

1-1 By: Hegar S.B. No. 1990
1-2 (In the Senate - Filed March 30, 2007; April 3, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 27, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 April 27, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1990 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Calhoun County Municipal Utility
1-11 District No. 1; granting the power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8231 to read as follows:

1-15 CHAPTER 8231. CALHOUN COUNTY MUNICIPAL UTILITY DISTRICT NO. 1

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8231.001. DEFINITIONS. In this chapter:

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

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the Calhoun County Municipal
1-21 Utility District No. 1.

1-22 Sec. 8231.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district in Calhoun County created under and
1-24 essential to accomplish the purposes of Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8231.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation
1-28 election held under Section 8231.022 before September 1, 2011:

1-29 (1) the district is dissolved September 1, 2011,
1-30 except that:

1-31 (A) any debts incurred shall be paid;

1-32 (B) any assets that remain after the payment of
1-33 debts shall be transferred to Calhoun County; and

1-34 (C) the organization of the district shall be
1-35 maintained until all debts are paid and remaining assets are
1-36 transferred; and

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

1-38 Sec. 8231.004. 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 8231.005-8231.020 reserved for expansion]

1-53 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-54 Sec. 8231.021. TEMPORARY DIRECTORS. (a) The temporary
1-55 board consists of:

1-56 (1) Robert Harriman;

1-57 (2) William B. Fuller;

1-58 (3) Jeffrey B. Holberg;

1-59 (4) Michael R. Jeter; and

1-60 (5) Donald D. Simmons.

1-61 (b) If a temporary director fails to qualify for office, the
1-62 temporary directors who have qualified shall appoint a person to
1-63 fill the vacancy. If at any time there are fewer than three

2-1 qualified temporary directors, the Texas Commission on
2-2 Environmental Quality shall appoint the necessary number of persons
2-3 to fill the vacancies on the board.

2-4 (c) Temporary directors serve until the earlier of:
2-5 (1) the date directors are elected under Section
2-6 8231.022; or
2-7 (2) the date this chapter expires under Section
2-8 8231.003.

2-9 Sec. 8231.022. CONFIRMATION AND INITIAL DIRECTORS'
2-10 ELECTION. The temporary directors shall hold an election to
2-11 confirm the creation of the district and to elect five directors as
2-12 provided by Section 49.102, Water Code.

2-13 Sec. 8231.023. INITIAL ELECTED DIRECTORS; TERMS. The
2-14 directors elected under Section 8231.022 shall draw lots to
2-15 determine which two shall serve until the first regularly scheduled
2-16 election of directors and which three shall serve until the second
2-17 regularly scheduled election of directors.

2-18 Sec. 8231.024. EXPIRATION OF SUBCHAPTER. This subchapter
2-19 expires September 1, 2014.

2-20 [Sections 8231.025-8231.050 reserved for expansion]

2-21 SUBCHAPTER B. BOARD OF DIRECTORS

2-22 Sec. 8231.051. DIRECTORS; TERMS; ELECTIONS. (a) The
2-23 district is governed by a board of five directors.

2-24 (b) Directors serve staggered four-year terms.

2-25 (c) The appropriate number of directors shall be elected on
2-26 the uniform election date in May of even-numbered years.

2-27 [Sections 8231.052-8231.100 reserved for expansion]

2-28 SUBCHAPTER C. POWERS AND DUTIES

2-29 Sec. 8231.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-30 DUTIES. The district has the powers and duties provided by the
2-31 general law of this state, including Chapters 49 and 54, Water Code,
2-32 applicable to municipal utility districts created under Section 59,
2-33 Article XVI, Texas Constitution.

2-34 Sec. 8231.102. DIVISION OF DISTRICT. (a) The district may
2-35 be divided into two or more districts only if the district:

2-36 (1) has no outstanding bonded debt; and

2-37 (2) is not imposing ad valorem taxes.

