

AN ACT

relating to the creation of the City of Fort Worth Municipal Utility District No. 1 of Denton County; providing authority to impose a tax and issue bonds; granting the 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 8129 to read as follows:

CHAPTER 8129. CITY OF FORT WORTH MUNICIPAL UTILITY DISTRICT

NO. 1 OF DENTON COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8129.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the City of Fort Worth Municipal Utility District No. 1 of Denton County.

Sec. 8129.002. NATURE OF DISTRICT. The district is a municipal utility district in Denton County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8129.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8129.024 before September 1, 2009:

(1) the district is dissolved September 1, 2009,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Denton County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2012.

9 Sec. 8129.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act creating this chapter form a closure. A mistake made in the
14 field notes or in copying the field notes in the legislative process
15 does not affect:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to impose taxes;

19 (3) the validity of the district's bonds, notes, or
20 indebtedness; or

21 (4) the legality or operation of the district or the
22 board.

23 [Sections 8129.005-8129.020 reserved for expansion]

24 SUBCHAPTER A1. TEMPORARY PROVISIONS

25 Sec. 8129.021. TEMPORARY DIRECTORS. (a) On or after
26 September 1, 2005, a person who owns land in the district may submit
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the commission appoint as temporary directors the
2 five persons named in the petition.

3 (b) The commission shall appoint as temporary directors the
4 five persons named in the first petition received by the commission
5 under Subsection (a).

6 (c) If a temporary director fails to qualify for office, the
7 commission shall appoint a person to fill the vacancy.

8 (d) Temporary directors serve until the earlier of:

9 (1) the date directors are elected under Section
10 8129.024; or

11 (2) the date this chapter expires under Section
12 8129.003.

13 Sec. 8129.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall meet at a location in the district
17 agreeable to a majority of the directors. If a location cannot be
18 agreed upon, the meeting shall be at the Denton County Courthouse.
19 At the meeting, the temporary directors shall elect officers from
20 among the temporary directors and conduct any other district
21 business.

22 Sec. 8129.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

23 (a) The temporary directors may not hold an election under Section
24 8129.024 until each municipality in whose corporate limits or
25 extraterritorial jurisdiction the district is located has adopted a
26 resolution consenting to the creation of the district.

27 (b) If the district is located outside the extraterritorial

1 jurisdiction of a municipality, the temporary directors may not
2 hold the election until each county in which the district is located
3 has adopted a resolution consenting to the creation of the
4 district.

5 (c) A municipality or county may not adopt a resolution
6 under this section before the effective date of the Act creating
7 this chapter.

8 Sec. 8129.024. CONFIRMATION AND INITIAL DIRECTORS'
9 ELECTION. If each municipality or county has consented to the
10 creation of the district under Section 8129.023, the temporary
11 directors shall hold an election to confirm the creation of the
12 district and to elect five directors as provided by Section 49.102,
13 Water Code.

14 Sec. 8129.025. INITIAL ELECTED DIRECTORS; TERMS. The
15 directors elected under Section 8129.024 shall draw lots to
16 determine which two shall serve until the first regularly scheduled
17 election of directors under Section 8129.052 and which three shall
18 serve until the second regularly scheduled election of directors.

19 Sec. 8129.026. EXPIRATION OF SUBCHAPTER. This subchapter
20 expires September 1, 2012.

21 [Sections 8129.027-8129.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8129.051. DIRECTORS; TERMS. (a) The district is
24 governed by a board of five directors.

25 (b) Directors serve staggered four-year terms.

26 Sec. 8129.052. ELECTION OF DIRECTORS. On the uniform
27 election date in May of each even-numbered year, the appropriate

1 number of directors shall be elected.

2 [Sections 8129.053-8129.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8129.101. MUNICIPAL UTILITY DISTRICT POWERS AND
5 DUTIES. The district has the powers and duties provided by the
6 general law of this state, including Chapters 49 and 54, Water Code,
7 applicable to municipal utility districts created under Section 59,
8 Article XVI, Texas Constitution.

9 Sec. 8129.102. ROAD PROJECTS. (a) To the extent authorized
10 by Section 52, Article III, Texas Constitution, the district may
11 construct, acquire, improve, maintain, or operate macadamized,
12 graveled, or paved roads or turnpikes, or improvements in aid of
13 those roads or turnpikes, inside the district.

