

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 4778
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 23, 2009, reported adversely,
1-5 with favorable Committee Substitute by the following vote: Yeas 5,
1-6 Nays 0; May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 4778 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Northwest Williamson County
1-11 Municipal Utility District No. 1; providing authority to impose a
1-12 tax and issue bonds; granting a limited power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8349 to read as follows:

1-16 CHAPTER 8349. NORTHWEST WILLIAMSON COUNTY MUNICIPAL UTILITY
1-17 DISTRICT NO. 1

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8349.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the district's board of directors.

1-21 (2) "Director" means a board member.

1-22 (3) "District" means the Northwest Williamson County
1-23 Municipal Utility District No. 1.

1-24 Sec. 8349.002. NATURE OF DISTRICT. The district is a
1-25 municipal utility district created under and essential to
1-26 accomplish the purposes of Section 59, Article XVI, and Section 52,
1-27 Article III, Texas Constitution.

1-28 Sec. 8349.003. CONFIRMATION ELECTION REQUIRED. (a) The
1-29 board shall hold an election to confirm the creation of the district
1-30 as provided by Section 49.102, Water Code.

1-31 (b) If the creation of the district is not confirmed at a
1-32 confirmation election before September 1, 2013:

1-33 (1) the district is dissolved September 1, 2013,
1-34 except that the district shall:

1-35 (A) pay any debts incurred;

1-36 (B) transfer to Williamson County any assets that
1-37 remain after the payment of debts; and

1-38 (C) maintain the organization of the district
1-39 until all debts are paid and remaining assets are transferred; and

1-40 (2) this chapter expires September 1, 2016.

1-41 Sec. 8349.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-42 temporary directors may not hold an election under Section 8349.003
1-43 until each municipality in whose corporate limits or
1-44 extraterritorial jurisdiction the district is located has
1-45 consented by ordinance or resolution to the creation of the
1-46 district and to the inclusion of land in the district.

1-47 Sec. 8349.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-48 All land and other property in the district will benefit from the
1-49 improvements and services to be provided by the district.

1-50 (b) The district is created to accomplish the purposes of:

1-51 (1) a municipal utility district as provided by
1-52 general law and Section 59, Article XVI, Texas Constitution; and

1-53 (2) Section 52, Article III, Texas Constitution, that
1-54 relate to the construction, acquisition, or improvement of
1-55 macadamized, graveled, or paved roads described by Section 54.234,
1-56 Water Code, or improvements, including storm drainage, bridges, and
1-57 appurtenances, in aid of those roads.

1-58 Sec. 8349.006. INITIAL DISTRICT TERRITORY. (a) The
1-59 district is initially composed of the territory described by
1-60 Section 2 of the Act creating this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of
1-62 the Act creating this chapter form a closure. A mistake made in the
1-63 field notes or in copying the field notes in the legislative process

