

## CHAPTER 936

## H.B. No. 2210

An Act relating to the creation, administration, powers, duties, operation, and financing of the *Montgomery County Municipal Utility District No. 66.*

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

**SECTION 1. CREATION; LEGISLATIVE DECLARATION.** (a) Pursuant to Article XVI, Section 59, of the Texas Constitution and subject to approval of the qualified voters voting at a confirmation election to be held as provided by Sections 54.026 through 54.029, Water Code, a conservation and reclamation district is created in Montgomery County, Texas, to be known as "Montgomery County Municipal Utility District No. 66." The district shall be a governmental agency and a body politic and corporate.

(b) 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 2. DEFINITION.** In this Act, "district" means the Montgomery County Municipal Utility District No. 66.

**SECTION 3. BOUNDARIES.** The district includes all of the territory contained in the following described area:

Consisting of a tract of land lying wholly within Montgomery County, Texas, said tract being out of the A. Smith Survey, A-499, the William H. Harrison Survey, A-257, and the Montgomery County School Land Survey, A-666, Montgomery County, Texas, and being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas State Plane Coordinate System, South Central Zone:

**BEGINNING** at a point located N 77° 09' 16" W a distance of 5079.14 feet from the northeast corner of the said Montgomery County School Land Survey;

**THENCE** N 26° 33' 54" E a distance of 1461.15 feet to a point, the beginning of a curve to the right;

**THENCE** in a northeasterly direction along the arc of said curve, having a radius of 2000.00 feet, through a central angle of 21° 26' 52" a distance of 748.67 feet to a point, the end of said curve;

**THENCE** N 48° 00' 46" E a distance of 1098.26 feet to a point, the beginning of a curve to the left;

**THENCE** in a northwesterly direction along the arc of said curve, having a radius of 2000.00 feet, through a central angle of 21° 47' 15" a distance of 760.52 feet to a point, the end of said curve;

**THENCE** N 26° 13' 31" E a distance of 521.76 feet to a point for corner;

**THENCE** S 63° 26' 06" E a distance of 811.33 feet to a point, the beginning of a curve to the left;

**THENCE** in an easterly direction along the arc of said curve, having a radius of 3500.00 feet, through a central angle of 32° 50' 48" a distance of 2006.49 feet to a point for corner;

**THENCE** S 06° 16' 54" E a distance of 494.96 feet to a point, the beginning of a curve to the left;

THENCE in a southerly direction along the arc of said curve, having a radius of 4800.00 feet, through a central angle of  $04^{\circ} 54' 26''$  a distance of 411.11 feet to a point, the end of said curve;

THENCE  $S 11^{\circ} 11' 20'' E$  a distance of 292.40 feet to a point, the beginning of a curve to the right;

THENCE in a southerly direction along the arc of said curve, having a radius of 3500.00 feet, through a central angle of  $13^{\circ} 59' 37''$  a distance of 854.82 feet to a point, the end of said curve;

THENCE  $S 02^{\circ} 48' 17'' W$  a distance of 204.40 feet to a point, the beginning of a curve to the left;

THENCE in a southerly direction along the arc of said curve, having a radius of 500.00 feet, through a central angle of  $24^{\circ} 02' 50''$  a distance of 209.85 feet to a point, the end of said curve;

THENCE  $S 21^{\circ} 14' 33'' E$  a distance of 281.28 feet to a point, the beginning of a curve to the right;

THENCE in a southwesterly direction along the arc of said curve, having a radius of 650.00 feet, through a central angle of  $108^{\circ} 25' 42''$  a distance of 1230.08 feet to a point, the end of said curve;

THENCE  $S 87^{\circ} 11' 09'' W$  a distance of 555.79 feet to a point, the beginning of a curve to the left;

THENCE in a westerly direction along the arc of said curve, having a radius of 900.00 feet, through a central angle of  $15^{\circ} 11' 21''$  a distance of 238.59 feet to a point, the end of said curve;

THENCE  $S 71^{\circ} 59' 48'' W$  a distance of 426.10 feet to a point, the beginning of a curve to the right;

THENCE in a westerly direction along the arc of said curve, having a radius of 700.00 feet, through a central angle of  $27^{\circ} 11' 32''$  a distance of 332.22 feet to a point, the end of said curve;

THENCE  $N 80^{\circ} 48' 40'' W$  a distance of 376.62 feet to a point, the beginning of a curve to the left;

THENCE in a westerly line along the arc of said curve, having a radius of 500.00 feet, through a central angle of  $20^{\circ} 45' 46''$  a distance of 181.19 feet to a point, the end of said curve;

