

AN ACT

relating to the creation of the Seven Oaks Ranch Municipal Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 8347 to read as follows:

CHAPTER 8347. SEVEN OAKS RANCH MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8347.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Seven Oaks Ranch Municipal Utility District.

Sec. 8347.002. NATURE OF DISTRICT. The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8347.003. CONFIRMATION ELECTION REQUIRED. (a) The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

(b) If the creation of the district is not confirmed at a confirmation election before September 1, 2013:

(1) the district is dissolved September 1, 2013,

1 except that the district shall:

2 (A) pay any debts incurred;

3 (B) transfer to Williamson County any assets that
4 remain after the payment of debts; and

5 (C) maintain the organization of the district
6 until all debts are paid and remaining assets are transferred; and

7 (2) this chapter expires September 1, 2016.

8 Sec. 8347.004. CONSENT OF MUNICIPALITY REQUIRED. The
9 temporary directors may not hold an election under Section 8347.003
10 until each municipality in whose corporate limits or
11 extraterritorial jurisdiction the district is located has
12 consented by ordinance or resolution to the creation of the
13 district and to the inclusion of land in the district.

14 Sec. 8347.005. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
15 land and other property in the district will benefit from the
16 improvements and services to be provided by the district.

17 Sec. 8347.006. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act creating this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act creating this chapter form a closure. A mistake made in the
22 field notes or in copying the field notes in the legislative process
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for a purpose for
26 which the district is created or to pay the principal of and
27 interest on the bond;

1 (3) right to impose an assessment or tax; or

2 (4) legality or operation.

3 [Sections 8347.007-8347.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

5 Sec. 8347.051. GOVERNING BODY; TERMS. (a) The district is
6 governed by a board of five elected directors.

7 (b) Except as provided by Section 8347.052, directors serve
8 staggered four-year terms.

9 Sec. 8347.052. INITIAL DIRECTORS. (a) The initial board
10 consists of:

11 (1) Edward Rathgeber;

12 (2) R. Tim Mitchell;

13 (3) Mike Wittenberg;

14 (4) Marcos Canchola; and

15 (5) Bob Brent.

16 (b) Unless the initial board agrees otherwise, the initial
17 directors shall draw lots to determine which two shall serve until
18 the first regularly scheduled election of directors and which three
19 shall serve until the second regularly scheduled election of
20 directors.

21 (c) This section expires September 1, 2016.

22 [Sections 8347.053-8347.100 reserved for expansion]

23 SUBCHAPTER C. POWERS AND DUTIES

24 Sec. 8347.101. GENERAL POWERS AND DUTIES. The district has
25 the powers and duties necessary to accomplish the purposes for
26 which the district is created.

27 Sec. 8347.102. MUNICIPAL UTILITY DISTRICT POWERS AND

1 DUTIES. The district has the powers and duties provided by the
2 general law of this state, including Chapters 49 and 54, Water Code,
3 applicable to municipal utility districts created under Section 59,
4 Article XVI, Texas Constitution.

5 Sec. 8347.103. REGIONAL WASTE DISPOSAL POWERS AND DUTIES.
6 The district has the powers and duties applicable to a district
7 under Chapter 30, Water Code.

8 Sec. 8347.104. COMPLIANCE WITH MUNICIPAL CONSENT
9 RESOLUTION. The district shall comply with all applicable
10 requirements of any resolution, adopted by the governing body of a
11 municipality under Section 54.016, Water Code, that consents to the
12 creation of the district or to the inclusion of land in the
13 district.

14 Sec. 8347.105. WASTEWATER TREATMENT FACILITY DESIGN
15 APPROVAL. The district must obtain the approval of the Brazos River
16 Authority for the design of any district wastewater treatment
17 facility.

18 Sec. 8347.106. WASTEWATER SERVICE PROVIDERS. Only the
19 Brazos River Authority or a provider approved by the Brazos River
20 Authority may provide wastewater service in the district.

21 Sec. 8347.107. COMPLIANCE WITH FEBRUARY 2005 AGREEMENT.
22 The district shall comply with the terms of the "Agreement
23 Regarding Sewer Services Areas and Customers" among the Lower
24 Colorado River Authority, the Brazos River Authority, the City of
25 Georgetown, the City of Liberty Hill, and the Chisholm Trail
26 Special Utility District dated February 1, 2005.

