

CHAPTER 756

H.B. No. 2211

An Act relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 67.

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. 67." 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. 67.

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

Consisting of a tract of land situated in Montgomery County, Texas, in the Herman Pressler Survey, A-761, the V. M. Pressler Survey, A-799, the Henry Dunman Survey, A-163, the Blanche Foley Survey, A-797, the Henry Blood Survey, A-101, and the James Lee Survey, A-319, and being more particularly described by metes and bounds as follows, with all bearings referenced to the Texas State Plane Coordinate System, Lambert Projection, South Central Zone:

BEGINNING at the southeast corner of the herein described tract located in the west right-of-way line of that certain 80 foot wide Gulf States Utilities Company easement as recorded in Volume 1131, Page 828 of the Montgomery County Deed Records and having a Texas State Plane Coordinate Value of X=3,108,281.20, Y=873,490.64 and being S 17° 23' 12" E, 800.89 feet from the northeast corner of said Henry Dunman Survey, A-163;

THENCE S 47° 09' 46" W, 202.84 feet to a point of curvature;

THENCE along a curve to the right an arc distance of 428.91 feet based on a radius of 333.07 feet, a central angle of 73° 47' 00" and having a chord which bears S 84° 03' 17" W, a chord distance of 399.89 feet to a point of tangency;

THENCE N 59° 03' 13" W, 492.49 feet to a point of curvature;

THENCE along a curve to the left an arc distance of 1633.86 feet based on a radius of 2400.51 feet, a central angle of 38° 59' 50" and having a chord which bears N 78° 33' 08" W, a chord distance of 1602.50 feet to a point of tangency;

THENCE S 81° 56' 56" W, 174.18 feet to a point of curvature;

THENCE along a curve to the right an arc distance of 1390.47 feet based on a radius of 4867.71 feet, a central angle of 16° 22' 00" and having a chord which bears N 89° 52' 04" W, a chord distance of 1385.75 feet to a point for corner;

THENCE N 20° 00' 00" W, 750.00 feet to a point for corner;

THENCE N 01° 00' 00" E, 995.95 feet to a point for corner;

THENCE N 63° 20' 00" E, 3089.43 feet to a point for corner;

THENCE S 56° 30' 00" E, 1500.00 feet to a point for corner in the west right-of-way line of the above-mentioned Gulf States Utilities Company easement;

THENCE along said west right-of-way line S 07° 02' 55" E, 2650.00 feet to the POINT OF BEGINNING and containing 247.4333 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 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 or alternative uses.

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

(b) A director must be at least 18 years of age, a resident of this state, and either own taxable land in the district or be a qualified voter in the district, and not otherwise disqualified by law.

(c) Each person shall qualify to serve as director 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 vacant position 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.

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. INITIAL BOARD OF DIRECTORS. (a) Immediately after this Act takes effect, any landowner in the district may petition the Texas Water Commission to appoint five persons qualified under Section 8(b) of this Act to serve as temporary directors of the district.

(b) The temporary directors serve:

(1) until permanent directors are elected at the confirmation and director election as required under Section 1(a) of this Act and qualify; or

(2) if permanent directors are not elected, four-year terms.

(c) If the temporary directors' terms expire in accordance with Subsection (b)(2) of this section, the Texas Water Commission on petition of a landowner in the district shall appoint temporary directors to fill those vacancies and to serve as provided by Subsection (b).

SECTION 12. 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. 2211 on May 23, 1985, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2211 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 14, 1985

Effective: August 26, 1985