

1-1 By: Parker (Senate Sponsor - Estes) H.B. No. 4122
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on Natural
1-4 Resources; May 19, 2007, reported favorably by the following vote:
1-5 Yeas 9, Nays 0; May 19, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the East Denton County Water Control and
1-9 Improvement District No. 1; providing authority to impose a tax and
1-10 issue bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 9029 to read as follows:

1-14 CHAPTER 9029. EAST DENTON COUNTY WATER CONTROL AND IMPROVEMENT
1-15 DISTRICT NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 9029.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the East Denton County Water
1-21 Control and Improvement District No. 1.

1-22 Sec. 9029.002. NATURE OF DISTRICT. The district is a water
1-23 control and improvement district in Denton County created under and
1-24 essential to accomplish the purposes of Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 9029.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation
1-28 election held under Section 9029.023 before September 1, 2011:

1-29 (1) the district is dissolved September 1, 2011,
1-30 except that the district shall:

1-31 (A) pay any debts incurred;

1-32 (B) transfer to Denton County any assets that
1-33 remain after the payment of debts; and

1-34 (C) maintain the organization of the district
1-35 until all debts are paid and remaining assets are transferred; and

1-36 (2) this chapter expires September 1, 2014.

1-37 Sec. 9029.004. INITIAL DISTRICT TERRITORY. (a) The
1-38 district is initially composed of the territory described by
1-39 Section 2 of the Act creating this chapter.

1-40 (b) The boundaries and field notes contained in Section 2 of
1-41 the Act creating this chapter form a closure. A mistake made in the
1-42 field notes or in copying the field notes in the legislative process
1-43 does not affect:

1-44 (1) the organization, existence, or validity of the
1-45 district;

1-46 (2) the right of the district to impose taxes;

1-47 (3) the validity of the district's bonds, notes, or
1-48 other indebtedness; or

1-49 (4) the legality or operation of the board.

1-50 [Sections 9029.005-9029.020 reserved for expansion]

1-51 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-52 Sec. 9029.021. TEMPORARY DIRECTORS. (a) On or after
1-53 September 1, 2007, a person who owns land in the district may submit
1-54 a petition to the Texas Commission on Environmental Quality
1-55 requesting that the commission appoint as temporary directors the
1-56 five persons named in the petition.

1-57 (b) The commission shall appoint as temporary directors the
1-58 five persons named in the first petition received by the
1-59 commission.

1-60 (c) If a temporary director fails to qualify for office, the
1-61 commission shall appoint a person to fill the vacancy.

1-62 (d) Temporary directors serve until the earlier of:

1-63 (1) the date directors are elected under Section
1-64 9029.023; or

2-1 (2) the date this chapter expires under Section
 2-2 9029.003.

2-3 Sec. 9029.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-4 DIRECTORS. As soon as practicable after all the temporary
 2-5 directors have qualified under Section 49.055, Water Code, the
 2-6 temporary directors shall meet at a location in the district
 2-7 agreeable to a majority of the directors. If a location cannot be
 2-8 agreed upon, the meeting shall be at the Denton County Courthouse.
 2-9 At the meeting the temporary directors shall elect officers from
 2-10 among the temporary directors and conduct any other district
 2-11 business.

2-12 Sec. 9029.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-13 ELECTION. The temporary directors shall hold an election to
 2-14 confirm the creation of the district and to elect five directors as
 2-15 provided by Section 49.102, Water Code.

2-16 Sec. 9029.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-17 directors elected under Section 9029.023 shall draw lots to
 2-18 determine which two shall serve until the first regularly scheduled
 2-19 election of directors under Section 9029.052 and which three shall
 2-20 serve until the second regularly scheduled election of directors.

2-21 Sec. 9029.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-22 expires September 1, 2014.

2-23 [Sections 9029.026-9029.050 reserved for expansion]

2-24 SUBCHAPTER B. BOARD OF DIRECTORS

2-25 Sec. 9029.051. DIRECTORS; TERMS. (a) The district is
 2-26 governed by a board of five directors.

2-27 (b) Directors serve staggered four-year terms.

2-28 Sec. 9029.052. ELECTION OF DIRECTORS. On the uniform
 2-29 election date in May of each even-numbered year, the appropriate
 2-30 number of directors shall be elected.

