

By: Deuell

S.B. No. 401

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Moore Farm Water Control and Improvement District No. 1 of Kaufman County; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9014 to read as follows:

CHAPTER 9014. MOORE FARM WATER CONTROL AND IMPROVEMENT DISTRICT

NO. 1 OF KAUFMAN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9014.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Moore Farm Water Control and Improvement District No. 1 of Kaufman County.

Sec. 9014.002. NATURE OF DISTRICT. The district is a water control and improvement district in Kaufman County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 9014.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 9014.024 before September 1, 2011:

(1) the district is dissolved September 1, 2011,

1 except that the district shall:

2 (A) pay any debts incurred;

3 (B) transfer to Kaufman County any assets that
4 remain after the payment of debts; and

5 (C) maintain the organization of the district
6 until all debts are paid and remaining assets are transferred; and

7 (2) this chapter expires September 1, 2014.

8 Sec. 9014.004. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act creating this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect:

15 (1) the organization, existence, or validity of the
16 district;

17 (2) the right of the district to impose taxes;

18 (3) the validity of the district's bonds, notes, or
19 indebtedness; or

20 (4) the legality or operation of the district or the
21 board.

22 [Sections 9014.005-9014.020 reserved for expansion]

23 SUBCHAPTER A-1. TEMPORARY PROVISIONS

24 Sec. 9014.021. TEMPORARY DIRECTORS. (a) On or after
25 September 1, 2007, a person who owns land in the district may submit
26 a petition to the Texas Commission on Environmental Quality
27 requesting that the commission appoint as temporary directors the

1 five persons named in the petition.

2 (b) The commission shall appoint as temporary directors the
3 five persons named in the first petition received by the commission
4 under Subsection (a).

5 (c) If a temporary director fails to qualify for office, the
6 commission shall appoint a person to fill the vacancy.

7 (d) Temporary directors serve until the earlier of:

8 (1) the date directors are elected under Section
9 9014.024; or

10 (2) the date this chapter expires under Section
11 9014.003.

12 Sec. 9014.022. ORGANIZATIONAL MEETING OF TEMPORARY
13 DIRECTORS. As soon as practicable after all the temporary
14 directors have qualified under Section 49.055, Water Code, the
15 temporary directors shall meet at a location in the district
16 agreeable to a majority of the directors. If a location cannot be
17 agreed upon, the directors shall meet at the Kaufman County
18 Courthouse. At the meeting, the temporary directors shall elect
19 officers from among the temporary directors and conduct any other
20 district business.

21 Sec. 9014.023. CONSENT OF MUNICIPALITY REQUIRED. The
22 temporary directors may not hold an election under Section 9014.024
23 until each municipality in whose corporate limits or
24 extraterritorial jurisdiction the district is located has adopted a
25 resolution consenting to the creation of the district.

26 Sec. 9014.024. CONFIRMATION AND INITIAL DIRECTORS'
27 ELECTION. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five directors as
2 provided by Section 49.102, Water Code.

3 Sec. 9014.025. INITIAL ELECTED DIRECTORS; TERMS. The
4 directors elected under Section 9014.024 shall draw lots to
5 determine which two shall serve until the first regularly scheduled
6 election of directors and which three shall serve until the second
7 regularly scheduled election of directors.

8 Sec. 9014.026. EXPIRATION OF SUBCHAPTER. This subchapter
9 expires September 1, 2014.

10 [Sections 9014.027-9014.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

12 Sec. 9014.051. DIRECTORS; TERMS. (a) The district is
13 governed by a board of five directors.

14 (b) Directors serve staggered four-year terms.

15 [Sections 9014.052-9014.100 reserved for expansion]

16 SUBCHAPTER C. POWERS AND DUTIES

17 Sec. 9014.101. WATER CONTROL AND IMPROVEMENT DISTRICT
18 POWERS AND DUTIES. The district has the powers and duties provided
19 by the general law of this state, including Chapters 49 and 51,
20 Water Code, applicable to water control and improvement districts
21 created under Section 59, Article XVI, Texas Constitution.

22 Sec. 9014.102. ROAD PROJECTS. (a) To the extent
23 authorized by Section 52, Article III, Texas Constitution, the
24 district may construct, acquire, improve, maintain, or operate
25 macadamized, graveled, or paved roads or turnpikes, or improvements
26 in aid of those roads or turnpikes, inside the district.

27 (b) A road project must meet all applicable construction

1 standards, zoning and subdivision requirements, and regulatory
2 ordinances or orders of:

3 (1) each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located; and

5 (2) each county in which the district is located.

6 (c) The district may not undertake a road project unless:

7 (1) each municipality in whose corporate limits or
8 extraterritorial jurisdiction the district is located consents by
9 ordinance or resolution; and

10 (2) each county in which the district is located
11 consents by order or resolution.

12 Sec. 9014.103. DIVISION OF DISTRICT. (a) The district may
13 be divided into two new districts only if the district:

14 (1) has no outstanding bonded debt; and

15 (2) is not imposing ad valorem taxes.

16 (b) The division procedure is prescribed by Sections 53.030
17 through 53.041, Water Code. Sections 51.748 through 51.753, Water
18 Code, do not apply to the district.

19 (c) Any new district created by the division of the district
20 has all the powers and duties of the district.

21 (d) Any new district created by the division of the district
22 may not, at the time the new district is created, contain any land
23 outside the area described by Section 2 of the Act creating this
24 chapter.

25 Sec. 9014.104. DISSOLUTION OF DISTRICT. (a) Before
26 December 31, 2017, the district may not be dissolved unless the
27 dissolution is approved by:

1 (1) the board; and

2 (2) the governing body of each municipality in whose
3 corporate limits or extraterritorial jurisdiction the district is
4 located.

5 (b) This section expires December 31, 2017.

6 [Sections 9014.105-9014.150 reserved for expansion]

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 9014.151. TAX TO REPAY BONDS. The district may impose
9 a tax to pay the principal of or interest on bonds or other
10 obligations issued under Section 9014.201.

11 [Sections 9014.152-9014.200 reserved for expansion]

12 SUBCHAPTER E. BONDS

13 Sec. 9014.201. AUTHORITY TO ISSUE BONDS AND OTHER
14 OBLIGATIONS. (a) The district may issue bonds or other
15 obligations as provided by Chapters 49 and 51, Water Code, to
16 finance the construction, maintenance, or operation of a project
17 under Section 9014.101 or 9014.102.

18 (b) The district may not issue bonds or other obligations to
19 finance projects authorized by Section 9014.102 unless the issuance
20 is approved by a vote of a two-thirds majority of the district
21 voters voting at an election called for that purpose.

22 (c) Bonds or other obligations issued or incurred to finance
23 projects authorized by Section 9014.102 may not exceed one-fourth
24 of the assessed value of the real property in the district.

25 SECTION 2. The Moore Farm Water Control and Improvement
26 District No. 1 of Kaufman County initially includes all the
27 territory contained in the following area:

1 BEING a tract or parcel of land situated in the Kaufman County
2 Texas, and being in the F. L. Boyd Survey, Abstract Number 48, the
3 F. I. Boyd Survey, Abstract Number 35, the W. Crabtree Survey,
4 Abstract Number 59, the J. Casillas Survey, Abstract Number 54, and
5 the J. Casillas Survey, Abstract Number 86, Elizabeth Graves
6 Survey, Abstract Number 87 and Abstract Number 168, B.B.B. & C.
7 Railroad Company Survey, Abstract Number 72, and being part of the
8 tracts of land described by Deed in Volume 598, Page 189, Deed
9 Records, Kaufman County, Texas, and being more particularly
10 described as follows:

11 BEGINNING at a point for corner in County Road 243, (gravel road),
12 and County Road 245, (gravel road), and being the northern corner of
13 the B.B.B. & C. Railroad Company Survey;

14 THENCE South 45°40'35" East, along County Road 245, and along the
15 southwestern line of a 107.5 acre tract described in Volume 505,
16 Page 165, Deed Records, Kaufman County, Texas, and a 60.85 acre
17 tract described in Volume 445, Page 234, Deed Records, Kaufman
18 County, Texas, a distance of 1803.57 feet to a point for corner from
19 which a ½" iron rod bears South 42°25'52" West, at a distance of
20 29.00';

21 THENCE South 42°25'52" West, along a northeast line of a 9.92 acre
22 tract described in Volume 780, Page 98, and a 30 acre described in
23 Volume 675, Page 811, and a 149.9 acre tract described in Volume
24 713, Page 761, Deed Records, Kaufman County, Texas, a total
25 distance of 3994.76 feet to a 5/8" iron rod with yellow cap marked
26 Cotton Surveying for corner;

