

By: Phillips

H.B. No. 4119

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Kimberlin Ranch Municipal Utility District No. 3 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 8266 to read as follows:

CHAPTER 8266. KIMBERLIN RANCH MUNICIPAL UTILITY DISTRICT NO. 3 OF  
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8266.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

Sec. 8266.002. 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. 8266.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8266.023 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 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, 2014.

7           Sec. 8266.004. 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 8266.005-8266.020 reserved for expansion]

22           SUBCHAPTER A-1. TEMPORARY PROVISIONS

23           Sec. 8266.021. 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 8266.023; or

9           (2) the date this chapter expires under Section  
10 8266.003.

11       Sec. 8266.022. 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. 8266.023. 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. 8266.024. INITIAL ELECTED DIRECTORS; TERMS. The  
26 directors elected under Section 8266.023 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. 8266.025. EXPIRATION OF SUBCHAPTER. This subchapter  
4 expires September 1, 2014.

5 [Sections 8266.026-8266.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8266.051. 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 8266.052-8266.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 8266.101. 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. 8266.102. 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. 8266.103. 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. 8266.104. 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. 8266.105. 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. 8266.106. 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 8266.107-8266.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8266.151. 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 8266.201.

9 [Sections 8266.152-8266.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 8266.201. 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 8266.101 or 8266.103.

16 (b) The district may not issue bonds or other obligations to  
17 finance projects authorized by Section 8266.103 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 8266.103 may not exceed one-fourth  
22 of the assessed value of the real property in the district.

23 SECTION 2. The Kimberlin Ranch Municipal Utility District  
24 No. 3 of Grayson County includes all the territory contained in the  
25 following area:

26 All that certain tract or parcel of land situated in the Ricardo  
27 Garcia Survey, Abstract Number 446 and the M.S. Herrera Survey,

1 Abstract Number 545, County of Grayson, State of Texas, said tract  
2 being all of a 303.943 acre tract as described in Deed to Morris  
3 Morgan Jr., et ux, Bonita Morgan, filed 26 October 1996, and  
4 Recorded in Volume 2364 Page 637, and all of a 20.333 acre tract as  
5 described in Deed to Morris Morgan Jr., et ux, Bonita Morgan, filed  
6 02 May 2003, and Recorded in Volume 3446 Page 71, and all of a  
7 22.469 acre tract as described in Deed to Morris Morgan Jr., et ux,  
8 Bonita Morgan, filed 20 February 2004, and Recorded in Volume 3616  
9 Page 79 of the Deed Records of the County of Grayson, State of  
10 Texas, and being more fully described as follows:

11 Beginning for the southeast corner of the tract being described  
12 herein at a found 3\4 inch Steel Rod, said rod being the southeast  
13 corner of said Morgan 303.943 acre tract, and the northeast corner  
14 of a tract as described in Deed to Martinek Grain & Bin Inc,, filed  
15 03 August 1994, and Recorded in Volume 2352 Page 18 of said Deed  
16 Records, said rod also being in Scharff Road (gravel surfaced);

17 Thence: South 88 degrees 48 minutes 47 seconds West, with the south  
18 line of said Morgan 303.943acre tract, and passing at 22.90 feet a  
19 wood fence corner post on the west side of said road, and continuing  
20 on said course for a total distance of 3725.83 feet to a found 1\2  
21 inch Steel Square Tubing with a plastic cap marked Cox 4577 for the  
22 southwest corner of said Morgan 303.943 acre tract, and the  
23 southeast corner of said Morgan 20.333 acre tract;

24 Thence: South 89 degrees 50 minutes 58 seconds West, with the south  
25 line of said Morgan 20.333 acre tract, a distance of 624.98 feet to  
26 a found 1\2 inch Steel Square Tubing with a plastic cap marked COX  
27 4577 for the southwest corner of said Morgan 20.333 acre tract, and

1 the southeast corner of said Morgan 22.469 acre tract;  
2 Thence: South 89 degrees 52 minutes 55 seconds West, with the south  
3 line of said Morgan 22.469 acre tract, a distance of 719.91 feet to  
4 a found 1\2 inch Steel Square Tubing with a plastic cap marked COX  
5 4577 for the southwest corner of said Morgan 22/469 acre tract;  
6 Thence: North 01 degrees 01 minutes 06 seconds West, with the west  
7 line of said Morgan 22.469 acre tract, a distance of 1400.92 feet to  
8 a found 1\2 inch Steel Rebar by a wood Fence corner Post for the  
9 northwest corner of said Morgan 22.469 acre tract, and an ell corner  
10 of said Morgan 303.943 acre tract;  
11 Thence: North 01 degrees 01 minutes 06 seconds West, with the west  
12 line of said Morgan 303.943 acre tract, a distance of 1583.19 feet  
13 to a found 1\2 inch Steel Rebar by a wood Fence corner Post for the  
14 northwest corner of said Morgan 303.943 acre tract;  
15 Thence: North 89 degrees 11 minutes 45 seconds East, with the north  
16 line of said Morgan 303.943acre tract, a distance of 1378.61 feet to  
17 a found 1\2 inch Steel Rebar by a wood fence corner post for a  
18 corner;  
19 Thence: North 89 degrees 04 minutes 46 seconds East, with the north  
20 line of said Morgan 303.943 tract, a distance of 3678.41 feet to a  
21 found 3\4 inch Steel Rod for th3e northeast corner of said Morgan  
22 303.943 acre tract, and in Scharff Road.  
23 Thence: South 01 degrees 16 minutes 42 seconds East, with the east  
24 line of said Morgan 303.943 tract, and in said road, a distance of  
25 2982.52 feet to the POINT OF BEGINNING and containing 347.744 acres  
26 of land.

27 SECTION 3. (a) The legal notice of the intention to



1 introduce this Act, setting forth the general substance of this  
2 Act, has been published as provided by law, and the notice and a  
3 copy of this Act have been furnished to all persons, agencies,  
4 officials, or entities to which they are required to be furnished  
5 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6 Government Code.

7 (b) The governor, one of the required recipients, has  
8 submitted the notice and Act to the Texas Commission on  
9 Environmental Quality.

10 (c) The Texas Commission on Environmental Quality has filed  
11 its recommendations relating to this Act with the governor, the  
12 lieutenant governor, and the speaker of the house of  
13 representatives within the required time.

14 (d) All requirements of the constitution and laws of this  
15 state and the rules and procedures of the legislature with respect  
16 to the notice, introduction, and passage of this Act are fulfilled  
17 and accomplished.

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