

CHAPTER 865

H.B. No. 151

An Act relating to the creation, boundaries, administration, powers, duties, operations, and financing of the Quail Creek Municipal Utility District under Article XVI, Section 59, of the Texas Constitution.

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

SECTION 1. CREATION OF DISTRICT. Subject to the approval of the qualified voters of the district at the confirmation and directors' election provided by this Act, the Quail Creek Municipal Utility District is created as a conservation and reclamation district under Article XVI, Section 59, of the Texas Constitution, and as a governmental agency and body politic and corporate.

SECTION 2. LEGISLATIVE DECLARATION. The creation of the district is declared to be essential to the accomplishment of the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 3. BOUNDARIES. The district is composed of 738.45 acres of land situated partly within the Manuel Zepeda Survey, Abstract 128, partly within the Jose Maria Hernandez Survey, Abstract 59, and partly within the Raphael Manchola Survey, Abstract 87, all being in Victoria County, Texas, said 738.45 acres of land being more fully described by metes and bounds as follows:

BEGINNING at an existing concrete monument marking the Southwest corner of a tract of land occupied by Gifford Hill American, Inc., said concrete monument being the intersection of the Northwest line of U. S. Highway 59 with the Northeast line of Coletoville Road No. 1, said concrete monument also being the most Southern corner of the herein described tract;

THENCE, N.68°01'10"W., a distance of 1851.77 feet along the Southwest line of the said Gifford Hill American, Inc. tract, same being the Northeast line of the said Coletoville Road No. 1 to a concrete monument marking the West corner of the said Gifford Hill American, Inc. tract, said concrete monument also being a corner of the herein described tract;

THENCE, N.22°02'00"E., a distance of 10.00 feet along the Northwest line of the said Gifford Hill American, Inc. tract, to an existing 5/8 inch iron rod in the Northeast line of Coletoville Road No. 1 as widened, said iron rod being the present Southern corner of a tract of land owned by Safety Steel Warehouse, Inc., said iron rod also being a corner of the herein described tract;

THENCE, N.68°01'10"W., a distance of 1114.83 feet along the existing Southwest line of the said Safety Steel Warehouse, Inc. tract, same being the Northeast line of the Coletoville Road No. 1 as widened, to an existing 5/8 inch iron rod, said iron rod being an existing corner of the said Safety Steel Warehouse, Inc. tract, said iron rod also being the intersection of the Northeast line of the said Coletoville Road No. 1, as widened, with the Northeast line of a county road being 120 feet in width, said iron rod being a corner of the herein described tract;

THENCE, N.35°52'04"W., a distance of 1203.98 feet along the Northeast line of the said 120 foot county road to a 5/8 inch iron rod marking the Point of Curvature of a curve to the left, said iron rod also being a corner of the herein described tract;

THENCE in a Northwesterly direction along the Northeast line of the said 120 foot county road which is on a curve to the left having a central angle of $05^{\circ}55'22''$, a radius of 3926.08 feet, an arc length of 405.85 feet and a chord bearing of $N.38^{\circ}49'45''W.$, a distance of 405.67 feet to an existing 5/8 inch iron rod for the Point of Reverse curve, said iron rod being the South corner of Aloe Industrial Park Unit I, and also being a corner of the herein described tract;

THENCE in a Northwesterly direction along the Eastern line of the said 120 foot county road, same being the Western line of Aloe Industrial Park Unit I, which is on a curve to the right having a central angle of $41^{\circ}52'23''$, a radius of 1487.30 feet and a chord bearing of $N.20^{\circ}51'15''W.$, a distance of 1062.91 feet to a 5/8 inch iron rod marking the Point Tangent of the said curve, said iron rod also being a corner of the herein described tract;

THENCE, $N.00^{\circ}04'55''E.$, a distance of 1767.06 feet along the West line of Aloe Industrial Park Unit I, same being the East line of the said 120 foot county road to a 5/8 inch iron rod marking the intersection with the South line of Bob White Road, said iron rod also being a corner of the herein described tract;

THENCE, $N.45^{\circ}05'20''E.$, a distance of 70.70 feet to a 5/8 inch iron rod at the Northwest corner of Aloe Industrial Park Unit I, said iron rod also being in the South line of Bob White Road and also being a corner of the herein described tract;

THENCE, $S.89^{\circ}54'14''E.$, a distance of 829.51 feet along the South line of Bob White Road to a 5/8 inch iron rod marking the Northeast corner of Lot 25 of the said Aloe Industrial Park Unit I, said iron rod also being a corner of the herein described tract;

