

1-1 By: Deuell S.B. No. 2410  
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 17, 2009, reported favorably by the following  
1-5 vote: Yeas 4, Nays 0; April 17, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Twin Lakes Municipal Utility  
1-9 District No. 1 of Kaufman County; providing authority to impose a  
1-10 tax and issue bonds; granting a limited power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 8310 to read as follows:

1-14 CHAPTER 8310. TWIN LAKES MUNICIPAL UTILITY DISTRICT NO. 1 OF  
1-15 KAUFMAN COUNTY

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8310.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the district's board of directors.

1-19 (2) "Director" means a board member.

1-20 (3) "District" means the Twin Lakes Municipal Utility  
1-21 District No. 1 of Kaufman County.

1-22 Sec. 8310.002. NATURE OF DISTRICT. The district is a  
1-23 municipal utility district created under Section 59, Article XVI,  
1-24 Texas Constitution.

1-25 Sec. 8310.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-26 REQUIRED. The temporary directors shall hold an election to  
1-27 confirm the creation of the district and to elect five permanent  
1-28 directors as provided by Section 49.102, Water Code.

1-29 Sec. 8310.004. CONSENT OF MUNICIPALITY REQUIRED. The  
1-30 temporary directors may not hold an election under Section 8310.003  
1-31 until each municipality in whose corporate limits or  
1-32 extraterritorial jurisdiction the district is located has  
1-33 consented by ordinance or resolution to the creation of the  
1-34 district and to the inclusion of land in the district.

1-35 Sec. 8310.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-36 (a) The district is created to serve a public purpose and benefit.

1-37 (b) The district is created to accomplish the purposes of:

1-38 (1) a municipal utility district as provided by  
1-39 general law and Section 59, Article XVI, Texas Constitution; and

1-40 (2) Section 52, Article III, Texas Constitution, that  
1-41 relate to the construction, acquisition, improvement, operation,  
1-42 or maintenance of macadamized, graveled, or paved roads, or  
1-43 improvements, including storm drainage, in aid of those roads.

1-44 Sec. 8310.006. INITIAL DISTRICT TERRITORY. (a) The  
1-45 district is initially composed of the territory described by  
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of  
1-48 the Act creating this chapter form a closure. A mistake made in the  
1-49 field notes or in copying the field notes in the legislative process  
1-50 does not affect the district's:

1-51 (1) organization, existence, or validity;

1-52 (2) right to issue any type of bond for the purposes  
1-53 for which the district is created or to pay the principal of and  
1-54 interest on a bond;

1-55 (3) right to impose a tax; or

1-56 (4) legality or operation.

1-57 [Sections 8310.007-8310.050 reserved for expansion]

1-58 SUBCHAPTER B. BOARD OF DIRECTORS

1-59 Sec. 8310.051. GOVERNING BODY; TERMS. (a) The district is  
1-60 governed by a board of five elected directors.

1-61 (b) Except as provided by Section 8310.052, directors serve  
1-62 staggered four-year terms.

1-63 Sec. 8310.052. TEMPORARY DIRECTORS. (a) The temporary  
1-64 board consists of:

- 2-1           (1) Lisa Pray;
- 2-2           (2) Ruth (Rannie) Everett;
- 2-3           (3) Christopher T. Guido;
- 2-4           (4) Jonathan E. Neubauer; and
- 2-5           (5) Joy D. Crow.

2-6           (b) Temporary directors serve until the earlier of:  
 2-7           (1) the date permanent directors are elected under  
 2-8 Section 8310.003; or  
 2-9           (2) the fourth anniversary of the effective date of  
 2-10 the Act creating this chapter.

2-11           (c) If permanent directors have not been elected under  
 2-12 Section 8310.003 and the terms of the temporary directors have  
 2-13 expired, successor temporary directors shall be appointed or  
 2-14 reappointed as provided by Subsection (d) to serve terms that  
 2-15 expire on the earlier of:

- 2-16           (1) the date permanent directors are elected under  
 2-17 Section 8310.003; or
- 2-18           (2) the fourth anniversary of the date of the  
 2-19 appointment or reappointment.

