

CHAPTER 959

H.B. No. 2828

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Beach Road Municipal Utility District.

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

SECTION 1. CREATION. (a) A conservation and reclamation district, to be known as the Beach Road Municipal Utility District, is created in Matagorda County, subject to approval at a confirmation 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. DEFINITION. In this Act, "district" means the Beach Road Municipal Utility District.

SECTION 3. BOUNDARIES. The district includes the territory contained within the following area:

TRACT 1

Beginning at the northerly corner of Hubert and Watson Subdivision, a subdivision of record found in Plat Cabinet 1, Page 375-A and 375-B of the Plat Records of said Matagorda County;

Thence, S 57° 11' 17" E, along the northeast line of said subdivision, pass at a distance of 461.59 feet an iron rod which bears N 32° 48' 43" E, a distance of 0.61 feet found for the common corner of Lot 35 A and 34 A of said subdivision, pass at a distance of 907.35 feet an iron rod which bears N 32° 48' 43" E, a distance of 0.15 feet found for the common corner of Lot 27 A and 26 A of said subdivision, pass at a distance of 1297.00 feet an iron rod found for the corner of Lot 20 A and 19 A, and continuing for a total distance of 1736.48 feet to the

easterly corner of said Hubert and Watson Subdivision and for a corner of the herein described tract of land;

Thence, S 30° 58' 33" E, along the east line of said subdivision, pass at a distance of 306.76 feet the northeast right-of-way line of Mobile Street, and continuing for a total distance of 443.33 feet to an iron rod found on the southwest right-of-way line of Mobile Street being the northeast line of Lot 3 of said Hubert and Watson Subdivision;

Thence, S 57° 08' 05" E, along said southwest right-of-way line, a distance of 126.50 feet to the most easterly corner of Lot 1 of said subdivision, being a corner of said subdivision and a corner of the herein described tract of land;

Thence, S 80° 34' 04" E, continuing along the southwesterly right-of-way line of Mobile Street, a distance of 152.31 feet to a point on the northerly line of River Bend Villas Subdivision, a subdivision of record found in Plat Cabinet 1, Page 218-A and 218-B of said Matagorda County Plat Records, said point being at the northeast corner of Lot 28 of said subdivision, and being on the westerly right-of-way line of Colorado Street;

Thence, N 58° 23' 23" E, along the northerly line of said River Bend Villas Subdivision and the southerly right-of-way line of Mobile Street, a distance of 197.51 feet to the northerly corner of said subdivision, from which said corner, an iron rod with aluminum cap stamped "MUD4" bears N 1° 54' 55" E, a distance of 74.73 feet;

Thence, S 30° 59' 34" E, along the easterly line said subdivision and the westerly right-of-way line of Mobile Street, pass at a distance of 650.42 feet an iron rod which bears N 59° 00' 26" E, a distance of 0.09 feet found for the common corner of Lot 72 and Lot 71 of said subdivision, and pass at a distance of 1010.56 feet an iron rod found for the common corner of Lot 65 and Lot 64 of said subdivision, and continuing for a total distance of 1011.81 feet to a point on the curving west right-of-way line of F.M. Highway 2031 and for a corner of the herein described tract of land;

Thence, along said curving right-of-way line being a curve to the left, having a radius of 5804.58 feet, a central angle of 11° 18' 38", a chord which bears S 5° 48' 50" E, a distance of 1144.00 feet, for an arc distance of 1145.86 feet to a concrete monument found at a point of tangency;

