

CHAPTER 422

S.B. No. 1429

AN ACT

relating to the creation, organization, boundaries, powers, including the power of eminent domain, duties, functions, financing, and bond and tax authority of the St. Paul Water Improvement, Road, and Utility District No. 1.

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

SECTION 1. CREATION OF DISTRICT. On approval at an election called and held under Section 5 of this Act, the St. Paul Water Improvement, Road, and Utility District No. 1 is created pursuant to Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution as a water improvement, road, and utility district, which shall be a governmental agency, a body politic and corporate, and a political subdivision of this state.

SECTION 2. DEFINITIONS. In this Act: (1) "District" means the St. Paul Water Improvement, Road, and Utility District No. 1.

(2) "City" means the city of St. Paul.

(3) "Board" means the board of directors of the district.

SECTION 3. BOUNDARIES. (a) The district includes all of the territory contained within the areas described by this section.

(b) Tract I is situated in Collin County, Texas, in the A.H. Burns Survey Abst. #64; in the W.D. Burnett Survey Abst. #56; in the Aaron West Survey Abst. #972; in the D. Yeamans Survey Abst. 1042 and being all of an 11 acre tract described in a Deed from Robert C. Cox to Stanley Moussa, and recorded in Volume 2080 page 266 of the Collin County Land Records and being all of a 58.247 acre tract described in a Deed from Rutledge Haggard, et al to Stanley A. Moussa and recorded in Volume 1980 page 730 of

the Collin County Land Records and all of an 11.618 acre tract described in a Deed from Rosser P. Miller, Jr., et ux Eula Fay Miller to Stanley A. Moussa and recorded in Volume 2035 page 69 of the Collin County Land Records and being more fully described as follows:

BEGINNING at a ½" iron rod found in the Northeast corner of the said 11 acre tract.

THENCE North 89 deg 44 min 21 sec East with the Northerly most North line of the 11 acre tract a distance of 199.86 ft. to a ½" iron rod found. Same being the most Northerly and Westerly Northeast corner of the said 11 acre tract.

THENCE South 00 deg 39 min 26 sec East with the most Westerly East line of the said 11 acre tract a distance of 840.65 ft. to a ½" iron rod found.

THENCE North 89 deg 40 min 13 sec East with the most Southerly North line of the said 11 acre tract a distance of 923.33 ft. to a ½" iron rod found. Same being the most Southerly and Easterly Northeast corner of the said 11 acre tract.

THENCE South 08 deg 35 min 02 sec East with the most Easterly East line of the said 11 acre tract and the center line of Drain Drive a distance of 274.89 ft. to a ⅜" iron rod found. Same being the Southeast corner of the said 11 acre tract and also being in the North line of the said 58.247 acre tract.

THENCE North 89 deg 40 min 35 sec East with the North line of the said 58.247 acre tract and the center line of Drain Drive a distance of 506.06 ft. to a ⅜ths" iron rod. Said being the Northeast corner of the 58.247 acre tract and being the Northwest corner of the said 11.618 acre tract.

THENCE North 89 deg 17 min 31 sec East with the North line of the said 11.618 acre tract and the center line of Drain Drive a distance of 449.55 ft. to a ½" iron rod found. Same being the Northeast corner of the said 11.618 acre tract.

THENCE South 00 deg 38 min 42 sec West with the East line of the said 11.618 acre tract a distance of 1112.86 ft. to a ¼" iron rod found. Same being the Southeast corner of the 11.618 acre tract.

THENCE North 89 deg 10 min 44 sec West with the South line of the said 11.618 acre tract a distance of 464.93 ft. to a ½" iron rod. Same being the Southwest corner of the 11.618 acre tract and also being in the East line of the 58.247 acre tract.

THENCE South 01 deg 22 min 23 sec West with the East line of the said 58.247 acre tract a distance of 562.73 ft. to a ½" iron rod. Same being the Southeast corner of the 58.247 acre tract.

THENCE South 89 deg 34 min 53 sec West with the Southerly most South line of the said 58.247 acre tract a distance of 1257.82 ft. to a ½" iron rod found. Same being the Southerly and Easterly most Southwest corner of the said 58.247 acre tract.

THENCE North 00 deg 09 min 41 sec West with the Easterly most West line of the said 58.247 acre tract a distance of 568.23 ft. to a ½" iron rod.

THENCE South 87 deg 37 min 08 sec West with the Northerly most South line of the said 58.247 acre tract a distance of 376.62 ft. to a ½" iron rod found. Same being the Northerly and Westerly most Southwest corner of the said 58.247 acre tract.

THENCE North 00 deg 52 min 13 sec East with the West line of the said 58.247 acre tract a distance of 236.69 ft. to a ½" iron rod found.

