

SPECIAL DISTRICT LOCAL LAWS CODE
TITLE 6. WATER AND WASTEWATER
SUBTITLE E. LEVEE IMPROVEMENT DISTRICTS
CHAPTER 7803. IRVING FLOOD CONTROL DISTRICT SECTION I

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7803.001. DEFINITIONS. In this chapter:

- (1) "Board" means the district's board of directors.
- (2) "Director" means a member of the board.
- (3) "District" means the Irving Flood Control District Section I.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.002. NATURE OF DISTRICT. The district is a conservation and reclamation district and a flood control district created under and essential to accomplish the purposes of Section [59](#), Article XVI, Texas Constitution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) The district is created to serve a public use and benefit.

(b) All land and other property included in the district will benefit from the works and projects accomplished by the district under the powers conferred by Section [59](#), Article XVI, Texas Constitution.

(c) The accomplishment of the purposes stated in this chapter is for the benefit of the people of this state and for the improvement of their property and industries. The district in carrying out the purposes of this chapter will be performing an essential public function under the Texas Constitution.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.004. DISTRICT TERRITORY. (a) The district is

composed of all territory in the boundaries described by Section 2, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, as that territory may have been modified under:

(1) Section [7803.102](#) of this chapter or its predecessor statute, former Section 18, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971;

(2) Subchapter F of this chapter or its predecessor statute, former Section 26, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, as amended by Section 1, Chapter 117, Acts of the 65th Legislature, Regular Session, 1977;

(3) former Section 7, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971;

(4) Subchapter [J](#), Chapter [49](#), Water Code; or

(5) other law.

(b) The boundaries and field notes of the district contained in Section 2, Chapter 135, Acts of the 62nd Legislature, Regular Session, 1971, form a closure. A mistake in the field notes or in copying the field notes in the legislative process does not affect:

(1) the district's organization, existence, or validity;

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

(3) the district's right to impose a tax; or

(4) the legality or operation of the district or its governing body.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.005. DISSOLUTION AND ABOLITION OF DISTRICT. The City of Irving may dissolve and abolish the district at the municipality's discretion on written notice of the dissolution and abolition to the board, in the same manner and on the same terms and obligations as prescribed by Sections [43.074](#), [43.075](#), and [43.081](#), Local Government Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 7803.051. COMPOSITION OF BOARD; TERMS. The board consists of seven elected directors who serve staggered terms. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.052. ELIGIBILITY FOR OFFICE. A director must own land in the district subject to taxation at the time the director qualifies for office. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.053. DIRECTOR'S BOND. (a) Each director shall qualify by giving bond in the amount of \$5,000 for the faithful performance of the director's duties.

(b) The bond must be recorded in the official bond records in the office of the county clerk of Dallas County. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.054. BOARD VACANCY. (a) Except as provided by Subsection (b), a vacancy on the board shall be filled by appointment to the unexpired term by the remaining directors.

(b) The City Council of the City of Irving shall appoint directors to fill all vacancies on the board if the number of qualified directors is less than four.

(c) If any director ceases to possess the qualifications prescribed by Section [7803.052](#), the remaining directors shall declare the person's office vacant and appoint a successor. Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.055. BOARD PRESIDENT; ABSENCE OF BOARD PRESIDENT. (a) The board may authorize the president to sign all orders or take other action.

(b) Any order adopted or other action taken at a board meeting at which the president is absent may be signed by the vice president, or the board may authorize the president to sign the order or other action.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.056. SECRETARY'S DUTIES. The board secretary shall keep accurate minutes and may certify to any action the board takes.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.057. TREASURER. (a) The board may appoint a district treasurer.

(b) The district treasurer shall give bond in an amount required by the board, conditioned on the treasurer's faithful accounting of all money that comes into the treasurer's custody as district treasurer.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.058. COMPENSATION. Unless the board by resolution increases the fee to an amount authorized by Section [49.060](#), Water Code, each director shall receive a per diem payment of \$25 for each day spent performing district work.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.059. DESIGNATION OF DIRECTOR TO ACT ON DISTRICT'S BEHALF. The board may designate one or more directors who, on behalf of the district, may execute all contracts, including a construction contract, sign checks, or handle any other matter entered into by the board as shown in the district's official minutes.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.060. DISTRICT OFFICE. (a) The board shall designate, establish, and maintain a district office inside the district.

(b) The board may establish a second district office outside the district. If the board establishes a second district office, the board shall give notice of the location of that office by publishing notice of the location of the office in a newspaper of general circulation in Dallas County.

(c) A district office that is a private residence or office is a public place for matters relating to the district's business.

