

By: Gerdes

H.B. No. 5322

A BILL TO BE ENTITLED

AN ACT

relating to the administration, powers, territory, and financing of the Garfield Municipal Utility District No. 1.

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

SECTION 1. Chapter 776, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Section 5A to read as follows:

SECTION 5A. EXCLUDED LAND. The following land is excluded from the territory of the district:

Approximately 402.839 acres of land, consisting of the following tracts:

Tract 1: a 267.792 acre portion of that parcel of land described by metes and bounds in Section 15(g) of this Act;

Tract 2: being a 135.047 acre portion of that parcel of land described by metes and bounds in Section 15(h) of this Act.

SECTION 2. Chapter 776, Acts of the 78th Legislature, Regular Session, 2003, is amended by adding Sections 7A, 7B, 7C, 7D, and 7E to read as follows:

SECTION 7A. AUTHORITY FOR ROAD PROJECTS. Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, operate, maintain, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads, or improvements, including storm drainage, in aid of those roads.

1 SECTION 7B. ROAD STANDARDS AND REQUIREMENTS. (a) A road
2 project must meet all applicable construction standards, zoning and
3 subdivision requirements, and regulations of each municipality in
4 whose corporate limits or extraterritorial jurisdiction the road
5 project is located.

6 (b) If a road project is not located in the corporate limits
7 or extraterritorial jurisdiction of a municipality, the road
8 project must meet all applicable construction standards,
9 subdivision requirements, and regulations of each county in which
10 the road project is located.

11 (c) If the state will maintain and operate the road, the
12 Texas Transportation Commission must approve the plans and
13 specifications of the road project.

14 SECTION 7C. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS
15 FOR ROAD PROJECTS. The district may issue bonds or other
16 obligations payable wholly or partly from ad valorem taxes, impact
17 fees, revenue, contract payments, grants, or other district money,
18 or any combination of those sources, to pay for a road project
19 authorized by Section 7A of this Act. At the time of issuance, the
20 total principal amount of bonds or other obligations issued or
21 incurred to finance road projects and payable from ad valorem taxes
22 may not exceed one-fourth of the assessed value of the real property
23 in the district.

24 SECTION 7D. TAXES FOR ROAD PROJECT BONDS. At the time the
25 district issues bonds payable wholly or partly from ad valorem
26 taxes for a road project authorized by Section 7A of this Act, the
27 board shall provide for the annual imposition of a continuing

1 direct ad valorem tax, without limit as to rate or amount, while all
2 or part of the bonds are outstanding as required and in the manner
3 provided by Sections 54.601 and 54.602, Water Code.

4 SECTION 7E. ELECTIONS REGARDING ROAD PROJECT BONDS. The
5 district may not issue bonds payable from ad valorem taxes to
6 finance a road project unless the issuance is approved by a vote of
7 a two-thirds majority of the district voters voting at an election
8 held for that purpose.

9 SECTION 3. Section 11(a), Chapter 776, Acts of the 78th
10 Legislature, Regular Session, 2003, is amended to read as follows:

11 (a) The temporary board consists of:

- 12 (1) C. T. Granger III [~~Ricky Turner~~];
13 (2) Nathan L. Kennedy [~~John Lefner~~];
14 (3) Jason Howell Levine [~~Tom Granger~~];
15 (4) David Gonzalez [~~Allen Williams~~]; and
16 (5) William J. Murphy [~~Elroy Williams~~].

17 SECTION 4. Section 12, Chapter 776, Acts of the 78th
18 Legislature, Regular Session, 2003, is amended to read as follows:

19 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.
20 The [~~(a) Not later than the fourth anniversary of the effective~~
21 ~~date of this Act, the~~] temporary board shall hold an election to
22 confirm establishment of the district and to elect five initial
23 directors as provided by Section 49.102, Water Code.

