

1-1 By: Deuell S.B. No. 401
1-2 (In the Senate - Filed February 1, 2007; February 21, 2007,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 21, 2007, reported favorably by the following
1-5 vote: Yeas 3, Nays 0; March 21, 2007, sent to printer.)

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

1-8 relating to the creation of the Moore Farm Water Control and
1-9 Improvement District No. 1 of Kaufman County; providing authority
1-10 to impose a tax and issue bonds; granting the power of eminent
1-11 domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle I, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 9014 to read as follows:

1-15 CHAPTER 9014. MOORE FARM WATER CONTROL AND IMPROVEMENT DISTRICT
1-16 NO. 1 OF KAUFMAN COUNTY

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 9014.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Moore Farm Water Control and
1-22 Improvement District No. 1 of Kaufman County.

1-23 Sec. 9014.002. NATURE OF DISTRICT. The district is a water
1-24 control and improvement district in Kaufman County created under
1-25 and essential to accomplish the purposes of Section 59, Article
1-26 XVI, Texas Constitution.

1-27 Sec. 9014.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 9014.024 before September 1, 2011:

1-30 (1) the district is dissolved September 1, 2011,
1-31 except that the district shall:

1-32 (A) pay any debts incurred;

1-33 (B) transfer to Kaufman County any assets that
1-34 remain after the payment of debts; and

1-35 (C) maintain the organization of the district
1-36 until all debts are paid and remaining assets are transferred; and

1-37 (2) this chapter expires September 1, 2014.

1-38 Sec. 9014.004. INITIAL DISTRICT TERRITORY. (a) The
1-39 district is initially composed of the territory described by
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of
1-42 the Act creating this chapter form a closure. A mistake made in the
1-43 field notes or in copying the field notes in the legislative process
1-44 does not affect:

1-45 (1) the organization, existence, or validity of the
1-46 district;

1-47 (2) the right of the district to impose taxes;

1-48 (3) the validity of the district's bonds, notes, or
1-49 indebtedness; or

1-50 (4) the legality or operation of the district or the
1-51 board.

1-52 [Sections 9014.005-9014.020 reserved for expansion]

1-53 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-54 Sec. 9014.021. TEMPORARY DIRECTORS. (a) On or after
1-55 September 1, 2007, a person who owns land in the district may submit
1-56 a petition to the Texas Commission on Environmental Quality
1-57 requesting that the commission appoint as temporary directors the
1-58 five persons named in the petition.

1-59 (b) The commission shall appoint as temporary directors the
1-60 five persons named in the first petition received by the commission
1-61 under Subsection (a).

1-62 (c) If a temporary director fails to qualify for office, the
1-63 commission shall appoint a person to fill the vacancy.

1-64 (d) Temporary directors serve until the earlier of:

2-1 (1) the date directors are elected under Section
2-2 9014.024; or
2-3 (2) the date this chapter expires under Section
2-4 9014.003.

2-5 Sec. 9014.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-6 DIRECTORS. As soon as practicable after all the temporary
2-7 directors have qualified under Section 49.055, Water Code, the
2-8 temporary directors shall meet at a location in the district
2-9 agreeable to a majority of the directors. If a location cannot be
2-10 agreed upon, the directors shall meet at the Kaufman County
2-11 Courthouse. At the meeting, the temporary directors shall elect
2-12 officers from among the temporary directors and conduct any other
2-13 district business.

2-14 Sec. 9014.023. CONSENT OF MUNICIPALITY REQUIRED. The
2-15 temporary directors may not hold an election under Section 9014.024
2-16 until each municipality in whose corporate limits or
2-17 extraterritorial jurisdiction the district is located has adopted a
2-18 resolution consenting to the creation of the district.

2-19 Sec. 9014.024. CONFIRMATION AND INITIAL DIRECTORS'
2-20 ELECTION. The temporary directors shall hold an election to
2-21 confirm the creation of the district and to elect five directors as
2-22 provided by Section 49.102, Water Code.

2-23 Sec. 9014.025. INITIAL ELECTED DIRECTORS; TERMS. The
2-24 directors elected under Section 9014.024 shall draw lots to
2-25 determine which two shall serve until the first regularly scheduled
2-26 election of directors and which three shall serve until the second
2-27 regularly scheduled election of directors.

