

CHAPTER 1120

S.B. No. 1424

AN ACT

relating to the administration, powers, including eminent domain, bond authority, and repayment of bonds or notes of the Grand Prairie Metropolitan Utility and Reclamation District.

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

SECTION 1. Subsection (a), Section 1, Chapter 954, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

(a) Subject to the confirmation election required by this Act, and under *Article III, Section 52, and Article XVI, Section 59*, of the Texas Constitution, a district located within the present corporate limits of the city of Grand Prairie, Texas, in Dallas County is created and shall be known as Grand Prairie Metropolitan Utility and Reclamation District.

SECTION 2. Section 3, Chapter 954, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 3. LEGISLATIVE FINDINGS. The legislature finds that the creation and establishment of the district are essential to the accomplishment of the purposes of *Article III, Section 52, and Article XVI, Section 59*, of the Texas Constitution.

SECTION 3. Section 7, Chapter 954, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 7. GENERAL POWERS AND DUTIES. (a) Subject to the specific provisions of this Act, the district has the rights, powers, privileges, authority, and functions granted, conferred, contemplated, and described in *Article III, Section 52, and Article XVI, Section 59*, of the Texas Constitution, including the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to municipal utility districts operating under Chapter 54, Water Code [~~provided, however, no power or duty~~

~~contained in Subchapter D thereof shall be applicable unless specifically set out herein], together with the additional rights, powers, privileges, authority, and functions enumerated, described, expressed, or implied by this Act. The district may not annex or exclude land from the district's boundaries or provide police or fire protection services without the approval and consent of the city.~~

(b) *This Act does not exempt or exclude the district from the scope or operation of all applicable rules, regulations, and ordinances of the city including any rules, regulations, or ordinances concerning standards or specifications for subdivisions or the design, construction, operation, or maintenance of buildings, works, roads, facilities, and other improvements.*

(c) *If there is any conflict or inconsistency between any rule, regulation, order, or exercise of police power of the district and any ordinance, rule, regulation, or similar exercise of police power by the city, the city's ordinance, rule, regulation, or exercise of police power prevails and controls [Sections 54.213 (excluding any reference to the power of eminent domain), 54.214, 54.215, 54.217, 54.232, and 54.233 shall be applicable to the district.]*

(d) *The right of eminent domain shall never, under any circumstances, be granted to or exercised by the district with respect to that certain tract or parcel of land, situated within the city, in Dallas County, Texas, more particularly described by metes and bounds as follows:*

*Commencing at a ½" iron rod for the southeast corner of the Perry Linney Survey, Abstract No. 778, Grand Prairie, Dallas County, Texas, and the southwest corner of the John C. Read Survey, Abstract No. 1184;*

*Thence, South 89° 56' 30" West along the South line of the said Perry Linney Survey for a distance of 1040.95 feet to a 1" iron rod for THE POINT OF BEGINNING;*

*Thence, North 89° 56' 30" West continuing along the South line of the said Perry Linney Survey, at 713.87 feet pass a 1" iron rod, and in all 770.11 feet to a 1" iron rod for a corner;*

*Thence, North 1° 13' 15" West a distance of 478.85 feet to a concrete monument for a corner;*

*Thence, North 75° 32' 52" East a distance of 795.94 feet to a concrete monument for a corner;*

*Thence, South 0° 48' 33" East a distance of 676.67 feet to THE POINT OF BEGINNING and containing 10.24 acres, more or less, or with respect to any right-of-way, access or other easements of record appertaining to such tract or parcel of land. Otherwise, each and every exercise of the power of eminent domain by the district is subject to prior approval by the city.*

(e) *If any general law is in conflict or inconsistent with this Act, this Act prevails.*

(f) *In exercising the power of eminent domain, if the district requires relocating, raising, lowering, rerouting, changing the grade, or altering the construction of any railroad, highway, pipeline, or electric transmission and electric distribution, telegraph, or telephone lines, conduits, poles, or facilities, the district must bear the actual cost of relocating, raising, lowering, rerouting, changing the grade, or altering the construction to provide comparable replacement without enhancement of facilities after deducting the net salvage value derived for the old facility.*

