

1-1 By: Gattis, Maldonado (Senate Sponsor - Ogden) H.B. No. 4799
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. 4799 By: Nichols

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

1-10 relating to the creation of the Seven Oaks Ranch Municipal Utility
1-11 District; providing authority to impose a tax and issue bonds;
1-12 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 8347 to read as follows:

1-16 CHAPTER 8347. SEVEN OAKS RANCH MUNICIPAL UTILITY DISTRICT

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8347.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the district's board of directors.

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Seven Oaks Ranch Municipal
1-22 Utility District.

1-23 Sec. 8347.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district created under and essential to
1-25 accomplish the purposes of Section 59, Article XVI, Texas
1-26 Constitution.

1-27 Sec. 8347.003. CONFIRMATION ELECTION REQUIRED. (a) The
1-28 board shall hold an election to confirm the creation of the district
1-29 as provided by Section 49.102, Water Code.

1-30 (b) If the creation of the district is not confirmed at a
1-31 confirmation election before September 1, 2013:

1-32 (1) the district is dissolved September 1, 2013,
1-33 except that the district shall:

1-34 (A) pay any debts incurred;

1-35 (B) transfer to Williamson County any assets that
1-36 remain after the payment of debts; and

1-37 (C) maintain the organization of the district
1-38 until all debts are paid and remaining assets are transferred; and

1-39 (2) this chapter expires September 1, 2016.

1-40 Sec. 8347.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-41 temporary directors may not hold an election under Section 8347.003
1-42 until each municipality in whose corporate limits or
1-43 extraterritorial jurisdiction the district is located has
1-44 consented by ordinance or resolution to the creation of the
1-45 district and to the inclusion of land in the district.

1-46 Sec. 8347.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
1-47 land and other property in the district will benefit from the
1-48 improvements and services to be provided by the district.

1-49 Sec. 8347.006. INITIAL DISTRICT TERRITORY. (a) The
1-50 district is initially composed of the territory described by
1-51 Section 2 of the Act creating this chapter.

1-52 (b) The boundaries and field notes contained in Section 2 of
1-53 the Act creating this chapter form a closure. A mistake made in the
1-54 field notes or in copying the field notes in the legislative process
1-55 does not affect the district's:

1-56 (1) organization, existence, or validity;

1-57 (2) right to issue any type of bond for a purpose for
1-58 which the district is created or to pay the principal of and
1-59 interest on the bond;

1-60 (3) right to impose an assessment or tax; or

1-61 (4) legality or operation.

1-62 [Sections 8347.007-8347.050 reserved for expansion]

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SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8347.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8347.052, directors serve staggered four-year terms.

Sec. 8347.052. INITIAL DIRECTORS. (a) The initial board consists of:

(1) Edward Rathgeber;

(2) R. Tim Mitchell;

(3) Mike Wittenberg;

(4) Marcos Canchola; and

(5) Bob Brent.

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

(c) This section expires September 1, 2016.

[Sections 8347.053-8347.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8347.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8347.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8347.103. REGIONAL WASTE DISPOSAL POWERS AND DUTIES. The district has the powers and duties applicable to a district under Chapter 30, Water Code.

Sec. 8347.104. COMPLIANCE WITH MUNICIPAL CONSENT RESOLUTION. The district shall comply with all applicable requirements of any resolution, adopted by the governing body of a municipality under Section 54.016, Water Code, that consents to the creation of the district or to the inclusion of land in the district.

Sec. 8347.105. WASTEWATER TREATMENT FACILITY DESIGN APPROVAL. The district must obtain the approval of the Brazos River Authority for the design of any district wastewater treatment facility.

Sec. 8347.106. WASTEWATER SERVICE PROVIDERS. Only the Brazos River Authority or a provider approved by the Brazos River Authority may provide wastewater service in the district.

Sec. 8347.107. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT. The district shall comply with the terms of the "Agreement Regarding Sewer Services Areas and Customers" among the Lower Colorado River Authority, the Brazos River Authority, the City of Georgetown, the City of Liberty Hill, and the Chisholm Trail Special Utility District dated February 1, 2005.

Sec. 8347.108. STREET REPAIR AND MAINTENANCE. (a) After September 1, 2019, the district, at the district's expense, shall repair and maintain any streets in the district.

(b) A district's repair and maintenance of streets under this section must meet all applicable construction standards and regulations of Williamson County.

Sec. 8347.109. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for a recreational facility as defined by Section 49.462, Water Code.

