

1-1 By: Estes S.B. No. 2004
1-2 (In the Senate - Filed April 4, 2007; April 10, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; May 4, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 May 4, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 2004 By: Wentworth

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

1-10 relating to the creation of the Denton County Municipal Utility
1-11 District No. 7; providing authority to impose a tax and issue bonds;
1-12 granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8190 to read as follows:

1-16 CHAPTER 8190. DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 7

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8190.001. 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 Denton County Municipal
1-22 Utility District No. 7.

1-23 Sec. 8190.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district in Denton County created under and
1-25 essential to accomplish the purposes of Section 52, Article III,
1-26 and Section 59, Article XVI, Texas Constitution.

1-27 Sec. 8190.003. FINDING OF PUBLIC USE AND BENEFIT. The
1-28 district is created to serve a public use and benefit.

1-29 Sec. 8190.004. CONFIRMATION ELECTION REQUIRED. If the
1-30 creation of the district is not confirmed at a confirmation
1-31 election held under Section 8190.023 before September 1, 2011:

1-32 (1) the district is dissolved September 1, 2011,
1-33 except that the district shall:

1-34 (A) pay any debts incurred;

1-35 (B) transfer to Denton County any assets that
1-36 remain after the payment of debts; and

1-37 (C) maintain the organization of the district
1-38 until all debts are paid and remaining assets are transferred; and

1-39 (2) this chapter expires September 1, 2014.

1-40 Sec. 8190.005. INITIAL DISTRICT TERRITORY. (a) The
1-41 district is initially composed of the territory described by
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake made in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect:

1-47 (1) the organization, existence, or validity of the
1-48 district;

1-49 (2) the right of the district to impose taxes; or

1-50 (3) the legality or operation of the board.

1-51 [Sections 8190.006-8190.020 reserved for expansion]

1-52 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-53 Sec. 8190.021. TEMPORARY DIRECTORS. (a) On or after
1-54 September 1, 2007, a person who owns land in the district may submit
1-55 a petition to the Texas Commission on Environmental Quality to
1-56 appoint as temporary directors the five persons named in the
1-57 petition.

1-58 (b) The commission shall appoint as temporary directors the
1-59 five persons named in the first petition received by the commission
1-60 under Subsection (a).

1-61 (c) If a temporary director fails to qualify for office or
1-62 if a vacancy occurs in the office of temporary director, the vacancy
1-63 shall be filled as provided by Section 49.105, Water Code.

(d) Temporary directors serve until the earlier of:

(1) the date directors are elected under Section 8190.023; or

(2) the date this chapter expires under Section 8190.004.

Sec. 8190.022. ORGANIZATIONAL MEETING OF TEMPORARY DIRECTORS. As soon as practicable after all the temporary directors have qualified under Section 49.055, Water Code, the temporary directors shall convene the organizational meeting of the district at a location in the district agreeable to a majority of the directors. If a location cannot be agreed upon, the organizational meeting shall be at the Denton County Courthouse.

Sec. 8190.023. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. The temporary directors shall hold an election to confirm the creation of the district and to elect five directors as provided by Section 49.102, Water Code.

Sec. 8190.024. INITIAL ELECTED DIRECTORS; TERMS. The directors elected under Section 8190.023 shall draw lots to determine which two shall serve until the first regularly scheduled election of directors and which three shall serve until the second regularly scheduled election of directors.

Sec. 8190.025. EXPIRATION OF SUBCHAPTER. This subchapter expires September 1, 2014.

[Sections 8190.026-8190.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8190.051. DIRECTORS; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

[Sections 8190.052-8190.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8190.101. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8190.102. ROAD PROJECTS. (a) The district may construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads, or improvements in aid of those roads.

(b) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the district is located. If the district is not located in the corporate limits or extraterritorial jurisdiction of a municipality, a road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each county in which the district is located.

(c) The district may not undertake a road project unless each municipality in whose corporate limits or extraterritorial jurisdiction the district is located consents by resolution. If the district is not located in the corporate limits or extraterritorial jurisdiction of a municipality, the district may not undertake a road project unless each county in which the district is located consents by resolution.

Sec. 8190.103. ROAD CONTRACTS. The district may contract for a road project in the manner provided by Subchapter I, Chapter 49, Water Code.

[Sections 8190.104-8190.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8190.151. OPERATION AND MAINTENANCE TAX. The district may impose a tax for any district operation and maintenance purpose in the manner provided by Section 49.107, Water Code.