(d) The board shall provide notice of any change in the location of the district office outside the district in the manner required by Subsection (b).

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.061. RECORDS. The board shall keep and maintain complete and accurate accounts and records, which shall be kept at the district's principal office and be open to public inspection at reasonable times.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.02, eff. April 1, 2015.

SUBCHAPTER C. POWERS AND DUTIES

Sec. 7803.101. LEVEE IMPROVEMENT DISTRICT POWERS. (a) The district has the rights, powers, privileges, and functions applicable to a levee improvement district created under the authority of Section 59, Article XVI, Texas Constitution, including those conferred by Chapters 49 and 57, Water Code.

(b) The district has the power to construct and maintain levees and other improvements on, along, and contiguous to rivers, creeks, streams, and drainage courses for the purposes of:

(1) reclaiming land from overflow from the water;

(2) controlling and distributing the water of rivers and streams by straightening and otherwise improving the rivers and

streams;

(3) draining the land properly and otherwise improving the land; and

(4) preventing the pollution of the water.

(c) In the accomplishment of the district's purposes, the district may issue bonds, enter into contracts, or incur debt in the manner prescribed by this chapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.102. ANNEXATION OF LAND. (a) The district may annex land in the manner provided by Subchapter J, Chapter 49, or Subchapter O, Chapter 51, Water Code, to the extent applicable.

(b) If land is annexed by the district under Section 49.301 or 51.714, Water Code, the board may require the petitioners to:

(1) allow the land to be added to assume its pro rata share of taxes necessary to support the voted but unissued bonds of the district; and

(2) authorize the board to impose a tax on the petitioners' property to pay for the bonds after the bonds have been issued.

(c) If land is annexed by the district under Section 49.302, Water Code, the board may submit to the voters of the area to be annexed a proposition on the question of the assumption by the area to be annexed of its pro rata share of the voted but not yet issued or sold bonds of the district and the imposition of an ad valorem tax on taxable property in the area to be annexed along with a tax in the rest of the district for the payment of the bonds.

(d) If the petitioners consent or if the election results favorably, the district may issue its voted but unissued bonds regardless of changes to district boundaries since the original voting or authorization of the bonds.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. 1026), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.103. EMINENT DOMAIN. (a) The district may exercise the power of eminent domain in Dallas County to acquire the

fee simple title to or an easement or right-of-way to, over, or through any private or public land, water, or land under water that is in the district, borders the district, is adjacent or opposite to the district, or is outside of the district if the property has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for making, constructing, and maintaining all levees and other improvements for the improvement of rivers, creeks, streams, or drainage courses in the district or bordering the district to prevent the overflow of water.

(b) The district may not exercise the power of eminent domain under Subsection (a) to acquire land or other property that is used for cemetery purposes.

(c) The district shall pay adequate compensation to the owner of property that is taken, damaged, or destroyed for the purposes described by Subsection (a).

(d) A condemnation proceeding must be brought in the name of the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.104. COST OF RELOCATING OR ALTERING PROPERTY.

(a) In this section, "sole expense" means the actual cost of:

(1) relocating, raising, rerouting, changing the grade of, or altering the construction of a facility described by Subsection (b); and

(2) providing comparable replacement without enhancement of the facility, after deducting from that cost the net salvage value of the old facility.

(b) If the district's exercise of its power of eminent domain, power of relocation, or any other power makes necessary the relocation, raising, rerouting, changing the grade, or alteration of the construction of a highway, a railroad, an electric transmission line, a telephone or telegraph property or facility, or a pipeline, the necessary action shall be accomplished at the sole expense of the district unless the owner of the relocated or altered facility has a legal obligation to pay those expenses, in which event the necessary action shall be accomplished at the

expense of the owner.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.105. CONTRACTS FOR FACILITIES AND IMPROVEMENTS; ELECTION NOT REQUIRED. (a) The district may enter into a contract with the United States, the City of Irving, another public body, or an individual, corporation, or other entity for the maintenance or construction of any facility or improvement authorized by this chapter.

(b) The district may enter into a contract under Subsection (a) without:

- (1) voting for the issuance of bonds; or
- (2) holding an election to approve the contract.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.106. CONTRACTS OVER \$25,000. (a) A contract involving an expenditure of more than \$25,000 for the construction of a district facility or improvement or for the purchase of machinery, materials, or supplies for the district must be entered into by the board in accordance with this section.

(b) Not later than the 14th day before the date sealed bids are opened, the letting of a contract described by Subsection (a) must be advertised by publishing notice one time in one or more newspapers having general circulation in this state. The notice must include the general conditions of the contract and the date, time, and place of the opening of the sealed bids.

(c) A person who desires to bid on the construction of any works advertised in the notice under Subsection (b) and submits a written application to the board or the district's engineer shall be provided with a copy of the plans and specifications showing the work to be done. A fee may be charged to cover the cost of making the copy.

(d) A bid must be in writing, sealed, and delivered to the board and be accompanied by a certified or cashier's check or bidder's bond for at least five percent of the total amount of the

bid.

(e) A successful bidder who fails or refuses to enter into a proper contract or to furnish proper performance and payment bonds for the contract forfeits to the district the amount of the check delivered under Subsection (d).

(f) All bids must be opened at the same time.

(g) The board may reject any or all bids.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.107. CONSTRUCTION CONTRACTS: EXECUTION AND AVAILABILITY. (a) A construction contract must be in writing and signed by the contractor and:

(1) the president and secretary of the board; or

(2) a majority of the directors.

(b) A copy of each construction contract shall be kept in the district's records and be subject to public inspection.

(c) A construction contract must contain or have attached to it the specifications for all work included in the contract.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.108. CONSTRUCTION CONTRACTS: PAYMENT. (a) A construction contract may be paid for in partial payments as the work progresses, based on estimates approved by the district's engineer.

(b) The payments may not exceed 90 percent of the amount due at the time of the payments as shown by the approved estimates, except that the final approved estimate, including all prior retainage, must be paid in full.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.109. FLOOD HAZARD AREAS. (a) The board by resolution shall designate flood hazard areas in the district if the board finds that the public health, safety, and general welfare, and the purposes of Section [59](#), Article XVI, Texas

Constitution, will be promoted by the designation.

(b) The resolution must contain field notes, a map, or both field notes and a map that describe the area to be included in a flood hazard area.

(c) Before passing a resolution designating a flood hazard area, the board shall hold at least one public hearing related to the designation. The board must publish notice of the time and place of the hearing in English in a newspaper having general circulation in Dallas County at least 15 days before the date of the hearing. A hearing may be continued from time to time until the board determines that all interested persons have had an opportunity to be heard.

(d) The board by resolution may, following notice and a hearing as required by Subsection (c), amend the designated flood hazard areas as the board determines necessary.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.110. SETBACK LINES: RESOLUTION, NOTICE, AND HEARING. (a) The board may establish and maintain building setback lines along any waterway in the district for the purpose of promoting the public health, safety, and general welfare and accomplishing the purposes of Section [59](#), Article XVI, Texas Constitution.

(b) Building setback lines may be established only after notice and hearing. The notice must be published in a newspaper of general circulation in Dallas County not earlier than the 60th day or later than the 15th day before the date of the hearing. Each affected landowner must be given actual notice by certified mail of the hearing.

(c) The board by resolution shall adopt building setback lines if, after the hearing is completed, the board finds that the establishment of building setback lines is for the public health, safety, and general welfare of the people in the district and for the accomplishment of the purposes of Section [59](#), Article XVI, Texas Constitution. The resolution must contain a description of the area included in the building setback lines by field notes, a

map or plat, or both. A certified copy of the resolution shall be filed for record immediately with the county clerk of Dallas County. On the filing of the resolution, all persons are charged with notice of the requirements of the resolution.

(d) The board may, on public hearing after notice as provided by Subsection (b), amend, supplement, or grant an exception to building setback lines as determined necessary.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.111. SETBACK LINES: EFFECT ON LANDOWNERS. (a) Except as otherwise provided by this section, after the establishment of building setback lines under Section [7803.110](#), a structure may not be erected within the setback lines.

(b) A person intending to erect a structure within building setback lines must give written notice of the intention by certified mail not later than the 90th day before the date the person begins erecting the structure.

(c) Provided that the landowner was given actual notice by certified mail of the hearing to establish the setback lines, a person's failure to give notice under Subsection (b) constitutes a prima facie showing in any subsequent eminent domain proceeding instituted by the district to acquire the area within the setback lines that the person erecting the structure did so at the person's own risk with knowledge of:

(1) the fact that erecting the structure interfered with the district's setback provisions; and

(2) the district's right to remove the structure erected after the establishment of the setback lines without recovery of the value of the structure.

(d) If the district does not institute an eminent domain proceeding to acquire an area within building setback lines within 90 days after the date notice is mailed under Subsection (b), the setback lines may not affect damages in the eminent domain proceeding and the damages must be determined and paid as if the setback lines had not been established.

(e) An owner who believes that a structure the owner is

about to erect may be within the required setback area by certified letter may petition the district to survey and mark the building setback lines on the ground. If the district fails within 90 days to make the requested survey and mark the location of the setback lines on the ground or to show the location of the setback lines in another reasonable manner, the owner may erect the structure in the same manner and with the same results as if setback lines had not been established.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.112. LEGISLATIVE INTENT. Sections [7803.110](#) and [7803.111](#) are intended to give the board the right to protect from encroachment those areas that need to be protected from encroachment for such immediate and future drainage and flood control right-of-way requirements in the district as it may be necessary, or in the public interest to protect or promote the public health, safety, and general welfare.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.113. NOTICE OF DISTRICT ELECTIONS. Notice of a district election must be published once in a newspaper with general circulation in Dallas County and in the district at least 20 days before the date of the election.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 7803.151. TAX METHOD. (a) The district shall use the ad valorem plan of taxation, including for any separately defined area annexed under Subchapter F.

(b) The board is not required to call or hold a hearing on the adoption of a plan of taxation.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.152. ASSESSMENT AND COLLECTION OF TAXES. (a) The tax assessor and collector for the City of Irving shall assess and collect taxes for the district.

(b) The tax assessor and collector shall make the records maintained by the tax assessor and collector available to the district on request by the secretary of the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.153. CERTIFICATION OF TAX RATE. Each year, the board shall certify to the tax assessor and collector for the City of Irving the rate or rates of tax that the board has imposed for bond and maintenance purposes.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.154. PAYMENT OF TAX OR ASSESSMENT NOT REQUIRED. The district is not required to pay a tax or assessment on:

(1) district property; or

(2) a purchase made by the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.155. DEPOSITORY. (a) The board shall designate one or more banks inside or outside the district to serve as the depository for the district's money.

(b) All district money shall be deposited in the depository bank or banks, except that sufficient money must be remitted to and received by the bank or banks of payment to pay the principal of and interest on any outstanding district bonds on or before the maturity date of the principal and interest.

(c) To the extent that money in a depository bank is not insured by the Federal Deposit Insurance Corporation, the money must be secured in the manner provided by law for the security of county funds.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

SUBCHAPTER E. BONDS

Sec. 7803.201. AUTHORITY TO ISSUE BONDS. The board may issue district tax bonds to acquire money to carry out any district power or accomplish any district purpose under this chapter. The bonds may be authorized by a board order.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.202. FORM OF BONDS. District bonds and their related interest coupons shall be signed and executed as provided by the board in the order authorizing the issuance of the bonds.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.203. MATURITY. District bonds must mature not later than 40 years after their date of issuance.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.204. ELECTION REQUIRED. (a) The district may not issue bonds, other than refunding bonds, unless the bonds are authorized by a majority vote of the district voters voting in an election held to determine whether the bonds should be issued and whether a tax should be imposed to pay the principal of and interest on the bonds.

(b) The board may order and provide notice of an election under this section.

(c) In addition to the requirements of the Election Code, the ballots shall have printed on them "For the issuance of bonds and the levy of taxes in payment thereof" and the contrary of that proposition.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.205. USE OF BOND PROCEEDS DURING CONSTRUCTION.

(a) The board may set aside part of the bond proceeds to:

(1) pay interest on the bonds during the period of construction of improvements or facilities; and

(2) create reserves for the payment of the principal of and interest on the bonds.

(b) For purposes of Subsection (a), the period of construction may not exceed two years.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.206. TAXES FOR BONDS. The board may impose continuing direct annual ad valorem taxes on all taxable property in the district sufficient to:

(1) provide for the payment of interest on bonds issued under this subchapter as the interest accrues; and

(2) create and provide a sinking fund for the payment of principal of the bonds as the principal matures.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.207. PRELIMINARY BONDS. (a) The district may issue preliminary bonds, which need not be designated as such, to provide a fund to pay:

(1) the cost of making surveys and investigations, attorneys' fees, and engineers' work;

(2) the cost of issuing bonds; and

(3) all other costs and expenses incident to the district's operation in investigating and determining plans for the district's plant and improvements.

(b) Preliminary bonds shall be voted and authorized in the manner and under the same provisions applicable to the district's construction bonds and shall be of equal dignity with those construction bonds.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.208. EXCHANGING BONDS FOR PROPERTY OR WORK. The district may exchange bonds:

- (1) for property acquired by purchase; or
- (2) in payment of the contract price of work performed for the use and benefit of the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

SUBCHAPTER F. DEFINED AREAS

Sec. 7803.251. AUTHORITY TO ANNEX DEFINED AREA. (a) In addition to annexing land under Section [7803.102](#), the board may annex land to the district as a separately defined area on the petition of the owner or owners of a majority of the land contained in an area defined by metes and bounds outside the district.

(b) The petition must be filed with the board.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.252. NOTICE OF AND HEARING ON PETITION TO ANNEX DEFINED AREA. (a) On receipt of a petition under Section [7803.251](#), the board by order shall set a time and place for a hearing on the petition to be held not less than 30 days after the date of the order.

(b) Notice of the time and place of the hearing on the petition must be posted in the district and in the separately defined area proposed to be annexed for at least 15 days before the date of the hearing. Notice must also be published one time in a newspaper with general circulation in the county at least 15 days before the date of the hearing.

(c) The notice described by Subsection (b) must contain a description of the separately defined area proposed to be annexed.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.253. ORDER ANNEXING DEFINED AREA. (a) The board

by order may designate an area as a separately defined area and annex the area to the district if, on hearing a petition under Section [7803.252](#), the board finds that:

(1) there is a need for improvements for the conservation and reclamation of the defined area;

(2) the area will benefit from the improvements; and

(3) the improvements will serve a public use and benefit.

(b) The board does not have to include all of the area described in the petition if the board finds that a modification of the area is necessary or desirable.

(c) The order must be entered in the board's minutes and filed for record in the same manner required for other district annexations of land.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.254. ELECTION REQUIRED. (a) Annexation of a separately defined area is not final until ratified by a majority vote of the voters in the defined area voting at an election held in the area.

(b) Section [7803.113](#) governs notice of an election under this section.

(c) A separately defined area is a separate election precinct for an election under this section and all other elections for the defined area.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.255. NUMBERING OF DEFINED AREAS. All annexed separately defined areas shall be numbered in consecutive order. The first separately defined area shall be designated as "Irving Flood Control District of Dallas County, Texas - Section II."

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.256. ADMINISTRATION OF DEFINED AREA. (a) The board shall administer all business incident to any separately defined area annexed under this subchapter.

(b) Each annexed separately defined area shall pay its pro rata share of the administrative costs of the district, based on the assessed valuation of the defined area in relation to the assessed valuation of the district and any other defined areas annexed to the district.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.257. POWERS AND DUTIES OF DEFINED AREA. Except as otherwise provided by this subchapter, or where in conflict with this subchapter, an annexed separately defined area has the rights, duties, restrictions, and provisions of this chapter.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.258. TAXATION; GENERAL PROVISIONS. (a) An annexed separately defined area is a separate tax area for the payment of all indebtedness incurred for improvements constructed on authorization of the defined area and for the maintenance of those improvements.

(b) A separately defined area is liable only for indebtedness incurred or taxes imposed for improvements and the maintenance of those improvements authorized by the defined area. No other part of the district, including another separately defined area, is liable for the payment of the indebtedness or taxes described by this subsection.

(c) Taxes in a separately defined area shall be imposed in the manner provided by Sections [7803.152](#) and [7803.153](#).

(d) The provisions authorizing a maintenance tax contained in Section [49.107](#), Water Code, apply to a separately defined area.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.259. BONDS; GENERAL PROVISIONS. (a) After a

separately defined area is annexed, the board may issue tax bonds clearly entitled by the designation of the defined area to acquire money to carry out any district power or accomplish any district purpose under this chapter for improvements to or for the defined area.

(b) The board may impose continuing direct annual ad valorem taxes on all taxable property located solely in the separately defined area sufficient to:

(1) provide for the payment of interest on bonds issued under this section as the interest accrues; and

(2) create and provide a sinking fund for the payment of principal of the bonds as the bonds mature.

(c) The issuance of bonds under this section may be authorized by a board order.

(d) The district may not issue bonds, other than refunding bonds, unless the bonds are authorized by a majority vote of the voters residing in the separately defined area voting in an election held to determine whether the bonds should be issued and whether a tax should be imposed on property in the defined area to pay the principal of and interest on the bonds. The election must be held in the manner provided by Sections [7803.113](#) and [7803.204](#).

(e) The initial bond election for a separately defined area may be held on the same day as the election to ratify annexation of the defined area and as part of the order calling the ratification election.

(f) Subchapter E applies to any bonds issued to provide improvements to or for any separately defined area in a manner consistent with this section.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.

Sec. 7803.260. PRELIMINARY BONDS. Preliminary bonds for a separately defined area may be issued for the same purposes, under the same requirements, and of like effect as under Subchapter E.

Added by Acts 2013, 83rd Leg., R.S., Ch. 112 (S.B. [1026](#)), Sec. 1.02, eff. April 1, 2015.