

## CHAPTER 683

## S.B. No. 1465

An Act relating to the creation, administration, powers, duties, operation, and financing of the Homestead 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 El Paso County, Texas, to be known as Homestead 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 Homestead Municipal Utility District No. 1.

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

A parcel of land within Sections 5, 8, and 9 in Block 78, Township 2, T & P RR Survey, El Paso County, Texas and being more particularly described as follows:

**BEGINNING** at the SW Section Corner pipe of said Section 5, said SW Corner is the point of beginning of this parcel.

**THENCE** North 0 degrees 33 minutes 40 seconds West for a distance of 809.78 feet to a 4 rebar.

**THENCE** North 81 degrees 20 minutes 0 seconds East for a distance of 373.74 feet to a 4 rebar.

**THENCE** North 0 degrees 33 minutes 40 seconds West for a distance of 881.54 feet to 4 rebar in the NW corner of Las Casitas Unit 2.

**THENCE** North 81 degrees 20 minutes 0 seconds East for a distance of 373.73 feet to a 4 rebar in the NE corner of Las Casitas Unit 2.

**THENCE** South 0 degrees 33 minutes 40 seconds East for a distance of 881.54 feet to a 4 rebar.

**THENCE** North 81 degrees 20 minutes 0 seconds East for a distance of 747.47 feet to a 4 rebar.

**THENCE** North 0 degrees 33 minutes 40 seconds West for a distance of 527.84 feet to a 4 rebar in the SE corner of Parcel H.

**THENCE** South 81 degrees 20 minutes 0 seconds West for a distance of 373.84 feet to a 4 rebar in the SW corner of Parcel H.

**THENCE** North 0 degrees 33 minutes 40 seconds West for a distance of 353.70 feet to a 4 rebar in the NW corner of Parcel H.

**THENCE** North 81 degrees 20 minutes 0 seconds East for a distance of 373.84 feet to a 4 rebar in the NE corner of Parcel H.

**THENCE** South 0 degrees 33 minutes 40 seconds East for a distance of 1599.84 feet to a 4 rebar in the SE corner of Homestead Meadows South Unit 4.

**THENCE** South 89 degrees 59 minutes 58 seconds West for a distance of 170.00 feet to a 4 rebar.

**THENCE** South 0 degrees 33 minutes 40 seconds East for a distance of 316.74 feet to a 4 rebar.

**THENCE** North 89 degrees 59 minutes 58 seconds East for a distance of 170.00 feet to a 4 rebar.

**THENCE** North 0 degrees 33 minutes 40 seconds West for a distance of 60.00 feet to a 4 rebar.

**THENCE** North 89 degrees 59 minutes 58 seconds East for a distance of 870.00 feet to a 4 rebar in the SW corner of Homestead Meadows South Unit 3, Replat B.

**THENCE** North 0 degrees 33 minutes 40 seconds West for a distance of 1003.70 feet to a 4 rebar.

THENCE North 50 degrees 59 minutes 30 seconds West for a distance of 184.76 feet to a 4 rebar in the NW corner of said Replat B.

THENCE North 89 degrees 59 minutes 58 seconds East for a distance of 982.43 feet to a 4 rebar.

THENCE North 0 degrees 33 minutes 40 seconds West for a distance of 996.87 feet to a 4 rebar in the NW corner of SW Estates.

THENCE North 81 degrees 20 minutes 0 seconds East for a distance of 2074.44 feet to a 4 rebar in the NE corner of SW Estates Unit 2.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 2429.45 feet to a 4 rebar in the SE corner of said Unit 2.

THENCE South 89 degrees 59 minutes 58 seconds West for a distance of 433.81 feet to a 4 rebar in the SW corner of said Unit 2.

THENCE North 0 degrees 33 minutes 40 seconds West for a distance of 1180.00 feet to a 4 rebar.

THENCE South 89 degrees 59 minutes 58 seconds West for a distance of 1620.00 feet to a 4 rebar in the SW corner of said SW Estates.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 60.00 feet to a 4 rebar.

THENCE South 89 degrees 59 minutes 58 seconds West for a distance of 60.00 feet to a 4 rebar in the NW corner of said Replat B.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 560.00 feet to a 4 rebar.

THENCE North 89 degrees 59 minutes 58 seconds East for a distance of 840.00 feet to a 4 rebar in the NE corner of Homestead Meadows South Unit 3, Replat C.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 560.00 feet to a 4 rebar in the SE corner of said Replat C.

THENCE North 89 degrees 59 minutes 58 seconds East for a distance of 1273.81 feet to a 4 rebar in the said SE corner of said Unit 2.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 60.00 feet to a 4 rebar.

THENCE North 89 degrees 59 minutes 58 seconds East for a distance of 60.00 feet to the SE Section pipe of said Section 5.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 2632.00 feet to the NE corner of Homestead Meadows South Unit 5.

THENCE South 0 degrees 33 minutes 12 seconds East for a distance of 2693.00 feet to the SE corner of said Unit 5.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 2692.01 feet to the SW corner of said Unit 5.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 333.09 feet to a 4 rebar.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 433.80 feet to a 4 rebar.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 2300.00 feet to the NW corner of Desert Glen.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 60.00 feet to a 4 rebar.

THENCE North 0 degrees 33 minutes 40 seconds West for a distance of 60.00 feet to the said SW corner of SW Estates Unit 2.

THENCE South 89 degrees 59 minutes 58 seconds West for a distance of 3330.00 feet to a 4 rebar.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 60.00 feet to a 4 rebar.

THENCE South 0 degrees 33 minutes 12 seconds East for a distance of 1240.46 feet to a 4 rebar.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 870.00 feet to a 4 rebar in the NE corner of Tillicum Estates.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 620.00 feet to a 4 rebar in the NW corner of Mesa View Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 390.00 feet to a 4 rebar in the NE corner of said Mesa View Estates.

THENCE South 0 degrees 33 minutes 12 seconds East for a distance of 560.00 feet to a 4 rebar in the SE corner of said Mesa View Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 840.00 feet to a 4 rebar in the SW corner of Mesquite Meadows Estates.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 560.00 feet to a 4 rebar in the NW corner of Mesquite Meadows Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 390.00 feet to a 4 rebar in the NE corner of Mesquite Meadows Estates.

THENCE South 0 degrees 33 minutes 12 seconds East for a distance of 560.00 feet to a 4 rebar in the SE corner of Mesquite Meadows Estates.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 1620.00 feet to a 4 rebar in the SW corner of said Mesa View Estates.

THENCE South 0 degrees 33 minutes 12 seconds East for a distance of 620.00 feet to a 4 rebar in the SE corner of Tillicum Estates.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 390.00 feet to a 4 rebar in the SW corner of Tillicum Estates.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 560.00 feet to a 4 rebar in the NW corner of Tillicum Estates.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 480.00 feet to a 4 rebar.

THENCE South 0 degrees 33 minutes 12 seconds East for a distance of 4143.66 feet to a 4 rebar in the SE corner Las Quintas.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 1480.07 feet to the SW Section corner pipe of said Section 8.

THENCE North 0 degrees 33 minutes 12 seconds West for a distance of 5384.39 feet to the point of beginning.

Said property contains 523.4261 acres.

A parcel of land being SW Estates, Unit 3 in Homestead Meadows South Unit 3, Replat "A" and being more particularly described by metes and bounds as follows:

Beginning at the SE corner pipe of Section 5, Block 78, Township 2 of the T & P R.R. Survey, El Paso County, Texas, thence South 89 degrees 59 minutes 58 seconds West for a distance of 493.81 feet to a 4 rebar along the centerline of Marvin Lane, thence North 0 degrees 33 minutes 40 seconds West for a distance of 1240.00 feet to an angle point, thence South 89 degrees 59 minutes 58 seconds West for a distance of 840.00 feet to a 4 rebar at the point of beginning of this parcel.

THENCE South 0 degrees 33 minutes 40 seconds East for a distance of 620.00 feet to a 4 rebar in the SE corner of said SW Estates, Unit 3 and also being the NE corner of said Homestead Meadows South Unit 3, Replat "C."

THENCE South 89 degrees 59 minutes 58 seconds West for a distance of 840.00 feet to a 4 rebar.

THENCE North 00 degrees 33 minutes 40 seconds West for a distance of 560.00 feet to a 4 rebar in the NE corner of said Homestead Meadows South Unit 3, Replat "B."

THENCE North 89 degrees 59 minutes 58 seconds East for a distance of 60.00 feet to a 4 rebar in the NW corner of said SW Estates, Unit 3.

THENCE North 00 degrees 33 minutes 40 seconds West for a distance of 60.00 feet to a 4 rebar in the SW corner of SW Estates.

THENCE North 89 degrees 59 minutes 58 seconds East for a distance of 780.00 feet to a 4 rebar at the said point of beginning of this parcel.

Said parcel contains 11.873 acres more or less.

A parcel of land being Lots 2 & 3 in Block 6 in Homestead Meadows South Unit 2, Replat "A" and Lot 7 in Block 8 in Homestead Meadows South Unit 2, Replat "A" and being more particularly described by metes and bounds as follows:

Beginning at the NE corner pipe of Section 8, Block 78, Township 2 of the T & P R.R. Survey, El Paso County, Texas, thence South 44 degrees 43 minutes 39 seconds West for a distance of 493.80 feet to a 4 rebar along the centerline of Marvin Lane, thence South 0 degrees 33 minutes 12 seconds East for a distance of 2,360.00 feet to a 4 rebar in the SW corner of Desert Glen Replat "A" said SW corner is the point of beginning of the parcel.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 840.00 feet to a 4 rebar in the SW corner of Saticum.

THENCE South 00 degrees 33 minutes 12 seconds East for a distance of 60.00 feet to a 4 rebar.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 1,230.00 feet to a 4 rebar in the NE corner of Cowlitz Estates.

THENCE South 00 degrees 33 minutes 12 seconds East for a distance of 560.00 feet to a 4 rebar in the SE corner of said Cowlitz Estates.

THENCE South 89 degrees 59 minutes 20 seconds West for a distance of 780.00 feet to a 4 rebar in the SW corner of said Cowlitz Estates.

THENCE North 00 degrees 33 minutes 12 seconds West for a distance of 560.00 feet to a 4 rebar in the NW corner of said Cowlitz Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 780.00 feet to a 4 rebar in the said NE corner of Cowlitz Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 1,230.00 feet to a 4 rebar.

THENCE North 00 degrees 33 minutes 12 seconds West for a distance of 60.00 feet to a 4 rebar in the SW corner of Satiacum Estates.

THENCE North 00 degrees 35 minutes 12 seconds West for a distance of 560.00 feet to a 4 rebar in the NW corner of said Satiacum Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 390.00 feet to a 4 rebar in the NE corner of said Satiacum Estates.

THENCE South 00 degrees 33 minutes 12 seconds East for a distance of 560.00 feet to a 4 rebar in the said SE corner of said Satiacum Estates.

THENCE North 89 degrees 59 minutes 20 seconds East for a distance of 450.00 feet to a 4 rebar at the said SW corner of Desert Glen Replat "A," and point of beginning of the parcel.

Said parcel contains 15.041 acres more or less.

The total area of the district is 550.34 acres 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, 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.** The district shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the 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 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) Lewis J. Hibben;
- (2) John R. Miller;
- (3) Walter F. Abeyta;
- (4) Severo A. Madrid; and
- (5) Nev Williams, Jr.

(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 directors' election required under Subsection (a) of Section 1 of this Act and qualify.

**SECTION 9. CONFIRMATION AND DIRECTORS' ELECTION.** At the election called and held to confirm establishment of the district as required by Subsection (a) of Section 1 of this Act, five permanent directors shall be elected as provided by Chapter 54, Water Code.

**SECTION 10. 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 11. ELECTIONS.** On the first Saturday in April in the first even-numbered year following the confirmation and directors' 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 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 the Senate on May 22, 1985, by the following vote: Yeas 28, Nays 0; passed the House on May 25, 1985, by a non-record vote.

Approved: June 14, 1985

Effective: August 26, 1985