2-20           (d) If Subsection (c) applies, the owner or owners of a  
 2-21 majority of the assessed value of the real property in the district  
 2-22 may submit a petition to the Texas Commission on Environmental  
 2-23 Quality requesting that the commission appoint as successor  
 2-24 temporary directors the five persons named in the petition. The  
 2-25 commission shall appoint as successor temporary directors the five  
 2-26 persons named in the petition.

2-27           [Sections 8310.053-8310.100 reserved for expansion]

2-28           SUBCHAPTER C. POWERS AND DUTIES

2-29           Sec. 8310.101. GENERAL POWERS AND DUTIES. The district has  
 2-30 the powers and duties necessary to accomplish the purposes for  
 2-31 which the district is created.

2-32           Sec. 8310.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-33 DUTIES. The district has the powers and duties provided by the  
 2-34 general law of this state, including Chapters 49 and 54, Water Code,  
 2-35 applicable to municipal utility districts created under Section 59,  
 2-36 Article XVI, Texas Constitution.

2-37           Sec. 8310.103. AUTHORITY FOR ROAD PROJECTS. Under Section  
 2-38 52, Article III, Texas Constitution, the district may design,  
 2-39 acquire, construct, finance, issue bonds for, improve, operate,  
 2-40 maintain, and convey to this state, a county, or a municipality for  
 2-41 operation and maintenance macadamized, graveled, or paved roads, or  
 2-42 improvements, including storm drainage, in aid of those roads.

2-43           Sec. 8310.104. ROAD STANDARDS AND REQUIREMENTS. (a) A  
 2-44 road project must meet all applicable construction standards,  
 2-45 zoning and subdivision requirements, and regulations of each  
 2-46 municipality in whose corporate limits or extraterritorial  
 2-47 jurisdiction the road project is located.

2-48           (b) If a road project is not located in the corporate limits  
 2-49 or extraterritorial jurisdiction of a municipality, the road  
 2-50 project must meet all applicable construction standards,  
 2-51 subdivision requirements, and regulations of each county in which  
 2-52 the road project is located.

2-53           (c) If the state will maintain and operate the road, the  
 2-54 Texas Transportation Commission must approve the plans and  
 2-55 specifications of the road project.

2-56           Sec. 8310.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
 2-57 OR RESOLUTION. The district shall comply with all applicable  
 2-58 requirements of any ordinance or resolution that is adopted under  
 2-59 Section 54.016 or 54.0165, Water Code, and that consents to the  
 2-60 creation of the district or to the inclusion of land in the  
 2-61 district.

2-62           Sec. 8310.106. LIMITATION ON USE OF EMINENT DOMAIN. The  
 2-63 district may not exercise the power of eminent domain outside the  
 2-64 district to acquire a site or easement for:

- 2-65           (1) a road project authorized by Section 8310.103; or
- 2-66           (2) a recreational facility as defined by Section  
 2-67 49.462, Water Code.

2-68           Sec. 8310.107. DIVISION OF DISTRICT. (a) The district may  
 2-69 be divided into two or more new districts only if the district:

