

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 4096  
1-2 (In the Senate - Received from the House May 18, 2007;  
1-3 May 18, 2007, read first time and referred to Committee on Natural  
1-4 Resources; May 19, 2007, reported favorably by the following vote:  
1-5 Yeas 9, Nays 0; May 19, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the King's Crossing Municipal Utility  
1-9 District of Grayson County; providing authority to impose a tax and  
1-10 issue bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 8251 to read as follows:

1-14 CHAPTER 8251. KING'S CROSSING MUNICIPAL UTILITY DISTRICT OF  
1-15 GRAYSON COUNTY

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8251.001. 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 King's Crossing Municipal  
1-21 Utility District of Grayson County.

1-22 Sec. 8251.002. NATURE OF DISTRICT. The district is a  
1-23 municipal utility district in Grayson County created under and  
1-24 essential to accomplish the purposes of Section 52, Article III,  
1-25 and Section 59, Article XVI, Texas Constitution.

1-26 Sec. 8251.003. FINDING OF PUBLIC USE AND BENEFIT. The  
1-27 district is created to serve a public use and benefit.

1-28 Sec. 8251.004. CONFIRMATION ELECTION REQUIRED. If the  
1-29 creation of the district is not confirmed at a confirmation  
1-30 election held under Section 8251.024 before September 1, 2009:

1-31 (1) the district shall, as soon as it reasonably knows  
1-32 the district will not be confirmed and before September 1, 2009:

1-33 (A) pay any debts incurred; and

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

1-36 (2) the district is dissolved September 1, 2009; and

1-37 (3) this chapter expires September 1, 2009.

1-38 Sec. 8251.005. INITIAL DISTRICT TERRITORY. (a) The  
1-39 district is initially composed of the territory described by  
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of  
1-42 the Act creating this chapter form a closure. A mistake made in the  
1-43 field notes or in copying the field notes in the legislative process  
1-44 does not affect:

1-45 (1) the organization, existence, or validity of the  
1-46 district;

1-47 (2) the right of the district to impose taxes; or

1-48 (3) the legality or operation of the board.

1-49 [Sections 8251.006-8251.020 reserved for expansion]

1-50 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-51 Sec. 8251.021. TEMPORARY DIRECTORS. (a) The temporary  
1-52 board consists of:

1-53 (1) Hill Johnson;

1-54 (2) Joe Henneburger;

1-55 (3) Bill Casanova;

1-56 (4) Adrian Butler; and

1-57 (5) Kevin Eddy.

1-58 (b) If a temporary director fails to qualify for office, the  
1-59 temporary directors who have qualified shall appoint a person to  
1-60 fill the vacancy. If at any time there are fewer than three  
1-61 qualified temporary directors, the Texas Commission on  
1-62 Environmental Quality shall appoint the necessary number of persons  
1-63 to fill all vacancies on the board.

1-64 (c) Temporary directors serve until the earlier of:

2-1 (1) the date directors are elected under Section  
2-2 8251.024; or  
2-3 (2) the date this chapter expires under Section  
2-4 8251.004.

2-5 Sec. 8251.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-6 DIRECTORS. As soon as practicable after all the temporary  
2-7 directors have qualified under Section 49.055, Water Code, the  
2-8 temporary directors shall convene the organizational meeting of the  
2-9 district at a location in the district agreeable to a majority of  
2-10 the directors. If a location cannot be agreed upon, the  
2-11 organizational meeting shall be at the Grayson County Courthouse.

2-12 Sec. 8251.023. DEVELOPMENT AGREEMENT REQUIRED. The  
2-13 temporary directors may not hold an election under Section 8251.024  
2-14 or approve the issuance of bonds until a district landowner enters  
2-15 into a development agreement regarding district land with the City  
2-16 of Howe.

2-17 Sec. 8251.024. CONFIRMATION AND INITIAL DIRECTORS'  
2-18 ELECTION. The temporary directors shall hold an election to  
2-19 confirm the creation of the district and to elect five directors as  
2-20 provided by Section 49.102, Water Code.

2-21 Sec. 8251.025. INITIAL ELECTED DIRECTORS; TERMS. The  
2-22 directors elected under Section 8251.024 shall draw lots to  
2-23 determine which two shall serve until the first regularly scheduled  
2-24 election of directors and which three shall serve until the second  
2-25 regularly scheduled election of directors.

2-26 Sec. 8251.026. EXPIRATION OF SUBCHAPTER. This subchapter  
2-27 expires September 1, 2009.

