

By: Fraser

S.B. No. 1971

A BILL TO BE ENTITLED

AN ACT

relating to the creation of Burnet 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 I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9015 to read as follows:

CHAPTER 9015. BURNET COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9015.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

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

(4) "Project" means any program or project authorized by this chapter or general law, inside or outside the boundaries of the district, that is necessary to accomplish the public purposes of the district.

Sec. 9015.002. CREATION; CONFIRMATION ELECTION REQUIRED. A water control and improvement district, to be known as Burnet County Water Control and Improvement District No. 1, is created in

1 Burnet County, subject to approval at a confirmation election held
2 under Section 9015.022. The district is created under and is
3 essential to accomplish the purposes of Section 52, Article III,
4 and Section 59, Article XVI, Texas Constitution.

5 Sec. 9015.003. INITIAL DISTRICT TERRITORY. (a) The
6 district is initially composed of the territory described by
7 Section 2 of the Act creating this chapter.

8 (b) The legislature finds that the boundaries and field
9 notes of the district contained in Section 2 of the Act creating
10 this chapter form a closure. A mistake made in the field notes or in
11 copying the field notes in the legislative process does not affect
12 the organization, existence, or validity of the district, the right
13 of the district to impose taxes, or the legality or operation of the
14 district or the board.

15 Sec. 9015.004. FINDING OF BENEFIT. The legislature finds
16 that all of the land and other property included within the
17 boundaries of the district will benefit from the works and projects
18 that are to be accomplished by the district under the powers
19 conferred by Section 52, Article III, and Section 59, Article XVI,
20 Texas Constitution. The district serves a public use and benefit.

21 Sec. 9015.005. LIBERAL CONSTRUCTION OF CHAPTER. This
22 chapter shall be liberally construed in conformity with the
23 legislative findings and purposes set forth in this chapter.

24 [Sections 9015.006-9015.020 reserved for expansion]

25 SUBCHAPTER A1. TEMPORARY PROVISIONS

26 Sec. 9015.021. TEMPORARY DIRECTORS. (a) The temporary
27 board of directors is composed of:

- 1 (1) Brian Carlton;
- 2 (2) Brandon Myers;
- 3 (3) Brent Wicker;
- 4 (4) Bob Sewell; and
- 5 (5) Brandon Raney.

6 (b) If a temporary director fails to qualify for office, the
7 temporary directors who have qualified shall appoint a person to
8 fill the vacancy. If at any time there are fewer than three
9 qualified temporary directors, the commission shall appoint the
10 necessary number of persons to fill all vacancies on the board.

11 Sec. 9015.022. CONFIRMATION AND INITIAL DIRECTORS'
12 ELECTION. (a) The temporary board of directors shall call and
13 hold an election to confirm establishment of the district and to
14 elect five initial directors.

15 (b) The uniform election dates do not apply to an election
16 to confirm establishment of the district.

17 (c) If a majority of votes cast at the election favor the
18 establishment of the district, the temporary directors shall
19 declare the district created. The temporary directors shall file a
20 copy of the election results with the commission.

21 Sec. 9015.023. TERMS OF INITIAL DIRECTORS. (a) The terms
22 of the initial directors expire as follows:

23 (1) two initial directors' terms expire on September
24 1, 2009; and

25 (2) three initial directors' terms expire on September
26 1, 2011.

27 (b) The directors shall draw lots to determine which

1 directors' terms expire under Subsection (a)(1) and which
2 directors' terms expire under Subsection (a)(2).

3 Sec. 9015.024. EXPIRATION OF SUBCHAPTER. This subchapter
4 expires September 1, 2014.

5 [Sections 9015.025-9015.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 9015.051. DIRECTORS. (a) The district is governed by
8 a board of five directors.

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

10 Sec. 9015.052. ELECTION OF DIRECTORS. The election for
11 directors following the expired term for initial directors shall
12 comply with Chapters 49 and 51, Water Code.

13 [Sections 9015.053-9015.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 9015.101. POWERS. The district has all of the rights,
16 powers, privileges, authority, functions, and duties provided by
17 the general laws of this state, including:

18 (1) Chapters 49, 51, and 54, Water Code; and

19 (2) the general laws of the state on road districts and
20 road utility districts created under Section 52, Article III, Texas
21 Constitution, and on conservation and reclamation districts
22 created under Section 59, Article XVI, Texas Constitution.

23 Sec. 9015.102. ADMINISTRATIVE PROVISIONS. The district
24 shall operate as a water control and improvement district and
25 comply with the administrative provisions in Chapter 51, Water
26 Code, except as specifically provided by this chapter. The
27 district shall comply with Chapter 49, Water Code, to the extent it

1 does not conflict with Chapter 51, Water Code, in which case Chapter
2 51 controls.