27 Sec. 8347.108. STREET REPAIR AND MAINTENANCE. (a) After

1 September 1, 2019, the district, at the district's expense, shall
2 repair and maintain any streets in the district.

3 (b) A district's repair and maintenance of streets under
4 this section must meet all applicable construction standards and
5 regulations of Williamson County.

6 Sec. 8347.109. LIMITATION ON USE OF EMINENT DOMAIN. The
7 district may not exercise the power of eminent domain outside the
8 district to acquire a site or easement for a recreational facility
9 as defined by Section 49.462, Water Code.

10 [Sections 8347.110-8347.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8347.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
13 district may issue, without an election, bonds and other
14 obligations secured by revenue or contract payments from a source
15 other than ad valorem taxation.

16 (b) The district must hold an election in the manner
17 provided by Chapters 49 and 54, Water Code, to obtain voter approval
18 before the district may impose an ad valorem tax or issue bonds
19 payable from ad valorem taxes.

20 (c) An ad valorem tax rate imposed by the district may not
21 exceed the rate approved at the election.

22 Sec. 8347.152. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 8347.151, the district
24 may impose an operation and maintenance tax on taxable property in
25 the district as provided by Section 49.107, Water Code.

26 (b) The board shall determine the tax rate. The rate may not
27 exceed the rate approved at the election.

1 [Sections 8347.153-8347.200 reserved for expansion]

2 SUBCHAPTER E. BONDS

3 Sec. 8347.201. AUTHORITY TO ISSUE BONDS AND OTHER
4 OBLIGATIONS. The district may issue bonds or other obligations
5 payable wholly or partly from ad valorem taxes, impact fees,
6 revenue, grants, or other district money, or any combination of
7 those sources, to pay for any authorized district purpose.

8 Sec. 8347.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
9 the time bonds or other obligations payable wholly or partly from ad
10 valorem taxes are issued:

11 (1) the board shall impose a continuing direct annual
12 ad valorem tax, at a rate not to exceed the rate approved at an
13 election held under Section 8347.151, for each year that all or part
14 of the bonds are outstanding; and

15 (2) the district annually shall impose an ad valorem
16 tax on all taxable property in the district in an amount sufficient
17 to:

18 (A) pay the interest on the bonds or other
19 obligations as the interest becomes due;

20 (B) create a sinking fund for the payment of the
21 principal of the bonds or other obligations when due or the
22 redemption price at any earlier required redemption date; and

23 (C) pay the expenses of imposing the taxes.

24 SECTION 2. The Seven Oaks Ranch Municipal Utility District
25 initially includes all the territory contained in the following
26 area:

27 DESCRIPTION FOR JAY ALAN LANSDALE ET. UX. - ROBERT D. WUNSCH,

1 TRUSTEE

2 BEING 35.00 acres of the William Ashworth Survey, Abstract
3 No. 24, in Williamson County, Texas. This tract is the same property
4 called 35 acres as described in a deed to Jay A. Lansdale, et. ux.,
5 of record in Doc. 2004025768, Official Records of Williamson
6 County, Texas (ORWCT). This tract was surveyed on the ground in
7 April of 2008, by William F. Forest, Jr., Registered Professional
8 Land Surveyor No. 1847. Survey note: The bearing basis for this
9 survey is the State Plane Coordinate System, Grid North, Texas
10 Central Zone.

11 BEGINNING at an iron pin which was found in the curved South
12 line of State Highway 29, at the Northwest corner of a 49.99 acre
13 tract which is described in a deed to River Chase Subdivision II
14 Ltd. of record in Doc. 2007104313 (ORWCT), and at the Northeast
15 corner of the said 35 ac. property of Jay A. Lansdale.

16 THENCE along or near the general line of an existing fence,
17 with the East boundary Lansdale and the West boundary of the said
18 49.99 acre tract, S 20 deg. 32 min. 40 sec. E at 2468.65 feet pass an
19 iron pin found, continuing an additional (L10) 126.38 feet, in all
20 2595.03 feet to the approximate center of the San Gabriel River.

21 THENCE upstream with the approximate center of the River, and
22 with the lower North boundary of a 137.21 acre property which is
23 described in a deed to River Chase Subdivision II Ltd. (Doc.
24 2008004193 ORWCT), as follows; (L9) S 81 deg. 42 min. 13 sec. W
25 225.43 feet; (L8) N 85 deg. 25 min. 07 sec. W 260.32 feet; and N 70
26 deg. 09 min. 07 sec. W 154.29 feet.

