

By: Wentworth

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A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Southern Travis Special Utility District; providing authority to issue bonds; granting the power of eminent domain.

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 7214 to read as follows:

CHAPTER 7214. SOUTHERN TRAVIS SPECIAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7214.001. DEFINITION. In this chapter, "district" means the Southern Travis Special Utility District.

Sec. 7214.002. NATURE OF DISTRICT. The district is a special utility district in Travis County 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. 7214.003. APPLICABILITY OF OTHER SPECIAL UTILITY DISTRICT LAW. Except as otherwise provided by this chapter, Chapters 49 and 65, Water Code, apply to the district.

Sec. 7214.004. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act creating this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter form a closure. A mistake made in the

field notes or in copying the field notes in the legislative process does not affect:

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

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

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

[Sections 7214.005-7214.020 reserved for expansion]

SUBCHAPTER A-1. TEMPORARY PROVISIONS

Sec. 7214.021. TEMPORARY DIRECTORS. (a) The temporary board of directors of the district is composed of:

(1) Marc Knutsen;

(2) Bruce Morrison;

(3) Loren Smith;

(4) Rick Vaughn; and

(5) Tom Winkley.

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

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

1 (d) Temporary directors serve until initial directors are
2 elected under Section 7214.022.

3 (e) As soon as practicable after all the temporary directors
4 have qualified under Section 49.055, Water Code, the temporary
5 directors shall convene the organizational meeting of the district
6 and elect officers from among the temporary directors.

7 Sec. 7214.022. NO CONFIRMATION ELECTION; INITIAL
8 DIRECTORS' ELECTION. (a) The temporary board of directors is not
9 required to hold an election to confirm the creation of the
10 district.

11 (b) The temporary board of directors shall hold an election
12 to elect not fewer than five and not more than 11 directors, as
13 determined by the temporary board.

14 (c) The temporary board of directors shall determine the
15 method for determining the initial term of each person on the
16 initial board of directors. The terms must be clearly stated on the
17 ballot for the directors' election.

18 (d) Initial directors serve until the first regularly
19 scheduled election of directors under Subchapter C, Chapter 65,
20 Water Code, to be held not earlier than 2012.

21 Sec. 7214.023. EXPIRATION OF SUBCHAPTER. This subchapter
22 expires September 1, 2015.

23 [Sections 7214.024-7214.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 7214.051. DIRECTORS. (a) The district is governed by
26 a board of not fewer than five and not more than 11 directors.

27 (b) Notwithstanding Section 65.103(b), Water Code, a

1 director serves a four-year term of office and may serve
2 consecutive terms.

3 [Sections 7214.052-7214.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 7214.101. GENERAL POWERS. (a) Except as otherwise
6 provided by this chapter, the district has all of the rights,
7 powers, privileges, functions, and duties provided by the general
8 law of this state, including Chapters 49 and 65, Water Code,
9 applicable to special utility districts created under Section 59,
10 Article XVI, Texas Constitution.

11 (b) The district may:

12 (1) purchase, own, hold, lease, and otherwise acquire
13 sources of water supply;

14 (2) build, operate, and maintain facilities for the
15 transportation of water;

16 (3) sell water to municipalities and other political
17 subdivisions of this state, private businesses, and individuals;

18 (4) provide for the protection, preservation, and
19 restoration of the purity and sanitary condition of water within
20 the district; and

21 (5) purchase, construct, acquire, own, operate,
22 maintain, repair, improve, extend, or establish a municipal solid
23 waste collection and disposal system, including a system for
24 recycling, inside or outside the district, and assess proper
25 charges for the use of the system.

26 (c) The district may require the use of a solid waste
27 collection and disposal system described by Subsection (b)(5) as a

1 condition for the receipt of other district services.

2 (d) The district may enter into an exclusive contract with a
3 private entity to provide solid waste collection and disposal
4 services to all land and persons inside the district.

5 Sec. 7214.102. EMINENT DOMAIN. The district has all the
6 authority under Chapters 49 and 65, Water Code, of a special utility
7 district to acquire by condemnation any land, easement, or other
8 property located inside or outside the boundaries of the district
9 for any district project or purpose.

