

1-1 By: Fraser S.B. No. 1971
1-2 (In the Senate - Filed March 27, 2007; March 27, 2007, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 24, 2007, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; April 24, 2007, sent to printer.)

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

1-8 relating to the creation of Burnet 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 9015 to read as follows:

1-14 CHAPTER 9015. BURNET COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT
1-15 NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 9015.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "Commission" means the Texas Commission on
1-21 Environmental Quality.

1-22 (3) "District" means Burnet County Water Control and
1-23 Improvement District No. 1.

1-24 (4) "Project" means any program or project authorized
1-25 by this chapter or general law, inside or outside the boundaries of
1-26 the district, that is necessary to accomplish the public purposes
1-27 of the district.

1-28 Sec. 9015.002. CREATION; CONFIRMATION ELECTION REQUIRED. A
1-29 water control and improvement district, to be known as Burnet
1-30 County Water Control and Improvement District No. 1, is created in
1-31 Burnet County, subject to approval at a confirmation election held
1-32 under Section 9015.022. The district is created under and is
1-33 essential to accomplish the purposes of Section 52, Article III,
1-34 and Section 59, Article XVI, Texas Constitution.

1-35 Sec. 9015.003. INITIAL DISTRICT TERRITORY. (a) The
1-36 district is initially composed of the territory described by
1-37 Section 2 of the Act creating this chapter.

1-38 (b) The legislature finds that the boundaries and field
1-39 notes of the district contained in Section 2 of the Act creating
1-40 this chapter form a closure. A mistake made in the field notes or in
1-41 copying the field notes in the legislative process does not affect
1-42 the organization, existence, or validity of the district, the right
1-43 of the district to impose taxes, or the legality or operation of the
1-44 district or the board.

1-45 Sec. 9015.004. FINDING OF BENEFIT. The legislature finds
1-46 that all of the land and other property included within the
1-47 boundaries of the district will benefit from the works and projects
1-48 that are to be accomplished by the district under the powers
1-49 conferred by Section 52, Article III, and Section 59, Article XVI,
1-50 Texas Constitution. The district serves a public use and benefit.

1-51 Sec. 9015.005. LIBERAL CONSTRUCTION OF CHAPTER. This
1-52 chapter shall be liberally construed in conformity with the
1-53 legislative findings and purposes set forth in this chapter.

1-54 [Sections 9015.006-9015.020 reserved for expansion]

1-55 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-56 Sec. 9015.021. TEMPORARY DIRECTORS. (a) The temporary
1-57 board of directors is composed of:

1-58 (1) Brian Carlton;

1-59 (2) Brandon Myers;

1-60 (3) Brent Wicker;

1-61 (4) Bob Sewell; and

1-62 (5) Brandon Raney.

1-63 (b) If a temporary director fails to qualify for office, the
1-64 temporary directors who have qualified shall appoint a person to

2-1 fill the vacancy. If at any time there are fewer than three
2-2 qualified temporary directors, the commission shall appoint the
2-3 necessary number of persons to fill all vacancies on the board.

2-4 Sec. 9015.022. CONFIRMATION AND INITIAL DIRECTORS'
2-5 ELECTION. (a) The temporary board of directors shall call and
2-6 hold an election to confirm establishment of the district and to
2-7 elect five initial directors.

2-8 (b) The uniform election dates do not apply to an election
2-9 to confirm establishment of the district.

2-10 (c) If a majority of votes cast at the election favor the
2-11 establishment of the district, the temporary directors shall
2-12 declare the district created. The temporary directors shall file a
2-13 copy of the election results with the commission.

2-14 Sec. 9015.023. TERMS OF INITIAL DIRECTORS. (a) The terms
2-15 of the initial directors expire as follows:

2-16 (1) two initial directors' terms expire on September
2-17 1, 2009; and

2-18 (2) three initial directors' terms expire on September
2-19 1, 2011.

2-20 (b) The directors shall draw lots to determine which
2-21 directors' terms expire under Subsection (a)(1) and which
2-22 directors' terms expire under Subsection (a)(2).

2-23 Sec. 9015.024. EXPIRATION OF SUBCHAPTER. This subchapter
2-24 expires September 1, 2014.

2-25 [Sections 9015.025-9015.050 reserved for expansion]

2-26 SUBCHAPTER B. BOARD OF DIRECTORS

2-27 Sec. 9015.051. DIRECTORS. (a) The district is governed by
2-28 a board of five directors.

2-29 (b) Directors serve staggered four-year terms.