Thence, S 11° 28' 09" E, continuing along the west right-of-way line of F.M. Highway 2031 and the east line of said River Bend Villas Subdivision, pass at a distance of 499.96 feet an iron rod which bears N 78° 31' 51" E, a distance of 1.30 feet, found for the common corner of Lot 81 and Lot 82 of said subdivision, pass at a distance of 900.09 feet an iron rod which bears N 78° 31' 51" E, a distance of 2.22 feet, found for the common corner of Lot 89 and Lot 90 of said subdivision, pass at a distance of 1343.19 feet the southerly corner of said subdivision, pass at a distance of 1741.06 feet the easterly corner of Colorado River Estates, Section Two, a subdivision of record found in Plat Cabinet A, Page 262-A through 264-A of said Matagorda Plat Records, pass at a distance of 1925.16 feet an iron rod with aluminum cap stamped "MUD3" set for reference, which bears N 78° 31' 51" E, a distance of 58.05 feet, pass at a distance of 2660.47 feet an iron rod which bears N 78° 31' 51" E, a distance of 1.89 feet, found for the common corner of Lot 74 and Lot 75 of said Colorado River Estates, Section Two subdivision, and continuing for a total distance of 3014.70 feet to a point at the intersection of the water's edge of the Colorado River and the west right-of-way line of said F.M. Highway 2031 and being the most southerly corner of the herein described tract of land;

Thence, along the water's edge of said Colorado River, the following fifteen (15) courses;

- 1) N 20° 15' 18" W, a distance of 325.18 feet;
- 2) N 19° 46' 07" W, a distance of 1074.96 feet;
- 3) N 20° 33' 53" W, a distance of 508.84 feet;
- 4) N 21° 36' 27" W, a distance of 589.79 feet;
- 5) N 9° 50' 18" W, a distance of 699.01 feet;
- 6) N 0° 14' 31" E, a distance of 236.00 feet;
- 7) N 5° 12' 44" W, a distance of 304.03 feet;

- 8) N 12° 02' 52" W, a distance of 549.51 feet;
- 9) N 27° 59' 30" W, a distance of 400.36 feet;
- 10) N 42° 55' 05" W, a distance of 268.66 feet;
- 11) N 53° 02' 40" W, a distance of 703.21 feet;
- 12) N 58° 59' 11" W, a distance of 476.48 feet;
- 13) N 57° 41' 18" W, a distance of 545.69 feet;
- 14) N 58° 25' 31" W, a distance of 815.23 feet;

15) N 58° 07' 51" W, a distance of 71.41 feet to a point at the most westerly corner of the above referenced Hubert and Watson Subdivision, and for a corner of the herein described tract of land;

Thence, N 60° 55' 26" E, along the northerly line of said subdivision, a distance of 390.98 feet to the Point of Beginning, and containing 48.833 acres of land, more or less.

TRACT 2

Beginning at a point on the west right-of-way line of F.M. Highway 2031 opposite approximate highway centerline station 129+62.38 and being on the east line of Lot 8 of Colorado River Estates Section Two, a subdivision of record found in Plat Cabinet A, Page 262-A through 264-A of the Plat Records of Matagorda County, Texas;

Thence, S 14° 48' 38" W, along the west right-of-way line of said F.M. Highway 2031 and the east line of said Colorado River Estates Section Two subdivision, a distance of 686.63 feet to a point of intersection of said west right-of-way line and the water's edge of the Colorado River and for the most southerly corner of the herein described tract of land, and from which said point, a concrete right-of-way marker opposite approximate highway centerline station 154+96.84 bears, S 14° 48' 38" W, a distance of 613.04 feet, S 14° 10' 51" W, a distance of 253.46 feet, and S 13° 33' 05" W, a distance of 982.95 feet;

Thence, along the water's edge of said Colorado River the following three (3) courses;

- 1) N 12° 30' 50" E, a distance of 401.55 feet;
- 2) N 9° 21' 08" E, a distance of 528.19 feet;

3) N 4° 33' 38" E, a distance of 341.46 feet to a point at the intersection of said water's edge and the curving west right-of-way line of said F.M. Highway 2031 and for the most northerly corner of the herein described tract of land;

Thence, along said curving west right-of-way line being a curve to the right, having a radius of 1357.39 feet, a central angle of 25° 06' 55", a chord which bears S 2° 22' 35" W, a distance of 590.25 feet, for an arc distance of 595.00 feet to the Point of Beginning, and containing 0.771 acres of land, more or less.