2-31 [Sections 9029.053-9029.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 9029.101. WATER CONTROL AND IMPROVEMENT DISTRICT
 2-34 POWERS AND DUTIES. The district has the powers and duties provided
 2-35 by the general law of this state, including Chapters 49 and 51,
 2-36 Water Code, applicable to water control and improvement districts
 2-37 created under Section 59, Article XVI, Texas Constitution,
 2-38 including the powers provided by Section 51.331, Water Code.

2-39 Sec. 9029.102. ROAD PROJECTS. (a) To the extent authorized
 2-40 by Section 52, Article III, Texas Constitution, the district may
 2-41 construct, acquire, improve, maintain, or operate macadamized,
 2-42 graveled, or paved roads, or improvements in aid of those roads,
 2-43 inside the district.

2-44 (b) A road project must meet or exceed all applicable
 2-45 construction standards and regulatory ordinances of each
 2-46 municipality in whose corporate limits or extraterritorial
 2-47 jurisdiction the district is located. If the district is located
 2-48 outside the extraterritorial jurisdiction of a municipality, a road
 2-49 project must meet or exceed all applicable construction standards
 2-50 and regulatory ordinances of each county in which the district is
 2-51 located.

2-52 [Sections 9029.103-9029.150 reserved for expansion]

2-53 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-54 Sec. 9029.151. TAX TO REPAY BONDS. The district may impose
 2-55 a tax to pay the principal of or interest on bonds issued under
 2-56 Section 9029.201.

2-57 [Sections 9029.152-9029.200 reserved for expansion]

2-58 SUBCHAPTER E. BONDS

2-59 Sec. 9029.201. AUTHORITY TO ISSUE BONDS AND OTHER
 2-60 OBLIGATIONS. (a) The district may issue bonds or other obligations
 2-61 as provided by Chapters 49 and 51, Water Code, to finance the
 2-62 construction, maintenance, or operation of projects under Sections
 2-63 9029.101 and 9029.102.

2-64 (b) The district may not issue bonds to finance projects
 2-65 authorized by Section 9029.102 unless the issuance is approved by a
 2-66 vote of a two-thirds majority of district voters voting at an
 2-67 election called for that purpose.

2-68 (c) Bonds or other obligations issued or incurred to finance
 2-69 projects authorized by Section 9029.102 may not exceed one-fourth

3-1 of the assessed value of the real property in the district.

