis, Jr., recorded in Volume
4 2352, Page 222 of said Deed Records;

5 THENCE North 89 degrees 21 minutes 25 seconds West, along the common
6 line between said 273.2255 acre tract and said 111.5 acre tract, a
7 distance of 2591.12 feet to a 5/8-inch iron rod with cap marked
8 "PETITT - RPLS 4087" set for the northwest corner of said 111.5 acre
9 tract and the northeast corner of said 40 acre tract;

10 THENCE South 00 degrees 48 minutes 45 seconds East, along the common
11 line between said 111.5 acre tract and said 40 acre tract, a distance
12 of 1904.72 feet to a 5/8-inch iron rod with cap marked "PETITT -
13 RPLS 4087" set in the approximate center of Hall Cemetery Road for
14 the southeast corner of said 40 acre tract;

15 THENCE South 89 degrees 13 minutes 54 seconds West, along the
16 approximate center of Hall Cemetery Road and the south lines of said
17 40 acre tract, said 12.5 acre tract and said 60.2 acre tract, a
18 distance of 2582.24 feet to the POINT OF BEGINNING and containing
19 470.470 acres of land, more or less.

20 TRACT 2

21 BEING A TRACT OF LAND SITUATED IN THE J. ARMENDARIS SURVEY, ABSTRACT
22 NO. 39, THE J. MARSHALL SURVEY, ABSTRACT NO. 825, AND THE E.
23 REYNOLDS SURVEY, ABSTRACT NO. 1008, IN GRAYSON COUNTY, TEXAS, AND
24 BEING A PORTION OF A CALLED 57.898 ACRE TRACT DESCRIBED IN A DEED TO
25 JOE CLYDE KING RECORDED IN VOLUME 3693, PAGE 147 OF THE DEED RECORDS
26 OF GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS
27 FOLLOWS:

1 BEGINNING AT A NAIL FOUND IN THE APPROXIMATE CENTER OF DAVIS ROAD
2 (UNDEDICATED PUBLIC ROAD) FOR THE NORTHEAST CORNER OF SAID 57.898
3 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 29.732 ACRE TRACT OF
4 LAND DESCRIBED AS TRACT 1 IN A DEED TO JERRY L. KING AND DONNA KING
5 BEDGOOD RECORDED IN VOLUME 2001, PAGE 107 OF SAID DEED RECORDS;
6 THENCE ALONG THE COMMON LINE BETWEEN SAID 29.732 ACRE TRACT AND SAID
7 57.898 ACRE TRACT AS FOLLOWS:
8 SOUTH 26 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 274.02
9 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET
10 FOR CORNER;
11 SOUTH 22 DEGREES 04 MINUTES 49 SECONDS EAST, A DISTANCE OF 371.90
12 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET
13 FOR CORNER;
14 SOUTH 64 DEGREES 31 MINUTES 10 SECONDS EAST, A DISTANCE OF 174.55
15 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET
16 FOR THE MOST EASTERLY NORTHEAST CORNER OF SAID 57.898 ACRE TRACT AND
17 THE NORTHWEST CORNER OF WESTERN HILLS COMMERCIAL, AN ADDITION TO
18 THE CITY OF HOWE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3,
19 PAGE 79 OF THE PLAT RECORDS OF GRAYSON COUNTY, TEXAS;
20 THENCE SOUTH 00 DEGREES 54 MINUTES 15 SECONDS EAST, ALONG THE
21 EASTERLY LINE OF SAID 57.898 ACRE TRACT AND THE WEST LINE OF SAID
22 WESTERN HILLS COMMERCIAL, A DISTANCE OF 360.57 FEET TO A 5/8-INCH
23 IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET FOR CORNER FROM
24 WHICH A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID
25 WESTERN HILLS COMMERCIAL BEARS SOUTH 00 DEGREES 54 MINUTES 15
26 SECONDS EAST, A DISTANCE OF 305.41 FEET;
27 THENCE SOUTH 89 DEGREES 31 MINUTES 09 SECONDS WEST, DEPARTING SAID

1 EASTERLY AND WEST LINES AND OVER AND ACROSS SAID 57.898 ACRE TRACT,
2 A DISTANCE OF 905.24 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED
3 "PETITT - RPLS 4087" SET IN THE WEST LINE OF SAID 57.898 ACRE TRACT
4 SAME BEING THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO AP
5 HOWE LIMITED PARTNERSHIP FILED IN VOLUME 3814, PAGE 898, OF SAID
6 DEED RECORDS;
7 THENCE NORTH 00 DEGREES 55 MINUTES 04 SECONDS WEST, ALONG SAID EAST
8 AND WEST LINES, A DISTANCE OF 1030.55 FEET TO A NAIL FOUND IN THE
9 APPROXIMATE CENTER OF SAID DAVIS ROAD FOR THE NORTHWEST CORNER OF
10 SAID 57.898 ACRE TRACT AND THE NORTHEAST CORNER OF SAID AP HOWE
11 LIMITED PARTNERSHIP TRACT;
12 THENCE SOUTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, ALONG THE NORTH
13 LINE OF SAID 57.898 ACRE TRACT AND THE APPROXIMATE CENTER OF SAID
14 DAVIS ROAD, A DISTANCE OF 160.56 FEET TO A RAILROAD SPIKE FOUND FOR
15 AN ANGLE POINT;
16 THENCE NORTH 89 DEGREES 31 MINUTES 33 SECONDS EAST, CONTINUING
17 ALONG SAID NORTH LINE AND THE APPROXIMATE CENTER OF SAID DAVIS ROAD,
18 A DISTANCE OF 335.80 FEET TO THE POINT OF BEGINNING AND CONTAINING
19 762,300 SQUARE FEET, OR 17.500 ACRES OF LAND, MORE OR LESS.

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

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

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