

By: Parker

H.B. No. 4100

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Canyon Falls Water Control and Improvement District No. 1 of Denton 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9016 to read as follows:

CHAPTER 9016. CANYON FALLS WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9016.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Canyon Falls Water Control and Improvement District No. 1 of Denton County.

Sec. 9016.002. NATURE OF DISTRICT. The district is a water control and improvement district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9016.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9016.023 before September 1, 2011:

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

- 1                   (A) pay any debts incurred;  
2                   (B) transfer to Denton County any assets that  
3 remain after the payment of debts; and  
4                   (C) maintain the organization of the district  
5 until all debts are paid and remaining assets are transferred; and  
6                   (2) this chapter expires September 1, 2014.

7           Sec. 9016.004. INITIAL DISTRICT TERRITORY. (a) The  
8 district is initially composed of the territory described by  
9 Section 2 of the Act creating this chapter.

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

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

16                   (2) the right of the district to impose taxes;

17                   (3) the validity of the district's bonds, notes, or  
18 indebtedness; or

19                   (4) the legality or operation of the district or the  
20 board.

21           [Sections 9016.005-9016.020 reserved for expansion]

22                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

23           Sec. 9016.021. INITIAL DIRECTORS. (a) The initial board  
24 consists of:

25                   (1) Leigh Ann Mayfield

26                   (2) Kelly Oltman;

27                   (3) Richard Ross;

1           (4) Timothy Anglin; and

2           (5) Julie Spencer.

3           (b) The terms of the first three directors named in  
4 Subsection (a) expire on the uniform election date in May of the  
5 first even-numbered year after the year in which the creation of the  
6 district is confirmed at an election held under Section 9016.023,  
7 and the terms of the last two directors named in Subsection (a)  
8 expire on the uniform election date in May of the next even-numbered  
9 year.

10           Sec. 9016.022. CONSENT OF MUNICIPALITY REQUIRED. The  
11 initial board may not hold an election under Section 9016.023 until  
12 each municipality in whose corporate limits or extraterritorial  
13 jurisdiction the district is located has adopted a resolution or an  
14 ordinance consenting to the creation of the district.

15           Sec. 9016.023. CONFIRMATION ELECTION. The initial board  
16 shall hold an election to confirm the creation of the district.

17           Sec. 9016.024. EXPIRATION OF SUBCHAPTER. This subchapter  
18 expires September 1, 2014.

19           [Sections 9016.025-9016.050 reserved for expansion]

20                   SUBCHAPTER B. BOARD OF DIRECTORS

21           Sec. 9016.051. DIRECTORS; TERMS. (a) The district is  
22 governed by a board of five directors.

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

24           [Sections 9016.052-9016.100 reserved for expansion]

25                   SUBCHAPTER C. POWERS AND DUTIES

26           Sec. 9016.101. WATER CONTROL AND IMPROVEMENT DISTRICT  
27 POWERS AND DUTIES. The district has the powers and duties provided

1 by the general law of this state, including Chapters 49 and 51,  
2 Water Code, applicable to water control and improvement districts  
3 created under Section 59, Article XVI, Texas Constitution.

4 Sec. 9016.102. ROAD PROJECTS. (a) To the extent authorized  
5 by Section 52, Article III, Texas Constitution, the district may  
6 construct, acquire, improve, maintain, or operate macadamized,  
7 graveled, or paved roads, or improvements in aid of those roads,  
8 inside the district.

9 (b) A road project must meet all applicable construction  
10 standards, subdivision requirements, and regulatory ordinances or  
11 orders of each municipality in whose corporate limits or  
12 extraterritorial jurisdiction the district is located.

13 [Sections 9016.103-9016.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 9016.151. TAX TO REPAY BONDS. The district may impose  
16 a tax to pay the principal of or interest on bonds or other  
17 obligations issued under Section 9016.201.

18 [Sections 9016.152-9016.200 reserved for expansion]

19 SUBCHAPTER E. BONDS

20 Sec. 9016.201. AUTHORITY TO ISSUE BONDS AND OTHER  
21 OBLIGATIONS. (a) The district may issue bonds or other obligations  
22 as provided by Chapters 49 and 51, Water Code, to finance the  
23 construction, maintenance, or operation of a project under Section  
24 9016.101 or 9016.102.

25 (b) The district may not issue bonds or other obligations to  
26 finance projects authorized by Section 9016.102 unless the issuance  
27 is approved by a vote of a two-thirds majority of the district

1 voters voting at an election called for that purpose.

2 (c) Bonds or other obligations issued or incurred to finance  
3 projects authorized by Section 9016.102 may not exceed one-fourth  
4 of the assessed value of the real property in the district.

5 SECTION 2. The Canyon Falls Water Control and Improvement  
6 District No. 1 of Denton County initially includes all the  
7 territory contained in the following area:

8 FIELD NOTE DESCRIPTION

9 CITY OF ARGYLE

10 STATE OF TEXAS

11 COUNTY OF DENTON

12 BEING a tract of land situated in the F. THORNTON SURVEY, Abstract  
13 No. 1244 and being a portion of a tract of land described in a deed  
14 to CANYON FALLS LAND PARTNERS L.P. as recorded in Instrument No.  
15 2006-35531 of the Deed Records of Denton County, Texas ( DRDCT ) and  
16 being more particularly described as follows;

17 BEGINNING at a  $\frac{1}{2}$  inch iron rod found for the most southeasterly  
18 corner of a tract of land conveyed to Ray Wolfe as recorded in  
19 CC#95-R0061399 ( DRDCT ), said point being found in the approximate  
20 centerline of STONECREST ROAD ( variable width Right-of-Way );

21 THENCE along the approximate centerline of said STONECREST ROAD as  
22 follows;

23 South 01 deg 26 min 35 sec West a distance of 681.53 feet to a Pk.  
24 Nail found in asphalt pavement for the most northwesterly corner of  
25 the STONECREST ADDITION, as recorded in Volume 5, Page 37 ( PRDCT );

26 South 00 deg 05 min 06 sec West a distance of 1273.98 feet to a point  
27 for corner the northerly line of the City of Flower Mound city limit

1 line;

2 THENCE departing the approximate centerline of said STONECREST ROAD  
3 North 89 deg 03 min 28 sec West a distance of 2748.07 feet to a point  
4 for the beginning of a curve to the right having a radius of 2640.00  
5 feet, a chord bearing North 73 deg 26 min 39 sec West and a chord  
6 distance of 1421.10 feet;

7 THENCE along said curve to the right through central angle of 31 deg  
8 13 min 37 sec for an arc length of 1438.84 feet to a point for  
9 corner;

10 THENCE North 00 deg 56 min 32 sec East a distance of 1336.30 feet to  
11 a point for corner;

12 THENCE North 89 deg 03 min 28 sec West a distance of 702.00 feet to a  
13 point for corner in the southerly line of a tract of land conveyed  
14 to Ronald Lee McCutchin as recorded in Volume 527, Page 68 (DRDCT);

15 THENCE along the southerly line of said McCutchin tract and along a  
16 barb wire fence as follows;

17 North 00 deg 08 min 51 sec East a distance of 94.23 feet to a 5/8  
18 inch iron rod found for corner;

19 South 89 deg 41 min 56 sec East a distance of 1442.20 feet to a ½  
20 inch iron rod found for the most southwesterly corner of THE  
21 SETTLEMENT II as recorded in Cabinet E, Page 33 of the Plat Records  
22 of Denton County, Texas ( PRDCT );

23 THENCE along the southerly line of said THE SETTLEMENT II and along  
24 a barb wire feet as follows;

25 South 89 deg 42 min 54 sec East a distance of 1607.35 feet to a ½  
26 inch iron rod found for corner;

27 South 88 deg 29 min 54 sec East passing through a ½ inch iron rod

1 found at a distance of 311.48 feet continuing in all a distance of  
2 366.95 feet to a wood fence post found for corner;  
3 South 89 deg 45 min 57 sec East passing through a ½ inch iron rod  
4 found at a distance of 119.13 feet and passing through a ½ inch iron  
5 rod found at a distance of 294.24 feet continuing in all a distance  
6 of 732.14 feet to a wood fence post found for the the most  
7 southeasterly corner of said THE SETTLEMENT II;  
8 THENCE along the easterly line of said THE SETTLEMENT II North 01  
9 deg 19 min 54 sec East a distance of 83.74 feet to a ½ inch iron rod  
10 found for corner, said point being the most southwesterly corner of  
11 a tract of land conveyed to Ray Wolfe as recorded in CC#95-R0061399  
12 ( DRDCT );  
13 THENCE along the southerly line of said White tract North 89 deg 19  
14 min 34 sec East a distance of 658.25 feet to the POINT OF BEGINNING;  
15 CONTAINING within these metes and bounds 172.579 acres or 7,517,538  
16 square feet of land more or less. Bearings contained within this  
17 field note description are based upon an on the ground survey  
18 performed in field on the 19th day of November, 2005 utilizing  
19 G.P.S. Measurements.

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 September 1, 2007.