

By: Garcia

H.B. No. 4124

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Calhoun County Municipal Utility District No. 1; 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 8231 to read as follows:

CHAPTER 8231. CALHOUN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8231.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Calhoun County Municipal Utility District No. 1.

Sec. 8231.002. NATURE OF DISTRICT. The district is a municipal utility district in Calhoun County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8231.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8231.022 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that:

(A) any debts incurred shall be paid;

(B) any assets that remain after the payment of

1 debts shall be transferred to Calhoun County; and

2 (C) the organization of the district shall be  
3 maintained until all debts are paid and remaining assets are  
4 transferred; and

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

6 Sec. 8231.004. INITIAL DISTRICT TERRITORY. (a) The  
7 district is initially composed of the territory described by  
8 Section 2 of the Act creating this chapter.

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

13 (1) the organization, existence, or validity of the  
14 district;

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

16 (3) the validity of the district's bonds, notes, or  
17 indebtedness; or

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

20 [Sections 8231.005-8231.020 reserved for expansion]

21 SUBCHAPTER A-1. TEMPORARY PROVISIONS

22 Sec. 8231.021. TEMPORARY DIRECTORS. (a) The temporary  
23 board consists of:

24 (1) Robert Harriman;

25 (2) William B. Fuller;

26 (3) Jeffrey B. Holberg;

27 (4) Michael R. Jeter; and

1           (5) Donald D. Simmons.

2           (b) If a temporary director fails to qualify for office, the  
3 temporary directors who have qualified shall appoint a person to  
4 fill the vacancy. If at any time there are fewer than three  
5 qualified temporary directors, the Texas Commission on  
6 Environmental Quality shall appoint the necessary number of persons  
7 to fill the vacancies on the board.

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

9           (1) the date directors are elected under Section  
10 8231.022; or

11           (2) the date this chapter expires under Section  
12 8231.003.

13           Sec. 8231.022. CONFIRMATION AND INITIAL DIRECTORS'  
14 ELECTION. The temporary directors shall hold an election to  
15 confirm the creation of the district and to elect five directors as  
16 provided by Section 49.102, Water Code.

17           Sec. 8231.023. INITIAL ELECTED DIRECTORS; TERMS. The  
18 directors elected under Section 8231.022 shall draw lots to  
19 determine which two shall serve until the first regularly scheduled  
20 election of directors and which three shall serve until the second  
21 regularly scheduled election of directors.

22           Sec. 8231.024. EXPIRATION OF SUBCHAPTER. This subchapter  
23 expires September 1, 2014.

24           [Sections 8231.025-8231.050 reserved for expansion]

25                   SUBCHAPTER B. BOARD OF DIRECTORS

26           Sec. 8231.051. DIRECTORS; TERMS; ELECTIONS. (a) The  
27 district is governed by a board of five directors.

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

2 (c) The appropriate number of directors shall be elected on  
3 the uniform election date in May of even-numbered years.

4 [Sections 8231.052-8231.100 reserved for expansion]

5 SUBCHAPTER C. POWERS AND DUTIES

6 Sec. 8231.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
7 DUTIES. The district has the powers and duties provided by the  
8 general law of this state, including Chapters 49 and 54, Water Code,  
9 applicable to municipal utility districts created under Section 59,  
10 Article XVI, Texas Constitution.

11 Sec. 8231.102. DIVISION OF DISTRICT. (a) The district may  
12 be divided into two or more 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 51.749  
16 through 51.758, Water Code.

17 (c) Any new district created by the division of the district  
18 has all the powers and duties of the district, except the power to  
19 divide the district into new districts under this section.

20 SECTION 2. The Calhoun County Municipal Utility District  
21 No. 1 includes all the territory contained in the following area:

22 Approximately 1033.78 acres of land situated in the Miguel  
23 Castillo Survey, Abstract No. 7 and the Pedro Mirando League,  
24 Abstract No. 27, Calhoun County, Texas and more fully described by  
25 metes and bounds as follows:

26 All of that certain tract or parcel containing 1033.78

27 acres situated in the Miguel Castillo Survey, Abstract

1 No. 7 and the Pedro Mirando League. Abstract No. 27.,  
2 Calhoun County, Texas and being the same property  
3 described as Tract 1, Tract 2 and Tract 3 (422.12  
4 acres) in Special Warranty Deed dated July 24, 2000  
5 from Elizabeth Marie Hardy to G. P. Hardy, III,  
6 recorded in Volume 258, Page 834 of the Official  
7 Records of Calhoun County, Texas and the same property  
8 described as 453 acres in deed from H. V. Heyland, et  
9 ux, to R. H. Parker, Jr. and Lillian Ann Underwood,  
10 recorded In Volume 242, Page 364 of the Deed Records of  
11 Calhoun County, Texas and the same property described  
12 as 128.48 acres in deed from J. P. Nunley, et ux, to R.  
13 H. Parker, Jr. and Lillian Ann Underwood, recorded In  
14 Volume 317, Page 879 of the Deed Records of Calhoun  
15 County, Texas. This 1033.78 acres is more particularly  
16 described by metes and bounds as follows:

17 BEGINNING at a 5/8 inch iron rod with plastic cap set  
18 in the Southwest line of State Highway No. 185 and at  
19 the West corner of a 12.155 acre tract described in  
20 deed recorded in Volume 43, Page 322 of the Calhoun  
21 County Deed Records and at the South corner of a 1.977  
22 acre tract described in deed recorded in Volume 43,  
23 Page 337 of the Calhoun County Deed Records and in the  
24 Northwest line of a 250 acre tract described as Tract  
25 One of deed recorded in Volume 357, Page 736 of the  
26 Calhoun County Official Records and in the Southeast  
27 line of the above referenced 422.12 acre tract for the

1 East corner of this 1033.78 acres being described;  
2 THENCE South 55° 00' 00" West (Base Bearing) [Deed call  
3 = South 55° West], with the Northeast line of the said  
4 250 acre tract and with the Southeast line of the said  
5 422.12 acre tract, pass a 5/8 inch iron rod with  
6 plastic cap set on line at a distance of 8477.30 feet  
7 and continuing a total distance of 8877.30 feet to the  
8 South corner of a 2.52 acre tract described as First  
9 Tract in Easement recorded in Volume 115, Page 83 of  
10 the Calhoun County Deed Records for the South corner of  
11 this 1033.78 acres being described;

12 THENCE with the Southwest line of the said 422.12 acre  
13 tract and along the deed call shoreline of Guadalupe  
14 Bay and in part along the Right-of-Way of the Barge  
15 Canal with the following meanders:

16 North 16° 44' 37" East a distance of 608.07 feet;  
17 North 06° 13' 58" West a distance of 241.00 feet;  
18 North 02° 55' 02" East a distance of 437.00 feet;  
19 North 09° 12' 02" East a distance of 550.40 feet;  
20 North 02° 16' 57" East a distance of 375.52 feet;  
21 North 73° 37' 44" West a distance of 38.80 feet;  
22 North 11° 47' 44" West a distance of 180.00 feet;  
23 North 06° 32' 16" East a distance of 324.50 feet;  
24 North 21° 03' 44" West a distance of 174.30 feet;  
25 North 07° 56' 44" West a distance of 304.94 feet to  
26 the West corner of a 2.46 acre tract described as  
27 Second Tract in the above referenced Easement and

1           the West corner of the said 422.12 acre tract for  
2           a corner of this 1033.78 acres being described;  
3        THENCE North 55° 00' 00" East [Deed call = North 55°  
4        East], with a Northwest line of the said 422.12 acre  
5        tract and with the Southeast line of the said 453.0  
6        acre tract, a distance of 204.72 feet for a corner of  
7        this 1033.78 acres being described;  
8        THENCE with the East right-of-way line of the West Side  
9        Calhoun County Navigation District (400' R.O.W.) as  
10       follows;  
11           North 04° 48' 57" West a distance of 169.46 feet;  
12           North 08° 08' 57" West a distance of 200.20 feet;  
13           North 12° 08' 57" West a distance of 200.00 feet;  
14           North 15° 40' 57" West a distance of 200.00 feet;  
15           North 18° 15' 57" West a distance of 100.00 feet;  
16           North 21° 15' 57" West a distance of 200.00 feet;  
17           North 23° 49' 57" West a distance of 95.00 feet;  
18           North 26° 19' 57" West a distance of 105.00 feet;  
19           North 28° 57' 57" West a distance of 100.20 feet;  
20           North 22° 19' 57" West a distance of 450.00 feet;  
21           North 45° 52' 57" West a distance of 908.80 feet;  
22           North 43° 40' 57" West. 1173.70 feet to a point the  
23           East right-of-way line of the said West Side  
24           Calhoun County Navigation District., said point  
25           being the West corner of the herein described  
26           tract and South corner of the remainder of that  
27           certain 11.08 acre tract of land as conveyed to