3 SECTION 2. Burnet County Water Control and Improvement
4 District No. 1 includes all the territory contained in the
5 following area:

6 FIELD NOTES TO DESCRIBE A 324.621 ACRE TRACT OF LAND, CONSISTING OF
7 APPROXIMATELY 149.768 ACRES OF LAND, OUT OF THE F. LEUDERS SURVEY
8 NO. 602, ABSTRACT NO. 560 AND APPROXIMATELY 174.852 ACRES OF LAND,
9 OUT OF THE F ENGLEKING SURVEY NO. 611, ABSTRACT NO. 284, BOTH OF
10 WHICH ARE SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF
11 THAT CALLED 414.78 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SEALY
12 KRUMM PARTNERS, L.P., A GEORGIA LIMITED PARTNERSHIP, AS RECORDED IN
13 VOLUME 1382, PAGE 439 OF THE OFFICIAL PUBLIC RECORDS OF BURNET
14 COUNTY, TEXAS (O.P.R.B.C.T.), SAID 324.621 ACRES BEING MORE
15 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

16 BEGINNING AT A ½" IRON ROD FOUND, LYING IN THE SOUTH RIGHT-OF-WAY,
17 DESCRIBED IN A DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME
18 129, PAGE 551 OF THE DEED RECORDS OF BURNET COUNTY TEXAS
19 (D.R.B.C.T.), THE APPROXIMATE WEST LINE OF THE JASON WORMSLEY
20 SURVEY NO. 601, ABSTRACT NO. 959 AND THE APPROXIMATE EAST LINE OF
21 SAID F. LEUDERS SURVEY, FOR THE NORTHWEST CORNER OF THAT CALLED 470
22 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO H. R. ANDERSON, AS
23 RECORDED IN VOLUME 80, PAGE 593 D.R.B.C.T., THE NORTHEAST CORNER OF
24 SAID 414.7 ACRE TRACT, AND THE NORTHEAST CORNER HEREOF.

25 THENCE S01°52'16"E [S01°52'16"E], WITH THE APPROXIMATE WEST LINE OF
26 SAID JASON WORMSLEY SURVEY, THE WEST LINE OF SAID 470 ACRE TRACT,
27 THE APPROXIMATE EAST LINE OF SAID F. LEUDERS SURVEY, THE EAST LINE

1 OF SAID 414.78 ACRE TRACT, AND THE EAST LINE HEREOF, A DISTANCE OF
2 2,643.85 FEET, TO A CALCULATED POINT, IN THE CITY OF HORSESHOE BAY'S
3 APPROXIMATE EXTRA TERRITORIAL JURISDICTION (ETJ) LINE, FOR THE
4 EASTERLY SOUTHEAST CORNER HEREOF, FROM WHICH A ½" IRON ROD FOUND, FOR
5 THE NORTHEAST CORNER OF HORSESHOE BAY SOUTH PLAT K10.1, AS RECORDED
6 IN VOLUME 4 PAGE 87-B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS
7 (P.R.B.C.T.) AND THE EASTERLY SOUTHEAST CORNER OF SAID 414.78 ACRE
8 TRACT, BEARS S01°52'16"E [S01°52'16"E]. A DISTANCE OF 1,628.02
9 FEET;

10 THENCE, OVER AND ACROSS, SAID 414.78 ACRE TRACT, WITH SAID CITY OF
11 HORSESHOE BAY'S APPROXIMATE ETJ LINE, THE FOLLOWING TWO (2) CALLS
12 NUMBERED 1 AND 2:

13 1. S88°25'56"W, WITH A SOUTH LINE HEREOF, A DISTANCE OF
14 2,117.67 FEET. TO A CALCULATED POINT, AT THE BEGINNING
15 OF A NON-TANGENT CURVE TO THE RIGHT, FOR AN INTERIOR
16 CONER HEREOF, AND

17 2. WITH AN INTERIOR LINE HEREOF AND SAID NON-TANGENT CURVE
18 TO THE RIGHT, AN ARC LENGTH OF 1,262.09 FEET, HAVING A
19 RADIUS OF 2,545.06 FEET, THROUGH A CENTRAL ANGLE OF
20 28°24'47", A CHORD BEARING S32°48'10"W, A DISTANCE OF
21 1,249.20 FEET, TO A CALCULATED POINT, IN THE APPROXIMATE
22 NORTH LINE OF THE J. HARRELL SURVEY NO. 570, ABSTRACT NO.
23 454, THE NORTH LINE OF HORSESHOE BAY SOUTH PLAT K8.1, AS
24 RECODED IN VOLUME 3, PAGE 86 P.R.B.C.T., THE APPROXIMATE
25 SOUTH LINE OF SAID F. ENGLEKING SURVEY, A SOUTH LINE OF
26 SAID 414.78 ACRE TRACT, FOR THE WESTERLY SOUTHEAST CONER
27 HEREOF;