10 Sec. 7214.103. ANNEXATION. The owner of a tract of land that
11 has an area of at least 50 acres and that has been released by
12 written agreement from the certificate of public convenience and
13 necessity of a rural water supply corporation may petition the
14 district to be annexed into the district. On receipt of a petition,
15 the board may issue an order granting the petition, and the land
16 described by the petition will be included in the district. Land
17 annexed under this section is not required to be contiguous to the
18 district.

19 SECTION 2. The Southern Travis Special Utility District
20 initially includes all the territory contained in the following
21 area:

22 ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL
23 VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING ALL OF THAT CERTAIN
24 87.884 ACRE TRACT OF LAND CONVEYED TO ONION ASSOCIATES, LTD. BY
25 INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE OFFICIAL
26 PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF THAT
27 CERTAIN 117.188 ACRE TRACT OF LAND AS CONVEYED TO ONION ASSOCIATES,

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1 LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE
2 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF
3 THAT CERTAIN 2.273 ACRE TRACT OF LAND CONVEYED TO UNION ASSOCIATES,
4 LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE
5 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING ALL OF
6 THAT CERTAIN 8.17 ACRE TRACT OF LAND CONVEYED TO UNION ASSOCIATES,
7 LTD. BY INSTRUMENT RECORDED IN DOCUMENT NO. 2006236625 OF THE
8 OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, THE HEREIN
9 DESCRIBED TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND
10 BOUNDS AS FOLLOWS:

11 BEGINNING at an "X" found cut in rock at the Northwest corner of
12 said 87.884 acre tract, being in the East r.o.w. line of Interstate
13 Hwy 35 South, being in the approximate centerline of Onion Creek for
14 the Northwest corner and PLACE OF BEGINNING hereof;

15 THENCE along the North line of said 87.884 acre tract, being along
16 the approximate centerline of Onion Creek for the following
17 courses:

18 S 73°04'00" E for a distance of 450.65 feet to an angle point
19 S 74°19'00" E for a distance of 334.57 feet to an angle point
20 S 57°11'00" E for a distance of 216.95 feet to an angle point
21 S 72°26'00" E for a distance of 402.24 feet to an angle point
22 S 76°51'00" E for a distance of 357.17 feet to an angle point
23 S 39°52'00" E for a distance of 114.70 feet to an angle point
24 S 57°41'30" E for a distance of 308.12 feet to an angle point
25 S 00°49'00" E for a distance of 131.00 feet to an angle point
26 S 25°09'00" E for a distance of 206.00 feet to an angle point
27 S 53°57'45" E for a distance of 249.20 feet to the Northeast

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corner of said 87.884 acre tract, being the Northwest corner
of said 117.188 acre tract;

THENCE continuing along the approximate centerline of Onion Creek,
being along the North line of said 117.188 acre tract for the
following courses:

S 58°55'57" E for a distance of 450.70 feet to an angle point

S 50°14'57" E for a distance of 251.84 feet to an angle point

S 42°25'57" E for a distance of 186.54 feet to an angle point

S 62°12'49" E for a distance of 50.33 feet to the Northeast
corner of said 117.188 acre tract for the Northeast corner hereof;

THENCE along the Northeast line of said 117.188 acre tract for the
following courses:

S 30°38'00" W for a distance of 838.63 feet to a ½ inch iron
pin found

S 30°21'46" W for a distance of 497.98 feet to a ½ inch iron
pin found

S 71°43'13" E for a distance of 1128.85 feet to a ½ inch iron
pin found at an Easterly corner of said 117.188 acre tract;

THENCE along the most Easterly line of said 117.188 acre tract, S
30°23'29" W for a distance of 2048.99 feet to a ½ inch iron pin found
at the Southeast corner of said 117.188 acre tract for the Southeast
corner hereof;

THENCE along the South line of said 117.188 acre tract for the
following courses:

N 59°39'56" W for a distance of 1103.84 feet to a ½ inch iron
pin found

N 62°34'44" W for a distance of 458.27 feet to a ½ inch iron

1 pin found

2 N 62°51'16" W for a distance of 449.66 feet to a ½ inch iron
3 pin found at the Southwest corner of said 117.188 acre tract;
4 THENCE along the West line of said 117.188 acre tract for the
5 following courses:

6 N 30°09'07" E for a distance of 1666.09 feet to a 60-d nail
7 found

8 N 30°08'16" E for a distance of 188.47 feet to a ½ inch iron
9 pin found

10 N 28°36'40" E for a distance of 232.94 feet to a ½ inch iron
11 pin found at the Southeast corner of said 87.884 acre tract;
12 THENCE along the South line of said 87.884 acre tract, N 71°11'45" W
13 for a distance of 712.31 feet to a ½ inch iron pin found and N
14 71°03'33" W for a distance of 10.02 feet to a point in the
15 approximate centerline of a ravine, being the Northeast corner of
16 said 2.273 acre tract;

17 THENCE up the approximate centerline of a ravine, being the East
18 line of said 2.273 acre tract for the following courses:

19 S 44°35'07" W for a distance of 8.22 feet to an angle point

20 S 84°16'07" W for a distance of 95.67 feet to an angle point

21 S 05°36'07" W for a distance of 125.27 feet to the Southeast
22 corner of said 2.273 acre tract, being at the Northeast
23 corner of said 8.17 acre tract;

24 THENCE continuing up the approximate centerline of a ravine, being
25 the East line of said 8.17 acre tract for the following courses:

26 S 05°36'07" W for a distance of 185.51 feet to an angle point

27 S 31°17'17" W for a distance of 209.91 feet to an angle point

1 S 58°28'57" W for a distance of 81.12 feet to an angle point
2 S 33°12'43" E for a distance of 53.05 feet to an angle point
3 S 24°25'17" W for a distance of 94.24 feet to an angle point
4 S53°47'07" W for a distance of 19.29 feet to the Southeast
5 corner of said 8.17 acre tract;

6 THENCE along the South line of said 8.17 acre tract, N 64°09'33" W
7 for a distance of 580.49 feet to a ½ inch iron pin found at the
8 Southwest corner of said 8.17 acre tract;

9 THENCE along the West line of said 8.17 acre tract, N 20°39'51" E for
10 a distance of 592.26 feet to a ½ inch iron pin found at the Northwest
11 corner of said 8.17 acre tract, being at the Southwest corner of
12 said 2.273 acres tract;

13 THENCE along the West line of said 2.273 acre tract, N 33°27'08" W
14 for a distance of 238.55 feet to a ½ inch capped iron pin found at
15 the Northwest corner of said 2.273 acre tract, being in the South
16 line of said 87.884 acre tract;

17 THENCE along the South line of said 87.884 acre tract, N 33°32'38" W
18 for a distance of 145.29 feet to a ½ inch iron pin found and N
19 71°03'16" W for a distance of 698.93 feet to a capped iron pin found
20 at the Southwest corner of said 87.884 acre tract, being in the East
21 r.o.w. line of Interstate Hwy 35 South;

22 THENCE along the West line of said 87.884 acre tract, being along
23 the East ro.w. line of Interstate Hwy 35 South, N 20°25'54" E for a
24 distance of 1499.77 feet to the PLACE OF BEGINNING and containing
25 215.592 acres of land, more or less.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

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

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

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

12 (d) The general law relating to consent by political
13 subdivisions to the creation of a conservation and reclamation
14 district and the inclusion of land in the district has been complied
15 with. All requirements of the constitution and laws of this state
16 and the rules and procedures of the legislature with respect to the
17 notice, introduction, and passage of this Act are fulfilled and
18 accomplished.

19 SECTION 4. To the extent of any conflict, this Act prevails
20 over any provision of S.B. No. 1688, S.B. No. 1689, or H.B. No.
21 3719, if those Acts are passed by the 80th Legislature, Regular
22 Session, 2007, and become law.

23 SECTION 5. 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.