THENCE North 00 deg 25 min 13 sec East with the West line of the said 58.247 acre tract a distance of 860.39 ft. to a ½" iron rod found. Same being the Northwest corner of the said 58.247 acre tract and the Southwest corner of the said 11 acre tract.

THENCE North 01 deg 00 min 19 sec West with the West line of the said 11 acre tract a distance of 379.01 ft. to a ½" iron rod.

THENCE North 00 deg 27 min 00 sec West with the West line of the said 11 acre tract a distance of 733.98 ft. to the place of beginning containing 80.858 acres of land.

(c) Tract II is situated in Collin County, Texas and being in the Leroy Farmer Survey Abst. #334 and Josiah Turnham Survey Abst. #919 and the Mark L. Morris Survey Abst. #561 the Orpha Shelby Survey Abst. #800; W.D. Burnett Survey, Abst. #56; A.H. Burns Survey Abst. #64 and being part of a 592.9988 acre tract as described in a Deed from

W.W. Carruth, Jr. to Moussa Development No. 3, recorded in Volume 2236 page 812 of the Collin County Land Records and being all of a 2.366 acre tract described in a Deed from Joseph L. George to Stanley A. Moussa, recorded in Volume 2123 page 586 of the Collin County Land Records, and being all of a 32.556 acre tract described in a Deed from Martin Meadows Corporation, a Texas Corporation to Stanley A. Moussa and recorded in Volume 1387 page 823 of the Collin County Land Records and being part of a 28.185 acre tract as described in a Deed from Kathleen M. Moore to Stanley A. Moussa, recorded in Volume 2018 page 356 of the Collin County Land Records and also being all of a 2.3465 acre tract described in a Deed from John Phillips and wife Geraldine Phillips to George Stanley Moussa, recorded in Volume 1804 page 210 of the Collin County Land Records and all of a 2.995 acre tract described in a Deed from Darrell Lee Morris, a single man to Mark Stanley Moussa, recorded in Volume 2205 page 413 of the Collin County Land Records and being part of a 39.532 acre tract described in a Deed from Kenneth W. Martin to Stanley A. Moussa, recorded in Volume 1982 page 306 of the Collin County Land Records and all of Lavon Recreation Center, an addition to the City of St. Paul, Collin County Texas and recorded in Volume F. Page 784 of the Collin County Map and Plat Records and all of the Lakeway Business Park in the City of St. Paul, Collin County, Texas and recorded in Volume G page 11 of the Collin County Map and Plat Records and being all of the right of way of F.M. Highway #2514, beginning at the East line of F.M. Hwy #1378 at Highway Station # 00+45.00 to State Highway Station #80+13.3 and being more fully described as follows:

BEGINNING at a $\frac{3}{8}$ " bridge spike found at the Southerly and Westerly most Southeast corner of the said 592.9988 acre tract.

THENCE North 89 deg 47 min 59 sec West with a South line of the said 592.9988 acre tract and the North line of St. Paul Road a distance of 1805.07 ft. to a $\frac{1}{2}$ " iron rod.

THENCE South 00 deg 27 min 16 sec East passing a $\frac{1}{2}$ " iron rod at 4 ft. Said iron rod being in the North right of way line of F.M. Hwy #2514 and continuing on in all a distance of 30.92 ft. to a P.K. Nail in the center line of St. Paul Road. Same being the Northwest corner of a 2.366 acre tract.

THENCE North 89 deg 33 min 28 sec East with the North line of the said 2.366 acre tract and the center line of St. Paul road a distance of 419.15 ft. to a $\frac{3}{8}$ " iron rod found. Same being the Northeast corner of the 2.366 acre tract, said iron rod being in a T intersection of 2 county roads.

THENCE South 00 deg 06 min 39 sec West with the East line of the said 2.366 acre tract and the center line of a county road a distance of 442.32 ft. to a P.K. nail in the North right of way line of F.M. Highway #2514. Same being the Southeast corner of the said 2.366 acre tract.

THENCE South 89 deg 58 min 07 sec East with the North right of way line of F.M. Highway #2514 a distance of 50.03 ft. to a nail.

THENCE South 00 deg 05 min 48 sec East with the East right of way line of F.M. Hwy #2514, a distance of 950.20 ft. to a wood right of way marker.

THENCE South 16 deg 08 min 51 sec East with the East right of way line of F.M. Hwy #2514, a distance of 103.5 2 ft. to a wood right of way marker.

THENCE South 00 deg 20 min 19 sec East with the East right of way of F.M. Hwy #2514 a distance of 100.46 ft. to a wood right of way marker.

