

CHAPTER 993

S.B. No. 1521

AN ACT

relating to the creation, administration, powers, duties, operation, and the authority to levy taxes, issue bonds, and exercise the power of eminent domain of the North Grand Prairie Flood Control District.

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 created in Dallas County, Texas, to be known as "North Grand Prairie Flood Control 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 the North Grand Prairie Flood Control District.

SECTION 3. BOUNDARIES. The district shall be comprised of three tracts of land containing a total of 658.944 acres of land, more or less, in the City of Grand Prairie, Dallas County, Texas, more fully described as follows:

Tract 1

Being a survey of a tract of 521.882 acres of land and being partly in the Benjamin S. Reed Survey, Abstract No. 1225, partly in the David Bradshaw Survey, Abstract No. 121, and partly in the J. R. Baugh Survey, Abstract No. 137, Dallas County, Texas; and being part of the lands described in two deeds to John R. Hill, Jr., Volume 5468, Page 499 and 501, Deed Records of Dallas County, Texas; and being part of ten tracts of land as described to GIFCO Properties, Inc., Volume 71002, Pages 1755-1757, and being part of a tract as described in a deed to GIFCO Properties, Inc. by deed Volume 70158, Page 435 in the Deed Records of Dallas County, Texas; and being part of tracts of land described in a

deed to Austin Paving Company, Volume 874, Page 2132, Deed Records of Dallas County, Texas.

BEGINNING at a 1/2" iron rod found in the West right-of-way line of Beltline Road, said right-of-way having a width of 120 feet, said point being the northeast corner of said Hill Tract described as "Tract Two" in Volume 5468, Pages 499-500;

THENCE South 3°28'05" West a distance of 851.04 feet along said right-of-way line to a 1/2" iron rod set;

THENCE South 0°22'27" West a distance of 2174.49 feet along said right-of-way line to a 1/2" iron rod set for the most easterly southeast corner of said GIFCO Properties, Inc. tract, Volume 71002, Pages 1755-1757, said point being in the north line of a tract described to the Texas Turnpike Authority, Volume 4410, Page 580, Deed Records of Dallas County, Texas;

THENCE South 72°52'57" West a distance of 425.85 feet to a 1/2" iron rod set for the northwest corner of said Texas Turnpike Authority tract;

THENCE South 0°02'33" East a distance of 45.90 feet to a 1/2" iron rod set in the north right-of-way line of Horseshoe Lake Road;

THENCE North 89°43'03" West a distance of 1214.44 feet along said north right-of-way line to a concrete monument;

THENCE South 0°16'57" West a distance of 20.00 feet to a railroad spike set for southeast corner of said Austin Paving tract;

THENCE North 89°43'03" West a distance of 993.46 feet along the south line said Austin Paving tract to a 1/2" iron rod set;

THENCE North 89°43'03" West continuing along said south line an additional distance of 150.00 feet to a point in the center of the West Fork of the Trinity River;

THENCE Northwesterly along the centerline of the West Fork of the Trinity River as follows:

First, North 58°08'03" West a distance of 320.70 feet,
 Thence North 3°33'14" West a distance of 339.21 feet,
 Thence North 25°14'55" West a distance of 301.94 feet,
 Thence North 54°17'59" West a distance of 202.82 feet,
 Thence North 64°09'00" West a distance of 410.64 feet,
 Thence North 42°36'41" West a distance of 342.22 feet,
 Thence North 44°33'31" West a distance of 559.86 feet,
 Thence North 45°48'50" West a distance of 339.51 feet,
 Thence North 30°27'06" West a distance of 384.90 feet,
 Thence North 17°55'40" West a distance of 585.87 feet,
 Thence North 34°26'53" West a distance of 342.76 feet,
 Thence North 51°17'36" West a distance of 738.32 feet,
 Thence North 43°39'30" West a distance of 669.90 feet,
 Thence North 27°23'26" West a distance of 410.66 feet,
 Thence North 38°17'38" West a distance of 476.08 feet,
 Thence North 56°46'46" West a distance of 469.30 feet,
 Thence North 64°39'58" West a distance of 556.74 feet,

THENCE North 40°42'48" West a distance of 78.59 feet to a point for the northwest corner of said GIFCO Properties, Inc. tract deeded in Volume 70158, Page 435; said point being the southwest corner of a tract described to GIFCO Properties, Inc., Volume 71085, Page 558, Deed Records of Dallas County, Texas;

THENCE South 85°09'39" East a distance of 107.14 feet along the north line of said GIFCO Properties, Inc. tract deeded Volume 70158, Page 435, to a found fence corner;

THENCE South 85°09'39" East a distance of 1550.87 feet to a 1/2" iron rod found for the Southeast corner of said GIFCO Properties, Inc., Volume 71085, Page 558;

