

By: Wentworth

S.B. No. 2026

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of the True Ranch Municipal Utility District No. 1; providing authority to impose taxes and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8269 to read as follows:

CHAPTER 8269. TRUE RANCH MUNICIPAL UTILITY DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8269.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the True Ranch Municipal Utility District No. 1.

Sec. 8269.002. NATURE OF DISTRICT. The district is a municipal utility district in Hays County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8269.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8269.023 before September 1, 2012:

(1) the district is dissolved September 1, 2012, except that:

1 (A) any debts incurred shall be paid;

2 (B) any assets that remain after the payment of
3 debts shall be transferred to Hays County; and

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

7 (2) this chapter expires September 1, 2015.

8 Sec. 8269.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

9 (a) All land and other property in the district will benefit from
10 the works and projects to be accomplished by the district under
11 powers conferred by Section 59, Article XVI, Texas Constitution.

12 (b) The district is created to serve a public use and
13 benefit.

14 Sec. 8269.005. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

17 (b) The boundaries and field notes contained in Section 2 of
18 the Act creating this chapter form a closure. A mistake made in the
19 field notes or in copying the field notes in the legislative process
20 does not affect:

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

23 (2) the right of the district to impose taxes;

24 (3) the right of the district to issue bonds, notes, or
25 other indebtedness or to pay the principal of and interest on a
26 bond;

27 (4) the validity of the district's bonds, notes, or

1 other indebtedness; or

2 (5) the legality or operation of the district or the
3 board.

4 [Sections 8269.006-8269.020 reserved for expansion]

5 SUBCHAPTER A-1. TEMPORARY PROVISIONS

6 Sec. 8269.021. TEMPORARY DIRECTORS. (a) On or after
7 September 1, 2007, a person who owns land in the district may submit
8 a petition to the Texas Commission on Environmental Quality
9 requesting that the commission appoint as temporary directors the
10 five persons named in the petition.

11 (b) The Texas Commission on Environmental Quality shall
12 appoint as temporary directors the five persons named in the first
13 petition received by the commission under Subsection (a).

14 (c) If a temporary director fails to qualify for office or
15 if a vacancy occurs in the office of temporary director, the vacancy
16 shall be filled as provided by Section 49.105, Water Code.

17 (d) Temporary directors serve until the earlier of:

18 (1) the date directors are elected under Section
19 8269.023; or

20 (2) the date this chapter expires under Section
21 8269.003.

22 Sec. 8269.022. ORGANIZATIONAL MEETING OF TEMPORARY
23 DIRECTORS. As soon as practicable after all the temporary
24 directors have qualified under Section 49.055, Water Code, the
25 directors shall meet at a location in the district agreeable to a
26 majority of the directors. If a location cannot be agreed upon, the
27 meeting shall be at the Hays County Courthouse. At the meeting, the

1 temporary directors shall elect officers from among the temporary
2 directors and conduct any other district business.

3 Sec. 8269.023. CONFIRMATION AND INITIAL DIRECTORS'
4 ELECTION. (a) The temporary directors shall hold an election to
5 confirm the creation of the district and to elect five directors as
6 provided by Section 49.102, Water Code.

7 (b) Section 41.001(a), Election Code, does not apply to a
8 confirmation and initial directors' election held under this
9 section.

10 Sec. 8269.024. INITIAL ELECTED DIRECTORS; TERMS. The
11 directors elected under Section 8269.023 shall draw lots to
12 determine which two serve until the first regularly scheduled
13 election of directors under Section 8269.052 and which three shall
14 serve until the second regularly scheduled election of directors.

15 Sec. 8269.025. DATE OF FIRST REGULARLY SCHEDULED ELECTION
16 OF DIRECTORS. The board by order may postpone the first election
17 under Section 8269.052 following the confirmation and initial
18 directors' election held under Section 8269.023 if:

19 (1) the election would otherwise occur not later than
20 the 60th day after the date on which the confirmation election is
21 held; or

22 (2) the board determines that there is not sufficient
23 time to comply with the requirements of law and to order the
24 election.

25 Sec. 8269.026. EXPIRATION OF SUBCHAPTER. This subchapter
26 expires September 1, 2015.

27 [Sections 8269.027-8269.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8269.051. DIRECTORS; TERMS. (a) The district is
3 governed by a board of five directors.