SECTION 4. Section 8, Chapter 954, Acts of the 69th Legislature, Regular Session, 1985, is amended by adding Subsections (c) and (d) to read as follows:

(c) *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. The district may issue, sell, and deliver the bonds, notes, or other obligations of the district for those purposes and may assess, levy, and collect taxes to pay the bonds as provided by Subsection (c) of Section 19 of this Act. The district may not construct,*

*maintain, operate, repair, reconstruct, cross, or intersect any streets or roads of the city without the consent and approval of the city.*

*(d) The district may enter into contracts with any person providing for the discharge, redemption, or defeasance by or through the person of all or any specified portion of the district's outstanding bonds in advance of their scheduled maturities in consideration for the district's present or future payment of the principal, interest charges, and other costs of the discharge, redemption, or defeasance out of the proceeds of one or more issues or series of the district's bonds or refunding bonds. To the extent that the district may issue bonds to purchase or acquire contract rights, the bonds may be issued and the proceeds used in payment of the costs of purchase or acquisition of the contract rights or to make payment of the district's obligations under any contracts including any contract authorized under this subsection.*

SECTION 5. Section 19, Chapter 954, Acts of the 69th Legislature, Regular Session, 1985, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The board may issue bonds as provided by Sections 54.501–54.515, and Sections 54.518–54.521, Water Code, the Bond Procedures Act of 1981 (Article 717k–6, Vernon's Texas Civil Statutes), and the general law of this state, *and the bonds may be payable from revenues or ad valorem taxes or from a combination of revenues and ad valorem taxes or from the proceeds of one or more series of refunding bonds to be issued on the conditions and at the times specified in the order or resolution authorizing issuance of the bonds.*

(c) *Bonds for the purposes described in Subsection (c) of Section 8 of this Act may not be issued by the district except on a vote of a two-thirds majority of the voters of the district or the territory to be affected by the bonds voting at an election called and held for that purpose. Bonds, notes, or other obligations of the district issued or incurred for the purposes described in Subsection (c) of Section 8 of this Act may not exceed one-fourth of the assessed valuation of the real property of the district or territory.*

SECTION 6. Section 24, Chapter 954, Acts of the 69th Legislature, Regular Session, 1985, is amended to read as follows:

Sec. 24. *DISTRICT [WATER] AND CITY [SEWER] CONTRACTS.* The district and the city may enter into, execute, perform, and carry out contracts they 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 for the benefit of the city and the district's conveyance to the city of, and the city's acceptance and ownership of and payment for, all or any designated portions of any of the works, facilities, improvements, equipment, appliances, properties, and contract rights that the district is authorized by this Act to purchase, acquire, construct, own, or improve *and that the city, under its home-rule charter or under the general law of this state, may purchase, acquire, construct, own, or improve in its own name or on its own behalf, in the same manner and with the same effect as provided by Chapter 224, Acts of the 56th Legislature, Regular Session, 1959 (Article 1109j, Vernon's Texas Civil Statutes).* In lieu of payment by the city for those works and projects, the contract may provide that the district shall pay all debt obligations relating to the works or projects, that the city will assume and take title to and will maintain and operate those works and projects as part of its own works, projects, and systems, and at its cost and expense, and that the city will receive all revenues and income from those works and projects. Under any contract in which the city provides services, utility or otherwise, compensation to the city shall be on the same basis as for similar types of property receiving the same service elsewhere in the city.

SECTION 7. 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 8. 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 the Senate on May 7, 1987, by the following vote: Yeas 31, Nays 0; May 28, 1987, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 29, 1987, House granted request of the Senate; May 31, 1987, Senate adopted Conference Committee Report by the following vote: Yeas 27, Nays 0. Passed the House, with amendment, on May 27, 1987, by the following vote: Yeas 147, Nays 0, one present not voting; May 29, 1987, House granted request of the Senate for appointment of Conference Committee; June 1, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June 20, 1987.

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