2-28 Sec. 9014.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-29 expires September 1, 2014.

2-30 [Sections 9014.027-9014.050 reserved for expansion]

2-31 SUBCHAPTER B. BOARD OF DIRECTORS

2-32 Sec. 9014.051. DIRECTORS; TERMS. (a) The district is
2-33 governed by a board of five directors.

2-34 (b) Directors serve staggered four-year terms.

2-35 [Sections 9014.052-9014.100 reserved for expansion]

2-36 SUBCHAPTER C. POWERS AND DUTIES

2-37 Sec. 9014.101. WATER CONTROL AND IMPROVEMENT DISTRICT
2-38 POWERS AND DUTIES. The district has the powers and duties provided
2-39 by the general law of this state, including Chapters 49 and 51,
2-40 Water Code, applicable to water control and improvement districts
2-41 created under Section 59, Article XVI, Texas Constitution.

2-42 Sec. 9014.102. ROAD PROJECTS. (a) To the extent
2-43 authorized by Section 52, Article III, Texas Constitution, the
2-44 district may construct, acquire, improve, maintain, or operate
2-45 macadamized, graveled, or paved roads or turnpikes, or improvements
2-46 in aid of those roads or turnpikes, inside the district.

2-47 (b) A road project must meet all applicable construction
2-48 standards, zoning and subdivision requirements, and regulatory
2-49 ordinances or orders of:

2-50 (1) each municipality in whose corporate limits or
2-51 extraterritorial jurisdiction the district is located; and

2-52 (2) each county in which the district is located.

2-53 (c) The district may not undertake a road project unless:

2-54 (1) each municipality in whose corporate limits or
2-55 extraterritorial jurisdiction the district is located consents by
2-56 ordinance or resolution; and

2-57 (2) each county in which the district is located
2-58 consents by order or resolution.

2-59 Sec. 9014.103. DIVISION OF DISTRICT. (a) The district may
2-60 be divided into two new districts only if the district:

2-61 (1) has no outstanding bonded debt; and

2-62 (2) is not imposing ad valorem taxes.

2-63 (b) The division procedure is prescribed by Sections 53.030
2-64 through 53.041, Water Code. Sections 51.748 through 51.753, Water
2-65 Code, do not apply to the district.

2-66 (c) Any new district created by the division of the district
2-67 has all the powers and duties of the district.

2-68 (d) Any new district created by the division of the district
2-69 may not, at the time the new district is created, contain any land

3-1 outside the area described by Section 2 of the Act creating this
 3-2 chapter.

3-3 Sec. 9014.104. DISSOLUTION OF DISTRICT. (A) Before
 3-4 December 31, 2017, the district may not be dissolved unless the
 3-5 dissolution is approved by:

3-6 (1) the board; and

3-7 (2) the governing body of each municipality in whose
 3-8 corporate limits or extraterritorial jurisdiction the district is
 3-9 located.

3-10 (b) This section expires December 31, 2017.

3-11 [Sections 9014.105-9014.150 reserved for expansion]

3-12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-13 Sec. 9014.151. TAX TO REPAY BONDS. The district may impose
 3-14 a tax to pay the principal of or interest on bonds or other
 3-15 obligations issued under Section 9014.201.

3-16 [Sections 9014.152-9014.200 reserved for expansion]

3-17 SUBCHAPTER E. BONDS

3-18 Sec. 9014.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-19 OBLIGATIONS. (a) The district may issue bonds or other
 3-20 obligations as provided by Chapters 49 and 51, Water Code, to
 3-21 finance the construction, maintenance, or operation of a project
 3-22 under Section 9014.101 or 9014.102.

3-23 (b) The district may not issue bonds or other obligations to
 3-24 finance projects authorized by Section 9014.102 unless the issuance
 3-25 is approved by a vote of a two-thirds majority of the district
 3-26 voters voting at an election called for that purpose.

3-27 (c) Bonds or other obligations issued or incurred to finance
 3-28 projects authorized by Section 9014.102 may not exceed one-fourth
 3-29 of the assessed value of the real property in the district.