THENCE South 16 deg 34 min 42 sec West with the East right of way of F.M. Hwy #2514, a distance of 103.95 ft. to a wood right of way marker.

THENCE South 00 deg 12 min 32 sec West with the East right of way of F.M. Hwy #2514 a distance of 142.18 ft. to a nail. Same being the beginning of a tangent curve to the right with a central angle of 06 deg 32 min 00 sec and a radius of 2914.79 ft.

THENCE In a Southwesterly direction with the arc of the said curve and the East right of way of F.M. Hwy #2514, an arc distance of 332.37 ft. to a nail at the end of the said curve. Said point being the point of tangency.

THENCE South 06 deg 36 min 01 sec West with the East right of way of F.M. Hwy #2514 a distance of 444.44 ft. to a $\frac{1}{2}$ " iron rod found.

THENCE North 83 deg 23 min 59 sec West departing the East right of way of F.M. Hwy #2514, a distance of 100 ft. to a nail in the West right of way line of F.M. Hwy 2514.

THENCE North 06 deg 36 min 01 sec East with the West right of way of F.M. Hwy #2514 a distance of 444.19 ft. to the beginning of a tangent curve to the left having a central angle of 06 deg 32 min 00 sec and a radius of 2814.79 ft.

THENCE in a Northwesterly direction with the arc of the said curve and the West right of way line of F.M. Hwy #2514 an arc distance of 320.97 ft. to a wood right of way marker at the end of the curve.

THENCE North 00 deg 04 min 42 sec West with the West right of way of F.M. Hwy #2514 a distance of 192.68 ft. to a wood right of way marker.

THENCE North 16 deg 26 min 23 sec West with the West line of F.M. Hwy #2514 a distance of 103.87 ft. to a wood right of way marker.

THENCE North 00 deg 37 min 54 sec West with the West right of way line of F.M. Hwy # 2514 a distance of 100.12 ft. to a right of way marker.

THENCE North 16 deg 40 min 27 sec East with the west right of way line of F.M. Hwy #2514 a distance of 104.28 ft. to a wood right of way marker.

THENCE North 00 deg 03 min 15 sec East with the West right of way line of F.M. Hwy #2514 a distance of 495.19 ft. to a wood right of way marker. Being the beginning of a curve to the left having a central angle of 90 deg 20 min 47 sec and a radius of 768.51 ft. and a bearing to radius point North 89 deg 57 min 44 sec West.

THENCE in a Northwesterly direction with an arc curve and the West right of way of F.M. Hwy #2514, an arc distance of 1211.82 ft. to a wood right of way marker and the end of the curve.

THENCE South 89 deg 38 min 54 sec West with the South right of way line of F.M. Hwy #2514, a distance of 1594.33 ft. to a wood right of way marker.

THENCE South 39 deg 47 min 20 sec West with the South right of way line of F.M. Hwy #2514, a distance of 39.39 ft. to a wood right of way marker.

THENCE South 89 deg 45 min 58 sec West with the South right of way of F.M. Hwy #2514 a distance of 44.05 ft. to a wood right of way marker.

THENCE North 49 deg 40 min 13 sec West with the South right of way of F.M. Hwy #2514 a distance of 45.22 ft. to a 1/2" iron rod.

THENCE South 89 deg 43 min 50 sec West with the South right of way line of F.M. Hwy #2514 a distance of 282.55 ft. to a 1/2" iron rod. Same being the Northeast corner of the said 28.185 acre tract.

THENCE South 13 deg 33 min 33 sec East with the East line of the said 28.185 acre tract a distance of 233.87 ft. to a 1/2" iron rod found.

THENCE South 09 deg 11 min 08 sec East with the East line of the said 28.185 acre tract a distance of 1351.42 ft. to a 3/8" iron rod found. Same being the Southeast corner of the said 28.185 acre tract.

THENCE South 87 deg 52 min 05 sec West with the South line of the said 28.185 acre tract a distance of 647.21 ft. to a 1/2" iron rod.

THENCE North 00 deg 41 min 26 sec West a distance of 451.76 ft. to a 1/2" iron rod for a corner.

THENCE South 87 deg 50 min 34 sec West a distance of 1086.77 ft. to a 1/2" iron rod for a corner.

THENCE South 89 deg 56 min 51 sec West with the Northern most South line of the said 39.532 acre tract a distance of 279.75 ft. to a 3/8" iron rod found. Same point being the most Northerly and Westerly southwest corner of the said 39.532 acres tract.

THENCE South 88 deg 16 min 06 sec West with the South line of the said 32.556 acre tract a distance of 1172.89 ft. to a 1/2" iron rod in the East right of way of F.M. Hwy 1378. Same point being the Southwest corner of the said 32.556 acre tract.

