

By: Parker

H.B. No. 4122

A BILL TO BE ENTITLED

AN ACT

relating to the creation of 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 F, Title 6, Special District Local Laws Code, is amended by adding Chapter ____ to read as follows:

CHAPTER ____. East Denton County Water Control and Improvement District No. 1.

SUBCHAPTER A. GENERAL PROVISIONS

Sec. ____.001. DEFINITIONS. In this chapter

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

(2) "Director" means a member of the board.

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

Sec. ____.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. ____.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section ____.025 before September 1, 2011,

(1) the district is dissolved September 1, 2011,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of debts
4 shall be transferred to Denton County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2014.

9 Sec. ____ .004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act creating this chapter form a closure. A mistake made in the
14 field notes or in copying the field notes in the legislative process
15 does not affect:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to impose taxes;

19 (3) the validity of the district's bonds, notes, or
20 indebtedness; or

21 (4) the legality or operation of the district or the
22 board.

23 Sections [____.005-____.020 reserved for expansion]

24 SUBCHAPTER A1. TEMPORARY PROVISIONS

25 Sec. ____ .021. TEMPORARY DIRECTORS. (a) On or after
26 September 1, 2007, a person who owns land in the district may submit
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the Commission appoint as temporary directors the
2 five persons name in the petition.

3 (b) The commission shall appoint as temporary directors the
4 five persons named in the first petition received by the commission
5 under Subsection (a).

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

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

9 (1) the date directors are elected under Section
10 ____.024; or

11 (2) the date this chapter expires under Section
12 ____.026.

13 Sec. ____ .022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall meet at a location in the district
17 agreeable to a majority of the directors. If a location cannot be
18 agreed upon, the meeting shall be at the Denton County Courthouse.

19 At the meeting, the temporary directors shall elect officers
20 from among the temporary directors and conduct any other district
21 business.

22 Sec. ____ .023. CONFIRMATION AND INITIAL DIRECTORS'
23 ELECTION. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five directors as
25 provided by Section 49.102, Water Code.

26 Sec. ____ .024 INITIAL ELECTED DIRECTORS; TERMS. The
27 directors elected under Section ____ .023 shall draw lots to

1 determine which two shall serve until the first regularly scheduled
2 election of directors under Section ____ .052 and which three shall
3 serve until the second regularly scheduled election of directors.

4 Sec. ____ .025. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2014.

6 Sections [____ .026- ____ .050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. ____ .051. DIRECTORS; TERMS.

9 (a) The district is governed by a board of five directors.

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

11 Sec. ____ .052 ELECTION OF DIRECTORS. On the uniform
12 election date in May of each even-numbered year, the appropriate
13 number of directors shall be elected.

14 [Sections ____ .053- ____ .100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. ____ .101. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS
17 AND DUTIES. The district has the powers and duties provided by the
18 general law of this state, including Chapters 49 and 51, Water Code,
19 applicable to water control and improvement districts created under
20 Section 59, Article XVI, Texas Constitution, including Section
21 51.331, Water Code.

22 Sec. ____ .102. ROAD PROJECTS. (a) To the extent authorized
23 by Section 52, Article III, Texas Constitution, the district may
24 construct, acquire, improve, maintain, or operate macadamized,
25 graveled, or paved roads or improvements in aid of those roads,
26 inside the district.

27 (b) A road project must meet or exceed all applicable

1 construction standards and regulatory ordinances of each
2 municipality in whose corporate limits or extraterritorial
3 jurisdiction the district is located.

4 If the district is located outside the extraterritorial
5 jurisdiction of a municipality, a road project must meet all
6 applicable construction standards and regulatory ordinances of
7 each county in which the district is located.

8 [Sections ____ .103 ____ .150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. ____ .151 TAX TO REPAY BONDS. The district may impose a
11 tax to pay the principal of or interest on bonds issued under
12 Section ____ .201.

13 [Sections ____ .152-____ .200 reserved for expansion]

14 SUBCHAPTER E. BONDS

15 Sec. ____ .201. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. (a) The district may issue bonds or other obligations
17 as provided by chapters 49 and 51, Water Code, to finance the
18 construction, maintenance, or operation of projects under Sections
19 ____ .101 and ____ .102.

20 (b) The district may not issue bonds to finance projects
21 authorized by Section ____ .102 unless the issuance is approved by a
22 vote of a two-thirds majority of the voters of the district voting
23 at an election called for that purpose.

24 (c) Bonds or other obligations issued or incurred to finance
25 projects authorized by Section ____ .102 may not exceed one-fourth of
26 the assessed value of the real property in the district.

27 SECTION 2. East Denton County Water Control and Improvement

1 District No. 1 initially includes all the territory contained in
2 the following area:

3 BEING a parcel or tract of land situated in the F. Wilkerson Survey,
4 Abstract No. 1411,

5 the T.B. Cox Survey, Abstract No. 309, the Carroll Jackson Survey,
6 Abstract No. 1546,

7 the Jacob Rue Survey, Abstract No. 1109, and the Hiram Rue Survey,
8 Abstract No. 1111, in the County of Denton, Texas, and being all of
9 those tracts of land described to Mike A. Myers Investment
10 Holdings, LTD. by deeds recorded in Clerk File No. 05-33382, Clerk
11 File No. 05-33384, and Clerk File No. 05-93340, Deed Records,
12 Denton County, Texas, and being more particularly described by
13 metes and bounds as follows:

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

23 THENCE South 89 deg. 23 min. 12 sec. East, departing the easterly
24 line of said Tarsan Corp. tract, following the Southerly line of
25 said Affordable Housing Community tract, the Southerly line of a
26 tract of land described to Jan Wiatrzyk by deed recorded in Clerk
27 File No. 03-93331, Deed Records, Denton County, Texas, the

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1 Southerly line of a tract of land described to Jan M. & Margaret
2 Paliwoda by deed recorded in Clerk File No. 99-65880, Deed Records,
3 Denton County, Texas and following the Northerly line of said Mike
4 A. Myers tract recorded in Clerk File No. 05-33384, a distance of
5 1657.64 feet to a point for corner in the Westerly line of a said
6 Mike A. Myers tract recorded in Clerk File No. 05-33382;

7 THENCE North 00 deg. 44 min. 29 sec. East, departing the Northerly
8 line of said Mike A. Myers tract recorded in Clerk File No. 05-33384
9 and following the Easterly line of said Jan M. & Margaret Paliwoda
10 tract, the Easterly line of a tract of land described to Fashand
11 Farm, LTD. by deed recorded in Clerk File No. 05-21653, Deed
12 Records, Denton County, Texas, and following the Westerly line of
13 said Mike A. Myers tract recorded in Clerk File No. 05-33382, a
14 distance of 858.60 feet to a point for corner in the Southwesterly
15 corner of a tract of land described to Rita L. Sorrells by deed
16 recorded in Clerk File No. 97-00903223, Deed Records, Denton
17 County, Texas;

18 THENCE South 89 deg. 36 min. 28 sec. East, departing the Easterly
19 line of said Fashand Farm, LTD. tract, following the Southerly line
20 of said Rita L. Sorrells tract, and the Northerly line of said Mike
21 A. Myers tract recorded in Clerk File No. 05-33382, a distance of
22 1759.25 feet to a point for corner at the Northwesterly corner of a
23 tract of land described to J.C. & Muriel Jackson, ET AL by deed
24 recorded in Clerk File No. 97-00903223, Deed Records, Denton
25 County, Texas;

26 THENCE South 00 deg. 29 min. 54 sec. West, departing the Southerly
27 line of said Rita L. Sorrells tract, following the Westerly line of

1 said J.C. & Muriel Jackson tract, and the Easterly line of said Mike
2 A. Myers tract recorded in Clerk File No. 05-33382, a distance of
3 2685.00 feet to a point for corner in the Northerly line of a tract
4 of land described to Sammie & John Carey by deed recorded in Volume
5 2336, Page 541, Deed Records, Denton County, Texas;
6 THENCE North 89 deg. 52 min. 58 sec. West, departing the Westerly
7 line of said J.C. & Muriel Jackson tract, following the Northerly
8 line of said Sammie & John Carey tract, and following the Southerly
9 line of said Mike A. Myers tract recorded in Clerk File No.
10 05-33382, a distance of 527.67 feet to a point for corner;
11 THENCE South 01 deg. 34 min. 45 sec. West, following the Westerly
12 line of said Sammie & John Carey tract, and following the Easterly
13 line of said Mike A. Myers tract recorded in Clerk File No.
14 05-33382, a distance of 2985.51 feet to a point for corner in the
15 approximate centerline of Parvin Road;
16 THENCE North 88 deg. 18 min. 36 sec. West, departing the Westerly
17 line of said Sammie & John Carey tract, following the approximate
18 centerline of said Parvin Road, and following the Southerly line of
19 said Mike A. Myers tract recorded in Clerk File No. 05-33382, a
20 distance of 1163.45 feet to a point for corner in the Easterly line
21 of a tract of land described to Kim Family Living Trust, LTD. by
22 deed recorded in Clerk File No. 05-86220, Deed Records, Denton
23 County, Texas;
24 THENCE North 00 deg. 10 min. 15 sec. East, following the Easterly
25 line of said Kim Family Living Trust, LTD. tract, and following the
26 Westerly line of said Mike A. Myers tract recorded in Clerk File No.
27 05-33382, a distance of 1849.15 feet to a point for

