

By: Brown of Kaufman

H.B. No. 4701

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Twin Lakes Municipal Utility District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting a limited 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 8310 to read as follows:

CHAPTER 8310. TWIN LAKES MUNICIPAL UTILITY DISTRICT No. 1 OF
KAUFMAN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8310.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Twin Lakes Municipal Utility District No. 1 of Kaufman County.

Sec. 8310.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8310.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8310.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8310.003

1 until each municipality in whose corporate limits or
2 extraterritorial jurisdiction the district is located has
3 consented by ordinance or resolution to the creation of the
4 district and to the inclusion of land in the district.

5 Sec. 8310.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
6 The district is created to serve a public purpose and benefit.

7 (b) The district is created to accomplish the purposes of:

8 (1) a municipal utility district as provided by
9 general law and Section 59, Article XVI, Texas Constitution; and

10 (2) Section 52, Article III, Texas Constitution, that
11 relate to the construction, acquisition, improvement, operation,
12 or maintenance of macadamized, graveled, or paved roads, or
13 improvements, including storm drainage, in aid of those roads.

14 Sec. 8310.006. 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 the district's:

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8310.007-8310.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8310.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8310.052, directors serve staggered four-year terms.

Sec. 8310.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Lisa Pray;

(2) Ruth (Rannie) Everett;

(3) Christopher T. Guido;

(4) Jonathan E. Neubauer; and

(5) Joy D. Crow.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8310.003; or

(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8310.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8310.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 [Sections 8310.053-8310.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8310.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8310.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8310.103. AUTHORITY FOR ROAD PROJECTS. Under Section
18 52, Article III, Texas Constitution, the district may design,
19 acquire, construct, finance, issue bonds for, improve, operate,
20 maintain, and convey to this state, a county, or a municipality for
21 operation and maintenance macadamized, graveled, or paved roads, or
22 improvements, including storm drainage, in aid of those roads.

23 Sec. 8310.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road
24 project must meet all applicable construction standards, zoning and
25 subdivision requirements, and regulations of each municipality in
26 whose corporate limits or extraterritorial jurisdiction the road
27 project is located.

1 (b) If a road project is not located in the corporate limits
2 or extraterritorial jurisdiction of a municipality, the road
3 project must meet all applicable construction standards,
4 subdivision requirements, and regulations of each county in which
5 the road project is located.

6 (c) If the state will maintain and operate the road, the
7 Texas Transportation Commission must approve the plans and
8 specifications of the road project.

9 Sec. 8310.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution that is adopted under
12 Section 54.016 or 54.0165, Water Code, and that consents to the
13 creation of the district or to the inclusion of land in the
14 district.

15 Sec. 8310.106. LIMITATION ON USE OF EMINENT DOMAIN. The
16 district may not exercise the power of eminent domain outside the
17 district to acquire a site or easement for:

18 (1) a road project authorized by Section 8310.103; or
19 (2) a recreational facility as defined by Section
20 49.462, Water Code.

21 Sec. 8310.107. DIVISION OF DISTRICT. (a) The district may
22 be divided into two or more new districts only if the district:

23 (1) has no outstanding bonded debt; and
24 (2) is not imposing ad valorem taxes.

25 (b) This chapter applies to any new district created by the
26 division of the district, and a new district has all the powers and
27 duties of the district.

1 (c) Any new district created by the division of the district
2 may not, at the time the new district is created, contain any land
3 outside the area described by Section 2 of the Act creating this
4 chapter.

5 (d) The board, on its own motion or on receipt of a petition
6 signed by the owner or owners of a majority of the assessed value of
7 the real property in the district, may adopt an order dividing the
8 district.

9 (e) The board may adopt an order dividing the district
10 before or after the date the board holds an election under Section
11 8310.003 to confirm the district's creation.

12 (f) An order dividing the district shall:

13 (1) name each new district;

14 (2) include the metes and bounds description of the
15 territory of each new district;

16 (3) appoint temporary directors for each new district;
17 and

18 (4) provide for the division of assets and liabilities
19 between or among the new districts.

20 (g) On or before the 30th day after the date of adoption of
21 an order dividing the district, the district shall file the order
22 with the Texas Commission on Environmental Quality and record the
23 order in the real property records of each county in which the
24 district is located.

25 (h) Any new district created by the division of the district
26 shall hold a confirmation and directors' election as required by
27 Section 8310.003.