TRACT 3

Beginning at a point at the southeast corner of Colorado River Estates Section Two, a subdivision of record found in Plat Cabinet A, Page 262-A through 264-A of the Plat Records of Matagorda County, Texas and being on the west right-of-way line of F.M. Highway 2031 opposite approximate highway centerline station 206+11.27 and from which said point a $\frac{1}{2}$ " iron rod with aluminum cap stamped "MUD1", bears S 17° 07' 11" E, a distance of 108.48 feet, said point being the southeast corner of the herein described tract of land;

Thence, N 86° 59' 55" W, along the south line of Lot 218 of said subdivision and the south line of said subdivision, a distance of 52.62 feet to a point at the intersection of the south line of said subdivision and the water's edge of the Colorado River;

Thence, along the water's edge of said Colorado River, the following nineteen (19) courses;

- 1) N 11° 15' 59" E, a distance of 672.92 feet;
- 2) N 13° 42' 04" E, a distance of 716.43 feet;

- 3) N 13° 59' 54" E, a distance of 599.55 feet;
- 4) N 13° 22' 15" E, a distance of 1136.62 feet;
- 5) N 12° 55' 40" E, a distance of 647.69 feet;
- 6) N 13° 30' 55" E, a distance of 885.45 feet;
- 7) N 14° 28' 40" E, a distance of 509.44 feet;
- 8) N 13° 57' 48" E, a distance of 770.36 feet;
- 9) N 13° 43' 41" E, a distance of 650.41 feet;
- 10) N 12° 39' 39" E, a distance of 387.05 feet;
- 11) N 15° 07' 17" E, a distance of 585.78 feet;
- 12) N 15° 42' 15" E, a distance of 336.42 feet;
- 13) N 14° 34' 28" E, a distance of 552.79 feet;
- 14) N 11° 57' 42" E, a distance of 337.95 feet;
- 15) N 14° 06' 25" E, a distance of 224.70 feet;
- 16) N 13° 48' 31" E, a distance of 540.32 feet;
- 17) N 13° 24' 20" E, a distance of 516.32 feet;
- 18) N 13° 29' 28" E, a distance of 282.25 feet;

19) N 20° 55' 10" E, a distance of 414.10 feet to a point at the intersection of said water's edge and the west right-of-way line of said F.M. Highway 2031, and being the most northerly corner of the herein described tract of land;

Thence, S 14° 48' 38" W, along the west right-of-way of said F.M. Highway 2031, pass at a distance of 147.59 feet a point at the most northerly corner of Lot 31 of said Colorado River Estates Section Two Subdivision, and continuing for a total distance of 400.93 feet to a point at the beginning of a curve;

Thence, along said right-of-way line being a curve to the left, having a radius of 11534.16 feet, a central angle of 1° 15' 34", a chord which bears S 14° 10' 51" W, a distance of 253.46 feet, for an arc distance of 253.48 feet to a point of tangency;

Thence, S 13° 33' 05" W, along said west right-of-way line, pass at a distance of 982.95 feet, a concrete monument found, pass at a distance of 1458.81 feet an iron rod found which bears N 76° 26' 56" W, a distance of 0.35 feet for the common corner of Lot 63 and Lot 64 of said subdivision, pass at a distance of 1489.49 feet a concrete monument found which bears S 76° 26' 56" E, a distance of 0.06 feet, pass at a distance of 1525.16 feet a railroad spike set for reference in the center of the pavement of said F.M. Highway 2031, which bears S 76° 26' 56" E, a distance of 77.82 feet, pass at a distance of 4098.51 feet an iron rod with aluminum cap stamped "MUD2" set for reference, which bears S 76° 26' 56" E, a distance of 45.30 feet, and continuing for a total distance of 5516.47 feet to an angle point in said right-of-way line;