2-1 does not affect the district's:
2-2 (1) organization, existence, or validity;
2-3 (2) right to issue any type of bond for the purposes
2-4 for which the district is created or to pay the principal of and
2-5 interest on a bond;
2-6 (3) right to impose an assessment or tax; or
2-7 (4) legality or operation.
2-8 [Sections 8349.007-8349.050 reserved for expansion]
2-9 SUBCHAPTER B. BOARD OF DIRECTORS
2-10 Sec. 8349.051. GOVERNING BODY; TERMS. (a) The district is
2-11 governed by a board of five elected directors.
2-12 (b) Directors serve staggered four-year terms.
2-13 Sec. 8349.052. INITIAL DIRECTORS. (a) The initial board
2-14 consists of:
2-15 (1) Kevin Boscamp;
2-16 (2) Ken Willey;
2-17 (3) Trip Leon;
2-18 (4) Bill Woodall; and
2-19 (5) Bruce Hollingsworth.
2-20 (b) Unless the initial board agrees otherwise, the initial
2-21 directors shall draw lots to determine which two shall serve until
2-22 the first regularly scheduled election of directors and which three
2-23 shall serve until the second regularly scheduled election of
2-24 directors.
2-25 (c) This section expires September 1, 2016.
2-26 [Sections 8349.053-8349.100 reserved for expansion]
2-27 SUBCHAPTER C. POWERS AND DUTIES
2-28 Sec. 8349.101. GENERAL POWERS AND DUTIES. The district has
2-29 the powers and duties necessary to accomplish the purposes for
2-30 which the district is created.
2-31 Sec. 8349.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-32 DUTIES. The district has the powers and duties provided by the
2-33 general law of this state, including Chapters 49 and 54, Water Code,
2-34 applicable to municipal utility districts created under Section 59,
2-35 Article XVI, Texas Constitution.
2-36 Sec. 8349.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
2-37 Section 52, Article III, Texas Constitution, the district may
2-38 design, acquire, construct, finance, issue bonds for, and convey to
2-39 this state, a county, or a municipality for operation and
2-40 maintenance macadamized, graveled, or paved roads described by
2-41 Section 54.234, Water Code, or improvements, including storm
2-42 drainage, bridges, and appurtenances, in aid of those roads.
2-43 (b) The district may exercise the powers provided by this
2-44 section without submitting a petition to or obtaining approval from
2-45 the Texas Commission on Environmental Quality as required by
2-46 Section 54.234, Water Code.
2-47 Sec. 8349.104. APPROVAL OF ROAD PROJECT. (a) The district
2-48 may not undertake a road project authorized by Section 8349.103
2-49 unless:
2-50 (1) the municipality or county that will operate and
2-51 maintain the road has approved the plans and specifications of the
2-52 road project; or
2-53 (2) the Texas Transportation Commission has approved
2-54 the plans and specifications of the road project, if the state will
2-55 operate and maintain the road.
2-56 (b) Except as provided by Subsection (a), the district is
2-57 not required to obtain approval from the Texas Transportation
2-58 Commission to design, acquire, construct, finance, issue bonds for,
2-59 improve, or convey a road project.
2-60 (c) The district's construction, repair, and maintenance of
2-61 streets under this section must meet all applicable construction
2-62 standards and regulations of Williamson County.
2-63 Sec. 8349.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-64 OR RESOLUTION. The district shall comply with all applicable
2-65 requirements of any resolution that is adopted by the governing
2-66 body of a municipality under Section 54.016 or 54.0165, Water Code,
2-67 and that consents to the creation of the district or to the
2-68 inclusion of land in the district.
2-69 Sec. 8349.106. LIMITATION ON USE OF EMINENT DOMAIN. The

3-1 district may not exercise the power of eminent domain outside the
3-2 district to acquire a site or easement for:

- 3-3 (1) a road project authorized by Section 8349.103; or
- 3-4 (2) a recreational facility as defined by Section
3-5 49.462, Water Code.

3-6 Sec. 8349.107. REGIONAL WASTE DISPOSAL POWERS AND DUTIES.
3-7 The district has the powers and duties applicable to a district
3-8 under Chapter 30, Water Code.

3-9 Sec. 8349.108. WASTEWATER TREATMENT FACILITY DESIGN
3-10 APPROVAL. The district must obtain the approval of the Brazos River
3-11 Authority for the design of a district wastewater treatment
3-12 facility.

3-13 Sec. 8349.109. WASTEWATER SERVICE PROVIDERS. Only the
3-14 Brazos River Authority or a provider approved by the Brazos River
3-15 Authority may provide wastewater service in the district.

3-16 Sec. 8349.110. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT.
3-17 The district shall comply with the terms of the "Agreement
3-18 Regarding Sewer Services Areas and Customers" among the Lower
3-19 Colorado River Authority, the Brazos River Authority, the City of
3-20 Georgetown, the City of Liberty Hill, and the Chisholm Trail
3-21 Special Utility District dated February 1, 2005.