3-30 SECTION 2. The Moore Farm Water Control and Improvement
 3-31 District No. 1 of Kaufman County initially includes all the
 3-32 territory contained in the following area:

3-33 BEING a tract or parcel of land situated in the Kaufman County
 3-34 Texas, and being in the F. L. Boyd Survey, Abstract Number 48, the
 3-35 F. I. Boyd Survey, Abstract Number 35, the W. Crabtree Survey,
 3-36 Abstract Number 59, the J. Casillas Survey, Abstract Number 54, and
 3-37 the J. Casillas Survey, Abstract Number 86, Elizabeth Graves
 3-38 Survey, Abstract Number 87 and Abstract Number 168, B.B.B. & C.
 3-39 Railroad Company Survey, Abstract Number 72, and being part of the
 3-40 tracts of land described by Deed in Volume 598, Page 189, Deed
 3-41 Records, Kaufman County, Texas, and being more particularly
 3-42 described as follows:

3-43 BEGINNING at a point for corner in County Road 243, (gravel road),
 3-44 and County Road 245, (gravel road), and being the northern corner of
 3-45 the B.B.B. & C. Railroad Company Survey;

3-46 THENCE South 45°40'35" East, along County Road 245, and along the
 3-47 southwestern line of a 107.5 acre tract described in Volume 505,
 3-48 Page 165, Deed Records, Kaufman County, Texas, and a 60.85 acre
 3-49 tract described in Volume 445, Page 234, Deed Records, Kaufman
 3-50 County, Texas, a distance of 1803.57 feet to a point for corner from
 3-51 which a ½" iron rod bears South 42°25'52" West, at a distance of
 3-52 29.00';

3-53 THENCE South 42°25'52" West, along a northeast line of a 9.92 acre
 3-54 tract described in Volume 780, Page 98, and a 30 acre described in
 3-55 Volume 675, Page 811, and a 149.9 acre tract described in Volume
 3-56 713, Page 761, Deed Records, Kaufman County, Texas, a total
 3-57 distance of 3994.76 feet to a 5/8" iron rod with yellow cap marked
 3-58 Cotton Surveying for corner;

3-59 THENCE North 46°13'28" West, along southeast line of said 149.9 acre
 3-60 tract, a distance of 1884.20 feet to County Road 243 and a point for
 3-61 corner from which a 1/2" iron rod bears South 46°13'28" East, at a
 3-62 distance of 26.21 feet;

3-63 THENCE South 43°35'22" West with said County Road 243, a distance of
 3-64 2399.33 feet to a point for corner from which a 5/8" iron bears
 3-65 North 45°36'33" West, at a distance of 27.78 feet;

3-66 THENCE North 45°36'33" West along the northeast line of a 134.39
 3-67 acre tract described in Volume 2770, Page 243, Deed Records,
 3-68 Kaufman County Texas, a distance of 2283.55 feet to a 1" iron rod
 3-69 found for corner;

