

By: Phillips

H.B. No. 4115

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Sangani Ranch Municipal Utility District No. 1 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 8258 to read as follows:

CHAPTER 8258. SANGANI RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8258.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Sangani Ranch Municipal Utility District No. 1 of Grayson County.

Sec. 8258.002. 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. 8258.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8258.023 before September 1, 2009:

(1) the district is dissolved September 1, 2009, except that the district shall:

1 (A) pay any debts incurred;

2 (B) transfer to Grayson 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, 2012.

7 Sec. 8258.004. 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 8258.005-8258.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 8258.021. TEMPORARY DIRECTORS. (a) On or after
24 September 1, 2007, a person who owns land in the district may submit
25 a petition to the Texas Commission on Environmental Quality
26 requesting that the commission appoint as temporary directors the
27 five persons named in the petition.

1 (b) The commission shall appoint as temporary directors the
2 five persons named in the first petition received by the commission
3 under Subsection (a).

4 (c) If a temporary director fails to qualify for office, the
5 commission shall appoint a person to fill the vacancy.

6 (d) Temporary directors serve until the earlier of:

7 (1) the date directors are elected under Section
8 8258.023; or

9 (2) the date this chapter expires under Section
10 8258.003.

11 Sec. 8258.022. ORGANIZATIONAL MEETING OF TEMPORARY
12 DIRECTORS. As soon as practicable after all the temporary
13 directors have qualified under Section 49.055, Water Code, the
14 temporary directors shall meet at a location in the district
15 agreeable to a majority of the directors. At the meeting, the
16 temporary directors shall elect officers from among the temporary
17 directors and conduct any other district business.

18 Sec. 8258.023. CONFIRMATION AND INITIAL DIRECTORS'
19 ELECTION; ANNEXATION BY CITY. (a) The temporary directors shall
20 hold an election to confirm the creation of the district and to
21 elect five directors as provided by Section 49.102, Water Code.

22 (b) The temporary directors may not hold the election until
23 the City of Gunter has annexed into its corporate limits all
24 territory described by Section 2 of the Act creating this chapter.

25 Sec. 8258.024. INITIAL ELECTED DIRECTORS; TERMS. The
26 directors elected under Section 8258.023 shall draw lots to
27 determine which two shall serve until the first regularly scheduled

1 election of directors and which three shall serve until the second
2 regularly scheduled election of directors.

3 Sec. 8258.025. EXPIRATION OF SUBCHAPTER. This subchapter
4 expires September 1, 2014.

5 [Sections 8258.026-8258.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8258.051. GOVERNING BODY; TERMS. (a) The district is
8 governed by a board of five directors.

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

10 [Sections 8258.052-8258.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 8258.101. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8258.102. WATER AND WASTEWATER FACILITIES AND
18 SERVICES. (a) The district shall make available any district water
19 or wastewater facility to each person that holds a certificate of
20 convenience and necessity for land in the district.

21 (b) The district may not provide retail water or wastewater
22 services.

23 Sec. 8258.103. ROAD PROJECTS. (a) To the extent authorized
24 by Section 52, Article III, Texas Constitution, the district may
25 construct, acquire, improve, maintain, or operate macadamized,
26 graveled, or paved roads or turnpikes, or improvements in aid of
27 those roads or turnpikes, inside the district.

1 (b) A road project must meet all applicable construction
2 standards, subdivision requirements, and regulations of each
3 municipality in whose corporate limits or extraterritorial
4 jurisdiction the district is located.

5 Sec. 8258.104. MAINTENANCE AND REPAIR OF ROADS IN TERRITORY
6 EXCLUDED FROM CITY. If the City of Gunter excludes district
7 territory from the city's corporate limits, the district shall
8 maintain, improve, operate, and repair any road located in that
9 territory in accordance with the ordinances and rules of each
10 political subdivision in whose jurisdiction the road is located.

11 Sec. 8258.105. DIVISION OF DISTRICT. (a) The district may
12 be divided into two new districts only if the district:

13 (1) has no outstanding bonded debt; and

14 (2) is not imposing ad valorem taxes.

15 (b) The division procedure is prescribed by Sections 53.030
16 through 53.041, Water Code.

17 (c) Any new district created by the division of the district
18 has all the powers and duties of the district.

19 (d) Any new district created by the division of the district
20 may not, at the time the new district is created, contain any land:

21 (1) outside the area described by Section 2 of the Act
22 creating this chapter; or

23 (2) outside the corporate limits of the city of
24 Gunter.

25 Sec. 8258.106. LIMITATION ON ANNEXATION. (a) The district
26 may not add land to the district under Subchapter J, Chapter 49,
27 Water Code, if the land is located outside the corporate limits of

1 the city of Gunter.

2 (b) Section 43.075, Local Government Code, does not apply to
3 the district.

4 [Sections 8258.107-8258.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8258.151. TAX TO REPAY BONDS. The district may impose
7 a tax to pay the principal of or interest on bonds or other
8 obligations issued under Section 8258.201.

9 [Sections 8258.152-8258.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 8258.201. AUTHORITY TO ISSUE BONDS AND OTHER
12 OBLIGATIONS. (a) The district may issue bonds or other obligations
13 as provided by Chapters 49 and 54, Water Code, to finance the
14 construction, maintenance, or operation of a project under Section
15 8258.101 or 8258.103.

16 (b) The district may not issue bonds or other obligations to
17 finance projects authorized by Section 8258.103 unless the issuance
18 is approved by a vote of a two-thirds majority of the district
19 voters voting at an election held for that purpose.

20 (c) Bonds or other obligations issued or incurred to finance
21 projects authorized by Section 8258.103 may not exceed one-fourth
22 of the assessed value of the real property in the district.

23 SECTION 2. The Sangani Ranch Municipal Utility District No.
24 1 of Grayson County includes all the territory contained in the
25 following area:

26 Tract 1

27 All that certain tract or parcel of land situated in the A. S. A.

1 Hartfield Survey, Abstract Number 490, Grayson County, Texas, and
2 being part of a called Tract No. 3 as described in a deed from Jack
3 A. Turpin to JMS & Co., a Texas General Partnership as recorded in
4 Volume 1963, Page 451, Deed Records of Grayson County, Texas, and
5 being more particularly described as follows:

6 Beginning at a 1/2" iron rod found in the south line of said Tract
7 No. 3 and in the east right-of-way line of State Highway 289 and
8 also in an asphalt road under apparent public use posted as Mackey
9 Road;

10 Thence North 00 Degrees 32 Minutes 59 Seconds West with the said
11 east monumented right-of-way line and generally with a fence line,
12 a distance of 114.58 feet to a right-of-way monument found for
13 corner;

14 Thence North 45 Degrees 35 Minutes 10 Seconds East with the said
15 east monumented right-of-way line and generally with a fence line,
16 a distance of 180.50 feet to a right-of-way monument found for
17 corner;

18 Thence North 40 Degrees 07 Minutes 07 Seconds East with the said
19 east right-of-way line and generally with a fence line, a distance
20 of 329.14 feet to a 1/2" capped iron rod set for corner;

21 Thence North 45 Degrees 35 Minutes 13 Seconds East with the said
22 east right-of-way line and generally with a fence line, a distance
23 of 1391.07 feet to a 1/2" capped iron rod set for corner;

24 Thence North 51 Degrees 15 Minutes 05 Seconds East with the said
25 east monumented right-of-way line and generally with a fence line,
26 a distance of 494.20 feet to a concrete monument for corner;

27 Thence North 45 Degrees 35 Minutes 13 Seconds East with the said

1 east right-of-way line and generally with a fence line, a distance
2 of 131.23 feet to a 1/2" capped iron rod set for corner;
3 Thence North 42 Degrees 32 Minutes 58 Seconds East with the said
4 east monumented right-of-way line and generally with a fence line,
5 a distance of 3 15.33 feet to a concrete monument for corner;
6 Thence North 45 Degrees 35 Minutes 13 Seconds East with the said
7 east right-of-way line and generally with a fence line, a distance
8 of 98.43 feet to a 1/2" capped iron rod set for corner;
9 Thence North 40 Degrees 15 Minutes 20 Seconds East with the said
10 east right-of-way line and generally with a fence line, a distance
11 of 354.85 feet to a 1/2" capped iron rod set for the north corner of
12 said Tract No. 3 and at the northwest corner of a called 26.14 acre
13 tract of land described in a deed to Penny S. Avery as recorded in
14 Volume 2670, Page 802, Deed Records of Grayson County, Texas;
15 Thence South 01 Degrees 16 Minutes 21 Seconds East with the east
16 line of said Tract No. 3 and with the west line of said 26.14 acre
17 tract and also with or near a fence line, passing a 1/2" iron rod
18 found at 2400.96 feet and continuing along said coarse for a total
19 distance of 2425.74 feet to a 60 D nail found at the southeast comer
20 of said Tract No. 3 and at the southwest corner of said 26.14 acre
21 tract and also in said asphalt road;
22 Thence South 89 Degrees 39 Minutes 37 Seconds West with the south
23 line of said Tract No. 3 and along said asphalt road, a distance of
24 2379.51 feet to the POINT OF BEGINNING and containing in total
25 69.234 acres of land and in the occupied road way and a total of
26 1.413 acres of land.
27 Tract 2

1 All that certain tract or parcel of land situated in the A. S. A.
2 Hartfield Survey, Abstract Number 490, Grayson County, Texas, and
3 being part of a called Tract No. 2 as described in a deed from Jack
4 A. Turpin to JMS & Co., a Texas General Partnership as recorded in
5 Volume 1963, Page 451, Deed Records of Grayson County, Texas, and
6 being more particularly described as follows:

7 Beginning at a 1/2" capped iron rod set at the southwest corner of
8 said Tract No. 2 and in an asphalt road under apparent public use
9 posted as Fallow Road and also in the west line of said Hartfield
10 Survey;

11 Thence North 00 Degrees 57 Minutes 46 Seconds East with the west
12 line of said Tract No. 2 and along said asphalt road most of the way
13 and also with the said west line, a distance of 1786.81 feet to a
14 1/2" capped iron rod set for corner in the southeast right-of-way
15 line of S.C. & S.F. RAILROAD;

16 Thence North 12 Degrees 29 Minutes 16 Seconds East with the west
17 line of said Tract No, 2 and with the said southeast right-of-way
18 line, a distance of 1260.61 feet to a 1/2" capped iron rod set for
19 corner at the start of a curve to the right having a radius of
20 3699.71 feet;

21 Thence with said curve to the right and with the said west line and
22 also with the said southeast right-of-way line an arc length of
23 991.94 feet and said curve having a chord bearing of North 20
24 Degrees 16 Minutes 14 Seconds East, a distance of 988.97 feet to a
25 1/2" capped iron rod set for corner at the start of a curve to the
26 right having a radius of 3772.73 feet;

27 Thence with said curve to the right and with the said west line and

1 also with the said southeast right-of-way line an arc length
2 1350.21 feet and said curve having a chord bearing of North 38
3 Degrees 02 Minutes 43 Seconds East, a distance of 1343.02 feet to a
4 60 D nail found at the northwest corner of said Tract No. 2 and in an
5 asphalt road under apparent public use posted as Savage Road;
6 Thence South 89 Degrees 33 Minutes 30 Seconds East with the north
7 line of said Tract No. 2 and along said asphalt road, a distance of
8 969.10 feet to a 60 D nail found for corner;
9 Thence South 89 Degrees 58 Minutes 51 Seconds East with the said
10 north line and along said asphalt road, a distance of 2702.37 feet
11 to a point for the northeast corner of said Tract No. 2 and in the
12 west right-of-way line of State Highway 289;
13 Thence South 00 Degrees 40 Minutes 28 Seconds West with the said
14 west monumented right-of-way line, a distance of 198.93 feet to a
15 1/2" iron rod found in concrete for corner;
16 Thence South 45 Degrees 35 Minutes 18 Seconds West with the said
17 west monumented right-of-way line and generally near a fence line,
18 a distance of 967.85 feet to a brass capped monument found for
19 corner;
20 Thence South 51 Degrees 18 Minutes 23 Seconds West with the said
21 west monumented right-of-way line and generally near a fence line,
22 a distance of 494.83 feet to a brass capped monument found for
23 corner;
24 Thence South 45 Degrees 49 Minutes 03 Seconds West with the said
25 west monumented right-of-way line and generally near a fence line,
26 a distance of 97.35 feet to a brass capped monument found for
27 corner;

1 Thence South 39 Degrees 52 Minutes 13 Seconds West with the said
2 west monumented right-of-way line and generally near a fence line,
3 a distance of 494.65 feet to a brass capped monument found for
4 corner;

5 Thence South 45 Degrees 35 Minutes 18 Seconds West with the said
6 west monumented right-of-way line and generally near a fence line,
7 a distance of 1205.10 feet to a brass capped monument found for
8 corner;

9 Thence South 51 Degrees 19 Minutes 11 Seconds West with the said
10 west monumented right-of-way line and generally near a fence line,
11 a distance of 329.75 feet to a brass capped monument found for
12 corner;

13 Thence South 45 Degrees 28 Minutes 36 Seconds West with the said
14 west monumented right-of-way line and generally near a fence line,
15 a distance of 98.33 feet to a brass capped monument found for
16 corner;

17 Thence South 48 Degrees 35 Minutes 13 Seconds West with the said
18 west monumented right-of-way line and generally near a fence line,
19 a distance of 315.45 feet to a brass capped monument found for
20 corner;

21 Thence South 45 Degrees 56 Minutes 27 Seconds West with the said
22 west monumented right-of-way line and generally near a fence line,
23 a distance of 130.31 feet to a brass capped monument found for
24 corner;

25 Thence South 39 Degrees 47 Minutes 37 Seconds West with the said
26 west monumented right-of-way line and generally near a fence line,
27 a distance of 495.56 feet to a brass capped monument found for

1 corner;

2 Thence South 45 Degrees 35 Minutes 13 Seconds West with the said
3 west monumented right-of-way line and generally near a fence line,
4 a distance of 1226.52 feet to a concrete monument found for corner;

5 Thence South 51 Degrees 18 Minutes 15 Seconds West with the said
6 west monumented right-of-way line and generally near a fence line,
7 a distance of 494.51 feet to a concrete monument found for corner;

8 Thence South 46 Degrees 15 Minutes 32 Seconds West with the said
9 west monumented right-of-way line and generally near a fence line,
10 a distance of 97.79 feet to a concrete monument found for corner;

11 Thence South 37 Degrees 09 Minutes 28 Seconds West with the said
12 west right-of-way line, a distance of 409.29 feet to a 1/2" capped
13 iron rod set at the southeast corner of said Tract No. 2;

14 Thence South 89 Degrees 39 Minutes 37 Seconds West with the south
15 line of said Tract No. 2, a distance of 261.85 feet to the POINT OF
16 BEGINNING and containing in total 278.933 acres of land and in the
17 occupied in roadway and a total of 6.477 acres of land.

18 Tract 3

19 All that certain tract or parcel of land situated in the A. S. A.
20 Hartfield Survey, Abstract Number 490, Grayson County, Texas, and
21 being all of a called Tract No. 1 and all of a called Tract No. 4 as
22 described in a deed from Jack A. Turpin to JMS & Co., a Texas General
23 Partnership as recorded in Volume 1963, Page 451, Deed Records of
24 Grayson County, Texas, and being more particularly described as
25 follows:

26 Beginning at a 1/2" capped iron rod set at the northwest corner of
27 said Tract No. 1 and at the northwest corner of said Hartfield

1 Survey and also in an asphalt road under apparent public use posted
2 as Fallow Road;
3 Thence South 89 Degrees 33 Minutes 30 Seconds East with the north
4 line of said Tract No. 1 and with the north line of said Hartfield
5 Survey, a distance of 1212.54 feet to a 60 D nail found for the
6 northeast corner of said Tract No. 4 and in an asphalt road under
7 apparent public use posted as Savage Road and in the northwest
8 right-of-way line of S.C. & S.F. RAILROAD and also in a curve to the
9 left having a radius of 3872.73 feet;
10 Thence with said curve to the left and with the said northwest
11 right-of-way line an arc length of 1276.90 feet and said curve
12 having a chord bearing of South 37 Degrees 14 Minutes 32 Seconds
13 West, a distance of 1271.12 feet to a 1/2" capped iron rod set for
14 corner at the start of a curve to the left having a radius of 3799.71
15 feet;
16 Thence with said curve to the left and with said northwest line an
17 arc length of 1018.75 feet and said curve having a chord bearing of
18 South 20 Degrees 16 Minutes 14 Seconds West, a distance of 1015.70
19 feet to a 1/2" capped iron rod set for corner;
20 Thence South 12 Degrees 29 Minutes 16 Seconds West with the said
21 northwest right-of-way line, a distance of 771.10 feet to a 60 D
22 nail set for the south corner of said Tract No. 1 and in said Fallow
23 Road and also in the west line of said Hartfield Survey;
24 Thence North 00 Degrees 57 Minutes 32 Seconds East with the west
25 line of said Tract No. 1 and with the said west line and also with
26 said Fallow Road, a distance of 1721.54 feet to a 60 D nail set for
27 corner;

1 Thence North 01 Degrees 57 Minutes 45 Seconds East with the west
2 line of said Tract No. 1 and with the said west line and also with
3 said Fallow Road, a distance of 866.75 feet to a 60 D nail set for
4 corner;

5 Thence North 06 Degrees 54 Minutes 43 Seconds East with the west
6 line of said Tract No. 1, a distance of 140.40 feet to the POINT OF
7 BEGINNING and containing in total 26.861 acres of land and in an
8 occupied road way and a total of 2.173 acres of land.

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

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

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

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

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