CHAPTER 576

S.B. No. 2410

AN ACT
relating to the creation of the Twin Lakes Municipal Utility District No. 1 of Kaufman County; providing
authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8310 to read as follows:

CHAPTER 8310. TWIN LAKES MUNICIPAL UTILITY
DISTRICT NO. 1 OF KAUFMAN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8310.001. DEFINITIONS. In this chapter:
(1) "Board" means the district's board of directors.
(2) "Director" means a board member.
(3) "District" means the Twin Lakes Municipal Utility District No. 1 of Kaufman County.

Sec. 8310.002. NATURE OF DISTRICT. The district is a municipal utility district
created under Section 59, Article XVI, Texas Constitution.

Sec. 8310.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The
temporary directors shall hold an election to confirm the creation of the district and to elect
five permanent directors as provided by Section 49.102, Water Code.

Sec. 8310.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors
may not hold an election under Section 8310.003 until each municipality in whose corporate
limits or extraterritorial jurisdiction the district is located has consented by ordinance or
resolution to the creation of the district and to the inclusion of land in the district.

Sec. 8310.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is
created to serve a public purpose and benefit.
(b) The district is created to accomplish the purposes of:
(1) a municipal utility district as provided by general law and Section 59, Article XVI,
Texas Constitution; and
(2) Section 52, Article III, Texas Constitution, that relate to the construction, acquisition,
improvement, operation, or maintenance of macadamized, graveled, or paved roads,
or improvements, including storm drainage, in aid of those roads.

Sec. 8310.006. INITIAL DISTRICT TERRITORY. (a) The district is initially com-
posed of the territory described by Section 2 of the Act creating this chapter.
(b) The boundaries and field notes contained in Section 2 of the Act creating this chapter
form a closure. A mistake made in the field notes or in copying the field notes in the
legislative process does not affect the district's:
(1) organization, existence, or validity;
(2) right to issue any type of bond for the purposes for which the district is created or to
pay the principal of and interest on a bond;
(3) right to impose a tax; or
(4) legality or operation.

[Sections 8310.007–8310.050 reserved for expansion]
SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 8310.051. GOVERNING BODY; TERMS. (a) The district is governed by a board of five elected directors.

(b) Except as provided by Section 8310.052, directors serve staggered four-year terms.

Sec. 8310.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Lisa Pray;
(2) Ruth (Rannie) Everett;
(3) Christopher T. Guido;
(4) Jonathan E. Neubauer, and
(5) Joy D. Crow.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8310.003; or
(2) the fourth anniversary of the effective date of the Act creating this chapter.

(c) If permanent directors have not been elected under Section 8310.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8310.003; or
(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the Texas Commission on Environmental Quality requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

[Sections 8310.053–8310.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8310.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8310.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8310.103. 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.

Sec. 8310.104. ROAD STANDARDS AND REQUIREMENTS. (a) A road project must meet all applicable construction standards, zoning and subdivision requirements, and regulations of each municipality in whose corporate limits or extraterritorial jurisdiction the road project is located.

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

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

Sec. 8310.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 54.016 or 54.0165, Water Code, and that consents to the creation of the district or to the inclusion of land in the district.

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Sec. 8310.106. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8310.103; or
(2) a recreational facility as defined by Section 49.462, Water Code.

Sec. 8310.107. DIVISION OF DISTRICT. (a) The district may be divided into two or more new districts only if the district:

(1) has no outstanding bonded debt; and
(2) is not imposing ad valorem taxes.

(b) This chapter applies to any new district created by the division of the district, and a new district has all the powers and duties of the district.

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

(d) The board, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed value of the real property in the district, may adopt an order dividing the district.

(e) The board may adopt an order dividing the district before or after the date the board holds an election under Section 8310.003 to confirm the district's creation.

(f) An order dividing the district shall:

(1) name each new district;
(2) include the metes and bounds description of the territory of each new district;
(3) appoint temporary directors for each new district; and
(4) provide for the division of assets and liabilities between or among the new districts.

(g) On or before the 30th day after the date of adoption of an order dividing the district, the district shall file the order with the Texas Commission on Environmental Quality and record the order in the real property records of each county in which the district is located.

(h) Any new district created by the division of the district shall hold a confirmation and directors' election as required by Section 8310.003.

(i) Municipal consent to the creation of the district and to the inclusion of land in the district granted under Section 8310.004 acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district.

