

1-1 By: Phillips (Senate Sponsor - Estes) H.B. No. 4121
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. 3 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 8260 to read as follows:

1-16 CHAPTER 8260. SANGANI RANCH MUNICIPAL UTILITY DISTRICT NO. 3 OF
1-17 GRAYSON COUNTY

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8260.001. 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. 3 of Grayson County.

1-24 Sec. 8260.002. 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. 8260.003. CONFIRMATION ELECTION REQUIRED. If the
1-29 creation of the district is not confirmed at a confirmation
1-30 election held under Section 8260.023 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. 8260.004. 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 8260.005-8260.020 reserved for expansion]

1-54 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-55 Sec. 8260.021. 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 8260.023; or
2-4 (2) the date this chapter expires under Section
2-5 8260.003.

2-6 Sec. 8260.022. 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. 8260.023. 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. 8260.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-21 directors elected under Section 8260.023 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. 8260.025. EXPIRATION OF SUBCHAPTER. This subchapter
2-26 expires September 1, 2014.

2-27 [Sections 8260.026-8260.050 reserved for expansion]

2-28 SUBCHAPTER B. BOARD OF DIRECTORS

2-29 Sec. 8260.051. 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 8260.052-8260.100 reserved for expansion]

2-33 SUBCHAPTER C. POWERS AND DUTIES

2-34 Sec. 8260.101. 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. 8260.102. WATER AND WASTEWATER FACILITIES AND
2-40 SERVICES. (a) The district shall make available any district
2-41 water or wastewater facility to each person that holds a
2-42 certificate of 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. 8260.103. 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. 8260.104. 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. 8260.105. 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. 8260.106. 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 8260.107-8260.150 reserved for expansion]

3-12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-13 Sec. 8260.151. 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 8260.201.

3-16 [Sections 8260.152-8260.200 reserved for expansion]

3-17 SUBCHAPTER E. BONDS

3-18 Sec. 8260.201. 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 8260.101 or 8260.103.

3-23 (b) The district may not issue bonds or other obligations to
3-24 finance projects authorized by Section 8260.103 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 8260.103 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 3 of Grayson County includes all the territory contained in the
3-32 following area:

3-33 Tract One

3-34 All that certain tract or parcel of land situated in the Mary Miller
3-35 Survey, Abstract Number 775, County of Grayson, State of Texas,
3-36 said tract being the remainder tract of a called 233.48 acre tract
3-37 as described in deed to JMS Ltd., filed 23 June 2004, and recorded
3-38 in volume 3684 page 164 of the official public records of the County
3-39 of Grayson, State of Texas, and being more fully described as
3-40 follows:

3-41 Beginning for the southeast corner of the tract being described
3-42 herein at a found 1\2 inch rebar marked Underwood 4709 on the west
3-43 right of way line of State Highway Number 289, said rebar being the
3-44 remainder southeast corner of said JMS tract, same being the
3-45 southwest corner of a called 2.286 acre tract as described in deed
3-46 to the State of Texas, and recorded in volume 2816 page 376 of said
3-47 official public records, and said rebar being the northwest corner
3-48 of a called 1.186 acre tract as described in deed to the State of
3-49 Texas, and recorded in volume 2792 page 411 of said official public
3-50 records, and said rebar also being on the north line of Tract One, a
3-51 called 278.389 acre tract as described in deed to Edwin A. Trapp
3-52 Jr., Trustee, filed 24 May 1993, and recorded in volume 2271 page
3-53 274 of the real property records of Grayson County, Texas;

3-54 Thence: South 88 degrees 52 minutes 52 seconds West, with the south
3-55 line of said JMS tract, and with the north line of said Trapp tract,
3-56 and with a barbed wire fence, and passing at 1395.71 feet a found
3-57 1\2 inch rebar in the center of an abandoned road, being the
3-58 northwest corner of said Trapp tract, and continuing on said course
3-59 a total distance of 1413.20 feet to a crosstie fence corner post for
3-60 the southwest corner of said JMS tract;

3-61 Thence: North 01 degrees 47 minutes 38 seconds West, with the west
3-62 line of said JMS tract, and with the west line of said abandoned
3-63 road, and with a barbed wire fence, a distance of 1462.01 feet to a
3-64 wood fence corner post for an angle point in the west line of said
3-65 JMS tract;

3-66 Thence: North 19 degrees 12 minutes 28 seconds West, with the west
3-67 line of said JMS tract, and with a barbed wire fence, a distance of
3-68 294.56 feet to a wood fence corner post for an angle point in the
3-69 west line of said JMS tract;

