

1-1 By: Armbrister S.B. No. 24
1-2 (In the Senate - Filed April 15, 2003; April 16, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 May 2, 2003, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 10, Nays 0; May 2, 2003,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 24 By: Armbrister

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

1-10 relating to the creation, administration, powers, duties,
1-11 operation, and financing of the Ranch at Clear Fork Creek Municipal
1-12 Utility District No. 1; granting the authority to impose taxes and
1-13 issue bonds; granting the power of eminent domain.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. DEFINITIONS. In this Act:

1-16 (1) "Board" means the board of directors of the
1-17 district.

1-18 (2) "Commission" means the Texas Commission on
1-19 Environmental Quality.

1-20 (3) "District" means the Ranch at Clear Fork Creek
1-21 Municipal Utility District No. 1.

1-22 SECTION 2. CREATION. (a) A conservation and reclamation
1-23 district to be known as the Ranch at Clear Fork Creek Municipal
1-24 Utility District No. 1 is created in Caldwell County, subject to
1-25 approval by the City of Umland, as provided by Section 7(b) of this
1-26 Act, and to approval at a confirmation election under Section 12 of
1-27 this Act.

1-28 (b) The district is a governmental agency and a political
1-29 subdivision of this state.

1-30 SECTION 3. AUTHORITY FOR CREATION. The district is created
1-31 under and is essential to accomplish the purposes of Section 59,
1-32 Article XVI, Texas Constitution.

1-33 SECTION 4. FINDING OF BENEFIT AND PUBLIC PURPOSE. (a) The
1-34 district is created to serve a public use and benefit.

1-35 (b) All of the land and other property included within the
1-36 boundaries of the district will be benefited by the works and
1-37 projects that are to be accomplished by the district under powers
1-38 conferred by Section 59, Article XVI, Texas Constitution.

1-39 SECTION 5. BOUNDARIES. The district includes the territory
1-40 contained within the following area:

1-41 BEGINNING, at an iron rod set in the south right-of-way line of
1-42 State Highway No. 21 at the northwest corner of said Pape tract,
1-43 being also the northeast corner of that certain tract of land
1-44 described in a deed to Jack Turner, recorded in Volume 448, Page 310
1-45 of the Deed Records of Caldwell County, Texas, for the northwest
1-46 corner and POINT OF BEGINNING of the herein described 405.39 acre
1-47 tract of land, from which point a concrete monument found in the
1-48 south right-of-way line of said State Highway No. 21 bears,
1-49 S60°16'12"W, a distance of 3077.82 feet,
1-50 THENCE, continuing with the south right-of-way line of said State
1-51 Highway No. 21, being also the north line of said Pape tract, the
1-52 following three (3) courses and distances, numbered 1 through 3,

1-53 1. N60°16'12"E, a distance of 1340.33 feet to an iron rod
1-54 set,

1-55 2. N65°14'11"E, a distance of 556.14 feet to an iron rod
1-56 found, and

1-57 3. continuing with the south right-of-way line of County
1-58 Road No. 227, being also the north line of said Pape tract,
1-59 N65°44'19"E, a distance of 3736.36 feet to an iron rod found at the
1-60 northeast corner of said Pape tract, being also at the intersection
1-61 of the south right-of-way line of said County Road No. 227 and the
1-62 west right-of-way line of F.M. Highway No. 2720, for the northeast
1-63 corner of the herein described tract,

