

CHAPTER 1030

H.B. No. 2579

AN ACT

relating to the creation, administration, powers, duties, operation, and financing of the Lake Turner Municipal Utility District No. 3 of Tarrant County and Denton County, Texas; providing the authority to issue bonds and impose taxes.

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

SECTION 1. CREATION; LEGISLATIVE DECLARATION. (a) Pursuant to Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution a conservation and reclamation district is created in Tarrant and Denton counties subject to approval at a confirmation election under Section 8 of this Act, to be known as Lake Turner Municipal Utility District No. 3 of Tarrant County and Denton County, Texas, 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, and Article XVI, Section 59, of the Texas Constitution.

SECTION 2. DEFINITION. In this Act, "district" means Lake Turner Municipal Utility District No. 3.

SECTION 3. BOUNDARIES. The district is composed of land located, in the present corporate limits of the town of Westlake, in Tarrant County, Texas, and in Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEING a tract of land situated in Tarrant and Denton Counties and being in the Jesse Gibson Survey Abstract #592, J. Bacon Survey Abstract #2026, Jesse Sutton Survey Abstract 1451, C. Medlin Survey Abstract #1084 and #1958, Greenbury B. Hendricks Survey Abstract #680, and the Memucan Hunt Survey Abstract #756, and being more particularly described as follows;

COMMENCING at the southwest corner of the Wilde Tract, recorded in Volume 7730, Page 1629 Tarrant County Deed Records, and being in the north line of Dove Road;

THENCE S 89° 43' 59" W 487.77 feet to the *POINT OF BEGINNING*;
THENCE N 10° 30' 25" E 888.64 feet to a point;
THENCE N 32° 52' 56" E 918.32 feet to a point;
THENCE N 44° 32' 51" E 1608.77 feet to a point;
THENCE N 67° 46' 39" W 1260.20 feet to a point;
THENCE N 02° 29' 46" W 577.08 feet to a point;
THENCE N 29° 33' 44" W 380.24 feet to a point;
THENCE N 17° 35' 28" E 617.92 feet to a point;
THENCE N 51° 30' 07" W 943.66 feet to a point;
THENCE S 31° 21' 12" W 679.70 feet to a point;
THENCE S 01° 20' 48" W 734.84 feet to a point;
THENCE S 50° 57' 07" E 480.00 feet to a point;
THENCE S 00° 14' 29" W 392.16 feet to a point;
THENCE 36° 42' 56" W 319.25 feet to a point;
THENCE S 06° 46' 37" E 683.12 feet to a point;
THENCE N 49° 28' 24" W 867.12 feet to a point;
THENCE N 28° 54' 24" E 461.29 feet to a point;
THENCE N 25° 26' 48" W 1035.48 feet to a point;
THENCE N 62° 25' 19" W 418.41 feet to a point;
THENCE N 77° 34' 58" W 817.67 feet to a point;
THENCE S 62° 05' 38" W 150.00 feet to a point;
THENCE S 89° 41' 23" E 4.46 feet to a point;
THENCE S 00° 28' 21" E 1731.52 feet to a point;
THENCE N 89° 26' 19" W 457.12 feet to a point;
THENCE N 89° 58' 40" W 973.47 feet to a point;
THENCE S 09° 16' 51" W 147.48 feet to a point;
THENCE S 32° 49' 58" E 1193.42 feet to a point;

THENCE S 28° 12' 37" W 463.60 feet to a point;
THENCE S 89° 50' 20" E 2143.91 feet to a point;
THENCE S 00° 44' 55" W 1326.23 feet to a point;
THENCE N 89° 43' 59" E 1316.19 feet to the *POINT OF BEGINNING*.

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, and 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) Subject to the specific provisions of this Act, the district has all of the rights, powers, privileges, authority, and functions conferred by Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, and the functions conferred by the general laws of this state applicable to municipal utility districts operating under Chapters 50 and 54, Water Code. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

(b) Except as provided by this Act, the rights, powers, duties, 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) Jay T. McCormick;
- (2) Stephen E. Williamson;
- (3) Judith E. Huntress;
- (4) Jack C. Stewart; and
- (5) Pamela H. Ricco.

