

By: Parker

H.B. No. 4122

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the East Denton County Water Control and Improvement District No. 1; 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9029 to read as follows:

CHAPTER 9029. EAST DENTON COUNTY WATER CONTROL AND IMPROVEMENT

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9029.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the East Denton County Water Control and Improvement District No. 1.

Sec. 9029.002. NATURE OF DISTRICT. The district is a water control and improvement district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9029.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9029.023 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 Denton 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. 9029.004. 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 other indebtedness; or

19 (4) the legality or operation of the board.

20 [Sections 9029.005-9029.020 reserved for expansion]

21 SUBCHAPTER A-1. TEMPORARY PROVISIONS

22 Sec. 9029.021. TEMPORARY DIRECTORS. (a) On or after
23 September 1, 2007, a person who owns land in the district may submit
24 a petition to the Texas Commission on Environmental Quality
25 requesting that the commission appoint as temporary directors the
26 five persons named in the petition.

27 (b) The commission shall appoint as temporary directors the

1 five persons named in the first petition received by the
2 commission.

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

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

6 (1) the date directors are elected under Section
7 9029.023; or

8 (2) the date this chapter expires under Section
9 9029.003.

10 Sec. 9029.022. ORGANIZATIONAL MEETING OF TEMPORARY
11 DIRECTORS. As soon as practicable after all the temporary
12 directors have qualified under Section 49.055, Water Code, the
13 temporary directors shall meet at a location in the district
14 agreeable to a majority of the directors. If a location cannot be
15 agreed upon, the meeting shall be at the Denton County Courthouse.
16 At the meeting the temporary directors shall elect officers from
17 among the temporary directors and conduct any other district
18 business.

19 Sec. 9029.023. CONFIRMATION AND INITIAL DIRECTORS'
20 ELECTION. The temporary directors shall hold an election to
21 confirm the creation of the district and to elect five directors as
22 provided by Section 49.102, Water Code.

23 Sec. 9029.024. INITIAL ELECTED DIRECTORS; TERMS. The
24 directors elected under Section 9029.023 shall draw lots to
25 determine which two shall serve until the first regularly scheduled
26 election of directors under Section 9029.052 and which three shall
27 serve until the second regularly scheduled election of directors.

1 Sec. 9029.025. EXPIRATION OF SUBCHAPTER. This subchapter
2 expires September 1, 2014.

3 [Sections 9029.026-9029.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 9029.051. DIRECTORS; TERMS. (a) The district is
6 governed by a board of five directors.

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

8 Sec. 9029.052. ELECTION OF DIRECTORS. On the uniform
9 election date in May of each even-numbered year, the appropriate
10 number of directors shall be elected.

11 [Sections 9029.053-9029.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 9029.101. WATER CONTROL AND IMPROVEMENT DISTRICT
14 POWERS AND DUTIES. The district has the powers and duties provided
15 by the general law of this state, including Chapters 49 and 51,
16 Water Code, applicable to water control and improvement districts
17 created under Section 59, Article XVI, Texas Constitution,
18 including the powers provided by Section 51.331, Water Code.

19 Sec. 9029.102. ROAD PROJECTS. (a) To the extent authorized
20 by Section 52, Article III, Texas Constitution, the district may
21 construct, acquire, improve, maintain, or operate macadamized,
22 graveled, or paved roads, or improvements in aid of those roads,
23 inside the district.

24 (b) A road project must meet or exceed all applicable
25 construction standards and regulatory ordinances of each
26 municipality in whose corporate limits or extraterritorial
27 jurisdiction the district is located. If the district is located

1 outside the extraterritorial jurisdiction of a municipality, a road
2 project must meet or exceed all applicable construction standards
3 and regulatory ordinances of each county in which the district is
4 located.

5 [Sections 9029.103-9029.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 9029.151. TAX TO REPAY BONDS. The district may impose
8 a tax to pay the principal of or interest on bonds issued under
9 Section 9029.201.

10 [Sections 9029.152-9029.200 reserved for expansion]

11 SUBCHAPTER E. BONDS

12 Sec. 9029.201. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. (a) The district may issue bonds or other obligations
14 as provided by Chapters 49 and 51, Water Code, to finance the
15 construction, maintenance, or operation of projects under Sections
16 9029.101 and 9029.102.

17 (b) The district may not issue bonds to finance projects
18 authorized by Section 9029.102 unless the issuance is approved by a
19 vote of a two-thirds majority of district voters voting at an
20 election called for that purpose.

21 (c) Bonds or other obligations issued or incurred to finance
22 projects authorized by Section 9029.102 may not exceed one-fourth
23 of the assessed value of the real property in the district.