4-1 Thence: North 01 degrees 32 minutes 37 seconds West, with the west
4-2 line of said JMS tract, and with the center of said abandoned road,
4-3 and with a barbed wire fence, a distance of 1338.47 feet to a set 1\2
4-4 inch steel square tubing for an angle point, said tubing being the
4-5 southeast corner of a called 240.811 acre tract as described in deed
4-6 to Phillip S. Wildman et ux, Teresa Marie Wildman, filed 23 October
4-7 1997, and recorded in volume 2583 page 538 of said official public
4-8 records;
4-9 Thence: North 01 degrees 36 minutes 23 seconds West, with the east
4-10 line of said Wildman tract, and with said fence, and with the center
4-11 of said abandoned road, a distance of 1833.73 feet to a set 3\8 inch
4-12 rebar for the northwest corner of said JMS tract;
4-13 Thence: North 88 degrees 36 minutes 19 seconds East, with the north
4-14 line of said JMS tract, and with an old barbed wire fence and tree
4-15 line, a distance of 2639.27 feet to a set 1\2 inch steel square
4-16 tubing in the west right of way line of said highway for the
4-17 northeast remainder corner of said JMS tract, same being the
4-18 northwest corner of said State of Texas 2.286 acre tract;
4-19 Thence: With the west line of said highway, the following eleven
4-20 (11) calls:
4-21 1. South 11 degrees 11 minutes 30 seconds West, a distance of
4-22 1730.40 feet to a concrete monument,
4-23 2. South 16 degrees 52 minutes 30 seconds West, a distance of 165.19
4-24 feet to a concrete monument,
4-25 3. South 11 degrees 59 minutes 16 seconds West, a distance of 98.10
4-26 feet to a concrete monument,
4-27 4. South 05 degrees 28 minutes 02 seconds West , a distance of
4-28 164.76 feet to a concrete monument,
4-29 5. South 11 degrees 10 minutes 10 seconds West, a distance of
4-30 1601.67 feet to a concrete monument,
4-31 6. South 16 degrees 42 minutes 42 seconds West, a distance of 329.66
4-32 feet to a concrete monument,
4-33 7. South 11 degrees 42 minutes 34 seconds West, a distance of 98.54
4-34 feet to a concrete monument,
4-35 8. South 05 degrees 23 minutes 27 seconds West, a distance of 329.86
4-36 feet to a concrete monument,
4-37 9. South 11 degrees 12 minutes 13 seconds West, a distance of 298.04
4-38 feet to a concrete monument,
4-39 10. South 16 degrees 49 minutes 07 seconds West, a distance of
4-40 164.79 feet to a concrete monument,
4-41 11. South 11 degrees 19 minutes 08 seconds West, a distance of 70.88
4-42 feet to the POINT OF BEGINNING and containing 231.164 acres of land.
4-43 Tract Two
4-44 All that certain tract or parcel of land situated in the Mary Miller
4-45 Survey, Abstract Number 775, County of Grayson, State of Texas,
4-46 said tract being the remainder tract of a called 136.431 acre tract
4-47 as described in deed to JMS Ltd., filed 23 June 2004, and recorded
4-48 in volume 3684 page 164 of the official public records of the County
4-49 of Grayson, State of Texas, and being more fully described as
4-50 follows:
4-51 Beginning for the southwest corner of the tract being described
4-52 herein at a found 1\2 inch rebar marked Underwood 4709 on the east
4-53 right of way line of State Highway Number 289, said rebar being the
4-54 remainder southwest corner of said JMS tract, same being the
4-55 southeast corner of a called 0.959 acre tract as described in deed
4-56 to the State of Texas, and recorded in volume 2816 page 376 of said
4-57 official public records, and said rebar being the northeast corner
4-58 of a called 0.954 acre tract as described in deed to the State of
4-59 Texas, and recorded in volume 2792 page 417 of said official public
4-60 records, and said rebar also being on the north line of Tract One, a
4-61 called 278.389 acre tract as described in deed to Edwin A. Trapp
4-62 Jr., Trustee, filed 24 May 1993, and recorded in volume 2271 page
4-63 274 of the real property records of Grayson County, Texas;
4-64 Thence: With the east line of said highway, the following five (5)
4-65 calls:
4-66 1. North 11 degrees 30 minutes 45 seconds East, a distance of 505.16
4-67 feet to a concrete monument,
4-68 2. North 16 degrees 23 minutes 59 seconds East, a distance of 329.37
4-69 feet to a concrete monument,