THENCE, $S.00^{\circ}04'55''W.$, a distance of 135.34 feet along the East line of the said Lot 25 to a 5/8 inch iron rod marking the Southeast corner of the said Lot 25, same being the Northeast corner of Lot 24 of Aloe Industrial Park Unit I, said iron rod also being a corner of the herein described tract;

THENCE, $S.89^{\circ}54'14''E.$, a distance of 50.09 feet to a 5/8 inch iron rod set for a corner of the herein described tract;

THENCE, $S.00^{\circ}04'55''W.$, a distance of 30.00 feet to a 5/8 inch iron rod for an interior corner of the herein described tract;

THENCE, $S.89^{\circ}55'00''E.$, a distance of 900.07 feet along the center line of Bob White Road, produced, to a 5/8 inch iron rod at the intersection with the West line of Whitewing Drive, said iron rod also being an interior corner of the herein described tract;

THENCE, $N.00^{\circ}04'00''E.$, a distance of 1940.21 feet along the West line of Whitewing Drive to a 5/8 inch iron rod at the intersection with the North line of Mallard Road, said iron rod being the most Northwestern corner of the herein described tract;

THENCE, $S.89^{\circ}55'05''E.$, a distance of 860.00 feet along the North line of Mallard Road to the intersection with the West line of Chukar Drive, said point being a corner of the herein described tract;

THENCE, $S.00^{\circ}04'00''W.$, a distance of 1015.00 feet along the West line of Chukar Drive to a 5/8 inch iron rod at the intersection with the South line of Partridge Road, said iron rod also being an interior corner of the herein described tract;

THENCE, $S.89^{\circ}56'00''E.$, a distance of 2109.97 feet along the South line of Partridge Drive to a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, $N.81^{\circ}02'34''E.$, a distance of 840.48 feet along the South line of Partridge Drive to a 5/8 inch iron rod at the intersection with the Southwest line of the Old Goliad Road, said iron rod also being a corner of the herein described tract;

THENCE, $N.81^{\circ}05'00''E.$, a distance of 1443.20 feet along the Southern line of the Old Goliad Road to a 5/8 inch iron rod marking a corner of the herein described tract;

THENCE, $S.00^{\circ}46'30''W.$, a distance of 151.00 feet to a 5/8 inch iron rod for a corner of the herein described tract;

THENCE, $S.38^{\circ}49'30''E.$, a distance of 557.13 feet to a 5/8 inch iron rod in the Northwest line of a tract owned by Victoria County, said iron rod also being a corner of the herein described tract;

THENCE, $N.68^{\circ}07'30''E.$, a distance of 69.18 feet to a 5/8 inch iron rod at the North corner of the said Victoria County tract, said iron rod also being a corner of the herein described tract;

THENCE, $S.45^{\circ}00'00''E.$, a distance of 817.60 feet to a 5/8 inch iron rod marking the East corner of the said Victoria County tract, said iron rod also being the most Eastern corner of the herein described tract;

THENCE, $S.45^{\circ}09'27''W.$, a distance of 580.58 feet to a 5/8 inch iron rod marking the most Southeastern corner of the said Victoria County tract, said iron rod also being a corner of the herein described tract;

THENCE, $N.89^{\circ}57'30''W.$, a distance of 254.96 feet along the South line of the said Victoria County tract to a 5/8 inch iron rod at the intersection with the West line of Grouse Road, said iron rod also being a corner of the herein described tract;

THENCE, S.00°34'30"W., a distance of 114.70 feet along the West line of Grouse Road to a 5/8 inch iron rod for an angle point, said iron rod also being a corner of the herein described tract;

THENCE, S.45°19'30"W., a distance of 1286.42 feet along the Northwest line of Grouse Road to a 5/8 inch iron rod for an angle point, said iron rod being the Southeast corner of Lot 2, Block 1 of Quail Creek Estates and also being a corner of the herein described tract;

THENCE, N.89°56'00"W., a distance of 1449.87 feet along the north line of Grouse Road to a 5/8 inch iron rod at the intersection with the Southwest line of Chaparral Drive, said iron rod also being an interior corner of the herein described tract;

THENCE, S.08°34'00"E., a distance of 329.54 feet along the Southwest line of Chaparral Drive to a 5/8 inch iron rod marking the Point of Curvature of a curve to the left, said iron rod also being a corner of the herein described tract;

THENCE in a Southeasterly direction along the Southwest line of Chaparral Drive which is on a curve to the left having a central angle of 24°25', a radius of 889.92 feet and a chord bearing of S.20°46'30"E., a distance of 376.38 feet to a 5/8 inch iron rod marking the Point of Tangent of the said curve, said iron rod also being a corner of the herein described tract;