24 [~~(b) Section 41.001(a), Election Code, does not apply to a~~
25 ~~confirmation and initial directors election held under this~~
26 ~~section.~~]

27 SECTION 5. Section 15, Chapter 776, Acts of the 78th

1 Legislature, Regular Session, 2003, is amended by adding
2 Subsections (g) and (h) to read as follows:

3 (g) FIELD NOTES FOR A 267.792 ACRE TRACT OF LAND OUT OF THE
4 REUBEN GAGE SURVEY, ABSTRACT NO. 31, BASTROP COUNTY, TEXAS; BEING
5 ALL OF A CALLED 261.430 ACRE TRACT OF LAND DESCRIBED AS TRACT 1 AS
6 CONVEYED TO CTX HWY 21, LP BY WARRANTY DEED WITH VENDOR'S LIEN
7 RECORDED IN DOCUMENT NUMBER 202216695 OF THE OFFICIAL PUBLIC
8 RECORDS OF BASTROP COUNTY, TEXAS, BEING ALL OF A CALLED 6.362 ACRE
9 TRACT OF LAND AS CONVEYED TO CTX HWY 21, LP BY SPECIAL WARRANTY DEED
10 100' ROW RECORDED IN DOCUMENT NUMBER 202221197 OF THE OFFICIAL
11 PUBLIC RECORDS OF BASTROP COUNTY, TEXAS, BEING A PORTION OF A
12 100-FOOT WIDE UNIMPROVED RIGHT-OF-WAY AS DEDICATED BY VOLUME 427,
13 PAGE 848 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP COUNTY, TEXAS,
14 AND BEING A PORTION OF LOTS 7, 8, 10 AND 11 OF MARK YOUNG RANCH, A
15 SUBDIVISION AS REFERENCED IN VOLUME 52, PAGE 351 OF THE DEED RECORDS
16 OF BASTROP COUNTY, TEXAS; SAID 267.792 ACRES OF LAND BEING MORE
17 PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

18 BEGINNING at a 1/2-inch iron rod with cap stamped "BGE Inc"
19 set on the southeast line of THE RANCH, a subdivision recorded in
20 Cabinet 1, Page 74-B of the Plat Records of Bastrop County, Texas,
21 at the most westerly corner of the above described CTX HWY 21 Tract
22 1, and at the most northerly corner of a called 100.842 acre tract
23 of land described as Tract 1 as conveyed to Cedar Creek East LP by
24 Special Warranty Deed recorded in Document Number 202114074 of the
25 Official Public Records of Bastrop County, Texas, for the most
26 westerly corner of the herein described tract, from which a found
27 1/2-inch iron rod bears N 46°52'57" W a distance of 2.59 feet, and

1 from which a found 1/2-inch iron pipe bears S 43°03'13" W a distance
2 of 321.19 feet;

3 THENCE, with a northwest line of said CTX HWY 21 Tract 1 and
4 the southeast line of said THE RANCH, N 43°08'04" E a distance of
5 314.84 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at
6 an exterior corner of said CTX HWY 21 Tract 1, and at the most
7 westerly corner of a called 135.047 acre tract of land described as
8 Tract 2 as conveyed to CTX SPE 4, LP by Warranty Deed with Vendor's
9 Lien recorded in said Document Number 202216695 of the Official
10 Public Records of Bastrop County, Texas, for an exterior corner of
11 the herein described tract, from which a 1/2-inch iron rod with cap
12 stamped "BGE Inc" set at the most easterly corner of said THE RANCH,
13 at the most southerly corner of FOREST LAKES, a subdivision
14 recorded in Cabinet 1, Page 164-A of the Plat Records of Bastrop
15 County, Texas, and at the most southerly terminus of Lakeview Drive
16 (50 feet wide) as dedicated by said FOREST LAKES, bears
17 N 43°08'04" E a distance of 204.63 feet;

18 THENCE, departing the southeast line of said THE RANCH, with
19 the north line of said CTX HWY 21 Tract 1 and the south line of said
20 CTX SPE 4 Tract, the following six (6) courses:

21 (1) S 84°51'25" E a distance of 407.47 feet to a 1/2-inch iron rod
22 with cap stamped "BGE Inc" set for an angle point;