THENCE South 38°42'08" East a distance of 75.52 feet to a 1/2" iron rod found in the south right-of-way line of Wildlife Parkway, said right-of-way having a width of 120 feet;

THENCE South 89°59'56" East a distance of 1249.88 feet along said right-of-way line to a 1/2" iron rod found;

THENCE South 89°58'20" East a distance of 2934.37 feet to a point for the beginning of a curve to the left, said point being offset by a 1/2" iron rod set North 0°00'48" East a distance of 40.00 feet, said curve having an internal angle of 11°44'49", a radius of 954.93 feet, and a tangent of 98.24 feet;

THENCE Easterly along said curve to the left for an arc distance of 195.78 feet to a point for the beginning of a curve to the right, said point being offset by a 1/2" iron rod set North 0°00'48" East a distance of 20.00 feet, said curve having an internal angle of 11°44'49", a radius of 954.93 feet, and a tangent of 98.24 feet;

THENCE Easterly along said curve to the right for an arc distance of 195.78 feet to a 1" iron rod found for northeast corner of said tract described to GIFCO Properties, Inc., Volume 71002, Pages 1755-1757, said point also being the northwest corner of a tract of land described to Beltline—Lion Country Investments, Volume 73194, Page 1301;

THENCE South 0°44'23" West a distance of 652.40 feet to a 1/2" iron rod found for corner of said tract of land described to GIFCO Properties, Inc., Volume 71002, Pages 1755-1757; said point also being the southwest corner of said Beltline—Lion Country Investments tract;

THENCE South 89°55'47" West a distance of 105.08 feet to a 1/2" iron rod found for corner; said point being the northwest corner of a tract of land described to B.L. McCoy dated 1-27-45, in the Deed Records of Dallas County, Texas;

THENCE South 0°17'46" West, a distance of 503.25 feet along the west line of said McCoy tract to a concrete monument found;

THENCE South 0°40'11" West, continuing along said west line a distance of 326.22 feet to a concrete monument found;

THENCE South 0°14'33" West, continuing along said west line a distance of 42.95 feet to a 1/2" iron rod set;

THENCE South 0°14'33" West, continuing along said west line an additional distance of 206.62 to a concrete monument as described in a boundary agreement, between O.M. McCoy and GIFCO Properties, Inc., recorded in Volume 85076, Pages 4194-4197 of said deed records;

THENCE South 0°40'40" West, continuing along said west line a distance of 288.86 feet to a fence corner as described in a boundary agreement between C.W. McCoy and GIFCO Properties, Inc., recorded in Volume 85153, Pages 1777-1780 of said deed records;

THENCE North 89°44'16" East, a distance of 1545.94 feet, along the south line of said McCoy tract as described in a boundary agreement between C.W. McCoy and John R. Hill, Jr., recorded in Volume 85153, Pages 1774-1776 of said deed records, to the POINT OF BEGINNING and containing 521.882 acres of land more or less.

Tract 2

Being a survey of a 96.548 acre tract of land in the Levi Franklin Survey, Abstract No. 470, Dallas County, Texas; and being a portion of two tracts of land conveyed to GIFCO Properties, recorded in Volume 73142, Page 1862, and Volume 73142, Page 1870 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 5/8" iron rod found on the north right-of-way line of Wildlife Parkway, said right-of-way having a width of 120 feet, said iron rod also being the southeast corner of a tract of land conveyed to Tommy Barton and Ray E. Jones in Volume 80246, Page 1476 of said deed records;

THENCE North 0 degrees 19 minutes 40 seconds West, along the east line of a tract of land conveyed to Tommy Barton and Ray E. Jones in Volume 80012, Page 2191 of said deed records, a distance of 2081.25 feet to a 3/8" diameter iron rod found for a corner,

said iron rod being on the most southerly south line of a tract of land conveyed to Tommy Barton in Volume 80115, Page 707 of said deed records;

THENCE North 89 degrees 47 minutes 23 seconds East, along said south line of said Barton Tract, a distance of 1065.08 feet to a 1/2" diameter iron rod found for a corner;

THENCE North 0 degrees 21 minutes 21 seconds West, along the most westerly east line of said Barton Tract, a distance of 549.83 feet to a 1/2" diameter iron rod set for a corner, said iron rod being on the north line of said Levi Franklin Survey and the south line of the James McLaughlin Survey, Abstract No. 848, Dallas County, Texas;

THENCE North 89 degrees 47 minutes 23 seconds East, along the most northerly south line of said Barton Tract and along the north line of said Levi Franklin Survey and the south line of said McLaughlin Survey, a distance of 748.46 feet to a 1/2" diameter iron rod set for a corner;

THENCE South 0 degrees 30 minutes 28 seconds East, along a fence line, a distance of 2641.50 feet to a 3/8" diameter iron rod found for a corner, said iron rod being located on the north right-of-way of said Wildlife Parkway, said iron rod also being the southwest corner of a tract of land conveyed to D. Lacey in Volume 77238, Page 1573 of said deed records;

THENCE North 89 degrees 53 minutes 01 second West, along the north right-of-way of said Wildlife Parkway and along a fence line, a distance of 1821.62 feet to the POINT OF BEGINNING and containing a 96.548 acres of land more or less.

