

By: Rogers

H.B. No. 4578

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Lakeview Point Municipal Utility District of Palo Pinto County; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

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 8483 to read as follows:

CHAPTER 8483. LAKEVIEW POINT MUNICIPAL UTILITY DISTRICT OF PALO

PINTO COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8483.0101. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "Director" means a board member.

(4) "District" means the Lakeview Point Municipal Utility District of Palo Pinto County.

Sec. 8483.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8483.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 8483.0104. CONSENT OF MUNICIPALITY REQUIRED. The
3 temporary directors may not hold an election under Section
4 8483.0103 until each municipality in whose corporate limits or
5 extraterritorial jurisdiction the district is located has
6 consented by ordinance or resolution to the creation of the
7 district and to the inclusion of land in the district.

8 Sec. 8483.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

10 (b) The district is created to accomplish the purposes of:

11 (1) a municipal utility district as provided by
12 general law and Section 59, Article XVI, Texas Constitution; and

13 (2) Section 52, Article III, Texas Constitution, that
14 relate to the construction, acquisition, improvement, operation,
15 or maintenance of macadamized, graveled, or paved roads, or
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 8483.0106. INITIAL DISTRICT TERRITORY. (a) The
18 district is initially composed of the territory described by
19 Section 2 of the Act enacting this chapter.

20 (b) The boundaries and field notes contained in Section 2 of
21 the Act enacting 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 the purposes
26 for which the district is created or to pay the principal of and
27 interest on a bond;

1 (3) right to impose a tax; or

2 (4) legality or operation.

3 SUBCHAPTER B. BOARD OF DIRECTORS

4 Sec. 8483.0201. GOVERNING BODY; TERMS. (a) The district is
5 governed by a board of five elected directors.

6 (b) Except as provided by Section 8483.0202, directors
7 serve staggered four-year terms.

8 Sec. 8483.0202. TEMPORARY DIRECTORS. (a) The temporary
9 directors are as follows:

10 (1) Brad Andrus;

11 (2) Josh Westrom;

12 (3) Casey Griffin;

13 (4) CB Standridge; and

14 (5) Chad Jacobson.

15 (b) Temporary directors serve until the earlier of:

16 (1) the date permanent directors are elected under
17 Section 8483.0103; or

18 (2) the fourth anniversary of the effective date of
19 the Act enacting this chapter.

20 (c) If permanent directors have not been elected under
21 Section 8483.0103 and the terms of the temporary directors have
22 expired, successor temporary directors shall be appointed or
23 reappointed as provided by Subsection (d) to serve terms that
24 expire on the earlier of:

25 (1) the date permanent directors are elected under
26 Section 8483.0103; or

27 (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a
3 majority of the assessed value of the real property in the district
4 may submit a petition to the commission requesting that the
5 commission appoint as successor temporary directors the five
6 persons named in the petition. The commission shall appoint as
7 successor temporary directors the five persons named in the
8 petition.

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8483.0301. GENERAL POWERS AND DUTIES. The district
11 has the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8483.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8483.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
19 52, Article III, Texas Constitution, the district may design,
20 acquire, construct, finance, issue bonds for, improve, operate,
21 maintain, and convey to this state, a county, or a municipality for
22 operation and maintenance macadamized, graveled, or paved roads, or
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8483.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

2 (b) If a road project is not located in the corporate limits
3 or extraterritorial jurisdiction of a municipality, the road
4 project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each county in which
6 the road project is located.

7 (c) If the state will maintain and operate the road, the
8 Texas Transportation Commission must approve the plans and
9 specifications of the road project.

10 Sec. 8483.0305. COMPLIANCE WITH MUNICIPAL CONSENT
11 ORDINANCE OR RESOLUTION. The district shall comply with all
12 applicable requirements of any ordinance or resolution that is
13 adopted under Section 54.016 or 54.0165, Water Code, and that
14 consents to the creation of the district or to the inclusion of land
15 in the district.

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8483.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
18 The district may issue, without an election, bonds and other
19 obligations secured by:

- 20 (1) revenue other than ad valorem taxes; or
21 (2) contract payments described by Section 8483.0403.

