

House Bill 2734
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8199 to read as follows:

CHAPTER 8199. WILLIAMSON-LIBERTY HILL MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8199.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a board member.
- (3) "District" means the Williamson-Liberty Hill Municipal Utility District.

Sec. 8199.002. NATURE OF DISTRICT. The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8199.003. CONFIRMATION ELECTION REQUIRED. (a) The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

(b) If the creation of the district is not confirmed at a confirmation election before September 1, 2011:

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

- (A) pay any debts incurred;
- (B) transfer to Williamson County any assets that remain after the payment of debts; and
- (C) maintain the organization of the district until all debts are paid and remaining assets are transferred; and

(2) this chapter expires September 1, 2014.

Sec. 8199.004. FINDINGS OF BENEFIT AND

SENATE VERSION

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Sec. 8199.004. FINDINGS OF BENEFIT AND

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PUBLIC PURPOSE. All land and other property in the district will benefit from the improvements and services to be provided by the district.

Sec. 8199.005. 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 the district's:

(1) organization, existence, or validity;

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

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

(4) legality or operation.

[Sections 8199.006-8199.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8199.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five directors.

(b) Directors serve staggered four-year terms.

Sec. 8199.052. INITIAL DIRECTORS. (a) The initial board consists of:

(1) Brad Greenblum;

(2) Patrick Shelton;

(3) Mark Sprague;

(4) Keith Husbands; and

(5) Robert Gelernter.

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[Sections 8199.006-8199.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8199.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five **elected** directors.

(b) Directors serve staggered four-year terms.

Sec. 8199.052. INITIAL DIRECTORS. (a) The initial board consists of:

(1) Brad Greenblum;

(2) Patrick Shelton;

(3) Mark Sprague;

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(b) Unless the initial board agrees otherwise, the initial directors 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.

(c) This section expires September 1, 2014.

[Sections 8199.053-8199.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8199.101. GENERAL POWERS AND DUTIES.

The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8199.102. 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. 8199.103. COMPLIANCE WITH MUNICIPAL CONSENT RESOLUTION. The district shall comply with all applicable requirements of any resolution, adopted by the governing body of a municipality under Section 54.016, Water Code, that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8199.104. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the

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Sec. 8199.103. REGIONAL WASTE DISPOSAL POWERS AND DUTIES. The district has the powers and duties applicable to a district under Chapter 30, Water Code.

Sec. 8199.104. COMPLIANCE WITH MUNICIPAL CONSENT RESOLUTION. The district shall comply with all applicable requirements of any resolution, adopted by the governing body of a municipality under Section 54.016, Water Code, that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8199.105. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the

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design of any district wastewater treatment facility.
Sec. 8199.105. WASTEWATER SERVICE PROVIDERS. Only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

Sec. 8199.106. COMPLIANCE WITH **OCTOBER 2003** AGREEMENT. The district shall comply with the terms of the "Agreement Regarding Sewer Services Areas and Customers" among the Lower Colorado River Authority, the Brazos River Authority, the City of Georgetown, the City of Liberty Hill, and the Chisholm Trail Special Utility District dated **October 31, 2003**.

Sec. 8199.107. STREET REPAIR AND MAINTENANCE. After July 1, 2017, the district shall repair and maintain any streets in the district.

[Sections 8199.108-8199.150 reserved for expansion]
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8199.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from a source other than ad valorem taxation.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain

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Sec. 8199.107. COMPLIANCE WITH **FEBRUARY 2005** AGREEMENT. The district shall comply with the terms of the "Agreement Regarding Sewer Services Areas and Customers" among the Lower Colorado River Authority, the Brazos River Authority, the City of Georgetown, the City of Liberty Hill, and the Chisholm Trail Special Utility District dated **February 1, 2005**.

Sec. 8199.108. STREET REPAIR AND MAINTENANCE. (a) After July 1, 2017, the district, **at the district's expense**, shall repair and maintain any streets in the district.

(b) A district's repair and maintenance of streets under this section must meet all applicable construction standards and regulations of the City of Liberty Hill and Williamson County.

[Sections 8199.109-8199.150 reserved for expansion]
SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8199.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from a source other than ad valorem taxation.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain

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voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

Sec. 8199.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8199.151, the district may impose an operation and maintenance tax on taxable property in the district as provided by Chapter 49.107, Water Code.

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

[Sections 8199.153-8199.200 reserved for expansion]

SUBCHAPTER E. BONDS

Sec. 8199.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 8199.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

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

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount

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voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) An ad valorem tax rate imposed by the district may not exceed the rate approved at the election.