Tract 3

BEING a survey of a 40.514 acre tract of land in the J.R. Baugh Survey, Abstract 137, and being part of a tract of land conveyed to Gifco Properties Inc. as recorded in Volume 71085, Page 558, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a found 1/2" iron rod located on the Southeast corner of said Gifco tract, said point also being on the North line of tract of land conveyed to Gifco Properties, Inc. as recorded in Volume 70158, Page 435;

THENCE North 85 degrees 09 minutes 39 seconds West, along the North line of said Gifco Properties, Inc. tract deeded Volume 70158, Page 435, passing a found fence post at 1550.87 feet and continuing in all 1658.01 feet to a point for a corner, said corner being in the center of the West Fork of the Trinity River;

THENCE Northerly with the center line of the Trinity River as follows:

FIRST N 42°16'14"W a distance of 20.04 feet;
 THENCE N 30°19'23"W a distance of 92.27 feet;
 THENCE N 10°29'54"W a distance of 86.04 feet;
 THENCE N 13°50'43"E a distance of 93.62 feet;
 THENCE N 17°28'51"E a distance of 46.94 feet;
 THENCE N 17°45'09"E a distance of 149.40 feet;
 THENCE N 18°55'08"E a distance of 107.81 feet;
 THENCE N 19°48'08"E a distance of 434.67 feet;
 THENCE N 12°50'17"E a distance of 203.96 feet;
 THENCE N 09°43'12"E a distance of 140.22 feet;
 THENCE N 05°28'47"E a distance of 294.01 feet;
 THENCE N 07°55'40"W a distance of 175.21 feet;

THENCE South 89 degrees 24 minutes 14 seconds East, along the south line of a tract of land deeded to R.L. Lewis in Volume 3406, Page 397, a distance of 629.20 feet to a found fence post for a corner, said corner being on the west right-of-way line of Hard Rock Road;

THENCE South 0 degrees 30 minutes 34 seconds East, along the west right-of-way of said Hard Rock Road, a distance of 446.98 feet to an iron rod set for a corner;

THENCE South 10 degrees 06 minutes 14 seconds East, along said west right-of-way, a distance of 294.62 feet to an iron rod set for a corner;

THENCE South 20 degrees 56 minutes 14 seconds East, along said west right-of-way, a distance of 603.15 feet to an iron rod set for a corner;

THENCE South 39 degrees 03 minutes 25 seconds East, along said west right-of-way, a distance of 778.15 feet to the POINT OF BEGINNING and containing 40.514 acres of land more or less.

SECTION 4. LEGISLATIVE FINDINGS. (a) The legislature finds that the purposes of Article XVI, Section 59, of the Texas Constitution will be accomplished by the creation of the district and that all land and other property included in 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 finds that the boundaries of each tract of land included within the district form a closure. If any mistake is made in the field notes or in the copying thereof in the legislative process, it in no way affects the organization, existence, and the validity of the district in the exercise of any powers, functions, purposes, or authority provided by this Act, including the authority to issue bonds or refunding bonds or the right to levy and collect taxes.

(c) The legislature finds that the requirements of Article XVI, Sections 59(d) and (e), of the Texas Constitution have been met and that the legislature has the authority to enact this Act.

SECTION 5. POWERS; SUPERVISION. (a) The district shall have and may exercise all of the rights, powers, privileges, authority, and functions conferred by the general laws of this state applicable to levee improvement districts including those conferred by Chapter 57, Water Code. If any provision of general law is in conflict or inconsistent with this Act, this Act prevails.

(b) The district may accomplish the reclamation of land in the district by:

(1) the construction of levees;

(2) the filling of the land;

(3) the construction of overflow and drainage channels;

(4) the construction of pump stations; or

(5) any combination of the means included in and a part of any approved plan of reclamation.

(c) The rights, powers, privileges, authority, and functions granted to the district are subject to the continuing right of supervision by the state to be exercised by and through the Texas Water Commission.

SECTION 6. CONFIRMATION ELECTION. The district is created subject to the approval of the qualified voters voting at a confirmation election. The confirmation election may be held at the same time as a bond and a maintenance tax election.

