

By: Phillips

H.B. No. 4121

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Sangani 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 8260 to read as follows:

CHAPTER 8260. SANGANI RANCH MUNICIPAL UTILITY DISTRICT NO. 3 OF
GRAYSON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8260.001. 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. 3 of Grayson County.

Sec. 8260.002. 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. 8260.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8260.023 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. 8260.004. 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 8260.005-8260.020 reserved for expansion]

22 SUBCHAPTER A-1. TEMPORARY PROVISIONS

23 Sec. 8260.021. 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 8260.023; or

9 (2) the date this chapter expires under Section
10 8260.003.

11 Sec. 8260.022. 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. 8260.023. 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. 8260.024. INITIAL ELECTED DIRECTORS; TERMS. The
26 directors elected under Section 8260.023 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. 8260.025. EXPIRATION OF SUBCHAPTER. This subchapter
4 expires September 1, 2014.

5 [Sections 8260.026-8260.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8260.051. 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 8260.052-8260.100 reserved for expansion]

11 SUBCHAPTER C. POWERS AND DUTIES

12 Sec. 8260.101. 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. 8260.102. WATER AND WASTEWATER FACILITIES AND
18 SERVICES. (a) The district shall make available any district
19 water or wastewater facility to each person that holds a
20 certificate of convenience and necessity for land in the district.

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

23 Sec. 8260.103. 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. 8260.104. 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. 8260.105. 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. 8260.106. 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 8260.107-8260.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8260.151. 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 8260.201.

9 [Sections 8260.152-8260.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 8260.201. 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 8260.101 or 8260.103.

16 (b) The district may not issue bonds or other obligations to
17 finance projects authorized by Section 8260.103 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 8260.103 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 3 of Grayson County includes all the territory contained in the
25 following area:

26 Tract One

27 All that certain tract or parcel of land situated in the Mary Miller

1 Survey, Abstract Number 775, County of Grayson, State of Texas,
2 said tract being the remainder tract of a called 233.48 acre tract
3 as described in deed to JMS Ltd., filed 23 June 2004, and recorded
4 in volume 3684 page 164 of the official public records of the County
5 of Grayson, State of Texas, and being more fully described as
6 follows:

7 Beginning for the southeast corner of the tract being described
8 herein at a found 1\2 inch rebar marked Underwood 4709 on the west
9 right of way line of State Highway Number 289, said rebar being the
10 remainder southeast corner of said JMS tract, same being the
11 southwest corner of a called 2.286 acre tract as described in deed
12 to the State of Texas, and recorded in volume 2816 page 376 of said
13 official public records, and said rebar being the northwest corner
14 of a called 1.186 acre tract as described in deed to the State of
15 Texas, and recorded in volume 2792 page 411 of said official public
16 records, and said rebar also being on the north line of Tract One, a
17 called 278.389 acre tract as described in deed to Edwin A. Trapp
18 Jr., Trustee, filed 24 May 1993, and recorded in volume 2271 page
19 274 of the real property records of Grayson County, Texas;

20 Thence: South 88 degrees 52 minutes 52 seconds West, with the south
21 line of said JMS tract, and with the north line of said Trapp tract,
22 and with a barbed wire fence, and passing at 1395.71 feet a found
23 1\2 inch rebar in the center of an abandoned road, being the
24 northwest corner of said Trapp tract, and continuing on said course
25 a total distance of 1413.20 feet to a crosstie fence corner post for
26 the southwest corner of said JMS tract;

27 Thence: North 01 degrees 47 minutes 38 seconds West, with the west

1 line of said JMS tract, and with the west line of said abandoned
2 road, and with a barbed wire fence, a distance of 1462.01 feet to a
3 wood fence corner post for an angle point in the west line of said
4 JMS tract;

5 Thence: North 19 degrees 12 minutes 28 seconds West, with the west
6 line of said JMS tract, and with a barbed wire fence, a distance of
7 294.56 feet to a wood fence corner post for an angle point in the
8 west line of said JMS tract;