27 THENCE with the East boundary of the reserve of a tract of

1 0.93 ac. as conveyed to Robert Scruggs (2092/414 ORWCT); less 0.255
2 acre as conveyed by Court Judgment to David Kelley, et. ux. Cause
3 82-180C, (L23) N 20 deg. 36 min. 51 sec. W 133.22 feet to an iron pin
4 found at the Southeast corner of the said 0.255 ac. Kelley tract.

5 THENCE with the boundary of the property conveyed to Jay A.
6 Lansdale, (L24) S 74 deg. 15 min. 31 sec. W 36.49 feet to an iron pin
7 set.

8 THENCE with the common boundary between Lansdale and Scruggs,
9 N 20 deg. 07 min. 50 sec. W 331.71 feet to an iron pin found at the
10 Southeast corner of a 14.558 acre property conveyed to Henry and
11 Patricia Blum (1618/75).

12 THENCE with the common boundary between Lansdale and Blum
13 finding iron pins in a fence line as follows; (L25) N 20 deg. 10 min.
14 26 sec. W 44.99 feet; N 07 deg. 00 min. 16 sec. W 131.76 feet; N 18
15 deg. 33 min. 47 sec. W 416.90 feet; and continuing with a line that
16 departs the fence, N 20 deg. 56 min. 52 sec. W 706.17 feet.

17 THENCE with an unfenced boundary finding iron pins that are
18 West of the fence, following the East line of the 13.83 acre
19 property which is described in a deed to Albert and Cynthia Garcia
20 (2476/920); N 21 deg. 02 min. 33 sec. W 419.30 feet to an iron pin
21 found; and continuing with the East line of the property of William
22 C. and Catherine Carrizales-Pintor (3.37 ac. Doc. 9624329 ORWCT), N
23 20 deg. 57 min. 29 sec. W 629.07 feet to an iron pin set Northerly
24 from an iron pin found which stands S 20 deg. 57 min. 29 sec. E 0.88
25 feet.

26 THENCE with the South boundary of S.H. 29 and the North
27 boundary of Jay Lansdale, finding concrete right-of-way monuments

1 as follows; (L26) S 53 deg. 59 min. 35 sec. E 96.86 feet; and (L27) S
2 41 deg. 57 min. 59 sec. E 95.73 feet to the beginning of a curve to
3 the left having a radius of 697.27 feet; continuing with the arc of
4 the curve 592.49 feet, the chord bears S 78 deg. 25 min. 45 sec. E
5 574.83 feet to the POINT OF BEGINNING.

6 * * * * *

7 DESCRIPTION FOR RIVER CHASE SUBDIVISION II LTD.

8 BEING 49.99 acres of the William Ashworth Survey, Abstract
9 No. 24, in Williamson County, Texas. This tract is the same 49.99
10 acre property which is described in a deed to River Chase
11 Subdivision II Ltd. of record in Doc. 2007104313, Official Records
12 of Williamson County, Texas (ORWCT). This tract was surveyed on
13 the ground in December of 2008, under the supervision of William F.
14 Forest, Jr., Registered Professional Land Surveyor No. 1847. Survey
15 note: The bearing basis for this survey is the State Plane
16 Coordinate System, Grid North, Texas Central Zone. Line codes used
17 herein are in agreement with the survey plat prepared this date.

18 BEGINNING at an iron pin which was found in the curved South
19 line of State Highway 29, at the Northwest corner of the said 49.99
20 acre property and at the Northeast corner of the 35 ac. property
21 conveyed to Waterstone Land and Cattle Co. L.P. as described in Doc.
22 2008050683 (ORWCT).

23 THENCE with the South line of State Highway 29, (C1) 54.10
24 feet with the arc of a curve to the left having a radius of 697.27
25 feet; the chord bears N 75 deg. 00 min. 18 sec. E 54.09 feet to an
26 iron pin found at the end of the curve; N 68 deg. 44 min. 48 sec. E
27 417.01 feet to a concrete right-of-way marker found; and N 73 deg.

1 18 min. 54 sec. E 328.98 feet to an iron pin found.

