

By: Gattis

H.B. No. 4778

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Northwest Williamson County
Municipal Utility District No. 1; providing authority to impose a
tax 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 8349 to read as follows:

CHAPTER 8349. NORTHWEST WILLIAMSON COUNTY MUNICIPAL UTILITY

DISTRICT NO. 1

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8349.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

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

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

Sec. 8349.003. 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, 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. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)

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

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

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

15 (2) Section 52, Article III, Texas Constitution, that
16 relate to the construction, acquisition, or improvement of
17 macadamized, graveled, or paved roads described by Section 54.234,
18 Water Code, or improvements, including storm drainage, bridges, and
19 appurtenances, in aid of those roads.

20 Sec. 8349.005. INITIAL DISTRICT TERRITORY. (a) The

21 district is initially composed of the territory described by
22 Section 2 of the Act creating this chapter.

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

27 (1) organization, existence, or validity;

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

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

5 (4) legality or operation.

6 [Sections 8349.006-8349.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

11 Sec. 8349.052. INITIAL DIRECTORS. (a) The initial board
12 consists of:

13 (1) Kevin Boscamp;

14 (2) Ken Willey;

15 (3) Trip Leon;

16 (4) Bill Woodall; and

17 (5) Bruce Hollingsworth.

18 (b) Unless the initial board agrees otherwise, the initial
19 directors shall draw lots to determine which two shall serve until
20 the first regularly scheduled election of directors and which three
21 shall serve until the second regularly scheduled election of
22 directors.

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

24 [Sections 8349.053-8349.100 reserved for expansion]

25 SUBCHAPTER C. POWERS AND DUTIES

26 Sec. 8349.101. GENERAL POWERS AND DUTIES. The district has
27 the powers and duties necessary to accomplish the purposes for

1 which the district is created.

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

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

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

18 Sec. 8349.104. APPROVAL OF ROAD PROJECT. (a) The district
19 may not undertake a road project authorized by Section 8349.103
20 unless:

21 (1) the municipality or county that will operate and
22 maintain the road has approved the plans and specifications of the
23 road project; or

24 (2) the Texas Transportation Commission has approved
25 the plans and specifications of the road project, if the state will
26 operate and maintain the road.

27 (b) Except as provided by Subsection (a), the district is

1 not required to obtain approval from the Texas Transportation
2 Commission to design, acquire, construct, finance, issue bonds for,
3 improve, or convey a road project.

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

7 Sec. 8349.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
8 OR RESOLUTION. The district shall comply with all applicable
9 requirements of any resolution that is adopted by the governing
10 body of a municipality under Section 54.016 or 54.0165, Water Code,
11 and that consents to the creation of the district or to the
12 inclusion of land in the district.

13 Sec. 8349.106. REGIONAL WASTE DISPOSAL POWERS AND DUTIES.
14 The district has the powers and duties applicable to a district
15 under Chapter 30, Water Code.

16 Sec. 8349.107. WASTEWATER TREATMENT FACILITY DESIGN
17 APPROVAL. The district must obtain the approval of the Brazos River
18 Authority for the design of a district wastewater treatment
19 facility.

20 Sec. 8349.108. WASTEWATER SERVICE PROVIDERS. Only the
21 Brazos River Authority or a provider approved by the Brazos River
22 Authority may provide wastewater service in the district.

23 Sec. 8349.109. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT.
24 The district shall comply with the terms of the "Agreement
25 Regarding Sewer Services Areas and Customers" among the Lower
26 Colorado River Authority, the Brazos River Authority, the City of
27 Georgetown, the City of Liberty Hill, and the Chisholm Trail

1 Special Utility District dated February 1, 2005.

2 [Sections 8349.110-8349.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

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

13 Sec. 8349.152. OPERATION AND MAINTENANCE TAX. (a) If
14 authorized at an election held under Section 8349.151, the district
15 may impose an operation and maintenance tax on taxable property in
16 the district in accordance with Section 49.107, Water Code.

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

19 [Sections 8349.153-8349.200 reserved for expansion]

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 8349.201. AUTHORITY TO ISSUE BONDS AND OTHER
22 OBLIGATIONS. The district may issue bonds or other obligations
23 payable wholly or partly from ad valorem taxes, impact fees,
24 revenue, contract payments, grants, or other district money, or any
25 combination of those sources, to pay for any authorized district
26 purpose.

27 Sec. 8349.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At

1 the time bonds or other obligations payable wholly or partly from ad
2 valorem taxes are issued:

3 (1) the board shall impose a continuing direct annual
4 ad valorem tax, at a rate not to exceed the rate approved at an
5 election held under Section 8349.151, for each year that all or part
6 of the bonds are outstanding; and

7 (2) the district annually shall impose an ad valorem
8 tax on all taxable property in the district in an amount sufficient
9 to:

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

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

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

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

21 SECTION 2. The Northwest Williamson County Municipal
22 Utility District No. 1 initially includes all the territory
23 contained in the following area:

24 Tract I

25 BEING 129.95 acres of the James Northcross Survey, Abstract
26 No. 478, in Williamson County, Texas; part of the tract called
27 162.755 acres (less exceptions) which is described in a deed to DEC

1 Circle C Ranch Ltd. of record in Doc. 2000085838, Official Records
2 of Williamson County, Texas. This tract was surveyed on the ground
3 in December of 2004, by Williams F. Forest, Jr., Registered
4 Professional Land Surveyor No. 1847.