14 (b) A road project must meet or exceed all applicable
15 construction standards, zoning and subdivision requirements, and
16 regulatory ordinances of each municipality in whose corporate
17 limits or extraterritorial jurisdiction the district is located.
18 If the district is located outside the extraterritorial
19 jurisdiction of a municipality, a road project must meet all
20 applicable construction standards, zoning and subdivision
21 requirements, and regulatory ordinances of each county in which the
22 district is located.

23 (c) The district may not undertake a road project unless
24 each municipality in whose corporate limits or extraterritorial
25 jurisdiction the district is located consents by ordinance or
26 resolution. If the district is located outside the
27 extraterritorial jurisdiction of a municipality, the district may

1 not undertake a road project unless each county in which the
2 district is located consents by ordinance or resolution.

3 Sec. 8129.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
4 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
5 Code, the district shall comply with all applicable requirements of
6 any ordinance or resolution adopted by the city council of the City
7 of Fort Worth.

8 Sec. 8129.104. LIMITATION ON USE OF EMINENT DOMAIN. The
9 district may exercise the power of eminent domain outside the
10 district only to acquire an easement necessary for a pipeline that
11 serves the district.

12 [Sections 8129.105-8129.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8129.151. TAX TO REPAY BONDS. The district may impose
15 a tax to pay the principal of or interest on bonds issued under
16 Section 8129.201.

17 [Sections 8129.152-8129.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8129.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of projects under Sections
23 8129.101 and 8129.102.

24 (b) The district may not issue bonds to finance projects
25 authorized by Section 8129.102 unless the issuance is approved by a
26 vote of a two-thirds majority of the voters of the district voting
27 at an election called for that purpose.

1 THENCE N 00°32'36" W along the west line of said Alliance 161
2 Investments tract and the east line of said McIntyre, et al, tract
3 recorded in Volume 2906, Page 363 RPRDCT, a distance of 3701.24 feet
4 to a 3/8" iron pin found;

5 THENCE N 89°39'59" E along the north line of said Alliance 161
6 Investments tract and the east line of said McIntyre, et al, tract
7 recorded in Volume 2906, Page 363 RPRDCT, a distance of 1826.89 feet
8 to a 1/2" iron pin found, said iron pin also being on the west line
9 of said Aperion Tract One-A;

10 THENCE N 00°22'44" W along the east line of said McIntyre, et al,
11 tract recorded in Volume 2906, Page 363 RPRDCT, and the west line of
12 said Aperion Tract One-A, a distance of 1294.80 feet to a capped
13 1/2" iron pin set;

14 THENCE S 86°14'27" E, a distance of 222.13 feet to a capped 1/2" iron
15 pin set;

16 THENCE S 52°34'22" E, a distance of 867.86 feet to a capped 1/2" iron
17 pin set;

18 THENCE S 44°08'03" E, a distance of 999.82 feet to a capped 1/2" iron
19 pin set;

20 THENCE S 65°58'36" E, a distance of 1029.92 feet to a capped 1/2"
21 iron pin set;

22 THENCE N 90°00'00" E, a distance of 773.31 feet to a capped 1/2" iron
23 pin set; said capped 1/2" iron pin set also being on the east line of
24 said Aperion Tract One-A and the west line of that tract conveyed to
25 Ferbro Investments, LLC by deed recorded under County Clerk's File
26 No. 97-0003605 RPRDCT;

27 THENCE S 00°07'20" E along the east line of said Aperion Tract One-A

1 and the west line of said Ferbro Investments tract, a distance of
2 857.55 feet to a 1/2" iron pin found, said iron pin being on the
3 northwesterly line of a tract conveyed to The Atchison, Topeka and
4 Santa Fe Railway Company by deed recorded under County Clerk's File
5 No. 93-R0020408 RPRDCT;

6 THENCE S 44°23'02" W along the east line of said Aperion Tract One-A
7 and the northwesterly line of said Atchison, Topeka and Santa Fe
8 Railway Company tract a distance of 2256.14 feet to a 5/8" iron pin
9 found;

10 THENCE N 47°15'51" W along the east line of said Aperion Tract One-A
11 and the northwesterly line of said Atchison, Topeka and Santa Fe
12 Railway Company tract, a distance of 24.73 feet to a 5/8" iron pin
13 found;

14 THENCE S 44°27'42" W along the east line of said Aperion Tract One-A
15 and the northwesterly line of said Atchison, Topeka and Santa Fe
16 Railway Company tract, a distance of 1121.43 feet to a brass
17 monument in concrete found, said brass monument also being on the
18 said north right-of-way line of State Highway No.114;

