

By: Parker

H.B. No. 4102

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Canyon Falls Water Control and Improvement District No. 2 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 9017 to read as follows:

CHAPTER 9017. CANYON FALLS WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 2 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9017.001. 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. 2 of Denton County.

Sec. 9017.002. 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. 9017.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9017.023 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. 9017.004. 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 9017.005-9017.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 9017.021. INITIAL DIRECTORS. (a) The initial board
24 consists of:

25 (1) John Mayfield;

26 (2) Greg Nelson;

27 (3) Scott Spencer;

1 (4) Dan Rudkin; and

2 (5) Steve Oltmann.

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 9017.023,
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. 9017.022. CONSENT OF MUNICIPALITY REQUIRED. The
11 initial board may not hold an election under Section 9017.023 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. 9017.023. CONFIRMATION ELECTION. The initial board
16 shall hold an election to confirm the creation of the district.

17 Sec. 9017.024. EXPIRATION OF SUBCHAPTER. This subchapter
18 expires September 1, 2014.

19 [Sections 9017.025-9017.050 reserved for expansion]

20 SUBCHAPTER B. BOARD OF DIRECTORS

21 Sec. 9017.051. DIRECTORS; TERMS. (a) The district is
22 governed by a board of five directors.

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

24 [Sections 9017.052-9017.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 9017.101. 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. 9017.102. 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 9017.103-9017.150 reserved for expansion]

14 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

15 Sec. 9017.151. 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 9017.201.

18 [Sections 9017.152-9017.200 reserved for expansion]

19 SUBCHAPTER E. BONDS

20 Sec. 9017.201. 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 9017.101 or 9017.102.

25 (b) The district may not issue bonds or other obligations to
26 finance projects authorized by Section 9017.102 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 9017.102 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. 2 of Denton County initially includes all the
7 territory contained in the following area:

8 FIELD NOTE DESCRIPTION

9 CITY OF NORTHLAKE TRACT 1

10 STATE OF TEXAS

11 COUNTY OF DENTON

12 BEING a tract of land situated in the M.E.P. & P. R.R. SURVEY,
13 Abstract No. 913, F. THORNTON SURVEY, Abstract No. 1244, J. WILBURN
14 SURVEY, Abstract No. 1416 and the W. LOVE SURVEY, Abstract No. 728
15 and being a portion of a tract of land described in a deed to CANYON
16 FALLS LAND PARTNERS L.P. as recorded in Instrument No. 2006-35531
17 of the Deed Records of Denton County, Texas (DRDCT) and being more
18 particularly described as follows;

19 BEGINNING at a capped $\frac{1}{2}$ inch iron rod found at the most
20 northwesterly corner of a tract of land conveyed to Mark Wayne
21 Judge, and wife Mary Abb Judge as recorded in Volume 4144, Page 2082
22 (DRDCT);

23 THENCE departing the northerly line of said Judge tract North 00 deg
24 30 min 31 sec East along a barb wire fence a distance of 2895.65 feet
25 to a wood fence post found for corner, said point being the most
26 northeasterly corner of a tract of land conveyed to D.W. Coin, and
27 wife Christene Coin as recorded in Volume 1015, Page 432 (DRDCT);

1 THENCE North 89 deg 30 min 59 sec West along a barb wire fence a
2 distance of 2944.98 feet to a 3/8 inch iron rod found for corner in
3 the approximate centerline of CLEVELAND-GIBBS ROAD, said point being
4 the most northwesterly corner of a tract of land conveyed to Elton
5 Dee Gardner, Jr. as recorded in CC# 93-0084282 (DRDCT);
6 THENCE along the approximate centerline of as CLEVALND-GIBBS ROAD
7 as follows;
8 North 00 deg 05 min 55 sec West a distance of 1407.56 feet to a ½
9 inch iron rod set with a red plastic cap stamped "W.A.I." for
10 corner;
11 North 13 deg 10 min 14 sec West a distance of 622.96 feet to a Pk.
12 Nail set in asphalt pavement for corner, said point being set in the
13 southeasterly Right-of-Way of INTERSTATE 35W (variable width
14 Right-of-Way);
15 THENCE departing the approximate centerline of said CLEVELAND-GIBBS
16 ROAD and along the southeasterly Right-of-Way line of said
17 INTERSTATE 35W as follows;
18 North 77 deg 44 min 47 sec East a distance of 17.12 feet to a TXDOT
19 Concrete Monument found for corner;
20 North 07 deg 49 min 52 sec East a distance of 75.37 feet to a ½ inch
21 iron rod set with a red plastic cap stamped "W.A.I." for corner;
22 North 13 deg 52 min 40 sec West a distance of 160.00 feet to a TXDOT
23 Concrete Monument found for corner;
24 North 20 deg 34 min 02 sec West a distance of 217.85 feet to a point
25 for corner in a tree;
26 North 89 deg 26 min 40 sec West a distance of 16.86 feet to a ½ inch
27 iron rod found for corner;

1 North 18 deg 23 min 39 sec West a distance of 6.22 feet to a TXDOT
2 Concrete Monument found for corner;
3 North 88 deg 35 min 44 sec West a distance of 57.52 feet to a TXDOT
4 Concrete Monument found for corner;
5 North 64 deg 58 min 47 sec West a distance of 136.61 feet to a TXDOT
6 Concrete Monument found for corner;
7 North 21 deg 08 min 10 sec West passing through a TXDOT Concrete
8 Monument at a distance of 248.70 feet continuing in all a distance
9 of 528.90 feet to a TXDOT Concrete Monument found for corner;
10 North 24 deg 05 min 25 sec East a distance of 743.70 feet to a broken
11 TXDOT Concrete Monument found for corner in the approximate
12 centerline of a creek;
13 THENCE departing the southeasterly Right-of-Way line of said
14 INTERSTATE 35W and along the approximate centerline of said creek
15 as follows:
16 South 64 deg 18 min 23 sec East a distance of 53.75 feet to a point;
17 South 79 deg 10 min 35 sec East a distance of 79.02 feet to a point;
18 South 35 deg 21 min 52 sec East a distance of 57.79 feet to a point;
19 South 48 deg 30 min 57 sec East a distance of 75.64 feet to a point;
20 South 32 deg 34 min 23 sec East a distance of 129.42 feet to a point;
21 South 46 deg 50 min 25 sec East a distance of 148.50 feet to a point;
22 North 53 deg 05 min 10 sec East a distance of 122.04 feet to a point;
23 South 56 deg 56 min 44 sec East a distance of 175.61 feet to a point;
24 South 64 deg 34 min 41 sec East a distance of 102.00 feet to a point;
25 South 65 deg 10 min 30 sec East a distance of 137.84 feet to a point;
26 South 24 deg 48 min 23 sec East a distance of 21.57 feet to a point;
27 South 75 deg 14 min 20 sec East a distance of 190.64 feet to a point;

1 South 05 deg 18 min 14 sec East a distance of 106.22 feet to a point;
2 South 51 deg 12 min 41 sec East a distance of 86.44 feet to a point;
3 South 38 deg 52 min 18 sec West a distance of 70.06 feet to a point;
4 South 47 deg 56 min 51 sec East a distance of 223.88 feet to a point;
5 South 50 deg 48 min 32 sec West a distance of 120.96 feet to a point;
6 South 42 deg 42 min 30 sec East a distance of 105.51 feet to a point;
7 North 71 deg 06 min 00 sec East a distance of 85.98 feet to a point;
8 South 71 deg 43 min 46 sec East a distance of 194.40 feet to a point;
9 South 25 deg 22 min 35 sec East a distance of 66.32 feet to a point;
10 North 77 deg 27 min 41 sec East a distance of 95.93 feet to a point;
11 South 20 deg 19 min 13 sec East a distance of 76.45 feet to a point;
12 North 75 deg 40 min 42 sec East a distance of 72.63 feet to a point;
13 South 15 deg 51 min 41 sec West a distance of 40.94 feet to a point;
14 South 68 deg 22 min 35 sec East a distance of 56.47 feet to a point;
15 South 17 deg 49 min 47 sec East a distance of 11.57 feet to a point;
16 South 89 deg 36 min 34 sec East a distance of 3553.80 feet to a
17 point;
18 South 00 deg 30 min 49 sec West a distance of 3470.64 feet to a wood
19 fence post found for most northwesterly corner of a 1% tract of land
20 conveyed to Frances McLendon Ewing as recorded in Volume 1552, Page
21 949 (DRDCT);
22 Thence along the westerly line of said Frances McLendon Ewing tract
23 South 00 deg 32 min 43 sec West a distance of 1233.08 feet to a 1/2
24 inch iron rod with a red plastic cap stamped W.A.I. set for corner;
25 Thence departing the westerly line of said Frances McLendon Ewing
26 tract North 89 deg 20 min 44 sec West a distance of 1195.75 feet to a
27 1/2 inch iron rod with a red plastic cap stamped W.A.I. set for

1 corner;

2 THENCE South 10 deg 04 min 59 sec West a distance of 1215.25 feet to

3 a 1/2 inch iron rod with a red plastic cap stamped W.A.I. set for

4 corner in the northerly Right-of-Way line of said F.M. 1171;

5 THENCE along the northerly Right-of-Way line of said F.M. 1171 as

6 follows;

7 South 66 deg 26 min 52 sec West a distance of 33.64 feet to a ½ inch

8 iron rod set with a red plastic cap stamped "W.A.I." for the

9 beginning of a non-tangent curve to the left having a radius of

10 5659.58 feet and having a chord bearing of North 70 deg 03 min 39 sec

11 West and a chord length of 231.34 feet;

12 Continuing along said non-tangent curve to the left through a

13 central angle of 02 deg 20 min 32 sec and an arc length of 231.36

14 feet to the point of tangency;

15 North 69 deg 22 min 11 sec West a distance of 33.82 feet to a capped

16 ½ inch iron rod found at the most southeasterly corner of said Judge

17 tract;

18 THENCE along the easterly line of said Judge tract as follows;

19 North 00 deg 54 min 19 sec West a distance of 250.23 feet to a capped

20 ½ inch iron rod found for corner;

21 North 05 deg 57 min 32 sec West a distance of 225.22 feet to a capped

22 ½ inch iron rod found for the most northeasterly corner of said

23 Judge tract;

24 THENCE along the northerly line of said Judge tract North 89 deg 24

25 min 30 sec West a distance of 313.03 feet to the POINT OF BEGINNING;

26 CONTAINING within these metes and bounds 433.539 acres or

27 18,884,940 square feet of land more or less. Bearings contained

1 within this field note description are based upon an on the ground
2 survey performed in field on the 19th day of November, 2005
3 utilizing G.P.S. Measurements.

4 FIELD NOTE DESCRIPTION

5 CITY OF NORTHLAKE TRACT 2

6 STATE OF TEXAS

7 COUNTY OF DENTON

8 BEING a tract of land situated in the W. LOVE SURVEY, Abstract No.
9 728 and being a portion of a tract of land conveyed as 11.2% to Gail
10 Obenchain Schoellkopt, 11.2% to Melinda Calvert Obenchain, 11.2% to
11 Thomas A. Obenchain, 26.4% to The Hartnett Law Firm, 13.335% to
12 Jason Mclean, 13.335% to Jason Mclean as next friend for
13 Christopher Taylor and 13.33% to McCracken, Taylor & Nelson, P.C.
14 as recorded in CC# 05-12627 of the Deed Records of Denton County,
15 Texas (DRDCT) and being more particularly described as follows;

16 BEGINNING at a 5/8" iron rod found at the intersection of the common
17 line of a tract of land conveyed as 1% Frances McLendon Ewing as
18 recorded in Volume 1552, Page 949 (DRDCT) and the said Obenchain
19 tract and the southerly Right-of-Way line of F.M. 1171 (a variable
20 width Right-of-Way);

21 THENCE along the southerly Right-of-Way line of said F.M. 1171 as
22 follows;

23 South 69 deg 30 min 13 sec East a distance of 353.33 feet to a wood
24 TXDOT monument found for corner;

25 South 70 deg 08 min 26 sec East a distance of 235.35 feet to a wood
26 TXDOT monument found for corner;

27 South 25 deg 13 min 15 sec East a distance of 80.88 feet to a wood

1 TXDOT monument found for corner;
2 South 71 deg 38 min 42 sec East passing through a wood TXDOT
3 monument found at a distance of 145.00 feet and passing through a
4 wood TXDOT monument found at a distance of 253.46 feet continuing in
5 all a distance of 500.00 feet to a wood TXDOT monument found for
6 corner;
7 North 77 deg 33 min 25 sec East a distance of 116.11 feet to a wood
8 TXDOT monument found for corner;
9 South 71 deg 48 min 04 sec East a distance of 593.69 feet to a 1/2
10 inch iron rod found for corner, said point being found in the
11 northerly line of said Ewing tract;
12 THENCE along the northerly line of said Ewing tract and along a barb
13 wire fence as follows;
14 North 89 deg 25 min 20 sec West a distance of 1739.14 feet to a wood
15 fence post found for corner;
16 North 00 deg 02 min 00 sec East a distance of 577.16 feet to the
17 POINT OF BEGINNING;
18 CONTAINING within these metes and bounds 10.427 acres or 454,192
19 square feet of land more or less. Bearings contained within this
20 field note description are based upon an on the ground survey
21 performed in field on the 19th day of November, 2005 utilizing
22 G.P.S. Measurements.

23 SECTION 3. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

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

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

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

14 SECTION 4. This Act takes effect September 1, 2007.