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

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

13 THENCE along the fenced boundary of the said 162.755 acre
14 tract; S 69 deg. 43 min. 45 sec. W 1164.54 feet to a pipe post found
15 at the Northeast corner of 34.74 acre tract owned by C.D. Sherwood
16 and described in Vol. 594, Pg. 531; S 69 deg. 49 min. 40 sec. W
17 1203.87 feet to an iron pin found at a fence corner; and S 14 deg. 11
18 min. 49 sec. E 1164.86 feet to an iron pin found at a fence corner.

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

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

27 THENCE with the boundary of the 9.5 acre tract conveyed to

1 Deborah E. Ivicic in Doc. 1998018246, N 19 deg. 05 min. 07 sec. W
2 991.53 feet to an iron pin found; and S 71 deg. 05 min. 12 sec. W
3 401.03 feet to an iron pin set in the East line of the 14 acres
4 conveyed to a D.W. Anderson in Doc. 1998010248.

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

7 THENCE with the North boundary of the said 162.755 acre
8 tract, finding pipe post fence corners as follows; N 72 deg. 33 min.
9 58 sec. E 331.83 feet; S 16 deg. 51 min. 12 sec. E 147.920 feet; and
10 N 72 deg. 41 min. 18 sec. E 1656.79 feet to the POINT OF BEGINNING.

11 Tract II

12 BEING 9.50 acre of the James Northcross Survey, Abstract No.
13 478, in Williamson County, Texas; part of the tract called 9.5 acres
14 as described in a Correction Deed to Deborah Elizabeth Ivicic, of
15 record in Doc. 1998018246, Official Records of Williamson County,
16 Texas. This tract was surveyed on the ground in December of 2004, by
17 William F. Forest, Jr., Registered Professional Land surveyor No.
18 1847.

19 BEGINNING at an iron pin which was found in the North line of
20 County Road 289, at the Southwest corner of the said Deborah Ivicic
21 9.5 acre tract and at the Southeast corner of a 6.68 acre tract.

22 THENCE with the West line of the said 9.5 acre Ivicic tract, N
23 19 deg. 05 min. 48 sec. W 965.73 feet to an iron pin set in the East
24 line of a 14 acre tract which is described in a deed to Daniel W.
25 Anderson of record in Doc. 1998018248.

26 THENCE with the East line of the Anderson 14 acres, N 12 deg.
27 54 min. 12 sec. E 30.93 feet to an iron pint set.

1 THENCE with the North line of the Deborah Ivicic 9.5 acres, N
2 70 deg. 05 min. 12 sec. E 401.03 feet to and iron pin found.

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

5 THENCE with the north Line of County Road 289, S 71 deg. 26
6 min. 57 sec. W 24.90 feet to an iron pin found; and S 70 deg. 59 min.
7 36 sec. W 392.32 feet to the POINT OF BEGINNING.

8 TRACT III

9 BEING 6.68 acres of the James Northcross Survey, Abstract No.
10 478, in Williamson County, Texas; part of the tract called 162.775
11 acres (less exceptions) which is described in a deed to DEC Circle C
12 Ranch Ltd. of record in Doc. 2000085838, Official Records of
13 Williamson County, Texas. This tract was surveyed on the ground in
14 December of 2004, by William F. Forest, Jr., Registered
15 Professional Land Surveyor No. 1847.

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

23 THENCE with the East line of the said 14.00 acre tract, N 12
24 deg. 54 min. 12 sec. E 1137.98 feet to an iron pin set in the West
25 line of the 9.5 acre Exception tract that is described in Doc.
26 2000085838 and as conveyed by a Correction Deed to Deborah E. Ivicic
27 in Doc. 1998018246. An iron pin found stands N 19 deg. 05 min. 48

1 sec. W 26.28 feet.

2 THENCE with the West line of said 9.5 Deborah Ivicic tract, S
3 19 deg. 05 min. 48 sec. E 965.73 feet to an iron pin found.

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

6 TRACT IV

7 BEING 13.99 acres of the James Northcross Survey, Abstract
8 No. 478, in Williamson County, Texas. This tract is the same tract
9 which is called 14 acres and described in a deed to Daniel W.
10 Anderson of record in Doc. 1998018248, Official Records of
11 Williamson County, Texas. This tract was surveyed on the ground in
12 December of 2004, by William F. Frost, Jr., Registered Professional
13 Land Surveyor No. 1847.

14 BEGINNING at a nail found in the concrete base of a fence
15 corner post in the North line of County Road 289, at the Southwest
16 corner of said 14.00 acre Anderson tract.

17 THENCE with the West line of said 14.00 acre tract, N 12 deg.
18 54 min. 15 sec. E 4119.77 feet to an iron pin found at a fence
19 corner.

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

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

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

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

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

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

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

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