2-1 THENCE, with the east line of the said Pape tract, being also the
2-2 west right-of-way line of said F.M. Highway No. 2720, S42°12'40"E, a
2-3 distance of 1758.47 feet to an iron rod found at the most easterly
2-4 southeast corner of said Pape tract, being also the northeast
2-5 corner of that certain tract of land described in a deed to Leeona
2-6 Jo Schaeffer and Clifton N. Schaeffer, recorded in Volume 128, Page
2-7 294 of the Deed Records of Caldwell County, Texas, for the most
2-8 easterly southeast corner of the herein described tract,
2-9 THENCE, departing the west right-of-way line of said F.M. Highway
2-10 No. 2720, with the south line of said Pape tract, being also the
2-11 north line of said Schaeffer tract, S47°34'13"W, a distance of
2-12 2482.31 feet to an iron rod set at the northwest corner of said
2-13 Schaeffer tract, being also an interior corner of said Pape tract,
2-14 THENCE, with an east line of said Pape tract, being also the west
2-15 line of said Schaeffer tract, S42°18'42"E, a distance of 619.67 feet
2-16 to an iron rod found at the most southerly southeast corner of said
2-17 Pape tract, being also the northeast corner of that certain tract of
2-18 land described in a deed to Roland Holz, recorded in Volume 88, Page
2-19 318 of the Deed Records of Caldwell County, Texas,
2-20 THENCE, continuing with the south line of said Pape tract, being
2-21 also the north line of said Holz tract, S47°37'18"W, a distance of
2-22 706.95 feet to an iron rod found at the northwest corner of said
2-23 Holz tract, being also the northeast corner of that certain tract of
2-24 land described in a deed to Florence M. Holz Vickery, recorded in
2-25 Volume 88, Page 318 of the Deed Records of Caldwell County, Texas,
2-26 THENCE, continuing with the south line of said Pape tract, being
2-27 also the north line of said Vickery tract, S47°31'05"W, a distance
2-28 of 701.12 feet to an iron rod found at the northwest corner of said
2-29 Vickery tract, being also the northeast corner of that certain
2-30 tract of land described in a deed to William Walter Holz, recorded
2-31 in Volume 378, Page 47 of the Deed Records of Caldwell County,
2-32 Texas,
2-33 THENCE, continuing with the south line of said Pape tract,
2-34 S47°35'46"W, a distance of 2332.36 feet to an iron rod found at the
2-35 northwest corner of that certain tract of land described in a deed
2-36 to Helen Sue Carter, recorded in Volume 117, Page 72 of the Deed
2-37 Records of Caldwell County, Texas, being also the northeast corner
2-38 of that certain tract of land described in a deed to Wilbur
2-39 Burklund, recorded in Volume 340, Page 209 of the Deed Records of
2-40 Caldwell County, Texas,
2-41 THENCE, continuing with the south line of said Pape tract, being
2-42 also the north line of said Burklund tract, S47°47'30"W, a distance
2-43 of 81.93 feet to an iron rod set at the southwest corner of said Pape
2-44 tract, being also the southeast corner of that certain tract of land
2-45 described in a deed to Jim Mattox, Trustee, recorded in Volume 197,
2-46 Page 926 of the Deed Records of Caldwell County, Texas, for the
2-47 southwest corner of the herein described tract,
2-48 THENCE, with the west line of said Pape tract, being also the east
2-49 line of said Mattox tract, N29°28'35"W, a distance of 1953.89 feet
2-50 to an iron rod found at the northeast corner of said Mattox tract,
2-51 being also the southeast corner of that certain tract of land
2-52 described in a deed to Jack Turner, recorded in Volume 448, Page 310
2-53 of the Deed Records of Caldwell County, Texas,
2-54 THENCE, continuing with the west line of said Pape tract, being also
2-55 the east line of said Turner tract, the following two (2) courses
2-56 and distances, numbered 1 and 2,
2-57 1. N19°23'14"W, a distance of 680.16 feet to an iron rod
2-58 found, and
2-59 2. N33°54'43"W, a distance of 1491.63 feet to the POINT OF
2-60 BEGINNING and containing 405.39 Acres of Land.
2-61 SECTION 6. FINDINGS RELATIVE TO BOUNDARIES. The
2-62 legislature finds that the boundaries and field notes of the
2-63 district form one or more closures. If a mistake is made in the
2-64 field notes or in copying the field notes in the legislative
2-65 process, the mistake does not affect in any way:
2-66 (1) the organization, existence, or validity of the
2-67 district;
2-68 (2) the right of the district to impose taxes; or
2-69 (3) the legality or operation of the district or the

3-1 board.

3-2 SECTION 7. POWERS. (a) The district has all of the rights,
3-3 powers, privileges, authority, functions, and duties provided by
3-4 the general law of this state, including Chapters 49 and 54, Water
3-5 Code, applicable to municipal utility districts created under
3-6 Section 59, Article XVI, Texas Constitution.

3-7 (b) The district is wholly located in the extraterritorial
3-8 jurisdiction of the City of Uhland and is subject to the
3-9 requirements of municipal ordinances of the City of Uhland
3-10 applicable to extraterritorial areas, unless the municipality's
3-11 governing body waives compliance. Creation of the district is
3-12 subject to approval of the City of Uhland, as provided by Section
3-13 42.042, Local Government Code, and Section 54.016, Water Code.

3-14 (c) Subject to the approval of the governing body of the
3-15 City of Uhland, the district may divide into two or more contiguous
3-16 districts as provided by Sections 51.749-51.758, Water Code,
3-17 without any further approval or consent.

3-18 (d) The rights, powers, privileges, authority, functions,
3-19 and duties of the district are subject to the continuing right of
3-20 supervision of the state to be exercised by and through the
3-21 commission.