3-22 [Sections 8349.111-8349.150 reserved for expansion]

3-23 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-24 Sec. 8349.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-25 district may issue, without an election, bonds and other
3-26 obligations secured by revenue or contract payments from a source
3-27 other than ad valorem taxes.

3-28 (b) The district must hold an election in the manner
3-29 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-30 before the district may impose an ad valorem tax or issue bonds
3-31 payable from ad valorem taxes. An ad valorem tax rate imposed by
3-32 the district may not exceed the rate approved at the election.

3-33 Sec. 8349.152. OPERATION AND MAINTENANCE TAX. (a) If
3-34 authorized at an election held under Section 8349.151, the district
3-35 may impose an operation and maintenance tax on taxable property in
3-36 the district in accordance with Section 49.107, Water Code.

3-37 (b) The board shall determine the tax rate. The rate may not
3-38 exceed the rate approved at the election.

3-39 [Sections 8349.153-8349.200 reserved for expansion]

3-40 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-41 Sec. 8349.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-42 OBLIGATIONS. The district may issue bonds or other obligations
3-43 payable wholly or partly from ad valorem taxes, impact fees,
3-44 revenue, contract payments, grants, or other district money, or any
3-45 combination of those sources, to pay for any authorized district
3-46 purpose.

3-47 Sec. 8349.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
3-48 the time bonds or other obligations payable wholly or partly from ad
3-49 valorem taxes are issued:

3-50 (1) the board shall impose a continuing direct annual
3-51 ad valorem tax, at a rate not to exceed the rate approved at an
3-52 election held under Section 8349.151, for each year that all or part
3-53 of the bonds are outstanding; and

3-54 (2) the district annually shall impose an ad valorem
3-55 tax on all taxable property in the district in an amount sufficient
3-56 to:

3-57 (A) pay the interest on the bonds or other
3-58 obligations as the interest becomes due;

3-59 (B) create a sinking fund for the payment of the
3-60 principal of the bonds or other obligations when due or the
3-61 redemption price at any earlier required redemption date; and

3-62 (C) pay the expenses of imposing the taxes.

3-63 Sec. 8349.203. BONDS FOR ROAD PROJECTS. At the time of
3-64 issuance, the total principal amount of bonds or other obligations
3-65 issued or incurred to finance road projects and payable from ad
3-66 valorem taxes may not exceed one-fourth of the assessed value of the
3-67 real property in the district.

3-68 SECTION 2. The Northwest Williamson County Municipal
3-69 Utility District No. 1 initially includes all the territory

4-1 contained in the following area:

4-2 Tract I

4-3 BEING 129.95 acres of the James Northcross Survey, Abstract
4-4 No. 478, in Williamson County, Texas; part of the tract called
4-5 162.755 acres (less exceptions) which is described in a deed to DEC
4-6 Circle C Ranch Ltd. of record in Doc. 2000085838, Official Records
4-7 of Williamson County, Texas. This tract was surveyed on the ground
4-8 in December of 2004, by Williams F. Forest, Jr., Registered
4-9 Professional Land Surveyor No. 1847.

4-10 BEGINNING at an iron pin which was set for the lower Northeast
4-11 corner of the said 162.755 acre tract, and for a corner of a
4-12 property which is described in a deed to K.W. Daniels of record in
4-13 Doc. 1998037189.

4-14 THENCE along the fenced East line of the said 162.755 acre
4-15 tract, S 18 deg. 55 min. 37 sec. E 1635.48 feet to a pipe post fence
4-16 corner found at the most Northerly East corner of an 18.34 acre
4-17 tract conveyed to The Mike Konle Trust in Doc. 2001088810.

4-18 THENCE along the fenced boundary of the said 162.755 acre
4-19 tract; S 69 deg. 43 min. 45 sec. W 1164.54 feet to a pipe post found
4-20 at the Northeast corner of 34.74 acre tract owned by C.D. Sherwood
4-21 and described in Vol. 594, Pg. 531; S 69 deg. 49 min. 40 sec. W
4-22 1203.87 feet to an iron pin found at a fence corner; and S 14 deg. 11
4-23 min. 49 sec. E 1164.86 feet to an iron pin found at a fence corner.