27 THENCE North 46°13'28" West, along southeast line of said 149.9 acre

1 tract, a distance of 1884.20 feet to County Road 243 and a point for
2 corner from which a 1/2" iron rod bears South 46°13'28" East, at a
3 distance of 26.21 feet;
4 THENCE South 43°35'22" West with said County Road 243, a distance of
5 2399.33 feet to a point for corner from which a 5/8" iron bears
6 North 45°36'33" West, at a distance of 27.78 feet;
7 THENCE North 45°36'33" West along the northeast line of a 134.39
8 acre tract described in Volume 2770, Page 243, Deed Records,
9 Kaufman County Texas, a distance of 2283.55 feet to a 1" iron rod
10 found for corner;
11 THENCE North 45°27'16" West along the northeast line of a 96.2 acre
12 tract described in Volume 537, Page 38, a distance of 2437.00 feet
13 to a 5/8" iron rod with yellow cap marked Cotton Surveying for
14 corner;
15 THENCE South 43°55'38" West along said 96.2 acre tract a distance of
16 2673.07 feet to a 5/8" iron Rod with yellow cap marked Cotton
17 Surveying for corner in the northeast Right-of-Way of State Highway
18 205;
19 THENCE North 46°18'10" West along the said Right-of-Way State
20 Highway 205 a distance of 4038.20 feet to a 1" pipe found for
21 corner, passing at 3516.00 feet the centerline of a 135 foot City of
22 Dallas waterline easement and passing the centerline of a 70.00
23 electrical easement at approximately 2551.00 feet described in
24 Volume 490, Page 6 of the Deed Records of Kaufman County Texas;
25 THENCE North 43°14'48" East along the south line of a 15.97 acre
26 tract described in Volume 1166, Page 260, Deed Records of Kaufman
27 County, Texas, a distance of 1325.10 feet to a 5/8" iron rod with

1 yellow cap marked Cotton Surveying for corner, and passing
2 centerline of said 70.00 foot electrical easement at approximately
3 1000.00 feet;
4 THENCE North 45°47'15" West along east line of said 15.97 acre tract
5 and tracts north of said tract, a distance of 1717.00 feet to a
6 steel fence post for corner, passing centerline of said 70.00 foot
7 electrical easement at approximately 362.00 feet;
8 THENCE North 88°47'06" East, to a southwest line of Highpoint Lake
9 Estates, Section 2, as described in Cabinet F, Slide 363,
10 P.R.R.C.T., a distance of 7910.95 feet to a 5/8" iron rod with
11 yellow cap marked Cotton Surveying for corner;
12 THENCE South 45°29'57" East, along said Highpoint Lake Estates,
13 Section 2, a distance of 203.09 feet to a steel fence post for
14 corner;
15 THENCE South 43°53'41" West along a 83.4 acre tract described in
16 Volume 407, Page 32, of the Deed Records, Kaufman County, Texas, a
17 distance of 555.35 feet to a steel fence post for corner;
18 THENCE South 46°14'56" East along said 83.4 acre tract a distance of
19 1316.10 feet to a steel fence post for corner, passing a City of
20 Dallas brass monument at 1046.01 feet;
21 THENCE North 43°49'11" East along said 83.4 acre tract, a distance
22 of 1346.18 feet to a point for steel fence post for corner, and
23 passing a City of Dallas brass monument at 574.00 feet;
24 THENCE South 46°31'59" East along a 40.25 acre tract described in
25 Volume 407, Page 32, of the Deed Records of Kaufman County, Texas, a
26 distance of 1307.02 feet to a steel fence post for corner;
27 THENCE South 45°44'40" East along a 61.75 acre tract described in

1 Volume 692, Page 335, Deed Records, Kaufman County, Texas a
2 distance of' 2067.33 feet to a point for corner from which a ½" iron
3 rod hears North 45°44'40" West at 20.00 feet;
4 THENCE North 43°35'22" East along said 61.75 acre tract, a distance
5 of 1321.92 feet to the POINT OF BEGINNING and containing 1185 00
6 acres of land, more or less.

7 FIELD NOTES - TRACT 2

8 BEING a tract or parcel of land situated in the Kaufman County
9 Texas, and being in the Elizabeth Graves Survey Abstract Number 87
10 and Abstract Number 168, and being part of the tracts of land
11 described by Deed in Volume 598, Page 189, Deed Records, Kaufman
12 County, Texas; and being more particularly described as follows:

13 BEGINNING at a point for corner in County Road 243, (gravel road),
14 and County Road 245, (gravel road), and being the south corner of
15 the Elizabeth Graves Survey;

16 THENCE North 45°24'59" West, with said County Road 245, and a 61.75
17 acre tract as described in Volume 692, Page 335, and a 41.25 acre as
18 described in Volume 407, Page 32, both of Deed Records, Kaufman
19 County, Texas, a distance of 2773.27 feet to a 5/8" iron rod with
20 yellow cap marked Cotton Surveying for corner;

21 THENCE North 44°02'38" East, along a 20.00 acre tract described in
22 Volume 701, Page 356, Deed Records Rockwall County Texas, a
23 distance of 259.80 feet to a 5/8" iron rod with yellow cap marked
24 Cotton Surveying for corner;

25 THENCE North 88°47'06" East, to an unfiled 80.00 acre tract
26 described to H. Logan Swords, a distance of 1880.48 feet to a 5/8"
27 iron rod with yellow cap marked Cotton Surveying for corner;

1 THENCE South 45°55'58 East, along said tract, a distance of 1451.73
2 feet to a 5/8" iron rod with yellow cap marked Cotton Surveying for
3 corner;

4 THENCE South 44°07'26" West, along County Road 243, and a 108.0)
5 acre tract described in Volume 505, Page 165, Deed Records Kaufman
6 County Texas, a distance of 1621,03 feet to the POINT OF BEGINNING
7 and containing 82.14 acres of land, more or less.

8 FIELD NOTES - TRACT 3

9 BEING a tract or parcel of land situated in the Kaufman County and
10 Rockwall County, Texas, and being in the Elizabeth Graves Survey
11 Abstract Number 87 and Abstract Number 168, and being part of the
12 tracts of land described by Deed in Volume 598, Page 189, Deed
13 Records, Kaufman County Texas; and being more particularly
14 described as follows:

15 Beginning at a point for corner in County Road 243, North 44°24'36"
16 East, a distance of 4466.23 feet from the intersection of County
17 Roads 243 & 245 from which a steel fence post bears North 58°33'58"
18 West at 5.19 feet;

19 THENCE North 45°59'55" West, along a 4 acre tract described in
20 Volume 560, Page 436, and a 50 acre tract described in Volume 536,
21 Page 417, both of Deed Records, Kaufman County Texas, a distance of
22 1203.75 feet to a 5/8" iron rod with yellow cap marked Cotton
23 Surveying for corner;

24 THENCE South 44°14'40" West, along said 40 acre tract, a distance of
25 1370.52 feet to a 5/8" iron rod with yellow cap marked Cotton
26 Surveying for corner;

27 THENCE North 00°00'00" East, to a 369.5 acre tract described as

1 second tract in Volume 536, Page 501, Deed Records, Kaufman County
2 Texas, a distance of 1719.88 feet to a 5/8" iron rod with yellow cap
3 marked Cotton Surveying for corner;
4 THENCE North 44°00'30" East, along said 369.5 acre tract, a distance
5 of 476.97 feet to a 5/8" iron rod with yellow cap marked Cotton
6 Surveying for corner;
7 THENCE North 45°32'36" West, along said 369.5 acre tract, a distance
8 of 147.22 feet to a wooden fence post for corner;
9 THENCE North 44°21'46" East, along said 369.5 acre tract, a distance
10 of 2968.83 feet to County Road 255, to a 5/8" iron rod with yellow
11 cap marked Cotton Surveying for corner;
12 THENCE South 45°32'36" East, along said County Road, a distance of
13 882.22 feet to a 5/8" iron rod with yellow cap marked Cotton
14 Surveying for corner from which a ½" iron rod bears South 44°27'33"
15 west at a distance of 18.00 feet;
16 THENCE South 44°27'34" West, along a 4.01 acre tract described in
17 Volume 2143, Page 422, and a 50 acre tract described in Volume 157,
18 Page 301, both of Deed Records Kaufman County, Texas, a distance of
19 2967.73 feet to a wooden fence post for corner;
20 THENCE South 46°00'38" East, along said 50 acre tract and a 25 acre
21 tract described in Volume 1033, Page 129, Deed Records Kaufnan
22 County Texas, a distance of 470.54 feet to a 5/8" iron rod with
23 yellow cap marked Cotton Surveying for corner;
24 THENCE South 45°59'55" East, along said 25 acre tract, a distance of
25 1206.40 feet to a point for corner, from which a 5/8" iron rod with
26 yellow cap marked Cotton Surveying, bears North 45°59'55" East at a
27 distance of 10.00 feet;

1 THENCE South 43°27'02" West, along County Road 243, a distance of
2 339.01 feet to the POINT OF BEGINNING and containing 99.42 acres of
3 land, more or less.

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

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

22 SECTION 4. This Act takes effect September 1, 2007.