2-28 [Sections 8251.027-8251.050 reserved for expansion]

2-29 SUBCHAPTER B. BOARD OF DIRECTORS

2-30 Sec. 8251.051. DIRECTORS; TERMS. (a) The district is  
2-31 governed by a board of five directors.

2-32 (b) Directors serve staggered four-year terms.

2-33 [Sections 8251.052-8251.100 reserved for expansion]

2-34 SUBCHAPTER C. POWERS AND DUTIES

2-35 Sec. 8251.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-36 DUTIES. The district has the powers and duties provided by the  
2-37 general law of this state, including Chapters 49 and 54, Water Code,  
2-38 applicable to municipal utility districts created under Section 59,  
2-39 Article XVI, Texas Constitution.

2-40 Sec. 8251.102. ROAD PROJECTS. (a) The district may  
2-41 construct, acquire, improve, maintain, or operate macadamized,  
2-42 graveled, or paved roads or improvements in aid of those roads,  
2-43 inside or outside the district.

2-44 (b) A road project must meet all applicable construction  
2-45 standards, zoning and subdivision requirements, and regulations of  
2-46 each municipality in whose corporate limits or extraterritorial  
2-47 jurisdiction the district is located. If the district is not  
2-48 located in the corporate limits or extraterritorial jurisdiction of  
2-49 a municipality, a road project must meet all applicable  
2-50 construction standards, zoning and subdivision requirements, and  
2-51 regulations of each county in which the district is located.

2-52 (c) The district may not undertake a road project unless  
2-53 each municipality in whose corporate limits or extraterritorial  
2-54 jurisdiction the district is located consents by resolution. If  
2-55 the district is not located in the corporate limits or  
2-56 extraterritorial jurisdiction of a municipality, the district may  
2-57 not undertake a road project unless each county in which the  
2-58 district is located consents by resolution.

2-59 Sec. 8251.103. ROAD CONTRACTS. The district may contract  
2-60 for a road project in the manner provided by Subchapter I, Chapter  
2-61 49, Water Code.

2-62 Sec. 8251.104. MAINTENANCE AND REPAIR OF ROADS IN TERRITORY  
2-63 OUTSIDE CORPORATE LIMITS OF MUNICIPALITY. If district territory,  
2-64 or a portion of district territory, is located outside the  
2-65 corporate limits of a municipality, the district shall:

2-66 (1) maintain, improve, operate, and repair any road  
2-67 located in that territory in accordance with the ordinances and  
2-68 rules of each political subdivision in whose jurisdiction the road  
2-69 is located; and

3-1 (2) pay for the cost of performing the district's  
3-2 duties under Subdivision (1).

3-3 [Sections 8251.105-8251.150 reserved for expansion]

3-4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-5 Sec. 8251.151. OPERATION AND MAINTENANCE TAX. The district  
3-6 may impose a tax for any district operation and maintenance purpose  
3-7 in the manner provided by Section 49.107, Water Code.

3-8 Sec. 8251.152. TAX TO REPAY BONDS. The district may impose  
3-9 a tax to pay the principal of and interest on bonds issued under  
3-10 Section 8251.201.

3-11 Sec. 8251.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
3-12 ASSESSMENTS. The district may not impose an impact fee or  
3-13 assessment on the property, including the equipment,  
3-14 rights-of-way, facilities, or improvements, of:

3-15 (1) an electric utility or a power generation company  
3-16 as defined by Section 31.002, Utilities Code;

3-17 (2) a gas utility as defined by Section 101.003 or  
3-18 121.001, Utilities Code;

3-19 (3) a telecommunications provider as defined by  
3-20 Section 51.002, Utilities Code;

3-21 (4) a cable operator as defined by 47 U.S.C. Section  
3-22 522; or

3-23 (5) a person who provides to the public advanced  
3-24 telecommunications services.

3-25 [Sections 8251.154-8251.200 reserved for expansion]

3-26 SUBCHAPTER E. BONDS

3-27 Sec. 8251.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-28 OBLIGATIONS. (a) The district may issue bonds or other obligations  
3-29 as provided by Chapters 49 and 54, Water Code, and to finance the  
3-30 construction, maintenance, or operation of projects under Section  
3-31 8251.102.

3-32 (b) The district may issue bonds or other obligations  
3-33 payable wholly or partly from ad valorem taxes, impact fees,  
3-34 revenue, grants, or other district money.

3-35 (c) The district may not issue bonds or other obligations  
3-36 secured wholly or partly by ad valorem taxation to finance projects  
3-37 authorized by Section 8251.102 unless the issuance is approved by a  
3-38 vote of a two-thirds majority of district voters voting at an  
3-39 election called for that purpose.