Sec. 8199.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8199.151, the district may impose an operation and maintenance tax on taxable property in the district as provided by Chapter 49.107, Water Code.

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

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Sec. 8199.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At the time bonds or other obligations payable wholly or partly from ad valorem taxes are issued:

(1) the board shall impose a continuing direct annual ad valorem tax, **at a rate not to exceed the rate approved at an election held under Section 8199.151**, for each year that all or part of the bonds are outstanding; and

(2) the district annually shall impose an ad valorem tax on all taxable property in the district in an amount

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sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due;

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

(C) pay the expenses of imposing the taxes.

SECTION 2. The Williamson-Liberty Hill Municipal Utility District initially includes all the territory contained in the following area:

DESCRIPTION OF 228.227 ACRES OF LAND OUT OF THE NOAH SMITHWICK SURVEY, ABSTRACT NO. 590 AND W.H. MONROE SURVEY, ABSTRACT NO. 453, SITUATED IN WILLIAMSON COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN 316 ACRE TRACT DESCRIBED IN A DEED TO EDWIN C. ROSENBUSCH, ET UX, OF RECORD IN VOLUME 427, PAGE 535 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS; AND ALSO BEING A PORTION OF THAT CERTAIN 10.98 ACRE TRACT DESCRIBED IN A DEED TO VINCENT J. STAGLIANO, OF RECORD IN DOCUMENT NO. 2005055873 OF THE OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS; SAID 228.227 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

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sufficient to:

(A) pay the interest on the bonds or other obligations as the interest becomes due;

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

(C) pay the expenses of imposing the taxes.

Same as House version.

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COMMENCING, for reference, at a 1/2-inch iron rod with cap found in the southwesterly right-of-way line of State Highway No. 29 (100-foot right-of-way), for the easterly corner of Lot 1 of the Amended R. McMillian Subdivision, of record in Cabinet K, Slides 67-68, of the Plat Records of Williamson County, and the northerly corner of said 10.98 acre tract;

THENCE, along the southwesterly line of said State Highway No. 29 with the northeasterly line of said 10.98 acre tract, the following two (2) courses and distances:

1) along a curve to the right having a radius of 2814.79 feet, a central angle of 6°49'21", an arc distance of 335.17 feet and a chord which bears S62°12'06"E, a distance of 334.97 feet, to a 1/2 inch iron rod with cap found for the end of said curve at or near State Highway No. 29 centerline Station 527+04.3, 50' LT.;

2) S58°44'38"E, a distance of 30.41 feet to a 1/2-inch iron rod with cap set for the POINT OF BEGINNING and an exterior ell corner hereof;

THENCE, S58°44'38"E, continuing along the southwesterly line of said State Highway No. 29, being the northwesterly line of said 10.98 acre tract, for a portion of the northeasterly line hereof, a distance of 180.00 feet to a 1/2-inch iron rod with cap set for an exterior ell corner hereof;

THENCE, leaving the southwesterly line of said State Highway No. 29, over and across said 10.98 acre and said 316 acre tracts along a portion of the northeasterly line hereof, the following five (5) courses and distances:

1) S31°17'49"W, a distance of 100.35 feet, to a 1/2-inch

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iron rod with cap set for an exterior ell corner hereof;
2) N58°42'11"W, a distance of 50.00 feet to 1/2-inch iron rod with cap set for an interior ell corner hereof;
3) S31°17'49"W, at a distance of 413.09 feet crossing the easterly line of said 316 acre tract, leaving said 10.98 acre tract, a total distance of 490.00 feet to a 1/2-inch iron rod with cap set for an interior ell corner hereof;
4) S58°42'11"E, at a distance of 68.19 feet crossing the westerly line of said 10.98 acre tract, leaving said 316 acre tract, a total distance of 489.99 feet to a 1/2-inch iron rod with cap set in the northwesterly line of that certain 10.00 acre tract described in a Contract of Sale and Purchase between the Veterans Land Board of Texas and William D. Jenkins, of record in Volume 755, Page 855, of said Deed Records and the southeasterly line of said 10.98 acre tract for an exterior ell corner hereof;
5) S31°16'19"W, along the northeasterly line of said 10.00 acre tract and the southeasterly line of said 10.98 acre tract, a distance of 215.92 feet to a 1/2-inch iron rod found at the base of a cedar fence post in the remains of a wire fence adjacent to the presently fenced and occupied northeasterly line of said 316 acre tract, for the monumented southerly corner of said 10.98 acre tract and said 10.00 acre tract, for an exterior ell corner hereof;
THENCE, along the southeasterly line of said 10.00 acre tract, for a portion of the northeasterly line hereof, the following three (3) courses and distances:
1) S55°45' 57"E, a distance of 87.60 feet to a 1/2-inch iron rod found for an angle point of said 10.00 acre tract