4-1 THENCE North 45°27'16" West along the northeast line of a 96.2 acre
4-2 tract described in Volume 537, Page 38, a distance of 2437.00 feet
4-3 to a 5/8" iron rod with yellow cap marked Cotton Surveying for
4-4 corner;
4-5 THENCE South 43°55'38" West along said 96.2 acre tract a distance of
4-6 2673.07 feet to a 5/8" iron Rod with yellow cap marked Cotton
4-7 Surveying for corner in the northeast Right-of-Way of State Highway
4-8 205;
4-9 THENCE North 46°18'10" West along the said Right-of-Way State
4-10 Highway 205 a distance of 4038.20 feet to a 1" pipe found for
4-11 corner, passing at 3516.00 feet the centerline of a 135 foot City of
4-12 Dallas waterline easement and passing the centerline of a 70.00
4-13 electrical easement at approximately 2551.00 feet described in
4-14 Volume 490, Page 6 of the Deed Records of Kaufman County Texas;
4-15 THENCE North 43°14'48" East along the south line of a 15.97 acre
4-16 tract described in Volume 1166, Page 260, Deed Records of Kaufman
4-17 County, Texas, a distance of 1325.10 feet to a 5/8" iron rod with
4-18 yellow cap marked Cotton Surveying for corner, and passing
4-19 centerline of said 70.00 foot electrical easement at approximately
4-20 1000.00 feet;
4-21 THENCE North 45°47'15" West along east line of said 15.97 acre tract
4-22 and tracts north of said tract, a distance of 1717.00 feet to a
4-23 steel fence post for corner, passing centerline of said 70.00 foot
4-24 electrical easement at approximately 362.00 feet;
4-25 THENCE North 88°47'06" East, to a southwest line of Highpoint Lake
4-26 Estates, Section 2, as described in Cabinet F, Slide 363,
4-27 P.R.R.C.T., a distance of 7910.95 feet to a 5/8" iron rod with
4-28 yellow cap marked Cotton Surveying for corner;
4-29 THENCE South 45°29'57" East, along said Highpoint Lake Estates,
4-30 Section 2, a distance of 203.09 feet to a steel fence post for
4-31 corner;
4-32 THENCE South 43°53'41" West along a 83.4 acre tract described in
4-33 Volume 407, Page 32, of the Deed Records, Kaufman County, Texas, a
4-34 distance of 555.35 feet to a steel fence post for corner;
4-35 THENCE South 46°14'56" East along said 83.4 acre tract a distance of
4-36 1316.10 feet to a steel fence post for corner, passing a City of
4-37 Dallas brass monument at 1046.01 feet;
4-38 THENCE North 43°49'11" East along said 83.4 acre tract, a distance
4-39 of 1346.18 feet to a point for steel fence post for corner, and
4-40 passing a City of Dallas brass monument at 574.00 feet;
4-41 THENCE South 46°31'59" East along a 40.25 acre tract described in
4-42 Volume 407, Page 32, of the Deed Records of Kaufman County, Texas, a
4-43 distance of 1307.02 feet to a steel fence post for corner;
4-44 THENCE South 45°44'40" East along a 61.75 acre tract described in
4-45 Volume 692, Page 335, Deed Records, Kaufman County, Texas a
4-46 distance of 2067.33 feet to a point for corner from which a 1/2" iron
4-47 rod hears North 45°44'40" West at 20.00 feet;
4-48 THENCE North 43°35'22" East along said 61.75 acre tract, a distance
4-49 of 1321.92 feet to the POINT OF BEGINNING and containing 1185 00
4-50 acres of land, more or less.
4-51 FIELD NOTES - TRACT 2
4-52 BEING a tract or parcel of land situated in the Kaufman County
4-53 Texas, and being in the Elizabeth Graves Survey Abstract Number 87
4-54 and Abstract Number 168, and being part of the tracts of land
4-55 described by Deed in Volume 598, Page 189, Deed Records, Kaufman
4-56 County, Texas; and being more particularly described as follows:
4-57 BEGINNING at a point for corner in County Road 243, (gravel road),
4-58 and County Road 245, (gravel road), and being the south corner of
4-59 the Elizabeth Graves Survey;
4-60 THENCE North 45°24'59" West, with said County Road 245, and a 61.75
4-61 acre tract as described in Volume 692, Page 335, and a 41.25 acre as
4-62 described in Volume 407, Page 32, both of Deed Records, Kaufman
4-63 County, Texas, a distance of 2773.27 feet to a 5/8" iron rod with
4-64 yellow cap marked Cotton Surveying for corner;
4-65 THENCE North 44°02'38" East, along a 20.00 acre tract described in
4-66 Volume 701, Page 356, Deed Records Rockwall County Texas, a
4-67 distance of 259.80 feet to a 5/8" iron rod with yellow cap marked
4-68 Cotton Surveying for corner;
4-69 THENCE North 88°47'06" East, to an unfiled 80.00 acre tract

5-1 described to H. Logan Swords, a distance of 1880.48 feet to a 5/8"
5-2 iron rod with yellow cap marked Cotton Surveying for corner;
5-3 THENCE South 45°55'58" East, along said tract, a distance of 1451.73
5-4 feet to a 5/8" iron rod with yellow cap marked Cotton Surveying for
5-5 corner;
5-6 THENCE South 44°07'26" West, along County Road 243, and a 108.0)
5-7 acre tract described in Volume 505, Page 165, Deed Records Kaufman
5-8 County Texas, a distance of 1621,03 feet to the POINT OF BEGINNING
5-9 and containing 82.14 acres of land, more or less.

