

By: Crownover

H.B. No. 4763

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Denton County Municipal Utility District No. 8; 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 8343 to read as follows:

CHAPTER 8343. DENTON COUNTY MUNICIPAL UTILITY DISTRICT NO. 8

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8343.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Denton County Municipal Utility District No. 8.

Sec. 8343.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8343.003. 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. 8343.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8343.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has  
2 consented by ordinance or resolution to the creation of the  
3 district and to the inclusion of land in the district.

4 Sec. 8343.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
5 The district is created to serve a public purpose and benefit.

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

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

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

13 Sec. 8343.006. INITIAL DISTRICT TERRITORY. (a) The  
14 district is initially composed of the territory described by  
15 Section 2 of the Act creating this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 8343.007-8343.050 reserved for expansion]

1                   SUBCHAPTER B. BOARD OF DIRECTORS

2           Sec. 8343.051. GOVERNING BODY; TERMS. (a) The district is  
3 governed by a board of five elected directors.

4           (b) Except as provided by Section 8343.052, directors serve  
5 staggered four-year terms.

6           Sec. 8343.052. TEMPORARY DIRECTORS. (a) On or after the  
7 effective date of the Act creating this chapter, the owner or owners  
8 of a majority of the assessed value of the real property in the  
9 district may submit a petition to the Texas Commission on  
10 Environmental Quality requesting that the commission appoint as  
11 temporary directors the five persons named in the petition. The  
12 commission shall appoint as temporary directors the five persons  
13 named in the petition.

14           (b) Temporary directors serve until the earlier of:

15                   (1) the date permanent directors are elected under  
16 Section 8343.003; or

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

19           (c) If permanent directors have not been elected under  
20 Section 8343.003 and the terms of the temporary directors have  
21 expired, successor temporary directors shall be appointed or  
22 reappointed as provided by Subsection (d) to serve terms that  
23 expire on the earlier of:

24                   (1) the date permanent directors are elected under  
25 Section 8343.003; or

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

1 (d) If Subsection (c) applies, the owner or owners of a  
2 majority of the assessed value of the real property in the district  
3 may submit a petition to the Texas Commission on Environmental  
4 Quality requesting that the commission appoint as successor  
5 temporary directors the five persons named in the petition. The  
6 commission shall appoint as successor temporary directors the five  
7 persons named in the petition.

8 [Sections 8343.053-8343.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8343.101. 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. 8343.102. 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. 8343.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
19 52, Article III, Texas Constitution, the district may design,  
20 acquire, construct, finance, issue bonds for, improve, operate,  
21 maintain, and convey to this state, a county, or a municipality for  
22 operation and maintenance macadamized, graveled, or paved roads, or  
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8343.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road  
25 project must meet all applicable construction standards, zoning and  
26 subdivision requirements, and regulations of each municipality in  
27 whose corporate limits or extraterritorial jurisdiction the road

1 project is located.

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

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

10 Sec. 8343.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
11 OR RESOLUTION. The district shall comply with all applicable  
12 requirements of any ordinance or resolution that is adopted under  
13 Section 54.016 or 54.0165, Water Code, and that consents to the  
14 creation of the district or to the inclusion of land in the  
15 district.

16 Sec. 8343.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
17 district may not exercise the power of eminent domain outside the  
18 district to acquire a site or easement for:

- 19 (1) a road project authorized by Section 8343.103; or  
20 (2) a recreational facility as defined by Section  
21 49.462, Water Code.

22 [Sections 8343.107-8343.150 reserved for expansion]

23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

24 Sec. 8343.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
25 district may issue, without an election, bonds and other  
26 obligations secured by:

- 27 (1) revenue other than ad valorem taxes; or

1           (2) contract payments described by Section 8343.153.

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

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

10          Sec. 8343.152. OPERATION AND MAINTENANCE TAX. (a) If  
11 authorized at an election held under Section 8343.151, the district  
12 may impose an operation and maintenance tax on taxable property in  
13 the district in accordance with Section 49.107, Water Code.

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

16          Sec. 8343.153. CONTRACT TAXES. (a) In accordance with  
17 Section 49.108, Water Code, the district may impose a tax other than  
18 an operation and maintenance tax and use the revenue derived from  
19 the tax to make payments under a contract after the provisions of  
20 the contract have been approved by a majority of the district voters  
21 voting at an election held for that purpose.