2-38 (b) The division procedure is prescribed by Sections 51.749
2-39 through 51.758, Water Code.

2-40 (c) Any new district created by the division of the district
2-41 has all the powers and duties of the district, except the power to
2-42 divide the district into new districts under this section.

2-43 SECTION 2. The Calhoun County Municipal Utility District
2-44 No. 1 includes all the territory contained in the following area:

2-45 Approximately 1033.78 acres of land situated in the Miguel
2-46 Castillo Survey, Abstract No. 7 and the Pedro Mirando League,
2-47 Abstract No. 27, Calhoun County, Texas and more fully described by
2-48 metes and bounds as follows:

2-49 All of that certain tract or parcel containing 1033.78
2-50 acres situated in the Miguel Castillo Survey, Abstract
2-51 No. 7 and the Pedro Mirando League. Abstract No. 27.,
2-52 Calhoun County, Texas and being the same property
2-53 described as Tract 1, Tract 2 and Tract 3 (422.12
2-54 acres) in Special Warranty Deed dated July 24, 2000
2-55 from Elizabeth Marie Hardy to G. P. Hardy, III,
2-56 recorded in Volume 258, Page 834 of the Official
2-57 Records of Calhoun County, Texas and the same property
2-58 described as 453 acres in deed from H. V. Heyland, et
2-59 ux, to R. H. Parker, Jr. and Lillian Ann Underwood,
2-60 recorded In Volume 242, Page 364 of the Deed Records of
2-61 Calhoun County, Texas and the same property described
2-62 as 128.48 acres in deed from J. P. Nunley, et ux, to R.
2-63 H. Parker, Jr. and Lillian Ann Underwood, recorded In
2-64 Volume 317, Page 879 of the Deed Records of Calhoun
2-65 County, Texas. This 1033.78 acres is more
2-66 particularly described by metes and bounds as follows:
2-67 BEGINNING at a 5/8 inch iron rod with plastic cap set
2-68 in the Southwest line of State Highway No. 185 and at
2-69 the West corner of a 12.155 acre tract described in

3-1 deed recorded in Volume 43, Page 322 of the Calhoun
 3-2 County Deed Records and at the South corner of a 1.977
 3-3 acre tract described in deed recorded in Volume 43,
 3-4 Page 337 of the Calhoun County Deed Records and in the
 3-5 Northwest line of a 250 acre tract described as Tract
 3-6 One of deed recorded in Volume 357, Page 736 of the
 3-7 Calhoun County Official Records and in the Southeast
 3-8 line of the above referenced 422.12 acre tract for the
 3-9 East corner of this 1033.78 acres being described;
 3-10 THENCE South 55° 00' 00" West (Base Bearing) [Deed call
 3-11 = South 55° West], with the Northeast line of the said
 3-12 250 acre tract and with the Southeast line of the said
 3-13 422.12 acre tract, pass a 5/8 inch iron rod with
 3-14 plastic cap set on line at a distance of 8477.30 feet
 3-15 and continuing a total distance of 8877.30 feet to the
 3-16 South corner of a 2.52 acre tract described as First
 3-17 Tract in Easement recorded in Volume 115, Page 83 of
 3-18 the Calhoun County Deed Records for the South corner of
 3-19 this 1033.78 acres being described;
 3-20 THENCE with the Southwest line of the said 422.12 acre
 3-21 tract and along the deed call shoreline of Guadalupe
 3-22 Bay and in part along the Right-of-Way of the Barge
 3-23 Canal with the following meanders:
 3-24 North 16° 44' 37" East a distance of 608.07 feet;
 3-25 North 06° 13' 58" West a distance of 241.00 feet;
 3-26 North 02° 55' 02" East a distance of 437.00 feet;
 3-27 North 09° 12' 02" East a distance of 550.40 feet;
 3-28 North 02° 16' 57" East a distance of 375.52 feet;
 3-29 North 73° 37' 44" West a distance of 38.80 feet;
 3-30 North 11° 47' 44" West a distance of 180.00 feet;
 3-31 North 06° 32' 16" East a distance of 324.50 feet;
 3-32 North 21° 03' 44" West a distance of 174.30 feet;
 3-33 North 07° 56' 44" West a distance of 304.94 feet to
 3-34 the West corner of a 2.46 acre tract described as
 3-35 Second Tract in the above referenced Easement and
 3-36 the West corner of the said 422.12 acre tract for
 3-37 a corner of this 1033.78 acres being described;
 3-38 THENCE North 55° 00' 00" East [Deed call = North 55°
 3-39 East], with a Northwest line of the said 422.12 acre
 3-40 tract and with the Southeast line of the said 453.0
 3-41 acre tract, a distance of 204.72 feet for a corner of
 3-42 this 1033.78 acres being described;
 3-43 THENCE with the East right-of-way line of the West Side
 3-44 Calhoun County Navigation District (400' R.O.W.) as
 3-45 follows;
 3-46 North 04° 48' 57" West a distance of 169.46 feet;
 3-47 North 08° 08' 57" West a distance of 200.20 feet;
 3-48 North 12° 08' 57" West a distance of 200.00 feet;
 3-49 North 15° 40' 57" West a distance of 200.00 feet;
 3-50 North 18° 15' 57" West a distance of 100.00 feet;
 3-51 North 21° 15' 57" West a distance of 200.00 feet;
 3-52 North 23° 49' 57" West a distance of 95.00 feet;
 3-53 North 26° 19' 57" West a distance of 105.00 feet;
 3-54 North 28° 57' 57" West a distance of 100.20 feet;
 3-55 North 22° 19' 57" West a distance of 450.00 feet;
 3-56 North 45° 52' 57" West a distance of 908.80 feet;
 3-57 North 43° 40' 57" West. 1173.70 feet to a point the
 3-58 East right-of-way line of the said West Side
 3-59 Calhoun County Navigation District., said point
 3-60 being the West corner of the herein described
 3-61 tract and South corner of the remainder of that
 3-62 certain 11.08 acre tract of land as conveyed to
 3-63 Belle D. Smith according to Instrument recorded
 3-64 in Volume 25. Page 158 of the Official Records of
 3-65 said County;
 3-66 THENCE, North 72 deg. 45' 03" East, with the common
 3-67 line of said 11.08 acre remainder, a distance of 651.30
 3-68 feet to a concrete monument found marking the East
 3-69 corner of said 11.08 acre remainder and an Interior

