

By: Gattis

H.B. No. 4815

A BILL TO BE ENTITLED

AN ACT

relating to certain procedures regarding dissolution of the Ranch at Cypress Creek Municipal Utility District No. 1.

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

SECTION 1. Chapter 21, Acts of the 71st Legislature, 6th Called Session, 1990, is amended by amending Section 2 and adding Section 6A to read as follows:

Sec. 2. DEFINITIONS [~~DEFINITION~~]. In this Act:

(1) "Association" means the Ranch at Cypress Creek Homeowners' Association, created and operating under the Declaration of Protective Covenants for the Ranch at Cypress Creek, Section 8, filed November 27, 1997, Document Number 9758822, Real Property Records, Williamson County.

(2) "Board" means the board of directors of the Ranch at Cypress Creek Municipal Utility District No. 1.

(3) "Declaration" means the Declaration of Protective Covenants for the Ranch at Cypress Creek, Section 8, filed November 27, 1997, Document Number 9758822, Real Property Records, Williamson County.

(4) "Director" means a board member.

(5) "District" means the Ranch at Cypress Creek Municipal Utility [~~,"district" means the Williamson-Travis Counties Water Control and Improvement~~] District No. 1.

(6) "Supplemental property" means that certain

1 property as described in the Ranch at Cypress Creek, Section 1 found
2 in plat records in Cabinet L, Slides 61-63, Document Number
3 9423489, official records of Williamson County, Texas, and in plat
4 recorded in Book 93, Page 83, Document Number 2000205107, records
5 of Travis County, Texas; Section 2 found in plat records in Cabinet
6 L, Slides 65-67, Document Number 9424008, official records of
7 Williamson County, Texas; Section 3 found in plat records in
8 Cabinet L, Slides 104-106, Document Number 9433406, official
9 records of Williamson County, Texas; Section 4 found in plat
10 records in Cabinet L, Slides 107-110, Document Number 9433407,
11 official records of Williamson County, Texas; Section 5 found in
12 plat records in Cabinet N, Slides 8-9, Document Number 9623954,
13 official records of Williamson County, Texas; Section 6 found in
14 plat records in Cabinet N, Slides 10-12, Document Number 9624029,
15 official records of Williamson County, Texas; Section 7 found in
16 plat records in Cabinet O, Slides 105-107, Document Number 9706681,
17 official records of Williamson County, Texas; Section 9 found in
18 plat records in Cabinet Q, Slides 241-243, Document Number 9874690,
19 official records of Williamson County, Texas, and in plat recorded
20 in Book 102, Page 251, records of Travis County, Texas; Section 12
21 found in plat records in Cabinet O, Slides 372-374, Document Number
22 9738603, official records of Williamson County, Texas.

23 Sec. 6A. INCLUSION OF CERTAIN PROPERTY IN ASSOCIATION ON
24 DISSOLUTION OF THE DISTRICT. (a) If the district is dissolved,
25 notwithstanding an existing restrictive covenant or real property
26 restriction to the contrary, any supplemental property not included
27 in the association immediately before the dissolution is included

1 in the association on dissolution if the addition of the
2 supplemental property to the association is approved at the
3 election or elections held under this section.

4 (b) Before the district is dissolved, the association shall
5 hold an election or set of elections under the election procedures
6 of the association at which all members of the association and all
7 property owners of the supplemental property as of the date the
8 district is dissolved may vote on the question of whether the
9 supplemental property is to be included in the association.

10 (c) The supplemental property is included in the
11 association if the property's inclusion is approved by a vote of
12 two-thirds majority of:

13 (1) all members of the association on the date the
14 election is held; and

15 (2) all property owners of the supplemental property
16 on the date the election is held.

17 (d) The board shall identify and transfer district funds
18 from the district's operating account to the association before the
19 district is dissolved in an amount adequate, as determined by the
20 board in consultation with the association, to pay the costs and
21 expenses of the election or elections required by Subsection (b).

22 (e) The association may not hold the election or set of
23 elections under this section more than once.

24 (f) If the supplemental property is included in the
25 association under this section:

26 (1) the declaration applies to and replaces the
27 restrictive covenants and real property restrictions governing the

1 supplemental property immediately before the dissolution of the
2 district, including the obligation of property owners to pay dues,
3 charges, and assessments to the association;

4 (2) the association shall include two additional
5 members of the association board to represent the owners of the
6 supplemental property; and

7 (3) the first directors included under Subdivision (2)
8 of this subsection shall be appointed by the association board, as
9 it existed immediately before the appointments, not later than the
10 30th day after the date of the election or elections under this
11 section, and subsequent directors shall be elected according to the
12 covenants and bylaws of the association.

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

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