23 (2) N 77°52'25" E a distance of 373.22 feet to a 1/2-inch iron rod
24 with cap stamped "BGE Inc" set for an angle point;

25 (3) N 27°47'35" E a distance of 215.08 feet to a 1/2-inch iron rod
26 with cap stamped "BGE Inc" set for an exterior corner of said CTX
27 HWY 21 Tract 1, and at an interior corner of said CTX SPE 4 Tract,

1 for an exterior corner of the herein described tract;

2 (4) S 62°12'25" E a distance of 1,071.49 feet to a 1/2-inch iron rod
3 with cap stamped "BGE Inc" set for an interior corner of said CTX
4 HWY 21 Tract 1, and at an exterior corner of said CTX SPE 4 Tract,
5 for an interior corner of the herein described tract;

6 (5) N 60°51'43" E a distance of 490.04 feet to a 1/2-inch iron rod
7 with cap stamped "BGE Inc" set for an angle point; and

8 (6) N 43°03'50" E a distance of 2,814.94 feet to a 1/2-inch iron rod
9 with cap stamped "BGE Inc" set on the southwest line of THOUSAND
10 OAKS, a subdivision recorded in Cabinet 1, Page 129-A of the Plat
11 Records of Bastrop County, Texas, at the most northerly corner of
12 said CTX HWY 21 Tract 1, and at the most easterly corner of said CTX
13 SPE 4 Tract, for the most northerly corner of the herein described
14 tract, from which a 1/2-inch iron rod found at the most southerly
15 corner of Lot 53 and the most westerly corner of Lot 52, both of said
16 THOUSAND OAKS, bears N 47°03'28" W a distance of 206.43 feet;

17 THENCE, with the northeast line of said CTX HWY 21 Tract 1 and
18 the southwest line of said THOUSAND OAKS, S 47°03'28" E a distance
19 of 1,016.21 feet to a 3/8-inch iron rod found at the most southerly
20 corner of Lot 48 and the most westerly corner of Lot 47, both of said
21 THOUSAND OAKS, for an angle point;

22 THENCE, continuing with the northeast line of said CTX HWY 21
23 Tract 1 and the southwest line of said THOUSAND OAKS and partly with
24 the southwest line of AMENDED PLAT OF LOT 46 AND PORTION OF LOT 47,
25 THOUSAND OAKS, a subdivision recorded in Cabinet 6, Sheet 28A of the
26 Plat Records of Bastrop County, Texas, S 46°46'54" E a distance of
27 770.36 feet to a 3/8-inch iron rod found for an angle point;

1 THENCE, continuing with the northeast line of said CTX HWY 21
2 Tract 1 and the southwest line of said AMENDED PLAT OF LOT 46 AND
3 PORTION OF LOT 47, THOUSAND OAKS, S 46°27'13" E a distance of 342.84
4 feet to a fence post found at the most easterly corner of said CTX
5 HWY 21 Tract 1, and at the most northerly corner of a called 587.274
6 acre tract of land described as Tract 3 as conveyed to Cedar Creek
7 East LP by Special Warranty Deed recorded in said Document Number
8 202114074 and Correction Instruments as to a Recorded Original
9 Instrument recorded in Document Numbers 202216447 and 202216495,
10 all of the Official Public Records of Bastrop County, Texas, for the
11 most easterly corner of the herein described tract, from which a
12 1/2-inch iron rod found at the most southerly corner of said AMENDED
13 PLAT OF LOT 46 AND PORTION OF LOT 47, THOUSAND OAKS, bears
14 S 46°52'02" E a distance of 1,345.39 feet;