4-24 THENCE with the North line of the 0.72 acre exception tract
4-25 described in Doc. 2000085838, finding iron pins at bends in the
4-26 fence as follows; S 39 deg. 14 min. 11 sec. W 160.52 feet; S 22 deg.
4-27 54 min. 47 sec. W 211.26 feet; and S 00 deg. 24 min. 34 sec. E 211.57
4-28 feet to a nail found in the concrete base of a fence corner post. An
4-29 iron pin found stands N 70 deg. 19 min. 01 sec. E 2.44 feet.

4-30 THENCE with the North line of County Road 289, S 71 deg. 31
4-31 min. 37 sec. W 323.55 feet to an iron pin found.

4-32 THENCE with the boundary of the 9.5 acre tract conveyed to
4-33 Deborah E. Ivicic in Doc. 1998018246, N 19 deg. 05 min. 07 sec. W
4-34 991.53 feet to an iron pin found; and S 71 deg. 05 min. 12 sec. W
4-35 401.03 feet to an iron pin set in the East line of the 14 acres
4-36 conveyed to a D.W. Anderson in Doc. 1998010248.

4-37 THENCE N 12 deg. 54 min. 12 sec. E 2944.388 feet to and iron
4-38 pin found.

4-39 THENCE with the North boundary of the said 162.755 acre
4-40 tract, finding pipe post fence corners as follows; N 72 deg. 33 min.
4-41 58 sec. E 331.83 feet; S 16 deg. 51 min. 12 sec. E 147.920 feet; and
4-42 N 72 deg. 41 min. 18 sec. E 1656.79 feet to the POINT OF BEGINNING.

4-43 Tract II

4-44 BEING 9.50 acre of the James Northcross Survey, Abstract No.
4-45 478, in Williamson County, Texas; part of the tract called 9.5 acres
4-46 as described in a Correction Deed to Deborah Elizabeth Ivicic, of
4-47 record in Doc. 1998018246, Official Records of Williamson County,
4-48 Texas. This tract was surveyed on the ground in December of 2004, by
4-49 William F. Forest, Jr., Registered Professional Land surveyor No.
4-50 1847.

4-51 BEGINNING at an iron pin which was found in the North line of
4-52 County Road 289, at the Southwest corner of the said Deborah Ivicic
4-53 9.5 acre tract and at the Southeast corner of a 6.68 acre tract.

4-54 THENCE with the West line of the said 9.5 acre Ivicic tract, N
4-55 19 deg. 05 min. 48 sec. W 965.73 feet to an iron pin set in the East
4-56 line of a 14 acre tract which is described in a deed to Daniel W.
4-57 Anderson of record in Doc. 1998018248.

4-58 THENCE with the East line of the Anderson 14 acres, N 12 deg.
4-59 54 min. 12 sec. E 30.93 feet to an iron pint set.

4-60 THENCE with the North line of the Deborah Ivicic 9.5 acres, N
4-61 70 deg. 05 min. 12 sec. E 401.03 feet to and iron pin found.

4-62 THENCE with the East boundary of the Ivicic 9.5 acres, S 19
4-63 deg. 05 min. 07 sec. E 991.53 feet to an iron pin found.

4-64 THENCE with the north Line of County Road 289, S 71 deg. 26
4-65 min. 57 sec. W 24.90 feet to an iron pin found; and S 70 deg. 59 min.
4-66 36 sec. W 392.32 feet to the POINT OF BEGINNING.

4-67 TRACT III

4-68 BEING 6.68 acres of the James Northcross Survey, Abstract No.
4-69 478, in Williamson County, Texas; part of the tract called 162.775

5-1 acres (less exceptions) which is described in a deed to DEC Circle C
5-2 Ranch Ltd. of record in Doc. 2000085838, Official Records of
5-3 Williamson County, Texas. This tract was surveyed on the ground in
5-4 December of 2004, by William F. Forest, Jr., Registered
5-5 Professional Land Surveyor No. 1847.