3-22 SECTION 8. DEVELOPMENT AGREEMENT. (a) The district or the
3-23 owners of land within the district may enter into a written contract
3-24 with a municipality within whose extraterritorial jurisdiction the
3-25 district is wholly or partly located:

3-26 (1) guaranteeing the continuation of the
3-27 extraterritorial status of the district and its immunity from
3-28 annexation by the municipality for a period not to exceed 25 years;

3-29 (2) regulating the development within the boundaries
3-30 of the district in a manner that the parties agree will further the
3-31 health, safety, and welfare of the residents of the district; and

3-32 (3) containing other terms and consideration that the
3-33 district and the municipality agree to be reasonable and
3-34 appropriate.

3-35 (b) A contract under this section may be renewed or extended
3-36 for successive periods not to exceed 15 years.

3-37 SECTION 9. APPLICABILITY OF OTHER LAW. This Act prevails
3-38 over any provision of general law that is in conflict or
3-39 inconsistent with this Act.

3-40 SECTION 10. BOARD OF DIRECTORS. (a) The district is
3-41 governed by a board of five directors.

3-42 (b) Temporary directors serve until initial directors are
3-43 elected under Section 12 of this Act.

3-44 (c) Initial directors serve until the election of permanent
3-45 directors under Section 13 of this Act.

3-46 (d) Except as provided by Section 13(a) of this Act,
3-47 permanent directors serve staggered four-year terms.

3-48 (e) Each director must qualify to serve as director in the
3-49 manner provided by Section 49.055, Water Code.

3-50 SECTION 11. TEMPORARY DIRECTORS. (a) The temporary board
3-51 consists of:

- 3-52 (1) Barry Krieger;
- 3-53 (2) Tim Hendon;
- 3-54 (3) Shelly Ledyard;
- 3-55 (4) Michael Matz; and
- 3-56 (5) Danny Smith.

3-57 (b) If a temporary director fails to qualify for office, the
3-58 temporary directors who have qualified shall appoint a person to
3-59 fill the vacancy. If at any time there are fewer than three
3-60 qualified temporary directors, the commission shall appoint the
3-61 necessary number of persons to fill all vacancies on the board.

3-62 SECTION 12. CONFIRMATION AND INITIAL DIRECTORS ELECTION.
3-63 (a) Not later than the fourth anniversary of the effective date of
3-64 this Act, the temporary board shall hold an election to confirm
3-65 establishment of the district and to elect five initial directors
3-66 as provided by Section 49.102, Water Code.

3-67 (b) Section 41.001(a), Election Code, does not apply to a
3-68 confirmation and initial directors election held under this
3-69 section.

4-1 SECTION 13. ELECTION OF PERMANENT DIRECTORS. (a) On the
4-2 first Saturday in May of an even-numbered year occurring not later
4-3 than three years after the year in which the district is authorized
4-4 to be created at a confirmation election, an election shall be held
4-5 in the district to elect five permanent directors. The directors
4-6 elected shall draw lots to determine which two directors shall
4-7 serve two-year terms and which three shall serve four-year terms.

4-8 (b) On the first Saturday in May of each subsequent
4-9 even-numbered year, the appropriate number of directors shall be
4-10 elected.

4-11 SECTION 14. FINDINGS RELATED TO PROCEDURAL REQUIREMENTS.
4-12 (a) The legal notice of the intention to introduce this Act,
4-13 setting forth the general substance of this Act, has been published
4-14 as provided by law, and the notice and a copy of this Act have been
4-15 furnished to all persons, agencies, officials, or entities to which
4-16 they are required to be furnished under Section 59, Article XVI,
4-17 Texas Constitution, and Chapter 313, Government Code.

4-18 (b) The governor has submitted the notice and Act to the
4-19 commission.

4-20 (c) The commission has filed its recommendations relating
4-21 to this Act with the governor, lieutenant governor, and speaker of
4-22 the house of representatives within the required time.

4-23 (d) All requirements of the constitution and laws of this
4-24 state and the rules and procedures of the legislature with respect
4-25 to the notice, introduction, and passage of this Act are fulfilled
4-26 and accomplished.

4-27 SECTION 15. EFFECTIVE DATE. This Act takes effect
4-28 immediately if it receives a vote of two-thirds of all the members
4-29 elected to each house, as provided by Section 39, Article III, Texas
4-30 Constitution. If this Act does not receive the vote necessary for
4-31 immediate effect, this Act takes effect September 1, 2003.

4-32 * * * * *