1 corner at the Southeasterly corner of said Mike A. Myers tract
2 recorded in Clerk File No. 05-33384;
3 THENCE North 89 deg. 31 min. 26 sec. West, departing the Westerly
4 line of said Mike A. Myers tract recorded in Clerk File No.
5 05-33382, and following the Northerly line of said Kim Family
6 Living Trust, LTD., and following the Southerly line said Mike A.
7 Myers tract recorded in Clerk File No. 05-33384, a distance of
8 1661.10 feet to a point for
9 corner at the Northwesterly corner of a tract of land described to
10 Tim Chesney by deed recorded in Volume 1209, Page 434, Deed Records,
11 Denton County, Texas, and being the Southeasterly corner of a tract
12 of land described to Alan G. & Patrice F. Tankersly by deed recorded
13 in Clerk File No. 03-172129, Deed Records, Denton County, Texas,
14 also being the Northwesterly corner of said Kim Family Living
15 Trust, LTD.;

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

1 THENCE along a rotated bearing of North 89 deg. 54 min. 06 sec. West
2 (Deed Call of South 89 deg. 17 min. 51 sec. West, as described in
3 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
4 departing the Westerly line of said Mike A. Myers tract recorded in
5 Clerk File No. 05-33384, following the Northerly line of said
6 County View Addition, and the following the Southerly line of said
7 Mike A. Myers tract recorded in Clerk File No. 05-93340, a distance
8 of 1300.80 feet to a point for corner at the Southeasterly corner of
9 a tract of land described to George N. Abdou by deed recorded in
10 Volume 928, Page 22, Deed Records, Denton County, Texas;

11 THENCE along a rotated bearing of North 01 deg. 10 min. 22 sec. East
12 (Deed Call of North 00 deg. 22 min. 19 sec. East, as described in
13 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
14 departing the Northerly line of said County View Addition,
15 following the Easterly line of said George N. Abdou tract, and
16 following the Westerly line of said Mike A. Myers tract recorded in
17 Clerk File No. 05-93340, a distance of 262.18 feet to a point for
18 corner at the Northeasterly corner of said George N. Abdou tract;

19 THENCE along a rotated bearing of North 84 deg. 23 min. 17 sec. West
20 (Deed Call of North 85 deg. 11 min. 20 sec. West, as described in
21 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
22 following the Northerly line of said George N. Abdou tract, and
23 following the Southerly line of said Mike A. Myers tract recorded in
24 Clerk File No. 05-93340, a distance of 518.00 feet to a point for
25 corner in the approximate Easterly line of F.M. 1385;

26 THENCE along a rotated bearing of North 02 deg. 09 min. 14 sec. East
27 (Deed Call of North 01 deg. 21 min. 11 sec. East, as described in

1 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
2 departing the Northerly line of said George N. Abdou tract,
3 following the approximate Easterly line of said F.M. 1385, and
4 following the Westerly line of said Mike A. Myers tract recorded in
5 Clerk File No. 05-93340, a distance of 202.59 feet to a point for
6 corner in the Southerly line of said Tarsan Corp. tract;
7 THENCE along a rotated bearing of South 89 deg. 55 min. 12 sec. East
8 (Deed Call of North 89 deg. 16 min. 45 sec. East, as described in
9 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
10 departing the approximate Easterly line of said F.M. 1385,
11 following the Southerly line of said Tarsan Corp. tract, and
12 following the northerly line of said Mike A. Myers tract recorded in
13 Clerk File No. 05-93340, a distance of 1806.28 feet to a point for
14 corner at the Southwesterly corner of said Tarsan Corp. tract and
15 being in the Westerly line of said Mike A. Myers tract recorded in
16 Clerk File No. 05-33384;
17 THENCE North 00 deg. 19 min. 38 sec. East, departing the Northerly
18 line of said Mike A. Myers tract recorded in Clerk File No.
19 05-93340, following the Easterly line of said Tarsan Corp. tract,
20 and following the Westerly line of said Mike A. Myers tract recorded
21 in Clerk File No. 05-33384, a distance of 887.51 feet to the POINT
22 OF BEGINNING and containing 320.4 acres of land, more or less.

23 SECTION 3. (a) The legal notice of the intention to
24 introduce this Act, setting forth the general substance of this
25 Act, has been published as provided by law, and the notice and a
26 copy of this Act have been furnished to all persons, agencies,
27 officials, or entities to which they are required to be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2 Government Code.

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

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

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

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