

CHAPTER 744

H.B. No. 2815

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Chateau Woods Municipal Utility District and the abolition of the city of Chateau Woods.

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

SECTION 1. CREATION. (a) A conservation and reclamation district, to be known as Chateau Woods Municipal Utility District, is created in Montgomery County, subject to approval at an election under Section 9 of this Act. The district is a governmental agency and a body politic and corporate.

(b) The district is created under and is essential to accomplish the purposes of Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITIONS. In this Act:

- (1) "City" means the city of Chateau Woods.
- (2) "District" means Chateau Woods Municipal Utility District.

SECTION 3. BOUNDARIES. (a) The district includes the territory contained within the corporate boundaries of the city of Chateau Woods:

BEING 412.3198 acres of land, more or less, situated in the Montgomery County School Land Survey, Abstract Number 350 and the R. Ross Survey, Abstract Number 471, in Montgomery County, Texas, and being referenced to Volume 929, Page 556 of the Deed Records of Montgomery County, Texas; said 412.3198 acres being more particularly described by metes and bounds as follows:

COMMENCING at a point at the Northeast corner of the Charles Eisterwall Survey, Abstract Number 191 at the Northeast corner of Oak Ridge North, Section 10, the map or plat thereof recorded in Cabinet A, Sheet 51 of the Map Records of Montgomery County, Texas; said point having a value of $Y = 866,505.756$, $X = 3,124,895.942$, Texas State Plane Coordinate System, Lambert Projection, South Central Zone;

THENCE South 02 degrees 26 minutes 26 seconds East, a distance of 1444.80 feet along the East line of the Charles Eisterwall Survey and the Westerly line of the Montgomery County, School Land Survey, Abstract Number 350, same being the East line of Oak Ridge North, Section 10, to a $\frac{1}{2}$ inch iron rod, found in the Northerly right-of-way line of Woodson Road, based on a width of 60 feet, for the most Westerly Northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE North 80 degrees 48 minutes 29 seconds East, a distance of 936.80 feet along the Northerly line of Woodson Road to a point for an interior corner in the Westerly line of Lake Chateau Woods, Section Two, the map or plat thereof recorded in Volume 7, Page 137 of the map records of Montgomery County, Texas;

THENCE North 12 degrees 05 minutes 17 seconds West, a distance of 799.11 feet along the West line of Lake Chateau Woods, Section Two to a $\frac{1}{2}$ inch iron rod, found for the most Northerly Northwest corner of the herein described tract and being the Northwest corner of Lot 1A, Block 1, Lake Chateau Woods, Section Two;

THENCE North 84 degrees 09 minutes 43 seconds East, a distance of 201.02 feet along the North line of Lake Chateau Woods, Section Two, to a $\frac{1}{2}$ inch iron pipe, found for the Northeast corner of Lot 1B and the Northwest corner of Lot 2, Block 1, Lake Chateau Woods, Section Two;

THENCE North 88 degrees 02 minutes 38 seconds East, a distance of 215.07 feet along the North line of Lake Chateau Woods, Section Two, to a $\frac{1}{2}$ inch iron pipe, found for the Northeast corner of Lot 2 and the Northwest corner of Lot 3, Block 1, Lake Chateau Woods, Section Two;

THENCE North 89 degrees 12 minutes 31 seconds East, a distance of 657.33 feet along the North line of Lake Chateau Woods, Section Two, to a point for angle;

THENCE North 77 degrees 00 minutes 08 seconds East, a distance of 186.50 feet along the North line of Lake Chateau Woods, Section Two, to a point for angle;

THENCE North 88 degrees 22 minutes 08 seconds East, a distance of 502.50 feet along the North line of Lake Chateau Woods, Section Two, to a point at the Northeast corner of Lake Chateau Woods, Section Two and the Northwest corner of Lake Chateau Woods, Section Four, the map or plat thereof recorded in Volume 7, Page 223 of the Map Records, Montgomery County, Texas;

THENCE North 88 degrees 10 minutes 08 seconds East, a distance of 1708.60 feet along the North line of Lake Chateau Woods, Section Four, and the North line of Lake Chateau

Woods, Section Five, the map or plat thereof recorded in Volume 7, Page 225 of the Map Records of Montgomery County, Texas, to a 3 inch iron pipe, found for an interior corner at the Northeast corner of Lake Chateau Woods, Section Five in the West line of Lake Chateau Woods, Section Six, the map or plat thereof recorded in Volume 7, Page 275 of the Map Records of Montgomery County, Texas;