5-6 BEGINNING at an iron pin which was found in the North line of
5-7 County Road 289, at the Southeast corner of the 14.00 acre exception
5-8 tract which is described in Doc. 2000085838 (the same 14.00 acre
5-9 tract which is described in a deed to Daniel W. Anderson of record
5-10 in Doc. 1998018248). A nail found in the concrete base of a fence
5-11 corner post (at the Southwest corner of the said 162.755 acres)
5-12 stands S 70 deg. 58 min. 03 sec. W 174.52 feet.

5-13 THENCE with the East line of the said 14.00 acre tract, N 12
5-14 deg. 54 min. 12 sec. E 1137.98 feet to an iron pin set in the West
5-15 line of the 9.5 acre Exception tract that is described in Doc.
5-16 2000085838 and as conveyed by a Correction Deed to Deborah E. Ivicic
5-17 in Doc. 1998018246. An iron pin found stands N 19 deg. 05 min. 48
5-18 sec. W 26.28 feet.

5-19 THENCE with the West line of said 9.5 Deborah Ivicic tract, S
5-20 19 deg. 05 min. 48 sec. E 965.73 feet to an iron pin found.

5-21 THENCE with the North line of County Road 289, S 70 deg. 58
5-22 min. W 603.04 feet to the POINT OF BEGINNING.

5-23 TRACT IV

5-24 BEING 13.99 acres of the James Northcross Survey, Abstract
5-25 No. 478, in Williamson County, Texas. This tract is the same tract
5-26 which is called 14 acres and described in a deed to Daniel W.
5-27 Anderson of record in Doc. 1998018248, Official Records of
5-28 Williamson County, Texas. This tract was surveyed on the ground in
5-29 December of 2004, by William F. Frost, Jr., Registered Professional
5-30 Land Surveyor No. 1847.

5-31 BEGINNING at a nail found in the concrete base of a fence
5-32 corner post in the North line of County Road 289, at the Southwest
5-33 corner of said 14.00 acre Anderson tract.

5-34 THENCE with the West line of said 14.00 acre tract, N 12 deg.
5-35 54 min. 15 sec. E 4119.77 feet to an iron pin found at a fence
5-36 corner.

5-37 THENCE with the North boundary of the said 14 acre tract, N 72
5-38 deg. 39 min. 14 sec. E 171.38 feet to an iron pin found.

5-39 THENCE S 12 deg. 54 min. 12 sec. W passing iron pins set on
5-40 line, continuing in all 4113.79 feet to an iron pin found.

5-41 THENCE S 70 deg. 58 min. 03 sec. W 174.52 feet to the POINT OF
5-42 BEGINNING.

5-43 SECTION 3. (a) The legal notice of the intention to
5-44 introduce this Act, setting forth the general substance of this
5-45 Act, has been published as provided by law, and the notice and a
5-46 copy of this Act have been furnished to all persons, agencies,
5-47 officials, or entities to which they are required to be furnished
5-48 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-49 Government Code.

5-50 (b) The governor, one of the required recipients, has
5-51 submitted the notice and Act to the Texas Commission on
5-52 Environmental Quality.

5-53 (c) The Texas Commission on Environmental Quality has filed
5-54 its recommendations relating to this Act with the governor, the
5-55 lieutenant governor, and the speaker of the house of
5-56 representatives within the required time.

5-57 (d) All requirements of the constitution and laws of this
5-58 state and the rules and procedures of the legislature with respect
5-59 to the notice, introduction, and passage of this Act are fulfilled
5-60 and accomplished.

5-61 SECTION 4. This Act takes effect immediately if it receives
5-62 a vote of two-thirds of all the members elected to each house, as
5-63 provided by Section 39, Article III, Texas Constitution. If this
5-64 Act does not receive the vote necessary for immediate effect, this
5-65 Act takes effect September 1, 2009.

5-66 * * * * *