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

25           [Sections 8343.154-8343.200 reserved for expansion]

26           SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

27          Sec. 8343.201. AUTHORITY TO ISSUE BONDS AND OTHER

1 OBLIGATIONS. The district may issue bonds or other obligations  
2 payable wholly or partly from ad valorem taxes, impact fees,  
3 revenue, contract payments, grants, or other district money, or any  
4 combination of those sources, to pay for any authorized district  
5 purpose.

6 Sec. 8343.202. TAXES FOR BONDS. At the time the district  
7 issues bonds payable wholly or partly from ad valorem taxes, the  
8 board shall provide for the annual imposition of a continuing  
9 direct ad valorem tax, without limit as to rate or amount, while all  
10 or part of the bonds are outstanding as required and in the manner  
11 provided by Sections 54.601 and 54.602, Water Code.

12 Sec. 8343.203. BONDS FOR ROAD PROJECTS. At the time of  
13 issuance, the total principal amount of bonds or other obligations  
14 issued or incurred to finance road projects and payable from ad  
15 valorem taxes may not exceed one-fourth of the assessed value of the  
16 real property in the district.

17 SECTION 2. The Denton County Municipal Utility District No.  
18 8 initially includes all the territory contained in the following  
19 area:

20 BEING A 291.782 ACRE TRACT OF LAND SITUATED IN THE MARCELLA JONES  
21 SURVEY, ABSTRACT NO. 662, DENTON COUNTY, TEXAS, AND BEING ALL OF A  
22 TRACT OF LAND DESCRIBED IN DEED TO SPIRITAS RANCH ENTERPRISES  
23 RECORDED IN VOLUME 1078, PAGE 859, DEED RECORDS OF DENTON COUNTY,  
24 TEXAS, (D.R.D.C.T.), PART OF A TRACT OF LAND DESCRIBED IN DEED TO  
25 SPIRITAS RANCH ENTERPRISES RECORDED IN VOLUME 833, PAGE 38  
26 D.R.D.C.T., PART OF A TRACT OF LAND DESCRIBED IN DEED TO SPIRITAS  
27 RANCH ENTERPRISES RECORDED IN VOLUME 842, PAGE 851 D.R.D.C.T., AND

1 ALSO BEING A PART OF A TRACT OF LAND DESCRIBED IN DEED TO SPIRITAS  
2 RANCH ENTERPRISES RECORDED IN VOLUME 998, PAGE 670. SAID 291.782  
3 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS  
4 FOLLOWS:

5 BEGINNING AT A POINT FOR THE NORTHEAST CORNER OF ROBERT G. PENLEY  
6 TRACT RECORDED IN VOLUME 2210, PAGE 648, D.R.D.C.T.;

7 THENCE S 05°41'17" W, ALONG THE WEST LINE OF SAID ROBERT G. PENLEY  
8 TRACT RECORDED IN VOLUME 2210, PAGE 648, D.R.D.C.T., A DISTANCE OF  
9 621.84 FEET TO A CONCRETE MONUMENT FOUND FOR THE SOUTH CORNER OF  
10 SAID ROBERT G. PENLEY TRACT RECORDED IN VOLUME 2210, PAGE 648,

11 D.R.D.C.T. AND IN THE EAST LINE OF SAID SPIRITAS RANCH ENTERPRISES  
12 TRACT RECORDED IN VOLUME 1078, PAGE 859, D.R.D.C.T.;

13 THENCE ALONG THE EAST LINE OF SAID SPIRITAS RANCH ENTERPRISES TRACT  
14 RECORDED IN VOLUME 1078, PAGE 859, D.R.D.C.T. THE FOLLOWING COURSES  
15 AND DISTANCES;

16 S 04°54'37" W, A DISTANCE OF 350.17 FEET TO A CONCRETE  
17 MONUMENT FOUND FOR CORNER;

18 S 04°08'44" W, A DISTANCE OF 349.29 FEET TO A CONCRETE  
19 MONUMENT FOUND FOR CORNER;

20 S 00°08'35" E, A DISTANCE OF 373.34 FEET TO A CONCRETE  
21 MONUMENT FOUND FOR THE SOUTHEAST CORNER OF SAID SPIRITAS RANCH  
22 ENTERPRISES TRACT RECORDED IN VOLUME 1078, PAGE 859, D.R.D.C.T.;

23 THENCE N 88°13'35" W, ALONG THE SOUTH LINE OF SAID SPIRITAS RANCH  
24 ENTERPRISES TRACT RECORDED IN VOLUME 1078, PAGE 859, D.R.D.C.T., A  
25 DISTANCE OF 799.53 FEET TO A CONCRETE MONUMENT FOUND FOR AN ANGLE  
26 POINT IN THE SOUTH LINE OF SAID SPIRITAS RANCH ENTERPRISES TRACT  
27 RECORDED IN VOLUME 1078, PAGE 859, D.R.D.C.T. AND AT AN ANGLE POINT



1 IN THE EAST LINE OF SAID SPIRITAS RANCH ENTERPRISES TRACT RECORDED  
2 IN VOLUME 833, PAGE 38, D.R.D.C.T. ;  
3 THENCE ALONG THE EAST LINE OF SAID SPIRITAS RANCH ENTERPRISES TRACT  
4 RECORDED IN VOLUME 833, PAGE 38, D.R.D.C.T. THE FOLLOWING COURSES  
5 AND DISTANCES ;

6 S 37°25'50" W, A DISTANCE OF 536.09 FEET TO A CONCRETE  
7 MONUMENT FOUND FOR CORNER ;

8 S 00°09'51" E, A DISTANCE OF 672.75 FEET TO A POINT FOR CORNER ;

9 S 56°06'16" W, A DISTANCE OF 188.33 FEET TO A POINT FOR CORNER ;

10 S 09°31'49" E, A DISTANCE OF 163.23 FEET TO A POINT FOR CORNER ;

11 S 46°07'43" W, A DISTANCE OF 319.93 FEET TO A CONCRETE  
12 MONUMENT FOUND FOR CORNER ;

13 N 74°05'49" W, A DISTANCE OF 790.17 FEET TO A POINT FOR CORNER ;

14 S 78°44'11" W, A DISTANCE OF 216.18 FEET TO A 5/8" IRON ROD  
15 WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER ;

16 S 65°58'49" E, A DISTANCE OF 740.00 FEET TO A 5/8" IRON ROD  
17 WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER ;

18 S 16°04'49" E, A DISTANCE OF 349.18 FEET TO A CONCRETE  
19 MONUMENT FOUND FOR THE SOUTHEAST CORNER OF SAID CALLED 332.330 ACRE  
20 TRACT ;

21 THENCE WITH THE SOUTH LINE OF SAID CALLED 332.330 ACRE TRACT, THE  
22 FOLLOWING COURSES AND DISTANCES ;

23 N 88°58'26" W, A DISTANCE OF 1203.10 FEET TO A 5/8" IRON ROD  
24 WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER ;

25 N 84°37'16" W, A DISTANCE OF 347.10 FEET TO A 5/8" IRON ROD  
26 WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE  
27 SOUTHWEST CORNER OF SAID CALLED 332.330 ACRE TRACT AND FOR THE