3-1                   (1) has no outstanding bonded debt; and  
 3-2                   (2) is not imposing ad valorem taxes.  
 3-3           (b) This chapter applies to any new district created by the  
 3-4 division of the district, and a new district has all the powers and  
 3-5 duties of the district.  
 3-6           (c) Any new district created by the division of the district  
 3-7 may not, at the time the new district is created, contain any land  
 3-8 outside the area described by Section 2 of the Act creating this  
 3-9 chapter.  
 3-10           (d) The board, on its own motion or on receipt of a petition  
 3-11 signed by the owner or owners of a majority of the assessed value of  
 3-12 the real property in the district, may adopt an order dividing the  
 3-13 district.  
 3-14           (e) The board may adopt an order dividing the district  
 3-15 before or after the date the board holds an election under Section  
 3-16 8310.003 to confirm the district's creation.  
 3-17           (f) An order dividing the district shall:  
 3-18                   (1) name each new district;  
 3-19                   (2) include the metes and bounds description of the  
 3-20 territory of each new district;  
 3-21                   (3) appoint temporary directors for each new district;  
 3-22 and  
 3-23                   (4) provide for the division of assets and liabilities  
 3-24 between or among the new districts.  
 3-25           (g) On or before the 30th day after the date of adoption of  
 3-26 an order dividing the district, the district shall file the order  
 3-27 with the Texas Commission on Environmental Quality and record the  
 3-28 order in the real property records of each county in which the  
 3-29 district is located.  
 3-30           (h) Any new district created by the division of the district  
 3-31 shall hold a confirmation and directors' election as required by  
 3-32 Section 8310.003.  
 3-33           (i) Municipal consent to the creation of the district and to  
 3-34 the inclusion of land in the district granted under Section  
 3-35 8310.004 acts as municipal consent to the creation of any new  
 3-36 district created by the division of the district and to the  
 3-37 inclusion of land in the new district.  
 3-38           (j) Any new district created by the division of the district  
 3-39 must hold an election as required by this chapter to obtain voter  
 3-40 approval before the district may impose a maintenance tax or issue  
 3-41 bonds payable wholly or partly from ad valorem taxes.  
 3-42                   [Sections 8310.108-8310.150 reserved for expansion]  
 3-43                   SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS  
 3-44                   Sec. 8310.151. ELECTIONS REGARDING TAXES OR BONDS.  
 3-45           (a) The district may issue, without an election, bonds and other  
 3-46 obligations secured by:  
 3-47                   (1) revenue other than ad valorem taxes; or  
 3-48                   (2) contract payments described by Section 8310.153.  
 3-49           (b) The district must hold an election in the manner  
 3-50 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
 3-51 before the district may impose an ad valorem tax or issue bonds  
 3-52 payable from ad valorem taxes.  
 3-53           (c) The district may not issue bonds payable from ad valorem  
 3-54 taxes to finance a road project unless the issuance is approved by a  
 3-55 vote of a two-thirds majority of the district voters voting at an  
 3-56 election held for that purpose.  
 3-57           Sec. 8310.152. OPERATION AND MAINTENANCE TAX. (a) If  
 3-58 authorized at an election held under Section 8310.151, the district  
 3-59 may impose an operation and maintenance tax on taxable property in  
 3-60 the district in accordance with Section 49.107, Water Code.  
 3-61           (b) The board shall determine the tax rate. The rate may not  
 3-62 exceed the rate approved at the election.  
 3-63           Sec. 8310.153. CONTRACT TAXES. (a) In accordance with  
 3-64 Section 49.108, Water Code, the district may impose a tax other than  
 3-65 an operation and maintenance tax and use the revenue derived from  
 3-66 the tax to make payments under a contract after the provisions of  
 3-67 the contract have been approved by a majority of the district voters  
 3-68 voting at an election held for that purpose.  
 3-69           (b) A contract approved by the district voters may contain a

4-1 provision stating that the contract may be modified or amended by  
4-2 the board without further voter approval.

4-3 [Sections 8310.154-8310.200 reserved for expansion]

4-4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

4-5 Sec. 8310.201. AUTHORITY TO ISSUE BONDS AND OTHER  
4-6 OBLIGATIONS. The district may issue bonds or other obligations  
4-7 payable wholly or partly from ad valorem taxes, impact fees,  
4-8 revenue, contract payments, grants, or other district money, or any  
4-9 combination of those sources, to pay for any authorized district  
4-10 purpose.

4-11 Sec. 8310.202. TAXES FOR BONDS. At the time the district  
4-12 issues bonds payable wholly or partly from ad valorem taxes, the  
4-13 board shall provide for the annual imposition of a continuing  
4-14 direct ad valorem tax, without limit as to rate or amount, while all  
4-15 or part of the bonds are outstanding as required and in the manner  
4-16 provided by Sections 54.601 and 54.602, Water Code.

4-17 Sec. 8310.203. BONDS FOR ROAD PROJECTS. At the time of  
4-18 issuance, the total principal amount of bonds or other obligations  
4-19 issued or incurred to finance road projects and payable from ad  
4-20 valorem taxes may not exceed one-fourth of the assessed value of the  
4-21 real property in the district.