Thence, S 13° 34' 17" W, continuing along said west right-of-way line, pass at a distance of 164.86 feet, an iron rod found, which bears S 76° 25' 43" E, a distance of 1.22 feet for the common corner of Lot 138A and Lot 139 of said Colorado River Estates Section Two Subdivision, pass at a distance of 488.12 feet, a railroad spike set for reference in the center of the pavement of said F.M. Highway, which bears S 76° 25' 43" E, a distance of 75.32 feet, pass at a distance of 978.55 feet, a concrete monument found, which bears S 76° 25' 43" E, a distance of 1.83 feet, pass at a distance of 1624.60 feet, an iron rod found, which bears S 76° 25' 43" E, a distance of 1.28 feet for the common corner of Lot 164 and Lot 165 of said Colorado River Estates Section Two Subdivision, pass at a distance of 3363.94 feet, an iron rod found, which bears S 76° 25' 43" E, a distance of 2.87 feet for the common corner of Lot 197 and Lot 198 of said Colorado River Estates Section Two Subdivision, and continuing for a total distance of 4000.29 feet to an angle point in said right-of-way line;

Thence, S 13° 26' 22" W, continuing along said west right-of-way line of said F.M. Highway, pass at a distance of 270.11 feet, an iron rod found, which bears S 76° 33' 38" E, a distance of 2.18 feet for the common corner of Lot 213 and Lot 214 of said Colorado River Estates Section Two Subdivision, and continuing for a total distance of 580.98 feet to the Point of Beginning, and containing 15.694 acres of land, more or less.

TRACT 4

Beginning at an iron rod found on the projection of the centerline of Mobile Street and the curving east right-of-way line of F.M. Highway 2031, and being the most northerly corner of that certain 2.0 acre tract of land conveyed from R. B. Green, Trustee to R. B. Green by deed dated May 20, 1987 and recorded in Volume 152, Page 245-246 of the Official Records of said Matagorda County;

Thence, S 30° 59' 39" E, continuing along said projected centerline of Mobile Street and the northeast line of said 2.0 acre tract of land, a distance of 646.11 feet to an iron rod found for the southeast corner of said 2.0 acre tract of land and being the southeast corner of the herein described tract of land;

Thence, S 81° 41' 27" W, along the south line of said 2.0 acre tract of land, a distance of 281.53 feet to an iron rod found for the southwest corner of said 2.0 acre tract of land being on the curving east right-of-way line of said F.M. Highway 2031, from which said iron rod a concrete right-of-way marker opposite approximate highway centerline station 82+20.70 bears S 14° 36' 43" W, a distance of 361.21 feet, said iron rod being the southwest corner of the herein described tract of land;

Thence, along said curving right-of-way line being a curve to the right, having a radius of 5654.58 feet, a central angle of 6° 03' 04", a chord which bears N 5° 12' 12" W, a distance of 597.00 feet, for an arc distance of 597.19 feet to the Point of Beginning, and containing 1.998 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. A mistake in the field notes or in copying the field notes in the legislative process does not affect the organization, existence, or validity of the district, the right of the district to levy and collect taxes, or the legality or operation of the district or its governing body.

SECTION 5. 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 6. 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 7. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) Temporary directors serve until initial permanent directors are elected under Section 9.

(c) Initial permanent directors serve until permanent directors are elected under Section 10.

(d) Permanent directors other than initial permanent directors serve staggered four-year terms.

(e) Each director must qualify to serve as director in the manner provided by Section 54.025 or 54.116, Water Code, as appropriate.

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

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

- (1) Charles Booth;
- (2) Ben Chupick;
- (3) Dr. Kenneth Culberth;
- (4) James Gann; and
- (5) John Rawlings.

(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. CONFIRMATION AND INITIAL DIRECTORS' ELECTION. (a) The temporary board of directors shall call and hold an election to confirm establishment of the district and to elect five initial directors as provided by Chapter 54, Water Code.

(b) Section 41.001(a), Election Code, does not apply to a confirmation election held as provided by this section.

SECTION 10. ELECTION OF DIRECTORS. On the first Saturday in May of the second year after the year in which the confirmation election 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 11. 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 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 by the House on April 30, 1993: Yeas 128, Nays 0, 2 present, not voting; passed by the Senate on May 26, 1993: Yeas 30, Nays 0.

Approved June 19, 1993.

Effective June 19, 1993.