

By: Puente

H.B. No. 4127

Substitute the following for H.B. No. 4127:

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C.S.H.B. No. 4127

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Southern Travis Special Utility District; providing authority to issue bonds; granting the power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7214 to read as follows:

CHAPTER 7214. SOUTHERN TRAVIS SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7214.001. DEFINITION. In this chapter, "district" means the Southern Travis Special Utility District.

Sec. 7214.002. NATURE OF DISTRICT. The district is a special utility district in Travis County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 7214.003. APPLICABILITY OF OTHER SPECIAL UTILITY DISTRICT LAW. Except as otherwise provided by this chapter, Chapters 49 and 65, Water Code, apply to the district.

Sec. 7214.004. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 7214.022 before September 1, 2011:

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

(2) this chapter expires September 1, 2015.

1 Sec. 7214.005. INITIAL DISTRICT TERRITORY. (a) The
2 district is initially composed of the territory described by
3 Section 2 of the Act creating this chapter.

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

8 (1) the organization, existence, or validity of the
9 district;

10 (2) the right of the district to issue any type of
11 bond, including a refunding bond, for a purpose for which the
12 district is created or to pay the principal of and interest on a
13 bond; or

14 (3) the legality or operation of the district or the
15 board of directors of the district.

16 [Sections 7214.006-7214.020 reserved for expansion]

17 SUBCHAPTER A-1. TEMPORARY PROVISIONS

18 Sec. 7214.021. TEMPORARY DIRECTORS. (a) The temporary
19 board of directors of the district is composed of:

20 (1) Marc Knutsen;

21 (2) Bruce Morrison;

22 (3) Loren Smith;

23 (4) Rick Vaughn; and

24 (5) Tom Winkley.

25 (b) Each temporary director shall qualify for office as
26 provided by Section 49.055, Water Code.

27 (c) If a temporary director fails to qualify for office, the

1 temporary directors who have qualified shall appoint a person to
2 fill the vacancy. If at any time there are fewer than four
3 qualified temporary directors, the Texas Commission on
4 Environmental Quality shall appoint the necessary number of
5 directors to fill all vacancies on the board.

6 (d) Temporary directors serve until initial directors are
7 elected under Section 7214.022.

8 (e) As soon as practicable after all the temporary directors
9 have qualified under Section 49.055, Water Code, the temporary
10 directors shall convene the organizational meeting of the district
11 and elect officers from among the temporary directors.

12 Sec. 7214.022. CONFIRMATION AND INITIAL DIRECTORS'
13 ELECTION. (a) The temporary board of directors shall hold an
14 election to confirm the creation of the district as provided by
15 Section 49.102, Water Code, and to elect not fewer than five and not
16 more than 11 directors, as determined by the temporary board.

17 (b) The temporary board of directors shall determine the
18 method for determining the initial term of each person on the
19 initial board of directors. The terms must be clearly stated on the
20 ballot for the directors' election.

21 (c) Initial directors serve until the first regularly
22 scheduled election of directors under Subchapter C, Chapter 65,
23 Water Code, to be held not later than the month in which the fourth
24 anniversary of the date on which the confirmation election under
25 this section was held occurs.

26 Sec. 7214.023. EXPIRATION OF SUBCHAPTER. This subchapter
27 expires September 1, 2015.

1 [Sections 7214.024-7214.050 reserved for expansion]

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7214.051. DIRECTORS. (a) The district is governed by
4 a board of not fewer than five and not more than 11 directors.

5 (b) Notwithstanding Section 65.103(b), Water Code, a
6 director serves a four-year term of office and may serve
7 consecutive terms.

8 [Sections 7214.052-7214.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7214.101. GENERAL POWERS. Except as otherwise
11 provided by this chapter, the district has all of the rights,
12 powers, privileges, functions, and duties provided by the general
13 law of this state, including Chapters 49 and 65, Water Code,
14 applicable to special utility districts created under Section 59,
15 Article XVI, Texas Constitution.

16 Sec. 7214.102. ANNEXATION. The owner of a tract of land
17 that has an area of at least 50 acres and that has been released by
18 written agreement from the certificate of public convenience and
19 necessity of a rural water supply corporation may petition the
20 district to be annexed into the district. On receipt of a petition,
21 the board may issue an order granting the petition, and the land
22 described by the petition will be included in the district. Land
23 annexed under this section is not required to be contiguous to the
24 district.