[Sections 8347.110-8347.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8347.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by revenue or contract payments from a source other than ad valorem taxation.

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

3-1 payable from ad valorem taxes.
3-2 (c) An ad valorem tax rate imposed by the district may not
3-3 exceed the rate approved at the election.

3-4 Sec. 8347.152. OPERATION AND MAINTENANCE TAX. (a) If
3-5 authorized at an election held under Section 8347.151, the district
3-6 may impose an operation and maintenance tax on taxable property in
3-7 the district as provided by Section 49.107, Water Code.

3-8 (b) The board shall determine the tax rate. The rate may not
3-9 exceed the rate approved at the election.

3-10 [Sections 8347.153-8347.200 reserved for expansion]

3-11 SUBCHAPTER E. BONDS

3-12 Sec. 8347.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-13 OBLIGATIONS. The district may issue bonds or other obligations
3-14 payable wholly or partly from ad valorem taxes, impact fees,
3-15 revenue, grants, or other district money, or any combination of
3-16 those sources, to pay for any authorized district purpose.

3-17 Sec. 8347.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
3-18 the time bonds or other obligations payable wholly or partly from ad
3-19 valorem taxes are issued:

3-20 (1) the board shall impose a continuing direct annual
3-21 ad valorem tax, at a rate not to exceed the rate approved at an
3-22 election held under Section 8347.151, for each year that all or part
3-23 of the bonds are outstanding; and

3-24 (2) the district annually shall impose an ad valorem
3-25 tax on all taxable property in the district in an amount sufficient
3-26 to:

3-27 (A) pay the interest on the bonds or other
3-28 obligations as the interest becomes due;

3-29 (B) create a sinking fund for the payment of the
3-30 principal of the bonds or other obligations when due or the
3-31 redemption price at any earlier required redemption date; and

3-32 (C) pay the expenses of imposing the taxes.

3-33 SECTION 2. The Seven Oaks Ranch Municipal Utility District
3-34 initially includes all the territory contained in the following
3-35 area:

3-36 DESCRIPTION FOR JAY ALAN LANSDALE ET. UX. - ROBERT D. WUNSCH,
3-37 TRUSTEE

3-38 BEING 35.00 acres of the William Ashworth Survey, Abstract
3-39 No. 24, in Williamson County, Texas. This tract is the same property
3-40 called 35 acres as described in a deed to Jay A. Lansdale, et. ux.,
3-41 of record in Doc. 2004025768, Official Records of Williamson
3-42 County, Texas (ORWCT). This tract was surveyed on the ground in
3-43 April of 2008, by William F. Forest, Jr., Registered Professional
3-44 Land Surveyor No. 1847. Survey note: The bearing basis for this
3-45 survey is the State Plane Coordinate System, Grid North, Texas
3-46 Central Zone.

3-47 BEGINNING at an iron pin which was found in the curved South
3-48 line of State Highway 29, at the Northwest corner of a 49.99 acre
3-49 tract which is described in a deed to River Chase Subdivision II
3-50 Ltd. of record in Doc. 2007104313 (ORWCT), and at the Northeast
3-51 corner of the said 35 ac. property of Jay A. Lansdale.

3-52 THENCE along or near the general line of an existing fence,
3-53 with the East boundary Lansdale and the West boundary of the said
3-54 49.99 acre tract, S 20 deg. 32 min. 40 sec. E at 2468.65 feet pass an
3-55 iron pin found, continuing an additional (L10) 126.38 feet, in all
3-56 2595.03 feet to the approximate center of the San Gabriel River.

3-57 THENCE upstream with the approximate center of the River, and
3-58 with the lower North boundary of a 137.21 acre property which is
3-59 described in a deed to River Chase Subdivision II Ltd. (Doc.
3-60 2008004193 ORWCT), as follows; (L9) S 81 deg. 42 min. 13 sec. W
3-61 225.43 feet; (L8) N 85 deg. 25 min. 07 sec. W 260.32 feet; and N 70
3-62 deg. 09 min. 07 sec. W 154.29 feet.

3-63 THENCE with the East boundary of the reserve of a tract of
3-64 0.93 ac. as conveyed to Robert Scruggs (2092/414 ORWCT); less 0.255
3-65 acre as conveyed by Court Judgment to David Kelley, et. ux. Cause
3-66 82-180C, (L23) N 20 deg. 36 min. 51 sec. W 133.22 feet to an iron pin
3-67 found at the Southeast corner of the said 0.255 ac. Kelley tract.