(j) Any new district created by the division of the district must hold an election as required by this chapter to obtain voter approval before the district may impose a maintenance tax or issue bonds payable wholly or partly from ad valorem taxes.

[Sections 8310.108-8310.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8310.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or
(2) contract payments described by Section 8310.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 54, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 8310.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 8310.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.
(b) The board shall determine the tax rate. The rate may not exceed the rate approved at
the election.

Sec. 8310.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code,
the district may impose a tax other than an operation and maintenance tax and use the
revenue derived from the tax to make payments under a contract after the provisions of the
contract have been approved by a majority of the district voters voting at an election held for
that purpose.

(b) A contract approved by the district voters may contain a provision stating that the
contract may be modified or amended by the board without further voter approval.

[Sections 8310.154–8310.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 8310.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The
district may issue bonds or other obligations payable wholly or partly from ad valorem
taxes, impact fees, revenue, contract payments, grants, or other district money, or any
combination of those sources, to pay for any authorized district purpose.

Sec. 8310.202. TAXES FOR BONDS. At the time the district issues bonds payable
wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of
a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of
the bonds are outstanding as required and in the manner provided by Sections 54.601 and
54.602, Water Code.

Sec. 8310.203. BONDS FOR ROAD PROJECTS. At the time of issuance, the total
principal amount of bonds or other obligations issued or incurred to finance road projects
and payable from ad valorem taxes may not exceed one-fourth of the assessed value of the
real property in the district.

SECTION 2. The Twin Lakes Municipal Utility District No. 1 of Kaufman County
initially includes all the territory contained in the following area:

Being a tract of land situated in the Philip Walker Survey, Abstract No. 569, Kaufman
County, Texas and being a portion of that certain tract of land described in deed to McDowell
Clan Limited Company as recorded in Volume 1648, Page 39, in the Deed Records of
Kaufman County, Texas and being a portion of that certain tract of land described in deed to
Integra Land Company as recorded in Article 7258, Book 2174, Page 639, in the Deed
Records of Kaufman County, Texas being more particularly described by metes and bounds
as follows:

BEGINNING at the South corner of said McDowell Clan Limited Company tract, the
northwesterly right-of-way line of F.M. 2728 (100' Right Of Way) and the centerline of
County Road Number 139 (60' Right Of Way);

THENCE North 44° 42' 03" West, along the centerline of said County Road 139, a distance
of 5,402.72', more or less to a point for corner in the east line of the extraterritorial
jurisdiction line of the City of Oak Ridge;

THENCE North 11°19'07" East, along the east line of said City of Oak Ridge extraterrito-
rial jurisdiction limits, a distance of 2,834.58', more or less, to a point for corner in the
southeasterly line of a tract described in deed to Annie Allen recorded in Volume 541, Page
646, in the Deed Records of Kaufman County, Texas.

THENCE North 45° 20' 59" East, along the southeasterly line of said Annie Allen tract, a
distance of 1,417.30', more or less, to a point for corner, said point also being the West corner
of said Integra Land Company tract;

THENCE North 45° 20' 59" East, along Northwest line of said Integra Land Company
tract a distance of 3755.10' to a point for corner being in the centerline of Abner Road (60'
Right Of Way);

THENCE South 44° 41' 37" East, along the centerline of said Abner Road, a distance of
287.01' to a point for corner, said point also being the North corner of Lot 101, Lago Vista
Estates, Phase 2, an addition in Kaufman County, recorded in Cabinet 2, Slide 556 in the Plat Records of Kaufman County, Texas;

THENCE South 48°10'08" West along the north boundary line of said Lot 101 a distance of 380.47 feet to a point for corner;

THENCE South 44° 41'37" East along Northeast line of said Integra Land Company tract a distance of 2004.30' to a point for corner;

THENCE North 45° 18'23" East a distance of 380.00' to a point for corner, in the centerline of said Abner Road;

THENCE South 44° 41'37" East, along the centerline of said Abner Road, a distance of 60.00' to a point for corner;

THENCE South 45° 18'23" West a distance of 380.00' to a point for corner;

THENCE South 44° 41'37" East, along southwest line of said Lago Vista Estates, Phase One distance of 2205.95' to a point for corner;

THENCE North 45° 18'23" East, a distance of 80.00' to a point for corner;

THENCE North 41° 29'32" East, a distance of 150.33' to a point for corner;

THENCE North 45° 18'23" East, a distance of 150.00' to a point for corner, in the centerline of the aforementioned Abner Road;

THENCE South 44° 41'37" East, along the centerline of said Abner Road, a distance of 80.00' to a point for corner;

THENCE South 45° 18'23" West, a distance of 150.00' to a point for corner;

THENCE South 49° 07'14" West, a distance of 150.33' to a point for corner;

THENCE South 45° 18'23" West, a distance of 80.00' to a point for corner;

THENCE South 44° 41'37" East, a distance of 1798.38 to a point for corner;

THENCE North 45° 18'23" West, a distance of 80.00' to a point for corner;

THENCE South 44° 41'37" East, along the centerline of said Abner Road, a distance of 222.91' to a point for corner;

THENCE South 06° 24'39" West, a distance of 102.99' to a point for corner at the beginning of a curve to the right having a central angle of 25° 01' 28", a radius of 1393.19', and a chord bearing and distance of South 18° 54' 06" West, 603.66';

THENCE along said curve to the right and along the centerline of the aforementioned FM 2728, an arc distance of 698.49" to a point for corner at the end of said curve;

THENCE North 66° 30' 28" West, a distance of 366.11' to a point for corner;

THENCE South 45° 21' 30" West, a distance of 1907.40' to a point for corner;

THENCE South 44° 38' 25" East, a distance of 380.39' to a point for corner, on the northwesterly right-of-way line of said FM 2728;

THENCE South 45° 09' 31" West, along the northwesterly right-of-way line of FM 2728 a distance of 60.00' to a point for corner;

THENCE North 44° 38' 26" West, a distance of 380.60' to a point for corner;

THENCE South 45° 29'05" West, a distance of 1,029.99' to a point for corner;

THENCE South 44° 42' 03" East, a distance of 383.85' to a point for corner;

THENCE South 45° 09' 31" West, along northwest right of way line of said F.M. 2728 a distance of 425.38' to a point for corner;

THENCE South 45° 30' 39" West, along the northwesterly right-of-way line of FM 2728, a distance of 2113.60' to a point for corner;

THENCE North 45° 31' 34" West, along the northwesterly right-of-way line of FM 2728, a distance of 799.26' to a point for corner;

THENCE South 45° 29' 50" West, along the northwesterly right-of-way line of FM 2728, a distance of 429.60 to the POINT OF BEGINNING of the herein described tract, and containing 1,084.0 acres of land, more or less.
SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the
general substance of this Act, has been published as provided by law, and the notice and a
copy of this Act have been furnished to all persons, agencies, officials, or entities to which
they are required to be furnished under Section 59, Article XVI, Texas Constitution, and
Chapter 313, Government Code.

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

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

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

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the
members elected to each house, as provided by Section 39, Article III, Texas Constitution. If
this Act does not receive the vote necessary for immediate effect, this Act takes effect
September 1, 2009.

Passed the Senate on April 30, 2009: Yeas 31, Nays 0; passed the House on May 25,
2009: Yeas 144, Nays 0, two present not voting.

Approved June 19, 2009.

CHAPTER 577

S.B. No. 2412

AN ACT

relating to the authority of Las Lomas Municipal Utility Districts Nos. 3 and 4 of Kaufman County to
undertake road projects.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 8138.102, Special District Local Laws Code, is amended by amend-
ing Subsection (a) and adding Subsection (d) to read as follows:

(a) To the extent authorized by Section 52, Article III, Texas Constitution, the district may
construct, acquire, improve, maintain, or operate macadamized, graveled, or paved roads [or
turnpikes], or improvements in aid of those roads [or turnpikes, inside the district].

(d) The district may not exercise the power of eminent domain outside the district to
acquire a site or easement for a road project authorized by this section.

SECTION 2. The change in law made by this Act applies only to Las Lomas Municipal
Utility District No. 3 of Kaufman County, Las Lomas Municipal Utility District No. 4 of
Kaufman County, and any district created under Subchapter F, Chapter 8138, Special District
Local Laws Code, after September 1, 2009.

SECTION 3. The change in law made by this Act applies only to a road project that
obtains consent under Subsection (c), Section 8138.102, Special District Local Laws Code, or a
road bond issuance authorized on or after the effective date of this Act. A road project that
obtains consent under Subsection (c), Section 8138.102, Special District Local Laws Code, or a
road bond issuance authorized before the effective date of this Act is subject to the law in
effect on the date of consent or authorization, and that law is continued in effect for that
purpose.

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