

By: Wentworth

S.B. No. 2008

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Comal County Special Improvement District No. 1; providing authority to impose a tax and issue bonds.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. COMAL COUNTY SPECIAL IMPROVEMENT DISTRICT NO. 1. Subtitle C, Title 4, Special District Local Laws Code, is amended by adding Chapter 3855 to read as follows:

CHAPTER 3855. COMAL COUNTY SPECIAL IMPROVEMENT DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 3855.001. DEFINITIONS. In this chapter:

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

(2) "County" means Comal County.

(3) "Director" means a board member.

(4) "District" means the Comal County Special Improvement District No. 1.

Sec. 3855.002. NATURE OF DISTRICT. The district is a public improvement district created under and essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 3855.003. COUNTY CONSENT; CONFIRMATION ELECTION REQUIRED. (a) An election may not be held under this section unless the commissioners court of the county adopts a resolution or order consenting to the creation of the district.

(b) After consent by the county, the board shall hold an

1 election to confirm the creation of the district as provided by
2 Section 49.102, Water Code.

3 Sec. 3855.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
4 land and other property in the district will benefit from the
5 improvements and services to be provided by the district.

6 Sec. 3855.005. INITIAL DISTRICT TERRITORY. (a) The
7 district is initially composed of the territory described by
8 Section 2 of the Act creating this chapter.

9 (b) The boundaries and field notes contained in Section 2 of
10 the Act creating this chapter form a closure. A mistake in the
11 field notes or in copying the field notes in the legislative process
12 does not affect the district's:

13 (1) organization, existence, or validity;

14 (2) right to issue any type of bond for a purpose for
15 which the district is created or to pay the principal of and
16 interest on the bond;

17 (3) right to impose an assessment or tax; or

18 (4) legality or operation.

19 Sec. 3855.006. APPLICABILITY OF PUBLIC IMPROVEMENT
20 DISTRICTS LAW. Except as otherwise provided by this chapter,
21 Subchapter C, Chapter 372, Local Government Code, applies to the
22 district.

23 [Sections 3855.007-3855.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 3855.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of seven directors appointed by the
27 commissioners court of the county.

1 (b) Directors serve staggered two-year terms, with three or
2 four directors' terms expiring June 1 of each year.

3 [Sections 3855.052-3855.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 3855.101. PUBLIC IMPROVEMENT DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties applicable to public
7 improvement districts created under Subchapter C, Chapter 372,
8 Local Government Code, including the power to:

9 (1) impose an assessment, ad valorem tax, sales and
10 use tax, or hotel occupancy tax;

11 (2) issue bonds payable from any source of district
12 money; and

13 (3) make an economic development grant or loan.

14 Sec. 3855.102. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

16 [Sections 3855.103-3855.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 3855.151. GENERAL AUTHORITY TO USE DISTRICT MONEY FOR
19 DISTRICT PURPOSES. Using any money available to the district, the
20 district may accomplish any district purpose or pay the cost of any
21 service or improvement.

22 Sec. 3855.152. AUTHORITY TO IMPOSE ASSESSMENTS AND TAXES.
23 To accomplish any district purpose, the district may impose:

24 (1) an assessment;

25 (2) an ad valorem tax;

26 (3) a sales and use tax; or

27 (4) a hotel occupancy tax.

1 Sec. 3855.153. TAX AND BOND ELECTIONS REQUIRED. (a) The
2 district may not issue bonds or impose an ad valorem tax, sales and
3 use tax, or hotel occupancy tax unless the issuance or the tax is
4 approved by a majority of the district voters voting at an election
5 held for that purpose.

6 (b) The district shall hold the election in the manner
7 provided by Subchapter L, Chapter 375, Local Government Code.

8 (c) Section 375.243, Local Government Code, does not apply
9 to the district.

10 Sec. 3855.154. COUNTY AUTHORITY. An assessment, ad valorem
11 tax, sales and use tax, or hotel occupancy tax imposed under this
12 chapter is subject to any applicable approvals or rates set by the
13 county under Subchapter C, Chapter 372, Local Government Code.

14 [Sections 3855.155-3855.200 reserved for expansion]

15 SUBCHAPTER E. BONDS

16 Sec. 3855.201. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. (a) The district may issue bonds or other obligations
18 payable wholly or partly from assessments, ad valorem taxes, sales
19 and use taxes, hotel occupancy taxes, fees, revenue, grants, or
20 other district money, or any combination of those sources, to pay
21 for any authorized district purpose.