2-30 Sec. 9015.052. ELECTION OF DIRECTORS. The election for
2-31 directors following the expired term for initial directors shall
2-32 comply with Chapters 49 and 51, Water Code.

2-33 [Sections 9015.053-9015.100 reserved for expansion]

2-34 SUBCHAPTER C. POWERS AND DUTIES

2-35 Sec. 9015.101. POWERS. The district has all of the rights,
2-36 powers, privileges, authority, functions, and duties provided by
2-37 the general laws of this state, including:

2-38 (1) Chapters 49, 51, and 54, Water Code; and

2-39 (2) the general laws of the state on road districts and
2-40 road utility districts created under Section 52, Article III, Texas
2-41 Constitution, and on conservation and reclamation districts
2-42 created under Section 59, Article XVI, Texas Constitution.

2-43 Sec. 9015.102. ADMINISTRATIVE PROVISIONS. The district
2-44 shall operate as a water control and improvement district and
2-45 comply with the administrative provisions in Chapter 51, Water
2-46 Code, except as specifically provided by this chapter. The
2-47 district shall comply with Chapter 49, Water Code, to the extent it
2-48 does not conflict with Chapter 51, Water Code, in which case Chapter
2-49 51 controls.

2-50 SECTION 2. Burnet County Water Control and Improvement
2-51 District No. 1 includes all the territory contained in the
2-52 following area:

2-53 FIELD NOTES TO DESCRIBE A 324.621 ACRE TRACT OF LAND, CONSISTING OF
2-54 APPROXIMATELY 149.768 ACRES OF LAND, OUT OF THE F. LEUDERS SURVEY
2-55 NO. 602, ABSTRACT NO. 560 AND APPROXIMATELY 174.852 ACRES OF LAND,
2-56 OUT OF THE F ENGLEKING SURVEY NO. 611, ABSTRACT NO. 284, BOTH OF
2-57 WHICH ARE SITUATED IN BURNET COUNTY, TEXAS, AND BEING A PORTION OF
2-58 THAT CALLED 414.78 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO SEALY
2-59 KRUMM PARTNERS, L.P., A GEORGIA LIMITED PARTNERSHIP, AS RECORDED IN
2-60 VOLUME 1382, PAGE 439 OF THE OFFICIAL PUBLIC RECORDS OF BURNET
2-61 COUNTY, TEXAS (O.P.R.B.C.T.), SAID 324.621 ACRES BEING MORE
2-62 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

2-63 BEGINNING AT A ½" IRON ROD FOUND, LYING IN THE SOUTH RIGHT-OF-WAY,
2-64 DESCRIBED IN A DEED TO THE STATE OF TEXAS, AS RECORDED IN VOLUME
2-65 129, PAGE 551 OF THE DEED RECORDS OF BURNET COUNTY TEXAS
2-66 (D.R.B.C.T.), THE APPROXIMATE WEST LINE OF THE JASON WORMSLEY
2-67 SURVEY NO. 601, ABSTRACT NO. 959 AND THE APPROXIMATE EAST LINE OF
2-68 SAID F. LEUDERS SURVEY, FOR THE NORTHWEST CORNER OF THAT CALLED 470
2-69 ACRE TRACT OF LAND, DESCRIBED IN A DEED TO H. R. ANDERSON, AS

3-1 RECORDED IN VOLUME 80, PAGE 593 D.R.B.C.T., THE NORTHEAST CORNER OF
3-2 SAID 414.7 ACRE TRACT, AND THE NORTHEAST CORNER HEREOF.
3-3 THENCE S01°52'16"E [S01°52'16"E], WITH THE APPROXIMATE WEST LINE OF
3-4 SAID JASON WORMSLEY SURVEY, THE WEST LINE OF SAID 470 ACRE TRACT,
3-5 THE APPROXIMATE EAST LINE OF SAID F. LEUDERS SURVEY, THE EAST LINE
3-6 OF SAID 414.78 ACRE TRACT, AND THE EAST LINE HEREOF, A DISTANCE OF
3-7 2,643.85 FEET, TO A CALCULATED POINT, IN THE CITY OF HORSESHOE BAY'S
3-8 APPROXIMATE EXTRA TERRITORIAL JURISDICTION (ETJ) LINE, FOR THE
3-9 EASTERLY SOUTHEAST CORNER HEREOF, FROM WHICH A ½" IRON ROD FOUND, FOR
3-10 THE NORTHEAST CORNER OF HORSESHOE BAY SOUTH PLAT K10.1, AS RECORDED
3-11 IN VOLUME 4 PAGE 87-B OF THE PLAT RECORDS OF BURNET COUNTY, TEXAS
3-12 (P.R.B.C.T.) AND THE EASTERLY SOUTHEAST CORNER OF SAID 414.78 ACRE
3-13 TRACT, BEARS S01°52'16"E [S01°52'16"E]. A DISTANCE OF 1,628.02
3-14 FEET;
3-15 THENCE, OVER AND ACROSS, SAID 414.78 ACRE TRACT, WITH SAID CITY OF
3-16 HORSESHOE BAY'S APPROXIMATE ETJ LINE, THE FOLLOWING TWO (2) CALLS
3-17 NUMBERED 1 AND 2:

- 3-18 1. S88°25'56"W, WITH A SOUTH LINE HEREOF, A DISTANCE OF
3-19 2,117.67 FEET. TO A CALCULATED POINT, AT THE BEGINNING
3-20 OF A NON-TANGENT CURVE TO THE RIGHT, FOR AN INTERIOR
3-21 CONER HEREOF, AND
- 3-22 2. WITH AN INTERIOR LINE HEREOF AND SAID NON-TANGENT CURVE
3-23 TO THE RIGHT, AN ARC LENGTH OF 1,262.09 FEET, HAVING A
3-24 RADIUS OF 2,545.06 FEET, THROUGH A CENTRAL ANGLE OF
3-25 28°24'47", A CHORD BEARING S32°48'10"W, A DISTANCE OF
3-26 1,249.20 FEET, TO A CALCULATED POINT, IN THE APPROXIMATE
3-27 NORTH LINE OF THE J. HARRELL SURVEY NO. 570, ABSTRACT NO.
3-28 454, THE NORTH LINE OF HORSESHOE BAY SOUTH PLAT K8.1, AS
3-29 RECODED IN VOLUME 3, PAGE 86 P.R.B.C.T., THE APPROXIMATE
3-30 SOUTH LINE OF SAID F. ENGLEKING SURVEY, A SOUTH LINE OF
3-31 SAID 414.78 ACRE TRACT, FOR THE WESTERLY SOUTHEAST CONER
3-32 HEREOF;

3-33 THENCE S88°51'32"W [S88°51'32"W], WITH THE APPROXIMATE NORTH LINE OF
3-34 SAID J. HARRELL SURVEY, THE NORTH LINE OF SAID HORSESHOE BAY PLAT
3-35 K8.1, A NORTH LINE OF HORSESHOE BAY PLAT K11.1, AS RECORDED IN
3-36 VOLUME 4, PAGE 103 P.R.B.C.T., THE APPROXIMATE SOUTH LINE OF SAID F.
3-37 ENGLEKING SURVEY, A SOUTH LINE OF SAID 414.78 ACRE TRACT, AND A
3-38 SOUTH LINE HEREOF, A DISTANCE OF 1,727.31 FEET, TO A STONE MOUND
3-39 FOUND, LYING WITHIN SAID HORSESHOE BAY PLAT K11.1, IN THE
3-40 APPROXIMATE EAST LINE OF THE A.C. FUCHS SURVEY NO. 1448, ABSTRACT
3-41 NO. 1484, FOR THE SOUTHWEST CONER OF SAID F. ENGLEKING SURVEY, THE
3-42 SOUTHWEST CORNER OF SAID 414.78 ACRE TRACT, AND THE SOUTHWEST
3-43 CORNER HEREOF;

3-44 THENCE, N01°59'42"W [N01°59'42"W], WITH THE APPROXIMATE EAST LINE OF
3-45 SAID A. C. FUCHS SURVEY, THE EAST LINE OF SAID HORSESHOE BAY SOUTH
3-46 PLAT K11.1, THE EAST LINE OF HORSESHOE BAY PLAT K13.1, AS RECORDED
3-47 IN VOLUME 4, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE TERRACE,
3-48 AS RECODED IN VOLUME 1, PAGE 135 P.R.B.C.T., THE EAST LINE OF CASTLE
3-49 TERRACE, AS RECORDED IN VOLUME 1 PAGE 198 P.R.B.C.T., THE
3-50 APPROXIMATE WEST LINE OF SAID F. ENGLEKING SURVEY, THE WEST LINE OF
3-51 SAID 414.78 ACRE TRACT, AND THE WEST LINE HEREOF, A DISTANCE OF
3-52 3,529.55 FEET, TO A PK NAIL FOUND, LYING IN THE SOUTH RIGHT-OF-WAY
3-53 LINE OF SAID FM HIGHWAY NO. 2147, FOR THE NORTHEAST CORNER OF SAID
3-54 CASTLE TERRACE, THE NORTHWEST CORNER OF SAID 414.78 ACRE TRACT AND
3-55 THE NORTHWEST CORNER HEREOF;

