

CHAPTER 619

H.B. No. 1710

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Road Utility District No. 2; granting the authority to issue bonds.

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

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article III, Section 52, of the Texas Constitution a road utility district is created in Williamson County subject to approval at a confirmation election under Section 8 of this Act, to be known as "Williamson County Road Utility District No. 2," 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 III, Section 52, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means the Williamson County Road Utility District No. 2.

SECTION 3. BOUNDARIES. The district shall include all of the territory contained within the following described area:

BEING 687.71 acres of land situated in the S. J. Dover Survey, Abstract No. 168, the Wm. S. Parker Survey, Abstract No. 9, and the Samuel Daymon Survey, Abstract No. 170, in Williamson County, Texas; said land being a portion of Farm-to-Market Highway

No. 1431; all of that certain tract of land, called 10 acres, as conveyed to James Halloway and Jimmy Alley by deed as recorded in Volume 813, Page 587, of the Deed Records of Williamson County, Texas; all of that certain tract of land, called 9.98 acres, as conveyed to Willie Kopecky by deed as recorded in Volume 933, Page 663 of the Deed Records of Williamson County, Texas; all of that certain Tract 1, called 5.00 acres, as conveyed to Edwin Kouba by deeds as recorded in Volume 1362, Page 164 and Volume 1356, Page 638, of the Official Records of Williamson County, Texas; all of that certain tract of land, called 9.86 acres, as conveyed to Jerry Bob Kirkland by deed as recorded in Volume 1088, Page 244, of the Official Records of Williamson County, Texas; all of that certain Tract 1, called 78.46 acres and Tract 2, called 461.44 acres, as conveyed to Ideal Cement Company by deed as recorded in Volume 483, Page 546, of the Deed Records of Williamson County, Texas; all of that certain tract of land, called 100.002 acres, as conveyed to 183-A Joint Venture, by deed as recorded in Volume 1299, Page 902, of the Official Records of Williamson County, Texas; a portion of County Road No. 174; and a portion of the Southern Pacific Railroad Company Right-of-Way deeded to the City of Austin:

BEGINNING at a point in the center of Brushy Creek, being the Southeast corner of that certain Tract 1, called 78.46 acres, as conveyed to Ideal Cement Company by deed as recorded in Volume 483, Page 546, of the Deed Records of Williamson County, Texas, for the most southerly Southeast corner hereof;

THENCE, upstream with the meanders of South Brushy Creek, being the South line of the said 78.46 acre Ideal Cement Company tract, as follows:

S 64° 03' 30" W, 509.38 feet;
 S 74° 31' 30" W, 149.18 feet;
 S 87° 48' 30" W, 145.00 feet;
 S 71° 59' 30" W, 261.53 feet;
 S 50° 37' 30" W, 96.81 feet;

S 35° 04' W, 395.90 feet to a point at the confluence of South Brushy Creek and Brushy Creek for the Southwest corner of the said 78.46 acre Ideal Cement Company tract, for a southwesterly corner hereof;

THENCE, upstream, with the meanders of Brushy Creek, being the West line of the said 78.46 acre Ideal Cement Company tract, as follows:

N 61° 53' 30" W, 78.73 feet;
 N 14° 14' 30" W, 253.00 feet;
 N 26° 36' 30" W, 130.81 feet;
 N 02° 14' 30" W, 161.31 feet;
 N 15° 44' 30" E, 203.72 feet;
 N 05° 37' 30" E, 138.55 feet;
 N 24° 36' 30" W, 237.99 feet;
 N 17° 39' 30" W, 416.55 feet;
 N 06° 49' 30" W, 89.60 feet;
 N 07° 57' 30" W, 167.88 feet;
 N 01° 21' 30" E, 144.71 feet;
 N 00° 04' 30" W, 221.27 feet;
 N 65° 42' 30" W, 75.40 feet;
 N 47° 50' 30" W, 59.11 feet;
 N 49° 26' 30" W, 90.82 feet;
 N 32° 23' 30" W, 72.50 feet;
 N 19° 55' 30" W, 44.36 feet;
 N 18° 31' 30" W, 81.52 feet;
 N 38° 18' 30" W, 23.06 feet;
 N 28° 06' 30" W, 236.77 feet;
 N 32° 36' 30" W, 277.50 feet;
 N 27° 52' 30" W, 43.93 feet;
 N 22° 35' 30" W, 82.05 feet;

N 30° 34' W, 9.54 feet to a point on the South line of County Road No. 174, for the Northwest corner of the said 78.46 acre Ideal Cement Company tract, and continuing N 29° 55' 30" W, crossing the Southern Pacific Railroad and County Road No. 174, 166.29

feet to the Southwest corner of that certain Tract 2, called 461.44 acres, as conveyed to Ideal Cement Company by deed as recorded in Volume 483, Page 546, of the Deed Records of Williamson County, Texas, also being the Southeast corner of Cedar Park Ranchettes, Unit Four, a subdivision of record in Cabinet B, Slide 50, of the Plat Records of Williamson County, Texas, and continuing along the common line between the said 461.44 acre Ideal Cement Company tract and Cedar Park Ranchettes, Unit Four, as follows:

N 21° 03' W, 329.00 feet;
 N 20° 48' W, 900.00 feet;
 N 15° 33' W, 200.50 feet;
 N 11° 33' W, 202.40 feet;
 N 16° 43' W, 200.30 feet;
 N 20° 38' W, 300.00 feet;
 N 22° 38' W, 200.20 feet;
 N 25° 18' W, 250.70 feet;
 N 14° 08' W, 301.50 feet;
 N 15° 18' W, 100.40 feet;
 N 18° 33' W, 200.00 feet;
 N 19° 33' W, 500.00 feet;
 N 19° 53' W, 650.00 feet;
 N 18° 57' W, 600.00 feet;
 N 18° 33' W, 97.70 feet;
 N 62° 37' E, 71.50 feet;
 N 30° 52' E, 91.80 feet;
 N 21° 48' W, 35.00 feet; and

N 20° 45' W, 549.00 feet to the Northwest corner of the said 461.44 acre Ideal Cement Company tract, being the Northeast corner of the said Cedar Park Ranchettes, Unit Four, also being on the South line of that certain tract of land, called 197.454 acres, as conveyed to 1431/Quest, Inc., by deed as recorded in Volume 1333, Page 505 of the Official Records of Williamson County, Texas, for a northwesterly corner hereof;

THENCE, along the North line of the said 461.44 acre Ideal Cement Company tract, N 69° 19' E, 467.88 feet;

N 68° 59' E, 296.39 feet;
 N 68° 22' E, 206.29 feet;
 N 68° 34' E, 196.53 feet;
 N 68° 25' E, 492.81 feet; and

N 70° 49' 30" E, 167.15 feet to the Southwest corner of that certain Tract I, called 5.00 acres, as conveyed to Edwin Kouba by deed as recorded in Volume 1362, Page 164 of the Official Records of Williamson County, Texas, for an interior corner hereof;

THENCE, N 10° 52' 30" W, 668.50 feet to the Northwest corner of the said 5.00 acre tract, being the Southwest corner of that certain tract of land, called 9.98 acres, as conveyed to Willie Kopecky by deed as recorded in Volume 933, Page 663 of the Deed Records of Williamson County, Texas, for an interior corner hereof;

THENCE, N 09° 45' W, passing the Northwest corner of the said Kopecky tract and the Southwest corner of that certain tract of land, called 10 acres, as conveyed to James Halloway and Jimmy Alley by deed as recorded in Volume 813, Page 587 of the Deed Records of Williamson County, Texas, and continuing for a total distance of 1,674.44 feet to a point on the South line of Farm-to-Market Highway No. 1431, for the Northwest corner of the said Halloway and Alley tract, for an interior corner hereof;

THENCE, along the said South line of Farm-to-Market Highway No. 1431, S 70° 57' W, 500.00 feet to a point, for a southwesterly corner hereof;

THENCE, crossing Farm-to-Market Highway No. 1431, N 19° 10' W, 202.64 feet to a point on the North line of Farm-to-Market Highway No. 1431, for the most northerly Northwest corner hereof;

THENCE, along the said North line of Farm-to-Market Highway No. 1431, as follows:

N 70° 50' E, 292.35 feet to the beginning of a curve to the right, (Radius = 23,018.31 feet, Long Chord bears N 71° 20' E, 404.46 feet); along the said curve for an Arc distance of 404.46 feet;

N 71° 50' E, 1,101.21 feet to a point, for the most northerly Northeast corner hereof; THENCE, crossing Farm-to-Market Highway No. 1431, S 18° 10' E, 205.35 feet to a point on the said South line of Farm-to-Market Highway No. 1431, for a southeasterly corner hereof;

THENCE, along the said South line of Farm-to-Market Highway No. 1431, S 71° 28' W, 500.00 feet and S 72° 12' W, 363.40 feet to a point, for the Northeast corner of the said Holloway and Alley tract, for an interior corner hereof;

THENCE, S 14° 15' 30" E, passing the Southeast corner of the said Holloway and Alley tract being the Northeast corner of the said Kopecky tract, for a total distance of 1,775.36 feet, to a point, for the Southeast corner of the said Kopecky tract, in the center of Spanish Oak Creek, being the North line of that certain tract of land, called 9.86 acres, as conveyed to Jerry Bob Kirkland by deed as recorded in Volume 1088, Page 244, of the Official Records of Williamson County, Texas, for an interior corner hereof;

THENCE, downstream along the center of Spanish Oak Creek, with its meanders, N 65° 54' 30" E, 153.61 feet;

N 52° 04' 30" E, 63.80 feet;

N 61° 39' 30" E, 252.80 feet;

N 09° 11' 30" E, 78.80 feet;

N 55° 10' 30" E, 35.10 feet to a point, for the Northeast corner of the said Kirkland tract, for a northeasterly corner hereof;

THENCE, S 20° 04' 30" E, 629.10 feet to the Southeast corner of the said Kirkland tract, being the Northeast corner of the said 461.44 acre Ideal Cement Company tract; and continuing along the East line of the said Ideal Cement Company tract,

S 20° 20' E, 480.92 feet;

S 20° 21' E, 838.56 feet;

S 20° 50' E, 398.02 feet; and

S 20° 48' E, 864.32 feet to the Northwest corner of that certain tract of land, called 100.002 acres, as conveyed to 183-A Joint Venture by deed as recorded in Volume 1299, Page 902 of the Official Records of Williamson County, Texas, for an interior corner hereof;

THENCE, along the North line of the said 184-A Joint Venture tract as follows:

N 70° 21' E, 479.10 feet; and

N 70° 18' E, 767.50 feet to the Northeast corner of the said 183-A Joint Venture tract, for a northeasterly corner hereof;

THENCE, S 20° 01' 30" E, 3,475.61 feet to the Southeast corner of the said 183-A Joint Venture tract, being on the North line of County Road No. 174, for the Southeast corner hereof;

THENCE, along the said North line of County Road No. 174 as follows:

S 68° 13' W, 569.50 feet;

S 66° 33' 30" W, 319.65 feet;

S 60° 53' 30" W, 209.75 feet;

S 61° 59' W, 148.06 feet to the Southwest corner of the said 183-A Joint Venture tract, being the Southeast corner of the said 461.44 acre Ideal Cement Company tract, and continuing along the said North line of County Road No. 174;

S 49° 06' W, 928.96 feet;

S 51° 40' W, 90.82 feet;

S 55° 25' W, 47.43 feet;

S 55° 39' 30" W, 104.61 feet;

S 59° 31' W, 150.23 feet;

S 64° 15' W, 59.15 feet;
 S 68° 43' 30" W, 82.74 feet;
 S 73° 05' 30" W, 177.39 feet;
 S 79° 38' 30" W, 95.27 feet;
 S 85° 09' 30" W, 145.21 feet; and

S 89° 57' 30" W, 18.75 feet to a point, for an interior corner hereof;

THENCE, S 19° 35' E, crossing County Road No. 174 and the Southern Pacific Railroad, at 156.23 feet pass the Northeast corner of the said 78.46 acre Ideal Cement Company tract, and continuing along the East line of the said 78.46 acre Ideal Cement Company tract, for a total distance of 991.91 feet;

S 19° 49' E, 796.53 feet;
 S 19° 56' E, 385.44 feet; and

S 05° 49' 30" E, 155.45 feet to the Place of BEGINNING and containing 687.71 acres of land.

1) Save and Except that certain tract of land called 6.25 acres conveyed by deed to the City of Cedar Park as recorded in Volume 914, Page 624 of the Deed Records of Williamson County, Texas.

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, 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 benefitted by the works and projects that are to be accomplished by the district under powers conferred by Article III, Section 52, of the Texas Constitution and that the district is created to serve a public use and benefit.

SECTION 6. POWERS. The district has all of the rights, powers, privileges, authority, duties, and functions conferred by the general law of this state applicable to road utility districts created under Article III, Section 52, of the Texas Constitution, including Sections 12-70, Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes), to the extent those provisions can be made applicable. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

SECTION 7. 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 terms of office as provided for directors under Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes), and until his successor is elected and has qualified.

(c) Each director shall qualify to serve as director in the manner provided by Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes).

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

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|-----------------------|---------------|------------------------|
| (1) Judy Brown | P.O. Box 608 | Liberty Hill, Texas; |
| (2) Nelson R. Shipman | P.O. Box 740 | Leander, Texas; |
| (3) Robert A. Fritch | P.O. Box 399 | Round Rock, Texas; |
| (4) Jack Webberneck | Austin Avenue | Georgetown, Texas; and |
| (5) George C. Mooney | Country Aire | Round Rock, Texas. |

(e) If any of the directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint a qualified person to fill the vacancy for the unexpired term.

(f) The initial directors shall serve until permanent directors are elected as provided by Section 9 of this Act and Chapter 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes).

SECTION 8. 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 13, Acts of the 68th Legislature, 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil Statutes).

SECTION 9. ELECTION OF DIRECTORS. Beginning in the first year following the confirmation and directors election, an election shall be held on the third Saturday in May every year to elect the appropriate number of directors to the board.

SECTION 10. ADDITIONAL AUTHORITY. (a) The district may provide for the construction, maintenance, and operation of macadamized, graveled, or paved roads and turnpikes, or works, facilities, or improvements in aid of those roads and turnpikes, inside or outside the boundaries of the district, to the extent authorized by Article III, Section 52, of the Texas Constitution. The district may issue, sell, and deliver the bonds, notes, or other obligations of the district for those purposes and may assess, levy, and collect taxes to pay the bonds.

(b) The board may not issue bonds for the purposes described in Subsection (a) of this section except on a vote of a two-thirds majority of the voters of the district or the territory to be affected by the bonds voting at an election called and held for that purpose. Bonds, notes, or other obligations of the district issued or incurred for the purpose described in Subsection (a) of this section may not exceed one-fourth of the assessed valuation of the real property of the district or territory.

(c) If the district, in the exercise of its authority as provided by this Act, makes necessary the relocation, raising, lowering, rerouting, or change in grade, or alteration in the construction of any highway, railroad, electric transmission or distribution line, telegraph or telephone properties and facilities, or pipelines, all necessary relocation, raising, lowering, rerouting, or change in grade, or alteration of construction shall be accomplished at the sole expense of the district. "Sole expense" means the actual cost of relocation, raising, lowering, rerouting, or change in grade or alteration of construction to provide comparable replacement without enhancement of facilities, after deducting the net salvage value derived from the old facility.

SECTION 11. NOTICE, ETC. 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. 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 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 May 15, 1987, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1710 on March 27, 1987, by the following vote: Yeas 135, Nays 0, 1 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. 1710 was transmitted to the Governor on March 11, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 16, 1987. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective June 18, 1987.