15 THENCE, generally along a fence, with the southeast line of
16 said CTX HWY 21 Tract 1 and the northwest line of said Cedar Creek
17 East Tract 3, S 42°54'02" W a distance of 4,643.68 feet to a
18 1/2-inch iron rod found at the most southerly corner of said CTX HWY
19 21 Tract 1, and at the most easterly corner of a called 121.000 acre
20 tract of land described as Tract 2 as conveyed to Cedar Creek East
21 LP by Special Warranty Deed recorded in said Document Number
22 202114074 of the Official Public Records of Bastrop County, Texas,
23 for the most southerly corner of the herein described tract, from
24 which a found 3/8-inch iron rod bears N 38°41'24" W a distance of
25 0.68 feet, and from which a 1/2-inch iron rod with cap stamped "BGE
26 Inc" found on the north line of a called 141.079 acre tract of land
27 as conveyed to NEU Community Creekside LLC by Special Warranty Deed

1 recorded in Document Number 202207532 of the Official Public
2 Records of Bastrop County, Texas, at a common corner of the
3 remainders of said Cedar Creek East Tract 2 and said Cedar Creek
4 East Tract 3, bears S 43°02'33" W a distance of 2,032.33 feet;

5 THENCE, generally along a fence, with the southwest line of
6 said CTX HWY 21 Tract 1 and the northeast line of said Cedar Creek
7 East Tract 2, N 46°52'57" W, pass a 1/2-inch iron rod with cap
8 stamped "BGE Inc" set on the south line of said 100-foot wide
9 unimproved right-of-way, at an exterior corner of said CTX HWY 21
10 Tract 1, at the most southerly corner of the above described CTX HWY
11 21 6.362 acre tract, and at the northeast corner of said Cedar Creek
12 East Tract 2 at a distance of 476.83 feet, and continuing on
13 generally along a fence, with the southwest line of said CTX HWY 21
14 6.362 acre tract and over and across said 100-foot wide unimproved
15 right-of-way, pass a 1/2-inch iron rod with cap stamped "BGE Inc"
16 set on the north line of said 100-foot wide unimproved
17 right-of-way, at an exterior corner of said CTX HWY 21 Tract 1, at
18 the most westerly corner of said CTX HWY 21 6.362 acre tract, and at
19 the most easterly corner of said Cedar Creek East Tract 1 at a
20 distance of 588.33 feet, and continuing on generally along a fence,
21 with the southwest line of said CTX HWY 21 Tract 1 and the northeast
22 line of said Cedar Creek East Tract 1 for a total distance of
23 3,804.30 feet to the POINT OF BEGINNING and containing 267.792
24 acres of land, more or less.

25 (h) FIELD NOTES FOR A 135.047 ACRE TRACT OF LAND OUT OF THE
26 REUBEN GAGE SURVEY, ABSTRACT NO. 31, THE HIRAM BEALES SURVEY,
27 ABSTRACT NO. 12, AND THE ISAAC LINDSEY SURVEY, ABSTRACT NO. 226, ALL

1 OF BASTROP COUNTY, TEXAS; BEING A PORTION OF A CALLED 808.872 ACRE
2 TRACT OF LAND AS CONVEYED TO FREDDIE WAYNE HOSKINS, TRUSTEE OF THE
3 HOSKINS GRANTOR RETAINED ANNUITY TRUST BY WARRANTY DEED RECORDED IN
4 DOCUMENT NUMBER 200411085 OF THE OFFICIAL PUBLIC RECORDS OF BASTROP
5 COUNTY, TEXAS, AND BEING A PORTION OF LOT 7 AND LOT 10 OF MARK YOUNG
6 RANCH, A SUBDIVISION AS REFERENCED IN VOLUME 52, PAGE 351 OF THE
7 DEED RECORDS OF BASTROP COUNTY, TEXAS; SAID 135.047 ACRES OF LAND
8 BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

9 BEGINNING at a 1/2-inch iron rod found on the northwest line
10 of the above described Hoskins Tract and the southwest right-of-way
11 line of Privada Drive (50 feet wide) as shown on the plat of
12 ESCONDIDO, a subdivision recorded in Cabinet 1, Page 66-A of the
13 Plat Records of Bastrop County, Texas, at the most easterly corner
14 of Lot 20 of said ESCONDIDO, for the most northerly corner and POINT
15 OF BEGINNING of the herein described tract;