(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. 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. Subject to compliance with Section 11 of this Act, the district may issue, sell, and deliver the bonds, notes, or other obligations of the district for those purposes and may levy and collect taxes to pay the bonds.

(b) Subject to compliance with the general law of the state, the district may plan, lay out, purchase, construct, acquire, own, operate, maintain, repair, and improve, inside or outside its boundaries, works, improvements, facilities, plants, equipment, and appliances, including, without limitation, any administrative buildings, properties, and facilities, property rights, and any levees, drains, waterways, lakes, reservoirs, channels, conduits, sewers, dams, storm water detention facilities, or other similar facilities and improvements, and may acquire any permits, franchises, licenses, or contract or property rights whether for municipal, industrial, agricultural, recreational, landfill, sprinkling, irrigation conservation, reclamation, or flood control purposes, that are necessary, helpful, or incidental to the exercise of any right, power, privilege, authority, or function provided by this Act.

(c) Notwithstanding anything in this Act or general law, the district may exclude land from the district and may add land to the district without the approval of the town of Westlake.

(d) If the district acquires land, easements, or rights-of-way for the construction of macadamized, graveled, or paved roads and turnpikes, or works, facilities, or improvements in aid of those roads and turnpikes, inside or outside the district, to the extent authorized by Article III, Section 52, of the Texas Constitution, the district may pay full market value for the land, easements, or rights-of-way, or may negotiate the value in good faith with the owner of the land, easements, or rights-of-way.

(e) The district may create an industrial development corporation as provided by the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes).

(f) Notwithstanding other law, the district may contract with a rapid transit authority, municipality, political subdivision, or other governmental entity to construct, maintain, and operate a mass transit facility.

SECTION 11. BONDS AND TAXES. Bonds payable in whole or in part by taxes and issued for the purposes described in Section 10(a) of this Act may not be issued by the district except on a vote of a two-thirds majority of the qualified voters of the district or the territory to be affected by the bonds voting at the election. Bonds, notes, or other obligations of the district issued or incurred for the purposes described in Section 10(a) of this Act may not exceed one-fourth of the assessed valuation of the real property of the district or territory.

SECTION 12. WATER AND SEWER CONTRACTS. The district may, without limitation, enter into, execute, perform, and carry out contracts it may consider appropriate and mutually advantageous under Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes). Those contracts may provide for the district's acquisition of all or any designated portions of any of the works, facilities, improvements, equipment, appliances, properties, and contract rights as provided by Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes), that the district is authorized by this Act to purchase, acquire, construct, own, or improve or may become authorized to purchase, acquire, construct, own, or improve in its own name or behalf.

SECTION 13. WATER CONSERVATION. The district shall adopt and implement a program of water conservation consistent with rules and criteria adopted and enforceable by the Texas Water Commission for similarly situated districts in the region. A program of water conservation means the practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

SECTION 14. DISSOLUTION OF DISTRICT. Notwithstanding Chapter 128, Acts of the 50th Legislature, Regular Session, 1947 (Article 1182c-1, Vernon's Texas Civil Statutes), or any other general law, the district may be dissolved on approval of a two-thirds vote of the governing body of the town of Westlake, a two-thirds vote of the incumbent members of the board, and a two-thirds vote of the incumbent members of the board of any other districts that the district has contracted for the receipt or provision of regional or area wide water supply, wastewater disposal service, or any other service contract or agreement for a term in excess of 20 years.

SECTION 15. 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 16. 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 the following vote: Yeas 134, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 2579 on May 28, 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. 2579 was transmitted to the Governor on April 29, 1987, and the recommendation of the Texas Water Commission was filed with the Speaker of the House on May 20, 1987. Passed by the Senate, with amendments, on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 20, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment.