

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 4115
1-2 (In the Senate - Received from the House May 10, 2007;
1-3 May 14, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, rereferred to Committee
1-5 on International Relations and Trade; May 19, 2007, reported
1-6 favorably by the following vote: Yeas 6, Nays 0; May 19, 2007,
1-7 sent to printer.)

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Sangani Ranch Municipal Utility
1-11 District No. 1 of Grayson County; providing authority to impose a
1-12 tax and issue bonds; granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8258 to read as follows:

1-16 CHAPTER 8258. SANGANI RANCH MUNICIPAL UTILITY DISTRICT NO. 1 OF
1-17 GRAYSON COUNTY

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8258.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the district's board of directors.

1-21 (2) "Director" means a board member.

1-22 (3) "District" means the Sangani Ranch Municipal
1-23 Utility District No. 1 of Grayson County.

1-24 Sec. 8258.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district in Grayson County created under and
1-26 essential to accomplish the purposes of Section 52, Article III,
1-27 and Section 59, Article XVI, Texas Constitution.

1-28 Sec. 8258.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held under Section 8258.023 before September 1, 2009:

1-31 (1) the district is dissolved September 1, 2009,
1-32 except that the district shall:

1-33 (A) pay any debts incurred;

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

1-36 (C) maintain the organization of the district
1-37 until all debts are paid and remaining assets are transferred; and

1-38 (2) this chapter expires September 1, 2012.

1-39 Sec. 8258.004. INITIAL DISTRICT TERRITORY. (a) The
1-40 district is initially composed of the territory described by
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of
1-43 the Act creating this chapter form a closure. A mistake made in the
1-44 field notes or in copying the field notes in the legislative process
1-45 does not affect:

1-46 (1) the organization, existence, or validity of the
1-47 district;

1-48 (2) the right of the district to impose taxes;

1-49 (3) the validity of the district's bonds, notes, or
1-50 indebtedness; or

1-51 (4) the legality or operation of the district or the
1-52 board.

1-53 [Sections 8258.005-8258.020 reserved for expansion]

1-54 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-55 Sec. 8258.021. TEMPORARY DIRECTORS. (a) On or after
1-56 September 1, 2007, a person who owns land in the district may submit
1-57 a petition to the Texas Commission on Environmental Quality
1-58 requesting that the commission appoint as temporary directors the
1-59 five persons named in the petition.

1-60 (b) The commission shall appoint as temporary directors the
1-61 five persons named in the first petition received by the commission
1-62 under Subsection (a).

1-63 (c) If a temporary director fails to qualify for office, the
1-64 commission shall appoint a person to fill the vacancy.

2-1 (d) Temporary directors serve until the earlier of:
2-2 (1) the date directors are elected under Section
2-3 8258.023; or
2-4 (2) the date this chapter expires under Section
2-5 8258.003.

2-6 Sec. 8258.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-7 DIRECTORS. As soon as practicable after all the temporary
2-8 directors have qualified under Section 49.055, Water Code, the
2-9 temporary directors shall meet at a location in the district
2-10 agreeable to a majority of the directors. At the meeting, the
2-11 temporary directors shall elect officers from among the temporary
2-12 directors and conduct any other district business.

2-13 Sec. 8258.023. CONFIRMATION AND INITIAL DIRECTORS'
2-14 ELECTION; ANNEXATION BY CITY. (a) The temporary directors shall
2-15 hold an election to confirm the creation of the district and to
2-16 elect five directors as provided by Section 49.102, Water Code.

2-17 (b) The temporary directors may not hold the election until
2-18 the City of Gunter has annexed into its corporate limits all
2-19 territory described by Section 2 of the Act creating this chapter.

2-20 Sec. 8258.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-21 directors elected under Section 8258.023 shall draw lots to
2-22 determine which two shall serve until the first regularly scheduled
2-23 election of directors and which three shall serve until the second
2-24 regularly scheduled election of directors.

2-25 Sec. 8258.025. EXPIRATION OF SUBCHAPTER. This subchapter
2-26 expires September 1, 2014.

2-27 [Sections 8258.026-8258.050 reserved for expansion]

2-28 SUBCHAPTER B. BOARD OF DIRECTORS

2-29 Sec. 8258.051. GOVERNING BODY; TERMS. (a) The district is
2-30 governed by a board of five directors.

2-31 (b) Directors serve staggered four-year terms.

2-32 [Sections 8258.052-8258.100 reserved for expansion]

2-33 SUBCHAPTER C. POWERS AND DUTIES

2-34 Sec. 8258.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-35 DUTIES. The district has the powers and duties provided by the
2-36 general law of this state, including Chapters 49 and 54, Water Code,
2-37 applicable to municipal utility districts created under Section 59,
2-38 Article XVI, Texas Constitution.

2-39 Sec. 8258.102. WATER AND WASTEWATER FACILITIES AND
2-40 SERVICES. (a) The district shall make available any district water
2-41 or wastewater facility to each person that holds a certificate of
2-42 convenience and necessity for land in the district.

2-43 (b) The district may not provide retail water or wastewater
2-44 services.

2-45 Sec. 8258.103. ROAD PROJECTS. (a) To the extent authorized
2-46 by Section 52, Article III, Texas Constitution, the district may
2-47 construct, acquire, improve, maintain, or operate macadamized,
2-48 graveled, or paved roads or turnpikes, or improvements in aid of
2-49 those roads or turnpikes, inside the district.

2-50 (b) A road project must meet all applicable construction
2-51 standards, subdivision requirements, and regulations of each
2-52 municipality in whose corporate limits or extraterritorial
2-53 jurisdiction the district is located.

2-54 Sec. 8258.104. MAINTENANCE AND REPAIR OF ROADS IN TERRITORY
2-55 EXCLUDED FROM CITY. If the City of Gunter excludes district
2-56 territory from the city's corporate limits, the district shall
2-57 maintain, improve, operate, and repair any road located in that
2-58 territory in accordance with the ordinances and rules of each
2-59 political subdivision in whose jurisdiction the road is located.

2-60 Sec. 8258.105. DIVISION OF DISTRICT. (a) The district may
2-61 be divided into two new districts only if the district:

2-62 (1) has no outstanding bonded debt; and

2-63 (2) is not imposing ad valorem taxes.

2-64 (b) The division procedure is prescribed by Sections 53.030
2-65 through 53.041, Water Code.

2-66 (c) Any new district created by the division of the district
2-67 has all the powers and duties of the district.

2-68 (d) Any new district created by the division of the district
2-69 may not, at the time the new district is created, contain any land:

3-1 (1) outside the area described by Section 2 of the Act
3-2 creating this chapter; or

3-3 (2) outside the corporate limits of the city of
3-4 Gunter.

3-5 Sec. 8258.106. LIMITATION ON ANNEXATION. (a) The district
3-6 may not add land to the district under Subchapter J, Chapter 49,
3-7 Water Code, if the land is located outside the corporate limits of
3-8 the city of Gunter.

3-9 (b) Section 43.075, Local Government Code, does not apply to
3-10 the district.

3-11 [Sections 8258.107-8258.150 reserved for expansion]

3-12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-13 Sec. 8258.151. TAX TO REPAY BONDS. The district may impose
3-14 a tax to pay the principal of or interest on bonds or other
3-15 obligations issued under Section 8258.201.

3-16 [Sections 8258.152-8258.200 reserved for expansion]

3-17 SUBCHAPTER E. BONDS

3-18 Sec. 8258.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-19 OBLIGATIONS. (a) The district may issue bonds or other obligations
3-20 as provided by Chapters 49 and 54, Water Code, to finance the
3-21 construction, maintenance, or operation of a project under Section
3-22 8258.101 or 8258.103.

3-23 (b) The district may not issue bonds or other obligations to
3-24 finance projects authorized by Section 8258.103 unless the issuance
3-25 is approved by a vote of a two-thirds majority of the district
3-26 voters voting at an election held for that purpose.

3-27 (c) Bonds or other obligations issued or incurred to finance
3-28 projects authorized by Section 8258.103 may not exceed one-fourth
3-29 of the assessed value of the real property in the district.

3-30 SECTION 2. The Sangani Ranch Municipal Utility District No.
3-31 1 of Grayson County includes all the territory contained in the
3-32 following area:

3-33 Tract 1

3-34 All that certain tract or parcel of land situated in the A. S. A.
3-35 Hartfield Survey, Abstract Number 490, Grayson County, Texas, and
3-36 being part of a called Tract No. 3 as described in a deed from Jack
3-37 A. Turpin to JMS & Co., a Texas General Partnership as recorded in
3-38 Volume 1963, Page 451, Deed Records of Grayson County, Texas, and
3-39 being more particularly described as follows:

3-40 Beginning at a 1/2" iron rod found in the south line of said Tract
3-41 No. 3 and in the east right-of-way line of State Highway 289 and
3-42 also in an asphalt road under apparent public use posted as Mackey
3-43 Road;