5-1 3. North 11 degrees 09 minutes 31 seconds East, a distance of 98.37
5-2 feet to a concrete monument,
5-3 4. North 05 degrees 23 minutes 20 seconds East , a distance of
5-4 330.13 feet to a concrete monument,
5-5 5. North 11 degrees 11 minutes 34 seconds East, a distance of 518.12
5-6 feet to a found 1\2 inch rebar marked 4709 for the northwest
5-7 remainder corner of said JMS tract, same being the northeast corner
5-8 of said State of Texas 0.959 acre tract;
5-9 Thence: North 88 degrees 56 minutes 27 seconds East, with the north
5-10 line of said JMS tract, and with an old barbed wire fence and tree
5-11 line, a distance of 1333.17 feet to a set 1\2 inch steel square
5-12 tubing for an angle point in the north line of said JMS tract;
5-13 Thence: North 89 degrees 09 minutes 04 seconds East, with the north
5-14 line of said JMS tract, and with said fence, a distance of 2317.18
5-15 feet to a set 1\2 inch steel square tubing for the northeast corner
5-16 of said JMS tract, same being the west right of way line of the
5-17 Burlington Northern Railway, as described in deed to Red River
5-18 Texas and Southern Railway Company, filed 04 November 1905, and
5-19 recorded in volume 168 page 52 of the deed records of Grayson
5-20 County, Texas;
5-21 Thence: South 25 degrees 45 minutes 19 seconds West, with the east
5-22 line of said JMS tract, and with the west line of said railway, a
5-23 distance of 1949.51 feet to a set 1\2 inch steel square tubing for
5-24 the southeast corner of said JMS tract;
5-25 Thence: South 88 degrees 55 minutes 54 seconds West, with the south
5-26 line of said JMS tract, and with an old barbed wire fence and tree
5-27 line, a distance of 647.14 feet to a found 1\2 inch rebar for the
5-28 northeast corner of said Trapp tract;
5-29 Thence: South 89 degrees 11 minutes 13 seconds West, with the south
5-30 line of said JMS tract, and with the north line of said Trapp tract,
5-31 and with said fence, a distance of 2500.41 feet to the POINT OF
5-32 BEGINNING and containing 135.678 acres of land.
5-33 Tract Three
5-34 All that certain tract or parcel of land situated in the Mary Miller
5-35 Survey, Abstract Number 775, County of Grayson, State of Texas,
5-36 said tract being all of a called 85.470 acre tract as described in
5-37 deed to JMS Ltd., filed 23 June 2004, and recorded in volume 3684
5-38 page 164 of the official public records of the County of Grayson,
5-39 State of Texas, and being more fully described as follows:
5-40 Beginning for the southeast corner of the tract being described
5-41 herein at a found 1\2 inch steel square tubing, said tubing being
5-42 the southeast corner of said JMS tract, same being the northeast
5-43 corner of a tract as described in deed to the Freels Family Limited
5-44 Partnership, filed 09 January 1997, and recorded in volume 2516
5-45 page 609 of said official public records, and said tubing being in
5-46 Old Preston Road;
5-47 Thence: South 88 degrees 55 minutes 54 seconds West, with the south
5-48 line of said JMS tract, and with the north line of said Feeels
5-49 tract, a distance of 2011.77 feet to a set 1\2 inch steel square
5-50 tubing for the southwest corner of said JMS tract, same being the
5-51 east right of way line of the Burlington Northern Railway, as
5-52 described in deed to Red River Texas and Southern Railway Company,
5-53 filed 04 November 1905, and recorded in volume 168 page 52 of the
5-54 deed records of Grayson County, Texas;
5-55 Thence: North 25 degrees 45 minutes 19 seconds East, with the west
5-56 line of said JMS tract, and with the east line of said railway, a
5-57 distance of 3372.95 feet to a set 1\2 inch steel square tubing for
5-58 the northwest corner of said JMS tract;
5-59 Thence: South 89 degrees 54 minutes 13 seconds East, with the north
5-60 line of said JMS tract, a distance of 470.60 feet to a found 1\2 inch
5-61 steel square tubing for the northeast corner of said JMS tract, and
5-62 said tubing being in said road;
5-63 Thence: South 01 degrees 26 minutes 09 seconds East, with the east
5-64 line of said JMS tract, and with said road, a distance of 3000.51
5-65 feet to the POINT OF BEGINNING and containing 85.710 acres of land.
5-66 SECTION 3. (a) The legal notice of the intention to
5-67 introduce this Act, setting forth the general substance of this
5-68 Act, has been published as provided by law, and the notice and a
5-69 copy of this Act have been furnished to all persons, agencies,

6-1 officials, or entities to which they are required to be furnished
6-2 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-3 Government Code.

6-4 (b) The governor, one of the required recipients, has
6-5 submitted the notice and Act to the Texas Commission on
6-6 Environmental Quality.

6-7 (c) The Texas Commission on Environmental Quality has filed
6-8 its recommendations relating to this Act with the governor, the
6-9 lieutenant governor, and the speaker of the house of
6-10 representatives within the required time.

6-11 (d) All requirements of the constitution and laws of this
6-12 state and the rules and procedures of the legislature with respect
6-13 to the notice, introduction, and passage of this Act are fulfilled
6-14 and accomplished.

6-15 SECTION 4. This Act takes effect September 1, 2007.

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