16 THENCE, leaving the southeast line of said ESCONDIDO, over
17 and across said Hoskins Tract and with the apparent southwest
18 right-of-way line of said Privada Drive, S 47°24'40" E a distance of
19 31.39 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set on a
20 southeast line of said Hoskins Tract and the northwest line of
21 THOUSAND OAKS, a subdivision recorded in Cabinet 1, Page 129-A of
22 the Plat Records of Bastrop County, Texas, at the intersection with
23 the southeast right-of-way line of Elm Forest Loop (called 12 varas
24 wide) as recorded in Volume 55, Page 223 of the Deed Records of
25 Bastrop County, Texas, and as shown on said ESCONDIDO and said
26 THOUSAND OAKS, for an exterior corner of the herein described
27 tract;

1 THENCE, with a southeast line of said Hoskins Tract and the
2 northwest line of said THOUSAND OAKS, S 43°23'38" W a distance of
3 65.41 feet to a 1/2-inch iron rod found at an interior corner of
4 said Hoskins Tract, and at the most westerly corner of said THOUSAND
5 OAKS, for an interior corner of the herein described tract;

6 THENCE, with the northeast line of said Hoskins Tract and the
7 southwest line of said THOUSAND OAKS, S 46°56'10" E a distance of
8 1,427.18 feet to a 1/2-inch iron rod found at the most southerly
9 corner of Lot 53 and the most westerly corner of Lot 52, both of said
10 THOUSAND OAKS, for an angle point;

11 THENCE, continuing with the northeast line of said Hoskins
12 Tract and the southwest line of said THOUSAND OAKS, S 47°03'28" E a
13 distance of 206.43 feet to a 1/2-inch iron rod with cap stamped "BGE
14 Inc" set for the most easterly corner of the herein described tract,
15 from which a 3/8-inch iron rod found at the most southerly corner of
16 Lot 48 and the most westerly corner of Lot 47, both of said THOUSAND
17 OAKS, bears S 47°03'28" E a distance of 1,016.21 feet;

18 THENCE, leaving the southwest line of said THOUSAND OAKS,
19 over and across said Hoskins Tract, S 43°03'50" W a distance of
20 2,814.94 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set
21 for an angle point;

22 THENCE, continuing over and across said Hoskins Tract,
23 S 60°51'43" W a distance of 490.04 feet to a 1/2-inch iron rod with
24 cap stamped "BGE Inc" set for the most southerly corner of the
25 herein described tract;

26 THENCE, continuing over and across said Hoskins Tract,
27 N 62°12'25" W a distance of 1,071.49 feet to a 1/2-inch iron rod

1 with cap stamped "BGE Inc" set for an interior corner of the herein
2 described tract;

3 THENCE, continuing over and across said Hoskins Tract,
4 S 27°47'35" W a distance of 215.08 feet to a 1/2-inch iron rod with
5 cap stamped "BGE Inc" set for an angle point;

6 THENCE, continuing over and across said Hoskins Tract,
7 S 77°52'25" W a distance of 373.22 feet to a 1/2-inch iron rod with
8 cap stamped "BGE Inc" set for an angle point;

9 THENCE, continuing over and across said Hoskins Tract,
10 N 84°51'25" W a distance of 407.47 feet to a 1/2-inch iron rod with
11 cap stamped "BGE Inc" set on the northwest line of said Hoskins
12 Tract and the southeast line of Lot 22, THE RANCH, a subdivision
13 recorded in Cabinet 1, Page 74-B of the Plat Records of Bastrop
14 County, Texas, for the most westerly corner of the herein described
15 tract, from which a 1/2-inch iron rod with cap stamped "BGE Inc" set
16 at the most westerly corner of said Hoskins Tract, and at the most
17 northerly corner of a called 100.842 acre tract of land described as
18 Tract 1 as conveyed to Cedar Creek East LP by Special Warranty Deed
19 recorded in Document Number 202114074 of the Official Public
20 Records of Bastrop County, Texas, bears S 43°08'04" W a distance of
21 314.84 feet;

