

By: Wentworth

S.B. No. 1982

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of the York Valley Municipal Utility District; providing authority to impose taxes and issue bonds; 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 8247 to read as follows:

CHAPTER 8247. YORK VALLEY MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8247.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the York Valley Municipal Utility District.

Sec. 8247.002. NATURE OF DISTRICT. The district is a municipal utility district in Guadalupe County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8247.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 8247.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) All land and other property included in the district will

1 benefit from the improvements and services to be provided by the
2 district.

3 (b) The district is created to accomplish:

4 (1) the purposes of a municipal utility district as
5 provided by general law; and

6 (2) to the extent authorized by Section 52, Article
7 III, Texas Constitution, the construction, acquisition,
8 improvement, maintenance, or operation of macadamized, graveled,
9 or paved roads, or improvements in aid of those roads.

10 Sec. 8247.005. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

13 (b) The boundaries and field notes contained in Section 2 of
14 the Act creating this chapter form a closure. A mistake made in the
15 field notes or in copying the field notes in the legislative process
16 does not affect the district's:

17 (1) organization, existence, or validity;

18 (2) right to issue any type of bond for the purposes
19 for which the district is created or to pay the principal of and
20 interest on a bond;

21 (3) right to impose or collect an assessment or tax; or

22 (4) legality or operation.

23 [Sections 8247.006-8247.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8247.051. DIRECTORS; TERMS. (a) The district is
26 governed by a board of five directors.

27 (b) Except as provided by Section 8247.052, directors serve

1 staggered four-year terms.

2 Sec. 8247.052. INITIAL DIRECTORS. (a) The initial board
3 consists of:

- 4 (1) Greg Hammonds;
- 5 (2) Carole Baker;
- 6 (3) Jimmy Kull;
- 7 (4) Marcy Steward; and
- 8 (5) William Meyer.

9 (b) Unless the initial board otherwise agrees, the initial
10 directors shall draw lots to determine which two directors shall
11 serve until the first regularly scheduled election of directors and
12 which three directors shall serve until the second regularly
13 scheduled election of directors.

14 (c) This section expires September 1, 2014.

15 [Sections 8247.053-8247.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 8247.101. MUNICIPAL UTILITY DISTRICT POWERS AND
18 DUTIES. (a) The district has the powers and duties provided by the
19 general law of this state, including Chapters 49 and 54, Water Code,
20 applicable to municipal utility districts created under Section 59,
21 Article XVI, Texas Constitution.

22 (b) The district has the powers and duties necessary to
23 accomplish the purposes for which the district is created.

24 Sec. 8247.102. ROAD PROJECTS. (a) To the extent
25 authorized by Section 52, Article III, Texas Constitution, the
26 district may construct, acquire, improve, maintain, or operate
27 macadamized, graveled, or paved roads, or improvements in aid of

1 those roads.

2 (b) A road project must meet all applicable standards,
3 regulations, and ordinances of the municipality or county in whose
4 jurisdiction the district is located.

5 Sec. 8247.103. DIVISION OF DISTRICT. (a) The district may
6 be divided into two or more new districts only if the district:

7 (1) has no outstanding bonded debt; and

8 (2) is not imposing ad valorem taxes.

9 (b) Any new district created by the division of the district
10 has all the powers and duties of the district.

11 (c) Any new district created by the division of the district
12 may not, at the time the new district is created, contain any land
13 outside the area described by Section 2 of the Act creating this
14 chapter.

15 (d) The board, on its own motion or on receipt of a petition
16 signed by the owners of a majority of the assessed value of real
17 property in the district according to the most recent certified
18 appraisal roll for the county in which the district is located, may
19 adopt an order dividing the district.

20 (e) An order dividing the district shall:

21 (1) name each new district;

22 (2) include the metes and bounds of each new district;

23 (3) appoint temporary directors for each new district;

24 and

25 (4) provide for the division of assets and liabilities
26 between each new district.

27 (f) On or before the 30th day after the adoption of an order

1 dividing the district, the district shall file the order dividing
2 the district with the Texas Commission on Environmental Quality and
3 record the order in the real property records of the county in which
4 the district is located.

5 (g) Any new district created by the division of the district
6 shall hold a confirmation and directors' election as required by
7 Section 49.102, Water Code.

8 (h) Any new district created by the division of the district
9 must hold an election in the manner provided by Chapters 49 and 54,
10 Water Code, to obtain voter approval before the district may impose
11 a maintenance tax or issue bonds payable wholly or partly from ad
12 valorem taxes.

13 Sec. 8247.104. FIREFIGHTING AND EMERGENCY MEDICAL
14 SERVICES. (a) The district may establish, operate, and maintain,
15 or contract with another political subdivision for the joint
16 operation of, a fire department to perform all firefighting and
17 emergency medical services in the district in accordance with
18 Subchapter L, Chapter 49, Water Code.

19 (b) The district may issue bonds or impose a mandatory fee,
20 with voter approval, for financing a fire plan approved in
21 accordance with Section 49.351, Water Code, including the
22 construction and purchase of necessary buildings, facilities,
23 land, and equipment and the provision of an adequate water supply.

24 [Sections 8247.105-8247.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 8247.151. ELECTIONS REGARDING TAXES OR BONDS.
27 (a) The district may issue, without an election, bonds and other

1 obligations secured by revenue or contract payments from any source
2 other than ad valorem taxation.

3 (b) The district must hold an election in the manner
4 provided by Chapters 49 and 54, Water Code, to obtain voter approval
5 before the district may impose an operation and maintenance tax or
6 issue bonds payable from ad valorem taxes.

7 Sec. 8247.152. OPERATION AND MAINTENANCE TAX. (a) If
8 authorized at an election held under Section 8247.151, the district
9 may impose an operation and maintenance tax on taxable property in
10 the district in accordance with Section 49.107, Water Code.

11 (b) The board shall determine the tax rate. The rate may not
12 exceed the rate approved at the election.

13 [Sections 8247.153-8247.200 reserved for expansion]

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8247.201. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. (a) The district may issue bonds or other
17 obligations payable wholly or partly from ad valorem taxes, impact
18 fees, revenue, grants, or other district money, or any combination
19 of those sources, to pay for any authorized district purpose.

20 (b) The district may not issue bonds to finance projects
21 authorized by Section 8247.102 unless the issuance is approved by a
22 vote of a two-thirds majority of the voters of the district voting
23 at an election called for that purpose.

24 (c) Bonds or other obligations issued or incurred to finance
25 projects authorized by Section 8247.102 may not exceed one-fourth
26 of the assessed value of the real property in the district.

27 Sec. 8247.202. TAXES FOR BONDS. At the time bonds payable

1 wholly or partly from ad valorem taxes are issued:

2 (1) the board shall impose a continuing direct annual
3 ad valorem tax, without limit as to rate or amount, for each year
4 that all or part of the bonds are outstanding; and

5 (2) the district annually shall impose an ad valorem
6 tax on all taxable property in the district in an amount sufficient
7 to:

8 (A) pay the interest on the bonds as the interest
9 becomes due;

10 (B) create a sinking fund for the payment of the
11 principal of the bonds when due or the redemption price at any
12 earlier required redemption date; and

13 (C) pay the expenses of imposing the taxes.

14 SECTION 2. The York Valley Municipal Utility District
15 initially includes all the territory contained in the following
16 area:

17 PART 1:

18 Being a 1,495.541 acre tract of land situated in the Solomon Barnes
19 Survey, Abstract No. 56, the William Burnett Survey, Abstract No.
20 73, the Wakefield & Stewart Survey, Abstract No. 326, and the
21 Gustavos Chotwell Survey, Abstract No. 85, Guadalupe County, Texas,
22 and being all of a tract called Tract Two, called 1,241.414 acres
23 described in Volume 2273, Pages 447-460, all of a 160.372 acre tract
24 described in Volume 1673, Page 158 and all of a tract called 94.118
25 acres described in Volume 1801, Page 589, all of the Official Public
26 Records of Guadalupe County, Texas, and all bearings referred to in
27 this description are referenced to Geodetic or True North based on