1 Belle D. Smith according to Instrument recorded  
2 in Volume 25. Page 158 of the Official Records of  
3 said County;

4 THENCE, North 72 deg. 45' 03" East, with the common  
5 line of said 11.08 acre remainder, a distance of 651.30  
6 feet to a concrete monument found marking the East  
7 corner of said 11.08 acre remainder and an Interior  
8 corner of the herein described tract;

9 THENCE, North 17 deg. 14'57" West, a distance of  
10 600.00 feet to a concrete monument found marking the  
11 North corner of the said 11.08 acre remainder and a  
12 Northwesterly corner of the herein described tract;

13 THENCE, North 72 deg. 50' 33" East, along a barbed wire  
14 fence, a distance of 770.10 feet to a called for fence  
15 post for an angle point;

16 THENCE, North 70 deg. 39' 13" East, a distance of  
17 178.59 feet to a called for fence post for an angle  
18 point;

19 THENCE, North 68 deg. 25' 47" East, a distance of  
20 249.83 feet to a called for fence post for an angle  
21 point;

22 THENCE, North 66 deg. 41' 49" East, a distance of 74.41  
23 feet to a called for fence post for an angle point;

24 THENCE, North 56 deg. 31' 46" East, a distance of  
25 254.74 feet to a called for fence post for an angle  
26 point, said fence post being on the recognized common  
27 line of said Miguel Castillo Survey and the Pedro



1 Miranda League;  
2 THENCE, North 55 deg. 10' 25" East, along said common  
3 line and general direction of said barbed wire fence,  
4 distance of 4670.83 feet to a fence corner post found  
5 marking the North corner of the herein described  
6 tract, said fence post being in the Southwest  
7 right-of-way line of said State Highway No. 185;  
8 THENCE, South 31 deg. 31' 06" East, along said  
9 right-of-way line and barbed wire fence, a distance of  
10 2975.22 feet to a 5/8 inch diameter steel rebar set to  
11 mark the North corner of a 0.52 acre tract of land as  
12 conveyed to Virgil Claude Cassel according to  
13 Instrument recorded in Volume 85, Page 411 of the Deed  
14 Records of Calhoun County;  
15 THENCE, South 58 deg. 28' 54" West, a distance of  
16 150.00 feet to a 5/8 inch diameter steel rebar set to  
17 mark the West corner of said 0.52 acre tract;  
18 THENCE, South 31 deg. 31' 06" East, a distance of  
19 150.00 feet to a 5/8 Inch diameter steel rebar set to  
20 mark the South corner of said 0.52 acre tract;  
21 THENCE, North 58 deg. 28' 54" East, a distance of  
22 150.00 feet to a 5/8 inch diameter steel rebar found  
23 marking the East corner of said 0.52 acre tract and  
24 being in the Southwest right-of-way line of said State  
25 Highway No. 185;  
26 THENCE, South 31 deg. 31' 06" East, along said  
27 right-of-way line, a distance of 404.19 feet to 5/8

1 inch diameter steel rebar found marking the North  
2 corner of a 1.00 acre tract of land as conveyed to  
3 Donald Leonard Lynch, et ux, according to Instrument  
4 recorded In Volume 206, Page 384 of the Deed Records of  
5 said County;

6 THENCE, South 55 deg. 00' 54" West, a distance of  
7 209.10 feet to a 5/8 inch diameter steel rebar found  
8 marking the West corner of said 1.00 acre tract;

9 THENCE, South 31 deg. 31' 06" East, a distance of  
10 208.71 feet to a 5/8 inch diameter steel rebar found  
11 marking the South corner of said 1.00 acre tract;

12 THENCE, North 55 deg. 00' 51" East, a distance of  
13 209.10 feet to a 5/8 inch diameter steel rebar found  
14 marking the East corner of the said 1.00 acre tract,  
15 and being in the Southwest right-of-way line of said  
16 State Highway No. 185;

17 THENCE, South 31 deg. 31' 06" East, along said  
18 right-of-way line, a distance of 40.10 feet to the  
19 POINT OF BEGINNING, CONTAINING within these metes and  
20 bounds a 1033.78 acres.

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

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

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

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

12           SECTION 4. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2007.