

CHAPTER 593

H.B. No. 2530

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Wilmer Utility District and granting the power of eminent domain.

*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 created in Dallas County, Texas, to be known as "Wilmer Utility District," 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 Wilmer Utility District.

SECTION 3. BOUNDARIES. The district shall include 388.582 acres of land, more or less, in Dallas County, Texas, and shall include all of the territory contained within the following described tracts of land: (a) two tracts of land in the J. H. Holloway Survey, Abstract 628, Dallas County, Texas, more particularly described in Volume 85154, pages 6419 through 6425, Deed Records of Dallas County, Texas; (b) seven tracts of land, being one tract situated in the A. K. Gray Survey, Abstract 505, the H. Weatherford Survey, Abstract 1558 and the D. W. Wright Survey, Abstract 1531, all of which surveys and abstracts are in Dallas County, Texas, two tracts of land in the H. Weatherford Survey, Abstract 1558, Dallas County, Texas, a tract in the D. W. Wright Survey, Abstract 1531, and a tract in the Elizabeth Crockett Survey, Abstract 224, Dallas County, Texas, all of which seven tracts of land are more particularly described in Volume 84226, pages 3122 through 3132 of the Deed Records of Dallas County, Texas; and four tracts of land, being three tracts of land in the J. H. Holloway Survey, Abstract 628, Dallas County, Texas, and one tract in the E. Crockett Survey, Abstract 224, Dallas County, Texas, all of which tracts are more particularly described in Volume 84226, pages 3133 through 3139 of the Deed records of Dallas County, Texas.

**SECTION 4. LEGISLATIVE FINDINGS.** (a) The legislature finds that the purposes of Article XVI, Section 59, of the Texas Constitution will be accomplished by the creation of the district, that all land and other property included within the district's boundaries will be benefitted by the works and projects to be accomplished by the district, and that the district is created to serve a public use and benefit.

(b) The legislature finds that the boundaries of each tract of land included within the district form a closure and that if there is any mistake in the recorded boundary descriptions, the mistake does not affect the organization, existence, and validity of the district in the exercise of any powers, functions, purposes, or authority provided by this Act, including the authority to issue any type of bonds or refunding bonds the district is authorized to issue or the right to levy and collect taxes that have been duly authorized.

(c) The legislature finds that the requirements of Article XVI, Sections 59(d) and (e), of the Texas Constitution have been met and that the legislature has the authority to enact this Act.

**SECTION 5. POWERS; SUPERVISION.** (a) The district has all of the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to a municipal utility district created under Article XVI, Section 59, of the Texas Constitution, including those conferred by Chapter 54, Water Code. If any provision of this general law is in conflict or inconsistent with this Act, this Act prevails.

(b) The district may exercise the power of eminent domain as provided by Chapter 21, Property Code.

(c) If the district, in the exercise of its power of eminent domain, 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.

(d) 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 6. CONFIRMATION ELECTION.** The district is created subject to the approval of the qualified voters voting at a confirmation election. The confirmation election may be held separately or at the same time as a bond and maintenance tax election.

**SECTION 7. CONSERVATION PROGRAM.** The district shall adopt and implement a program of water conservation consistent with rules and criteria duly adopted and enforceable by the Texas Water Commission for similarly situated districts in the region. A program of water conservation means the practice techniques, the loss or waste of water, the improved efficiency in the use of water, or the increase in recycling and reuse of water so that a water supply is made available for future or alternative uses.

**SECTION 8. BOARD OF DIRECTORS.** The initial board of five directors shall be appointed by the City Council of the City of Wilmer, Texas. Each director shall serve until the confirmation election and shall qualify to serve as a director in the manner provided by Chapter 54, Water Code. All directors shall continue to serve until their successors have been elected and have qualified for office.

**SECTION 9. 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 10. 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. 2530 was transmitted to the Governor on April 6, 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 28, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective June 18, 1987.

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