

1 AN ACT

2 relating to the creation of the Northwest Williamson County  
3 Municipal Utility District No. 1; providing authority to impose a  
4 tax and issue bonds; granting a limited power of eminent domain.

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

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8349 to read as follows:

8 CHAPTER 8349. NORTHWEST WILLIAMSON COUNTY MUNICIPAL UTILITY

9 DISTRICT NO. 1

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8349.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Northwest Williamson County  
15 Municipal Utility District No. 1.

16 Sec. 8349.002. NATURE OF DISTRICT. The district is a  
17 municipal utility district created under and essential to  
18 accomplish the purposes of Section 59, Article XVI, and Section 52,  
19 Article III, Texas Constitution.

20 Sec. 8349.003. CONFIRMATION ELECTION REQUIRED. (a) The  
21 board shall hold an election to confirm the creation of the district  
22 as provided by Section 49.102, Water Code.

23 (b) If the creation of the district is not confirmed at a  
24 confirmation election before September 1, 2013:

1           (1) the district is dissolved September 1, 2013,  
2 except that the district shall:

3                   (A) pay any debts incurred;

4                   (B) transfer to Williamson County any assets that  
5 remain after the payment of debts; and

6                   (C) maintain the organization of the district  
7 until all debts are paid and remaining assets are transferred; and

8           (2) this chapter expires September 1, 2016.

9           Sec. 8349.004. CONSENT OF MUNICIPALITY REQUIRED. The  
10 temporary directors may not hold an election under Section 8349.003  
11 until each municipality in whose corporate limits or  
12 extraterritorial jurisdiction the district is located has  
13 consented by ordinance or resolution to the creation of the  
14 district and to the inclusion of land in the district.

15           Sec. 8349.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
16 All land and other property in the district will benefit from the  
17 improvements and services to be provided by the district.

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

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

21                           (2) Section 52, Article III, Texas Constitution, that  
22 relate to the construction, acquisition, or improvement of  
23 macadamized, graveled, or paved roads described by Section 54.234,  
24 Water Code, or improvements, including storm drainage, bridges, and  
25 appurtenances, in aid of those roads.

26           Sec. 8349.006. INITIAL DISTRICT TERRITORY. (a) The  
27 district is initially composed of the territory described by

1 Section 2 of the Act creating this chapter.

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

6 (1) organization, existence, or validity;

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

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

11 (4) legality or operation.

12 [Sections 8349.007-8349.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8349.051. GOVERNING BODY; TERMS. (a) The district is  
15 governed by a board of five elected directors.

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

17 Sec. 8349.052. INITIAL DIRECTORS. (a) The initial board  
18 consists of:

19 (1) Kevin Boscamp;

20 (2) Ken Willey;

21 (3) Trip Leon;

22 (4) Bill Woodall; and

23 (5) Bruce Hollingsworth.

24 (b) Unless the initial board agrees otherwise, the initial  
25 directors shall draw lots to determine which two shall serve until  
26 the first regularly scheduled election of directors and which three  
27 shall serve until the second regularly scheduled election of

1 directors.

2 (c) This section expires September 1, 2016.

3 [Sections 8349.053-8349.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8349.101. GENERAL POWERS AND DUTIES. The district has  
6 the powers and duties necessary to accomplish the purposes for  
7 which the district is created.

8 Sec. 8349.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
9 DUTIES. The district has the powers and duties provided by the  
10 general law of this state, including Chapters 49 and 54, Water Code,  
11 applicable to municipal utility districts created under Section 59,  
12 Article XVI, Texas Constitution.

13 Sec. 8349.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
14 Section 52, Article III, Texas Constitution, the district may  
15 design, acquire, construct, finance, issue bonds for, and convey to  
16 this state, a county, or a municipality for operation and  
17 maintenance macadamized, graveled, or paved roads described by  
18 Section 54.234, Water Code, or improvements, including storm  
19 drainage, bridges, and appurtenances, in aid of those roads.

20 (b) The district may exercise the powers provided by this  
21 section without submitting a petition to or obtaining approval from  
22 the Texas Commission on Environmental Quality as required by  
23 Section 54.234, Water Code.

