

CHAPTER 987

S.B. No. 1373

AN ACT

relating to the creation, administration, powers, duties, functions, operations, and financing of the Cliffs Municipal Utility District and providing for the authorization of bonds and the levy of property taxes.

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 Palo Pinto County to be known as "Cliffs Municipal 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 Cliffs Municipal Utility District.

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

BEING 835.66 acres of land lying in the A. J. Berry Survey, Abstract No. 1315, the W. J. Wesley Survey, Abstract No. 1086, the A. B. & M. Survey No. 1, Abstract No. 10, the A. B. & M. Survey No. 2, Abstract No. 1816, the A. B. & M. Survey No. 3, Abstract No. 98, the A. B. & M. Survey No. 4, Abstract No. 1814 and the Garcia, Montez & Duran Survey, Abstract No. 1540, Palo Pinto County, Texas, same being a part of a 1223.82 acre tract of land described by deed recorded in volume 420, pages 8-13, Deed Records of Palo Pinto County, Texas, and described more particularly as follows;

BEGINNING at a nail set in a fence post in the west right-of-way of State Highway 16 (120 foot wide right-of-way) for the most southerly corner, same being the most southerly corner of the aforementioned 1223.82 acres, same also being the most southerly corner of a 651.503 acre tract of land described by deed recorded in volume 622, pages 293-306, deed records of Palo Pinto County, Texas;

THENCE along the west boundary of the aforementioned 1223.82 acres and the west boundary of the aforementioned 651.503 acres, N 9° 24' 41" W a distance of 845.78 feet to a nail set in a fence post for an interior corner, same being an interior corner of the said 651.503 acres, same lying in the south line of a boundary line agreement recorded in volume 417, pages 339-342, Deed Records of Palo Pinto County, Texas;

THENCE along the south line of the aforementioned 1223.82 acres, the south line of the aforementioned 651.503 acres and the south line of the aforementioned boundary line agreement, N 89° 44' 56" W a distance of 3259.01 feet to an iron rod set for the most southerly southwest corner, same being the most southerly southwest corner of the said 651.503 acres;

THENCE along the west line of the aforementioned 651.503 acres and the east line of the remaining portion of the aforementioned 1223.82 acres, N 7° 25' 50" W a distance of 2070.00 feet to an iron rod set for an interior corner, same being an interior corner of the said 651.503 acres;

THENCE along the south line of the aforementioned 651.503 acres and the north boundary of the remaining portion of the aforementioned 1223.82 acres, N 89° 44' 56" W a distance of 690.00 feet to an iron rod set for the most westerly southwest corner, same being the most westerly southwest corner of the said 651.503 acres;

THENCE along the west line of the aforementioned 651.503 acres and the east line of the remaining portion of the aforementioned 1223.82 acres, N 7° 25' 50" W a distance of 721.78 feet to an iron pin set for a northwest corner, same lying on the 1000 foot contour line of Possom Kingdom Lake;

THENCE along the aforementioned 1000 foot contour line as follows:

- N 64° 24' 36" E a distance of 97.42 feet;
- N 69° 46' 19" E a distance of 97.64 feet;
- N 47° 51' 10" E a distance of 99.97 feet;
- N 31° 32' 46" E a distance of 71.74 feet;
- S 52° 31' 31" W a distance of 56.21 feet;
- S 57° 19' 41" W a distance of 113.23 feet;
- S 70° 27' 46" W a distance of 52.58 feet;
- S 79° 13' 59" W a distance of 114.69 feet;