22 (b) In addition to any other terms authorized by the board
23 by bond order or resolution, the proceeds of the district's bonds
24 may be used for a reserve fund, credit enhancement, or capitalized
25 interest for the bonds.

26 Sec. 3855.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
27 the time bonds or other obligations payable wholly or partly from ad

1 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 or other
9 obligations as the interest becomes due;

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

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

14 SECTION 2. BOUNDARIES. The Comal County Special
15 Improvement District No. 1 initially includes all the territory
16 contained in the following area:

17 A 2,778.48 acre, or 121,030,782.22 square feet more or less
18 tract of land being a 2,309 acre tract, recorded in volume 7749,
19 Pages 1258-1264 of the Official Records of Bexar County, Texas, and
20 Document Number 9806026871 of the Official Records of Comal County,
21 Texas, a 238.16 acre tract recorded in Document 960620323 of the
22 Deed and Plat records of Comal County, Texas, a 60.02 acre tract
23 recorded in Volume 498, Pages 43-44 of the Deed Records of Comal
24 County, Texas, a 13.61 acre tract recorded in Volume 225, Pages
25 576-578 of the Deed Records of Comal County, Texas, and a 158.52
26 acre tract Recorded in document number 200206041889 of The Official
27 Records of Comal County, Texas. Said 2,778.48 acre tract being more

1 fully described as follows:

2 BEGINNING: At a found 1/2" iron rod with a yellow cap marked
3 "Pape-Dawson" at a point on the south line of said 22.98 acre tract:

4 Along and with the south boundary of the 2,309 acre tract the
5 following calls and distances:

6 S 60°28'07"W, 60.38 feet to a point;
7 S 46°07'00"E, 23.20 feet to a point;
8 S 02°00'00"W, 80.00 feet to a point;
9 N 46°38'43"W, 94.61 feet to a point;
10 S 60°28'07"W, 138.87 feet to a point;
11 S 58°47'07"W, 373.76 feet to a point;
12 S 59°08'07"W, 416.37 feet to a point;
13 S 60°29'09"W, 562.70 feet to a point;
14 S 59°27'41"W, 860.15 feet to a point;
15 S 59°43'01"W, 259.34 feet to a point;
16 N 30°49'29"W, 1120.38 feet to a point;
17 N 82°28'44"W, 437.54 feet to a point;
18 S 59°46'45"W, 743.25 feet to a point;
19 S 59°14'57"W, 289.04 feet to a point;
20 S 59°32'41"W, 831.49 feet to a point;
21 N 64°19'38"W, 872.26 feet to a point;
22 S 40°32'35"W, 155.95 feet to a point;
23 N 63°33'54"W, 1278.48 feet to a point;
24 N 25°12'29"E, 127.61 feet to a point;
25 N 70°57'36"W, 330.73 feet to a point;
26 N 77°00'45"W, 1337.95 feet to a point;
27 S 25°02'24"W, 422.80 feet to a point;

- 1 N 73°14'34"W, 1265.26 feet to a point;
- 2 N 53°14'59"W, 1160.84 feet to a point;
- 3 N 75°53'36"W, 248.06 feet to a point;
- 4 N 15°58'08"E, 192.00 feet to a point;
- 5 N 51°45'49"E, 252.25 feet to a point;
- 6 N 18°54'16"W, 959.59 feet to a point;
- 7 N 76°11'05"W, 102.59 feet to a point;
- 8 N 25°53'06"W, 446.73 feet to a point;
- 9 N 01°22'17"W, 65.10 feet to a point;
- 10 N 29°25'16"W, 286.85 feet to a point;
- 11 N 59°34'05"W, 243.66 feet to a point;
- 12 N 63°37'50"W, 191.75 feet to a point;
- 13 N 63°37'50"W, 690.12 feet to a point;
- 14 S 67°53'01"W, 473.45 feet to a point;
- 15 S 66°20'43"W, 1416.93 feet to a point;
- 16 S 71°53'26"W, 454.78 feet to a point;
- 17 S 72°08'33"W, 676.12 feet to a point;
- 18 S 75°53'58"W, 653.41 feet to a point;
- 19 S 66°42'39"W, 518.52 feet to a point;
- 20 S 80°40'26"W, 656.77 feet to a point;
- 21 N 63°26'07"W, 133.24 feet to a point;
- 22 N 46°06'49"W, 150.73 feet to a point;
- 23 N 10°39'14"W, 1731.66 feet to a point;
- 24 N 10°27'45"W, 2326.40 feet to a point;
- 25 N 63°37'51"W, 312.20 feet to a point;
- 26 N 16°27'56"W, 210.58 feet to a point;
- 27 N 54°58'26"E, 133.71 feet to a point;