24 Sec. 8349.104. APPROVAL OF ROAD PROJECT. (a) The district  
25 may not undertake a road project authorized by Section 8349.103  
26 unless:

27 (1) the municipality or county that will operate and

1 maintain the road has approved the plans and specifications of the  
2 road project; or

3 (2) the Texas Transportation Commission has approved  
4 the plans and specifications of the road project, if the state will  
5 operate and maintain the road.

6 (b) Except as provided by Subsection (a), the district is  
7 not required to obtain approval from the Texas Transportation  
8 Commission to design, acquire, construct, finance, issue bonds for,  
9 improve, or convey a road project.

10 (c) The district's construction, repair, and maintenance of  
11 streets under this section must meet all applicable construction  
12 standards and regulations of Williamson County.

13 Sec. 8349.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
14 OR RESOLUTION. The district shall comply with all applicable  
15 requirements of any resolution that is adopted by the governing  
16 body of a municipality under Section 54.016 or 54.0165, Water Code,  
17 and that consents to the creation of the district or to the  
18 inclusion of land in the district.

19 Sec. 8349.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
20 district may not exercise the power of eminent domain outside the  
21 district to acquire a site or easement for:

22 (1) a road project authorized by Section 8349.103; or

23 (2) a recreational facility as defined by Section  
24 49.462, Water Code.

25 Sec. 8349.107. REGIONAL WASTE DISPOSAL POWERS AND DUTIES.  
26 The district has the powers and duties applicable to a district  
27 under Chapter 30, Water Code.

1       Sec. 8349.108. WASTEWATER TREATMENT FACILITY DESIGN  
2 APPROVAL. The district must obtain the approval of the Brazos River  
3 Authority for the design of a district wastewater treatment  
4 facility.

5       Sec. 8349.109. WASTEWATER SERVICE PROVIDERS. Only the  
6 Brazos River Authority or a provider approved by the Brazos River  
7 Authority may provide wastewater service in the district.

8       Sec. 8349.110. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT.  
9 The district shall comply with the terms of the "Agreement  
10 Regarding Sewer Services Areas and Customers" among the Lower  
11 Colorado River Authority, the Brazos River Authority, the City of  
12 Georgetown, the City of Liberty Hill, and the Chisholm Trail  
13 Special Utility District dated February 1, 2005.

14       [Sections 8349.111-8349.150 reserved for expansion]

15               SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16       Sec. 8349.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
17 district may issue, without an election, bonds and other  
18 obligations secured by revenue or contract payments from a source  
19 other than ad valorem taxes.

20       (b) The district must hold an election in the manner  
21 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
22 before the district may impose an ad valorem tax or issue bonds  
23 payable from ad valorem taxes. An ad valorem tax rate imposed by  
24 the district may not exceed the rate approved at the election.

25       Sec. 8349.152. OPERATION AND MAINTENANCE TAX. (a) If  
26 authorized at an election held under Section 8349.151, 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 [Sections 8349.153-8349.200 reserved for expansion]

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 8349.201. AUTHORITY TO ISSUE BONDS AND OTHER  
7 OBLIGATIONS. The district may issue bonds or other obligations  
8 payable wholly or partly from ad valorem taxes, impact fees,  
9 revenue, contract payments, grants, or other district money, or any  
10 combination of those sources, to pay for any authorized district  
11 purpose.

12 Sec. 8349.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
13 the time bonds or other obligations payable wholly or partly from ad  
14 valorem taxes are issued:

15 (1) the board shall impose a continuing direct annual  
16 ad valorem tax, at a rate not to exceed the rate approved at an  
17 election held under Section 8349.151, for each year that all or part  
18 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 or other  
23 obligations as the interest becomes due;

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

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

1       Sec. 8349.203. BONDS FOR ROAD PROJECTS. At the time of  
2 issuance, the total principal amount of bonds or other obligations  
3 issued or incurred to finance road projects and payable from ad  
4 valorem taxes may not exceed one-fourth of the assessed value of the  
5 real property in the district.