THENCE North 00 deg 45 min 04 sec West with the West line of the said 32.556 acre tract and the East right of way line of F.M. Hwy #1378 a distance of 1216.89 ft. to a ½" iron rod in the South right of way line of F.M. Hwy #2514.

THENCE North 00 deg 29 min 06 sec West with the East right of way of F.M. Hwy #1378 and the West right of way of F.M. #2514, a distance of 199.13 ft. to a wood right of way marker.

THENCE North 00 deg 12 min 25 sec West with the East right of way of F.M. 1378 and West line of 2.3465 acre tract a distance of 218.88 ft. to a ½" iron rod found.

THENCE South 89 deg 08 min 13 sec East with the North line of the said 2.3465 acre tract a distance of 382.30 ft. to a ½" iron rod.

THENCE South 00 deg 03 min 46 sec West with the East line of the said 2.3465 acre tract a distance of 270.46 ft. to a ½" iron rod found in the North right of way line of F.M. Hwy #2514. Same point being the South east corner of the said 2.3465 acre tract.

THENCE South 88 deg 44 min 34 sec East with the North right of way line of F.M. Hwy #2514 a distance of 857.39 ft. to a ¾" iron rod found. Same point being the Southwest corner of the said 2.995 acre tract.

THENCE North 01 deg 16 min 13 sec East with the West line of the said 2.995 acre tract a distance of 750.62 ft. to a ⅝" iron rod found. Same point being the Northwest corner of the said 2.995 acre tract.

THENCE South 88 deg 47 min 46 sec East with the North line of the said 2.995 acre tract a distance of 173.64 ft. to a ¾" iron rod found. Same point being the Northeast corner of the said 2.995 acre tract.

THENCE South 01 deg 12 min 32 sec West with the East line of the said 2.995 acre tract a distance of 750.44 ft. to a ½" iron rod found in the North right of way line of F.M. Highway #2514. Same point being the Southeast corner of the said 2.995 acre tract.

THENCE South 88 deg 43 min 30 sec East with the North right of way line of F.M. Hwy #2514 a distance of 879.12 ft. to a wood right of way marker.

THENCE North 89 deg 40 min 28 sec East with the North right of way of F.M. Hwy 2514, a distance of 1351.34 ft. to a wood right of way marker.

THENCE North 45 deg 42 min 44 sec East with the North right of way of F.M. Hwy #2514 a distance of 42.30 ft. to a ½" iron rod.

THENCE North 88 deg 13 min 52 sec East with the North right of way of F.M. Hwy #2514 a distance of 46.00 ft. to a wood right of way marker in the East line of the said 592.9988 acre tract.

THENCE North 00 deg 55 min 39 sec West with the Easterly most West line of the said 592.9988 acre tract and the East line of Aztec Lane a distance of 1822.68 ft. to a ⅝" iron rod found.

THENCE North 00 deg 22 min 51 sec East with the Easterly most West line of the said 592.9988 acre tract and the East line of Aztec Lane a distance of 787.20 ft. to a ½" iron rod.

THENCE North 89 deg 40 min 45 sec East a distance of 3361.12 ft. to a ½" iron rod.

THENCE South 06 deg 53 min 50 sec West a distance of 438.49 ft. to a concrete Government marker #4424-8.

THENCE South 74 deg 38 min 19 sec East a distance of 64.42 ft. to a concrete Government marker #W4424-7.

THENCE North 65 deg 14 min 21 sec East a distance of 805.52 ft. to a concrete Government marker #4424-6.

THENCE South 32 deg 37 min 40 sec East a distance of 296.97 ft. to a concrete Government marker #4424-5.

THENCE North 84 deg 12 min 02 sec East a distance of 255.86 ft. to a concrete Government marker #4474-4.

THENCE North 41 deg 47 min 45 sec East a distance of 367.19 ft. to a concrete Government marker #4424-3.

THENCE North 77 deg 18 min 35 sec East a distance of 1317.18 ft. to a concrete Government marker #4424-2.

THENCE South 10 deg 34 min 23 sec West a distance of 600.37 ft. to a concrete Government marker #4424-1.

THENCE South 65 deg 36 lmin 47 sec West a distance of 1719.09 ft. to a concrete Government marker #4500-3.

THENCE North 88 deg 47 min 13 sec West a distance of 649.66 ft. to a $\frac{3}{4}$ " iron rod found.

THENCE South 00 deg 15 min 06 sec West with the East line of the 592.9988 acre tract a distance of 1310.27 ft. to a steel corner post.