4 (b) Directors serve staggered four-year terms.

5 Sec. 8269.052. ELECTION OF DIRECTORS. On the uniform
6 election date in May of each even-numbered year, the appropriate
7 number of directors shall be elected.

8 [Sections 8269.053-8269.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8269.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8269.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8269.103. ROAD PROJECTS. (a) To the extent
19 authorized by Section 52, Article III, Texas Constitution, the
20 district may construct, acquire, improve, maintain, or operate
21 arterials or main feeder roads or improvements in aid of those
22 roads.

23 (b) A road project must meet all applicable construction
24 standards, zoning and subdivision requirements, and regulatory
25 ordinances of the municipality or county in whose jurisdiction the
26 district is located.

27 Sec. 8269.104. COMPLIANCE WITH MUNICIPAL CONSENT

1 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
2 54.016, Water Code, the district shall comply with all valid and
3 applicable requirements of any ordinance or resolution adopted by a
4 municipality in the corporate limits or extraterritorial
5 jurisdiction of which the district is located, including an
6 ordinance or resolution adopted before September 1, 2007, that
7 consents to the creation of the district or to the inclusion of
8 lands within the district.

9 [Sections 8269.105-8269.150 reserved for expansion]

10 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

11 Sec. 8269.151. ELECTIONS REGARDING TAXES OR BONDS.

12 (a) Except as provided by Section 8269.201(b), the district may
13 issue, without an election, bonds and other obligations secured by
14 revenue or contract payments from any source other than ad valorem
15 taxation.

16 (b) The district must hold an election in the manner
17 provided by Chapters 49 and 54, Water Code, to obtain voter approval
18 before the district may impose an operation and maintenance tax or
19 issue bonds payable from ad valorem taxes.

20 Sec. 8269.152. OPERATION AND MAINTENANCE TAX. (a) If
21 authorized at an election held under Section 8269.151, the district
22 may impose an operation and maintenance tax on taxable property in
23 the district in accordance with Section 49.107, Water Code.

24 (b) The board shall determine the tax rate. The rate may not
25 exceed the rate approved at the election.

26 [Sections 8269.153-8269.200 reserved for expansion]

1 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

2 Sec. 8269.201. AUTHORITY TO ISSUE BONDS AND OTHER
3 OBLIGATIONS. (a) The district may issue bonds or other
4 obligations payable wholly or partly from ad valorem taxes, impact
5 fees, revenue, grants, or other district money, or any combination
6 of those sources, to pay for any authorized district purpose.

7 (b) The district may not issue bonds to finance projects
8 authorized by Section 8269.103 unless the issuance is approved by a
9 vote of a two-thirds majority of the voters of the district voting
10 at an election called for that purpose.

11 (c) Bonds or other obligations issued or incurred to finance
12 projects authorized by Section 8269.103 may not exceed one-fourth
13 of the assessed value of the real property in the district.

14 Sec. 8269.202. TAXES FOR BONDS. At the time bonds payable
15 wholly or partly from ad valorem taxes are issued:

16 (1) the board shall impose a continuing direct annual
17 ad valorem tax, without limit as to rate or amount, for each year
18 that all or part of the bonds are outstanding; and

19 (2) the district annually shall impose an ad valorem
20 tax on all taxable property in the district in an amount sufficient
21 to:

22 (A) pay the interest on the bonds as the interest
23 becomes due;

24 (B) create a sinking fund for the payment of the
25 principal of the bonds when due or the redemption price at any
26 earlier required redemption date; and

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

1 SECTION 2. The True Ranch Municipal Utility District No. 1
2 includes all the territory contained in the following area:
3 BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND CONTAINING 465.71
4 ACRES, MORE OR LESS, OF LAND AREA IN THE JOHN INGRAIM SURVEY,
5 ABSTRACT NO. 256, HAYS COUNTY, TEXAS, BEING A PORTION OF THAT TRACT
6 DESCRIBED AS 1279.69 ACRES IN A DEED FROM LESLIE TRUE VESPER ET AL
7 TO LESLIE TRUE VESPER DATED AUGUST 10, 1992 AND RECORDED IN VOLUME
8 948, PAGE 789 OF THE HAYS COUNTY OFFICIAL PUBLIC RECORDS, AND BEING
9 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

