

**CHAPTER 788**

**H.B. No. 2522**

An Act relating to the creation, administration, powers, duties, operation, and financing of the S. E. Thompson 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 Kerr County, Texas, to be known as

“S. E. Thompson 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 S. E. Thompson Municipal Utility District No. 1.

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

A. All those certain tracts or parcels of land lying and being situated in the County of Kerr and State of Texas, on the waters of the Camp Meeting Creek, a tributary to the Guadalupe River, about 3-1/2 miles S.W. from the town of Kerrville, as follows:

**TRACT ONE**

*FIRST TRACT:* Part of Survey No. 1134, Cert. No. 298, CCSD & RGNG Ry. Co. bounded as follows:

BEGINNING at the West corner of Survey No. 1886, in the name of P. Brewer;  
 THENCE S. 45 E. 1457 vrs. to the W. corner of a tract of land now owned by L. A. Schreiner;  
 THENCE S. 45 W. 186 vrs. to corner in line of Survey No. 1, BS & F;  
 THENCE N. 45 W. 1457 vrs. to corner in N. E. line of Survey No. 2, BS & F;  
 THENCE N. 45 E. 186 vrs. to the place of BEGINNING; embracing forty-seven and 6/10 (47.6) acres of land, more or less.

**TRACT TWO**

*SECOND TRACT:* All that certain real estate situate, lying and being in Kerr County, in the State of Texas, described as: 400 acres of land, more or less, being 302 acres out of Survey No. 1119, CCSD & RGNG Ry. Co., and 98 acres of land out of Survey No. 1886, P. Brewer, all bounded as follows:

BEGINNING at the N. E. corner of Survey No. 1119, CCSD & RGNG Ry. Co.;  
 THENCE S. 45 W. 1247 vrs. the W. corner of said Survey No. 1119; at 1721 vrs. the West corner of said Survey No. 1886, P. Brewer;  
 THENCE S. 45 E. 1423 vrs. corner this tract;  
 THENCE N. 45 E. 1721 vrs. E. corner this tract in line of said Survey No. 1119;  
 THENCE N. 45 W. 595 vrs. corner in line of Survey No. 684, C. Behrmann;  
 THENCE West 656 vrs. to S. W. corner of same survey;  
 THENCE North 519 vrs. to the place of BEGINNING.

**TRACT THREE**

B. All those certain tracts of land lying and being situated in the County of Kerr and State of Texas, on the draws of Camp Meeting Creek, a tributary to the Guadalupe River, about 3 miles S. W. from the town of Kerrville, as follows, to-wit:

*FIRST:* 157 acres of land, out of original Survey No. 684, G. H. Behrmann;

**TRACT FOUR**

*SECOND:* 57 acres of land, more or less, out of original Survey No. 1953, in the name of Phil Stanford, the whole being bounded as follows:

BEGINNING at the South corner of Original Survey No. 143, in the name of T. F. Hollis;  
 THENCE S. 45 W. 882 vrs. to the N. E. line of Survey No. 1119, CCSD & RGNG Ry. Co.;  
 THENCE N. 45 Deg. West 104 vrs. to the S. line of said Survey No. 684;  
 THENCE West 656 vrs. to S. W. corner of same survey;  
 THENCE N. 950 vrs. to N. W. corner of same survey;  
 THENCE East 256 vrs. to corner of said P. Stanford Survey;  
 THENCE N. 45 E. 634 vrs. to another corner of said Stanford Survey;  
 THENCE S. 45 E. 117 vrs. to the N. W. line of said Survey No. 143;  
 THENCE S. 45 W. 143 vrs. to W. corner same Survey;  
 THENCE S. 45 E. 950 vrs. to the place of BEGINNING, embracing two hundred fourteen (214) acres of land, more or less.

**TRACT FIVE**

All that certain tract or parcel of land, lying and being situated in the County of Kerr, State of Texas, and being all of Tract No. 43, of Clear Springs Ranch Estates, a subdivision of record in Volume 3, page 116, Plat Records of Kerr County, Texas, to which instrument and its record reference is here made for all purposes, and being the identical property conveyed by Clear Springs Ranch, Inc. to William Blake, et ux.

The described land contains 677 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 seven directors.

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

- (1) Merle W. Delmer;
- (2) William Gordon McGee;
- (3) Joseph T. Painter;
- (4) Drue O. D. Ware;
- (5) Elgin W. Ware;
- (6) Walter A. Brooks; and
- (7) James M. Graham.

(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 seven

positions on the board shall be held. Unless otherwise agreed, the three directors elected with the fewest number of votes serve until April in the next following even-numbered year, and the four 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 May 21, 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. 2522 was transmitted to the Governor on May 17, 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 on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 14, 1985

Effective: Immediately