9 Thence: North 01 degrees 32 minutes 37 seconds West, with the west
10 line of said JMS tract, and with the center of said abandoned road,
11 and with a barbed wire fence, a distance of 1338.47 feet to a set 1\2
12 inch steel square tubing for an angle point, said tubing being the
13 southeast corner of a called 240.811 acre tract as described in deed
14 to Phillip S. Wildman et ux, Teresa Marie Wildman, filed 23 October
15 1997, and recorded in volume 2583 page 538 of said official public
16 records;

17 Thence: North 01 degrees 36 minutes 23 seconds West, with the east
18 line of said Wildman tract, and with said fence, and with the center
19 of said abandoned road, a distance of 1833.73 feet to a set 3\8 inch
20 rebar for the northwest corner of said JMS tract;

21 Thence: North 88 degrees 36 minutes 19 seconds East, with the north
22 line of said JMS tract, and with an old barbed wire fence and tree
23 line, a distance of 2639.27 feet to a set 1\2 inch steel square
24 tubing in the west right of way line of said highway for the
25 northeast remainder corner of said JMS tract, same being the
26 northwest corner of said State of Texas 2.286 acre tract;

27 Thence: With the west line of said highway, the following eleven

1 (11) calls:

2 1. South 11 degrees 11 minutes 30 seconds West, a distance of
3 1730.40 feet to a concrete monument,

4 2. South 16 degrees 52 minutes 30 seconds West, a distance of 165.19
5 feet to a concrete monument,

6 3. South 11 degrees 59 minutes 16 seconds West, a distance of 98.10
7 feet to a concrete monument,

8 4. South 05 degrees 28 minutes 02 seconds West , a distance of
9 164.76 feet to a concrete monument,

10 5. South 11 degrees 10 minutes 10 seconds West, a distance of
11 1601.67 feet to a concrete monument,

12 6. South 16 degrees 42 minutes 42 seconds West, a distance of 329.66
13 feet to a concrete monument,

14 7. South 11 degrees 42 minutes 34 seconds West, a distance of 98.54
15 feet to a concrete monument,

16 8. South 05 degrees 23 minutes 27 seconds West, a distance of 329.86
17 feet to a concrete monument,

18 9. South 11 degrees 12 minutes 13 seconds West, a distance of 298.04
19 feet to a concrete monument,

20 10. South 16 degrees 49 minutes 07 seconds West, a distance of
21 164.79 feet to a concrete monument,

22 11. South 11 degrees 19 minutes 08 seconds West, a distance of 70.88
23 feet to the POINT OF BEGINNING and containing 231.164 acres of land.

24 Tract Two

25 All that certain tract or parcel of land situated in the Mary Miller
26 Survey, Abstract Number 775, County of Grayson, State of Texas,
27 said tract being the remainder tract of a called 136.431 acre tract

1 as described in deed to JMS Ltd., filed 23 June 2004, and recorded
2 in volume 3684 page 164 of the official public records of the County
3 of Grayson, State of Texas, and being more fully described as
4 follows:

5 Beginning for the southwest corner of the tract being described
6 herein at a found 1\2 inch rebar marked Underwood 4709 on the east
7 right of way line of State Highway Number 289, said rebar being the
8 remainder southwest corner of said JMS tract, same being the
9 southeast corner of a called 0.959 acre tract as described in deed
10 to the State of Texas, and recorded in volume 2816 page 376 of said
11 official public records, and said rebar being the northeast corner
12 of a called 0.954 acre tract as described in deed to the State of
13 Texas, and recorded in volume 2792 page 417 of said official public
14 records, and said rebar also being on the north line of Tract One, a
15 called 278.389 acre tract as described in deed to Edwin A. Trapp
16 Jr., Trustee, filed 24 May 1993, and recorded in volume 2271 page
17 274 of the real property records of Grayson County, Texas;

18 Thence: With the east line of said highway, the following five (5)
19 calls:

20 1. North 11 degrees 30 minutes 45 seconds East, a distance of 505.16
21 feet to a concrete monument,

22 2. North 16 degrees 23 minutes 59 seconds East, a distance of 329.37
23 feet to a concrete monument,