10 BEGINNING at a ½" iron rod found in the southwest line of R.M.
11 Highway No. 2325 and that tract described as an 80' R.O.W. in a deed
12 from Cecil H. Hale, et al to the State of Texas dated August 29, 1956
13 and recorded in Volume 169, Page 304 of the Hays County Deed Records
14 for the most northerly northwest corner of the panhandle portion of
15 this description and the Vesper 1279.69 acre tract and east corner
16 of that tract described as 592.30 acres in a deed from Leslie True
17 Vesper et al to Ameritrust Texas, N.A., Trustee dated August 10,
18 1992 and recorded in Volume 949, Page 572 of the Hays County
19 Official Public Records, from which a TXDOT concrete monument found
20 bears N 69°45'42" W 162.75 feet;

21 THENCE leaving the Ameritrust Texas 592.30 acre tract and the
22 PLACE OF BEGINNING as shown on that plat numbered 24587-06-3-d
23 dated May 30, 2006 prepared for Leslie Vesper by Byrn & Associates,
24 Inc., of San Marcos, Texas with the common northeast line of the
25 Vesper 1279.69 acre tract and southwest line of R.M. Highway No.
26 2325 and the State of Texas 80' R.O.W. tract S 69°48'34" E 599.94
27 feet to a ½" iron rod set for the northwest corner of that tract

1 described as "Tract 1-1.00 acres" in a deed from Thomas W. Slaughter
2 et ux to Randy C. Brown et ux dated February 12, 1996 and recorded in
3 Volume 1206, Page 780 of the Hays County Official Public Records,
4 from which A TXDOT concrete monument found bears S 69°47'57" E
5 120.11 feet;

6 THENCE leaving R.M. Highway No. 2325 and the State of Texas
7 80' R.O.W. tract with the common east line of the Vesper 1279.69
8 acre tract and west and south lines of the Brown 1.00 acre Tract 1
9 the following two courses:

10 1. S 20°06'33" W 226.56 feet to a 2.5" pipe fence corner post
11 found for corner, and

12 S 69°41'58" E 234.42 feet to a 2" pipe fence corner post found
13 in the west line of that tract described as "Tract 2-5.347 acres" in
14 the previously mentioned deed to Randy C. Brown et ux for the
15 southeast comer of the Brown 1.00 acre Tract 1;

16 THENCE leaving the Brown 1.00 acre Tract 1 and continuing
17 with the common east line of the Vesper 1279.69 acre tract and west
18 line of the Brown 5.347 acre Tract 2, as fenced and used, the
19 following three courses:

20 S 00°10'12" E 410.74 feet to a ½" iron rod set at the
21 approximate centerline of an underground pipeline for angle point,

22 S 00°04'22" E 196.11 feet to a 2.5" pipe fence post found for
23 angle point, and

24 S 00°24'09" E 15.83 feet to an iron rod found with an aluminum
25 cap stamped "Pro-Tech Eng" at fence corner for the southwest corner
26 of the Brown 5.347 acre Tract 2 and northwest corner of the
27 remaining portion of that tract described as 187.78 acres in a deed

1 from Henry Polvado & Lillie Polvado to Wesley Springs dated May 6,
2 1983 and recorded in Volume 393, Page 570 of the Hays County Deed
3 Records (the Brown 5.347 acre Tract 2 being a portion of the Springs
4 187.78 acre tract);

5 THENCE leaving the Brown 5.347 acre Tract 2 and continuing
6 with the east line of the Vesper 1279.69 acre tract and west line of
7 the Springs 187.78 acre tract, as fenced and used, the following
8 three courses:

9 S 00°00'57" E 1012.24 feet to a 2.5" pipe fence post found for
10 angle point,

11 S 00°06'57" W 908.05 feet to a 4" pipe fence corner post found
12 for angle point, and

13 S 00°03'12" E 354.80 feet to a 4" pipe fence corner post found
14 for the southwest corner of the springs 187.78 acre tract and
15 northwest corner of that tract described as 126.97 acres in a deed
16 from Stanual W. Farris to the Stanual W. Farris Living Trust dated
17 March 10, 2005 and recorded in Volume 2646, Page 385 of the Hays
18 County Official Public Records;