2 THENCE with the East line of the said 49.99 acre tract and the
3 upper West line of the 137.21 acre tract which is described in a
4 deed to River Chase Subdivision II Ltd. (Doc. 2008004193), S 20 deg.
5 32 min. 29 sec. E at 2748.66 feet pass an iron pin found; continuing
6 (L16) S 20 deg. 32 min. 29 sec. E an additional 116.99 feet to the
7 approximate center of the San Gabriel River, continuing in all
8 2865.65 feet.

9 THENCE upstream with the approximate center of the River and
10 the South boundary of the said tract called 49.99 acres, following
11 the boundary of the said 137.21 acres, (L15) S 78 deg. 19 min. 05
12 sec. W 61.75 feet; (L14) N 85 deg. 06 min. 10 sec. W 108.27 feet;
13 (L13) N 81 deg. 53 min. 40 sec. W 106.23 feet; (L12) N 89 deg. 43
14 min. 10 sec. W 440.07 feet; and (L11) S 81 deg. 42 min. 20 sec. W
15 138.73 feet.

16 THENCE with the West line of the said tract called 49.99 acres
17 and with the East line of the 35 acre tract conveyed to Waterstone
18 Land and Cattle Co. L.P. (L10) N 20 deg. 32 min. 40 sec. W at 126.38
19 feet pass an iron pin found on the North bank of a waterway;
20 continuing N 20 deg. 32 min. 40 sec. W an additional 2468.65 feet,
21 continuing in all 2595.03 feet to the POINT OF BEGINNING.

22 * * * * *

23 DESCRIPTION FOR DAVID L. KELLEY, TRUSTEE - ROBERT D. WUNSCH,
24 TRUSTEE

25 BEING 137.21 acres of the William Ashworth Survey, Abstract
26 No. 24, in Williamson County, Texas. This tract is part of the
27 property which was described in a deed to David L. Kelley, Trustee

1 of the David L. Kelley Asset Liquidating Trust as set out in Doc.
2 2002001651 of the Official Records of Williamson County, Texas
3 (ORWCT). This tract was surveyed on the ground in October of 2007,
4 by William F. Forest, Jr., Registered Professional Land Surveyor
5 No. 1847. Survey note: The bearing basis for this survey is the
6 State Plane Coordinate System, Grid North, Texas Central Zone.
7 Line numbers utilized herein correlate to the attached survey plat
8 prepared this date.

9 BEGINNING at an iron pin which was found in the West line of
10 the property conveyed to Sam A. Easley Jr. as described in Vol. 221,
11 Pg. 55 (Deed Records), and in the East boundary of the 100 acre
12 property conveyed to Gladys Townsend as described in Doc.
13 2003078951 (ORWCT). This corner exists at the Southwest corner of
14 Tract 1 called 375.88 acres (formerly 821/499) as described in the
15 said Correction Deed to David L. Kelley, at the Northwest corner of
16 the 433.04 acre tract conveyed to L. Kotrla Property, LLC. of record
17 in Doc. 2005094096 (ORWCT) and at the Southwest corner of the 108.91
18 acre Tract 4 described in said Kelley deed (Tract 4 is an exception
19 tract out of Tract 1).

20 THENCE along or near the general line of an existing fence, N
21 20 deg. 06 min. 11 sec. W 469.98 feet with the East line of Townsend
22 to an iron pin found; continuing with the East line of the 483.20
23 acre tract conveyed to Wallace Seggern as described in Vol. 742, Pg.
24 295 (Deed Records); setting iron pins in the fence line as follows;
25 (L1) N 18 deg. 58 min. 54 sec. W 122.43 feet; (L2) N 33 deg. 28 min.
26 04 sec. W 92.26 feet; N 20 deg. 25 min. 40 sec. W 338.43 feet; and
27 (L3) N 22 deg. 29 min. 25 sec. W 106.13 feet to an iron pin found;

1 continuing with the common line of Seggern, with a line that departs
2 the fence, as follows; (L4) N 15 deg. 01 min. 45 sec. E 45.37 feet to
3 a pipe found; and (L5) N 20 deg. 17 min. 05 sec. W 219.29 feet to an
4 iron pin set in the fence line, continuing along or near the East
5 side of the fence with the West line of the said 108.91 acre Kelley
6 tract, N 19 deg. 50 min. 50 sec. W 345.41 feet to an iron pin set 1.5
7 feet East of the fence; N 20 deg. 12 min. 18 sec. W 1142.13 feet to
8 an iron pin set; departing the West line of the 108.91 acre Tract 4
9 and continuing with the West line of the said 375.88 acre tract and
10 its common line with Seggern, (L6) N 20 deg. 12 min. 18 sec. W 165.97
11 feet to the approximate center of the channel of the San Gabriel
12 River.

