

By: M. Gonzalez of El Paso

H.B. No. 3933

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the transfer of territory, assets, liabilities, and
3 duties of the former Cuadrilla Improvement Corporation to the Lower
4 Valley Water District.

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

6 SECTION 1. DEFINITIONS. In this Act:

7 (1) "Commission" means the Texas Commission on
8 Environmental Quality or, as appropriate, its predecessor, the
9 Texas Natural Resource Conservation Commission.

10 (2) "Corporation" means the Cuadrilla Improvement
11 Corporation.

12 (3) "Authority" means the Lower Valley Water District.

13 SECTION 2. FINDINGS. (a) On July 8, 1992, the County of El
14 Paso, Texas, by and through the county judge of El Paso County,
15 quitclaimed the county's right, title, and interest in and to the
16 property and any improvements to the property described by Section
17 3 of this Act, to the corporation by executing a quitclaim deed,
18 record number 009280, as recorded in the county records of El Paso
19 County.

20 (b) The El Paso Water Control and Improvement District No. 4
21 assumed the responsibilities as temporary manager of the
22 corporation, including the provision of water and wastewater
23 services to customers of the corporation by emergency order issued
24 by the commission on September 30, 1999, and confirmed by the

1 commission on October 27, 1999.

2 (c) The corporation was involuntarily dissolved by order of
3 the secretary of state on July 18, 2007.

4 (d) The El Paso Water Control and Improvement District No. 4
5 no longer wishes to continue providing service to the former
6 corporation's customers, and the authority is willing to provide
7 and capable of providing that service and of assuming any other
8 duties of the former corporation, provided that the authority is
9 granted any remaining assets of the former corporation, including
10 the real property and any improvements to the property described by
11 Section 3 of this Act.

12 (e) The transfer of any remaining assets of the former
13 corporation, including the real property and any improvements to
14 the property described by Section 3 of this Act, serves a public
15 purpose and benefits the land included in the transfer.

16 SECTION 3. AMENDMENT. Section 2, Chapter 780, Acts of the
17 69th Legislature, Regular Session, 1985, is amended by adding
18 Subsection (c) to read as follows:

19 (c) In addition to the territory described by Subsection (a)
20 of this section, the authority includes all of the property and any
21 improvements to the property contained in the following area:

22 Property (including any improvements):

23 Parcel No. 1 Description
24 Being a 0.245 acre parcel of land out of Tract 2C, Block 40, San
25 Elizario Grant in El Paso County, Texas and being more particularly
26 described by metes and bounds as follows to wit:

27 Beginning at the most Westerly corner of said Tract 2C, Block 40,

1 San Elizario Grant;
2 Thence, along the common line of said Tract 2C and the Cuadrilla
3 Lateral, North 70° 24' East, 80.79 feet to a point for corner;
4 Thence, continuing along said common line of said Tract 2C and the
5 Cuadrilla Lateral, North 63° 40' East, 167.05 feet to a point for
6 corner;
7 Thence, South 30° 16' East, 59.35 feet to a point for corner;
8 Thence, South 61° 24' West, 106.11 feet to a point for corner;
9 Thence, North 89° 42' West, 162.58 feet to the point of beginning and
10 containing 10,678.95 square feet or 0.245 acres of land more or
11 less.

12 Parcel No. 2 Description

13 Being a 1.355 acre parcel of land out of Tract 11-A, Block 5, San
14 Elizario Grant in El Paso County, Texas and being more particularly
15 described by metes and bounds as follows, to wit:
16 Beginning at the Northwesterly corner of said Tract 11-A, Block 5,
17 San Elizario Grant, said point also being on the East right-of-way
18 line of San Francisco Street as shown on the Cuadrilla Townsite map;
19 Thence, along the South line of the Cuadrilla Lateral, North 49° 34'
20 East, 8.30 feet to a point for corner;
21 Thence, South 89° 42' East, 235.80 feet to a point for corner;
22 Thence, North 61° 24' East, 106.11 feet to a point for corner;
23 Thence, South 30° 16' East, 127.00 feet to a point on the North
24 right-of-way line of the Cuadrilla Cut-Off Road;
25 Thence along the North right-of-way line of the Cuadrilla Cut-Off
26 Road, South 59° 44' West, 355.59 feet to the point for corner;
27 Thence, North 21° 30' West, 251.47 feet to the point of beginning and

1 containing 59,017.08 square feet or 1.355 acres of land more or
2 less.

3 SECTION 4. TRANSFER OF ASSETS AND RESPONSIBILITIES. On the
4 effective date of this Act, the authority shall assume:

5 (1) from the El Paso Water Control and Improvement
6 District No. 4, the responsibility of providing water and
7 wastewater services to the customers in the service area of the
8 former corporation; and

9 (2) the powers, duties, liabilities, and remaining
10 assets of the former corporation, including the property described
11 by Section 3 of this Act.

12 SECTION 5. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.

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

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the commission.

21 (c) The commission has filed its recommendations relating
22 to this Act with the governor, the lieutenant governor, and the
23 speaker of the house of representatives within the required time.

24 (d) All requirements of the constitution and laws of this
25 state and the rules and procedures of the legislature with respect
26 to the notice, introduction, and passage of this Act are fulfilled
27 and accomplished.

1 SECTION 6. EFFECTIVE DATE. This Act takes effect
2 immediately if it receives a vote of two-thirds of all the members
3 elected to each house, as provided by Section 39, Article III, Texas
4 Constitution. If this Act does not receive the vote necessary for
5 immediate effect, this Act takes effect September 1, 2013.