3-44 Thence North 00 Degrees 32 Minutes 59 Seconds West with the said
3-45 east monumented right-of-way line and generally with a fence line,
3-46 a distance of 114.58 feet to a right-of-way monument found for
3-47 corner;

3-48 Thence North 45 Degrees 35 Minutes 10 Seconds East with the said
3-49 east monumented right-of-way line and generally with a fence line,
3-50 a distance of 180.50 feet to a right-of-way monument found for
3-51 corner;

3-52 Thence North 40 Degrees 07 Minutes 07 Seconds East with the said
3-53 east right-of-way line and generally with a fence line, a distance
3-54 of 329.14 feet to a 1/2" capped iron rod set for corner;

3-55 Thence North 45 Degrees 35 Minutes 13 Seconds East with the said
3-56 east right-of-way line and generally with a fence line, a distance
3-57 of 1391.07 feet to a 1/2" capped iron rod set for corner;

3-58 Thence North 51 Degrees 15 Minutes 05 Seconds East with the said
3-59 east monumented right-of-way line and generally with a fence line,
3-60 a distance of 494.20 feet to a concrete monument for corner;

3-61 Thence North 45 Degrees 35 Minutes 13 Seconds East with the said
3-62 east right-of-way line and generally with a fence line, a distance
3-63 of 131.23 feet to a 1/2" capped iron rod set for corner;

3-64 Thence North 42 Degrees 32 Minutes 58 Seconds East with the said
3-65 east monumented right-of-way line and generally with a fence line,
3-66 a distance of 315.33 feet to a concrete monument for corner;

3-67 Thence North 45 Degrees 35 Minutes 13 Seconds East with the said
3-68 east right-of-way line and generally with a fence line, a distance
3-69 of 98.43 feet to a 1/2" capped iron rod set for corner;

4-1 Thence North 40 Degrees 15 Minutes 20 Seconds East with the said
4-2 east right-of-way line and generally with a fence line, a distance
4-3 of 354.85 feet to a 1/2" capped iron rod set for the north corner of
4-4 said Tract No. 3 and at the northwest corner of a called 26.14 acre
4-5 tract of land described in a deed to Penny S. Avery as recorded in
4-6 Volume 2670, Page 802, Deed Records of Grayson County, Texas;
4-7 Thence South 01 Degrees 16 Minutes 21 Seconds East with the east
4-8 line of said Tract No. 3 and with the west line of said 26.14 acre
4-9 tract and also with or near a fence line, passing a 1/2" iron rod
4-10 found at 2400.96 feet and continuing along said coarse for a total
4-11 distance of 2425.74 feet to a 60 D nail found at the southeast corner
4-12 of said Tract No. 3 and at the southwest corner of said 26.14 acre
4-13 tract and also in said asphalt road;
4-14 Thence South 89 Degrees 39 Minutes 37 Seconds West with the south
4-15 line of said Tract No. 3 and along said asphalt road, a distance of
4-16 2379.51 feet to the POINT OF BEGINNING and containing in total
4-17 69.234 acres of land and in the occupied road way and a total of
4-18 1.413 acres of land.
4-19 Tract 2
4-20 All that certain tract or parcel of land situated in the A. S. A.
4-21 Hartfield Survey, Abstract Number 490, Grayson County, Texas, and
4-22 being part of a called Tract No. 2 as described in a deed from Jack
4-23 A. Turpin to JMS & Co., a Texas General Partnership as recorded in
4-24 Volume 1963, Page 451, Deed Records of Grayson County, Texas, and
4-25 being more particularly described as follows:
4-26 Beginning at a 1/2" capped iron rod set at the southwest corner of
4-27 said Tract No. 2 and in an asphalt road under apparent public use
4-28 posted as Fallow Road and also in the west line of said Hartfield
4-29 Survey;
4-30 Thence North 00 Degrees 57 Minutes 46 Seconds East with the west
4-31 line of said Tract No. 2 and along said asphalt road most of the way
4-32 and also with the said west line, a distance of 1786.81 feet to a
4-33 1/2" capped iron rod set for corner in the southeast right-of-way
4-34 line of S.C. & S.F. RAILROAD;
4-35 Thence North 12 Degrees 29 Minutes 16 Seconds East with the west
4-36 line of said Tract No, 2 and with the said southeast right-of-way
4-37 line, a distance of 1260.61 feet to a 1/2" capped iron rod set for
4-38 corner at the start of a curve to the right having a radius of
4-39 3699.71 feet;
4-40 Thence with said curve to the right and with the said west line and
4-41 also with the said southeast right-of-way line an arc length of
4-42 991.94 feet and said curve having a chord bearing of North 20
4-43 Degrees 16 Minutes 14 Seconds East, a distance of 988.97 feet to a
4-44 1/2" capped iron rod set for corner at the start of a curve to the
4-45 right having a radius of 3772.73 feet;
4-46 Thence with said curve to the right and with the said west line and
4-47 also with the said southeast right-of-way line an arc length
4-48 1350.21 feet and said curve having a chord bearing of North 38
4-49 Degrees 02 Minutes 43 Seconds East, a distance of 1343.02 feet to a
4-50 60 D nail found at the northwest corner of said Tract No. 2 and in an
4-51 asphalt road under apparent public use posted as Savage Road;
4-52 Thence South 89 Degrees 33 Minutes 30 Seconds East with the north
4-53 line of said Tract No. 2 and along said asphalt road, a distance of
4-54 969.10 feet to a 60 D nail found for corner;
4-55 Thence South 89 Degrees 58 Minutes 51 Seconds East with the said
4-56 north line and along said asphalt road, a distance of 2702.37 feet
4-57 to a point for the northeast corner of said Tract No. 2 and in the
4-58 west right-of-way line of State Highway 289;
4-59 Thence South 00 Degrees 40 Minutes 28 Seconds West with the said
4-60 west monumented right-of-way line, a distance of 198.93 feet to a
4-61 1/2" iron rod found in concrete for corner;
4-62 Thence South 45 Degrees 35 Minutes 18 Seconds West with the said
4-63 west monumented right-of-way line and generally near a fence line,
4-64 a distance of 967.85 feet to a brass capped monument found for
4-65 corner;
4-66 Thence South 51 Degrees 18 Minutes 23 Seconds West with the said
4-67 west monumented right-of-way line and generally near a fence line,
4-68 a distance of 494.83 feet to a brass capped monument found for
4-69 corner;

5-1 Thence South 45 Degrees 49 Minutes 03 Seconds West with the said
5-2 west monumented right-of-way line and generally near a fence line,
5-3 a distance of 97.35 feet to a brass capped monument found for
5-4 corner;
5-5 Thence South 39 Degrees 52 Minutes 13 Seconds West with the said
5-6 west monumented right-of-way line and generally near a fence line,
5-7 a distance of 494.65 feet to a brass capped monument found for
5-8 corner;
5-9 Thence South 45 Degrees 35 Minutes 18 Seconds West with the said
5-10 west monumented right-of-way line and generally near a fence line,
5-11 a distance of 1205.10 feet to a brass capped monument found for
5-12 corner;
5-13 Thence South 51 Degrees 19 Minutes 11 Seconds West with the said
5-14 west monumented right-of-way line and generally near a fence line,
5-15 a distance of 329.75 feet to a brass capped monument found for
5-16 corner;
5-17 Thence South 45 Degrees 28 Minutes 36 Seconds West with the said
5-18 west monumented right-of-way line and generally near a fence line,
5-19 a distance of 98.33 feet to a brass capped monument found for
5-20 corner;
5-21 Thence South 48 Degrees 35 Minutes 13 Seconds West with the said
5-22 west monumented right-of-way line and generally near a fence line,
5-23 a distance of 315.45 feet to a brass capped monument found for
5-24 corner;
5-25 Thence South 45 Degrees 56 Minutes 27 Seconds West with the said
5-26 west monumented right-of-way line and generally near a fence line,
5-27 a distance of 130.31 feet to a brass capped monument found for
5-28 corner;
5-29 Thence South 39 Degrees 47 Minutes 37 Seconds West with the said
5-30 west monumented right-of-way line and generally near a fence line,
5-31 a distance of 495.56 feet to a brass capped monument found for
5-32 corner;
5-33 Thence South 45 Degrees 35 Minutes 13 Seconds West with the said
5-34 west monumented right-of-way line and generally near a fence line,
5-35 a distance of 1226.52 feet to a concrete monument found for corner;
5-36 Thence South 51 Degrees 18 Minutes 15 Seconds West with the said
5-37 west monumented right-of-way line and generally near a fence line,
5-38 a distance of 494.51 feet to a concrete monument found for corner;
5-39 Thence South 46 Degrees 15 Minutes 32 Seconds West with the said
5-40 west monumented right-of-way line and generally near a fence line,
5-41 a distance of 97.79 feet to a concrete monument found for corner;
5-42 Thence South 37 Degrees 09 Minutes 28 Seconds West with the said
5-43 west right-of-way line, a distance of 409.29 feet to a 1/2" capped
5-44 iron rod set at the southeast corner of said Tract No. 2;
5-45 Thence South 89 Degrees 39 Minutes 37 Seconds West with the south
5-46 line of said Tract No. 2, a distance of 261.85 feet to the POINT OF
5-47 BEGINNING and containing in total 278.933 acres of land and in the
5-48 occupied in roadway and a total of 6.477 acres of land.
5-49 Tract 3
5-50 All that certain tract or parcel of land situated in the A. S. A.
5-51 Hartfield Survey, Abstract Number 490, Grayson County, Texas, and
5-52 being all of a called Tract No. 1 and all of a called Tract No. 4 as
5-53 described in a deed from Jack A. Turpin to JMS & Co., a Texas General
5-54 Partnership as recorded in Volume 1963, Page 451, Deed Records of
5-55 Grayson County, Texas, and being more particularly described as
5-56 follows:
5-57 Beginning at a 1/2" capped iron rod set at the northwest corner of
5-58 said Tract No. 1 and at the northwest corner of said Hartfield
5-59 Survey and also in an asphalt road under apparent public use posted
5-60 as Fallow Road;
5-61 Thence South 89 Degrees 33 Minutes 30 Seconds East with the north
5-62 line of said Tract No. 1 and with the north line of said Hartfield
5-63 Survey, a distance of 1212.54 feet to a 60 D nail found for the
5-64 northeast corner of said Tract No. 4 and in an asphalt road under
5-65 apparent public use posted as Savage Road and in the northwest
5-66 right-of-way line of S.C. & S.F. RAILROAD and also in a curve to the
5-67 left having a radius of 3872.73 feet;
5-68 Thence with said curve to the left and with the said northwest
5-69 right-of-way line an arc length of 1276.90 feet and said curve