THENCE, S.32°59'00"E., a distance of 1046.73 feet along the Southwest line of Chaparral Drive to a 5/8 inch iron rod marking an angle point, said iron rod also being a corner of the herein described tract;

THENCE, S.32°52'00"E., a distance of 960.00 feet along the Southwest line of Chaparral Drive to a 5/8 inch iron rod marking the intersection with U. S. Highway 59, said iron rod also being the most Southeastern corner of the herein described tract;

THENCE, S.57°31'00"W., a distance of 2613.04 feet along the Northwest line of U. S. Highway 59 to the PLACE OF BEGINNING, Containing within these metes and bounds 738.45 acres of land.

SECTION 4. FINDINGS AND DETERMINATIONS ON BOUNDARIES. (a) The legislature finds that the boundaries and field notes of the district form a closure.

(b) If a mistake is made in copying the field notes in the legislative process or if a mistake is made in the field notes in some other manner or procedure, the mistake does not affect the organization, existence, and validity of the district or the right of the district to issue bonds or refunding bonds to carry out the purposes for which the district is created, to pay the principal of and the interest on the bonds, or to levy and collect taxes, and does not in any other manner affect the legality or operation of the district or its governing body.

SECTION 5. FINDING OF BENEFIT AND PUBLIC USE. The legislature finds and determines that the land and other property that is located in the district will be benefited by the works and projects that are to be accomplished by the district under the authority granted by Article XVI, Section 59, of the Texas Constitution, and that the district is created to serve a public use and benefit.

SECTION 6. APPLICATION OF OTHER LAWS. The district has and may exercise the rights, powers, privileges, authority, and functions provided by Chapter 54, Water Code, and other general laws that apply to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, but if any of those laws conflict with or are inconsistent with this Act, this Act prevails.

SECTION 7. CONSERVATION PROGRAM. The district shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Department of Water Resources for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future uses.

SECTION 8. CONFIRMATION AND DIRECTORS' ELECTION. The board of directors shall call and hold a confirmation and directors' election as provided by Sections 54.026-54.029, Water Code.

SECTION 9. TEMPORARY DIRECTORS. (a) The following persons are the temporary directors of the district and constitute the temporary board of directors of the district:

- (1) Ray Carter;
- (2) Rosalyn Repka;
- (3) Jack Lee;
- (4) John Kirkpatrick; and
- (5) Riley Jones.

(b) Each individual named as a temporary director by Subsection (a) of this section or appointed under Subsection (c) of this section shall qualify to serve as a temporary director before the first meeting of the board of directors.

(c) If any person named in Subsection (a) of this section fails to qualify as a temporary director, the qualified temporary directors shall appoint an individual to fill the vacancy, but if for any reason the number of qualified temporary directors is less than three, the Texas Water Commission shall appoint the necessary number of temporary directors to fill the vacancies on the board.

(d) The temporary directors named in Subsection (a) of this section or their duly qualified successors shall serve until the election of permanent directors.

SECTION 10. BOARD OF DIRECTORS. (a) The initial permanent directors for the district shall be elected as provided by Sections 54.026-54.029, Water Code.

(b) Except for temporary directors, directors of the district shall serve staggered four-year terms.

(c) Except as provided by Subsection (a) of this section, directors' elections shall be called and held as provided by Subchapter C, Chapter 54, Water Code, to elect the appropriate number of directors.

(d) The first elected directors of the district shall draw lots to determine which two directors will serve until the first regular directors' election following the confirmation and directors' election and which three directors will serve until the second regular directors' election following the confirmation and directors' election.

SECTION 11. APPLICATION OF MUNICIPAL ANNEXATION ACT. Notwithstanding the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), the district is created, and the Municipal Annexation Act has no application to the creation of the district.

SECTION 12. NOTICE. The legislature finds that the requirements of Article XVI, Section 59(d), of the Texas Constitution have been accomplished as provided by that subsection, and that the legislature is authorized to adopt this law.

SECTION 13. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 28, 1985, by the following vote: Yeas 135, Nays 0, 2 present, not voting; House concurred in Senate amendments to H.B. No. 151 on May 20, 1985, by the following vote: Yeas 142, Nays 0, 3 present, not voting; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 151 was transmitted to the Governor on January 4, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on January 31, 1985; passed by the Senate, with amendments, on May 17, 1985, by the following vote: Yeas 30, Nays 0.

Approved: June 15, 1985

Effective: Immediately