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

26 (c) The district may not issue bonds payable from ad valorem
27 taxes to finance a road project unless the issuance is approved by a

1 vote of a two-thirds majority of the district voters voting at an
2 election held for that purpose.

3 Sec. 8483.0402. OPERATION AND MAINTENANCE TAX. (a) If
4 authorized at an election held under Section 8483.0401, the
5 district may impose an operation and maintenance tax on taxable
6 property in the district in accordance with Section 49.107, Water
7 Code.

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

10 Sec. 8483.0403. CONTRACT TAXES. (a) In accordance with
11 Section 49.108, Water Code, the district may impose a tax other than
12 an operation and maintenance tax and use the revenue derived from
13 the tax to make payments under a contract after the provisions of
14 the contract have been approved by a majority of the district voters
15 voting at an election held for that purpose.

16 (b) A contract approved by the district voters may contain a
17 provision stating that the contract may be modified or amended by
18 the board without further voter approval.

19 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

20 Sec. 8483.0501. AUTHORITY TO ISSUE BONDS AND OTHER
21 OBLIGATIONS. The district may issue bonds or other obligations
22 payable wholly or partly from ad valorem taxes, impact fees,
23 revenue, contract payments, grants, or other district money, or any
24 combination of those sources, to pay for any authorized district
25 purpose.

26 Sec. 8483.0502. TAXES FOR BONDS. At the time the district
27 issues bonds payable wholly or partly from ad valorem taxes, the

1 board shall provide for the annual imposition of a continuing
2 direct ad valorem tax, without limit as to rate or amount, while all
3 or part of the bonds are outstanding as required and in the manner
4 provided by Sections 54.601 and 54.602, Water Code.

5 Sec. 8483.0503. BONDS FOR ROAD PROJECTS. At the time of
6 issuance, the total principal amount of bonds or other obligations
7 issued or incurred to finance road projects and payable from ad
8 valorem taxes may not exceed one-fourth of the assessed value of the
9 real property in the district.

10 SECTION 2. The Lakeview Point Municipal Utility District of
11 Palo Pinto County initially includes all the territory contained in
12 the following area:

13 Of an 11.145 acres tract of land out of the A.J. Smith Survey,
14 Abstract No. 393, Palo Pinto County, Texas; being all of a certain
15 11.016 acres tract described in Volume 2137, Page 415 and all of a
16 certain 0.079 acre tract (Tract 1) and a certain 0.052 acre tract
17 (Tract 2), both described in Volume 2057, Page 415, Official Public
18 Records, Palo Pinto County, Texas; and being further described by
19 metes and bounds as follows:

20 Beginning at a found "X" on a rock (N: 7006350.06, E:
21 1978199.72) for the northwest and beginning corner of this tract.
22 Whence the Brazos River Authority GPS Control Monument 04, recorded
23 in Volume 1697, Page 8 of said Official Public Records, bears N. 75
24 deg. 46 min. 29 sec. E. 5886.31 feet.

25 Thence S. 59 deg. 51 min. 03 sec. E. 208.44 feet to a found
26 1/2" iron rod with cap (PRICE SURVEYING) in the west line of Park
27 Road 36 for the northeast corner of this tract. Thence along the

1 west line of said Park Road 36 the following courses and distances:

2 S. 36 deg. 30 min. 37 sec. W. 6.19 feet to a set 60D nail

3 S. 19 deg. 23 min. 33 sec. W. 33.81 feet to a set 60D nail

4 S. 04 deg. 23 min. 03 sec. W. 47.11 feet to a set 60D nail

5 S. 06 deg. 52 min. 40 sec. E. 45.65 feet to a found 1/2" iron
6 rod for a corner of this tract

7 Thence S. 65 deg. 55 min. 59 sec. E. 70.41 feet to a found 60D
8 nail at the southwest corner of Lot 10 as described in Volume 1803,
9 Page 331 of said Official Public Records for a corner of this tract.

10 Thence N. 81 deg. 42 min. 58 sec. E. 41.73 feet to a set "MAG"
11 nail for a corner of this tract and said Lot 10.

12 Thence N. 52 deg. 52 min. 44 sec. E. 37.50 feet to a set "MAG"
13 nail at the southeast corner of said Lot 10 and at the 1000 foot
14 contour line of Possum Kingdom Lake for a corner of this tract.