1 SOUTHEAST CORNER OF SAID CALLED 138.768 ACRE TRACT;  
2 THENCE N 87°56'03" W WITH THE SOUTH LINE OF SAID CALLED 138.768 ACRE  
3 TRACT, A DISTANCE OF 1950.21 FEET TO A 5/8" IRON ROD WITH YELLOW  
4 PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE MOST SOUTHERLY  
5 SOUTHWEST CORNER OF SAID CALLED 137.768 ACRE TRACT AND FOR THE  
6 SOUTHEAST CORNER OF THE UPPER TRINITY REGIONAL WATER DISTRICT  
7 (TRACT 2) AS RECORDED IN VOLUME 4646, PAGE 212 OF THE DEED RECORDS  
8 OF DENTON COUNTY, TEXAS;  
9 THENCE N 02°04'53" E WITH THE EAST LINE OF SAID UPPER TRINITY  
10 REGIONAL WATER DISTRICT (TRACT 2) AND A WEST LINE OF SAID CALLED  
11 137.768 ACRE TRACT, PASSING THE NORTHEAST CORNER OF SAID UPPER  
12 TRINITY REGIONAL WATER DISTRICT (TRACT 2), SAME BEING THE SOUTHEAST  
13 CORNER OF THE UPPER TRINITY REGIONAL WATER DISTRICT (TRACT 1) AS  
14 RECORDED IN VOLUME 4646, PAGE 212 OF THE DEED RECORDS OF DENTON  
15 COUNTY, TEXAS, CONTINUING WITH THE EAST LINE OF SAID UPPER TRINITY  
16 REGIONAL WATER DISTRICT (TRACT 1), A DISTANCE OF 789.82 FEET TO A  
17 5/8" IRON ROD WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET  
18 FOR THE NORTHEAST CORNER OF SAID CALLED UPPER TRINITY REGIONAL  
19 WATER DISTRICT (TRACT 1) AND AN ANGLE POINT IN SAID CALLED 137.768  
20 ACRE TRACT;  
21 THENCE N 87°55'06" W WITH THE NORTH LINE OF SAID CALLED UPPER TRINITY  
22 REGIONAL WATER DISTRICT (TRACT 1), PASSING THE NORTHWEST CORNER OF  
23 SAID CALLED UPPER TRINITY REGIONAL WATER DISTRICT (TRACT 1), SAME  
24 BEING THE NORTHEAST CORNER OF SAID CALLED UPPER TRINITY REGIONAL  
25 WATER DISTRICT (TRACT 3), CONTINUING WITH THE NORTH LINE OF SAID  
26 CALLED UPPER TRINITY REGIONAL WATER DISTRICT (TRACT 3), A DISTANCE  
27 OF 685.55 FEET TO A POINT FOR CORNER

1 THENCE OVER AND ACROSS SAID SPIRITAS RANCH ENTERPRISES RECORDED IN  
2 VOLUME 998, PAGE 670, AND SAID SPIRITAS RANCH ENTERPRISES RECORDED  
3 IN VOLUME 833, PAGE 38, THE FOLLOWING COURSES AND DISTANCES:

4 N 01°58'13" E A DISTANCE OF 564.63 FEET TO A 5/8" IRON ROD  
5 WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR CORNER;

6 S 88°46'00" E, A DISTANCE OF 852.11 FEET TO A 5/8" IRON ROD  
7 WITH YELLOW PLASTIC CAP STAMPED "CARTER BURGESS" SET FOR THE  
8 BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 80°13'42",  
9 A RADIUS OF 2633.43 FEET, AND A LONG CHORD THAT BEARS N 49°34'04"E, A  
10 DISTANCE OF 3393.50 FEET;

11 ALONG SAID CURVE TO THE LEFT, AN ARC DISTANCE OF 3687.45 FEET  
12 TO A POINT FOR CORNER;

13 N 09°26'02" E, A DISTANCE OF 521.60 FEET TO A POINT FOR CORNER;

14 S 87°50'47" E, A DISTANCE OF 1492.20 FEET TO A POINT FOR CORNER  
15 IN THE WEST LINE OF A TRACT OF LAND DESCRIBED IN DEED TO CARL K.  
16 McCLURE RECORDED IN COUNTY CLERK'S FILE NO. 98-0020319 D.R.D.C.T.;

17 THENCE S 02°14'53" W, ALONG THE WEST LINE OF SAID CARL K. McCLURE  
18 TRACT, A DISTANCE OF 70.04 FEET TO THE SOUTHWEST CORNER OF SAID CARL  
19 K. McCLURE TRACT;

20 THENCE S 88°23'59" E, ALONG THE SOUTH LINE OF SAID CARL K. McCLURE  
21 TRACT A DISTANCE OF 210.00 FEET TO THE SOUTHEAST CORNER OF SAID CARL  
22 K. McCLURE TRACT;

23 THENCE OVER AND ACROSS SAID SPIRITAS ENTERPRISES TRACT THE  
24 FOLLOWING COURSES AND DISTANCES;

25 S 02°14'50" W, A DISTANCE OF 332.44 TO A POINT FOR CORNER;

26 S 88°13'17" E, A DISTANCE 727.26 FEET TO THE POINT OF  
27 BEGINNING AND CONTAINING 291.782 ACRES OF LAND, MORE OR LESS.

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

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

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

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

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