Sec. 8190.152. TAX TO REPAY BONDS. The district may impose a tax to pay the principal of and interest on bonds issued under Section 8190.201.

Sec. 8190.153. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND ASSESSMENTS. The district may not impose an impact fee or assessment on the property, including the equipment, rights-of-way, facilities, or improvements, of:

(1) an electric utility or a power generation company

- 3-1 as defined by Section 31.002, Utilities Code;
- 3-2 (2) a gas utility as defined by Section 101.003 or
- 3-3 121.001, Utilities Code;
- 3-4 (3) a telecommunications provider as defined by
- 3-5 Section 51.002, Utilities Code;
- 3-6 (4) a cable operator as defined by 47 U.S.C. Section
- 3-7 522; or
- 3-8 (5) a person who provides to the public advanced
- 3-9 telecommunications services.

[Sections 8190.154-8190.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 8190.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. (a) The district may issue bonds or other obligations as provided by Chapters 49 and 54, Water Code, and to finance the construction, maintenance, or operation of projects under Section 8190.102.

(b) The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money.

(c) The district may not issue bonds or other obligations secured wholly or partly by ad valorem taxation to finance projects authorized by Section 8190.102 unless the issuance is approved by a vote of a two-thirds majority of district voters voting at an election called for that purpose.

(d) Bonds or other obligations issued or incurred to finance projects authorized by Section 8190.102 may not exceed one-fourth of the assessed value of the real property in the district.

SECTION 2. The Denton County Municipal Utility District No. 7 initially includes all the territory contained in the following described area:

SITUATED in Denton County, Texas, in the J. Melroy Survey, Abstract No. 895, the MEP &P Railroad Survey, Abstract No. 926, the L. Robinson Survey, Abstract No. 1488, the McPherson Survey, Abstract No. 1481, the Cowan Survey, Abstract No. 211, the T & P Railroad Survey, Abstract No. 1299 and the Norwood Survey, Abstract No. 969, being a resurvey of the 693.6925 acres of land described in a deed from Winst, Inc. to Shiney Hiney Partners I dated Dec. 31, 1992, Recorded in Volume 3435, Page 478 and the 333.47 acres of land described in a deed from Winst, Inc. to Shiney Hiney Partners II dated Dec. 31, 1992, recorded in Volume 3435, Page 483, both deeds of the Denton County Deed Records, being described by metes and bounds as follows:

BEGINNING at an iron pin found at the northwest corner of said 693.6925 acre tract, in the east R.O.W. line of Farm Road No. 1385 and at the southwest corner of the TIGE INVESTMENTS LTD 77.880 acres, Ref. Doc. No. 05-45758;

Thence easterly with the north line of said 693.6925 acre tract, with the south line of said 77.880 acre tract, with the south line of the TIGE INVESTMENTS LTD 130.805 acres, Ref. Doc. No. 05-45758 and with an old fence as follows:

South 89° 04'12" East, 637.91 feet; South 89° 17'14" East, 426.71 feet;

South 89° 37'34" East, 154.91 feet; South 89° 42'47" East, 472.76 feet;

North 89° 56'39" East, 339.52 feet; South 89° 26'34" East, 188.6 feet;

South 88° 50'23" East, passing an iron pin found beside an old, old post at 236.3 feet and continuing in all 254.28 feet to an iron pipe set at the east, northwest corner of said 693.6925 acre tract and at the south, northwest corner said 333.47 acre tract, in the center of the old bed of Little Elm Creek;

Thence generally in a northeasterly direction with the northwest line said 333.47 acre tract, with the southeast line of the TIGE INVESTMENTS LTD 7.195 acres, Ref. Doc. No. 05-45758 and up the center of the old bed of Little Elm Creek as follows:

South 68°24' East, 119.81 feet; South 45°06' East, 161.3 feet;

South 25°50' East, 129.17 feet; South 76°01' East, 90.54 feet;

North 63°34' East, 121.24 feet; North 77°53' East, 61.98 feet;

North 59°26' East, 101.2 feet; North 51°05' East, 125.5 feet;