5-10 FIELD NOTES - TRACT 3
5-11 BEING a tract or parcel of land situated in the Kaufman County and
5-12 Rockwall County, Texas, and being in the Elizabeth Graves Survey
5-13 Abstract Number 87 and Abstract Number 168, and being part of the
5-14 tracts of land described by Deed in Volume 598, Page 189, Deed
5-15 Records, Kaufman County Texas; and being more particularly
5-16 described as follows:
5-17 Beginning at a point for corner in County Road 243, North 44°24'36"
5-18 East, a distance of 4466.23 feet from the intersection of County
5-19 Roads 243 & 245 from which a steel fence post bears North 58°33'58"
5-20 West at 5.19 feet;
5-21 THENCE North 45°59'55" West, along a 4 acre tract described in
5-22 Volume 560, Page 436, and a 50 acre tract described in Volume 536,
5-23 Page 417, both of Deed Records, Kaufman County Texas, a distance of
5-24 1203.75 feet to a 5/8" iron rod with yellow cap marked Cotton
5-25 Surveying for corner;
5-26 THENCE South 44°14'40" West, along said 40 acre tract, a distance of
5-27 1370.52 feet to a 5/8" iron rod with yellow cap marked Cotton
5-28 Surveying for corner;
5-29 THENCE North 00°00'00" East, to a 369.5 acre tract described as
5-30 second tract in Volume 536, Page 501, Deed Records, Kaufman County
5-31 Texas, a distance of 1719.88 feet to a 5/8" iron rod with yellow cap
5-32 marked Cotton Surveying for corner;
5-33 THENCE North 44°00'30" East, along said 369.5 acre tract, a distance
5-34 of 476.97 feet to a 5/8" iron rod with yellow cap marked Cotton
5-35 Surveying for corner;
5-36 THENCE North 45°32'36" West, along said 369.5 acre tract, a distance
5-37 of 147.22 feet to a wooden fence post for corner;
5-38 THENCE North 44°21'46" East, along said 369.5 acre tract, a distance
5-39 of 2968,83 feet to County Road 255, to a 5/8" iron rod with yellow
5-40 cap marked Cotton Surveying for corner;
5-41 THENCE South 45°32'36" East, along said County Road, a distance of
5-42 882.22 feet to a 5/8" iron rod with yellow cap marked Cotton
5-43 Surveying for corner from which a ½" iron rod bears South 44°27'33"
5-44 west at a distance of 18.00 feet;
5-45 THENCE South 44°27'34" West, along a 4.01 acre tract described in
5-46 Volume 2143, Page 422, and a 50 acre tract described in Volume 157,
5-47 Page 301, both of Deed Records Kaufman County, Texas, a distance of
5-48 2967.73 feet to a wooden fence post for corner;
5-49 THENCE South 46°00'38" East, along said 50 acre tract and a 25 acre
5-50 tract described in Volume 1033, Page 129, Deed Records Kaufman
5-51 County Texas, a distance of 470.54 feet to a 5/8" iron rod with
5-52 yellow cap marked Cotton Surveying for corner;
5-53 THENCE South 45°59'55" East, along said 25 acre tract, a distance of
5-54 1206.40 feet to a point for corner, from which a 5/8" iron rod with
5-55 yellow cap marked Cotton Surveying, bears North 45°59'55" East at a
5-56 distance of 10.00 feet;
5-57 THENCE South 43°27'02" West, along County Road 243, a distance of
5-58 339.01 feet to the POINT OF BEGINNING and containing 99.42 acres of
5-59 land, more or less.

5-60 SECTION 3. (a) The legal notice of the intention to
5-61 introduce this Act, setting forth the general substance of this
5-62 Act, has been published as provided by law, and the notice and a
5-63 copy of this Act have been furnished to all persons, agencies,
5-64 officials, or entities to which they are required to be furnished
5-65 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-66 Government Code.

5-67 (b) The governor, one of the required recipients, has
5-68 submitted the notice and Act to the Texas Commission on
5-69 Environmental Quality.

6-1 (c) The Texas Commission on Environmental Quality has filed
6-2 its recommendations relating to this Act with the governor, the
6-3 lieutenant governor, and the speaker of the house of
6-4 representatives within the required time.

6-5 (d) All requirements of the constitution and laws of this
6-6 state and the rules and procedures of the legislature with respect
6-7 to the notice, introduction, and passage of this Act are fulfilled
6-8 and accomplished.

6-9 SECTION 4. This Act takes effect September 1, 2007.

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