25 Sec. 7214.103. ROAD PROJECTS. (a) Under Section 52,
26 Article III, Texas Constitution, the district may finance,
27 construct, or acquire a road project as provided by this section.

1 (b) The district shall employ or contract with a licensed
2 engineer to certify whether a proposed road project meets the
3 criteria for a thoroughfare, arterial, or collector road of:

4 (1) a county in whose jurisdiction the proposed road
5 project is located; or

6 (2) a municipality in whose corporate limits or
7 extraterritorial jurisdiction the proposed road project is
8 located.

9 (c) The district may finance, construct, or acquire a
10 thoroughfare, arterial, or collector road that has been certified
11 by the licensed engineer, or any improvements in aid of the road.

12 (d) A road project must meet all applicable standards,
13 regulations, ordinances, or orders of:

14 (1) each municipality in whose corporate limits or
15 extraterritorial jurisdiction the road project is located; and

16 (2) each county in which the road project is located if
17 the road project is not located in the corporate limits of a
18 municipality.

19 (e) The district may, with the consent of the municipality
20 or county, convey a completed road project to:

21 (1) a municipality in whose corporate limits or
22 extraterritorial jurisdiction the road project is located; or

23 (2) a county in which the road project is located.

24 (f) The district may exercise the power of eminent domain
25 outside the district for a road project only to connect
26 noncontiguous tracts of land that are in the district.

27 [Sections 7214.104-7214.150 reserved for expansion]

SUBCHAPTER D. BONDS

Sec. 7214.151. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations as provided by Chapters 49 and 65, Water Code, to finance the construction, maintenance, or operation of a project:

(1) as provided by Subchapter G, Chapter 65, Water Code; or

(2) under Section 7214.103 of this chapter.

SECTION 2. The Southern Travis Special Utility District initially includes all the territory contained in the following area:

ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN 87.884 ACRE TRACT OF LAND CONVEYED TO ONION ASSOCIATES, LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 117.188 ACRE TRACT OF LAND AS CONVEYED TO ONION ASSOCIATES, LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 2.273 ACRE TRACT OF LAND CONVEYED TO ONION ASSOCIATES, LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT CERTAIN 8.17 ACRE TRACT OF LAND CONVEYED TO ONION ASSOCIATES, LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at an "X" found cut in rock at the Northwest corner of said 87.884 acre tract, being in the East r.o.w. line of Interstate Hwy 35 South, being in the approximate centerline of Onion Creek for the Northwest corner and PLACE OF BEGINNING hereof;

THENCE along the North line of said 87.884 acre tract, being along the approximate centerline of Onion Creek for the following courses:

S 73°04'00" E for a distance of 450.65 feet to an angle point

S 74°19'00" E for a distance of 334.57 feet to an angle point

S 57°11'00" E for a distance of 216.95 feet to an angle point

S 72°26'00" E for a distance of 402.24 feet to an angle point

S 76°51'00" E for a distance of 357.17 feet to an angle point

S 39°52'00" E for a distance of 114.70 feet to an angle point

S 57°41'30" E for a distance of 308.12 feet to an angle point

S 00°49'00" E for a distance of 131.00 feet to an angle point

S 25°09'00" E for a distance of 206.00 feet to an angle point

S 53°57'45" E for a distance of 249.20 feet to the Northeast

corner of said 87.884 acre tract, being the Northwest corner

of said 117.188 acre tract;

THENCE continuing along the approximate centerline of Onion Creek, being along the North line of said 117.188 acre tract for the following courses:

S 58°55'57" E for a distance of 450.70 feet to an angle point

S 50°14'57" E for a distance of 251.84 feet to an angle point

S 42°25'57" E for a distance of 186.54 feet to an angle point

S 62°12'49" E for a distance of 50.33 feet to the Northeast

corner of said 117.188 acre tract for the Northeast corner hereof;

1 THENCE along the Northeast line of said 117.188 acre tract for the
2 following courses:

3 S 30°38'00" W for a distance of 838.63 feet to a ½ inch iron
4 pin found

5 S 30°21'46" W for a distance of 497.98 feet to a ½ inch iron
6 pin found

7 S 71°43'13" E for a distance of 1128.85 feet to a ½ inch iron
8 pin found at an Easterly corner of said 117.188 acre tract;

9 THENCE along the most Easterly line of said 117.188 acre tract, S
10 30°23'29" W for a distance of 2048.99 feet to a ½ inch iron pin found
11 at the Southeast corner of said 117.188 acre tract for the Southeast
12 corner hereof;