4-22 SECTION 2. The Twin Lakes Municipal Utility District No. 1  
4-23 of Kaufman County initially includes all the territory contained in  
4-24 the following area:

4-25 Being a tract of land situated in the Philip Walker Survey,  
4-26 Abstract No. 569, Kaufman County, Texas and being a portion of that  
4-27 certain tract of land described in deed to McDowell Clan Limited  
4-28 Company as recorded in Volume 1648, Page 39, in the Deed Records of  
4-29 Kaufman County, Texas and being a portion of that certain tract of  
4-30 land described in deed to Integra Land Company as recorded in  
4-31 Article 7258, Book 2174, Page 639, in the Deed Records of Kaufman  
4-32 County, Texas being more particularly described by metes and bounds  
4-33 as follows:

4-34 BEGINNING at the South corner of said McDowell Clan Limited  
4-35 Company tract, the northwesterly right-of-way line of F.M. 2728  
4-36 (100' Right Of Way) and the centerline of County Road Number 139  
4-37 (60' Right Of Way);

4-38 THENCE North 44° 42' 03" West, along the centerline of said  
4-39 County Road 139, a distance of 5,402.72', more or less to a point  
4-40 for corner in the east line of the extraterritorial jurisdiction  
4-41 line of the City of Oak Ridge;

4-42 THENCE North 11°19'07" East, along the east line of said City  
4-43 of Oak Ridge extraterritorial jurisdiction limits, a distance of  
4-44 2,834.58', more or less, to a point for corner in the southeasterly  
4-45 line of a tract described in deed to Annie Allen recorded in Volume  
4-46 541, Page 646, in the Deed Records of Kaufman County, Texas.

4-47 THENCE North 45° 20' 59" East, along the southeasterly line of  
4-48 said Annie Allen tract, a distance of 1,417.30', more or less, to a  
4-49 point for corner, said point also being the West corner of said  
4-50 Integra Land Company tract;

4-51 THENCE North 45° 20' 59" East, along Northwest line of said  
4-52 Integra Land Company tract a distance of 3755.10' to a point for  
4-53 corner being in the centerline of Abner Road (60' Right Of Way);

4-54 THENCE South 44° 41' 37" East, along the centerline of said  
4-55 Abner Road, a distance of 287.01' to a point for corner, said point  
4-56 also being the North corner of Lot 101, Lago Vista Estates, Phase 2,  
4-57 an addition in Kaufman County, recorded in Cabinet 2, Slide 556 in  
4-58 the Plat Records of Kaufman County, Texas;

4-59 THENCE South 48°10'08" West along the north boundary line of  
4-60 said Lot 101 a distance of 380.47 feet to a point for corner;

4-61 THENCE South 44° 41' 37" East along Northeast line of said  
4-62 Integra Land Company tract a distance of 2004.30' to a point for  
4-63 corner;

4-64 THENCE North 45° 18' 23" East a distance of 380.00' to a point  
4-65 for corner, in the centerline of said Abner Road;

4-66 THENCE South 44° 41' 37" East, along the centerline of said  
4-67 Abner Road, a distance of 60.00' to a point for corner;

4-68 THENCE South 45° 18' 23" West a distance of 380.00' to a point  
4-69 for corner;