S 89° 35' 21" W a distance of 84.67 feet;
N 73° 22' 58" W a distance of 55.41 feet;
N 51° 55' 09" W a distance of 49.40 feet;
N 12° 01' 23" W a distance of 181.44 feet;
N 01° 04' 08" W a distance of 151.49 feet;
N 14° 48' 58" W a distance of 100.12 feet;
N 32° 15' 36" W a distance of 240.90 feet;
N 54° 39' 49" W a distance of 104.01 feet;
N 62° 56' 49" W a distance of 330.14 feet;
N 51° 59' 59" W a distance of 120.98 feet;
N 27° 36' 17" W a distance of 100.15 feet;
N 25° 30' 20" E a distance of 30.97 feet;
S 83° 57' 50" E a distance of 83.62 feet;
S 86° 43' 16" E a distance of 99.47 feet;
N 54° 10' 41" E a distance of 99.17 feet;
N 50° 30' 27" E a distance of 83.85 feet;
S 69° 22' 25" W a distance of 140.85 feet;
N 85° 43' 05" W a distance of 48.22 feet;
N 49° 00' 33" W a distance of 104.08 feet;
N 75° 14' 34" W a distance of 200.50 feet;
N 59° 25' 38" W a distance of 53.33 feet;
N 45° 00' 35" W a distance of 96.92 feet;
N 34° 37' 59" W a distance of 120.12 feet;
N 35° 37' 39" W a distance of 89.14 feet;
N 47° 44' 09" W a distance of 228.25 feet;
N 41° 57' 05" W a distance of 189.71 feet;
N 51° 47' 11" W a distance of 85.63 feet;
N 53° 39' 37" W a distance of 157.10 feet;
N 48° 07' 20" W a distance of 71.76 feet;
N 37° 11' 08" W a distance of 45.14 feet;
N 55° 14' 57" W a distance of 77.73 feet;
N 48° 27' 32" W a distance of 51.93 feet;
N 42° 55' 47" W a distance of 99.35 feet;
N 43° 31' 45" W a distance of 81.76 feet;
N 37° 39' 23" W a distance of 129.48 feet;
N 27° 20' 23" W a distance of 133.08 feet;
N 17° 09' 46" W a distance of 121.26 feet;
N 04° 20' 06" W a distance of 57.21 feet;
N 16° 10' 03" E a distance of 50.48 feet;
N 38° 08' 10" E a distance of 68.69 feet;
N 07° 52' 23" E a distance of 88.71 feet;
N 28° 44' 06" E a distance of 79.10 feet;
N 46° 13' 01" E a distance of 128.98 feet;
N 12° 02' 56" E a distance of 57.45 feet;
N 63° 49' 37" E a distance of 58.09 feet;

N 33° 40' 47" E a distance of 48.27 feet;
N 40° 09' 37" E a distance of 69.36 feet;
N 29° 11' 22" E a distance of 111.98 feet;
N 17° 30' 56" E a distance of 75.75 feet;
N 33° 40' 32" E a distance of 69.16 feet;
N 50° 58' 12" E a distance of 64.35 feet;
N 82° 16' 13" E a distance of 139.04 feet;
N 73° 16' 35" E a distance of 73.66 feet;
S 86° 55' 09" E a distance of 76.15 feet;
S 54° 24' 03" E a distance of 196.77 feet;
S 43° 19' 59" E a distance of 88.84 feet;
S 40° 51' 13" E a distance of 116.91 feet;
S 60° 20' 24" E a distance of 84.72 feet;
S 43° 38' 24" E a distance of 133.57 feet;
N 18° 40' 41" W a distance of 93.58 feet;
N 27° 12' 19" W a distance of 30.64 feet;
N 41° 56' 02" W a distance of 123.56 feet;
N 18° 27' 35" W a distance of 127.22 feet;
N 01° 23' 24" E a distance of 25.13 feet;
N 36° 36' 54" E a distance of 49.59 feet;
N 09° 15' 17" E a distance of 34.02 feet;
N 63° 29' 36" E a distance of 55.86 feet;
N 62° 13' 03" E a distance of 75.55 feet;
N 63° 35' 16" E a distance of 226.94 feet;
N 55° 57' 53" E a distance of 313.63 feet;
N 87° 08' 39" E a distance of 113.03 feet;
S 37° 38' 59" E a distance of 420.82 feet;
S 33° 05' 50" E a distance of 112.43 feet;
S 57° 16' 23" E a distance of 383.86 feet;
S 81° 49' 00" E a distance of 97.55 feet;
S 55° 12' 02" E a distance of 88.47 feet;
S 49° 10' 39" E a distance of 216.79 feet;
S 52° 24' 40" E a distance of 376.12 feet;
S 42° 17' 31" E a distance of 232.93 feet;
S 33° 26' 11" E a distance of 154.96 feet;
S 59° 39' 41" E a distance of 268.56 feet;
S 52° 16' 49" E a distance of 167.50 feet;
S 71° 16' 53" E a distance of 180.84 feet;
S 48° 26' 53" E a distance of 53.54 feet;
N 07° 35' 51" W a distance of 111.54 feet;
N 29° 34' 54" E a distance of 33.68 feet;
N 68° 48' 10" E a distance of 35.86 feet;
S 87° 28' 41" E a distance of 39.58 feet;
S 86° 31' 23" E a distance of 171.29 feet;
S 84° 07' 32" E a distance of 473.93 feet;