1 (i) Municipal consent to the creation of the district and to
2 the inclusion of land in the district granted under Section
3 8310.004 acts as municipal consent to the creation of any new
4 district created by the division of the district and to the
5 inclusion of land in the new district.

6 (j) Any new district created by the division of the district
7 must hold an election as required by this chapter to obtain voter
8 approval before the district may impose a maintenance tax or issue
9 bonds payable wholly or partly from ad valorem taxes.

10 [Sections 8310.108-8310.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8310.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
13 district may issue, without an election, bonds and other
14 obligations secured by:

15 (1) revenue other than ad valorem taxes; or

16 (2) contract payments described by Section 8310.153.

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

21 (c) The district may not issue bonds payable from ad valorem
22 taxes to finance a road project unless the issuance is approved by a
23 vote of a two-thirds majority of the district voters voting at an
24 election held for that purpose.

25 Sec. 8310.152. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 8310.151, the district
27 may impose an operation and maintenance tax on taxable property in

1 the district in accordance with Section 49.107, Water Code.

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

4 Sec. 8310.153. CONTRACT TAXES. (a) In accordance with
5 Section 49.108, Water Code, the district may impose a tax other than
6 an operation and maintenance tax and use the revenue derived from
7 the tax to make payments under a contract after the provisions of
8 the contract have been approved by a majority of the district voters
9 voting at an election held for that purpose.

10 (b) A contract approved by the district voters may contain a
11 provision stating that the contract may be modified or amended by
12 the board without further voter approval.

13 [Sections 8310.154-8310.200 reserved for expansion]

14 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

15 Sec. 8310.201. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, contract payments, grants, or other district money, or any
19 combination of those sources, to pay for any authorized district
20 purpose.

21 Sec. 8310.202. TAXES FOR BONDS. At the time the district
22 issues bonds payable wholly or partly from ad valorem taxes, the
23 board shall provide for the annual imposition of a continuing
24 direct ad valorem tax, without limit as to rate or amount, while all
25 or part of the bonds are outstanding as required and in the manner
26 provided by Sections 54.601 and 54.602, Water Code.

27 Sec. 8310.203. BONDS FOR ROAD PROJECTS. At the time of

1 issuance, the total principal amount of bonds or other obligations
2 issued or incurred to finance road projects and payable from ad
3 valorem taxes may not exceed one-fourth of the assessed value of the
4 real property in the district.

5 SECTION 2. The Twin Lakes Municipal Utility District No. 1
6 of Kaufman County initially includes all the territory contained in
7 the following area:

8 Being a tract of land situated in the Philip Walker Survey,
9 Abstract No. 569, Kaufman County, Texas and being a portion of that
10 certain tract of land described in deed to McDowell Clan Limited
11 Company as recorded in Volume 1648, Page 39, in the Deed Records of
12 Kaufman County, Texas and being a portion of that certain tract of
13 land described in deed to Integra Land Company as recorded in
14 Article 7258, Book 2174, Page 639, in the Deed Records of Kaufman
15 County, Texas being more particularly described by metes and bounds
16 as follows:

17 BEGINNING at the South corner of said McDowell Clan Limited
18 Company tract, the northwesterly right-of-way line of F.M. 2728
19 (100' Right Of Way) and the centerline of County Road Number 139
20 (60' Right Of Way);

21 THENCE North 44° 42' 03" West, along the centerline of said
22 County Road 139, a distance of 5,402.72', more or less to a point
23 for corner in the east line of the extraterritorial jurisdiction
24 line of the City of Oak Ridge;

25 THENCE North 11°19'07" East, along the east line of said City
26 of Oak Ridge extraterritorial jurisdiction limits, a distance of
27 2,834.58', more or less, to a point for corner in the southeasterly

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1 line of a tract described in deed to Annie Allen recorded in Volume
2 541, Page 646, in the Deed Records of Kaufman County, Texas.