THENCE North 89 deg 09 min 12 sec West with the Northern most South line of the 592.9988 acre tract a distance of 283.13 ft. to a steel corner post.

THENCE South 00 deg 07 min 22 sec West with the Westerly most East line of the 592.9988 acre tract a distance of 283.62 ft. to the place of beginning containing 374.608 acres of land, SAVE AND EXCEPT all of a 0.9780 acre tract known as Lot 1, Lakeway Business Park, an addition to the City of St. Paul, Collin County, Texas, and recorded in Volume G page 11 of the Collin County Map and Plat Records and an 0.3673 acre tract known as Lot 3 of the Lakeway Business Park, an addition to the City of St. Paul, Collin County, Texas and recorded in Volume G Page 11 of the Collin County Map and Plat Records and 0.9640 acre tract known as Lot 1 of Lavon Recreation Center an addition to the City of St. Paul, Collin County, Texas, recorded in Volume F page 784 of the Collin County Map and Plat Records, leaving a total of 372.2987 acres of land.

(d) Tract III is situated in Collin County, Texas in the Mercer Phelan Survey Abst. #697 and being in the Orpha Shelby Survey Abst. #800 and being part of a 33.135 acre tract described in a Deed from Hutson-Scott Partnership to Stanley A. Moussa, recorded in Volume 2200 page 199 of the Collin County Land Records and being all of an 8.840 acre tract described in a Deed from Hutson-Scott Partnership to Stanley A. Moussa and recorded in Volume 2200 page 187 of the Collin County Land Records and being more fully described as follows:

BEGINNING at a concrete Government marker #4516-1 in the Southeast corner of the said 8.840 acre tract.

THENCE North 88 deg 45 min 05 sec West with the South line of the said 8.840 acre tract a distance of 642.11 ft. to a broken concrete Government marker. Same being the Southwest corner of the said 8.840 acre tract.

THENCE North 01 deg 00 min 49 sec East with the West line of the said 8.840 acre tract a distance of 998.96 ft. to a $\frac{1}{2}$ " iron rod. Said iron rod also being the Northwest corner of the said 8.840 acre tract and being the most Southerly and Easterly Southwest corner of the 33.135 acre tract.

THENCE North 00 deg 11 min 58 sec East with the Easterly most West line of the said 33.135 acre tract a distance of 42.68 ft. to an old bois d'arc post.

THENCE South 89 deg 30 min 21 sec West with the Northern most Southerly line of the said 33.135 acre tract a distance of 78.83 ft. to a $\frac{1}{2}$ " iron rod. Same being the most Northerly and Westerly Southwest corner of the said 33.135 acre tract and also being the Southeast corner of Lot 6, Block 2 of St. Paul Lakeshore Estates, Phase II and recorded in Volume C page 792 of the Collin County Map and Plat Records.

THENCE North 33 deg 46 min 19 sec West with the West line of the said 33.135 acre tract in the East line of Lots 6, 7 and 15, Block 2 of the St. Paul Lake Shore Estates, Phase II and recorded in Volume C page 792 of the Collin County Map and Plat Records, a distance of 1254.95 ft. to a railroad spike in the center line of the said St. Paul Road. Said point being in the Northwest corner of the 33.135 acre tract.

THENCE South 89 deg 04 min 50 sec East with the most Northerly North line of the said 33.135 acre tract and the center line of St. Paul Road a distance of 788.26 ft. to a railroad spike. Same being the most Northerly and Westerly Northeast corner of the said 33.135 acre tract.

THENCE South 00 deg 36 min 11 sec West with the most Westerly East line of the said 33.135 acre tract a distance of 407.01 ft. to a $\frac{3}{8}$ " iron rod found. Said rod being an inner corner of the 33.135 acre tract.

THENCE South 88 deg 26 min 55 sec East a distance of 863.46 ft. to a $\frac{3}{8}$ " iron rod found.

THENCE South 88 deg 07 min 38 sec East a distance of 202.79 ft. to a P. K. nail found in the top of a post.

THENCE South 01 deg 47 min 56 sec West a distance of 670.14 ft. to a 1" pipe found. Same being an inner corner of the said 33.135 acre tract.

THENCE South 87 deg 47 min 20 sec East with the Southerly most North line of the said 33.135 acre tract a distance of 213.41 ft. to a $\frac{1}{2}$ " iron rod found.

THENCE South 87 deg 54 min 10 sec East with the Southerly most North line of the said 33.135 acre tract a distance of 682.13 ft. to a $\frac{1}{2}$ " iron rod found.

THENCE South 02 deg 10 min 51 sec West a distance of 162.51 ft. to a concrete Government marker #4516-5.

