

CHAPTER 595

H.B. No. 2546

AN ACT

relating to the creation, administration, powers, duties, operations, and financing of the Frisco Municipal Utility District No. 1.

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

SECTION 1. CREATION OF DISTRICT. (a) Pursuant to Article XVI, Section 59, of the Texas Constitution and subject to approval at a confirmation election, a conservation and reclamation district is created partly in Collin County and partly in Denton County to be known as "Frisco Municipal Utility District No. 1," 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 Frisco Municipal Utility District No. 1.

SECTION 3. BOUNDARIES. (a) The district includes all of the territory contained within the three tracts of land, containing a total of 835.801 acres, described by this section.

(b) Tract one is that certain tract or parcel of land situated in Denton County, Texas and Collin County, Texas out of the R.P. Hardin Survey, Abstract Number 611, the W.G.

Garvin Survey, Abstract Number 453, the B.B.B. & C.R.R. Survey, Abstract Number 193, the W. G. Garvin Survey, Abstract Number 1103, the O.H. Johnson Survey, Abstract Number 1717, the W.A. Bridges Survey, Abstract Number 113, the W.A. Bridges Survey, Abstract Number 1097, the Garland R. Martin Survey, Abstract Number 622, the D. C. Bridges Survey, Abstract Number 84, the J. Wilcox Survey, Abstract Number 1431, the Collin County School Land Survey, Abstract Number 149, and the R. P. Hardin Survey, Abstract Number 611, and being that certain tract of land containing 795.475 acres conveyed by John P. Collins to Stonebriar, a Texas general partnership, by Special Warranty Deed dated May 15, 1986 of record in Volume 2369, Page 459 of the Deed Records of Collin County, Texas and in Volume 1887, Page 475 of the Deed Records of Denton County, Texas.

(c) Tract two is that certain tract or parcel of land situated in Denton County, Texas out of the R.P. Hardin Survey, Abstract Number 611, the B.B.B. & C.R.R. Co. Survey, Abstract Number 193, and the D.C. Bridges Survey, Abstract Number 84, and being that certain tract of land containing 39.506 acres conveyed by John P. Collins, Trustee to Stonebriar, a Texas general partnership, by Special Warranty Deed dated May 15, 1986 of record in Volume 1887, Page 481 of the Deed Records of Denton County, Texas.

(d) Tract three is that certain tract or parcel of land situated in Collin County, Texas being a portion of Lot 31 of Stonebriar Creek, a subdivision of land in Collin County, Texas, according to the map or plat thereof recorded in Cabinet B, Slide 382 of the Plat Records of Collin County, Texas, and being that certain tract of land containing 0.82 acres conveyed by Jim A. Bricker and Bobbie J. Bricker to Stonebriar, a Texas general partnership, by Warranty Deed dated December 31, 1986 of record in Volume 2556, Page 519 of the Deed Records of Collin 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 issue any type of bonds or refunding bonds for the purposes for which the district is created or to pay the principal of and interest on the bonds, 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 benefited by the works and projects that are to be accomplished by the district under the 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, 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.

(b) If any provision of the general law is in conflict or is inconsistent with this Act, this Act prevails.

(c) The rights, powers, privileges, authority, and functions granted to the district are subject to:

(1) the provisions of a resolution adopted by the city of Frisco, granting consent to the creation of the district;

(2) the provisions of an agreement between the city of Frisco and the owner or owners of all land in the district; and

(3) the continuing right of supervision of this state to be exercised by and through the Texas Water Commission.

(d) The provisions of the resolution adopted by the city of Frisco and the agreement entered into by the city of Frisco and the landowners of the district are ratified.

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 term of office provided for directors under Chapter 54, Water Code, and until a 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) Not later than the 30th day after the effective date of this Act, the city council of the city of Frisco shall appoint the initial board of directors of the district. If any of those appointees fails to qualify for office, the remaining directors shall appoint an individual to fill the vacancy for the unexpired term.

(e) 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 at the election held on the third Saturday in May 1988 and have qualified for office.

SECTION 8. CONFIRMATION ELECTION. (a) Before the district is created a confirmation election must be called and held in the area of the proposed district in the manner provided by Chapter 54, Water Code, and the district must be approved by a majority of the qualified voters of the proposed district voting at the election.

(b) The confirmation election may be held separately or on the same date as the election to elect five permanent directors for the district, the election to authorize the issuance of bonds of the district, the election to authorize the levy of an ad valorem tax to pay debt service on the bonds of the district, the election to authorize the levy of a maintenance tax, or any other district election.

SECTION 9. ELECTION OF DIRECTORS. Beginning in the second year following the creation 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 AND CONSENT. 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. The general law relating to consent by political subdivisions to the creation of conservation and reclamation districts and the inclusion of land in those districts has been complied with, and 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 8, 1987, by a non-record vote; and that the House concurred in Senate amendments to H.B. No. 2546 on May 30, 1987, by a non-record vote; and, pursuant to the provisions of Article XVI, Section 59(d) of the Constitution of Texas, a copy of H.B. No. 2546 was transmitted to the Governor on April 23, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 8, 1987. Passed by the Senate, with amendments, on May 28, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 18, 1987.

Effective June 18, 1987.