

By: Phillips

H.B. No. 4096

Substitute the following for H.B. No. 4096:

By: Puente

C.S.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 [Sections 8251.104-8251.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8251.151. OPERATION AND MAINTENANCE TAX. The district
18 may impose a tax for any district operation and maintenance purpose
19 in the manner provided by Section 49.107, Water Code.

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

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

27 (1) an electric utility or a power generation company

1 as defined by Section 31.002, Utilities Code;

2 (2) a gas utility as defined by Section 101.003 or
3 121.001, Utilities Code;

4 (3) a telecommunications provider as defined by
5 Section 51.002, Utilities Code;

6 (4) a cable operator as defined by 47 U.S.C. Section
7 522; or

8 (5) a person who provides to the public advanced
9 telecommunications services.

10 [Sections 8251.154-8251.200 reserved for expansion]

11 SUBCHAPTER E. BONDS

12 Sec. 8251.201. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. (a) The district may issue bonds or other obligations
14 as provided by Chapters 49 and 54, Water Code, and to finance the
15 construction, maintenance, or operation of projects under Section
16 8251.102.

17 (b) The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, grants, or other district money.

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

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

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

4 TRACT 1

5 BEING a tract of land situated in the J. ARMENDARIS SURVEY, ABSTRACT
6 NO. 39, the J. MARSHALL SURVEY, ABSTRACT NO. 868, the C. MASON
7 SURVEY, ABSTRACT NO. 859 and the E. REYNOLDS SURVEY, ABSTRACT NO.
8 1008, in Grayson County, Texas, and being all of a called 146 acre
9 tract of land described in a deed to W. C. King recorded in Volume
10 464, Page 531 of the Deed Records of Grayson County, Texas, part of
11 a called 273.2255 acre tract described in a deed to W. C. King
12 recorded in Volume 418, Page 320 of said Deed Records, (both of said
13 King tracts being subsequently conveyed in part to Joe C. King,
14 Nancy Jane Yarborough and the Mary Ann Arterbury Revocable Trust by
15 deeds recorded in Volume 2182, Page 950, Volume 2192, Page 234,
16 Volume 2249, Page 895, and Volume 3259, Page 266, all of said Deed
17 Records), all of a called 60.2 acre tract of land described as Tract
18 One in a deed to Nancy McElreath King recorded in Volume 953, Page
19 307 of said Deed Records, all of a called 12.5 acre tract of land
20 described as Tract Two in said deed, and all of a called 40 acre
21 tract of land described as Tract Three in said deed, and being more
22 particularly described as follows:

23 BEGINNING at a railroad spike found at the intersection of the
24 center of Farmington Road (undedicated public road) with the center
25 of Hall Cemetery Road (undedicated public road), said point being
26 the southwest corner of said 60.2 acre tract;

27 THENCE North 00 degrees 57 minutes 32 seconds West, along the

1 approximate center of Farmington Road, and along the west lines of
2 said 60.2 acre tract and said 146 acre tract, a distance of 2577.20
3 feet to a 1-inch iron pipe found for the most westerly northwest
4 corner of said 146 acre tract and the south corner of a called 34
5 acre tract of land described in a deed to the Burks Family Trusts
6 recorded in Volume 3128, Page 820 of said Deed Records;

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

15 THENCE North 33 degrees 34 minutes 50 seconds East, along the common
16 line between said 146 acre tract and said 123.8843 acre tract, and
17 along the approximate center of Davis Road, a distance of 989.01
18 feet to a 1-inch iron pipe found at an angle point in said road for
19 most northerly northwest corner of said 146 acre tract;

20 THENCE South 89 degrees 56 minutes 45 seconds East, along the
21 approximate center of Davis Road and the north lines of said 146
22 acre tract and said 273.2255 acre tract, a distance of 3122.85 feet
23 to a 5/8-inch iron rod with cap marked "PETITT RPLS 4087" set for
24 corner;

25 THENCE South 00 degrees 55 minutes 04 seconds East, along the
26 prolongation of and the west lines of a called 0.923 acre tract
27 described in a deed to Joe C. King and wife Katie Mae King recorded

1 in Volume 1518, Page 747 of said Deed Records, a called 3.086 acre
2 tract of land described in a deed to Joe C. King and wife Katie Mae
3 King recorded in Volume 1331, Page 150, a tract of land described in
4 a deed to Joe C. King recorded in Volume 1293, Page 77 of said Deed
5 Records, a distance of 3195.54 feet to a 5/8-inch iron rod with cap
6 marked "PETITT RPLS 4087" set for a point of the north line of
7 Western Hills, an addition to the City of Howe according to the plat
8 thereof recorded in Volume 3, Page 76 of the Map Records of Grayson
9 County, Texas.

10 THENCE South 89 degrees 24 minutes 28 seconds West, along the north
11 line of Western Hills, and addition to the City of Howe, a distance
12 of 1.52 feet to the northwest corner of said Western Hills to a
13 5/8-inch iron rod with cap marked "PETITT RPLS 4087" set for corner;
14 THENCE South 00 degrees 48 minutes 45 seconds East, departing the
15 northwest corner of said Western Hills, and along the most
16 southerly east line of said 273.2255 acre tract, a distance of
17 410.53 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS
18 4087" set for the most southerly southeast corner of said 273.2255
19 acre tract and the northeast corner of a called 111.5 acre tract
20 described in a deed to Robert Glen Sollis, Jr., recorded in Volume
21 2352, Page 222 of said Deed Records;

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

27 THENCE South 00 degrees 48 minutes 45 seconds East, along the common

1 line between said 111.5 acre tract and said 40 acre tract, a distance
2 of 1904.72 feet to a 5/8-inch iron rod with cap marked "PETITT -
3 RPLS 4087" set in the approximate center of Hall Cemetery Road for
4 the southeast corner of said 40 acre tract;
5 THENCE South 89 degrees 13 minutes 54 seconds West, along the
6 approximate center of Hall Cemetery Road and the south lines of said
7 40 acre tract, said 12.5 acre tract and said 60.2 acre tract, a
8 distance of 2582.24 feet to the POINT OF BEGINNING and containing
9 470.470 acres of land, more or less.

10 TRACT 2

11 BEING A TRACT OF LAND SITUATED IN THE J. ARMENDARIS SURVEY, ABSTRACT
12 NO. 39, THE J. MARSHALL SURVEY, ABSTRACT NO. 825, AND THE E.
13 REYNOLDS SURVEY, ABSTRACT NO. 1008, IN GRAYSON COUNTY, TEXAS, AND
14 BEING A PORTION OF A CALLED 57.898 ACRE TRACT DESCRIBED IN A DEED TO
15 JOE CLYDE KING RECORDED IN VOLUME 3693, PAGE 147 OF THE DEED RECORDS
16 OF GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS
17 FOLLOWS:

18 BEGINNING AT A NAIL FOUND IN THE APPROXIMATE CENTER OF DAVIS ROAD
19 (UNDEDICATED PUBLIC ROAD) FOR THE NORTHEAST CORNER OF SAID 57.898
20 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 29.732 ACRE TRACT OF
21 LAND DESCRIBED AS TRACT 1 IN A DEED TO JERRY L. KING AND DONNA KING
22 BEDGOOD RECORDED IN VOLUME 2001, PAGE 107 OF SAID DEED RECORDS;
23 THENCE ALONG THE COMMON LINE BETWEEN SAID 29.732 ACRE TRACT AND SAID
24 57.898 ACRE TRACT AS FOLLOWS:

25 SOUTH 26 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 274.02
26 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET
27 FOR CORNER;

1 SOUTH 22 DEGREES 04 MINUTES 49 SECONDS EAST, A DISTANCE OF 371.90
2 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET
3 FOR CORNER;
4 SOUTH 64 DEGREES 31 MINUTES 10 SECONDS EAST, A DISTANCE OF 174.55
5 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET
6 FOR THE MOST EASTERLY NORTHEAST CORNER OF SAID 57.898 ACRE TRACT AND
7 THE NORTHWEST CORNER OF WESTERN HILLS COMMERCIAL, AN ADDITION TO
8 THE CITY OF HOWE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3,
9 PAGE 79 OF THE PLAT RECORDS OF GRAYSON COUNTY, TEXAS;
10 THENCE SOUTH 00 DEGREES 54 MINUTES 15 SECONDS EAST, ALONG THE
11 EASTERLY LINE OF SAID 57.898 ACRE TRACT AND THE WEST LINE OF SAID
12 WESTERN HILLS COMMERCIAL, A DISTANCE OF 360.57 FEET TO A 5/8-INCH
13 IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET FOR CORNER FROM
14 WHICH A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID
15 WESTERN HILLS COMMERCIAL BEARS SOUTH 00 DEGREES 54 MINUTES 15
16 SECONDS EAST, A DISTANCE OF 305.41 FEET;
17 THENCE SOUTH 89 DEGREES 31 MINUTES 09 SECONDS WEST, DEPARTING SAID
18 EASTERLY AND WEST LINES AND OVER AND ACROSS SAID 57.898 ACRE TRACT,
19 A DISTANCE OF 905.24 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED
20 "PETITT - RPLS 4087" SET IN THE WEST LINE OF SAID 57.898 ACRE TRACT
21 SAME BEING THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO AP
22 HOWE LIMITED PARTNERSHIP FILED IN VOLUME 3814, PAGE 898, OF SAID
23 DEED RECORDS;
24 THENCE NORTH 00 DEGREES 55 MINUTES 04 SECONDS WEST, ALONG SAID EAST
25 AND WEST LINES, A DISTANCE OF 1030.55 FEET TO A NAIL FOUND IN THE
26 APPROXIMATE CENTER OF SAID DAVIS ROAD FOR THE NORTHWEST CORNER OF
27 SAID 57.898 ACRE TRACT AND THE NORTHEAST CORNER OF SAID AP HOWE

1 LIMITED PARTNERSHIP TRACT;
2 THENCE SOUTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, ALONG THE NORTH
3 LINE OF SAID 57.898 ACRE TRACT AND THE APPROXIMATE CENTER OF SAID
4 DAVIS ROAD, A DISTANCE OF 160.56 FEET TO A RAILROAD SPIKE FOUND FOR
5 AN ANGLE POINT;
6 THENCE NORTH 89 DEGREES 31 MINUTES 33 SECONDS EAST, CONTINUING
7 ALONG SAID NORTH LINE AND THE APPROXIMATE CENTER OF SAID DAVIS ROAD,
8 A DISTANCE OF 335.80 FEET TO THE POINT OF BEGINNING AND CONTAINING
9 762,300 SQUARE FEET, OR 17.500 ACRES OF LAND, MORE OR LESS.

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

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

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

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

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