THENCE North 02 degrees 52 minutes 52 seconds West, a distance of 452.37 feet along the most Westerly West line of Lake Chateau Woods Section Six to a ½ inch iron rod, found for the Northwest corner of Lake Chateau Woods, Section Six;

THENCE North 88 degrees 46 minutes 08 seconds East, a distance of 2545.50 feet along the North line of Lake Chateau Woods, Section Six, to a point for the Northeast corner of Section Seven, the map or plat thereof recorded in Volume 7, Page 283 of the Map Records of Montgomery County, Texas, and the most Southerly Northeast corner of Lake Chateau Woods, Section Eight, an unrecorded subdivision;

THENCE North 88 degrees 49 minutes 08 seconds East, a distance of 397.00 feet along the most Westerly North line of Lake Chateau Woods, Section Eight, to a point for the Northeast corner of Lot 3, Block 4 in the West line of Lot 6, Block 4, Lake Chateau Woods, Section Eight; said corner being in the West line of the R. Ross Survey, Abstract Number 471, common to the East line of the Montgomery County School Land Survey, Abstract Number 350;

THENCE North 01 degrees 00 minutes 52 seconds West, a distance of 793.30 feet along the West line of Lake Chateau Woods, Section Eight, and the West line of the R. Ross Survey to a an angle point in the East line of that certain 8.21 acre tract recorded in Volume 609, page 149 of the Deed Records of Montgomery County, Texas;

THENCE North 01 degrees 18 minutes 20 seconds West, a distance of 478.35 feet along the West line of Lake Chateau Woods, Section Eight and the West line of the R. Ross Survey to a fence post found for the Northwest corner of Lot 20, Block 4, Lake Chateau Woods, Section Eight, and being in the Southerly line of Sleepy Hollow Road

THENCE North 85 degrees 47 minutes 49 seconds East, a distance of 1656.00 feet along the South line of Sleepy Hollow Road to a point for the Northeast corner of the herein described tract and from which a nail is referenced North 31 degrees 16 minutes 12 seconds West, 29.54 feet and a tree with old barbed wire referenced South 50 degrees 57 minutes 00 seconds West, 21.03 feet;

THENCE South 01 degrees 01 minutes 56 seconds East, passing at a distance of 1981.40 feet, a point located on the East line of the herein described tract referencing a ¾ inch iron pipe, found West, 140.00 feet of said West line and being the Southeast intersection corner of Blue Ridge Drive and Longleaf Drive; in all, a distance of 4976.00 feet along the East line of the herein described tract to a ¾ inch iron pipe, found for the Southeast corner of the herein described tract and the Southeast corner of Lot 6, Block 6, Lake Chateau Woods, Section Seven as recorded in Volume 7, Page 283 of the Map Records of Montgomery County, Texas; said Southeast corner being in the North line of the Thomas Toby Survey, Abstract Number 579 common to the Southerly line of the Montgomery County School Land Survey, Abstract Number 350;

THENCE South 88 degrees 25 minutes 27 seconds West, a distance of 2395.11 feet along the common line of the Thomas Toby Survey and the Montgomery County School Land Survey and the South line of Lake Chateau Woods, Section 7, to a 3 inch iron pipe, found for the most Southerly Southwest corner of the herein described tract and the Southwest corner of Lot 26, Block II, Lake Chateau Woods, Section Six as recorded in Volume 7, Page 25 of the Map Records of Montgomery County, Texas;

THENCE North 02 degrees 13 minutes 11 seconds West, a distance of 3123.84 feet along the West line of Lake Chateau Woods, Section Six to a ⅝ inch iron rod, found for the Northwest corner of Lot 11A, Block II and an angle point for Lot 9B, Block II, Lake Chateau Woods, Section Six;

THENCE South 87 degrees 40 minutes 29 seconds West, a distance of 2126.00 feet along the South line of Lake Chateau Woods, Section Six to a point for the most Westerly Southwest corner of Lake Chateau Woods, Section Six in the East line of Lake Chateau Woods, Section Five;

THENCE South 02 degrees 42 minutes 28 seconds East, a distance of 1484.00 feet along the East line of Lake Chateau Woods, Section Five, to a 3 inch iron pipe, found for the Southeast corner of Lake Chateau Woods, Section Five;

THENCE South 88 degrees 35 minutes 50 seconds West, a distance of 1727.05 feet along the South line of Lake Chateau Woods, Section Five, to a ½ inch copper weld, found for the Southwest corner of Lake Chateau Woods, Section Three as recorded in Volume 7, Page 223 of the Map Records of Montgomery County, Texas; same being the Southeast corner of Lake Chateau Woods, Section One;

THENCE South 89 degrees 42 minutes 50 seconds West, a distance of 174.00 feet along the South line of Lake Chateau Woods, Section One to a point for angle;

THENCE South 88 degrees 54 minutes 50 seconds West, a distance of 400.00 feet along the South line of Lake Chateau Woods, Section One to a point for angle;

THENCE South 85 degrees 23 minutes 19 seconds West, a distance of 346.39 feet along the South line of Lake Chateau Woods, Section One to a ½ inch iron rod, found for a point for angle;

THENCE South 84 degrees 27 minutes 19 seconds West, a distance of 564.00 feet along the South line of Lake Chateau Woods, Section One to a ½ inch iron rod, found for an angle point in the herein described tract and the Southwest corner of Lake Chateau Woods, Section One, same being the original point of beginning describing the Corporate Limits of Chateau Woods as recorded in Volume 929, Page 556 of the Deed Records of Montgomery County, Texas;

THENCE continuing South 84 degrees 27 minutes 19 seconds West, a distance of 395.00 feet crossing the complete right-of-way for the Missouri-Pacific Rail Road, to a point for corner of the herein described tract and being that same corner referenced in the 14.675 acre annexation August, 1985;

THENCE North 19 degrees 40 minutes 47 seconds West, a distance of 226.91 feet to a ¾ inch iron rod, found for corner and being in the East line of Blueberry Hill Estates as recorded in Volume 7, Page 217 of the Map records of Montgomery County, Texas;

THENCE South 87 degrees 35 minutes 17 seconds West, a distance of 331.58 feet severing Blueberry Hill estates, to a ¾ inch iron rod, found in the West right-of-way line of Blueberry Hill Drive, based on a width of 60 feet;

THENCE South 87 degrees 36 minutes 31 seconds West, a distance of 263.66 feet to a fence post found at corner in the East line of Oak Ridge North, Section 9 as recorded in Cabinet A, Sheet 5 of the Map Records of Montgomery County, Texas, same being the West line of Blueberry Hill Estates, in the East line of the Montgomery County School Land Survey, A-350 common to the East line of the Charles Eisterwall Survey, A-191;

THENCE North 02 degrees 14 minutes 57 seconds West, a distance of 423.68 feet along the East line of the Charles Eisterwall Survey and the West line of the Montgomery County School Land Survey to a ½ inch iron rod, found for the Northeast corner of Oak Ridge North, Section 9, and the Northwest corner of Blueberry Hill estates, in the South right-of-way line of Woodson Road for an angle point in the West line of the herein described tract;

THENCE North 00 degrees 36 minutes 25 seconds East, a distance of 61.18 feet crossing Woodson Road, back to the POINT OF BEGINNING of the herein described tract, containing 412.3198 acres of land, more or less, based on the survey and plat prepared by Michael Glezman Surveying, dated January, 1993.

(b) If, on the day preceding the date on which the canvass of the election authorized by Section 9 of this Act is completed, the corporate boundaries of the city of Chateau Woods are not as described in Subsection (a) of this section, the district includes the territory included within the corporate boundaries of Chateau Woods on that day.

SECTION 4. FINDING OF BENEFIT. 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. The district is created to serve a public use and benefit.

SECTION 5. POWERS. (a) The district has all of the rights, powers, privileges, authority, functions, and duties provided by the general law of this state, including Chapters 50 and 54, Water Code, applicable to municipal utility districts created under Article XVI,

Section 59, of the Texas Constitution. This Act prevails over any provision of general law that is in conflict or inconsistent with this Act.

(b) The rights, powers, privileges, authority, functions, and duties of the district are subject to the continuing right of supervision of the state to be exercised by and through the Texas Water Commission.

SECTION 6. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) A vacancy in the office of director shall be filled by appointment of the board until the next election for directors. If the position is not scheduled to be filled at the election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(c) To be eligible to serve as director, a person must be a registered voter and reside in the district.

SECTION 7. SERVICE OF DIRECTORS. (a) Temporary directors serve until initial directors are elected under Section 11 of this Act.

(b) Initial directors serve until permanent directors are elected under Section 15 of this Act.

(c) Permanent directors serve staggered four-year terms.

(d) Each director must qualify to serve as director in the manner provided by Sections 54.025 and 54.116, Water Code.

(e) A director serves until the director's successor has qualified.

SECTION 8. TEMPORARY DIRECTORS. (a) The temporary board of directors is composed of:

- (1) Loretta Brown
- (2) Kenneth Smith
- (3) Eugene Mertz
- (4) Betty Lambright
- (5) Leon Jones

(b) If a temporary director fails to qualify for office, the temporary directors who have qualified shall appoint a person to fill the vacancy. If at any time there are fewer than three qualified temporary directors, the Texas Water Commission shall appoint the necessary number of persons to fill all vacancies on the board.

SECTION 9. ELECTION TO ABOLISH CITY, CONFIRM DISTRICT, AND ELECT INITIAL DIRECTORS. The mayor of the city of Chateau Woods shall call an election to be held on August 14, 1993, to abolish the city, to confirm the creation of the district, and to elect five initial directors of the district. The city shall pay the costs of the election.

SECTION 10. BALLOT PROPOSITION. The ballot for the election to abolish the city of Chateau Woods and to confirm the creation of the district shall be printed to permit voting for or against the proposition: "The abolition of the city of Chateau Woods; the creation of the Chateau Woods Municipal Utility District; the transfer to the district of the assets and obligations of the city of Chateau Woods relating to the city's water and sewer system; and the levy of an ad valorem tax at a rate equal to the rate previously set by the city to pay the bonded indebtedness of the city relating to the city's water and sewer system."

SECTION 11. ELECTION OF INITIAL DIRECTORS. (a) A person who desires to be a candidate for the office of initial director may file an application with the mayor of the city of Chateau Woods and the temporary board of directors to have the candidate's name printed on the ballot as provided by Section 51.075, Water Code.

(b) At the election to abolish the city, confirm the creation of the district, and elect initial directors, the mayor and the temporary board of directors shall have the names of the five persons serving as temporary directors placed on the ballot together with the name of any candidate filing for the office of director as provided by Subsection (a) of this section and blank spaces to write in the names of other persons. If the city is abolished and the district is created at the election, the mayor and the temporary directors, at the time the vote is canvassed, shall declare the five persons who receive the most votes to be elected as the initial

directors and shall include the results of the directors' election in the election report to the Texas Water Commission. If the city is not abolished and the district is not created, the election of the temporary board of directors has no effect.

SECTION 12. ABOLITION AND CONFIRMATION ELECTION RETURNS. (a) The city is abolished and the district is created if a majority of the voters in the city of Chateau Woods voting in the election held under this Act favor the proposition.

(b) The district is not created and the city is not abolished if a majority of the voters in the election do not favor the proposition.

SECTION 13. DECLARATION AND CERTIFICATION OF ABOLITION; TRANSFER OF ASSETS. If the city of Chateau Woods is abolished and the district is created under this Act:

(1) the abolition of the city shall be declared and certified as provided by Section 62.004, Local Government Code;

(2) all assets and obligations of the city, other than assets and obligations related to the city's water and sewer systems, shall be disposed of as provided by Subchapter E, Chapter 62, Local Government Code, and any assets remaining after all debts have been satisfied may be transferred to the district; and

(3) all assets and obligations of the city relating to the city's water and sewer system, including delinquent taxes owed to the city, are transferred to the district on the 30th day after the date of the canvass of the election has been completed.

SECTION 14. APPLICATION OF OTHER LAW. Except as provided by this section and by Sections 8–12 of this Act, the election authorized by Section 9 of this Act shall be conducted as provided by Chapter 54, Water Code, and by the Election Code.

SECTION 15. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the election authorized by Section 9 of this Act is held, an election shall be held in the district for the election of two directors who shall each serve two-year terms and three directors who shall each serve four-year terms. Thereafter, on the same date in each subsequent second year, the appropriate number of directors shall be elected to the board.

SECTION 16. FINDINGS RELATING TO PROCEDURAL REQUIREMENTS. (a) The 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 other laws of this state, including the governor, who has submitted the notice and Act to the Texas Water Commission.

(b) 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.

(c) 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 are fulfilled and accomplished.

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 April 15, 1993: Yeas 146, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2815 on May 28, 1993: Yeas 142, Nays 0, 1 present, not voting; passed by the Senate, with amendments, on May 26, 1993: Yeas 30, Nays 0.

Approved June 16, 1993.

Effective June 16, 1993.