3-2 SECTION 2. The East Denton County Water Control and
 3-3 Improvement District No. 1 initially includes all the territory
 3-4 contained in the following area:
 3-5 BEING a parcel or tract of land situated in the F. Wilkerson Survey,
 3-6 Abstract No. 1411, the T.B. Cox Survey, Abstract No. 309, the
 3-7 Carroll Jackson Survey, Abstract No. 1546, the Jacob Rue Survey,
 3-8 Abstract No. 1109, and the Hiram Rue Survey, Abstract No. 1111, in
 3-9 the County of Denton, Texas, and being all of those tracts of land
 3-10 described to Mike A. Myers Investment Holdings, LTD. by deeds
 3-11 recorded in Clerk File No. 05-33382, Clerk File No. 05-33384, and
 3-12 Clerk File No. 05-93340, Deed Records, Denton County, Texas, and
 3-13 being more particularly described by metes and bounds as follows:
 3-14 BEGINNING at a point for corner in the approximate centerline of
 3-15 Crutchfield Road, said point being at the Northeasterly corner of a
 3-16 tract of land described to Tarsan Corp. by deed recorded in Clerk
 3-17 File No. 02-108524, Deed Records, Denton County, Texas, and being
 3-18 in the Southerly line of a tract of land described to Affordable
 3-19 Housing Community by deed recorded in Clerk File No. 00-116799,
 3-20 Deed Records, Denton County, Texas, and also being at the
 3-21 Northwesterly corner of said Mike A. Myers tract recorded in Clerk
 3-22 File No. 05-33384;
 3-23 THENCE South 89 deg. 23 min. 12 sec. East, departing the easterly
 3-24 line of said Tarsan Corp. tract, following the Southerly line of
 3-25 said Affordable Housing Community tract, the Southerly line of a
 3-26 tract of land described to Jan Wiatrzyk by deed recorded in Clerk
 3-27 File No. 03-93331, Deed Records, Denton County, Texas, the
 3-28 Southerly line of a tract of land described to Jan M. & Margaret
 3-29 Paliwoda by deed recorded in Clerk File No. 99-65880, Deed Records,
 3-30 Denton County, Texas and following the Northerly line of said Mike
 3-31 A. Myers tract recorded in Clerk File No. 05-33384, a distance of
 3-32 1657.64 feet to a point for corner in the Westerly line of a said
 3-33 Mike A. Myers tract recorded in Clerk File No. 05-33382;
 3-34 THENCE North 00 deg. 44 min. 29 sec. East, departing the Northerly
 3-35 line of said Mike A. Myers tract recorded in Clerk File No. 05-33384
 3-36 and following the Easterly line of said Jan M. & Margaret Paliwoda
 3-37 tract, the Easterly line of a tract of land described to Fashand
 3-38 Farm, LTD. by deed recorded in Clerk File No. 05-21653, Deed
 3-39 Records, Denton County, Texas, and following the Westerly line of
 3-40 said Mike A. Myers tract recorded in Clerk File No. 05-33382, a
 3-41 distance of 858.60 feet to a point for corner in the Southwesterly
 3-42 corner of a tract of land described to Rita L. Sorrells by deed
 3-43 recorded in Clerk File No. 97-00903223, Deed Records, Denton
 3-44 County, Texas;
 3-45 THENCE South 89 deg. 36 min. 28 sec. East, departing the Easterly
 3-46 line of said Fashand Farm, LTD. tract, following the Southerly line
 3-47 of said Rita L. Sorrells tract, and the Northerly line of said Mike
 3-48 A. Myers tract recorded in Clerk File No. 05-33382, a distance of
 3-49 1759.25 feet to a point for corner at the Northwesterly corner of a
 3-50 tract of land described to J.C. & Muriel Jackson, ET AL by deed
 3-51 recorded in Clerk File No. 97-00903223, Deed Records, Denton
 3-52 County, Texas;
 3-53 THENCE South 00 deg. 29 min. 54 sec. West, departing the Southerly
 3-54 line of said Rita L. Sorrells tract, following the Westerly line of
 3-55 said J.C. & Muriel Jackson tract, and the Easterly line of said Mike
 3-56 A. Myers tract recorded in Clerk File No. 05-33382, a distance of
 3-57 2685.00 feet to a point for corner in the Northerly line of a tract
 3-58 of land described to Sammie & John Carey by deed recorded in Volume
 3-59 2336, Page 541, Deed Records, Denton County, Texas;
 3-60 THENCE North 89 deg. 52 min. 58 sec. West, departing the Westerly
 3-61 line of said J.C. & Muriel Jackson tract, following the Northerly
 3-62 line of said Sammie & John Carey tract, and following the Southerly
 3-63 line of said Mike A. Myers tract recorded in Clerk File No.
 3-64 05-33382, a distance of 527.67 feet to a point for corner;
 3-65 THENCE South 01 deg. 34 min. 45 sec. West, following the Westerly
 3-66 line of said Sammie & John Carey tract, and following the Easterly
 3-67 line of said Mike A. Myers tract recorded in Clerk File No.
 3-68 05-33382, a distance of 2985.51 feet to a point for corner in the
 3-69 approximate centerline of Parvin Road;

