

CHAPTER 758

H.B. No. 2213

An Act relating to the creation, administration, powers, duties, operation, and financing of the Clear Creek Forest Municipal Utility District No. 1.

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 "Clear Creek Forest Municipal Utility District No. 1." 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 Clear Creek Forest Municipal Utility District No. 1.

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

Consisting of two parcels of land containing a total of 231.4183 acres of land, more or less, out of the D. M. Goheen Survey, Abstract No. 234, Montgomery County, Texas, and being more particularly described by metes and bounds as follows:

Parcel 1:

BEGINNING at a point in the north line of Nichols Sawmill Road, 100 foot right-of-way, said point also being the southeast corner of Clear Creek Forest, Section 12, according to plat thereof recorded in Cabinet "C", Sheet 144A of the Map Records of Montgomery County, Texas, and the southwest corner of Clear Creek Forest, Section 13, according to plat thereof recorded in Cabinet "D", Sheet 121A of the Map Records of Montgomery County, Texas;

THENCE N 0° 32' 45" W along the easterly line of said Clear Creek Forest, Section 12, and the westerly line of said Clear Creek Forest, Section 13, a distance of 690.20 feet to a point in the centerline of a creek;

THENCE in a northerly direction, continuing with the east boundary of said Clear Creek Forest, Section 12, and the westerly line of said Clear Creek Forest, Section 13, along the meanders of the said creek as follows:

N 82° 06' 45" W a distance of 86.78 feet to a point;

S 35° 08' 21" W a distance of 26.65 feet to a point;

N 83° 53' 29" W a distance of 46.04 feet to a point;

N 40° 55' 14" W a distance of 118.07 feet to a point;

N 52° 06' 33" W a distance of 62.01 feet to a point;

N 60° 40' 38" W a distance of 63.67 feet to a point;

N 25° 56' 16" W a distance of 62.62 feet to a point;

N 12° 39' 41" W a distance of 62.39 feet to a point;

N 31° 30' 35" W a distance of 51.20 feet to a point;

N 20° 14' 55" W a distance of 50.01 feet to a point;

N 30° 24' 44" W a distance of 101.98 feet to a point;

N 41° 53' 05" W a distance of 54.23 feet to a point;

N 15° 05' 53" W a distance of 100.24 feet to a point;

N 10° 08' 46" E a distance of 57.31 feet to a point;

N 39° 41' 43" W a distance of 39.80 feet to a point;

N 25° 31' 54" E a distance of 109.44 feet to a point;

N 33° 42' 00" E a distance of 100.04 feet to a point;

N 24° 06' 31" E a distance of 50.99 feet to a point;

N 43° 06' 25" E a distance of 201.81 feet to a point;

N 04° 27' 17" E a distance of 116.62 feet to a point;

N 24° 39' 38" E a distance of 101.79 feet to a point;

N 59° 32' 07" E a distance of 115.03 feet to a point;

N 47° 55' 56" E a distance of 172.40 feet to a point;

N 08° 09' 54" W a distance of 71.67 feet to a point for corner in the centerline of Meadowsweet Drive;

THENCE S 84° 50' 24" E along the centerline of Meadowsweet Drive a distance of 108.98 feet to a point, the beginning of a curve to the left;

THENCE in an easterly direction along the centerline of Meadowsweet Drive and along the arc of said curve, having a radius of 1,150.00 feet, through a central angle of 38° 52' 59" a distance of 780.43 feet to a point, the end of said curve;

THENCE N 56° 16' 37" E along the centerline of Meadowsweet Drive a distance of 241.09 feet to a point, the beginning of a curve to the right;

THENCE in an easterly direction along the centerline of Meadowsweet Drive and along the arc of said curve, having a radius of 950.00 feet, through a central angle of 33° 09' 01" a distance of 549.65 feet to a point;

THENCE N 89° 25' 37" E along the centerline of Meadowsweet Drive a distance of 713.60 feet to a point, the beginning of a curve to the right;

THENCE in an easterly direction along the centerline of Meadowsweet Drive and along the arc of said curve, having a radius of 600.00 feet, through a central angle of 14° 04' 07" a distance of 147.33 feet to a point, the end of said curve;

THENCE S 76° 30' 15" E along the centerline of Meadowsweet Drive a distance of 132.53 feet to a point, the beginning of a curve to the left;

THENCE in an easterly direction along the centerline of Meadowsweet Drive and along the arc of said curve, having a radius of 600.00 feet, through a central angle of 14° 04' 15" a distance of 147.35 feet to a point, the end of said curve;

THENCE N 89° 25' 30" E along the centerline of Meadowsweet Drive a distance of 1,112.74 feet to a point for corner in the west line of Nichols Sawmill Road;

THENCE S 00° 34' 30" E along the west line of said Nichols Sawmill Road a distance of 1,678.30 feet to a point, the beginning of a curve to the right;

THENCE in a southwesterly direction continuing with the westerly line of Nichols Sawmill Road and along the arc of said curve to the right having a radius of 904.93 feet, through a central angle of 90° 01' 45" a distance of 1,421.92 feet to a point in the north line of Nichols Sawmill Road and the end of said curve;

THENCE S 89° 27' 15" W along the north right-of-way line of Nichols Sawmill Road a distance of 2,916.82 feet to the POINT OF BEGINNING and containing 227.7456 acres of land, more or less.

Parcel 2:

BEGINNING at a point in the west line of the said Nichols Sawmill Road and being the northwest corner of the said Clear Creek Forest, Section 13;

THENCE S 0° 29' 33" W along the west line of Nichols Sawmill Road and the east line of said Clear Creek Forest, Section 13, a distance of 604.30 feet to a point for corner;

THENCE N 89° 30' 30" W a distance of 394.53 feet to a point for corner in the center of Walnut Creek;

THENCE in a northeasterly direction along the meanders of Walnut Creek as follows:

N 53° 23' 32" E a distance of 99.26 feet to a point;

N 19° 38' 16" E a distance of 250.79 feet to a point;

N 11° 33' 08" W a distance of 139.24 feet to a point;

N 10° 04' 24" W a distance of 98.26 feet to a point;

N 39° 51' 09" E a distance of 57.85 feet to a point;

S 77° 42' 15" E a distance of 70.49 feet to a point;

N 70° 26' 41" E a distance of 140.13 feet to a point;

S 84° 42' 20" E a distance of 43.01 feet to the POINT OF BEGINNING and containing 3.6727 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) At the time this Act takes effect, the following persons shall constitute the temporary board of directors of the district:

- (1) Mike Schelski;
- (2) Lynn James Ratcliff;
- (3) Harry F. Stevens;
- (4) Joan Hughes; and
- (5) Gary E. Binderim.

(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.

(e) The temporary directors shall serve until permanent directors are elected at the confirmation and director election required under Section 1(a) of this Act and qualify.

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. 2213 on May 25, 1985, by the following vote: Yeas 143, Nays 0, 2 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. 2213 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: Immediately