3-40 (d) Bonds or other obligations issued or incurred to finance  
3-41 projects authorized by Section 8251.102 may not exceed one-fourth  
3-42 of the assessed value of the real property in the district.

3-43 SECTION 2. The King's Crossing Municipal Utility District  
3-44 of Grayson County initially includes all the territory contained in  
3-45 the following described area:

3-46 TRACT 1

3-47 BEING a tract of land situated in the J. ARMENDARIS SURVEY, ABSTRACT  
3-48 NO. 39, the J. MARSHALL SURVEY, ABSTRACT NO. 868, the C. MASON  
3-49 SURVEY, ABSTRACT NO. 859 and the E. REYNOLDS SURVEY, ABSTRACT NO.  
3-50 1008, in Grayson County, Texas, and being all of a called 146 acre  
3-51 tract of land described in a deed to W. C. King recorded in Volume  
3-52 464, Page 531 of the Deed Records of Grayson County, Texas, part of  
3-53 a called 273.2255 acre tract described in a deed to W. C. King  
3-54 recorded in Volume 418, Page 320 of said Deed Records, (both of said  
3-55 King tracts being subsequently conveyed in part to Joe C. King,  
3-56 Nancy Jane Yarborough and the Mary Ann Arterbury Revocable Trust by  
3-57 deeds recorded in Volume 2182, Page 950, Volume 2192, Page 234,  
3-58 Volume 2249, Page 895, and Volume 3259, Page 266, all of said Deed  
3-59 Records), all of a called 60.2 acre tract of land described as Tract  
3-60 One in a deed to Nancy McElreath King recorded in Volume 953, Page  
3-61 307 of said Deed Records, all of a called 12.5 acre tract of land  
3-62 described as Tract Two in said deed, and all of a called 40 acre  
3-63 tract of land described as Tract Three in said deed, and being more  
3-64 particularly described as follows:

3-65 BEGINNING at a railroad spike found at the intersection of the  
3-66 center of Farmington Road (undedicated public road) with the center  
3-67 of Hall Cemetery Road (undedicated public road), said point being  
3-68 the southwest corner of said 60.2 acre tract;

3-69 THENCE North 00 degrees 57 minutes 32 seconds West, along the

4-1 approximate center of Farmington Road, and along the west lines of  
4-2 said 60.2 acre tract and said 146 acre tract, a distance of 2577.20  
4-3 feet to a 1-inch iron pipe found for the most westerly northwest  
4-4 corner of said 146 acre tract and the south corner of a called 34  
4-5 acre tract of land described in a deed to the Burks Family Trusts  
4-6 recorded in Volume 3128, Page 820 of said Deed Records;  
4-7 THENCE North 34 degrees 38 minutes 57 seconds East, along the common  
4-8 line between said 34 acre tract and said 146 acre tract, a distance  
4-9 of 2574.44 feet to a 1-inch iron pipe found at an angle point in the  
4-10 approximate center of Davis Road (undedicated public road) for the  
4-11 east corner of said 34 acre tract and the most southerly southeast  
4-12 corner of a called 123.8843 acre tract of land described in a deed  
4-13 to C. J. Matthews and wife Dorothy Matthews recorded in Volume 1180,  
4-14 Page 590 of said Deed Records;  
4-15 THENCE North 33 degrees 34 minutes 50 seconds East, along the common  
4-16 line between said 146 acre tract and said 123.8843 acre tract, and  
4-17 along the approximate center of Davis Road, a distance of 989.01  
4-18 feet to a 1-inch iron pipe found at an angle point in said road for  
4-19 most northerly northwest corner of said 146 acre tract;  
4-20 THENCE South 89 degrees 56 minutes 45 seconds East, along the  
4-21 approximate center of Davis Road and the north lines of said 146  
4-22 acre tract and said 273.2255 acre tract, a distance of 3122.85 feet  
4-23 to a 5/8-inch iron rod with cap marked "PETITT RPLS 4087" set for  
4-24 corner;  
4-25 THENCE South 00 degrees 55 minutes 04 seconds East, along the  
4-26 prolongation of and the west lines of a called 0.923 acre tract  
4-27 described in a deed to Joe C. King and wife Katie Mae King recorded  
4-28 in Volume 1518, Page 747 of said Deed Records, a called 3.086 acre  
4-29 tract of land described in a deed to Joe C. King and wife Katie Mae  
4-30 King recorded in Volume 1331, Page 150, a tract of land described in  
4-31 a deed to Joe C. King recorded in Volume 1293, Page 77 of said Deed  
4-32 Records, a distance of 3195.54 feet to a 5/8-inch iron rod with cap  
4-33 marked "PETITT RPLS 4087" set for a point of the north line of  
4-34 Western Hills, an addition to the City of Howe according to the plat  
4-35 thereof recorded in Volume 3, Page 76 of the Map Records of Grayson  
4-36 County, Texas.  
4-37 THENCE South 89 degrees 24 minutes 28 seconds West, along the north  
4-38 line of Western Hills, and addition to the City of Howe, a distance  
4-39 of 1.52 feet to the northwest corner of said Western Hills to a  
4-40 5/8-inch iron rod with cap marked "PETITT RPLS 4087" set for corner;  
4-41 THENCE South 00 degrees 48 minutes 45 seconds East, departing the  
4-42 northwest corner of said Western Hills, and along the most  
4-43 southerly east line of said 273.2255 acre tract, a distance of  
4-44 410.53 feet to a 5/8-inch iron rod with cap marked "PETITT - RPLS  
4-45 4087" set for the most southerly southeast corner of said 273.2255  
4-46 acre tract and the northeast corner of a called 111.5 acre tract  
4-47 described in a deed to Robert Glen Sollis, Jr., recorded in Volume  
4-48 2352, Page 222 of said Deed Records;  
4-49 THENCE North 89 degrees 21 minutes 25 seconds West, along the common  
4-50 line between said 273.2255 acre tract and said 111.5 acre tract, a  
4-51 distance of 2591.12 feet to a 5/8-inch iron rod with cap marked  
4-52 "PETITT - RPLS 4087" set for the northwest corner of said 111.5 acre  
4-53 tract and the northeast corner of said 40 acre tract;  
4-54 THENCE South 00 degrees 48 minutes 45 seconds East, along the common  
4-55 line between said 111.5 acre tract and said 40 acre tract, a distance  
4-56 of 1904.72 feet to a 5/8-inch iron rod with cap marked "PETITT -  
4-57 RPLS 4087" set in the approximate center of Hall Cemetery Road for  
4-58 the southeast corner of said 40 acre tract;  
4-59 THENCE South 89 degrees 13 minutes 54 seconds West, along the  
4-60 approximate center of Hall Cemetery Road and the south lines of said  
4-61 40 acre tract, said 12.5 acre tract and said 60.2 acre tract, a  
4-62 distance of 2582.24 feet to the POINT OF BEGINNING and containing  
4-63 470.470 acres of land, more or less.  
4-64 TRACT 2  
4-65 BEING A TRACT OF LAND SITUATED IN THE J. ARMENDARIS SURVEY, ABSTRACT  
4-66 NO. 39, THE J. MARSHALL SURVEY, ABSTRACT NO. 825, AND THE E.  
4-67 REYNOLDS SURVEY, ABSTRACT NO. 1008, IN GRAYSON COUNTY, TEXAS, AND  
4-68 BEING A PORTION OF A CALLED 57.898 ACRE TRACT DESCRIBED IN A DEED TO  
4-69 JOE CLYDE KING RECORDED IN VOLUME 3693, PAGE 147 OF THE DEED RECORDS