1 THENCE S88°51'32"W [S88°51'32"W], WITH THE APPROXIMATE NORTH LINE OF
2 SAID J. HARRELL SURVEY, THE NORTH LINE OF SAID HORSESHOE BAY PLAT
3 K8.1, A NORTH LINE OF HORSESHOE BAY PLAT K11.1, AS RECORDED IN
4 VOLUME 4, PAGE 103 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F.
5 ENGLEKING SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, AND A
6 SOUTH LINE HEREOF, A DISTANCE OF 1,727.31 FEET, TO A STONE MOUND
7 FOUND, LYING WITHIN SAID HORSESHOE BAY PLAT K11.1, IN THE
8 APPROXIMATE EAST LINE OF THE A.C. FUCHS SURVEY NO. 1448, ABSTRACT
9 NO. 1484, FOR THE SOUTHWEST CONER OF SAID F. ENGLEKING SURVEY, THE
10 SOUTHWEST CORNER OF SAID 414.78 ACRE TRACT, AND THE SOUTHWEST
11 CORNER HEREOF;

12 THENCE, N01°59'42"W [N01°59'42"W], WITH THE APPROXIMATE EAST LINE OF
13 SAID A. C. FUCHS SURVEY, THE EAST LINE OF SAID HORSESHOE BAY SOUTH
14 PLAT K11.1, THE EAST LINE OF HORSESHOE BAY PLAT K13.1, AS RECORDED
15 IN VOLUME 4, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE TERRACE,
16 AS RECODED IN VOLUME 1, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE
17 TERRACE, AS RECORDED IN VOLUME 1 PAGE 198 P.R.B.C.T., THE
18 APPROXIMATE WEST LINE OF SAID F. ENGLEKING SURVEY, THE WEST LINE OF
19 SAID 414.78 ACRE TRACT, AND THE WEST LINE HEREOF, A DISTANCE OF
20 3,529.55 FEET, TO A PK NAIL FOUND, LYING IN THE SOUTH RIGHT-OF-WAY
21 LINE OF SAID FM HIGHWAY NO. 2147, FOR THE NORTHEAST CORNER OF SAID
22 CASTLE TERRACE, THE NORTHWEST CORNER OF SAID 414.78 ACRE TRACT AND
23 THE NORTHWEST CORNER HEREOF;

24 THENCE, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO.
25 2147, THE NORTHERLY LINE OF SAID 414.78 ACRE TRACT, AND THE
26 NORTHERLY LINE HEREOF, THE FOLLOWING SIX (6) CALLS, NUMBERED 3 THRU
27 8:

- 1 3. N79°32'49"E [N79°32'49"E], A DISTANCE OF 37.51 FEET [37.51
2 FEET], TO A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)
3 TYPE I CONCRETE MARKER FOUND;
- 4 4. N80°43'47"E [N80°43'47"E], A DISTANCE OF 370.69 FEET
5 [370.69 FEET], TO A TXDOT TPE I CONCRETE MARKER FOUND, AT
6 THE BEGINNING OF A TANGENT CURVE TO THE LEFT, 50 FEET
7 RIGHT OF ENGINEER'S PC STATION NO. 31+69.60, FROM WHICH A
8 TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
9 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
10 N09°21'04"W, A DISTANCE OF 100.01 FEET;
- 11 5. WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 740.00 FEET
12 [740 FEET], HAVING A RADIUS OF 5,679.58 FEET [5,679.58
13 FEET], THROUGH A CENTRAL ANGLE OF 07°27'54" [07°27'54"], A
14 CHORD BEARING N84°22'32"E [N84°22'32"E], A DISTANCE OF
15 739.47 FEET [739.47 FEET], TO A TXDOT TYPE I CONCRETE
16 MARKER FOUND, FOR A POINT OF TANGENCY HEREOF, FROM WHICH
17 A TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
18 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
19 N01°51'40"W, A DISTANCE OF 100.20 FEET;
- 20 6. N88°02'40"E [N88°02'40"E], A DISTANCE OF 983.60 FEET, TO A
21 TXDOT TYPE I CONCRETE MARKER FOUND, FROM WHICH A TXDOT
22 TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
23 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
24 N01°44'07"W, A DISTANCE OF 99.01 FEET;
- 25 7. N88°04'28"E [N88°04'28"E], A DISTANCE OF 1,400.30 FEET
26 [1,400.30 FEET], TO A TXDOT TYPE I CONCRETE MARKER FOUND,
27 AND

1 8. N87°54'44"E [N87°54'44'E], A DISTANCE OF 1036.65 FEET, TO
2 THE POINT OF BEGINNING, AND CONTAINING 324.621 ACRES OF
3 LAND, MORE OR LESS.

4 SECTION 3. (a) The proper and legal notice of the
5 intention to introduce this Act, setting forth the general
6 substance of this Act, has been published as provided by law, and
7 the notice and a copy of this Act have been furnished to all
8 persons, agencies, officials, or entities to which they are
9 required to be furnished by the constitution and other laws of this
10 state, including the governor, who has submitted the notice and Act
11 to the Texas Commission on Environmental Quality.

12 (b) The Texas Commission on Environmental Quality has filed
13 its recommendations relating to this Act with the governor,
14 lieutenant governor, and speaker of the house of representatives
15 within the required time.

16 (c) All requirements of the constitution and laws of this
17 state and rules and procedures of the legislature with respect to
18 the notice, introduction, and passage of this Act are fulfilled and
19 accomplished.

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