5-1           THENCE South 44° 41' 37" East, along southwest line of said  
5-2 Lago Vista Estates, Phase One distance of 2205.95' to a point for  
5-3 corner;  
5-4           THENCE North 45° 18' 23" East, a distance of 80.00' to a point  
5-5 for corner;  
5-6           THENCE North 41° 29' 32" East, a distance of 150.33' to a point  
5-7 for corner;  
5-8           THENCE North 45° 18' 23" East, a distance of 150.00' to a point  
5-9 for corner, in the centerline of the aforementioned Abner Road;  
5-10          THENCE South 44° 41' 37" East, along the centerline of said  
5-11 Abner Road, a distance of 80.00' to a point for corner;  
5-12          THENCE South 45° 18' 23" West, a distance of 150.00' to a point  
5-13 for corner;  
5-14          THENCE South 49° 07' 14" West, a distance of 150.33' to a point  
5-15 for corner;  
5-16          THENCE South 45° 18' 23" West, a distance of 80.00' to a point  
5-17 for corner;  
5-18          THENCE South 44° 41' 37" East, a distance of 1798.38 to a point  
5-19 for corner;  
5-20          THENCE North 45° 18' 23" East, a distance of 380.00' to a point  
5-21 for corner in the centerline of the aforementioned Abner Road;  
5-22          THENCE South 44° 41' 37" East, along the centerline of said  
5-23 Abner Road, a distance of 222.91' to a point for corner;  
5-24          THENCE South 06° 24' 39" West, a distance of 102.99' to a point  
5-25 for corner at the beginning of a curve to the right having a central  
5-26 angle of 25° 01' 28", a radius of 1393.19', and a chord bearing and  
5-27 distance of South 18° 54' 05" West, 603.66';  
5-28          THENCE along said curve to the right and along the centerline  
5-29 of the aforementioned FM 2728, an arc distance of 608.48' to a point  
5-30 for corner at the end of said curve;  
5-31          THENCE North 66° 30' 28" West, a distance of 366.11' to a point  
5-32 for corner;  
5-33          THENCE South 45° 21' 30" West, a distance of 1907.40' to a  
5-34 point for corner;  
5-35          THENCE South 44° 38' 25" East, a distance of 380.39' to a point  
5-36 for corner, on the northwesterly right-of-way line of said FM 2728;  
5-37          THENCE South 45° 09' 31" West, along the northwesterly  
5-38 right-of-way line of FM 2728 a distance of 60.00' to a point for  
5-39 corner;  
5-40          THENCE North 44° 38' 26" West, a distance of 380.60' to a point  
5-41 for corner;  
5-42          THENCE South 45° 20' 08" West, a distance of 1,029.99' to a  
5-43 point for corner;  
5-44          THENCE South 44° 42' 03" East, a distance of 383.85' to a point  
5-45 for corner;  
5-46          THENCE South 45° 09' 31" West, along northwest right of way  
5-47 line of said F.M. 2728 a distance of 425.38' to a point for corner;  
5-48          THENCE South 45° 30' 39" West, along the northwesterly  
5-49 right-of-way line of FM 2728, a distance of 2113.60' to a point for  
5-50 corner;  
5-51          THENCE South 45° 31' 34" West, along the northwesterly  
5-52 right-of-way line of FM 2728, a distance of 799.26' to a point for  
5-53 corner;  
5-54          THENCE South 45° 29' 50" West, along the northwesterly  
5-55 right-of-way line of FM 2728, a distance of 429.60 to the POINT OF  
5-56 BEGINNING of the herein described tract, and containing 1,084.0  
5-57 acres of land, more or less.

5-58          SECTION 3. (a) The legal notice of the intention to  
5-59 introduce this Act, setting forth the general substance of this  
5-60 Act, has been published as provided by law, and the notice and a  
5-61 copy of this Act have been furnished to all persons, agencies,  
5-62 officials, or entities to which they are required to be furnished  
5-63 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-64 Government Code.

5-65          (b) The governor, one of the required recipients, has  
5-66 submitted the notice and Act to the Texas Commission on  
5-67 Environmental Quality.

5-68          (c) The Texas Commission on Environmental Quality has filed  
5-69 its recommendations relating to this Act with the governor, the

6-1 lieutenant governor, and the speaker of the house of  
6-2 representatives within the required time.

6-3 (d) All requirements of the constitution and laws of this  
6-4 state and the rules and procedures of the legislature with respect  
6-5 to the notice, introduction, and passage of this Act are fulfilled  
6-6 and accomplished.

6-7 SECTION 4. This Act takes effect immediately if it receives  
6-8 a vote of two-thirds of all the members elected to each house, as  
6-9 provided by Section 39, Article III, Texas Constitution. If this  
6-10 Act does not receive the vote necessary for immediate effect, this  
6-11 Act takes effect September 1, 2009.

6-12

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