3 THENCE North 45° 20' 59" East, along the southeasterly line of
4 said Annie Allen tract, a distance of 1,417.30', more or less, to a
5 point for corner, said point also being the West corner of said
6 Integra Land Company tract;

7 THENCE North 45° 20' 59" East, along Northwest line of said
8 Integra Land Company tract a distance of 3755.10' to a point for
9 corner being in the centerline of Abner Road (60' Right Of Way);

10 THENCE South 44° 41' 37" East, along the centerline of said
11 Abner Road, a distance of 287.01' to a point for corner, said point
12 also being the North corner of Lot 101, Lago Vista Estates, Phase
13 2, an addition in Kaufman County, recorded in Cabinet 2, Slide 556
14 in the Plat Records of Kaufman County, Texas;

15 THENCE South 48°10'08" West along the north boundary line of
16 said Lot 101 a distance of 380.47 feet to a point for corner;

17 THENCE South 44° 41' 37" East along Northeast line of said
18 Integra Land Company tract a distance of 2004.30' to a point for
19 corner;

20 THENCE North 45° 18' 23" East a distance of 380.00' to a point
21 for corner, in the centerline of said Abner Road;

22 THENCE South 44° 41' 37" East, along the centerline of said
23 Abner Road, a distance of 60.00' to a point for corner;

24 THENCE South 45° 18' 23" West a distance of 380.00' to a point
25 for corner;

26 THENCE South 44° 41' 37" East, along southwest line of said
27 Lago Vista Estates, Phase One distance of 2205.95' to a point for

1 corner;
2 THENCE North 45° 18' 23" East, a distance of 80.00' to a point
3 for corner;
4 THENCE North 41° 29' 32" East, a distance of 150.33' to a point
5 for corner;
6 THENCE North 45° 18' 23" East, a distance of 150.00' to a point
7 for corner, in the centerline of the aforementioned Abner Road;
8 THENCE South 44° 41' 37" East, along the centerline of said
9 Abner Road, a distance of 80.00' to a point for corner;
10 THENCE South 45° 18' 23" West, a distance of 150.00' to a point
11 for corner;
12 THENCE South 49° 07' 14" West, a distance of 150.33' to a point
13 for corner;
14 THENCE South 45° 18' 23" West, a distance of 80.00' to a point
15 for corner;
16 THENCE South 44° 41' 37" East, a distance of 1798.38 to a point
17 for corner;
18 THENCE North 45° 18' 23" East, a distance of 380.00' to a point
19 for corner in the centerline of the aforementioned Abner Road;
20 THENCE South 44° 41' 37" East, along the centerline of said
21 Abner Road, a distance of 222.91' to a point for corner;
22 THENCE South 06° 24' 39" West, a distance of 102.99' to a point
23 for corner at the beginning of a curve to the right having a central
24 angle of 25° 01' 28", a radius of 1393.19', and a chord bearing and
25 distance of South 18° 54' 05" West, 603.66';
26 THENCE along said curve to the right and along the centerline
27 of the aforementioned FM 2728, an arc distance of 608.48' to a point

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1 for corner at the end of said curve;
2 THENCE North 66° 30' 28" West, a distance of 366.11' to a point
3 for corner;
4 THENCE South 45° 21' 30" West, a distance of 1907.40' to a
5 point for corner;
6 THENCE South 44° 38' 25" East, a distance of 380.39' to a point
7 for corner, on the northwesterly right-of-way line of said FM 2728;
8 THENCE South 45° 09' 31" West, along the northwesterly
9 right-of-way line of FM 2728 a distance of 60.00' to a point for
10 corner;
11 THENCE North 44° 38' 26" West, a distance of 380.60' to a point
12 for corner;
13 THENCE South 45° 20' 08" West, a distance of 1,029.99' to a
14 point for corner;
15 THENCE South 44° 42' 03" East, a distance of 383.85' to a point
16 for corner;
17 THENCE South 45° 09' 31" West, along northwest right of way
18 line of said F.M. 2728 a distance of 425.38' to a point for corner;
19 THENCE South 45° 30' 39" West, along the northwesterly
20 right-of-way line of FM 2728, a distance of 2113.60' to a point for
21 corner;
22 THENCE South 45° 31' 34" West, along the northwesterly
23 right-of-way line of FM 2728, a distance of 799.26' to a point for
24 corner;
25 THENCE South 45° 29' 50" West, along the northwesterly
26 right-of-way line of FM 2728, a distance of 429.60 to the POINT OF
27 BEGINNING of the herein described tract, and containing 1,084.0

1 acres of land, more or less.

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

9 (b) The governor, one of the required recipients, has
10 submitted the notice and Act to the Texas Commission on
11 Environmental Quality.

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

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

20 SECTION 4. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.