S 89° 51' 04" E a distance of 346.00 feet;
 N 66° 40' 26" E a distance of 41.10 feet;
 N 78° 50' 06" E a distance of 238.24 feet;
 S 86° 38' 19" E a distance of 180.64 feet;
 N 54° 49' 54" E a distance of 66.86 feet;
 N 72° 19' 30" E a distance of 280.73 feet;
 N 79° 48' 33" E a distance of 196.82 feet;
 S 52° 52' 10" E a distance of 91.97 feet;
 S 30° 03' 47" E a distance of 82.94 feet;
 N 13° 41' 46" E a distance of 46.17 feet;
 N 36° 58' 59" E a distance of 114.14 feet;
 N 08° 36' 41" E a distance of 101.18 feet;
 N 50° 24' 03" E a distance of 265.34 feet;
 N 73° 15' 33" E a distance of 48.36 feet;
 N 54° 13' 51" E a distance of 160.39 feet;
 N 44° 50' 11" E a distance of 611.15 feet;
 N 27° 53' 40" E a distance of 354.65 feet;
 N 05° 43' 15" W a distance of 43.27 feet;
 N 38° 09' 08" E a distance of 155.19 feet;

and N 30° 26' 24" E a distance of 83.24 feet to an iron rod set for a northwest corner, same lying in the north line of the aforementioned 651.503 acres and the north line of the aforementioned 1223.82 acres, same also lying in the south line of a 423.43 acre tract of land described by Deed Recorded in Volume 172, Page 314, deed records of Palo Pinto County, Texas;

THENCE along the north boundary of the aforementioned 651.503 acres, the north boundary of the aforementioned 1223.82 acres and the south line of the aforementioned 423.43 acres, S 88° 50' 23" E a distance of 1150.81 feet to a brass disc in concrete N 85° 07' 08" E a distance of 909.59 feet to a brass disc in concrete and N 71° 03' 24" E, passing a brass disc in concrete at 2194.45 feet, a total distance of 2758.56 feet to a point for the most northerly corner, same being the most northerly corner of the said 651.503 acres, same lying on the west bank of the Brazos River;

THENCE along the east line of the aforementioned 651.503 acres and the west bank of the aforementioned Brazos River, S 29° 12' 25" E a distance of 248.68 feet to a point in the northwest right-of-way of the aforementioned State Highway 16 for the most easterly corner, same being the most easterly corner of the said 651.503 acres;

THENCE along the east line of the aforementioned 651.503 acres and the west right-of-way of the aforementioned State Highway 16, S 54° 36' 16" W a distance 370.00 feet to an iron pin for the point of curvature of a curve to the right having a radius of 2804.93 feet, a central angle of 8° 11' 00" and a chord which bears S 58° 41' 46" W 400.28 feet;

THENCE continuing an arc distance of 400.62 feet to an iron rod set for a point of tangency and S 62° 47' 16" W a distance of 2049.00 feet to an iron rod set for the point of curvature of a curve to the left having a radius of 2924.93 feet, a central angle of 8° 11' 00" and a chord which bears S 58° 41' 46" W 417.40 feet;