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and hereof;

2) S50°38'25"E, a distance of 154.10 feet to a 60d nail found in fence post for an angle point of said 10.00 acre tract and hereof;

3) S17°28'18"E, at 337.71 feet passing a 1/2-inch iron rod found for the southerly corner of said 10.00 acre tract and continuing along the southwesterly line of that certain 10.97 acre tract described in a deed to Vincent J. Stagliano, of record in Document No. 2006004521 of said Official Public Records, a total distance of 373.34 feet to a 1/2-inch iron rod found for the northeasterly corner of that certain 136.97 acre tract described in a deed to Z. M. Bonnet, of record in Volume 611, Page 672 of said Deed Records, the occupied southeasterly corner of said 316 acre tract and the southeasterly corner hereof;

THENCE, along the northerly line of said 136.97 acre tract as found, fenced and monumented on the ground, being the occupied southerly line of said 316 acre tract, for a portion of the southerly line hereof, the following three (3) courses and distances:

1) S68°22'05"W, a distance of 557.93 feet to a 1/2 inch iron rod found for an angle point of said 136.97 acre tract and hereof;

2) S70°27'30"W, a distance of 400.65 feet to a 1/2 inch iron rod found for an angle point of said 136.97 acre tract and hereof;

3) S69°53'20"W, a distance of 1672.24 feet to a 1/2-inch iron rod found for the northwesterly corner of said 136.97 acre tract at an offset in the presently occupied

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southerly line of said 316 acre tract for an angle point hereof;

THENCE, S20°01'45"E, along the westerly line of said 136.97 acre tract, a distance of 13.44 feet to a 1/2 inch iron rod found for the monumented northeasterly corner of said of that certain tract described as two hundred (200) acres in a deed to F.F. Davis, et ux, of record in Volume 329, Page 336 of said Deed Records, being an angle point in the southerly line of said 316 acre tract, and the southerly line hereof;

THENCE, S69°21'37"W, along the monumented north line of said two hundred acres, for a portion of the southerly line hereof, at a distance of 1005.26 feet passing a 1/2 inch iron rod with cap found for the northeasterly corner of that certain tract described as 3.16 acre in a deed to Pedernales Electric Cooperative, Inc., of record in Document No. 200640305, said Official Public Records, leaving the remainder of said two hundred acre tract and continuing along the fenced and monumented northerly line of said 3.16 acre tract, a total distance of 1468.55 feet to a 1/2-inch iron rod with cap set for the southwesterly corner hereof;

THENCE, leaving the northerly line of said 3.16 acre tract, over and across said 316 acre tract, the following six (6) courses and distances:

- 1) N11°17'24"W, a distance of 929.10 feet to a 1/2-inch iron rod found for an angle point hereof;
- 2) S67°33'15"W, a distance of 1456.16 feet to a 1/2-inch iron rod with cap found in the fenced and occupied easterly line of County Road 266, an unspecified width

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right-of-way, for an angle point hereof;

3) N08°44'30"W, along the easterly line of said county road, a distance of 687.16 feet to 1/2-inch iron rod with cap set for an angle point hereof;

4) N12°38'37"W, along the easterly line of said county road, a distance of 106.61 feet to a 1/2-inch iron rod with cap found for an angle point hereof;

5) N71°42'29"E, leaving said county road, a distance of 808.72 feet to a 1/2-inch iron rod with cap found for an angle point hereof;

6) N20°46'09"W, at a distance of 858.17 feet passing a 1/2-inch iron rod found, a total distance of 860.11 feet to a 1/2-inch iron rod with cap set in the southerly line of Twenty-Nine Ranch, a subdivision of record in Cabinet K, Slides 115-116 of said Plat Records for the northwesterly corner hereof;

THENCE, along the southerly line of said Twenty-Nine Ranch subdivision, and the southerly line of Poldrack Estates, a subdivision of record in Cabinet R, Slide 106 of said Plat Records, being the occupied northerly line of said 316 acre tract as found fenced on the ground, for the northwesterly line hereof, the following eight (8) courses and distances:

1) N69°14'51"E, along the southerly line of said Twenty-Nine Ranch, a distance of 715.53 feet to a 1/2-inch iron rod found for the common southeasterly corner of Lot 15, said Twenty-Nine Ranch and Lot 5A, said Poldrack Estates, for an angle point hereof;

2) N69°39'50"E, along the southerly line of said Poldrack Estates, a distance of 846.33 feet to a 1/2-inch

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iron rod with cap set at the common southeasterly corner of Lot 5B, said Poldrack Estates and Lots 2 and 3, said Twenty-Nine Ranch for an angle point hereof, from which a 1/2-inch iron rod found bears S32°14'32"W, a distance of 1.31 feet;

3) N69°21'16"E, leaving said Poldrack Estates and rejoining the southerly line of said Twenty-Nine Ranch, a distance of 294.84 feet, to a 1/2-inch iron rod found for an angle point of said Lot 2 and hereof;

4) N71°27'12"E, a distance of 234.01 feet to a 1/2-inch iron rod found for an angle point of said Lot 2 and hereof;

5) N72°01'52"E, a distance of 183.26 feet to a 1/2-inch iron rod found for the common southeasterly corner of Lots 1 and 2, said Twenty-Nine Ranch and an angle point hereof;

6) N70°51'21"E, a distance of 340.43 feet to a 1/2-inch iron rod found for an angle point of said Lot 1 and hereof;

7) N69°46'40"E, a distance of 330.74 feet to a 1/2-inch iron rod found for an angle point of said Lot 1 and hereof;

8) N82°26'30"E, a distance of 9.29 feet to a 1/2-inch iron rod with cap set for the northwesterly corner of that certain 3.034 acre tract described in a deed to Lonnie Draper, et al, of record in Volume 1148, Page 795, of the Official Records of Williamson County, Texas, for an angle point of said Lot 1, and for the occupied northeasterly corner of said 316 acre tract and hereof;

THENCE, S21°41'36"E, along the westerly line of said

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3.034 acre tract, being a portion of the northeasterly line of said 316 acre tract and hereof, a distance of 621.44 feet to a 1/2-inch iron rod found for the southwesterly corner of said, 3.034 acre tract, for an angle point of said 316 acre tract and hereof;

THENCE, in part along the southeasterly line of said 3.034 acre tract, being a portion of the northeasterly line of said 316 acre tract, the southeasterly line of that certain 5.526 acre tract described in a deed to James L. Click, et ux, in a deed of record in Document No. 9820992 of said Official Records, the southeasterly line of that certain 1.42 acre tract described in a deed to Allison M. Garcia, et al, of record in Document No. 2001016968 of said Official Public Records, and the southeasterly line of said Amended R. McMillian Subdivision; the following two (2) courses and distances:

1) N69°21'45"E, at a distance of 34.50 passing a 1/2-inch iron rod found for the common corner of said 3.034 acre tract and said 5.526 acre tract, at a distance of 496.40 feet passing a 1/2-inch iron rod found for the common corner of said 5.526 acre tract and said 1.42 acre tract, a total distance of 714.73 feet to a 1/2-inch iron rod found for the common corner of said 1.42 acre tract and said Amended McMillian Subdivision, for an angle point hereof;

2) N68°26'03"E, a distance of 1.30 feet to a 1/2-inch iron rod with cap set in the southeasterly line of said Amended McMillian Subdivision for an angle point hereof;

THENCE, leaving said Amended McMillian

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Subdivision, over and across said 316 acre tract and said 10.98 acre tract, along a portion of the northeasterly line hereof in the following four (4) courses and distances;

- 1) S58°42'11"E, a distance of 811.36 feet to a 1/2-inch iron rod with cap set for an interior ell corner hereof;
- 2) N31°17'49"E, at a distance of 130.95 feet crossing the westerly line of said 10.98 acre tract, leaving said 316 acre tract, a total distance of 453.80 feet to a 1/2-inch iron rod with cap set for an interior ell corner hereof;
- 3) N58°42'11"W, a distance of 50.00 feet to a 1/2-inch iron rod with cap set for an exterior ell corner hereof;
- 4) N31°17'49"E, a distance of 100.22 feet to the POINT OF BEGINNING, containing an area of 228.227(9,941,560 square feet) of land, more or less, within these metes and bounds.

BASIS OF BEARINGS: IS THE TEXAS COORDINATE SYSTEM NAD83(93) CENTRAL ZONE CALIBRATED TO LCRA GPS CONTROL MONUMENTS AZF9, AZ54, AND A843

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

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on Environmental Quality.

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

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

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

Same as House version.