6-1 having a chord bearing of South 37 Degrees 14 Minutes 32 Seconds
6-2 West, a distance of 1271.12 feet to a 1/2" capped iron rod set for
6-3 corner at the start of a curve to the left having a radius of 3799.71
6-4 feet;
6-5 Thence with said curve to the left and with said northwest line an
6-6 arc length of 1018.75 feet and said curve having a chord bearing of
6-7 South 20 Degrees 16 Minutes 14 Seconds West, a distance of 1015.70
6-8 feet to a 1/2" capped iron rod set for corner;
6-9 Thence South 12 Degrees 29 Minutes 16 Seconds West with the said
6-10 northwest right-of-way line, a distance of 771.10 feet to a 60 D
6-11 nail set for the south corner of said Tract No. 1 and in said Fallow
6-12 Road and also in the west line of said Hartfield Survey;
6-13 Thence North 00 Degrees 57 Minutes 32 Seconds East with the west
6-14 line of said Tract No. 1 and with the said west line and also with
6-15 said Fallow Road, a distance of 1721.54 feet to a 60 D nail set for
6-16 corner;
6-17 Thence North 01 Degrees 57 Minutes 45 Seconds East with the west
6-18 line of said Tract No. 1 and with the said west line and also with
6-19 said Fallow Road, a distance of 866.75 feet to a 60 D nail set for
6-20 corner;
6-21 Thence North 06 Degrees 54 Minutes 43 Seconds East with the west
6-22 line of said Tract No. 1, a distance of 140.40 feet to the POINT OF
6-23 BEGINNING and containing in total 26.861 acres of land and in an
6-24 occupied road way and a total of 2.173 acres of land.

6-25 SECTION 3. (a) The legal notice of the intention to
6-26 introduce this Act, setting forth the general substance of this
6-27 Act, has been published as provided by law, and the notice and a
6-28 copy of this Act have been furnished to all persons, agencies,
6-29 officials, or entities to which they are required to be furnished
6-30 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-31 Government Code.

6-32 (b) The governor, one of the required recipients, has
6-33 submitted the notice and Act to the Texas Commission on
6-34 Environmental Quality.

6-35 (c) The Texas Commission on Environmental Quality has filed
6-36 its recommendations relating to this Act with the governor, the
6-37 lieutenant governor, and the speaker of the house of
6-38 representatives within the required time.

6-39 (d) All requirements of the constitution and laws of this
6-40 state and the rules and procedures of the legislature with respect
6-41 to the notice, introduction, and passage of this Act are fulfilled
6-42 and accomplished.

6-43 SECTION 4. This Act takes effect September 1, 2007.

6-44 * * * * *