

By: Estes

S.B. No. 2010

A BILL TO BE ENTITLED

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the Fort Griffin Special Utility District.

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

SECTION 1. Subtitle C, Title 6, Special District Local Laws Code, is amended by adding Chapter 7210 to read as follows:

CHAPTER 7210. FORT GRIFFIN SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7210.001. DEFINITION. In this chapter, "district" means the Fort Griffin Special Utility District.

Sec. 7210.002. NATURE OF DISTRICT. The district is a special utility district in portions of Shackelford, Stephens, and Throckmorton Counties created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution. The district is created to serve a public use and benefit.

Sec. 7210.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation and initial directors' election held before September 1, 2009:

(1) the district is dissolved on September 1, 2009, except that:

(A) any debts of the district incurred shall be paid;

(B) any assets of the district that remain after

1 the payment of debts shall be transferred to Shackelford, Stephens,
2 and Throckmorton Counties as appropriate; and

3 (C) the organization of the district shall be
4 maintained until all debts are paid and remaining assets are
5 transferred; and

6 (2) this chapter expires September 1, 2012.

7 Sec. 7210.004. APPLICABILITY OF OTHER SPECIAL UTILITY
8 DISTRICT LAW. Except as otherwise provided by this chapter,
9 Chapters 49 and 65, Water Code, apply to the district.

10 Sec. 7210.005. 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:

17 (1) the organization, existence, or validity of the
18 district;

19 (2) the right of the district to issue any type of
20 bond, including a refunding bond, for a purpose for which the
21 district is created or to pay the principal of and interest on a
22 bond; or

23 (3) the legality or operation of the district or the
24 board of directors of the district.

25 [Sections 7210.006-7210.020 reserved for expansion]

26 SUBCHAPTER A-1. TEMPORARY PROVISIONS

27 Sec. 7210.021. TEMPORARY DIRECTORS. (a) The temporary

1 board of directors of the district is composed of:

- 2 (1) E. D. "Buddy" Fincher;
- 3 (2) Sam R. Snyder;
- 4 (3) Burrell R. McKelvain;
- 5 (4) John A. Adams;
- 6 (5) James Lamoine Johnson;
- 7 (6) Sidney Collinsworth; and
- 8 (7) Richard Lawrence Spore.

9 (b) Each temporary director shall qualify for office as
10 provided by Section 49.055, Water Code.

11 (c) If a temporary director fails to qualify for office, the
12 temporary directors who have qualified shall appoint a person to
13 fill the vacancy. If at any time there are fewer than four
14 qualified temporary directors, the Texas Commission on
15 Environmental Quality shall appoint the necessary number of
16 directors to fill all vacancies on the board.

17 (d) Temporary directors serve until initial directors are
18 elected under Section 7210.022.

19 (e) As soon as practicable after all the temporary directors
20 have qualified under Section 49.055, Water Code, the temporary
21 directors shall meet and elect officers from among their
22 membership.

23 Sec. 7210.022. CONFIRMATION AND INITIAL DIRECTORS'
24 ELECTION. (a) The temporary directors shall hold an election to
25 confirm the creation of the district and to elect seven initial
26 directors in accordance with Chapters 49 and 65, Water Code, on or
27 before September 1, 2009.

1 (b) The temporary board of directors shall determine the
2 method for determining the initial term of each person on the
3 initial board of directors. The terms must be clearly stated on the
4 ballot for the confirmation and directors' election.

5 (c) Section 41.001(a), Election Code, does not apply to a
6 confirmation election held as provided by this section.

7 (d) Initial directors serve until the first regularly
8 scheduled election of directors under Subchapter C, Chapter 65,
9 Water Code.

10 Sec. 7210.023. TRANSFER OF ASSETS; DISSOLUTION. (a) If the
11 district's creation is confirmed under Section 7210.022, the
12 Shackelford Water Supply Corporation shall transfer the assets,
13 debts, and contractual rights and obligations of the corporation to
14 the district.

15 (b) Not later than the 30th day after the date of the
16 transfer under Subsection (a), the board of directors of the
17 Shackelford Water Supply Corporation shall commence dissolution
18 proceedings of the corporation.

19 (c) On dissolution of the Shackelford Water Supply
20 Corporation, Certificate of Convenience and Necessity No. 11637 is
21 considered to be held by the district.

22 (d) The board of directors of the Shackelford Water Supply
23 Corporation shall notify the Texas Commission on Environmental
24 Quality of the dissolution of the corporation and of the transfer of
25 Certificate of Convenience and Necessity No. 11637 to the district.