3-68 THENCE with the boundary of the property conveyed to Jay A.
3-69 Lansdale, (L24) S 74 deg. 15 min. 31 sec. W 36.49 feet to an iron pin

4-1 set.

4-2 THENCE with the common boundary between Lansdale and Scruggs,
4-3 N 20 deg. 07 min. 50 sec. W 331.71 feet to an iron pin found at the
4-4 Southeast corner of a 14.558 acre property conveyed to Henry and
4-5 Patricia Blum (1618/75).

4-6 THENCE with the common boundary between Lansdale and Blum
4-7 finding iron pins in a fence line as follows; (L25) N 20 deg. 10 min.
4-8 26 sec. W 44.99 feet; N 07 deg. 00 min. 16 sec. W 131.76 feet; N 18
4-9 deg. 33 min. 47 sec. W 416.90 feet; and continuing with a line that
4-10 departs the fence, N 20 deg. 56 min. 52 sec. W 706.17 feet.

4-11 THENCE with an unfenced boundary finding iron pins that are
4-12 West of the fence, following the East line of the 13.83 acre
4-13 property which is described in a deed to Albert and Cynthia Garcia
4-14 (2476/920); N 21 deg. 02 min. 33 sec. W 419.30 feet to an iron pin
4-15 found; and continuing with the East line of the property of William
4-16 C. and Catherine Carrizales-Pintor (3.37 ac. Doc. 9624329 ORWCT), N
4-17 20 deg. 57 min. 29 sec. W 629.07 feet to an iron pin set Northerly
4-18 from an iron pin found which stands S 20 deg. 57 min. 29 sec. E 0.88
4-19 feet.

4-20 THENCE with the South boundary of S.H. 29 and the North
4-21 boundary of Jay Lansdale, finding concrete right-of-way monuments
4-22 as follows; (L26) S 53 deg. 59 min. 35 sec. E 96.86 feet; and (L27) S
4-23 41 deg. 57 min. 59 sec. E 95.73 feet to the beginning of a curve to
4-24 the left having a radius of 697.27 feet; continuing with the arc of
4-25 the curve 592.49 feet, the chord bears S 78 deg. 25 min. 45 sec. E
4-26 574.83 feet to the POINT OF BEGINNING.

4-27 * * * * *

4-28 DESCRIPTION FOR RIVER CHASE SUBDIVISION II LTD.

4-29 BEING 49.99 acres of the William Ashworth Survey, Abstract
4-30 No. 24, in Williamson County, Texas. This tract is the same 49.99
4-31 acre property which is described in a deed to River Chase
4-32 Subdivision II Ltd. of record in Doc. 2007104313, Official Records
4-33 of Williamson County, Texas (ORWCT). This tract was surveyed on
4-34 the ground in December of 2008, under the supervision of William F.
4-35 Forest, Jr., Registered Professional Land Surveyor No. 1847. Survey
4-36 note: The bearing basis for this survey is the State Plane
4-37 Coordinate System, Grid North, Texas Central Zone. Line codes used
4-38 herein are in agreement with the survey plat prepared this date.

4-39 BEGINNING at an iron pin which was found in the curved South
4-40 line of State Highway 29, at the Northwest corner of the said 49.99
4-41 acre property and at the Northeast corner of the 35 ac. property
4-42 conveyed to Waterstone Land and Cattle Co. L.P. as described in Doc.
4-43 2008050683 (ORWCT).

4-44 THENCE with the South line of State Highway 29, (C1) 54.10
4-45 feet with the arc of a curve to the left having a radius of 697.27
4-46 feet; the chord bears N 75 deg. 00 min. 18 sec. E 54.09 feet to an
4-47 iron pin found at the end of the curve; N 68 deg. 44 min. 48 sec. E
4-48 417.01 feet to a concrete right-of-way marker found; and N 73 deg.
4-49 18 min. 54 sec. E 328.98 feet to an iron pin found.

4-50 THENCE with the East line of the said 49.99 acre tract and the
4-51 upper West line of the 137.21 acre tract which is described in a
4-52 deed to River Chase Subdivision II Ltd. (Doc. 2008004193), S 20 deg.
4-53 32 min. 29 sec. E at 2748.66 feet pass an iron pin found; continuing
4-54 (L16) S 20 deg. 32 min. 29 sec. E an additional 116.99 feet to the
4-55 approximate center of the San Gabriel River, continuing in all
4-56 2865.65 feet.