4-1 corner of the herein described tract;
 4-2 THENCE, North 17 deg. 14'57" West, a distance of 600.00
 4-3 feet to a concrete monument found marking the North
 4-4 corner of the said 11.08 acre remainder and a
 4-5 Northwesterly corner of the herein described tract;
 4-6 THENCE, North 72 deg. 50' 33" East, along a barbed wire
 4-7 fence, a distance of 770.10 feet to a called for fence
 4-8 post for an angle point;
 4-9 THENCE, North 70 deg. 39' 13" East, a distance of
 4-10 178.59 feet to a called for fence post for an angle
 4-11 point;
 4-12 THENCE, North 68 deg. 25' 47" East, a distance of
 4-13 249.83 feet to a called for fence post for an angle
 4-14 point;
 4-15 THENCE, North 66 deg. 41' 49" East, a distance of 74.41
 4-16 feet to a called for fence post for an angle point;
 4-17 THENCE, North 56 deg. 31' 46" East, a distance of
 4-18 254.74 feet to a called for fence post for an angle
 4-19 point, said fence post being on the recognized common
 4-20 line of said Miguel Castillo Survey and the Pedro
 4-21 Miranda League;
 4-22 THENCE, North 55 deg. 10' 25" East, along said common
 4-23 line and general direction of said barbed wire fence,
 4-24 distance of 4670.83 feet to a fence corner post found
 4-25 marking the North corner of the herein described
 4-26 tract, said fence post being in the Southwest
 4-27 right-of-way line of said State Highway No. 185;
 4-28 THENCE, South 31 deg. 31' 06" East, along said
 4-29 right-of-way line and barbed wire fence, a distance of
 4-30 2975.22 feet to a 5/8 inch diameter steel rebar set to
 4-31 mark the North corner of a 0.52 acre tract of land as
 4-32 conveyed to Virgil Claude Cassel according to
 4-33 Instrument recorded in Volume 85, Page 411 of the Deed
 4-34 Records of Calhoun County;
 4-35 THENCE, South 58 deg. 28' 54" West, a distance of
 4-36 150.00 feet to a 5/8 inch diameter steel rebar set to
 4-37 mark the West corner of said 0.52 acre tract;
 4-38 THENCE, South 31 deg. 31' 06" East, a distance of
 4-39 150.00 feet to a 5/8 Inch diameter steel rebar set to
 4-40 mark the South corner of said 0.52 acre tract;
 4-41 THENCE, North 58 deg. 28' 54" East, a distance of
 4-42 150.00 feet to a 5/8 inch diameter steel rebar found
 4-43 marking the East corner of said 0.52 acre tract and
 4-44 being in the Southwest right-of-way line of said State
 4-45 Highway No. 185;
 4-46 THENCE, South 31 deg. 31' 06" East, along said
 4-47 right-of-way line, a distance of 404.19 feet to 5/8
 4-48 inch diameter steel rebar found marking the North
 4-49 corner of a 1.00 acre tract of land as conveyed to
 4-50 Donald Leonard Lynch, et ux, according to Instrument
 4-51 recorded In Volume 206, Page 384 of the Deed Records of
 4-52 said County;
 4-53 THENCE, South 55 deg. 00' 54" West, a distance of
 4-54 209.10 feet to a 5/8 inch diameter steel rebar found
 4-55 marking the West corner of said 1.00 acre tract;
 4-56 THENCE, South 31 deg. 31' 06" East, a distance of
 4-57 208.71 feet to a 5/8 inch diameter steel rebar found
 4-58 marking the South corner of said 1.00 acre tract;
 4-59 THENCE, North 55 deg. 00' 51" East, a distance of
 4-60 209.10 feet to a 5/8 inch diameter steel rebar found
 4-61 marking the East corner of the said 1.00 acre tract,
 4-62 and being in the Southwest right-of-way line of said
 4-63 State Highway No. 185;
 4-64 THENCE, South 31 deg. 31' 06" East, along said
 4-65 right-of-way line, a distance of 40.10 feet to the
 4-66 POINT OF BEGINNING, CONTAINING within these metes and
 4-67 bounds a 1033.78 acres.
 4-68 SECTION 3. (a) The legal notice of the intention to
 4-69 introduce this Act, setting forth the general substance of this

5-1 Act, has been published as provided by law, and the notice and a
5-2 copy of this Act have been furnished to all persons, agencies,
5-3 officials, or entities to which they are required to be furnished
5-4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-5 Government Code.

5-6 (b) The governor, one of the required recipients, has
5-7 submitted the notice and Act to the Texas Commission on
5-8 Environmental Quality.

5-9 (c) The Texas Commission on Environmental Quality has filed
5-10 its recommendations relating to this Act with the governor, the
5-11 lieutenant governor, and the speaker of the house of
5-12 representatives within the required time.

5-13 (d) All requirements of the constitution and laws of this
5-14 state and the rules and procedures of the legislature with respect
5-15 to the notice, introduction, and passage of this Act are fulfilled
5-16 and accomplished.

5-17 SECTION 4. This Act takes effect immediately if it receives
5-18 a vote of two-thirds of all the members elected to each house, as
5-19 provided by Section 39, Article III, Texas Constitution. If this
5-20 Act does not receive the vote necessary for immediate effect, this
5-21 Act takes effect September 1, 2007.

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