13 THENCE along the South line of said 117.188 acre tract for the
14 following courses:

15 N 59°39'56" W for a distance of 1103.84 feet to a ½ inch iron
16 pin found

17 N 62°34'44" W for a distance of 458.27 feet to a ½ inch iron
18 pin found

19 N 62°51'16" W for a distance of 449.66 feet to a ½ inch iron
20 pin found at the Southwest corner of said 117.188 acre tract;

21 THENCE along the West line of said 117.188 acre tract for the
22 following courses:

23 N 30°09'07" E for a distance of 1666.09 feet to a 60-d nail
24 found

25 N 30°08'16" E for a distance of 188.47 feet to a ½ inch iron
26 pin found

27 N 28°36'40" E for a distance of 232.94 feet to a ½ inch iron

1 pin found at the Southeast corner of said 87.884 acre tract;
2 THENCE along the South line of said 87.884 acre tract, N 71°11'45" W
3 for a distance of 712.31 feet to a ½ inch iron pin found and N
4 71°03'33" W for a distance of 10.02 feet to a point in the
5 approximate centerline of a ravine, being the Northeast corner of
6 said 2.273 acre tract;

7 THENCE up the approximate centerline of a ravine, being the East
8 line of said 2.273 acre tract for the following courses:

9 S 44°35'07" W for a distance of 8.22 feet to an angle point

10 S 84°16'07" W for a distance of 95.67 feet to an angle point

11 S 05°36'07" W for a distance of 125.27 feet to the Southeast
12 corner of said 2.273 acre tract, being at the Northeast
13 corner of said 8.17 acre tract;

14 THENCE continuing up the approximate centerline of a ravine, being
15 the East line of said 8.17 acre tract for the following courses:

16 S 05°36'07" W for a distance of 185.51 feet to an angle point

17 S 31°17'17" W for a distance of 209.91 feet to an angle point

18 S 58°28'57" W for a distance of 81.12 feet to an angle point

19 S 33°12'43" E for a distance of 53.05 feet to an angle point

20 S 24°25'17" W for a distance of 94.24 feet to an angle point

21 S53°47'07" W for a distance of 19.29 feet to the Southeast
22 corner of said 8.17 acre tract;

23 THENCE along the South line of said 8.17 acre tract, N 64°09'33" W
24 for a distance of 580.49 feet to a ½ inch iron pin found at the
25 Southwest corner of said 8.17 acre tract;

26 THENCE along the West line of said 8.17 acre tract, N 20°39'51" E for
27 a distance of 592.26 feet to a ½ inch iron pin found at the Northwest

1 corner of said 8.17 acre tract, being at the Southwest corner of
2 said 2.273 acres tract;

3 THENCE along the West line of said 2.273 acre tract, N 33°27'08" W
4 for a distance of 238.55 feet to a ½ inch capped iron pin found at
5 the Northwest corner of said 2.273 acre tract, being in the South
6 line of said 87.884 acre tract;

7 THENCE along the South line of said 87.884 acre tract, N 33°32'38" W
8 for a distance of 145.29 feet to a ½ inch iron pin found and N
9 71°03'16" W for a distance of 698.93 feet to a capped iron pin found
10 at the Southwest corner of said 87.884 acre tract, being in the East
11 r.o.w. line of Interstate Hwy 35 South;

12 THENCE along the West line of said 87.884 acre tract, being along
13 the East ro.w. line of Interstate Hwy 35 South, N 20°25'54" E for a
14 distance of 1499.77 feet to the PLACE OF BEGINNING and containing
15 215.592 acres of land, more or less.

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

23 (b) The governor has submitted the notice and Act to the
24 Texas Commission on Environmental Quality.

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor,
27 lieutenant governor, and speaker of the house of representatives

1 within the required time.

2 (d) The general law relating to consent by political
3 subdivisions to the creation of a conservation and reclamation
4 district and the inclusion of land in the district has been complied
5 with. All requirements of the constitution and laws of this state
6 and the rules and procedures of the legislature with respect to the
7 notice, introduction, and passage of this Act are fulfilled and
8 accomplished.

9 SECTION 4. To the extent of any conflict, this Act prevails
10 over any provision of S.B. No. 1688, S.B. No. 1689, or H.B. No.
11 3719, if those Acts are passed by the 80th Legislature, Regular
12 Session, 2007, and become law.

13 SECTION 5. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2007.