4-1 THENCE North 88 deg. 18 min. 36 sec. West, departing the Westerly
4-2 line of said Sammie & John Carey tract, following the approximate
4-3 centerline of said Parvin Road, and following the Southerly line of
4-4 said Mike A. Myers tract recorded in Clerk File No. 05-33382, a
4-5 distance of 1163.45 feet to a point for corner in the Easterly line
4-6 of a tract of land described to Kim Family Living Trust, LTD. by
4-7 deed recorded in Clerk File No. 05-86220, Deed Records, Denton
4-8 County, Texas;
4-9 THENCE North 00 deg. 10 min. 15 sec. East, following the Easterly
4-10 line of said Kim Family Living Trust, LTD. tract, and following the
4-11 Westerly line of said Mike A. Myers tract recorded in Clerk File No.
4-12 05-33382, a distance of 1849.15 feet to a point for corner at the
4-13 Southeasterly corner of said Mike A. Myers tract recorded in Clerk
4-14 File No. 05-33384;
4-15 THENCE North 89 deg. 31 min. 26 sec. West, departing the Westerly
4-16 line of said Mike A. Myers tract recorded in Clerk File No.
4-17 05-33382, and following the Northerly line of said Kim Family
4-18 Living Trust, LTD., and following the Southerly line said Mike A.
4-19 Myers tract recorded in Clerk File No. 05-33384, a distance of
4-20 1661.10 feet to a point for corner at the Northwesterly corner of a
4-21 tract of land described to Tim Chesney by deed recorded in Volume
4-22 1209, Page 434, Deed Records, Denton County, Texas, and being the
4-23 Southeasterly corner of a tract of land described to Alan G. &
4-24 Patrice F. Tankersly by deed recorded in Clerk File No. 03-172129,
4-25 Deed Records, Denton County, Texas, also being the Northwesterly
4-26 corner of said Kim Family Living Trust, LTD.;
4-27 THENCE North 00 deg. 35 min. 31 sec. East, departing the Northerly
4-28 line of a tract of said Kim Family Living Trust, LTD., and following
4-29 the Easterly line of said Alan G. & Patrice F. Tankersly tract, the
4-30 Easterly line of a tract of land described to Lee A. Brown by deed
4-31 recorded in Clerk File No. 03-122624, Deed Records, Denton County,
4-32 Texas, the Easterly line of County View Addition, according to the
4-33 Plat thereof recorded in Cabinet F, Page 267, Map Records, Denton
4-34 County, Texas, and following the Westerly line of said Mike A. Myers
4-35 tract recorded in Clerk File No. 05-33384, a distance of 1539.85
4-36 feet to a point for corner at the Southwesterly corner of said Mike
4-37 A. Myers tract recorded in Clerk File No. 05-93340, also being the
4-38 Northeasterly corner of said County View Addition;
4-39 THENCE along a rotated bearing of North 89 deg. 54 min. 06 sec. West
4-40 (Deed Call of South 89 deg. 17 min. 51 sec. West, as described in
4-41 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
4-42 departing the Westerly line of said Mike A. Myers tract recorded in
4-43 Clerk File No. 05-33384, following the Northerly line of said
4-44 County View Addition, and the following the Southerly line of said
4-45 Mike A. Myers tract recorded in Clerk File No. 05-93340, a distance
4-46 of 1300.80 feet to a point for corner at the Southeasterly corner of
4-47 a tract of land described to George N. Abdou by deed recorded in
4-48 Volume 928, Page 22, Deed Records, Denton County, Texas;
4-49 THENCE along a rotated bearing of North 01 deg. 10 min. 22 sec. East
4-50 (Deed Call of North 00 deg. 22 min. 19 sec. East, as described in
4-51 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
4-52 departing the Northerly line of said County View Addition,
4-53 following the Easterly line of said George N. Abdou tract, and
4-54 following the Westerly line of said Mike A. Myers tract recorded in
4-55 Clerk File No. 05-93340, a distance of 262.18 feet to a point for
4-56 corner at the Northeasterly corner of said George N. Abdou tract;
4-57 THENCE along a rotated bearing of North 84 deg. 23 min. 17 sec. West
4-58 (Deed Call of North 85 deg. 11 min. 20 sec. West, as described in
4-59 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
4-60 following the Northerly line of said George N. Abdou tract, and
4-61 following the Southerly line of said Mike A. Myers tract recorded in
4-62 Clerk File No. 05-93340, a distance of 518.00 feet to a point for
4-63 corner in the approximate Easterly line of F.M. 1385;
4-64 THENCE along a rotated bearing of North 02 deg. 09 min. 14 sec. East
4-65 (Deed Call of North 01 deg. 21 min. 11 sec. East, as described in
4-66 said Mike A. Myers tract recorded in Clerk File No. 05-93340),
4-67 departing the Northerly line of said George N. Abdou tract,
4-68 following the approximate Easterly line of said F.M. 1385, and
4-69 following the Westerly line of said Mike A. Myers tract recorded in

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

5-19 SECTION 3. (a) The legal notice of the intention to
5-20 introduce this Act, setting forth the general substance of this
5-21 Act, has been published as provided by law, and the notice and a
5-22 copy of this Act have been furnished to all persons, agencies,
5-23 officials, or entities to which they are required to be furnished
5-24 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-25 Government Code.

5-26 (b) The governor, one of the required recipients, has
5-27 submitted the notice and Act to the Texas Commission on
5-28 Environmental Quality.

5-29 (c) The Texas Commission on Environmental Quality has filed
5-30 its recommendations relating to this Act with the governor, the
5-31 lieutenant governor, and the speaker of the house of
5-32 representatives within the required time.

5-33 (d) All requirements of the constitution and laws of this
5-34 state and the rules and procedures of the legislature with respect
5-35 to the notice, introduction, and passage of this Act are fulfilled
5-36 and accomplished.

5-37 SECTION 4. This Act takes effect September 1, 2007.

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