4-57 THENCE upstream with the approximate center of the River and
4-58 the South boundary of the said tract called 49.99 acres, following
4-59 the boundary of the said 137.21 acres, (L15) S 78 deg. 19 min. 05
4-60 sec. W 61.75 feet; (L14) N 85 deg. 06 min. 10 sec. W 108.27 feet;
4-61 (L13) N 81 deg. 53 min. 40 sec. W 106.23 feet; (L12) N 89 deg. 43
4-62 min. 10 sec. W 440.07 feet; and (L11) S 81 deg. 42 min. 20 sec. W
4-63 138.73 feet.

4-64 THENCE with the West line of the said tract called 49.99 acres
4-65 and with the East line of the 35 acre tract conveyed to Waterstone
4-66 Land and Cattle Co. L.P. (L10) N 20 deg. 32 min. 40 sec. W at 126.38
4-67 feet pass an iron pin found on the North bank of a waterway;
4-68 continuing N 20 deg. 32 min. 40 sec. W an additional 2468.65 feet,
4-69 continuing in all 2595.03 feet to the POINT OF BEGINNING.

5-1 * * * * *

5-2 DESCRIPTION FOR DAVID L. KELLEY, TRUSTEE - ROBERT D. WUNSCH,
5-3 TRUSTEE

5-4 BEING 137.21 acres of the William Ashworth Survey, Abstract
5-5 No. 24, in Williamson County, Texas. This tract is part of the
5-6 property which was described in a deed to David L. Kelley, Trustee
5-7 of the David L. Kelley Asset Liquidating Trust as set out in Doc.
5-8 2002001651 of the Official Records of Williamson County, Texas
5-9 (ORWCT). This tract was surveyed on the ground in October of 2007,
5-10 by William F. Forest, Jr., Registered Professional Land Surveyor
5-11 No. 1847. Survey note: The bearing basis for this survey is the
5-12 State Plane Coordinate System, Grid North, Texas Central Zone.
5-13 Line numbers utilized herein correlate to the attached survey plat
5-14 prepared this date.

5-15 BEGINNING at an iron pin which was found in the West line of
5-16 the property conveyed to Sam A. Easley Jr. as described in Vol. 221,
5-17 Pg. 55 (Deed Records), and in the East boundary of the 100 acre
5-18 property conveyed to Gladys Townsend as described in Doc.
5-19 2003078951 (ORWCT). This corner exists at the Southwest corner of
5-20 Tract 1 called 375.88 acres (formerly 821/499) as described in the
5-21 said Correction Deed to David L. Kelley, at the Northwest corner of
5-22 the 433.04 acre tract conveyed to L. Kotrla Property, LLC. of record
5-23 in Doc. 2005094096 (ORWCT) and at the Southwest corner of the 108.91
5-24 acre Tract 4 described in said Kelley deed (Tract 4 is an exception
5-25 tract out of Tract 1).

5-26 THENCE along or near the general line of an existing fence, N
5-27 20 deg. 06 min. 11 sec. W 469.98 feet with the East line of Townsend
5-28 to an iron pin found; continuing with the East line of the 483.20
5-29 acre tract conveyed to Wallace Seggern as described in Vol. 742, Pg.
5-30 295 (Deed Records); setting iron pins in the fence line as follows;
5-31 (L1) N 18 deg. 58 min. 54 sec. W 122.43 feet; (L2) N 33 deg. 28 min.
5-32 04 sec. W 92.26 feet; N 20 deg. 25 min. 40 sec. W 338.43 feet; and
5-33 (L3) N 22 deg. 29 min. 25 sec. W 106.13 feet to an iron pin found;
5-34 continuing with the common line of Seggern, with a line that departs
5-35 the fence, as follows; (L4) N 15 deg. 01 min. 45 sec. E 45.37 feet to
5-36 a pipe found; and (L5) N 20 deg. 17 min. 05 sec. W 219.29 feet to an
5-37 iron pin set in the fence line, continuing along or near the East
5-38 side of the fence with the West line of the said 108.91 acre Kelley
5-39 tract, N 19 deg. 50 min. 50 sec. W 345.41 feet to an iron pin set 1.5
5-40 feet East of the fence; N 20 deg. 12 min. 18 sec. W 1142.13 feet to
5-41 an iron pin set; departing the West line of the 108.91 acre Tract 4
5-42 and continuing with the West line of the said 375.88 acre tract and
5-43 its common line with Seggern, (L6) N 20 deg. 12 min. 18 sec. W 165.97
5-44 feet to the approximate center of the channel of the San Gabriel
5-45 River.