19 THENCE leaving the Springs 187.78 acre tract and continuing
20 with the common east line of the Vesper 1279.69 acre tract and west
21 line of Farris Living Trust 126.97 acre tract, as fenced and used,
22 the following three courses:

23 S 00°12'25" W 952.36 feet to a 4" pipe fence post found for
24 angle point,

25 S 00°09'57"W 1087.12 feet to a 4" cedar post found for angle
26 point, and

27 S 00°22'11" W 1072.11 feet to a ½" iron rod found at fence

1 corner for the southwest corner of the Farris Living Trust 126.97
2 acre tract and northwest corner of that tract described as 32.03
3 acres in a deed from Phil Harris to Shannon Harris dated April 8,
4 1998 and recorded in Volume 1463, Page 335 of the Hays County
5 Official Public Records;

6 THENCE leaving the Farris Living Trust 126.97 acre tract and
7 continuing with the common east line of the Vesper 1279.69 acre
8 tract and west line of the Shannon Harris 32.03 acre tract, as
9 fenced and used, S 00°44'10"W 120.44 feet to a 4" cedar fence corner
10 post found for the southwest corner of the Shannon Harris 32.03 acre
11 tract and northwest corner of that tract described as 28.92 acres in
12 a deed from A.J. Farris et ux to Philip D. Farris dated July 18, 1991
13 and recorded in Volume 882, page 620 of the Hays County Official
14 Public Records;

15 THENCE leaving the Shannon Harris 32.03 acre tract and
16 continuing with the common east line of the Vesper 1279.69 acre
17 tract and west line of the Philip D. Farris 28.92 acre tract, as
18 fenced and used, S 00°24'02" W 279.19 feet to a ½" iron rod found at
19 fence corner for the southeast corner of this description and
20 northeast corner of that tract described as 52.30 acres in a deed
21 from Leslie True Vesper to Paul R. Eastup et ux dated June 5, 1996
22 and recorded in Volume 1240, Page 309 of the Hays County Official
23 Public Records (the Eastup 52.30 acre tract being a portion of the
24 Vesper 1279.69 acre tract);

25 THENCE leaving the Phillip D. Farris 28.92 acre tract and
26 entering the Vesper 1279.69 acre tract with the north line of the
27 Eastup 52.30 acre tract, N 87°10'57" W 1356.38 feet to a ½" iron rod

1 found in fence for the northwest corner of the Eastup 52.03 acre
2 tract and northeast corner of that tract described as 209.16 acres
3 in a deed from Leslie True Vesper to James Nicholas Edwards and Lynn
4 S. Edwards dated July 6, 2005 and recorded in Volume 2719, Page 740
5 of the Hays County Official Public Record (the Edwards 209.16 acre
6 tract being a portion of the Vesper 1279.69 acre tract);

7 THENCE leaving the Eastup 52.30 acre tract with the north
8 line of the Edwards 209.16 acre tract, as fenced and used, the
9 following five courses:

10 N 87°19'31" W 665.61 feet to a 4" pipe fence post found for
11 angle point,

12 N 86°58'45" W 535.67 feet to a 3" cedar fence post found for
13 angle point,

14 N 87°09'05" W 302.22 feet to a 3" cedar fence post found for
15 angle point,

16 N 87°26'23" W 724.92 feet to a 4" cedar fence post found for
17 angle point, and

18 N 86°46'01" W 426.90 feet to a ½" iron rod found with a plastic
19 cap stamped "Byrn Survey" in the east line of that tract described
20 as 504.13 acres in a deed from Leslie True Vesper to James L. Pierce
21 and David L. Pierce dated February 8, 1999 and recorded in Volume
22 1500, Page 452 of the Hays County Official Public Records (the
23 Pierce 504.13 acre tract being a portion of the Vesper 1279.69 acre
24 tract);

25 THENCE leaving the Edwards 209.16 acre tract with the east
26 line of the Pierce 504.13 acre tract the following two courses:

27 N 08°19'22" E 124.79 feet to a ½" iron rod found with a plastic

1 cap stamped "Byrn Survey" for corner, and
2 N 87°41'56" W 751.30 feet to a ½" iron rod found with a plastic
3 cap stamped "Byrn Survey" for the southwest corner of this
4 description, an interior corner in the east line of the Pierce
5 504.13 acre tract, and the south corner of that tract described as
6 10.59 acres in a deed from Leslie True Vesper to James L. Pierce and
7 David L. Pierce dated June 15, 2001 and recorded in Volume 1872,
8 Page 802 of the Hays County Official Public Records (the Pierce
9 10.59 acre tract being a portion of the Vesper 1279.69 acre tract);
10 THENCE leaving the Pierce 504.13 acre tract with the east
11 line of Pierce 10.59 acre tract the following two courses:
12 N 05°37'42" E (being the bearing basis for description) 734.58
13 feet to a ½" iron rod found with a plastic cap stamped "Byrn Survey"
14 for angle point, and
15 N 16°12'16" E 1026.26 feet to a 16" cedar tree stump found in
16 fence in the east line of the previously mentioned Pierce 504.13
17 acre tract for the north corner of the Pierce 10.59 acre tract;
18 THENCE leaving the Pierce 10.59 acre tract and continuing
19 with the east line of the Pierce 504.13 acre tract, as fenced and
20 used, the following eight courses:
21 N 20°34'38" E 42.67 feet to a 16" cedar tree stump found for
22 angle point,
23 N 15°43'09" E 241.85 feet to a 12" cedar tree stump found for
24 angle point,
25 N 08°41'46" E 86.90 feet to a 14" cedar tree stump found for
26 angle point,
27 N 07°33'58" E 244.38 feet to a 2.5" pipe fence post found for

1 angle point,

2 N 24°14'46" E 623.77 feet to a 6" cedar fence post found for

3 angle point,

4 N 24°15'46" E 420.45 feet to a 2.5" pipe fence post found for

5 angle point,

6 N 12°52'45" E 194.02 feet to a 2.5" pipe fence post found for

7 angle point, and

8 N 01°30'08" E 340.55 feet to a 4" pipe fence corner post found

9 in the south line of the previously mentioned Ameritrust Texas

10 592.30 acre tract and north line of the Vesper 1279.69 acre tract

11 for the northeast corner of the Pierce 504.13 acre tract and

12 exterior west corner of this description;

13 THENCE leaving the Pierce 504.13 acre tract with the common

14 north line of the Vesper 1279.69 acre tract, and south line of the

15 Ameritrust Texas 592.30 acre tract, as fenced and used, the

16 following six courses:

17 N 73°32'00" E 130.18 feet to a 4" pipe fence post found for

18 angle point,

19 S 48°36'36" E 170.02 feet to a ½" iron rod found for angle

20 point,

21 S 76°17'07" E 88.03 feet to a 4" pipe fence post found for

22 angle point,

23 S 86°44'44" E 798.24 feet to a 4" pipe fence post found for

24 angle point,

25 S 86°55'19" E 913.16 feet to a 4" pipe fence post found for

26 angle point, and

27 S 86°56'50" E 421.51 feet to a ½" iron rod found for the

1 southeast corner of the Ameritrust Texas 592.30 acre tract and
2 southwest corner of the panhandle portion of this description and
3 the Vesper 1279.69 acre tract;

4 THENCE leaving the fence with the common west line of the
5 panhandle portion of the Vesper 1279.69 acre tract and east line of
6 the Ameritrust Texas 592.30 acre tract the following two courses:

7 N 00°00'32" E 1999.62 feet to a ½" iron rod found for angle
8 point, and

9 N 32°23'54" E 1152.96 feet to the PLACE OF BEGINNING.

10 THERE are contained within these metes and bounds 465.71
11 acres, more or less, as prepared from public records and surveys
12 made on the ground in 1999, 2001, 2005 and on May 30, 2006 by Byrn &
13 Associates, Inc., of San Marcos, Texas. All ½" iron rods set are
14 capped with a plastic cap stamped "Byrn Survey".

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

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

25 (c) The Texas Commission on Environmental Quality has filed
26 its recommendations relating to this Act with the governor, the
27 lieutenant governor, and the speaker of the house of

1 representatives within the required time.

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

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