24 3. North 11 degrees 09 minutes 31 seconds East, a distance of 98.37
25 feet to a concrete monument,

26 4. North 05 degrees 23 minutes 20 seconds East , a distance of
27 330.13 feet to a concrete monument,

1 5. North 11 degrees 11 minutes 34 seconds East, a distance of 518.12
2 feet to a found 1\2 inch rebar marked 4709 for the northwest
3 remainder corner of said JMS tract, same being the northeast corner
4 of said State of Texas 0.959 acre tract;

5 Thence: North 88 degrees 56 minutes 27 seconds East, with the north
6 line of said JMS tract, and with an old barbed wire fence and tree
7 line, a distance of 1333.17 feet to a set 1\2 inch steel square
8 tubing for an angle point in the north line of said JMS tract;

9 Thence: North 89 degrees 09 minutes 04 seconds East, with the north
10 line of said JMS tract, and with said fence, a distance of 2317.18
11 feet to a set 1\2 inch steel square tubing for the northeast corner
12 of said JMS tract, same being the west right of way line of the
13 Burlington Northern Railway, as described in deed to Red River
14 Texas and Southern Railway Company, filed 04 November 1905, and
15 recorded in volume 168 page 52 of the deed records of Grayson
16 County, Texas;

17 Thence: South 25 degrees 45 minutes 19 seconds West, with the east
18 line of said JMS tract, and with the west line of said railway, a
19 distance of 1949.51 feet to a set 1\2 inch steel square tubing for
20 the southeast corner of said JMS tract;

21 Thence: South 88 degrees 55 minutes 54 seconds West, with the south
22 line of said JMS tract, and with an old barbed wire fence and tree
23 line, a distance of 647.14 feet to a found 1\2 inch rebar for the
24 northeast corner of said Trapp tract;

25 Thence: South 89 degrees 11 minutes 13 seconds West, with the south
26 line of said JMS tract, and with the north line of said Trapp tract,
27 and with said fence, a distance of 2500.41 feet to the POINT OF

1 BEGINNING and containing 135.678 acres of land.

2 Tract Three

3 All that certain tract or parcel of land situated in the Mary Miller
4 Survey, Abstract Number 775, County of Grayson, State of Texas,
5 said tract being all of a called 85.470 acre tract as described in
6 deed to JMS Ltd., filed 23 June 2004, and recorded in volume 3684
7 page 164 of the official public records of the County of Grayson,
8 State of Texas, and being more fully described as follows:

9 Beginning for the southeast corner of the tract being described
10 herein at a found 1\2 inch steel square tubing, said tubing being
11 the southeast corner of said JMS tract, same being the northeast
12 corner of a tract as described in deed to the Freels Family Limited
13 Partnership, filed 09 January 1997, and recorded in volume 2516
14 page 609 of said official public records, and said tubing being in
15 Old Preston Road;

16 Thence: South 88 degrees 55 minutes 54 seconds West, with the south
17 line of said JMS tract, and with the north line of said Feeels
18 tract, a distance of 2011.77 feet to a set 1\2 inch steel square
19 tubing for the southwest corner of said JMS tract, same being the
20 east right of way line of the Burlington Northern Railway, as
21 described in deed to Red River Texas and Southern Railway Company,
22 filed 04 November 1905, and recorded in volume 168 page 52 of the
23 deed records of Grayson County, Texas;

24 Thence: North 25 degrees 45 minutes 19 seconds East, with the west
25 line of said JMS tract, and with the east line of said railway, a
26 distance of 3372.95 feet to a set 1\2 inch steel square tubing for
27 the northwest corner of said JMS tract;

1 Thence: South 89 degrees 54 minutes 13 seconds East, with the north
2 line of said JMS tract, a distance of 470.60 feet to a found 1\2 inch
3 steel square tubing for the northeast corner of said JMS tract, and
4 said tubing being in said road;

5 Thence: South 01 degrees 26 minutes 09 seconds East, with the east
6 line of said JMS tract, and with said road, a distance of 3000.51
7 feet to the POINT OF BEGINNING and containing 85.710 acres of land.

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

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

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

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

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