6       SECTION 2. The Northwest Williamson County Municipal  
7 Utility District No. 1 initially includes all the territory  
8 contained in the following area:

9 Tract I

10       BEING 129.95 acres of the James Northcross Survey, Abstract  
11 No. 478, in Williamson County, Texas; part of the tract called  
12 162.755 acres (less exceptions) which is described in a deed to DEC  
13 Circle C Ranch Ltd. of record in Doc. 2000085838, Official Records  
14 of Williamson County, Texas. This tract was surveyed on the ground  
15 in December of 2004, by Williams F. Forest, Jr., Registered  
16 Professional Land Surveyor No. 1847.

17       BEGINNING at an iron pin which was set for the lower Northeast  
18 corner of the said 162.755 acre tract, and for a corner of a  
19 property which is described in a deed to K.W. Daniels of record in  
20 Doc. 1998037189.

21       THENCE along the fenced East line of the said 162.755 acre  
22 tract, S 18 deg. 55 min. 37 sec. E 1635.48 feet to a pipe post fence  
23 corner found at the most Northerly East corner of an 18.34 acre  
24 tract conveyed to The Mike Konle Trust in Doc. 2001088810.

25       THENCE along the fenced boundary of the said 162.755 acre  
26 tract; S 69 deg. 43 min. 45 sec. W 1164.54 feet to a pipe post found  
27 at the Northeast corner of 34.74 acre tract owned by C.D. Sherwood



1 and described in Vol. 594, Pg. 531; S 69 deg. 49 min. 40 sec. W  
2 1203.87 feet to an iron pin found at a fence corner; and S 14 deg. 11  
3 min. 49 sec. E 1164.86 feet to an iron pin found at a fence corner.

4       THENCE with the North line of the 0.72 acre exception tract  
5 described in Doc. 2000085838, finding iron pins at bends in the  
6 fence as follows; S 39 deg. 14 min. 11 sec. W 160.52 feet; S 22 deg.  
7 54 min. 47 sec. W 211.26 feet; and S 00 deg. 24 min. 34 sec. E 211.57  
8 feet to a nail found in the concrete base of a fence corner post. An  
9 iron pin found stands N 70 deg. 19 min. 01 sec. E 2.44 feet.

10       THENCE with the North line of County Road 289, S 71 deg. 31  
11 min. 37 sec. W 323.55 feet to an iron pin found.

12       THENCE with the boundary of the 9.5 acre tract conveyed to  
13 Deborah E. Ivicic in Doc. 1998018246, N 19 deg. 05 min. 07 sec. W  
14 991.53 feet to an iron pin found; and S 71 deg. 05 min. 12 sec. W  
15 401.03 feet to an iron pin set in the East line of the 14 acres  
16 conveyed to a D.W. Anderson in Doc. 1998010248.

17       THENCE N 12 deg. 54 min. 12 sec. E 2944.388 feet to and iron  
18 pin found.

19       THENCE with the North boundary of the said 162.755 acre  
20 tract, finding pipe post fence corners as follows; N 72 deg. 33 min.  
21 58 sec. E 331.83 feet; S 16 deg. 51 min. 12 sec. E 147.920 feet; and  
22 N 72 deg. 41 min. 18 sec. E 1656.79 feet to the POINT OF BEGINNING.

23 Tract II

24       BEING 9.50 acre of the James Northcross Survey, Abstract No.  
25 478, in Williamson County, Texas; part of the tract called 9.5 acres  
26 as described in a Correction Deed to Deborah Elizabeth Ivicic, of  
27 record in Doc. 1998018246, Official Records of Williamson County,

1 Texas. This tract was surveyed on the ground in December of 2004, by  
2 William F. Forest, Jr., Registered Professional Land surveyor No.  
3 1847.

4 BEGINNING at an iron pin which was found in the North line of  
5 County Road 289, at the Southwest corner of the said Deborah Ivicic  
6 9.5 acre tract and at the Southeast corner of a 6.68 acre tract.

7 THENCE with the West line of the said 9.5 acre Ivicic tract, N  
8 19 deg. 05 min. 48 sec. W 965.73 feet to an iron pin set in the East  
9 line of a 14 acre tract which is described in a deed to Daniel W.  
10 Anderson of record in Doc. 1998018248.