THENCE continuing an arc distance of 417.76 feet to an iron rod set for the point of tangency and S 54° 36' 16" W a distance of 854.90 feet to an iron rod set for the point of curvature of a curve to the left having a radius of 1492.70 feet, a central angle of 27° 19' 00" and a chord which bears S 40° 56' 46" W 704.95 feet;

THENCE continuing an arc distance of 711.67 to an iron rod set for the point of tangency and S 27° 17' 16" W a distance of 978.20 feet to an iron rod set for a point of curvature of a curve to the left, having a radius of 2352.00 feet, a central angle of 34° 16' 00" and a chord which bears S 10° 09' 16" W 1385.78 feet;

THENCE continuing an arc distance of 1406.65 feet to an iron rod set for a point of tangency and S 6° 58' 44" E a distance of 1241.60 feet to an iron rod set for the point of curvature of a curve to the right having a radius of 2232.00 feet, a central angle of 44° 11' 00" and a chord which bears S 15° 06' 46" W 1678.86 feet;

THENCE continuing an arc distance of 1721.19 feet to an iron rod set for a point of tangency and S 37° 12' 16" W a distance of 668.93 feet to the PLACE OF BEGINNING containing 835.69 acres of land.

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 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 Chapter 50 and Chapter 54, Water Code. If any provision of the 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 serve for the term of office provided for directors under Chapter 54, Water Code, and 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) Richard Haney
- (2) Philip A. Edmundson
- (3) L. Conley Juban, Jr. —
- (4) Patrice Anderson
- (5) James E. Fults.

(e) If any of the directors listed in Subsection (d) of this section fails to qualify for office, the remaining directors shall appoint someone 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.

(g) Each member of the board is entitled to receive compensation in an amount not to exceed \$50 for each meeting of the board as determined by the board, not to exceed \$250

a month, and directors may be reimbursed for actual expenses incurred on behalf of the district or in the discharge of their duties.

SECTION 8. CONFIRMATION AND DIRECTORS' ELECTION. (a) 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.

(b) Subsection (a), Section 41.001, Election Code, does not apply to a confirmation election held as provided by this section.

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 POWERS. (a) The district may engage in fire-fighting activities and may issue bonds or other obligations of the district for fire-fighting purposes as provided by this Act.

(b) If the estimated amount of a proposed construction contract proposed to be entered into by the district is more than \$5,000, but less than \$25,000, or the duration of the contract is more than two years, informal competitive bids or proposals shall be asked from at least three bidders. The contracts shall be awarded to the lowest and best bidder.

(c) The district may enter into, execute, perform, and carry out contracts it may consider appropriate under Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes).

SECTION 11. FISCAL PROVISIONS. (a) The district has the rights, powers, privileges, and authority conferred by Article III, Section 52, of the Texas Constitution, the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), and Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes).

(b) The district may issue short-term obligations in accordance with Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes); however, notwithstanding the provisions of that Act, the district may pledge ad valorem taxes in support of short-term obligations.

(c) Bonds for the purposes described in Subsection (a) of Section 10 of this Act may be issued by the district on a vote of a two-thirds majority of the qualified voters of the district voting at an election called and held to authorize bonds for those purposes. Bonds, notes, or other obligations of the district issued or incurred for the purposes provided by Subsection (a) of Section 10 of this Act may not exceed one-fourth of the assessed valuation of the real property in the district.

SECTION 12. TAX COLLECTOR. (a) The board shall appoint a person as tax collector for the district and may appoint deputies considered necessary.

(b) Each person appointed shall qualify by executing a bond in the amount of \$10,000 payable to the district, approved by the board, and conditioned on the faithful performance of his duties.

(c) The tax collector and his deputies are entitled to receive compensation in an amount set by the board.

SECTION 13. 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 14. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public

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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 the Senate on May 15, 1987, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendment on May 31, 1987, by the following vote: Yeas 29, Nays 0. Passed the House, with amendment, on May 30, 1987, by the following vote: Yeas 135, Nays 2, one present not voting.

Approved June 19, 1987.

Effective June 19, 1987.