

CHAPTER 472

H.B. No. 2390

An Act relating to the creation, administration, powers, duties, functions, operations, and financing of and annexation of territory to and exclusion of territory from the Northwest Dallas County Flood Control District.

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

SECTION 1. CREATION. The Northwest Dallas County Flood Control District is created under Article XVI, Section 59, of the Texas Constitution as a conservation and reclamation district to operate and exist as a governmental agency, a body politic and corporate, and a political subdivision of this state.

SECTION 2. DEFINITION. In this Act, "district" means the Northwest Dallas County Flood Control District.

SECTION 3. BOUNDARIES. The district includes approximately 610.7099 acres of land in Dallas County described as follows:

BEGINNING , at a 3/8-inch iron rod found at the Northwest corner of said District, said point also being the Southwest corner of Woodridge Section 3 as recorded in Volume 81180, Page 3301, Deed Records of Dallas County, Texas;

THENCE , N 89° 05' 37" E, with the South line of said Woodridge Section 3 and Section 4 a distance of 1,755.83 feet to a 1/2-inch iron rod found for corner;

THENCE , N 00° 07' 23" E, continuing with said Woodridge Section 4 and the barb wire fence a distance of 210.05 feet to a 4-inch fence post found for corner;

THENCE , N 89° 03' 24" E, with said Woodridge Section 4 a total distance of 499.93 feet to a 1/2-inch iron rod set for corner;

THENCE , S 00° 02' 08" W, a distance of 209.92 feet;

THENCE , N 89° 02' 34" E, a distance of 40.00 feet across abandoned right-of-way of old road;

THENCE , N 89° 02' 34" E, along said South line of L. & N. Land Corporation a distance of 927.88 feet to an iron rod found for corner;

THENCE , N 00° 07' 27" E, with the East line of said L. & N. Land Corporation and with a barb wire fence in a tree line a distance of 2935.58 feet to a 1/2-inch iron rod set in the South line of Sandy Lake Road an 80 foot wide road, said point being in a curve to the right whose center bears S 13° 31' 33" W, a distance of 552.47 feet;

THENCE , with the said south line of Sandy Lake Road through a central angle of 22° 57' 08" , an arc distance of 221.32 feet to a 1/2-inch iron rod set for corner;

THENCE , S 53° 31' 19" E, along said Sandy Lake Road a distance of 848.35 feet to a 1/2-inch iron rod set in the west line of a 2.05 acre tract conveyed to the Trinity River Authority of Texas in Volume 73113, Page 831, Deed Records of Dallas County, Texas;

THENCE , N 29° 13' 41" W, with said Trinity River Authority west line 300 feet to a 1/2-inch iron rod set for corner;

THENCE , S 53° 31' 19" E, continuing along the South line of said Trinity River Authority's tract a distance of 300.00 feet to a 1/2-inch iron rod set for corner;

THENCE , S 29° 13' 41" E, a distance of 300.00 feet to a 1/2-inch iron rod set in the South line of said Sandy Lake Road;

THENCE , S 53° 31' 19" E, with said South line of Sandy Lake Road, a distance of 250.30 feet;

THENCE , S 53° 31' 19" E, 131.01 feet across D.P.&L. Co. right-of-way to a 1/2-inch iron rod set in the intersections of the South line of Sandy Lake Road an 80-foot wide road with the Southeast line of a 130 foot DP&L Co. right-of-way as recorded in Volume 4594, Page 302, Deed Records of Dallas County, Texas;

THENCE , S 53° 31' 19" E, along said Sandy Lake Road a distance of 276.05 feet to a 3-inch iron post found for corner;

THENCE , S 00° 43' 05" E, with a barb wire fence and tree line a distance of 824.60 feet to a 1/2-inch iron rod found for corner;

THENCE , S 89° 47' 00" E, a distance of 2021.17 feet to a point at the high bank of the Elm Fork of the Trinity River;

THENCE , down the high bank of the Elm Fork as follows;

THENCE , S 05° 12' 16" E, a distance of 79.82 feet to a point for corner;

THENCE , S 01° 35' 32" W, a distance of 110.21 feet to a point for corner;

THENCE , S 06° 56' 58" E, a distance of 100.08 feet to a point for corner;

THENCE , S 27° 55' 36" E, a distance of 108.85 feet to a point for corner;

THENCE , S 10° 27' 03" W, a distance of 207.16 feet to a point for corner;

THENCE , S 02° 22' 20" W, a distance of 302.27 feet to a point for corner;

THENCE , S 07° 48' 18" E, a distance of 275.03 feet to a point for corner;

THENCE , S 03° 18' 20" E, a distance of 393.94 feet to a point for corner;

THENCE , S 10° 34' 24" E, a distance of 300.33 feet to a point for corner;

THENCE , S 05° 27' 47" E, a distance of 302.79 feet to a point for corner;

THENCE , S 23° 33' 37" E, a distance of 304.93 feet to a point for corner;

THENCE , S 27° 27' 40" E, a distance of 309.48 feet to a point for corner;

THENCE , S 42° 50' 31" E, a distance of 334.97 feet to a point for corner;

THENCE , S 00° 52' 12" E, along the East line of said W. Perry Survey a passing distance of 488 feet to the East high bank of said river, in all a distance of 539.2 feet to a 1/2-inch iron rod set for corner

THENCE, S 89° 07' 48" W, with a barb wire fence and tree line for a distance of 1168.94 feet to an iron rod found in a fence line, said point being the Northwest corner of the City of Coppell's sanitary sewer lift station tract;

THENCE, S 01° 07' 08" E, along a barb wire fence and the said west line of a lift station tract, a distance of 575.00 feet to an iron rod found, said point being 50 feet North of the center line of the St. Louis and Southwestern Railroad (100 feet wide);

THENCE, N 86° 21' 18" W, continuing along said north line of the St. Louis and Southwestern Railroad a distance of 4131.08 feet to a 1/2-inch iron rod set in the East line of an old 40 foot road;

THENCE, N 86° 21' 18" W, a distance of 40.08 feet across the right-of-way of an old road to a 1/2-inch iron rod set at the intersections of the North right-of-way line of the St. Louis & Southwestern Railroad (Cotton Belt Railway 100 feet wide) with the West right-of-way line of an old 40 foot wide road;

THENCE, N 86° 21' 18" W, with the North right-of-way line of said St. Louis and Southwestern railroad a distance of 280.13 feet to a 1/2-inch iron rod set for corner, said corner being in the southeasterly line of a 130 foot right-of-way conveyed to the DP&L Co. by deed recorded in Volume 4594, Page 302, Deed Records of Dallas County, Texas;

THENCE, N 86° 21' 18" W, a distance of 144.13 feet across DP&L Co. right-of-way to a 1/2-inch iron rod set in the north line of the St. Louis & Southwestern Railroad (Cotton Belt Railway) 100 feet right-of-way;

THENCE, N 86° 21' 18" W, along the North line of said St. Louis and Southwestern Railroad, a distance of 543.05 feet to a 1/2-inch iron rod found, said point being the beginning of a curve to the right whose center bears N 03° 38' 42" E, a distance of 2,950 feet;

THENCE, with said curve to the right through a central angle of 14° 54' 16", and a distance of 767.39 feet to the end of said curve to a 1/2-inch iron rod found for corner;

THENCE, N 71° 27' 02" W, with the North line of said St. Louis and Southwestern Railroad, a distance of 562.74 feet to a 1/2-inch iron rod found for corner in the said 20.80 acre tract;

THENCE, N 00° 05' 58" W, with an old fence line and along the west lines of said 20.80 acre tract and with said 120 acre tract a distance of 2,442.57 feet to the PLACE OF BEGINNING.

SECTION 4. FINDINGS. The legislature finds that:

(1) the purposes of Article XVI, Section 59, of the Texas Constitution will be accomplished by the creation of the district;

(2) all land and other property included within the district's boundaries will be benefitted by the works and projects to be accomplished by the district;

(3) the district is created to serve a public use and benefit; and

(4) the boundaries of the district form a closure and if any mistake is made in the description of the boundaries of the district, the mistake in no way affects the organization, existence, and validity of the district or the exercise of any powers, functions, purposes, or authority provided by this Act.

SECTION 5. AUTHORITY UNDER GENERAL LAW. (a) The district may exercise all of the rights, powers, privileges, functions, and authority conferred and imposed by general law applicable to levee improvement districts created under Article XVI, Section 59, of the Texas Constitution, including those provided by Chapter 57, Water Code. If any provision of the general law is in conflict or inconsistent with this Act, this Act prevails.

(b) The rights, powers, privileges, functions, and authority granted to the district under this Act are subject to the continuing right of supervision of the state to be exercised by and through the Texas Department of Water Resources.

SECTION 6. ACQUISITION, CONSTRUCTION, OPERATION, AND MAINTENANCE OF RECLAMATION IMPROVEMENTS AND FACILITIES. The district may purchase, acquire, construct, own, operate, maintain, repair, rebuild, add to, and make improvements to any works, materials, facilities, plants, equipment, and improvements necessary, helpful, or incident to the reclamation of land within the district and for the proper drainage of land in the district. In the accomplishment of those purposes, the district may issue bonds and notes, enter into contracts, or incur obligations in the manner provided by this Act.

SECTION 7. CONFIRMATION ELECTION REQUIRED. The board of directors shall call and hold a confirmation election to determine if the district shall be established. The election shall be held in the time and manner provided in Chapter 54, Water Code, and may be called and held at the same time as a bond election for the district.

SECTION 8. AD VALOREM PLAN OF TAXATION. The board of directors is not required to hold a hearing on the adoption of a plan of taxation. The district shall use the ad valorem plan of taxation.

SECTION 9. BOARD OF DIRECTORS. (a) The district shall be governed by a board of directors composed of three members.

(b) To serve as a director, a person must be at least 18 years old and must own taxable property within the district or must be a resident of the district.

(c) On the effective date of this Act the following persons shall take office and shall serve as the temporary board of directors for the proposed district:

- (1) M. Paul Spain;
- (2) Bobby Harrell; and
- (3) Jay Patterson.

(d) Members of the temporary board shall serve until the persons elected as directors on April 5, 1986, have been elected and have qualified for office.

(e) A vacancy on the temporary board shall be filled by appointment of the remaining members of the temporary board.

(f) Each director elected on April 5, 1986, is elected for a two-year term.

(g) An election shall be held on the first Saturday in April in each even-numbered year to elect the directors of the district.

(h) Each director shall qualify for office by taking the oath and executing a bond in the amount of \$10,000, payable to the district, conditioned on the faithful performance of his duties. The district shall pay for the bond.

(i) Each director is entitled to receive \$50 a day for each day he is actually engaged in his duties for the district but is not entitled to receive more than \$200 in any single month. Each director also is entitled to reimbursement for his actual expenses incurred in the performance of his duties of director.

(j) The board may employ or contract with any persons or entities necessary to conducting the affairs of the district.

(k) The board shall adopt a seal for the district.

(l) A vacancy on the board shall be filled by the remaining directors for the unexpired term.

(m) The board shall establish a regular meeting time and place and shall publish notice of that meeting time and place in a newspaper with general circulation in the district. The time and place for meetings may be changed by order of the board if the board gives notice as provided by this subsection.

(n) At the first meeting of the board following each directors' election the board shall elect a president, a vice-president, and a secretary-treasurer. The president shall preside at meetings of the board and shall execute orders, resolutions, deeds, and contracts for the district. In the president's absence, the vice-president shall preside at district meetings and shall perform the president's duties. The secretary-treasurer shall be the custodian of district records and shall attest to all legal documents executed by the district. The board may employ an assistant secretary to act in the absence of the secretary.

(o) The board may employ a tax collector and may select one or more depositories. Before the district deposits funds in a bank in an amount that exceeds the maximum amount secured by the Federal Deposit Insurance Corporation, the bank must execute a bond or provide other security in an amount sufficient to secure from loss the district's funds that exceed the amount secured by the Federal Deposit Insurance Corporation.

(p) Funds of the district may be invested and reinvested by the board or a person designated by the board as provided by Section 54.308, Water Code.

(q) Expenditures of the district must be made by check signed by two directors.

SECTION 10. ELECTIONS. (a) Elections required to be held by the district must be held as provided by the Texas Election Code, except that notice of all elections shall be given by publication in a newspaper with general circulation in the district once a week for two consecutive weeks, with the first publication to be at least 14 days before the date of the election.

(b) A bond or maintenance tax election may be held at the same time, and all elections shall be called and the results canvassed by the board.

SECTION 11. ISSUANCE OF BONDS AND NOTES. (a) The board may issue bonds or notes of the district for any authorized purpose or combination of purposes under Chapter 54, Water Code. Sections 54.516 and 54.517, Water Code, do not apply to the district.

(b) Except for refunding bonds, bonds of the district secured in whole or in part by the levy of ad valorem taxes may not be issued until authorized by a majority vote of the qualified voters of the district voting at an election called for that purpose.

SECTION 12. MAINTENANCE TAX. The board of directors may levy and collect a tax for the purposes specified in Section 54.311, Water Code, after that tax is approved by a majority vote of the qualified voters of the district voting at an election called and held for that purpose.

SECTION 13. APPRAISAL, ASSESSMENT, AND COLLECTION OF TAXES. (a) The Tax Code governs the appraisal, assessment, and collection of district taxes.

(b) The district may contract with any qualified person to assess and collect taxes for the district.

SECTION 14. ANNEXATION OR EXCLUSION OF LAND. The district may annex additional land to or may, before holding a bond election, exclude land from the district in the manner and subject to the procedures and requirements of Chapter 54, Water Code. The district is not required to hold an exclusion hearing unless the board determines the hearing should be held.

SECTION 15. AUTHORIZED INVESTMENTS AND SECURITY FOR DEPOSITS. All bonds and notes of the district are legal and authorized investments and eligible and lawful security for all deposits of public funds in the manner and to the extent provided by Section 54.515, Water Code.

SECTION 16. EXPENSE OF RELOCATION OF FACILITIES. If the district makes necessary the relocating, raising, rerouting, changing the grade of, or altering the construction of any highway, railroad, electric transmission or distribution line, pipeline, or telephone or telegraph properties or facilities in the exercise of powers granted under this chapter, the district shall pay all of the actual cost of the relocating, raising, rerouting, changing in grade, or altering of construction and shall pay all of the actual cost of providing comparable replacement of facilities without enhancement, less the net salvage value of the facilities.

SECTION 17. 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 May 2, 1985, by the following vote: Yeas 138, Nays 0, 1 present, not voting; House concurred in Senate amendments to H.B. No. 2390 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. 2390 was transmitted to the Governor on March 26, 1985, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 18, 1985; passed by the Senate, with amendments, on May 21, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 11, 1985

Effective: August 26, 1985