15 Thence along the meanders of the 1000 foot contour line of
16 said Possum Kingdom Lake the following courses and distances:

17 N. 88 deg. 52 min. 31 sec. E. 6.87 feet

18 S. 62 deg. 40 min. 20 sec. E. 5.98 feet

19 S. 69 deg. 27 min. 26 sec. E. 8.07 feet

20 S. 38 deg. 46 min. 00 sec. E. 9.52 feet

21 S. 68 deg. 08 min. 05 sec. E. 5.15 feet

22 S. 82 deg. 10 min. 16 sec. E. 20.65 feet

23 S. 66 deg. 09 min. 14 sec. E. 23.66 feet

24 S. 45 deg. 58 min. 50 sec. E. 34.36 feet

25 S. 43 deg. 18 min. 23 sec. E. 33.89 feet

26 S. 51 deg. 26 min. 53 sec. E. 33.33 feet

27 S. 62 deg. 04 min. 11 sec. E. 18.56 feet

1 S. 54 deg. 43 min. 48 sec. E. 9.16 feet
2 S. 75 deg. 56 min. 36 sec. E. 10.10 feet
3 S. 59 deg. 55 min. 36 sec. E. 8.54 feet
4 S. 71 deg. 41 min. 52 sec. E. 12.35 feet
5 S. 78 deg. 30 min. 38 sec. E. 30.09 feet
6 S. 77 deg. 24 min. 00 sec. E. 22.41 feet
7 N. 86 deg. 51 min. 44 sec. E. 34.38 feet
8 S. 86 deg. 24 min. 52 sec. E. 37.71 feet
9 S. 88 deg. 40 min. 25 sec. E. 12.37 feet
10 N. 73 deg. 33 min. 46 sec. E. 14.36 feet
11 S. 71 deg. 25 min. 08 sec. E. 27.56 feet
12 S. 66 deg. 10 min. 35 sec. E. 29.95 feet
13 S. 46 deg. 51 min. 09 sec. E. 18.95 feet
14 S. 07 deg. 22 min. 19 sec. E. 11.59 feet
15 S. 04 deg. 17 min. 18 sec. W. 14.22 feet
16 S. 20 deg. 28 min. 13 sec. W. 20.89 feet
17 S. 34 deg. 40 min. 48 sec. W. 21.39 feet
18 S. 30 deg. 30 min. 00 sec. W. 19.50 feet
19 S. 48 deg. 02 min. 14 sec. W. 18.15 feet
20 S. 70 deg. 18 min. 02 sec. W. 25.03 feet
21 S. 66 deg. 55 min. 12 sec. W. 36.67 feet
22 S. 84 deg. 13 min. 21 sec. W. 35.95 feet
23 N. 80 deg. 16 min. 45 sec. W. 10.62 feet
24 S. 47 deg. 03 min. 57 sec. W. 86.98 feet
25 S. 22 deg. 36 min. 32 sec. E. 15.63 feet
26 S. 39 deg. 29 min. 12 sec. E. 7.94 feet
27 S. 51 deg. 23 min. 33 sec. W. 64.51 feet