THENCE  $S 78^{\circ} 25' 34'' W$  a distance of 158.40 feet to a point for reentrant corner;

THENCE  $S 11^{\circ} 34' 26'' E$  a distance of 593.53 feet to a point for corner in a curve to the right whose chord bears  $N 67^{\circ} 49' 58'' W$ ;

THENCE in a northwesterly direction along the arc of said curve, having a radius of 5856.27 feet, through a central angle of  $24^{\circ} 45' 03''$  a distance of 2529.81 feet to a point, the end of said curve;

THENCE  $N 55^{\circ} 27' 27'' W$  a distance of 768.69 feet to the POINT OF BEGINNING and containing 424.4190 acres of land, more or less.

**SECTION 4. FINDINGS RELATING TO BOUNDARIES.** The legislature finds that the boundaries and field notes of the district form a closure. If any mistake is made in the field notes or in copying the field notes in the legislative process, it in no way affects the organization, existence, or validity of the district, or the right of the district to issue any type of bonds or refunding bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds, or the right of the district to levy and collect taxes, or in any other manner affects the legality or operation of the district or its governing board.

**SECTION 5. FINDING OF BENEFIT.** The legislature finds that all of the land and other property included within the boundaries of the district will be benefited by the works and projects that are to be accomplished by the district under powers conferred by Article XVI, Section 59, of the Texas Constitution and that the district is created to serve a public use and benefit.

**SECTION 6. POWERS.** (a) The district has all of the rights, powers, privileges, authority, and functions provided by the general law of the state for municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those provided by Chapter 54, Water Code. If any provision of the general law is inconsistent with this Act, this Act prevails.

(b) Any general law not inconsistent with this Act is adopted and incorporated by reference.

**SECTION 7. WATER CONSERVATION.** 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 which 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 or alternative uses.

**SECTION 8. BOARD OF DIRECTORS.** (a) *The district is governed by a board of five directors.*

(b) *At the time this Act takes effect, the following persons shall constitute the temporary board of directors of the district:*

- (1) *J. R. Moore, Jr.;*
- (2) *James W. O'Conner;*
- (3) *John T. Price;*
- (4) *John M. Gross; and*
- (5) *John J. Kelly.*

(c) *Each person shall qualify to serve as director before the first meeting of the board by taking the oath and executing a bond.*

(d) *If a director fails to qualify for office, the remaining directors shall appoint a person to fill the vacancy until the next election of directors for the district. If the position to be filled at the next regular election is not regularly scheduled to be filled at that election, the person elected at that election to fill the vacancy shall serve only for the unexpired term. If at any time the number of qualified directors is less than three because of the failure, refusal, or inability of one or more directors to qualify or serve because of death or incapacitation, or for any other reason, the Texas Water Commission, on petition of any landowner in the district, shall appoint the necessary number of directors to fill all vacancies on the board for the same terms as provided for persons filling vacancies by appointment of the board.*

(e) *The temporary directors shall serve until the confirmation and director election required under Subsection (a), Section 1, of this Act.*

**SECTION 9. NOTICE, ETC.** *The legislature finds that:*

(1) *all applicable requirements of Subsections (d) and (e) of Article XVI, Section 59, of the Texas Constitution have been accomplished;*

(2) *notice and a copy of this Act have been furnished to all persons and officials required to be notified; and*

(3) *the general law relating to consent by political subdivisions to the creation of conservation and reclamation districts has been complied with, and 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 have been fulfilled and accomplished.*

**SECTION 10. ELECTIONS.** *On the first Saturday in April in the first even-numbered year following the confirmation and director election, an election for directors to fill all five positions on the board shall be held. Unless otherwise agreed, the two directors elected with the fewest number of votes serve until April in the next following even-numbered year, and the three with the highest number of votes serve until April in the second following even-numbered year. Subsequent elections shall be held on the first Saturday in April of even-numbered years, and all directors elected serve four-year terms.*

**SECTION 11. 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 April 18, 1985, by the following vote: Yeas 139, Nays 0, 2 present, not voting; House concurred in Senate amendments to H.B. No. 2210 on May 25, 1985, by the following vote: Yeas 147, Nays 0, 1 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. 2210 was transmitted to the Governor on March 8, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 24, 1985; passed by the Senate, with amendments, on May 21, 1985, by the following vote: Yeas 31, Nays 0.*

*Approved: June 15, 1985*

*Effective: Immediately*