

1-1 By: Gattis (Senate Sponsor - Ogden) H.B. No. 4815
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

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

1-8 relating to certain procedures regarding dissolution of the Ranch
1-9 at Cypress Creek Municipal Utility District No. 1.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Chapter 21, Acts of the 71st Legislature, 6th
1-12 Called Session, 1990, is amended by amending Section 2 and adding
1-13 Section 6A to read as follows:

1-14 Sec. 2. DEFINITIONS [DEFINITION]. In this Act:

1-15 (1) "Association" means the Ranch at Cypress Creek
1-16 Homeowners' Association, created and operating under the
1-17 Declaration of Protective Covenants for the Ranch at Cypress Creek,
1-18 Section 8, filed November 27, 1997, Document Number 9758822, Real
1-19 Property Records, Williamson County.

1-20 (2) "Board" means the board of directors of the Ranch
1-21 at Cypress Creek Municipal Utility District No. 1.

1-22 (3) "Declaration" means the Declaration of Protective
1-23 Covenants for the Ranch at Cypress Creek, Section 8, filed November
1-24 27, 1997, Document Number 9758822, Real Property Records,
1-25 Williamson County.

1-26 (4) "Director" means a board member.

1-27 (5) "District" means the Ranch at Cypress Creek
1-28 Municipal Utility [~~,"district" means the Williamson-Travis~~
1-29 ~~Counties Water Control and Improvement~~] District No. 1.

1-30 (6) "Supplemental property" means that certain
1-31 property as described in the Ranch at Cypress Creek, Section 1 found
1-32 in plat records in Cabinet L, Slides 61-63, Document Number
1-33 9423489, official records of Williamson County, Texas, and in plat
1-34 recorded in Book 93, Page 83, Document Number 2000205107, records
1-35 of Travis County, Texas; Section 2 found in plat records in Cabinet
1-36 L, Slides 65-67, Document Number 9424008, official records of
1-37 Williamson County, Texas; Section 3 found in plat records in
1-38 Cabinet L, Slides 104-106, Document Number 9433406, official
1-39 records of Williamson County, Texas; Section 4 found in plat
1-40 records in Cabinet L, Slides 107-110, Document Number 9433407,
1-41 official records of Williamson County, Texas; Section 5 found in
1-42 plat records in Cabinet N, Slides 8-9, Document Number 9623954,
1-43 official records of Williamson County, Texas; Section 6 found in
1-44 plat records in Cabinet N, Slides 10-12, Document Number 9624029,
1-45 official records of Williamson County, Texas; Section 7 found in
1-46 plat records in Cabinet O, Slides 105-107, Document Number 9706681,
1-47 official records of Williamson County, Texas; Section 9 found in
1-48 plat records in Cabinet Q, Slides 241-243, Document Number 9874690,
1-49 official records of Williamson County, Texas, and in plat recorded
1-50 in Book 102, Page 251, records of Travis County, Texas; Section 12
1-51 found in plat records in Cabinet O, Slides 372-374, Document Number
1-52 9738603, official records of Williamson County, Texas.

1-53 Sec. 6A. INCLUSION OF CERTAIN PROPERTY IN ASSOCIATION ON
1-54 DISSOLUTION OF THE DISTRICT. (a) If the district is dissolved,
1-55 notwithstanding an existing restrictive covenant or real property
1-56 restriction to the contrary, any supplemental property not included
1-57 in the association immediately before the dissolution is included
1-58 in the association on dissolution if the addition of the
1-59 supplemental property to the association is approved at the
1-60 election or elections held under this section.

1-61 (b) Before the district is dissolved, the association shall
1-62 hold an election or set of elections under the election procedures
1-63 of the association at which all members of the association and all
1-64 property owners of the supplemental property as of the date the

2-1 district is dissolved may vote on the question of whether the
2-2 supplemental property is to be included in the association.

2-3 (c) The supplemental property is included in the
2-4 association if the property's inclusion is approved by a vote of
2-5 two-thirds majority of:

2-6 (1) all members of the association on the date the
2-7 election is held; and

2-8 (2) all property owners of the supplemental property
2-9 on the date the election is held.

2-10 (d) The board shall identify and transfer district funds
2-11 from the district's operating account to the association before the
2-12 district is dissolved in an amount adequate, as determined by the
2-13 board in consultation with the association, to pay the costs and
2-14 expenses of the election or elections required by Subsection (b).

2-15 (e) The association may not hold the election or set of
2-16 elections under this section more than once.

2-17 (f) If the supplemental property is included in the
2-18 association under this section:

2-19 (1) the declaration applies to and replaces the
2-20 restrictive covenants and real property restrictions governing the
2-21 supplemental property immediately before the dissolution of the
2-22 district, including the obligation of property owners to pay dues,
2-23 charges, and assessments to the association;

2-24 (2) the association shall include two additional
2-25 members of the association board to represent the owners of the
2-26 supplemental property; and

2-27 (3) the first directors included under Subdivision (2)
2-28 of this subsection shall be appointed by the association board, as
2-29 it existed immediately before the appointments, not later than the
2-30 30th day after the date of the election or elections under this
2-31 section, and subsequent directors shall be elected according to the
2-32 covenants and bylaws of the association.

2-33 SECTION 2. (a) The legal notice of the intention to
2-34 introduce this Act, setting forth the general substance of this
2-35 Act, has been published as provided by law, and the notice and a
2-36 copy of this Act have been furnished to all persons, agencies,
2-37 officials, or entities to which they are required to be furnished
2-38 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
2-39 Government Code.

2-40 (b) The governor, one of the required recipients, has
2-41 submitted the notice and Act to the Texas Commission on
2-42 Environmental Quality.

2-43 (c) The Texas Commission on Environmental Quality has filed
2-44 its recommendations relating to this Act with the governor, the
2-45 lieutenant governor, and the speaker of the house of
2-46 representatives within the required time.

2-47 (d) All requirements of the constitution and laws of this
2-48 state and the rules and procedures of the legislature with respect
2-49 to the notice, introduction, and passage of this Act are fulfilled
2-50 and accomplished.

2-51 SECTION 3. This Act takes effect immediately if it receives
2-52 a vote of two-thirds of all the members elected to each house, as
2-53 provided by Section 39, Article III, Texas Constitution. If this
2-54 Act does not receive the vote necessary for immediate effect, this
2-55 Act takes effect September 1, 2009.

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