1 GPS Observations, said 1,495.541 acre tract of land surveyed under
2 the supervision of Richard A. Goodwin, RPLS #4069, S. Craig
3 Hollmig, Inc., and being more particularly described as follows:
4 BEGINNING: At a 3/4" iron pipe found in the approximate Southeast
5 line of the Solomon Barnes Survey, the approximate Northwest line
6 of the William Burnett Survey, for the North corner of a 36.256 acre
7 tract recorded in Volume 1156, Pages 289-291 of the Official Public
8 Records of Guadalupe County, Texas, for a re-entrant corner of the
9 above referenced 1,241.414 acre tract, for a corner of this tract;
10 THENCE: Generally with fence, the Northwest line of said 36.256
11 acre tract, the Southeast line of the above referenced 1,241.414
12 acre tract, S 48° 42' 51" W at 1452.17 feet a 1/2" iron pin found in
13 the Northeast line of County Road #241 (Wade Road), and continuing a
14 total distance of 1474.61 feet to a 1/2" iron pin found for a South
15 corner of the above referenced 1241.414 acre tract, for a corner of
16 this tract;
17 THENCE: With the centerline of County Road #241 (Wade Road), a
18 Southwest line of the above referenced 1241.414 acre tract, N 42°
19 32' 02" W 10.14 feet to a 1/2" iron pin found for an interior corner
20 of the above referenced 1241.414 acre tract, for an interior corner
21 of this tract;
22 THENCE: Continuing with the centerline of County Road #241 (Wade
23 Road), S 48° 15' 01" W 725.50 feet to a 1/2" iron pin found at the
24 intersection of the centerline of County Road #241 (Wade Road),
25 with the centerline of County Road #241-A (York Creek Crossing),
26 for a South corner of the above referenced 1241.414 acre tract, for
27 the South corner of this tract;

1 THENCE: With the centerline of County Road #241-A (York Creek
2 Crossing), a Southwest line of the above referenced 1241.414 acre
3 tract, N 41° 27' 31" W 1036.00 feet to a 1/2" iron pin found for a
4 West corner of the above referenced 1241.414 acre tract, for a West
5 corner of this tract;

6 THENCE: With a Northwest line of the above referenced 1241.414 acre
7 tract, N 49° 26' 38" E 22.56 feet to a 4" pipe post situated on the
8 North line of said County Road #241-A (York Creek Crossing), for
9 South corner of the above referenced 94.118 acre tract, for a corner
10 of this tract;

11 THENCE: With the North line of County Road #241-A (York Creek
12 Crossing), the Southwest line of the above referenced 94.118 acre
13 tract, N 41° 07' 48" W 2175.16 feet to a 10" corner post in same, for
14 the West corner of the above referenced 94.118 acre tract, the South
15 corner of the above referenced 160.372 acre tract, for a corner of
16 this tract;

17 THENCE: Continuing with the North line of County Road #241-A (York
18 Creek Crossing), the South line of the above referenced 160.372
19 acre tract, N 41° 30' 48" W 137.47 feet to a 1 1/2" pipe post, N 41°
20 03' 33" W 1036.19 feet to a 2" pipe post, N 40° 49' 39" W 260.40 feet
21 to a 3" pipe post and N 41° 32' 52" W 58.16 feet to a 3" pipe post, and
22 N 40° 36' 14" W 706.44 feet to a 1/2" iron pin found in same, for the
23 South corner of a 100.00 acre tract recorded in Volume 1650, Page
24 762 of the Official Public Records of Guadalupe County, Texas, for a
25 West corner of the above referenced 160.372 acre tract, for a West
26 corner of this tract;

27 THENCE: Leaving County Road #241-A (York Creek Crossing), N 49° 23'

1 38" E 3270.85 feet to a 1/2" iron pin found for the East corner of
2 said 100.00 acre tract, the North corner of the above referenced
3 160.372 acre tract, situated on the Southwest line of the above
4 referenced 1241.414 acre tract, for an interior corner of this
5 tract;

6 THENCE: With said Southwest line, N 41° 28' 20" W 1007.42 feet to a
7 3" pipe post for an interior corner of that certain 206.749 acre
8 tract, Exhibit "H", recorded in Volume 1245, Pages 217-243 of the
9 Official Public Records of Guadalupe County, Texas, for the West
10 corner of the above referenced 1241.414 acre tract, for a West
11 corner of this tract;

12 THENCE: With fence, the Northwest line of the above referenced
13 1241.414 acre tract, as follows:

14 N 48° 38' 58" E 888.68 feet, a 1/2" iron pin found
15 N 48° 27' 59" E 1295.63 feet, a 1/2" iron pin found
16 N 48° 25' 29" E 1476.85 feet, a 1/2" iron pin found
17 N 48° 19' 29" E 1445.81 feet, a 1/2" iron pin found
18 N 48° 14' 16" E 1389.77 feet, a 3" pipe post in the Southwest
19 line of County Road #242 (Bylerpool Road), for the North corner of
20 the above referenced 1241.414 acre tract, for the North corner of
21 this tract;

22 THENCE: With the Southwest line of County Road #242 (Bylerpool
23 Road), a Northeast line of the above referenced 1241.414 acre
24 tract, S 41° 16' 03" E 18.26 feet to a 1/2" iron pin found for an
25 interior corner of the above referenced 1241.414 acre tract, for an
26 interior corner of this tract;

27 THENCE: Into said County Road #242 (Bylerpool Road), with a

1 Northwest line of the above referenced 1241.414 acre tract, N 49°
2 25' 04" E 22.50 feet to a 1/2" iron pin found in the centerline of
3 County Road #242 (Bylerpool Road), for the West corner of a 582.060
4 acre tract, called Tract One, described in Volume 2273, Page 447 of
5 the Official Public Records of Guadalupe County, Texas, for a North
6 corner of this tract;

7 THENCE: With the centerline of County Road #242 (Bylerpool Road),
8 the Southwest line of said 582.060 acre tract, S 40° 46' 35" E
9 6174.46 feet to a P.K. nail found in same, for an East corner of the
10 above referenced 1241.414 acre tract, for an East corner of this
11 tract;

12 THENCE: With the common line between the above referenced 1241.414
13 acre tract and an 89.24 acre tract recorded in Volume 1125, Pages
14 269-272 of the Official Public Records of Guadalupe County, Texas,
15 S 47° 39' 53" W at 22.74 feet a 1/2" iron pin found and continuing a
16 total distance of 883.08 feet to a 1/2" iron pin found and
17 continuing with said common line, S 40° 44' 14" E 1010.58 feet to a
18 1/2" iron pin found, S 48° 45' 15" W 4335.00 feet to a 1/2" iron pin
19 found, and S 42° 05' 24" E at 318.26 feet, a 1/2" iron pin found at a
20 corner post at the North corner of County Road #241 (Wade Road), and
21 continuing a total distance of 335.72 feet to a 1/2" iron pin found
22 for an East corner of the above referenced 1241.414 acre tract, for
23 an East corner of this tract;

24 THENCE: With the centerline of County Road #241 (Wade Road), a
25 Southeast line of the above referenced 1241.414 acre tract, S 49°
26 13' 22" W 2346.24 feet to a 1/2" iron pin found in same, for a South
27 corner of the above referenced 1241.414 acre tract, for a South

1 corner of this tract;

2 THENCE: With a Southwest line of the above referenced 1241.414 acre
3 tract, the Northeast line of the above referenced 36.256 acre
4 tract, N 41° 21' 18" W at 17.20 feet a 1/2" iron pin found in the
5 Northwest line of County Road #241 (Wade Road), and continuing a
6 total distance of 1113.55 feet to the Point of Beginning and
7 containing 1,495.541 acres of land, more or less.

8 PART 2:

9 Being a 581.850 acre tract of land, being approximately 144.81
10 acres out of the Gustavos Chotwell Survey, Abstract No. 85 and
11 approximately 437.04 acres out of the George Allen Survey, Abstract
12 No. 1, Guadalupe County, Texas, said 581.850 acre tract being the
13 same tract, called Tract One, called 582.060 acres, as described in
14 Volume 2273, Pages 447-460 of the Official Public Records of
15 Guadalupe County, Texas, and all bearings referred to are based
16 upon Geodetic or True North from GPS observations, said 581.850
17 acre tract of land surveyed under the supervision of Richard A.
18 Goodwin, RPLS #4069, S. Craig Hollmig, Inc., and being more
19 particularly described as follows:

20 BEGINNING: At a 5/8" iron bar found in the center of a creek, in the
21 South line of a 250 acre tract described in Volume 1272, Pages
22 171-173 of the Official Public Records of Guadalupe County, Texas,
23 for the East corner of a 253.25 acre tract described in Volume 895,
24 Pages 546-548 of the Official Public Records of Guadalupe County,
25 Texas, for the North corner of the above referenced 582.060 acre
26 tract, for the North corner of this tract;

27 THENCE: With an unfenced line, the South line of said 250 acre

1 tract, the North line of the above referenced 582.060 acre tract, S
2 86° 25' 20" E 721.72 feet to a 3/4" iron pipe found in the Northwest
3 line of a 250 acre tract described in Volume 1275, Pages 995-999 of
4 the Official Public Records of Guadalupe County, Texas, for a
5 Southeast corner of said 250 acre tract (1272/171-173), for a
6 Northeast corner of the above referenced 582.060 acre tract, for a
7 Northeast corner of this tract;