13 THENCE downstream with the South line of the 35 acre tract
14 conveyed to Jay A. Lansdale (Doc. 2004025768) and with the
15 approximate center of the river, as follows; (L7) S 70 deg. 09 min.
16 07 sec. E 203.33 feet; (L8) S 85 deg. 25 min. 07 sec. E 260.32 feet;
17 (L9) N 81 deg. 42 min. 13 sec. E 225.43 feet; continuing with the
18 South line of the 50 acre tract conveyed to Round Rock Hydromulch,
19 Inc. as described in Doc. 2004018474 (ORWCT); (L11) N 81 deg. 42
20 min. 20 sec. E 138.73 feet; (L12) S 89 deg. 43 min. 10 sec. E 440.07
21 feet; (L13) S 81 deg. 53 min. 40 sec. E 106.23 feet; (L14) S 85 deg.
22 06 min. 10 sec. E 108.27 feet; and (L15) N 78 deg. 19 min. 05 sec. E
23 61.75 feet.

24 THENCE with the East boundary of the said 50 acre Hydromulch
25 tract, (L16) N 20 deg. 32 min. 29 sec. W 116.99 feet to an iron pin
26 found on the North bank of the river; and N 20 deg. 32 min. 29 sec. W
27 2748.66 feet to an iron pin found.

1 THENCE with the South line of State Highway 29, N 73 deg. 18
2 min. 19 sec. E 422.98 feet to an iron pin set at the Northeast corner
3 of the said 375.88 acre tract. This corner is the Northeast corner
4 of the 224.18 acre property partitioned to Dorothy Aline Edwards as
5 described in Vol. 582, Pg. 291, Deed Records.

6 THENCE with the common boundary between Kelly (Edwards) and
7 Clare C. Mashburn (563/68), with a line that departs the existing
8 fence, S 19 deg. 58 min. 13 sec. E 3445.88 feet to an iron pin found.

9 THENCE with the boundary of the Easley Sloan Cemetery (Doc.
10 2007079512), (L17) S 17 deg. 25 min. 25 sec. W 162.99 feet to an iron
11 pin found; and (L18) S 73 deg. 28 min. 54 sec. E 125.17 feet to an
12 iron pin found. An iron pin found at the Southeast corner of the
13 Cemetery stands (L19) S 66 deg. 25 min. 32 sec. E 13.69 feet.

14 THENCE with the East line of the said 108.91 acre tract and
15 the West line of the Clare Mashburn property, with a line that does
16 not follow area fencing, S 19 deg. 59 min. 28 sec. E 1658.10 feet to
17 an iron pin set. Most of this line follows the West line of a 30
18 foot wide easement to the Easley Sloan Cemetery (see covenant
19 563/68).

20 THENCE with the North boundary of the 100.08 acre property
21 conveyed to Oak Stump, LLC. as described in Doc. 2003094213
22 (ORWCT), S 69 deg. 59 min. 39 sec. W 482.83 feet to an iron pin found
23 at a fence corner; continuing along or near an existing fence, with
24 the North boundary of the said 433.04 acre Kotrla tract, S 69 deg.
25 59 min. 40 sec. W 1321.01 feet to the POINT OF BEGINNING.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor has submitted the notice and Act to the
7 Texas Commission on Environmental Quality.

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to this Act with the governor,
10 lieutenant governor, and speaker of the house of representatives
11 within the required time.

12 (d) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

16 SECTION 4. This Act takes effect September 1, 2009.

David Newkirk

President of the Senate

Jon Strom

Speaker of the House

I certify that H.B. No. 4799 was passed by the House on May 15, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 4799 on May 29, 2009, by the following vote: Yeas 140, Nays 0, 1 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 4799 was passed by the Senate, with amendments, on May 27, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Law

Secretary of the Senate

APPROVED: 19 JUN '09

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2PM O'CLOCK

JUN 19 2009

Colby Hunter III