

CHAPTER 860

S.B. No. 1361

An Act relating to the creation, administration, powers, duties, operation, and financing of the Montgomery County Municipal Utility District No. 74; and declaring an emergency.

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 a conservation and reclamation district is created in Montgomery County, Texas, to be known as "Montgomery County Municipal Utility District No. 74," which 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 Montgomery County Municipal Utility District No. 74.

SECTION 3. BOUNDARIES. The district shall include all of the territory contained within the following described area: Being a tract of land containing 430.7633 acres of land in the R. N. Davis Survey, Abstract No. 161 and the Frederick Rudge Survey, Abstract No. 448, Montgomery County, Texas, being a part of a tract of land conveyed to George P. Kirkpatrick, Jr. et al, in deed recorded under County Clerk's File No. 8111320 of the Official Public Records of Real Property, Montgomery County, Texas, said 430.7633 acres of land being more particularly described as follows:

COMMENCING at a 3/4 inch iron rod set within the cleared limits of the Old Tramway for the east corner of said George P. Kirkpatrick, Jr. et al tract, same being the south corner of that certain tract of land conveyed to Charles Bahr, Sr. as Part I, Tract 2 of a Partition Deed recorded in Volume 361, Page 170 of the Deed Records of Montgomery County, Texas, same also being in a northwesterly line of that certain tract of land conveyed to Charles Bahr, Sr. as Part I, Tract 1 of said Partition Deed, said iron rod also being in the occupied and recognized line between said R. N. Davis Survey and the Joseph A. Parker Survey, Abstract No. 418;

THENCE N. 30 deg. 10 min. 32 sec. W. 9,709.44 feet along the common line between said tract conveyed to George P. Kirkpatrick, Jr. et al and said tract of land conveyed to Charles Bahr, Sr. as Part I, Tract 2 of said Partition Deed and within the cleared limits of the Old Tramway;

THENCE S. 57 deg. 49 min. 28 sec. W. 3,885.37 feet to a point on a curve for the PLACE OF BEGINNING of the herein described tract;

THENCE S. 57 deg. 49 min. 28 sec. W. 3,765.64 feet to a point for a corner;

THENCE S. 01 deg. 45 min. 39 sec. W. 2,650.00 feet to a point in the northeasterly low bank of Spring Creek;

THENCE in a northerly direction with the meanders of the northeasterly low bank of Spring Creek, the following courses and distances:

S. 76 deg. 13 min. 26 sec. W. 304.50 feet;

S. 77 deg. 30 min. 53 sec. W. 255.95 feet;

S. 79 deg. 16 min. 31 sec. W. 372.72 feet;

N. 61 deg. 54 min. 38 sec. W. 338.48 feet to a 3/4 iron rod for the most southerly east corner of that certain 1,339 acre tract conveyed to Norman D. Townsen by deed recorded in Volume 377, Page 67 of the Deed Records of Montgomery County, Texas, same being the most westerly south corner of said Frederick Rudge Survey and the most southerly east corner of the Montgomery County School Land Survey, Abstract No. 351;

THENCE N. 39 deg. 43 min. 48 sec. W. 4,014.67 feet along a northeasterly line of said Townsen tract, same being the common line between said Frederick Rudge Survey and said Montgomery County School Land Survey to a 3/4 inch iron rod for the west corner of said Frederick Rudge Survey;

THENCE N. 50 deg. 36 min. 16 sec. E. 4,697.29 feet along a southeasterly line of said Townsen tract, same being the common line between said Frederick Rudge Survey and said Montgomery County School Land Survey to a 3/4 inch iron rod for the north corner of said Frederick Rudge Survey and an east corner of said Montgomery County School Land Survey;

THENCE 2,007.13 feet in a southeasterly direction along a curve to the left having a radius of 2,500.00 feet, a central angle of 46 deg. 00 min. 00 sec., and a long chord which bears S. 62 deg. 07 min. 51 sec. E. 1,953.66 feet to a point of tangency;

THENCE S. 85 deg. 07 min. 51 sec. E. 500.00 feet to a point of curvature;

THENCE 1,276.18 feet in a southeasterly direction along a curve to the right having a radius of 2,500.00 feet, a central angle of 29 deg. 14 min. 52 sec., and a long chord which bears S. 70 deg. 30 min. 25 sec. E. 1,262.37 feet to the PLACE OF BEGINNING of the herein described 430.7633 acres of land.

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, and validity of the district, 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 body.

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 conferred by the general laws of this state applicable to municipal utility districts created under Article XVI, Section 59, of the Texas Constitution, including those conferred by Chapter 54, Water Code. If any provision of the general law is in conflict or inconsistent with this Act, this Act prevails.

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

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

SECTION 7. WATER CONSERVATION PROGRAM. 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) Except for the initial directors, each director shall be elected and shall serve for the term of office provided for directors under Chapter 54, Water Code, and until his successor is elected and has qualified.

(c) Each director shall qualify to serve as director in the manner provided by Chapter 54, Water Code.

(d) The Texas Water Commission shall appoint the initial directors of the district.

(e) The initial directors shall serve until permanent directors are elected as provided by Chapter 54, Water Code.

SECTION 9. CONFIRMATION AND DIRECTORS ELECTION. An election shall be called and held to confirm establishment of the district and to elect five permanent directors as provided by Chapter 54, Water Code.

SECTION 10. NOTICE AND CONSENT. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the Governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. The general law relating to consent by political subdivisions to the creation of conservation and reclamation districts and the inclusion of land in those 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 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 the Senate on May 17, 1985, by the following vote: Yeas 30, Nays 0; passed the House on May 24, 1985, by the following vote: Yeas 147, Nays 1, one present not voting.

Approved: June 15, 1985

Effective: Immediately