26 (e) On receipt of notice under Subsection (d), the Texas
27 Commission on Environmental Quality shall note in its records that

1 Certificate of Convenience and Necessity No. 11637 is held by the
2 district and shall reissue the certificate in the name of the
3 district without further application, notice, or hearing. A person
4 does not have a right to protest or to request an administrative
5 review of the transfer prescribed by this section.

6 Sec. 7210.024. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2012.

8 [Sections 7210.025-7210.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

10 Sec. 7210.051. DIRECTORS. The district is governed by a
11 board of not fewer than five and not more than 11 directors.

12 [Sections 7210.052-7210.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 7210.101. GENERAL POWERS. Except as otherwise
15 provided by this subchapter, the district has all of the rights,
16 powers, privileges, functions, and duties provided by the general
17 law of this state, including Chapters 49 and 65, Water Code,
18 applicable to special utility districts created under Section 59,
19 Article XVI, Texas Constitution.

20 Sec. 7210.102. WATER SERVICE IMPACT FEE. (a) The district
21 may charge a water service impact fee that is equal to the equity
22 buy-in fee charged by the Shackelford Water Supply Corporation on
23 December 31, 2006, under that corporation's tariff.

24 (b) Chapter 395, Local Government Code, does not apply to
25 the initial water service impact fee set under this section.

26 (c) The district may increase the water service impact fee
27 only as provided by Chapter 395, Local Government Code, or as

1 approved by the Texas Commission on Environmental Quality.

2 SECTION 2. The Fort Griffin Special Utility District
3 initially includes all the territory contained in the following
4 area:

5 BEING that portion of Stephens, Shackelford and Throckmorton
6 Counties of Texas, which has a boundary more particularly described
7 as follows:

8 BEGINNING at the Northwest corner of said Stephens County,
9 same being the Northeast corner of said Shackelford County and said
10 point being on the South line of said Throckmorton County;

11 Thence North 89 degrees 36 minutes East, 8,314 feet along the
12 common boundary line of said Stephens and Throckmorton Counties to
13 a point;

14 Thence North 00 degrees 35 minutes West, cross-country, a
15 distance of 16,454 feet to a point 500 feet at right angles and in a
16 southerly direction from the centerline of FM Highway 209;

17 Thence North 88 degrees 42 minutes East, parallel and 500
18 feet in a southerly direction from said centerline of FM Highway 209
19 a distance of 916 feet to a point;

20 Thence North 00 degrees 13 minutes West, perpendicular to
21 said centerline of FM Highway 209, at 500 feet pass said centerline,
22 continuing a total distance of 1,000 feet to a point 500 feet at
23 right angles and in a northerly direction from said centerline;

24 Thence South 89 degrees 35 minutes West, parallel and 500
25 feet in a northerly direction from said centerline 3,470 feet to a
26 point;

27 Thence North, cross-country, a distance of 11,956 feet to the

1 centerline of U.S. Highway 183;

2 Thence North 60 degrees 36 minutes West, along said
3 centerline of U.S. Highway 183 a distance of 5,864 feet to the
4 intersection of said centerline with the centerline of County Road
5 334;

6 Thence North 00 degrees 11 minutes West along said centerline
7 of County Road 334 a distance of 6,722 feet to the beginning of a
8 curve to the right in said centerline;

9 Thence North 89 degrees 25 minutes East continuing along the
10 centerline of said County Road 334 a distance of 11,154 feet to the
11 intersection of said centerline with the centerline of FM Highway
12 1710;

13 Thence North 00 degrees 30 minutes West along said centerline
14 of FM Highway 1710, at approximately 6,300 feet pass a point being
15 the beginning of a curve to the right in said centerline, said point
16 further being the beginning of the centerline of County Road 324, at
17 approximately 11,200 feet pass a point where said centerline of
18 County Road 324 turns easterly, and continuing, cross country, a
19 total distance of 43,858 feet to the intersection of said
20 centerline with the centerline of U.S. Highway 380;

21 Thence along said centerline of U.S. Highway 380 the
22 following calls;

23 North 89 degrees 05 minutes West 4,062 feet;

24 South 77 degrees 54 minutes West 1,867 feet;

25 South 89 degrees 32 minutes West 6,804 feet;

26 North 75 degrees 17 minutes West 2,895 feet;

27 South 88 degrees 57 minutes West 7,936 feet to its

1 intersection with the centerline of County Road 306;

2 Thence South 00 degrees 23 minutes East along said centerline
3 of County Road 306 a distance of 6,413 feet to the intersection of
4 said centerline with the centerline of County Road 304;

5 Thence North 89 degrees 41 minutes West along said centerline
6 of County Road 304 a distance of 13,076 feet to the intersection of
7 said centerline with the centerline of U.S. Highway 183;

8 Thence South 31 degrees 42 minutes East, along said
9 centerline 2,752 feet to a point being the beginning of a curve to
10 the right;

11 THENCE along said curve to the right (said curve having a
12 radius of 1,322 feet, a delta angle of 67 degrees 43 minutes and a
13 long chord having a bearing of South 02 degrees 09 minutes West and
14 length of 1,473 feet) a distance of 1,563 feet to its point of
15 tangency;

16 Thence South 36 degrees 00 minutes West, along said
17 centerline 1,457 feet to a point;

18 Thence North 89 degrees 25 minutes West, cross-country,
19 12,592 feet to the centerline of County Road 212;

20 Thence North 00 degrees 45 minutes West, along said
21 centerline of said County Road 212, at approximately 4,225 feet
22 pass the termination of County Road 212 at a point on the centerline
23 of FM Highway 923, and continuing along said centerline of FM
24 Highway 923 a total distance of 9,190 feet to its intersection with
25 the centerline of U.S. Highway 380;

26 Thence along the centerline of said U.S. Highway 380 the
27 following calls:

1 South 89 degrees 41 minutes West 51,385 feet;

2 North 85 degrees 33 minutes West 11,181 feet;

3 South 89 degrees 38 minutes West 15,590 feet to the
4 common boundary line of Haskell and Throckmorton Counties;

5 Thence South 00 degrees 24 minutes East 82,400 feet along
6 said Haskell/ Throckmorton County line to the Southeast corner of
7 Haskell County, same being the Southwest corner of Throckmorton
8 County at a point on the North line of Shackelford County;

9 Thence North 89 degrees 39 minutes East 25,380 feet along
10 said Throckmorton/Shackelford County line to a point;

11 Thence South, cross-country, 128,518 feet to a point;

12 Thence South 34 degrees 23 minutes East, cross-country, at
13 28,145 feet pass County Road 191, continuing a total distance of
14 29,405 feet to the centerline of U.S. Highway 283;

15 Thence South 00 degrees 22 minutes East, cross-country, 7,662
16 feet to the common boundary line of Callahan and Shackelford
17 Counties;

18 Thence North 89 degrees 38 minutes East, along said
19 Callahan/Shackelford County line 51,503 feet to the centerline of
20 County Road 192;

21 Thence North 00 degrees 39 minutes West, along said
22 centerline of County Road 192 a distance of 7,283 feet to a point;

23 Thence South 89 degrees 58 minutes East, cross-country, a
24 distance of 4,299 feet to the centerline of State Highway 6;

25 Thence South 27 degrees 09 minutes East, along said State
26 Highway 6 a distance of 8,125 feet to the common boundary line of
27 Shackelford and Callahan Counties;

1 Thence North 89 degrees 32 minutes East, along said
2 Shackelford/Callahan County line a distance of 33,782 feet to a
3 point;

4 Thence North 00 degrees 59 minutes West, cross-county, 48,780
5 to a point in the centerline of FM Highway 576;

6 Thence along said centerline of FM Highway 576 the following
7 calls:

8 South 89 degrees 25 minutes West 10,714 feet;

9 South 57 degrees 34 minutes West 1,302 feet;

10 South 89 degrees 18 minutes West 13,752 feet to a point
11 being the intersection of said centerline with the centerline of FM
12 Road 601;

13 Thence North 00 degrees 52 minutes West, along said
14 centerline of FM Highway 601, at 12,500 feet pass a point for the
15 centerline of County Road 103; continuing along said centerline of
16 County Road 103 a total distance 18,909 feet to a point;

17 Thence North 55 degrees 13 minutes East, along said
18 centerline of County Road No. 103 a distance of 5,285 feet to a
19 point;

20 Thence North 89 degrees 12 minutes East, continuing along
21 said centerline, a distance of 2,752 feet to its intersection with
22 said Stephens/Shackelford County line;

23 Thence North 00 degrees 26 minutes West, along said
24 Stephens/Shackelford County line 300 feet to a point;

25 Thence parallel and 300 feet in a northerly direction from
26 the centerline of said County Road 290 the following calls:

27 North 89 degrees 21 minutes East 15,589 feet;

1 North 65 degrees 32 minutes East 6,569 feet to a point;
2 Thence North 10 degrees 07 minutes East 7,500 feet
3 cross-country to a point on the normal pool elevation contour line
4 of 1,183.0 feet of Hubbard Creek Reservoir;

5 Thence in a westerly direction, following said normal pool
6 elevation contour line of Hubbard Creek Reservoir the following
7 calls:

8 North 14 degrees 42 minutes West 798 feet,
9 North 56 degrees 41 minutes West 341 feet,
10 South 78 degrees 23 minutes West 1,080 feet,
11 South 40 degrees 02 minutes West 548 feet,
12 South 01 degrees 49 minutes West 356 feet,
13 North 45 degrees 39 minutes West 488 feet,
14 South 78 degrees 34 minutes West 681 feet,
15 South 49 degrees 07 minutes West 818 feet,
16 North 24 degrees 51 minutes East 765 feet,
17 North 49 degrees 12 minutes East 994 feet,
18 North 44 degrees 31 minutes West 1,128 feet,
19 South 65 degrees 08 minutes East 1,441 feet,
20 North 51 degrees 45 minutes East 756 feet,
21 North 20 degrees 46 minutes West 259 feet,
22 North 85 degrees 17 minutes East 1,469 feet,
23 North 05 degrees 50 minutes East 1,678 feet,
24 South 78 degrees 09 minutes West 1,089 feet,
25 North 12 degrees 03 minutes West 1,011 feet,
26 South 48 degrees 45 minutes East 772 feet,
27 North 61 degrees 43 minutes East 883 feet,

1 South 71 degrees 21 minutes East 936 feet,
2 North 08 degrees 26 minutes West 902 feet,
3 South 76 degrees 11 minutes West 638 feet,
4 North 22 degrees 04 minutes East 1,302 feet,
5 North 62 degrees 46 minutes West 1,505 feet,
6 North 85 degrees 17 minutes East 2,391 feet,
7 North 11 degrees 30 minutes East 843 feet,
8 North 47 degrees 29 minutes West 949 feet,
9 North 00 degrees 59 minutes East 904 feet,
10 North 65 degrees 41 minutes West 2,405 feet,
11 South 85 degrees 31 minutes East 2,093 feet,
12 North 41 degrees 29 minutes East 1,802 feet,
13 North 10 degrees 38 minutes East 2,348 feet,
14 North 32 degrees 30 minutes West 1,822 feet,
15 North 58 degrees 19 minutes East 1,293 feet,
16 South 71 degrees 24 minutes East 2,456 feet,
17 North 17 degrees 07 minutes West 2,413 feet,
18 South 66 degrees 37 minutes West 1,790 feet,
19 South 15 degrees 38 minutes West 580 feet,
20 South 57 degrees 54 minutes West 1,376 feet,
21 North 31 degrees 12 minutes West 1,354 feet,
22 North 55 degrees 19 minutes East 1,038 feet,
23 North 55 degrees 51 minutes West 1,083 feet,
24 North 16 degrees 24 minutes East 2,303 feet,
25 North 76 degrees 32 minutes East 1,995 feet,
26 North 04 degrees 06 minutes West 841 feet,
27 North 39 degrees 22 minutes West 1,360 feet,

1 North 80 degrees 09 minutes West 987 feet,
2 South 60 degrees 46 minutes West 1,275 feet,
3 North 42 degrees 32 minutes West 1,347 feet,
4 North 65 degrees 32 minutes West 1,348 feet,
5 South 82 degrees 51 minutes West 2,614 feet,
6 South 33 degrees 44 minutes West 1,103 feet,
7 South 83 degrees 49 minutes East 2,399 feet,
8 South 35 degrees 51 minutes East 1,001 feet,
9 South 55 degrees 19 minutes West 2,608 feet,
10 South 55 degrees 51 minutes East 903 feet,
11 South 61 degrees 05 minutes West 990 feet,
12 South 16 degrees 47 minutes East 1,321 feet,
13 North 51 degrees 40 minutes West 2,153 feet,
14 South 76 degrees 54 minutes West 805 feet,
15 South 05 degrees 19 minutes West 878 feet,
16 South 59 degrees 52 minutes West 914 feet,
17 South 01 degrees 04 minutes West 1,839 feet,
18 North 33 degrees 07 minutes West 1,741 feet,
19 South 78 degrees 25 minutes West 2,466 feet,
20 South 04 degrees 51 minutes East 3,943 feet,
21 South 69 degrees 49 minutes West 1,608 feet,
22 South 19 degrees 57 minutes West 1,582 feet,
23 South 75 degrees 11 minutes West 1,824 feet,
24 North 49 degrees 11 minutes West 3,135 feet,
25 South 42 degrees 33 minutes West 1,928 feet,
26 North 23 degrees 21 minutes East 1,751 feet,
27 North 34 degrees 28 minutes West 605 feet,

1 South 56 degrees 49 minutes West 1,215 feet,
2 North 53 degrees 37 minutes West 632 feet,
3 South 02 degrees 53 minutes West 2,606 feet,
4 South 24 degrees 24 minutes West 1,692 feet,
5 North 20 degrees 18 minutes West 1,789 feet,
6 South 80 degrees 27 minutes West 1,621 feet,
7 South 74 degrees 51 minutes West 1,258 feet, to said
8 Stephens/Shackelford County line;

9 Thence North 00 degrees 26 minutes West, along said
10 Stephens/Shackelford County line, a distance of 70,649 feet to the
11 POINT OF BEGINNING;

12 SAVE AND EXCEPT the following tract of land that includes the
13 City of Albany:

14 BEGINNING at a point on the centerline of U.S. Highway 283 a
15 distance of 3,040 feet North of the intersection of U.S. Highway 283
16 and County Road 147;

17 Thence South 81 degrees 20 minutes East 6,252 feet to a
18 beginning of a curve to the left;

19 Thence along said curve having a radius of 2,000 feet, at
20 approximately 1,730 feet pass State Highway 6, continuing a total
21 distance of 2,265 feet to the point of tangency, said curve having a
22 long chord with a bearing of North 66 degrees 13 minutes East and a
23 length of 2,146 feet;

24 Thence North 33 degrees 46 minutes East at approximately
25 2,820 feet pass FM Highway 601, continuing a total distance of 6,692
26 feet to the beginning of curve to the left;

27 Thence along said curve having a radius of 2,000 feet, a total

1 distance 3,790 feet to the point of tangency, said curve having a
2 long chord with a bearing of North 20 degrees 30 minutes West and a
3 length of 3,247 feet;

4 Thence North 74 degrees 47 minutes West 2,226 feet to the
5 beginning of a curve to the right;

6 Thence along said curve having a radius of 2,000 feet, a
7 distance of 1,885 feet to the point of tangency, said curve having a
8 long chord which bears North 47 degrees 46 minutes West and a length
9 of approximately 1,817 feet;

10 Thence North 20 degrees 44 minutes West 3,045 feet to the
11 beginning of curve to the left;

12 Thence along said curve having a radius of 2,000 feet, a
13 distance of approximately 3,140 feet to the point of tangency, said
14 curve having a long chord which bears North 65 degrees 41 degrees
15 West 2,826 feet;

16 Thence South 69 degrees 22 minutes West 1,026 feet to the
17 beginning of curve to the right;

18 Thence along said curve having a radius of 2,000 feet, a
19 distance of approximately 476 feet to the point of tangency, said
20 curve having a long chord which bears South 76 degrees 11 minutes
21 West 475 feet;

22 Thence South 83 degrees 00 minutes West 10,307 feet to the
23 beginning of a curve to the left;

24 Thence along said curve having a radius of 2,000 feet, a
25 distance of approximately 2,930 feet to the point of tangency, same
26 being a point in the centerline of a county road, said curve having
27 a long chord with a bearing of South 41 degrees 02 minutes West and a

1 length of 2,675 feet;

2 Thence South 00 degrees 56 minutes East 7,434 feet to the
3 beginning of curve to the left;

4 Thence along said curve having a radius of 2,000 feet, 2,805
5 feet to the point of tangency, said curve having a long chord which
6 bears South 41 degrees 08 minutes East and a length of approximately
7 2,582 feet;

8 Thence South 81 degrees 20 minutes East 3,088 feet to a point;

9 Thence South 10,168 feet to a point;

10 Thence East 4,957 feet to a point;

11 Thence North 9,413 feet to the POINT OF BEGINNING.

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

19 (b) The governor has submitted the notice and Act to the
20 Texas Commission on Environmental Quality.

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

25 (d) The general law relating to consent by political
26 subdivisions to the creation of a conservation and reclamation
27 district and the inclusion of land in the district has been complied

1 with. All requirements of the constitution and laws of this state
2 and the rules and procedures of the legislature with respect to the
3 notice, introduction, and passage of this Act are fulfilled and
4 accomplished.

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