8 THENCE: With a West line of said 250 acre tract (1275/995-999), the
9 East line of the above referenced 582.060 acre tract, S 10° 05' 03" E
10 30.78 feet to a 1/2" iron pin found and continuing with the
11 Southeast line of the above referenced 582.060 acre tract, S 75° 34'
12 44" W 545.80 feet to a 1/2" iron pin found and S 49° 07' 04" W 1884.77
13 feet to a 1/2" iron pin found at a fence corner post, for the West
14 corner of said 250 acre tract (1275/995-999), a re-entry corner of
15 the above referenced 582.060 acre tract, for a corner of this tract;

16 THENCE: Generally with fence, the Southwest line of said 250 acre
17 tract (1275/995-999), the Northeast line of the above referenced
18 582.060 acre tract, S 40° 48' 01" E 4203.59 feet to a 1/2" iron pin
19 found in the Northwest line of a 208 acre tract described in Volume
20 242, Pages 569-570 of the Deed Records of Guadalupe County, Texas,
21 for an East corner of the above referenced 582.060 acre tract, for
22 an East corner of this tract;

23 THENCE: Generally with fence, the Northwest and Southwest lines of
24 said 208 acre tract, S 48° 35' 34" W 1167.35 feet to a 3" pipe post
25 and S 41° 20' 40" E 1069.00 feet to a 1/2" iron pin found for the
26 North corner of a 116 acre tract recorded in Volume 525, Pages
27 150-152 of the Deed Records of Guadalupe County, Texas, for an East

1 corner of the above referenced 582.060 acre tract, for an East
2 corner of this tract;

3 THENCE: Generally with fence, the Northwest line of said 116 acre
4 tract, S 48° 41' 07" W 3430.99 feet to a P.K. nail found in the
5 centerline of Bylerpool Road (County Road #242), for the South
6 corner of the above referenced 582.060 acre tract, for the South
7 corner of this tract;

8 THENCE: With the centerline of Bylerpool Road (County Road #242),
9 the Southwest line of the above referenced 582.060 acre tract, N 40°
10 46' 35" W at 203.75 feet a P.K. nail found in same, for the East
11 corner of that certain 1,241.414 acre tract, called Tract Two,
12 described in Volume 2273, Page 447 of the Official Public Records of
13 Guadalupe County, Texas, and continuing a total distance of 6378.22
14 feet to a 1/2" iron pin found for the North corner of said 1,241.414
15 acre tract, the West corner of the above referenced 582.060 acre
16 tract, for the West corner of this tract;

17 THENCE: With the centerline of Bylerpool Road (County Road #242), a
18 Northwest line of the above referenced 582.060 acre tract, N 49° 25'
19 04" E 476.65 feet to a 1/2" iron pin found for a North corner of the
20 above referenced 582.060 acre tract, for the North corner of this
21 tract;

22 THENCE: With a Northeast line of the above referenced 582.060 acre
23 tract, S 41° 22' 01" E 773.33 feet to a 3" pipe post for the South
24 corner of a 253.25 acre tract described in Volume 895, Pages 546-548
25 of the Official Public Records of Guadalupe County, Texas, for a
26 corner of this tract;

27 THENCE: With the Southeast line of said 253.25 acre tract, the

1 Northwest line of the above referenced 582.060 acre tract,
2 generally with fence, N 49° 14' 57" E 4101.85 feet to a 1/2" iron pin
3 found and N 48° 58' 09" E 1872.83 feet to the Point of Beginning and
4 containing 581.850 acres of land, more or less.

5 SECTION 3. (a) The legal notice of the intention to
6 introduce this Act, setting forth the general substance of this
7 Act, has been published as provided by law, and the notice and a
8 copy of this Act have been furnished to all persons, agencies,
9 officials, or entities to which they are required to be furnished
10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
11 Government Code.

12 (b) The governor, one of the required recipients, has
13 submitted the notice and Act to the Texas Commission on
14 Environmental Quality.

15 (c) The Texas Commission on Environmental Quality has filed
16 its recommendations relating to this Act with the governor, the
17 lieutenant governor, and the speaker of the house of
18 representatives within the required time.

19 (d) All requirements of the constitution and laws of this
20 state and the rules and procedures of the legislature with respect
21 to the notice, introduction, and passage of this Act are fulfilled
22 and accomplished.

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