1 N. 66 deg. 33 min. 27 sec. W. 0.68 feet
2 S. 53 deg. 41 min. 31 sec. W. 38.64 feet
3 S. 39 deg. 53 min. 28 sec. W. 32.73 feet
4 S. 47 deg. 41 min. 33 sec. E. 6.22 feet
5 S. 50 deg. 14 min. 48 sec. W. 1.01 feet
6 N. 47 deg. 41 min. 33 sec. W. 7.76 feet
7 S. 50 deg. 40 min. 29 sec. W. 21.21 feet
8 S. 63 deg. 05 min. 58 sec. W. 19.55 feet
9 S. 00 deg. 40 min. 33 sec. E. 11.39 feet
10 S. 22 deg. 47 min. 18 sec. W. 1.64 feet
11 S. 55 deg. 51 min. 23 sec. W. 8.23 feet
12 S. 48 deg. 50 min. 26 sec. W. 6.60 feet
13 S. 56 deg. 47 min. 02 sec. W. 10.96 feet
14 S. 67 deg. 06 min. 42 sec. W. 11.46 feet
15 S. 70 deg. 29 min. 29 sec. W. 10.75 feet
16 N. 72 deg. 58 min. 19 sec. W. 2.12 feet
17 N. 22 deg. 52 min. 48 sec. W. 11.09 feet
18 N. 55 deg. 45 min. 05 sec. W. 2.58 feet
19 S. 62 deg. 56 min. 55 sec. W. 4.59 feet
20 S. 79 deg. 31 min. 15 sec. W. 7.89 feet
21 S. 20 deg. 50 min. 44 sec. W. 3.05 feet
22 S. 63 deg. 37 min. 54 sec. W. 11.64 feet
23 S. 68 deg. 08 min. 12 sec. W. 15.87 feet
24 S. 71 deg. 23 min. 43 sec. W. 26.77 feet
25 S. 78 deg. 09 min. 18 sec. W. 15.64 feet
26 S. 65 deg. 34 min. 21 sec. W. 1.90 feet
27 S. 73 deg. 21 min. 54 sec. W. 31.80 feet

1 S. 66 deg. 03 min. 45 sec. W. 22.96 feet
2 S. 54 deg. 33 min. 00 sec. W. 12.70 feet to a found 3/8"
3 spike at the northeast comer of Lot 6 as described in
4 Volume 2121, Page 199 of said Official Public Record for
5 a comer of this tract

6 Thence N. 76 deg. 13 min. 57 sec. W. 13.74 feet to a point for
7 a comer of this tract and said Lot 6.

8 Thence S. 74 deg. 30 min. 45 sec. W. at 26.05 feet pass a found
9 "X" on rock and in all 49.59 feet to a found 60d nail for a comer of
10 this tract and said Lot 6.

11 Thence N. 85 deg. 33 min. 11 sec. W. 74.46 feet to a found
12 drilled hole in concrete drive for a comer of this tract and said
13 Lot 6.

14 Thence N. 59 deg. 14 min. 19 sec. W. 86.83 feet to a found 1/2"
15 iron rod with cap (PRICE SURVEYING) in the northwest line of said
16 Park Road 36 for an ell comer of this tract.

17 Thence along the northwest line of said Park Road 36 the
18 following courses and distances:

19 S. 46 deg. 34 min. 23 sec. W. 107.53 feet to a found 60D nail

20 S. 45 deg. 50 min. 39 sec. W. 6.14 feet to a found 60D nail

21 S. 48 deg. 28 mm. 48 sec. W. 51.72 feet to a found 1/2" iron
22 rod with cap (PRICE SURVEYING) for an ell comer of this tract

23 Thence S. 26 deg. 03 min. 21 sec. E. 9.95 feet to a found 1/2"
24 iron rod for a comer of this tract.

25 Thence S. 53 deg. 56 min. 39 sec. W. 110.40 feet to a found
26 1/2" iron rod for a comer of this tract.

27 Thence S. 58 deg. 41 min. 39 sec. W. 61.78 feet to a found 1/2"

1 iron rod for the most southerly southwest comer of this tract.

2 Thence N. 36 deg. 05 mm. 21 sec. W. 144.50 feet to a found 1/2"
3 iron rod for a comer of this tract.

4 Thence N. 58 deg. 31 min. 39 sec. E. 196.30 feet to a set 1/2"
5 iron rod with cap (PRICE SURVEYING) for an ell corner of this tract.

6 Thence N. 59 deg. 48 min. 35 sec. W. 200.20 feet to a set 1/2"
7 iron rod with cap (PRICE SURVEYING) for the most westerly southwest
8 corner of this tract.

9 Thence N. 30 deg. 06 min. 00 sec. E. 740.07 feet to the place
10 of beginning.

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

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

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

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 8483, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 8483.0306 to read as follows:

6 Sec. 8483.0306. NO EMINENT DOMAIN POWER. The district may
7 not exercise the power of eminent domain.

8 (b) This section is not intended to be an expression of a
9 legislative interpretation of the requirements of Section 17(c),
10 Article I, Texas Constitution.

11 SECTION 5. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2021.