THENCE South 63 deg 15 min 07 sec West a distance of 446.47 ft. to a concrete Government marker #4516-4.

THENCE North 62 deg 59 min 31 sec West a distance of 894.58 ft. to a concrete Government marker #4516-3.

THENCE North 88 deg 06 min 45 sec West a distance of 615.96 ft. to a concrete Government Marker #4517-2. Same being the Northeast corner of the said 8.840 acre tract.

THENCE South 26 deg 07 min 13 sec East with the East line of the said 8.840 acre tract a distance of 1123.24 ft. to the place of beginning containing 41.329 acres of land.

SECTION 4. LEGISLATIVE FINDINGS. (a) The legislature finds that the purposes of Article III, Section 52, and 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 further finds that the boundaries of the district form a closure. If any mistake is made in the recorded description of the boundary description, 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.

SECTION 5. CONFIRMATION ELECTION. (a) The district shall hold a confirmation election to approve the creation of the district.

(b) The initial board of directors of the district must conduct the confirmation election.

(c) The initial board of directors may submit at the confirmation election a proposition for the issuance of bonds and a proposition for a maintenance tax.

(d) This election may be held on any date selected by the board, and Subsection (a), Section 41.001, Election Code, does not apply.

SECTION 6. BOARD OF DIRECTORS. (a) The district is governed by a board of five directors.

(b) To serve as a director, a person must be at least 18 years old and must own taxable property in the district or be a resident of the district.

(c) At the time this Act takes effect, the following persons shall constitute the initial directors of the district:

- (1) Gene Weimer;
- (2) Jack Kaufman;
- (3) Robert C. Cox;
- (4) Mark D. Schooler; and
- (5) Harry B. Lynch.

(d) A vacancy on the board shall be filled by appointment of the remaining members of the board until the next election of directors for the district. If that position is not scheduled to be filled at that election, the person elected to fill the position shall serve only for the remainder of the unexpired term.

(e) Each director shall take the constitutional oath of office required of state officers and shall execute a \$5,000 bond to secure the faithful performance of his duties as director.

(f) The board shall elect a president, vice-president, and a secretary-treasurer, each of whom shall exercise the powers specifically given to him by order of the board.

(g) The board may hold regular and special meetings as it considers necessary, and notice of the regular meetings shall be published in a newspaper with general circulation in the district.

SECTION 7. DIRECTORS' ELECTION. (a) The first regular directors' election shall be held on the first uniform election date as provided by Subsection (a), Section 41.001, Election Code, in the year following the creation of the district.

(b) The initial directors shall serve until the first elected directors of the district are elected and have qualified for office.

(c) The positions of the two directors who receive the fewest number of votes at the first regular directors' election shall be filled at the second regular directors' election. The positions of the three remaining directors shall be filled at the third regular directors' election.

(d) Except as provided by Subsection (a) of this section, a regular directors' election shall be held on the third Saturday in May in even-numbered years to elect the appropriate number of directors.

(e) Except for the initial directors and the directors elected at the first directors' election, directors shall serve for staggered four-year terms, with the terms of two or three directors expiring in alternating even-numbered years.

SECTION 8. BOARD PROCEDURES. (a) The board shall adopt bylaws for the district.

(b) A majority of the members of the board constitute a quorum for transaction of business of the district, and approval of at least three members of the board is necessary for approval of any matter before the board.

(c) The board shall provide the method of execution of all contracts, the signing of checks, and the handling of any other matters approved by the board, as shown in the official minutes of the district. After each election and at any other time the board considers appropriate, the board shall reorganize and elect new officers.

(d) The board may employ one assistant secretary and an assistant treasurer, who are not required to be members of the board. The secretary-treasurer of the board or the assistant secretary is responsible for keeping the minutes of the meetings of the board and all official records of the board and may certify the accuracy or authenticity of any actions, proceedings, minutes, or records of the board or of the district.

(e) 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 and not to exceed \$250 a month. Directors may be reimbursed for actual expenses incurred on behalf of the district or in the discharge of their duties.

SECTION 9. MEETINGS OF BOARD. (a) The board shall hold regular, special, or emergency meetings at the times and on the dates the board determines.

(b) The bylaws adopted by the board must require that the board give notice of its meetings to the city as provided by Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes).

SECTION 10. GENERAL POWERS AND DUTIES. (a) Subject to the specific provisions of this Act, the district has the rights, powers, privileges, authority, and functions granted or conferred, and described by Article III, Section 52, and Article XVI, Section 59, of the Texas Constitution, together with the additional rights, powers, privileges, authori-

ty, and functions enumerated, described, expressed, or implied by this Act. Sections 54.201 through 54.215, 54.217, 54.232, 54.233, 54.728 through 54.733, and 54.771 through 54.775, Water Code, apply to the district. Section 54.2041, Water Code, does not apply to the district.

(b) General law does not apply to the district unless specifically provided by this Act, and if any general law is in conflict or inconsistent with this Act, this Act prevails.

SECTION 11. SPECIFIC POWERS AND DUTIES. (a) The district may exercise the additional rights, powers, privileges, authority, and functions provided by this section.

(b) The district may plan, lay out, purchase, construct, acquire, own, operate, maintain, repair, and improve, inside or outside its boundaries, any works, improvements, facilities, plants, equipment, and appliances, including any administrative properties and facilities, levees, drains, waterways, lakes, reservoirs, channels, conduits, sewers, dams, storm water detention facilities, or other similar facilities and may acquire any permits, franchises, licenses, or contracts or property rights and improvements, whether for municipal, industrial, agricultural, recreational, 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) The district may acquire, construct, maintain, and operate macadamized, graveled, or paved roads and engage in any other project in aid of these purposes including providing for needed drainage and bridge work for district projects.

(d) 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. (e) The district may establish a fire department to serve the district and its customers as provided by Section 50.055, Water Code.

(f) The district may:

(1) acquire facilities, and property for facilities, inside or outside the district and may construct or improve facilities inside or outside the district;

(2) provide financing for facilities and their construction, acquisition, and improvement from money available to the district under this Act;

(3) advise, consult, contract, cooperate with, and enter into agreements with the federal government and its agencies, the state and its agencies, local governments, persons, and private entities;

(4) apply for, accept, receive, and administer gifts, grants, loans, and other funds available from any source;

(5) assume the contracts and obligations of previous owners of facilities and property acquired by the district and perform the contracts and obligations to the same extent that any other purchaser or assignee would be bound, only if the contracts and obligations of previous owners were created under the competitive bidding requirements provided by Chapter 770, Acts of the 66th Legislature, Regular Session, 1979 (Article 2368a.3, Vernon's Texas Civil Statutes);

(6) contract with any person for construction, acquisition, and improvement of facilities; and

(7) exercise the authority, powers, rights, duties, and other functions that will permit accomplishment of the purposes for which the district was created.

SECTION 12. ANNEXATION. The district may annex additional land to the district as provided by Sections 54.711 through 54.726, Water Code.

SECTION 13. GENERAL FISCAL PROVISIONS. The board may spend money, borrow money, issue bond anticipation notes and tax anticipation notes, levy and collect maintenance taxes, and carry out all acts and exercise all powers provided by Subchapter

E, Chapter 54, Water Code, and issue short-term obligations as provided by Chapter 656, Acts of the 68th Legislature, Regular Session, 1983 (Article 717q, Vernon's Texas Civil Statutes), except the district may pledge ad valorem taxes in support of short-term obligations.

SECTION 14. DISTRICT CONTRACTS. (a) Contracts for the purchase or construction of materials, machinery, and all things to constitute the works, improvements, facilities, plants, equipment, and appliances of the district shall be advertised, let, and awarded as provided by Section 54.220 and Sections 54.224 through 54.228, Water Code.

(b) After a contract has been awarded and the district determines that additional work is necessary or that the character or type of the work or facilities should be changed, the board may authorize change orders to the contract on terms the board may approve, provided the change does not increase the total cost of the contract by more than 25 percent.

(c) If the estimated amount of a proposed construction contract 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.

(d) Contracts shall be written and shall be awarded to the lowest and best bidder.

SECTION 15. BONDS. (a) The board may issue bonds to pay all expenses incurred in the creation of the district and the issuance of the district's bonds including engineering fees, attorney's fees, and other associated costs, and to accomplish the purposes set forth in Sections 10 and 11 of this Act and as provided by Subchapter F, Chapter 54, Water Code, and Section 54.601, Water Code, the Bond Procedures Act of 1981 (Article 717k-6, Vernon's Texas Civil Statutes), and the general law of this state relating to the issuance of bonds.

(b) The district is authorized to sell its bonds, notes, or other evidences of indebtedness at public or negotiated sale as may be determined by the board.

(c) Bonds to finance the projects under Subsection (c) of Section 11 of this Act may be issued by the district only on approval of a two-thirds majority of the voters of the district voting at an election called and held for that purpose. Bonds, notes, and other obligations of the district issued or incurred for projects under Subsection (c) of Section 11 of this Act may not exceed one-fourth of the assessed valuation of the real property of the district.

SECTION 16. ANNEXATION. (a) The owner or owners of land may file with the board a petition requesting that land be included in the district. The land shall be described in the petition by metes and bounds or by lot and block number if there is a recorded plat of the area to be included in the district.

(b) If the district has bonds, notes, or other obligations outstanding or bonds payable in whole or in part from taxes which have been voted but are unissued, the board may require the petitioner or petitioners to assume their share of the outstanding bonds, notes, or other obligations and the voted but unissued tax bonds of the district and authorize the board to levy a tax on their property for each year that any of the bonds, notes, or other obligations payable in whole or in part from taxation are outstanding to pay their share of the indebtedness.

(c) The petition of the landowner or landowners to add land to the district shall be signed and executed in the manner provided by law for the conveyance of real estate.

(d) The board shall hear and consider the petition and may add to the district the land described in the petition if it is considered to be to the advantage of the district.

(e) If the district has bonds payable in whole or in part from taxation that are voted but unissued at the time of an annexation, and the petitioner or petitioners assume the bonds and authorize the district to levy a tax on their property to pay the bonds, then the board may issue the voted but unissued bonds even though the boundaries of the district have been altered since the authorization of the bonds.

(f) A petition that is granted adding land to the district shall be filed for record and shall be recorded in the office of the county clerk of the county or counties in which the land is located.

SECTION 17. REFUNDING BONDS. Refunding bonds may be issued by the district as provided by general law, including Chapter 503, Acts of the 54th Legislature, Regular Session, 1955 (Article 717k, Vernon's Texas Civil Statutes), and Chapter 784, Acts of the 61st Legislature, Regular Session, 1969 (Article 717k-3, Vernon's Texas Civil Statutes).

SECTION 18. DISTRICT FUNDS. (a) The treasurer of the district may have funds of the district deposited, invested, and reinvested in the district's depository bank or other banks or savings associations selected by the authorized investment officers of the district.

(b) To the extent that deposited or invested funds of the district are not insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation, the funds shall be secured in the manner provided by law for the security of funds of counties of this state.

(c) Funds of the district also may be invested and reinvested at the direction of the board or any other authorized representative or investment officer of the district in direct or indirect obligations of the United States, this state, or any county, city, school district, or other political subdivision of this state, or may be placed in certificates of deposit of state or national banks or state or federal savings and loan associations within this state, if those funds are secured in the manner provided for the security of funds of counties of this state or may be invested or reinvested in investment agreements with any financial institution the unsecured debt of which is rated in either of the two highest letter rating categories by a nationally recognized securities rating agency or in other obligations which are rated "A" or higher by a nationally recognized rating agency.

SECTION 19. AD VALOREM TAXES. The ad valorem plan of taxation shall be used by the district, and except as otherwise provided by this Act, Subchapter G, Chapter 54, Water Code, and the Tax Code apply to all matters relating to the levy, assessment, and collection of both current and delinquent taxes of the district.

SECTION 20. USE OF MAINTENANCE TAX. The board may use and pledge the proceeds received from all or any designated portion of the district's maintenance taxes for any lawful purpose, other than the payment of the principal of or interest on bonds. The bonds shall be paid from taxes levied separately to the extent that those bonds are required to be paid from taxes.

SECTION 21. TAX COLLECTOR. (a) The board shall appoint a person as tax collector for the district.

(b) Each person appointed must 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) Compensation for the tax collector and his deputies shall be set by the board.

SECTION 22. DISTRICT ELECTIONS. (a) Elections required to be held by the district shall be called and the results canvassed by the board.

(b) Unless otherwise provided by this Act, elections shall be held in accordance with the Election Code.

(c) Except for the confirmation election, an election held by the district for any purpose may be held separately or may be held at the same time as elections for other purposes. An election held at the same time as elections for other purposes may be called by the board in a single election order and the results canvassed in a single order.

SECTION 23. DISTRICT OFFICE; MEETING PLACE. The board shall designate one or more offices of the district and one or more meeting places of the board either inside or outside the district.

SECTION 24. PERSONNEL. The district may employ personnel needed to accomplish the purposes of the district as set forth in this Act, including a general manager and a tax collector. Compensation for these employees shall be set by the board.

SECTION 25. 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 26. 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 the Senate on May 7, 1987, by the following vote: Yeas 31, Nays 0; May 31, 1987, Senate refused to concur in House amendments and requested appointment of Conference Committee; June 1, 1987, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0. Passed the House, with amendments, on May 29, 1987, by the following vote: Yeas 147, Nays 0, one present not voting; June 1, 1987, House adopted Conference Committee Report by a non-record vote.

Approved June 17, 1987.

Effective Aug. 31, 1987, 90 days after date of adjournment, except as provided by Acts 1987, 70th Leg., 2nd C.S., Ch. 71, § 2.