1 S 56°04'00"E, 689.85 feet to a point;
2 S 83°19'36"E, 1275.97 feet to a point;
3 N 43°22'18"E, 5207.85 feet to a point;
4 S 36°32'42"E, 748.05 feet to a point;
5 S 37°09'11"E, 1161.91 feet to a point;
6 S 63°43'03"E, 531.36 feet to a point;
7 N 70°07'57"E, 16.01 feet to a point;
8 S 43°36'38"E, 496.77 feet to a point;
9 S 61°25'53"E, 544.06 feet to a point;
10 N 77°01'45"E, 519.29 feet to a point;
11 S 61°01'36"E, 373.68 feet to a point;
12 S 55°29'01"E, 270.38 feet to a point;
13 S 52°02'55"E, 469.37 feet to a point;
14 S 80°21'11"E, 206.49 feet to a point;
15 N 47°57'38"E, 271.60 feet to a point;
16 S 86°21'39"E, 146.74 feet to a point;
17 S 85°24'53"E, 761.23 feet to a point;
18 N 72°33'56"E, 1018.52 feet to a point;
19 N 61°45'35"E, 120.88 feet to a point;
20 N 69°36'58"E, 85.85 feet to a point;
21 N 73°21'56"E, 94.77 feet to a point;
22 N 72°17'08"E, 221.18 feet to a point;
23 N 73°50'53"E, 231.16 feet to a point;

24 Departing the boundary of the 2309 acre tract, along and with
25 the boundary of the 158.52 acre tract the following calls and
26 distances:

27 N 16°04'10"E, 1079.49 feet to a point;

1 N 54°41'58"E, 485.59 feet to a point;
2 S 83°28'10"E, 855.02 feet to a point;
3 Along the arc of a curve to the left, said curve having a
4 radial bearing of N 06°31'50" E, a radius of 1500.00 feet, a central
5 angle of 57°26'15", a chord bearing and distance of N 67°48'43" E,
6 1441.53 feet, and an arc length of 1503.71 feet to a point;
7 N 39°05'36"E, 1343.51 feet to a point;
8 N 12°41'56"E, 419.43 feet to a point;
9 Along the arc of a curve to the right, said curve having a
10 radial bearing of S 77°18'04" E, a radius of 120.00 feet, a central
11 angle of 23°48'02", a chord bearing and distance of N 24°35'57" E,
12 49.49 feet, and an arc length of 49.85 feet to a point;
13 N 36°29'59"E, 323.46 feet to a point;
14 Along the arc of a curve to the right, said curve having a
15 radial bearing of S 53°30'01" E, a radius of 300.00 feet, a central
16 angle of 15°09'34", a chord bearing and distance of N 44°04'46" E,
17 79.14 feet, and an arc length of 79.37 feet to a point;
18 N 51°39'32"E, 110.32 feet to a point;
19 S 38°20'28"E, 174.45 feet to a point;
20 S 47°13'35"W, 471.00 feet to a point;
21 S 38°10'19"E, 464.93 feet to a point;
22 S 38°28'33"E, 461.96 feet to a point;
23 S 38°28'33"E, 463.39 feet to a point;
24 S 47°24'11"W, 501.16 feet to a point;
25 S 47°04'05"W, 203.72 feet to a point;
26 S 47°18'22"W, 3538.71 feet to a point;
27 Departing the boundary of the 158.52 acre tract, along and

1 with the boundary of the 2309 acre tract the following calls and
2 distances:

- 3 S 50°03'27"E, 0.47 feet to a point;
- 4 S 49°55'40"E, 331.03 feet to a point;
- 5 S 49°55'41"E, 443.71 feet to a point;
- 6 S 49°46'53"E, 464.02 feet to a point;
- 7 S 46°48'33"E, 188.62 feet to a point;
- 8 S 21°19'51"E, 389.91 feet to a point;
- 9 S 21°00'34"E, 1117.02 feet to a point;
- 10 S 21°00'34"E, 265.93 feet to a point;
- 11 S 38°03'36"E, 106.05 feet to a point;
- 12 S 38°03'36"E, 248.32 feet to a point;
- 13 S 47°09'40"E, 479.88 feet to a point;
- 14 S 35°26'37"E, 600.02 feet to a point;
- 15 S 40°32'06"E, 62.93 feet to a point;

16 Departing the boundary of the 2309 acre tract, along and with
17 the boundary of the 238.16 acre tract the following calls and
18 distances:

- 19 N 55°23'28"E, 15.40 feet to a point;
- 20 N 55°29'52"E, 830.03 feet to a point;
- 21 N 55°27'16"E, 182.42 feet to a point;
- 22 N 07°48'23"W, 899.28 feet to a point;
- 23 N 07°27'51"W, 353.13 feet to a point;
- 24 N 07°42'21"W, 1184.57 feet to a point;
- 25 N 07°31'40"W, 1390.98 feet to a point;
- 26 N 43°38'53"E, 1933.83 feet to a point;
- 27 N 45°50'37"E, 15.10 feet to a point;

1 S 38°26'29"E, 1452.33 feet to a point;

2 Departing the boundary of the 238.16 acre tract, along and
3 with the boundaries of the 13.61 acre and 60.02 acre tracts the
4 following calls and distances:

5 S 38°10'13"E, 742.06 feet to a point;

6 Along the arc of a curve to the right, said curve having a
7 radial bearing of S 51°49'39" W, a radius of 1850.08 feet, a central
8 angle of 26°44'22", a chord bearing and distance of S 24°48'10" E,
9 855.61 feet, and an arc length of 863.42 feet to a point;

10 S 11°25'51"E, 188.51 feet to a point;

11 S 74°07'56"W, 621.29 feet to a point;

12 S 50°13'10"W, 1219.38 feet to a point;

13 Departing the boundaries of the 13.61 acre and 60.02 acre
14 tracts, along and with the boundary of the 2309 acre tract 238.16
15 acre tract the following calls and distances:

16 S 37°30'12"E, 500.00 feet to a point;

17 S 37°55'31"E, 394.11 feet to a point;

18 S 02°43'30"E, 534.84 feet to a point;

19 S 02°07'30"E, 100.32 feet to a point;

20 S 61°42'23"W, 1037.62 feet to a point;

21 S 18°33'04"E, 268.17 feet to a point;

22 N 61°59'56"E, 389.84 feet to a point;

23 S 36°38'15"E, 310.76 feet to a point;

24 S 00°24'01"E, 74.14 feet to a point;

25 S 35°13'27"E, 39.88 feet to a point;

26 N 47°41'25"E, 497.91 feet to a point;

27 N 40°26'55"E, 189.89 feet to a point;

1 N 44°26'42"E, 146.59 feet to a point;
2 S 48°33'03"E, 281.38 feet to a point;
3 S 58°46'20"W, 888.30 feet to a point;
4 S 40°44'49"W, 24.21 feet to a point;
5 S 39°56'14"W, 534.12 feet to a point;
6 S 31°05'36"W, 1061.63 feet to a point;
7 S 54°56'28"W, 331.28 feet to a point;
8 S 28°07'22"E, 281.19 feet to a point;
9 S 31°41'52"E, 824.01 feet to a point;
10 S 35°35'38"E, 176.86 feet to the point of beginning.

11 CONTAINING: 2,778.48 acres (121,030,782.22 sq. ft.)

12 SECTION 3. LEGISLATIVE FINDINGS. The legislature finds
13 that:

14 (1) proper and legal notice of the intention to
15 introduce this Act, setting forth the general substance of this
16 Act, has been published as provided by law, and the notice and a
17 copy of this Act have been furnished to all persons, agencies,
18 officials, or entities to which they are required to be furnished by
19 the constitution and laws of this state, including the governor,
20 who has submitted the notice and Act to the Texas Commission on
21 Environmental Quality;

22 (2) the Texas Commission on Environmental Quality has
23 filed its recommendations relating to this Act with the governor,
24 lieutenant governor, and speaker of the house of representatives
25 within the required time;

26 (3) the general law relating to consent by political
27 subdivisions to the creation of districts with conservation,

1 reclamation, and road powers and the inclusion of land in those
2 districts has been complied with; and

3 (4) all requirements of the constitution and laws of
4 this state and the rules and procedures of the legislature with
5 respect to the notice, introduction, and passage of this Act have
6 been fulfilled and accomplished.

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