5-46 THENCE downstream with the South line of the 35 acre tract
5-47 conveyed to Jay A. Lansdale (Doc. 2004025768) and with the
5-48 approximate center of the river, as follows; (L7) S 70 deg. 09 min.
5-49 07 sec. E 203.33 feet; (L8) S 85 deg. 25 min. 07 sec. E 260.32 feet;
5-50 (L9) N 81 deg. 42 min. 13 sec. E 225.43 feet; continuing with the
5-51 South line of the 50 acre tract conveyed to Round Rock Hydromulch,
5-52 Inc. as described in Doc. 2004018474 (ORWCT); (L11) N 81 deg. 42
5-53 min. 20 sec. E 138.73 feet; (L12) S 89 deg. 43 min. 10 sec. E 440.07
5-54 feet; (L13) S 81 deg. 53 min. 40 sec. E 106.23 feet; (L14) S 85 deg.
5-55 06 min. 10 sec. E 108.27 feet; and (L15) N 78 deg. 19 min. 05 sec. E
5-56 61.75 feet.

5-57 THENCE with the East boundary of the said 50 acre Hydromulch
5-58 tract, (L16) N 20 deg. 32 min. 29 sec. W 116.99 feet to an iron pin
5-59 found on the North bank of the river; and N 20 deg. 32 min. 29 sec. W
5-60 2748.66 feet to an iron pin found.

5-61 THENCE with the South line of State Highway 29, N 73 deg. 18
5-62 min. 19 sec. E 422.98 feet to an iron pin set at the Northeast corner
5-63 of the said 375.88 acre tract. This corner is the Northeast corner
5-64 of the 224.18 acre property partitioned to Dorothy Aline Edwards as
5-65 described in Vol. 582, Pg. 291, Deed Records.

5-66 THENCE with the common boundary between Kelly (Edwards) and
5-67 Clare C. Mashburn (563/68), with a line that departs the existing
5-68 fence, S 19 deg. 58 min. 13 sec. E 3445.88 feet to an iron pin found.

5-69 THENCE with the boundary of the Easley Sloan Cemetery (Doc.

6-1 2007079512), (L17) S 17 deg. 25 min. 25 sec. W 162.99 feet to an iron
6-2 pin found; and (L18) S 73 deg. 28 min. 54 sec. E 125.17 feet to an
6-3 iron pin found. An iron pin found at the Southeast corner of the
6-4 Cemetery stands (L19) S 66 deg. 25 min. 32 sec. E 13.69 feet.

6-5 THENCE with the East line of the said 108.91 acre tract and
6-6 the West line of the Clare Mashburn property, with a line that does
6-7 not follow area fencing, S 19 deg. 59 min. 28 sec. E 1658.10 feet to
6-8 an iron pin set. Most of this line follows the West line of a 30
6-9 foot wide easement to the Easley Sloan Cemetery (see covenant
6-10 563/68).

6-11 THENCE with the North boundary of the 100.08 acre property
6-12 conveyed to Oak Stump, LLC. as described in Doc. 2003094213
6-13 (ORWCT), S 69 deg. 59 min. 39 sec. W 482.83 feet to an iron pin found
6-14 at a fence corner; continuing along or near an existing fence, with
6-15 the North boundary of the said 433.04 acre Kotrla tract, S 69 deg.
6-16 59 min. 40 sec. W 1321.01 feet to the POINT OF BEGINNING.

6-17 SECTION 3. (a) The legal notice of the intention to
6-18 introduce this Act, setting forth the general substance of this
6-19 Act, has been published as provided by law, and the notice and a
6-20 copy of this Act have been furnished to all persons, agencies,
6-21 officials, or entities to which they are required to be furnished
6-22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-23 Government Code.

6-24 (b) The governor has submitted the notice and Act to the
6-25 Texas Commission on Environmental Quality.

6-26 (c) The Texas Commission on Environmental Quality has filed
6-27 its recommendations relating to this Act with the governor,
6-28 lieutenant governor, and speaker of the house of representatives
6-29 within the required time.

6-30 (d) All requirements of the constitution and laws of this
6-31 state and the rules and procedures of the legislature with respect
6-32 to the notice, introduction, and passage of this Act are fulfilled
6-33 and accomplished.

6-34 SECTION 4. This Act takes effect September 1, 2009.

6-35 * * * * *