- 4-1 North 89°37' East, 182.51 feet; North 50°35' East, 76.66 feet;
- 4-2 North 36°17' East, 141.61 feet; North 18°45' East, 115.12
- 4-3 feet, an iron pipe set;
- 4-4 North 16°04' West, 35.56 feet; North 60°39' West, 93.52 feet;
- 4-5 South 74°35' West, 110.19 feet; North 59°58' West, 50.23 feet;
- 4-6 North 24°08' West, 48.85 feet; North 14°34' East, 147.11 feet;
- 4-7 North 60°10' West, 57.76 feet; North 1°29' West, 55.34 feet;
- 4-8 North 22°12' East, 47.74 feet; North 63°23' East, 112.42 feet,
- 4-9 an iron pipe set;
- 4-10 South 55°13' East, 281.18 feet; South 22°14' East, 135.0 feet;
- 4-11 South 67°05' East, 56.0 feet; North 73°54' East, 40.2 feet;
- 4-12 North 35°49' East, 35.0 feet; North 12°01' East, 72.3 feet;
- 4-13 North 11°09' West, 67.0 feet; North 20°37' West, 182.3 feet, an
- 4-14 iron pipe set;
- 4-15 North 2°23' West, 49.64 feet; North 22°37' East, 120.0 feet;
- 4-16 North 13°35' East, 113.3 feet; North 38°39' East, 61.2 feet;
- 4-17 North 60°37' East, 63.0 feet; South 85°01' East, 122.2 feet;
- 4-18 North 78°01' East, 115.0 feet; North 34°40' East, 60.0 feet;
- 4-19 North 10°53' East, 109.67 feet, an iron pipe set; North 36°21'
- 4-20 East, 70.5 feet;
- 4-21 North 78°45' East, 70.0 feet; South 86°25' East, 134.8 feet;
- 4-22 North 74°24' East, 195.09 feet, an iron pipe set; South 74°44'
- 4-23 East, 96.08 feet;
- 4-24 South 88°55' East, 107.86 feet; South 78°57' East, 134.98
- 4-25 feet;
- 4-26 North 77°07' East, 46.45 feet; South 80°46' East, 50.53 feet;
- 4-27 South 53°33' East, 111.6 feet; South 80°09' East, 54.06 feet;
- 4-28 North 48°08' East, 66.4 feet; South 56°57' East, 73.7 feet;
- 4-29 North 68°01' East, 90.24 feet; North 42°56' East, 55.92 feet;
- 4-30 North 10°29' East, 112.91 feet, an iron pipe set; North 22°56'
- 4-31 West, 138.5 feet;
- 4-32 North 66°27' West, 142.4 feet; North 34°34' West, 117.0 feet;
- 4-33 North 81°20' West, 76.2 feet; South 81°46' West, 58.5 feet;
- 4-34 North 53°49' West, 140.0 feet; North 60°03' West, 31.7 feet;
- 4-35 North 89°40'58" West, 28.54 feet; North 61°10' West, 59.03
- 4-36 feet;
- 4-37 North 48°13' West, 50.2 feet to a point in said Creek from
- 4-38 which a 1/2 inch iron pin set lies North 27°34' east, 61.0 feet;
- 4-39 North 7°40' East, 89.2 feet;
- 4-40 North 25°05' East, 62.0 feet; North 53°10' East, 78.33 feet to
- 4-41 a point in said Creek from which a 1/2 inch iron pin set lies North
- 4-42 79°09' east, 59.0 feet;
- 4-43 North 65°14' East, 102.08 feet; South 79°09' East, 91.04 feet;
- 4-44 South 68°14' East, 49.56 feet; South 79°13' East, 80.58 feet to
- 4-45 a point in said Creek from which a 1/2 inch iron pin set lies South
- 4-46 64°02' east, 21.0 feet;
- 4-47 North 67°14' East, 140.87 feet; South 70°46' East, 55.18 feet;
- 4-48 North 77°32' East, 61.82 feet to a point in said Creek from
- 4-49 which a 1/2 inch iron pin set lies South 26°06' east, 27.0 feet; North
- 4-50 51°37' 43" East, 88.62 feet;
- 4-51 North 7°03' East, 37.0 feet; North 25°07' West, 43.0 feet;
- 4-52 North 48°56' West, 38.0 feet; North 73°10' West, 41.0 feet;
- 4-53 North 4°39' West, 32.0 feet; North 28°33' East, 47.4 feet;
- 4-54 North 37°15' East, 52.5 feet; North 51°21' East, 71.8 feet;
- 4-55 South 88°50' East, 48.7 feet; North 63°40' East, 71.6 feet;
- 4-56 North 77°02' East, 65.0 feet; South 71°12' East, 48.0 feet, an
- 4-57 iron pin set;
- 4-58 South 20°46' East, 130.0 feet to a point in said Creek where
- 4-59 the man-made channel of said Creek takes the waters of Little Elm
- 4-60 Creek to the south and at the southeast corner of the Talley Ranch
- 4-61 Management 113.75 acres, Ref. Doc. No. 96-0089522;
- 4-62 Thence continuing up the center of Little Elm Creek and with
- 4-63 the northwest line said 333.47 acre tract and with the southeast
- 4-64 line of said 113.75 acre tract as follows:
- 4-65 South 89°00' East, 64.5 feet;
- 4-66 South 60°27' East, 56.2 feet; South 73°16' East, 53.0 feet;
- 4-67 North 84°45' East, 47.0 feet; North 78°45' East, 69.0 feet;
- 4-68 North 1°44' East, 225.0 feet; North 45°00' East, 98.0 feet;
- 4-69 North 63°50' East, 139.3 feet; North 74°27' East, 44.5 feet;