19 THENCE S 89°47'36" W along the south line of said Aperion Tract One-A
20 and the north right-of-way line of State Highway No.114, a distance
21 of 286.33 feet to a brass monument in concrete found;

22 THENCE S 84°30'09" W along the south line of said Aperion Tract One-A
23 and the north right-of-way line of State Highway No.114, a distance
24 of 703.04 feet to a brass monument in concrete found;

25 THENCE S 89°48'48" W along the south line of said Aperion Tract One-A
26 and the north right-of-way line of State Highway No.114, a distance
27 of 1249.97 feet to a capped 1/2" iron pin set;

1 THENCE N 00°11'12" W along the south line of said Aperion Tract One-A
2 and the north right-of-way line of State Highway No.114, a distance
3 of 15.00 feet to a capped 1/2" iron pin set;
4 THENCE S 89°48'48" W along the south line of said Aperion Tract One-A
5 and the north right-of-way line of State Highway No.114, a distance
6 of 250.00 feet to a capped 1/2" iron pin set;
7 THENCE S 00°11'12" E along the south line of said Aperion Tract One-A
8 and the north right-of-way line of State Highway No.114, a distance
9 of 15.00 feet to a capped 1/2" iron pin set;
10 THENCE S 89°48'48" W along the south line of said Aperion Tract One-A
11 and the north right-of-way line of State Highway No.114, a distance
12 of 238.28 feet to the Point of Beginning and containing 16,728,840
13 square feet or 384.041 acres of land, more or less.

TRACT 2

14 BEGINNING at a brass monument in concrete found, said brass
15 monument also being on the south line of said Aperion Tract One-B,
16 said brass monument also being on the north right-of-way line of
17 State Highway No. 114, said brass monument also being on the west
18 line of a tract conveyed to Ferbro Investments by deed recorded
19 under County Clerk's File No. 97-0003605 RPRDCT
20 THENCE S 89°46'48" W along the south line of said Aperion Tract One-B
21 and the north right-of-way line of State Highway No.114, a distance
22 of 1072.97 feet to a brass monument in concrete found;
23 THENCE N 86°29'44" W along the south line of said Aperion Tract One-B
24 and the north right-of-way line of State Highway No.114, a distance
25 of 900.20 feet to a brass monument in concrete found, said brass
26 monument also being on the southeasterly line of a tract conveyed to
27

1 The Atchison, Topeka and Santa Fe Railway Company by deed recorded
2 under County Clerk's File No. 93-R0020408 RPRDCT;
3 THENCE N 44°26'31" E along the west line of said Aperion Tract One-B
4 and the southeasterly line of said Atchison, Topeka and Santa Fe
5 Railway Company tract, a distance of 2809.53 feet to a 5/8" iron pin
6 found, said iron pin also being on the west line of said Ferbro
7 Investments tract;
8 THENCE S 00°07'09" E along the east line of said Aperion Tract One-B
9 and the west line of said Ferbro Investments tract, a distance of
10 2056.80 feet to the Point of Beginning and containing 2,058,725
11 square feet or 47.262 acres of land, more or less.

12 SECTION 3. (a) The legal notice of the intention to
13 introduce this Act, setting forth the general substance of this
14 Act, has been published as provided by law, and the notice and a
15 copy of this Act have been furnished to all persons, agencies,
16 officials, or entities to which they are required to be furnished
17 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
18 Government Code.

19 (b) The governor, one of the required recipients, has
20 submitted the notice and Act to the Texas Commission on
21 Environmental Quality.

22 (c) The Texas Commission on Environmental Quality has filed
23 its recommendations relating to this Act with the governor, the
24 lieutenant governor, and the speaker of the house of
25 representatives within the required time.

26 (d) All requirements of the constitution and laws of this
27 state and the rules and procedures of the legislature with respect

1 to the notice, introduction, and passage of this Act are fulfilled
2 and accomplished.

3 SECTION 4. This Act takes effect September 1, 2005.

David Newkirk

President of the Senate

Tom Craddick

Speaker of the House

I certify that H.B. No. 3535 was passed by the House on May 20, 2005, by a non-record vote.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 3535 was passed by the Senate on May 25, 2005, by the following vote: Yeas 31, Nays 0.

Lacey Spaw

Secretary of the Senate

APPROVED: 18 JUNE '05

Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
12:20 AM O'CLOCK

Roger Williams
Secretary of State