24 SECTION 2. The East Denton County Water Control and
25 Improvement District No. 1 initially includes all the territory
26 contained in the following area:

27 BEING a parcel or tract of land situated in the F. Wilkerson Survey,

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1 Abstract No. 1411, the T.B. Cox Survey, Abstract No. 309, the
2 Carroll Jackson Survey, Abstract No. 1546, the Jacob Rue Survey,
3 Abstract No. 1109, and the Hiram Rue Survey, Abstract No. 1111, in
4 the County of Denton, Texas, and being all of those tracts of land
5 described to Mike A. Myers Investment Holdings, LTD. by deeds
6 recorded in Clerk File No. 05-33382, Clerk File No. 05-33384, and
7 Clerk File No. 05-93340, Deed Records, Denton County, Texas, and
8 being more particularly described by metes and bounds as follows:

9 BEGINNING at a point for corner in the approximate centerline of
10 Crutchfield Road, said point being at the Northeasterly corner of a
11 tract of land described to Tarsan Corp. by deed recorded in Clerk
12 File No. 02-108524, Deed Records, Denton County, Texas, and being
13 in the Southerly line of a tract of land described to Affordable
14 Housing Community by deed recorded in Clerk File No. 00-116799,
15 Deed Records, Denton County, Texas, and also being at the
16 Northwesterly corner of said Mike A. Myers tract recorded in Clerk
17 File No. 05-33384;

18 THENCE South 89 deg. 23 min. 12 sec. East, departing the easterly
19 line of said Tarsan Corp. tract, following the Southerly line of
20 said Affordable Housing Community tract, the Southerly line of a
21 tract of land described to Jan Wiatrzyk by deed recorded in Clerk
22 File No. 03-93331, Deed Records, Denton County, Texas, the
23 Southerly line of a tract of land described to Jan M. & Margaret
24 Paliwoda by deed recorded in Clerk File No. 99-65880, Deed Records,
25 Denton County, Texas and following the Northerly line of said Mike
26 A. Myers tract recorded in Clerk File No. 05-33384, a distance of
27 1657.64 feet to a point for corner in the Westerly line of a said

1 Mike A. Myers tract recorded in Clerk File No. 05-33382;
2 THENCE North 00 deg. 44 min. 29 sec. East, departing the Northerly
3 line of said Mike A. Myers tract recorded in Clerk File No. 05-33384
4 and following the Easterly line of said Jan M. & Margaret Paliwoda
5 tract, the Easterly line of a tract of land described to Fashand
6 Farm, LTD. by deed recorded in Clerk File No. 05-21653, Deed
7 Records, Denton County, Texas, and following the Westerly line of
8 said Mike A. Myers tract recorded in Clerk File No. 05-33382, a
9 distance of 858.60 feet to a point for corner in the Southwesterly
10 corner of a tract of land described to Rita L. Sorrells by deed
11 recorded in Clerk File No. 97-00903223, Deed Records, Denton
12 County, Texas;
13 THENCE South 89 deg. 36 min. 28 sec. East, departing the Easterly
14 line of said Fashand Farm, LTD. tract, following the Southerly line
15 of said Rita L. Sorrells tract, and the Northerly line of said Mike
16 A. Myers tract recorded in Clerk File No. 05-33382, a distance of
17 1759.25 feet to a point for corner at the Northwesterly corner of a
18 tract of land described to J.C. & Muriel Jackson, ET AL by deed
19 recorded in Clerk File No. 97-00903223, Deed Records, Denton
20 County, Texas;
21 THENCE South 00 deg. 29 min. 54 sec. West, departing the Southerly
22 line of said Rita L. Sorrells tract, following the Westerly line of
23 said J.C. & Muriel Jackson tract, and the Easterly line of said Mike
24 A. Myers tract recorded in Clerk File No. 05-33382, a distance of
25 2685.00 feet to a point for corner in the Northerly line of a tract
26 of land described to Sammie & John Carey by deed recorded in Volume
27 2336, Page 541, Deed Records, Denton County, Texas;

1 THENCE North 89 deg. 52 min. 58 sec. West, departing the Westerly
2 line of said J.C. & Muriel Jackson tract, following the Northerly
3 line of said Sammie & John Carey tract, and following the Southerly
4 line of said Mike A. Myers tract recorded in Clerk File No.
5 05-33382, a distance of 527.67 feet to a point for corner;

6 THENCE South 01 deg. 34 min. 45 sec. West, following the Westerly
7 line of said Sammie & John Carey tract, and following the Easterly
8 line of said Mike A. Myers tract recorded in Clerk File No.
9 05-33382, a distance of 2985.51 feet to a point for corner in the
10 approximate centerline of Parvin Road;

11 THENCE North 88 deg. 18 min. 36 sec. West, departing the Westerly
12 line of said Sammie & John Carey tract, following the approximate
13 centerline of said Parvin Road, and following the Southerly line of
14 said Mike A. Myers tract recorded in Clerk File No. 05-33382, a
15 distance of 1163.45 feet to a point for corner in the Easterly line
16 of a tract of land described to Kim Family Living Trust, LTD. by
17 deed recorded in Clerk File No. 05-86220, Deed Records, Denton
18 County, Texas;

19 THENCE North 00 deg. 10 min. 15 sec. East, following the Easterly
20 line of said Kim Family Living Trust, LTD. tract, and following the
21 Westerly line of said Mike A. Myers tract recorded in Clerk File No.
22 05-33382, a distance of 1849.15 feet to a point for corner at the
23 Southeasterly corner of said Mike A. Myers tract recorded in Clerk
24 File No. 05-33384;