3-56 THENCE, WITH THE SOUTH RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO.
3-57 2147, THE NORTHERLY LINE OF SAID 414.78 ACRE TRACT, AND THE
3-58 NORTHERLY LINE HEREOF, THE FOLLOWING SIX (6) CALLS, NUMBERED 3 THRU
3-59 8:

- 3-60 3. N79°32'49"E [N79°32'49"E], A DISTANCE OF 37.51 FEET [37.51
3-61 FEET], TO A TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)
3-62 TYPE I CONCRETE MARKER FOUND;
- 3-63 4. N80°43'47"E [N80°43'47"E], A DISTANCE OF 370.69 FEET
3-64 [370.69 FEET], TO A TXDOT TPE I CONCRETE MARKER FOUND, AT
3-65 THE BEGINNING OF A TANGENT CURVE TO THE LEFT, 50 FEET
3-66 RIGHT OF ENGINEER'S PC STATION NO. 31+69.60, FROM WHICH A
3-67 TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
3-68 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
3-69 N09°21'04"W, A DISTANCE OF 100.01 FEET;

- 4-1 5. WITH SAID CURVE TO THE LEFT, AN ARC LENGTH OF 740.00 FEET
- 4-2 [740 FEET], HAVING A RADIUS OF 5,679.58 FEET [5,679.58
- 4-3 FEET], THROUGH A CENTRAL ANGLE OF 07°27'54" [07°27'54"], A
- 4-4 CHORD BEARING N84°22'32"E [N84°22'32"E], A DISTANCE OF
- 4-5 739.47 FEET [739.47 FEET], TO A TXDOT TYPE I CONCRETE
- 4-6 MARKER FOUND, FOR A POINT OF TANGENCY HEREOF, FROM WHICH
- 4-7 A TXDOT TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
- 4-8 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
- 4-9 N01°51'40"W, A DISTANCE OF 100.20 FEET;
- 4-10 6. N88°02'40"E [N88°02'40"E], A DISTANCE OF 983.60 FEET, TO A
- 4-11 TXDOT TYPE I CONCRETE MARKER FOUND, FROM WHICH A TXDOT
- 4-12 TYPE I CONCRETE MARKER FOUND, LYING IN THE NORTH
- 4-13 RIGHT-OF-WAY LINE OF SAID FM HIGHWAY NO. 2147, BEARS
- 4-14 N01°44'07"W, A DISTANCE OF 99.01 FEET;
- 4-15 7. N88°04'28"E [N88°04'28"E], A DISTANCE OF 1,400.30 FEET
- 4-16 [1,400.30 FEET], TO A TXDOT TYPE I CONCRETE MARKER FOUND,
- 4-17 AND
- 4-18 8. N87°54'44"E [N87°54'44"E], A DISTANCE OF 1036.65 FEET, TO
- 4-19 THE POINT OF BEGINNING, AND CONTAINING 324.621 ACRES OF
- 4-20 LAND, MORE OR LESS.

4-21 SECTION 3. (a) The proper and legal notice of the
 4-22 intention to introduce this Act, setting forth the general
 4-23 substance of this Act, has been published as provided by law, and
 4-24 the notice and a copy of this Act have been furnished to all
 4-25 persons, agencies, officials, or entities to which they are
 4-26 required to be furnished by the constitution and other laws of this
 4-27 state, including the governor, who has submitted the notice and Act
 4-28 to the Texas Commission on Environmental Quality.

4-29 (b) The Texas Commission on Environmental Quality has filed
 4-30 its recommendations relating to this Act with the governor,
 4-31 lieutenant governor, and speaker of the house of representatives
 4-32 within the required time.

4-33 (c) All requirements of the constitution and laws of this
 4-34 state and rules and procedures of the legislature with respect to
 4-35 the notice, introduction, and passage of this Act are fulfilled and
 4-36 accomplished.

4-37 SECTION 4. This Act takes effect immediately if it receives
 4-38 a vote of two-thirds of all the members elected to each house, as
 4-39 provided by Section 39, Article III, Texas Constitution. If this
 4-40 Act does not receive the vote necessary for immediate effect, this
 4-41 Act takes effect September 1, 2007.

4-42 * * * * *