- 5-1 North 59°00' East, 80.5 feet; South 82°10' East, 57.2 feet;
- 5-2 North 69°32' East, 112.4 feet; North 80°09' East, 96.0 feet;
- 5-3 South 71°12'45"East, 83.84 feet to a point in said Creek from
- 5-4 which a 1/2 inch iron pin set lies South 58°18' east, 64.78 feet;
- 5-5 South 81°12' East, 82.0 feet;
- 5-6 North 64°54' East, 111.5 feet; North 73°58' East, 92.0 feet;
- 5-7 South 89°09'35"East, 111.88 feet to a point in said Creek from
- 5-8 which a 1/2 inch iron pin set lies South 57°30' east, 33.65 feet;
- 5-9 North 56°15' East, 41.5 feet;
- 5-10 North 39°34' East, 53.0 feet; North 23°29' East, 69.4 feet;
- 5-11 North 19°37' West, 49.0 feet; North 42°02' East, 35.0 feet;
- 5-12 North 15°56' East, 65.5 feet; North 18°18' West, 46.6 feet;
- 5-13 North 58°17' West, 64.7 feet; South 88°12' West, 183.5 feet;
- 5-14 North 60°20' West, 50.3 feet; North 87°25' West, 63.7 feet;
- 5-15 North 78°27' West, 123.0 feet; North 75°31' West, 119.5 feet;
- 5-16 North 13°48' West, 199.0 feet; North 24°51' East, 76.3 feet;
- 5-17 North 45°38' East, 155.0 feet; North 56°41'14"East, 78.49 feet
- 5-18 to a point in said Creek at the northwest corner said 333.47 acre
- 5-19 tract, the southwest corner of the Samuel A. Piga 127.2128 acres,
- 5-20 Ref. V. 3369, P. 700 and in the east line of said 113.75 acre tract;
- 5-21 Thence south 33°34'02"east, 62.52 feet with the north line
- 5-22 said 333.47 acre tract and with the south line of said 127.2128 acre
- 5-23 tract to an iron pin found;
- 5-24 Thence south 66°32'27"east, 1572.33 feet with the north line
- 5-25 said 333.47 acre tract, with the south line of said 127.2128 acre
- 5-26 tract and with a fence to an iron pin found beside a steel pipe
- 5-27 corner post at the northeast corner said 333.47 acre tract and at an
- 5-28 ell corner of said 127.2128 acre tract;
- 5-29 Thence south 0°21'55"west, with the east line said 333.47 acre
- 5-30 tract, the east line of said 693.6925 acre tract, with the west line
- 5-31 of the Donnie J. Tamplen 61.016 acres, Ref. Doc. No. 96-0067653, the
- 5-32 west line of the Sangani Properties Ltd 19.3670 acres, Ref. Doc. No.
- 5-33 04-1110047 and with the west line of the MBJ #2 LLC UNITED STATES
- 5-34 POST OFFICE LOT 1, Ref. Doc. No. 04-85524, passing a 1/2 inch iron
- 5-35 pin set at 300.0 feet and continuing with the center of Smiley Road,
- 5-36 in all 3703.1 feet to an iron pin found in said east line and Road
- 5-37 for an angle point;
- 5-38 Thence south 0°02'08"east, 1826.54 feet with the east line of
- 5-39 said 693.6925 acre tract, with the west line of said Lot 1 and with
- 5-40 the center of Smiley Road to an iron pin found at the southeast
- 5-41 corner of said 693.6925 acre tract, the southwest corner of said Lot
- 5-42 1 and in the north R.O.W. line of Farm Road No. 428;
- 5-43 Thence southwesterly with the south line of said 693.6925
- 5-44 acre tract and with the north R.O.W. line of Farm Road No. 428 as
- 5-45 follows:
- 5-46 South 37°48'16"West, 159.72 feet to the beginning of a curve
- 5-47 to the left;
- 5-48 with said curve to the left an arc of 117.26 feet on a radius
- 5-49 of 1196.28 feet, around a central angle of 5°36'58" with a chord of
- 5-50 117.21 feet which bears South 68°46' west;
- 5-51 South 60°42'46" West, 104.26 feet to the beginning of a curve
- 5-52 to the left;
- 5-53 with said curve to the left an arc of 258.7 feet around a
- 5-54 central angle of 12°26'32" on a radius of 1191.28 feet with a chord
- 5-55 of 258.19 feet which bears South 54°44' west to the end of said
- 5-56 curve;
- 5-57 South 48°31' west, 760.55 feet to a wood R.O.W. Mon.;
- 5-58 South 69°26'30"West, 186.8 feet to a 1/2 inch iron pin set;
- 5-59 South 20°33'24"East, 71.44 feet to a wood R.O.W. Mon.;
- 5-60 South 48°31' west, 88.7 feet; South 54°14' west, 100.5 feet;
- 5-61 South 48°31' west, 300.0 feet; South 45°39' west, 100.1 feet;
- 5-62 South 48°31' west, 1100.0 feet; South 45°39' west, 100.1 feet;
- 5-63 South 48°31' west, 1298.93 feet; South 51°23' west, 100.1 feet;
- 5-64 South 48°31' west, 169.23 feet to an iron pin found at the south
- 5-65 corner of said 693.6925 acre tract and at the southeast corner of
- 5-66 the Bilal K. Nabahani 73.861 acres, Ref. V. 2414, P. 583;
- 5-67 Thence north 1°08'42"east, 1802.89 feet with a west line of
- 5-68 said 693.6925 acre tract, with the east line of said 73.861 acre
- 5-69 tract and on a line near a fence to an iron pin found at an ell