22 THENCE, with the northwest line of said Hoskins Tract and the
23 southeast line of said THE RANCH, N 43°08'04" E a distance of 204.63
24 feet to a 1/2-inch iron rod with cap stamped "BGE Inc" set at the
25 most easterly corner of said THE RANCH, at the most southerly corner
26 of FOREST LAKES, a subdivision recorded in Cabinet 1, Page 164-A of
27 the Plat Records of Bastrop County, Texas, and at the most southerly

1 terminus of Lakeview Drive (50 feet wide) as dedicated by said
2 FOREST LAKES, for an angle point, from which a found flagged
3 3/8-inch iron rod extruding from the ground bears N 38°18'55" W a
4 distance of 2.42 feet;

5 THENCE, continuing with the northwest line of said Hoskins
6 Tract, S 84°13'54" E a distance of 34.74 feet to 1/2-inch iron rod
7 with cap stamped "BGE Inc" set at an angle point, from which a found
8 flagged t-post bears N 40°56'38" W a distance of 2.76 feet;

9 THENCE, continuing with the northwest line of said Hoskins
10 Tract, N 42°44'59" E a distance of 1,113.08 feet to a 1/2-inch iron
11 rod found at the most southerly corner of said ESCONDIDO, for an
12 angle point;

13 THENCE, continuing with the northwest line of said Hoskins
14 Tract and the southeast line of said ESCONDIDO the following eight
15 (8) courses:

16 (1) N 43°11'44" E a distance of 720.41 feet to an 8-foot tall
17 10-inch by 10-inch concrete pillar found at the most easterly
18 corner of Lot 39 of said ESCONDIDO, and at the most southerly
19 terminus of Escondido Drive (50 feet wide) as dedicated by said
20 ESCONDIDO, for an angle point;

21 (2) N 43°40'05" E a distance of 48.94 feet to a 5/8-inch iron rod
22 found at the most easterly terminus of said Escondido Drive, and at
23 the most southerly corner of Lot 29 of said ESCONDIDO, for an angle
24 point;

25 (3) N 43°09'00" E a distance of 456.59 feet to a 5/8-inch iron rod
26 found for an angle point;

27 (4) N 43°03'58" E a distance of 629.59 feet to a 1/2-inch iron rod

1 found for an angle point;

2 (5) N 43°30'21" E a distance of 145.94 feet to a 1/2-inch iron rod
3 found at the most easterly corner of said Lot 29, and at the most
4 southerly corner of Lot 20 of said ESCONDIDO, for an angle point;

5 (6) N 43°01'51" E a distance of 681.62 feet to a 1/2-inch iron rod
6 with cap stamped "BGE Inc" set for an angle point;

7 (7) N 07°13'53" E a distance of 52.30 feet to a 1/2-inch iron rod
8 with cap stamped "BGE Inc" set for an angle point; and

9 (8) N 43°23'23" E a distance of 328.55 feet to the POINT OF
10 BEGINNING and containing 135.047 acres of land, more or less.

11 SECTION 6. As soon as practicable after the effective date
12 of this Act, the temporary board of the Garfield Municipal Utility
13 District No. 1 shall hold an election to confirm the establishment
14 of the district and to elect five initial directors as provided by
15 Section 12, Chapter 776, Acts of the 78th Legislature, Regular
16 Session, 2003, as amended by this Act.

17 SECTION 7. (a) The legal notice of the intention to
18 introduce this Act, setting forth the general substance of this
19 Act, has been published as provided by law, and the notice and a
20 copy of this Act have been furnished to all persons, agencies,
21 officials, or entities to which they are required to be furnished
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
23 Government Code.

24 (b) The governor, one of the required recipients, has
25 submitted the notice and Act to the Texas Commission on
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the
2 lieutenant governor, and the speaker of the house of
3 representatives within the required time.

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

8 SECTION 8. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2023.