SECTION 7. BOARD OF DIRECTORS. (a) All powers of the district shall be exercised by a board of three directors. Each director shall be appointed by the city council of the City of Grand Prairie, Texas.

(b) The terms of the first appointed directors expire January 15, 1989, and all subsequent directors serve two-year terms.

(c) Any vacancy on the board shall be filled by appointment by the remaining directors. The person appointed serves for the remainder of the unexpired term.

(d) A director must own taxable property in the district or be a resident of the district.

(e) The board shall elect from its members a president, vice-president, and secretary-treasurer and may appoint an assistant secretary-treasurer who is not a director, all of whom shall have and exercise the powers and duties specified by orders of the board.

(f) The board shall designate its special meeting place or places and its regular meeting date and must publish notice of a meeting in a newspaper with general circulation in the City of Grand Prairie.

(g) The board shall perform all functions necessary to sell bonds or notes of the district, to pay indebtedness of the district, to invest the funds of the district, to levy taxes, and to otherwise manage the affairs of the district. The board may employ the persons it considers necessary to assist the district in its affairs.

SECTION 8. GENERAL POWERS AND DUTIES. (a) The district may purchase, acquire, construct, own, operate, maintain, repair, rebuild, add to, and make improvements to any works, facilities, plants, equipment, and appliances necessary, helpful, or incident to any purposes of the district as provided by this Act or by general law.

(b) In accomplishing the district's purposes, the board of directors may issue bonds, refunding bonds, bond anticipation notes, tax anticipation notes, and other notes, may enter into contracts, and may incur obligations.

(c) Except for refunding bonds, bonds may not be issued and a maintenance tax may not be levied until an election has been called and held for that purpose.

(d) 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 including any confirmation, director, or maintenance tax election that may be held on the same day as a bond election or any other election. 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.

(e) District bonds may be issued in the form, denominations, and containing the terms and conditions determined by the board. From the first bond issue, the district may make reimbursement for all organizational costs and any funds advanced to the district.

(f) The board may exercise the power of eminent domain as provided by Chapter 21, Property Code, provided that the City of Grand Prairie has authorized the district to institute the proceedings.

(g) If through the exercise of eminent domain authority or otherwise the district makes necessary the relocating, raising, rerouting, changing the grade of, or altering the construction of any highway, railroad, electric transmission or distribution line, pipeline, or telephone or telegraph properties or facilities in the exercise of powers granted under this chapter, the district shall pay all of the actual cost of the relocating, raising, rerouting, changing in grade, or altering of construction and shall pay all of the actual cost of providing comparable replacement of facilities without enhancement, less the net salvage value of the facilities.

SECTION 9. ANNEXATION. The district may annex additional land to the district or it may exclude land from the district, in the manner provided by Chapter 54, Water Code.

SECTION 10. REFUNDING BONDS. Refunding bonds may be issued by the district in any manner authorized 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 11. BONDS AS INVESTMENTS AND SECURITY. Bonds of the district are authorized investments and security for deposits of public funds in the manner and to the extent provided by Section 54.515, Water Code.

SECTION 12. BOND ANTICIPATION NOTES. The district may issue bond anticipation notes and tax anticipation notes for any authorized purpose in the manner provided by Chapter 54, Water Code.

SECTION 13. TAX. (a) The board may annually levy taxes in the district to pay the principal of and interest on bonds issued by the district and the expense of assessing and collecting the taxes.

(b) The board may levy taxes for the entire year in which the district is created.

(c) The board shall levy taxes on all property within the boundaries of the district subject to district taxation.

(d) In setting the tax rate under this section, the board shall take into consideration the income of the district from sources other than taxation. On determination of the

amount of tax required to be levied, the board shall make the levy and certify it to the tax assessor-collector.

(e) On approval of a majority of the voters in the district at an election called and held for that purpose, the district may levy and collect a maintenance and operating tax in an amount to be used to defray the maintenance and operating costs of the district and its facilities. An election held under this subsection shall be held as provided by this Act for bond elections.

(f) The board may provide for the appointment of a tax assessor-collector for the district or may contract for the assessment and collection of taxes as provided by the Tax Code.

(g) If the board appoints a tax assessor-collector, the person appointed shall execute a bond in an amount set by the board and payable to the district, conditioned on the faithful performance of his duties. The district shall pay the cost of the bond.

(h) The Tax Code governs the appraisal, assessment, and collection of district taxes.

SECTION 14. 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 15. 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 28, 1987, by the following vote: Yeas 30, Nays 0. Passed the House on May 29, 1987, by the following vote: Yeas 147, Nays 0, one present not voting.

Approved June 18, 1987.

Effective June 18, 1987.