5-1 OF GRAYSON COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS  
5-2 FOLLOWS:  
5-3 BEGINNING AT A NAIL FOUND IN THE APPROXIMATE CENTER OF DAVIS ROAD  
5-4 (UNDEDICATED PUBLIC ROAD) FOR THE NORTHEAST CORNER OF SAID 57.898  
5-5 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 29.732 ACRE TRACT OF  
5-6 LAND DESCRIBED AS TRACT 1 IN A DEED TO JERRY L. KING AND DONNA KING  
5-7 BEDGOOD RECORDED IN VOLUME 2001, PAGE 107 OF SAID DEED RECORDS;  
5-8 THENCE ALONG THE COMMON LINE BETWEEN SAID 29.732 ACRE TRACT AND SAID  
5-9 57.898 ACRE TRACT AS FOLLOWS:  
5-10 SOUTH 26 DEGREES 30 MINUTES 31 SECONDS EAST, A DISTANCE OF 274.02  
5-11 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET  
5-12 FOR CORNER;  
5-13 SOUTH 22 DEGREES 04 MINUTES 49 SECONDS EAST, A DISTANCE OF 371.90  
5-14 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET  
5-15 FOR CORNER;  
5-16 SOUTH 64 DEGREES 31 MINUTES 10 SECONDS EAST, A DISTANCE OF 174.55  
5-17 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET  
5-18 FOR THE MOST EASTERLY NORTHEAST CORNER OF SAID 57.898 ACRE TRACT AND  
5-19 THE NORTHWEST CORNER OF WESTERN HILLS COMMERCIAL, AN ADDITION TO  
5-20 THE CITY OF HOWE ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 3,  
5-21 PAGE 79 OF THE PLAT RECORDS OF GRAYSON COUNTY, TEXAS;  
5-22 THENCE SOUTH 00 DEGREES 54 MINUTES 15 SECONDS EAST, ALONG THE  
5-23 EASTERLY LINE OF SAID 57.898 ACRE TRACT AND THE WEST LINE OF SAID  
5-24 WESTERN HILLS COMMERCIAL, A DISTANCE OF 360.57 FEET TO A 5/8-INCH  
5-25 IRON ROD WITH CAP MARKED "PETITT - RPLS 4087" SET FOR CORNER FROM  
5-26 WHICH A 1/2-INCH IRON ROD FOUND FOR THE SOUTHWEST CORNER OF SAID  
5-27 WESTERN HILLS COMMERCIAL BEARS SOUTH 00 DEGREES 54 MINUTES 15  
5-28 SECONDS EAST, A DISTANCE OF 305.41 FEET;  
5-29 THENCE SOUTH 89 DEGREES 31 MINUTES 09 SECONDS WEST, DEPARTING SAID  
5-30 EASTERLY AND WEST LINES AND OVER AND ACROSS SAID 57.898 ACRE TRACT,  
5-31 A DISTANCE OF 905.24 FEET TO A 5/8-INCH IRON ROD WITH CAP MARKED  
5-32 "PETITT - RPLS 4087" SET IN THE WEST LINE OF SAID 57.898 ACRE TRACT  
5-33 SAME BEING THE EAST LINE OF A TRACT OF LAND DESCRIBED IN A DEED TO AP  
5-34 HOWE LIMITED PARTNERSHIP FILED IN VOLUME 3814, PAGE 898, OF SAID  
5-35 DEED RECORDS;  
5-36 THENCE NORTH 00 DEGREES 55 MINUTES 04 SECONDS WEST, ALONG SAID EAST  
5-37 AND WEST LINES, A DISTANCE OF 1030.55 FEET TO A NAIL FOUND IN THE  
5-38 APPROXIMATE CENTER OF SAID DAVIS ROAD FOR THE NORTHWEST CORNER OF  
5-39 SAID 57.898 ACRE TRACT AND THE NORTHEAST CORNER OF SAID AP HOWE  
5-40 LIMITED PARTNERSHIP TRACT;  
5-41 THENCE SOUTH 89 DEGREES 56 MINUTES 50 SECONDS EAST, ALONG THE NORTH  
5-42 LINE OF SAID 57.898 ACRE TRACT AND THE APPROXIMATE CENTER OF SAID  
5-43 DAVIS ROAD, A DISTANCE OF 160.56 FEET TO A RAILROAD SPIKE FOUND FOR  
5-44 AN ANGLE POINT;  
5-45 THENCE NORTH 89 DEGREES 31 MINUTES 33 SECONDS EAST, CONTINUING  
5-46 ALONG SAID NORTH LINE AND THE APPROXIMATE CENTER OF SAID DAVIS ROAD,  
5-47 A DISTANCE OF 335.80 FEET TO THE POINT OF BEGINNING AND CONTAINING  
5-48 762,300 SQUARE FEET, OR 17.500 ACRES OF LAND, MORE OR LESS.  
5-49 SECTION 3. (a) The legal notice of the intention to  
5-50 introduce this Act, setting forth the general substance of this  
5-51 Act, has been published as provided by law, and the notice and a  
5-52 copy of this Act have been furnished to all persons, agencies,  
5-53 officials, or entities to which they are required to be furnished  
5-54 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-55 Government Code.  
5-56 (b) The governor, one of the required recipients, has  
5-57 submitted the notice and Act to the Texas Commission on  
5-58 Environmental Quality.  
5-59 (c) The Texas Commission on Environmental Quality has filed  
5-60 its recommendations relating to this Act with the governor, the  
5-61 lieutenant governor, and the speaker of the house of  
5-62 representatives within the required time.  
5-63 (d) All requirements of the constitution and laws of this  
5-64 state and the rules and procedures of the legislature with respect  
5-65 to the notice, introduction, and passage of this Act are fulfilled  
5-66 and accomplished.  
5-67 SECTION 4. This Act takes effect immediately if it receives  
5-68 a vote of two-thirds of all the members elected to each house, as  
5-69 provided by Section 39, Article III, Texas Constitution. If this

6-1 Act does not receive the vote necessary for immediate effect, this  
6-2 Act takes effect September 1, 2007.

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