

CHAPTER 650

H.B. No. 2528

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Williamson County Water, Sewer, Irrigation, and Drainage District No. 3.

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

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created in Williamson County subject to approval at a confirmation election under Section 8 of this Act, to be known as "Williamson County Water, Sewer, Irrigation, and Drainage District No. 3," 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 the Williamson County Water, Sewer, Irrigation, and Drainage District No. 3.

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

Field notes describing a 368.07 acre tract of land in the Robert McNutt Survey, Abstract No. 491, the James S. Neiley Survey, Abstract No. 485, and the E.W. Matthews Survey, Abstract No. 449, all in Williamson County, Texas, being all of a 35 acre tract of land called Tract Two and a part of a 66 acre tract of land called Tract One and part of a 250 acre tract of land called Tract Three in Volume 463, Page 66 of the Deed Records of Williamson county, Texas, part of a 7.424 acre tract of land described in Volume 1426, Page 308 of the said Deed Records, all of a 4.09 acre tract of land described in Volume 969, Page 692 of the said Deed Records, and part of a 100 acre tract described in Volume 1145, Page 802 of the said Deed Records, and being more particularly described by metes and bounds as follows:

BEGINNING at a point in the Southeast corner of a 108 acre tract of land conveyed to Velma Ray Huggins and Roy Roland Kay by deed recorded in Volume 734, Page 788 of the Deed Records of Williamson County, Texas, in the Southwest corner of the above mentioned 35 acre tract, for an interior corner of this tract.

THENCE N 50° 05' 00" E with the West line of the said 35 acre tract and the East line of the said 108 acre tract 946.39 feet to an angle point of this tract.

THENCE N 02° 40' 00" E continuing with the said line 1055.47 feet to a point on the South line of the above mentioned 66 acre tract and the South line of the said McNutt Survey and also the North line of the said Neiley Survey for the Northwest corner of the said 35 acre tract and the Northeast corner of the said 108 acre tract.

THENCE N 89° 08' 56" W 15.47 feet to the Southwest corner of the above mentioned 66 acre tract.

THENCE N 03° 23' 22" E with the West line of the said 66 acre tract 14.00 feet to an angle point of this tract.

THENCE N 69° 21' 36" E through the interior of the said 66 acre tract 872.57 feet to an angle point of this tract.

THENCE S 88° 36' 38" E 220.50 feet to a point on the East line of the said 66 acre tract and the East line of the said McNutt Survey for the North corner of this tract.

THENCE S 10° 03' 23" W at 335.91 feet pass the Southeast corner of the said 66 acre tract and the Northeast corner of the said 35 acre tract for the Southeast corner of the McNutt Survey and the Northeast corner of the Neiley Survey and continue with the East line of the said Neiley Survey and the above mentioned 35 acre tract for a total of 2000.35 feet to a point on the North line of a 200 acre tract of land conveyed to Christian Klattenhoff by deed recorded in Volume 465, Page 114 of the above mentioned Deed Records for the Southeast corner of the said 35 acre tract.

THENCE S 89° 40' 00" W with the North line of the Klattenhoff tract and the South line of the 35 acre tract 1448.06 feet to the Northwest corner of the Klattenhoff tract and the Southwest corner of the 35 acre tract for an angle point of this tract.

THENCE S 09° 45' 00" W with the West line of the said Klattenhoff tract and the East line of the above mentioned 250 acre tract of land 2218.89 feet to an angle point.

THENCE S 77° 45' 00" E continuing with the said line 341.94 feet to an angle point.

THENCE S 09° 20' 00" W with the said line 2960.85 feet to the intersection of the said line with the Travis and Williamson County line for an angle point of this tract.

THENCE S 67° 42' 25" W with the said county line 1631.86 feet to a point on the South line of the above mentioned 250 acre tract and the North line of Larkspur subdivision as

recorded in Book 3, Page 432 of the Travis County Plat records for an angle point of this tract.

THENCE S 89° 57' 00" W with the said line 24.43 feet to a Southwest corner of the said 250 acre tract and the Southeast corner of the above mentioned 7.424 acre tract.

THENCE S 89° 33' 01" W 325.97 feet to a point of intersection of the South line of the said 7.424 acre tract and the above mentioned county line for an angle point of this tract.

THENCE N 04° 57' 03" W with the said county line 439.97 feet to a point on the curving North line of the said 7.424 acre tract and the South line of Huntington Trails Subdivision, as recorded in Cabinet F, Slide 343 of the Plat Records of Williamson County, Texas, for the PC of a curve to the right, the said curve having a radius of 520.00 feet and a central angle of 05° 12' 09".

THENCE with the arc of the said curve 47.22 feet, the sub-chord of which bears N 87° 45' 58" E 47.20 feet to the PT of the said curve.

THENCE S 89° 37' 38" E 317.20 feet to the West line of the said 250 acre tract and the Northeast corner of the said 7.424 acre tract and the Southeast corner of Huntington Trails subdivision for an angle point.

THENCE N 00° 03' 21" E with the West line of the said 250 acre tract and the East line of Huntington Trails 1845.01 feet to the Northeast corner of Huntington Trails and the Southeast corner of the above mentioned 4.09 acre tract for an angle point.

THENCE N 89° 33' 39" W with the North line of Huntington Trails 2580.68 feet to a point on the West line of the said 100 acre tract for an angle point of this tract.

THENCE N 00° 00' 52" E with the said West line 1712.13 feet to the Northwest corner of the said 100 acre tract for an angle point of this tract.

THENCE S 89° 59' 19" E 2581.87 feet to the Northeast corner of the said 100 acre tract and the West line of the said 250 acre tract for an angle point.

THENCE N 00° 03' 21" E 1533.03 feet to the Northwest corner of the said 250 acre tract and the Southwest corner of the above mentioned 108 acre tract for an angle point.

THENCE N 82° 54' 31" E with the North line of the said 250 acre tract and the south line of the said 108 acre tract 2066.52 feet to the POINT OF BEGINNING, containing 368.07 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. 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 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, duties, 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 Chapters 50 and 54, Water Code. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

(b) 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 Water Commission.

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 54, Water Code, 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) At the time this Act takes effect, the following persons shall constitute the initial board of directors of the district:

- (1) Timothy Timmerman, P.O. Box 62, Pflugerville, Texas;
- (2) Leah Hagen, 3701 Hampton Road, Austin, Texas;
- (3) Theodor Timmerman, P.O. Box 789, Pflugerville, Texas;
- (4) Elaine Timmerman, 10926 Jollyville Rd., Austin, Texas; and
- (5) Beverly Timmerman, P.O. Box 62, Pflugerville, 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. If at any time the number of qualified directors is less than three because of the failure or refusal of one or more directors to qualify or serve because of death or incapacitation or for any other reason, the Texas Water Commission shall appoint the necessary number of directors to fill all vacancies on the board.

(f) The initial directors shall serve until permanent directors are elected as provided by Section 9 of this Act and Chapter 54, Water Code.

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 54, Water Code.

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

SECTION 10. 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, 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. 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 by the House on May 15, 1987, by the following vote: Yeas 144, 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. 2528 was transmitted to the Governor on April 2, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on April 28, 1987. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective June 18, 1987.