25 THENCE North 89 deg. 31 min. 26 sec. West, departing the Westerly
26 line of said Mike A. Myers tract recorded in Clerk File No.
27 05-33382, and following the Northerly line of said Kim Family

1 Living Trust, LTD., and following the Southerly line said Mike A.
2 Myers tract recorded in Clerk File No. 05-33384, a distance of
3 1661.10 feet to a point for corner at the Northwesterly corner of a
4 tract of land described to Tim Chesney by deed recorded in Volume
5 1209, Page 434, Deed Records, Denton County, Texas, and being the
6 Southeasterly corner of a tract of land described to Alan G. &
7 Patrice F. Tankersly by deed recorded in Clerk File No. 03-172129,
8 Deed Records, Denton County, Texas, also being the Northwesterly
9 corner of said Kim Family Living Trust, LTD.;

10 THENCE North 00 deg. 35 min. 31 sec. East, departing the Northerly
11 line of a tract of said Kim Family Living Trust, LTD., and following
12 the Easterly line of said Alan G. & Patrice F. Tankersly tract, the
13 Easterly line of a tract of land described to Lee A. Brown by deed
14 recorded in Clerk File No. 03-122624, Deed Records, Denton County,
15 Texas, the Easterly line of County View Addition, according to the
16 Plat thereof recorded in Cabinet F, Page 267, Map Records, Denton
17 County, Texas, and following the Westerly line of said Mike A. Myers
18 tract recorded in Clerk File No. 05-33384, a distance of 1539.85
19 feet to a point for corner at the Southwesterly corner of said Mike
20 A. Myers tract recorded in Clerk File No. 05-93340, also being the
21 Northeasterly corner of said County View Addition;

22 THENCE along a rotated bearing of North 89 deg. 54 min. 06 sec. West
23 (Deed Call of South 89 deg. 17 min. 51 sec. West, as described in
24 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
25 departing the Westerly line of said Mike A. Myers tract recorded in
26 Clerk File No. 05-33384, following the Northerly line of said
27 County View Addition, and the following the Southerly line of said

1 Mike A. Myers tract recorded in Clerk File No. 05-93340, a distance
2 of 1300.80 feet to a point for corner at the Southeasterly corner of
3 a tract of land described to George N. Abdou by deed recorded in
4 Volume 928, Page 22, Deed Records, Denton County, Texas;
5 THENCE along a rotated bearing of North 01 deg. 10 min. 22 sec. East
6 (Deed Call of North 00 deg. 22 min. 19 sec. East, as described in
7 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
8 departing the Northerly line of said County View Addition,
9 following the Easterly line of said George N. Abdou tract, and
10 following the Westerly line of said Mike A. Myers tract recorded in
11 Clerk File No. 05-93340, a distance of 262.18 feet to a point for
12 corner at the Northeasterly corner of said George N. Abdou tract;
13 THENCE along a rotated bearing of North 84 deg. 23 min. 17 sec. West
14 (Deed Call of North 85 deg. 11 min. 20 sec. West, as described in
15 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
16 following the Northerly line of said George N. Abdou tract, and
17 following the Southerly line of said Mike A. Myers tract recorded in
18 Clerk File No. 05-93340, a distance of 518.00 feet to a point for
19 corner in the approximate Easterly line of F.M. 1385;
20 THENCE along a rotated bearing of North 02 deg. 09 min. 14 sec. East
21 (Deed Call of North 01 deg. 21 min. 11 sec. East, as described in
22 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
23 departing the Northerly line of said George N. Abdou tract,
24 following the approximate Easterly line of said F.M. 1385, and
25 following the Westerly line of said Mike A. Myers tract recorded in
26 Clerk File No. 05-93340, a distance of 202.59 feet to a point for
27 corner in the Southerly line of said Tarsan Corp. tract;

1 THENCE along a rotated bearing of South 89 deg. 55 min. 12 sec. East
2 (Deed Call of North 89 deg. 16 min. 45 sec. East, as described in
3 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
4 departing the approximate Easterly line of said F.M. 1385,
5 following the Southerly line of said Tarsan Corp. tract, and
6 following the northerly line of said Mike A. Myers tract recorded in
7 Clerk File No. 05-93340, a distance of 1806.28 feet to a point for
8 corner at the Southwesterly corner of said Tarsan Corp. tract and
9 being in the Westerly line of said Mike A. Myers tract recorded in
10 Clerk File No. 05-33384;

11 THENCE North 00 deg. 19 min. 38 sec. East, departing the Northerly
12 line of said Mike A. Myers tract recorded in Clerk File No.
13 05-93340, following the Easterly line of said Tarsan Corp. tract,
14 and following the Westerly line of said Mike A. Myers tract recorded
15 in Clerk File No. 05-33384, a distance of 887.51 feet to the POINT
16 OF BEGINNING and containing 320.4 acres of land, more or less.

17 SECTION 3. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this
5 state and the rules and procedures of the legislature with respect
6 to the notice, introduction, and passage of this Act are fulfilled
7 and accomplished.

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