6-1 corner of said 693.6925 acre tract and at the northeast corner of
6-2 said 73.861 acre tract;

6-3 Thence north 89°26'26"west, 4747.32 feet with a south line of
6-4 said 693.6925 acre tract, with the north line of said 73.861 acre
6-5 tract, the north line of the Bilal K. Nabahani 107.10 acres and
6-6 22.265 acres, Ref. V. 2414, P. 583 and with the center of the
6-7 apparently abandoned Tom Cole Road to an iron pin found at the west,
6-8 southwest corner of said 693.6925 acre tract, the northwest corner
6-9 of said 22.265 acre tract and in the east R.O.W. line of Farm Road
6-10 No. 1385;

6-11 Thence north 2°40'26"east, 3167.33 feet with the west line of
6-12 said 693.6925 acre tract and with said east R.O.W. line to a R.O.W.
6-13 Mon. for an angle point;

6-14 Thence north 2°49'23"east, 886.52 feet with said west line and
6-15 said east R.O.W. line to the PLACE OF BEGINNING and containing
6-16 1027.0755 acres of land.

6-17 SECTION 3. (a) The legal notice of the intention to
6-18 introduce this Act, setting forth the general substance of this
6-19 Act, has been published as provided by law, and the notice and a
6-20 copy of this Act have been furnished to all persons, agencies,
6-21 officials, or entities to which they are required to be furnished
6-22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-23 Government Code.

6-24 (b) The governor, one of the required recipients, has
6-25 submitted the notice and Act to the Texas Commission on
6-26 Environmental Quality.

6-27 (c) The Texas Commission on Environmental Quality has filed
6-28 its recommendations relating to this Act with the governor, the
6-29 lieutenant governor, and the speaker of the house of
6-30 representatives within the required time.

6-31 (d) All requirements of the constitution and laws of this
6-32 state and the rules and procedures of the legislature with respect
6-33 to the notice, introduction, and passage of this Act are fulfilled
6-34 and accomplished.

6-35 SECTION 4. This Act takes effect immediately if it receives
6-36 a vote of two-thirds of all the members elected to each house, as
6-37 provided by Section 39, Article III, Texas Constitution. If this
6-38 Act does not receive the vote necessary for immediate effect, this
6-39 Act takes effect September 1, 2007.

6-40 * * * * *