11 THENCE with the East line of the Anderson 14 acres, N 12 deg.  
12 54 min. 12 sec. E 30.93 feet to an iron pint set.

13 THENCE with the North line of the Deborah Ivicic 9.5 acres, N  
14 70 deg. 05 min. 12 sec. E 401.03 feet to and iron pin found.

15 THENCE with the East boundary of the Ivicic 9.5 acres, S 19  
16 deg. 05 min. 07 sec. E 991.53 feet to an iron pin found.

17 THENCE with the north Line of County Road 289, S 71 deg. 26  
18 min. 57 sec. W 24.90 feet to an iron pin found; and S 70 deg. 59 min.  
19 36 sec. W 392.32 feet to the POINT OF BEGINNING.

20 TRACT III

21 BEING 6.68 acres of the James Northcross Survey, Abstract No.  
22 478, in Williamson County, Texas; part of the tract called 162.775  
23 acres (less exceptions) which is described in a deed to DEC Circle C  
24 Ranch Ltd. of record in Doc. 2000085838, Official Records of  
25 Williamson County, Texas. This tract was surveyed on the ground in  
26 December of 2004, by William F. Forest, Jr., Registered  
27 Professional Land Surveyor No. 1847.

1 BEGINNING at an iron pin which was found in the North line of  
2 County Road 289, at the Southeast corner of the 14.00 acre exception  
3 tract which is described in Doc. 2000085838 (the same 14.00 acre  
4 tract which is described in a deed to Daniel W. Anderson of record  
5 in Doc. 1998018248). A nail found in the concrete base of a fence  
6 corner post (at the Southwest corner of the said 162.755 acres)  
7 stands S 70 deg. 58 min. 03 sec. W 174.52 feet.

8 THENCE with the East line of the said 14.00 acre tract, N 12  
9 deg. 54 min. 12 sec. E 1137.98 feet to an iron pin set in the West  
10 line of the 9.5 acre Exception tract that is described in Doc.  
11 2000085838 and as conveyed by a Correction Deed to Deborah E. Ivicic  
12 in Doc. 1998018246. An iron pin found stands N 19 deg. 05 min. 48  
13 sec. W 26.28 feet.

14 THENCE with the West line of said 9.5 Deborah Ivicic tract, S  
15 19 deg. 05 min. 48 sec. E 965.73 feet to an iron pin found.

16 THENCE with the North line of County Road 289, S 70 deg. 58  
17 min. W 603.04 feet to the POINT OF BEGINNING.

18 TRACT IV

19 BEING 13.99 acres of the James Northcross Survey, Abstract  
20 No. 478, in Williamson County, Texas. This tract is the same tract  
21 which is called 14 acres and described in a deed to Daniel W.  
22 Anderson of record in Doc. 1998018248, Official Records of  
23 Williamson County, Texas. This tract was surveyed on the ground in  
24 December of 2004, by William F. Frost, Jr., Registered Professional  
25 Land Surveyor No. 1847.

26 BEGINNING at a nail found in the concrete base of a fence  
27 corner post in the North line of County Road 289, at the Southwest

1 corner of said 14.00 acre Anderson tract.

2           THENCE with the West line of said 14.00 acre tract, N 12 deg.  
3 54 min. 15 sec. E 4119.77 feet to an iron pin found at a fence  
4 corner.

5           THENCE with the North boundary of the said 14 acre tract, N 72  
6 deg. 39 min. 14 sec. E 171.38 feet to an iron pin found.

7           THENCE S 12 deg. 54 min. 12 sec. W passing iron pins set on  
8 line, continuing in all 4113.79 feet to an iron pin found.

9           THENCE S 70 deg. 58 min. 03 sec. W 174.52 feet to the POINT OF  
10 BEGINNING.

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

18           (b) The governor, one of the required recipients, has  
19 submitted the notice and Act to the Texas Commission on  
20 Environmental Quality.

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

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

1 and accomplished.

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

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President of the Senate

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Speaker of the House

I certify that H.B. No. 4778 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4778 on May 29, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 4778 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor