

By: Sanford

H.B. No. 4591

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Blue Meadow Municipal Utility District No. 1 of Collin 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 7929A to read as follows:

CHAPTER 7929A. BLUE MEADOW MUNICIPAL UTILITY DISTRICT NO. 1 OF

COLLIN COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7929A.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 Blue Meadow Municipal Utility District No. 1 of Collin County.

Sec. 7929A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7929A.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. 7929A.0104. CONDITIONS PRECEDENT TO CONFIRMATION
3 ELECTION. (a) The temporary directors may not hold an election
4 under Section 7929A.0103 until:

5 (1) each municipality in whose corporate limits or
6 extraterritorial jurisdiction the district is located has
7 consented by ordinance or resolution to the creation of the
8 district and to the inclusion of land in the district; and

9 (2) the district has entered into a contract with a
10 municipality, Collin County, or another entity:

11 (A) for adequate supplemental police, fire,
12 emergency, and animal control services for the district; and

13 (B) that is approved by the Commissioners Court
14 of Collin County under Subsection (c).

15 (b) A contract under Subsection (a) may include a provision
16 that the contract takes effect only on the approval of the
17 Commissioners Court of Collin County and the voters in the district
18 voting in an election held for that purpose.

19 (c) The Commissioners Court of Collin County shall review a
20 contract under Subsection (a) and evaluate the supplemental police,
21 fire, emergency, and animal control services provided in the
22 contract. If the commissioners court determines that the contract
23 provides adequate services, the commissioners court shall adopt a
24 resolution stating that the contract has met the requirements of
25 Subsection (a).

26 Sec. 7929A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

8 Sec. 7929A.0106. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act enacting this chapter.

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

15 (1) organization, existence, or validity;

16 (2) right to issue any type of bond for the purposes
17 for which the district is created or to pay the principal of and
18 interest on a bond;

19 (3) right to impose a tax; or

20 (4) legality or operation.

21 SUBCHAPTER B. BOARD OF DIRECTORS

22 Sec. 7929A.0201. GOVERNING BODY; TERMS. (a) The district
23 is governed by a board of five elected directors.

24 (b) Except as provided by Section 7929A.0202, directors
25 serve staggered four-year terms.

26 Sec. 7929A.0202. TEMPORARY DIRECTORS. (a) The temporary
27 board consists of:

- 1 (1) Philip Tomlinson;
- 2 (2) Ben Nieswiadomy;
- 3 (3) Wil Walters;
- 4 (4) Connor Campbell; and
- 5 (5) Bryce Garoutte.

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

- 7 (1) the date permanent directors are elected under
- 8 Section 7929A.0103; or
- 9 (2) the fourth anniversary of the effective date of
- 10 the Act enacting this chapter.

11 (c) If permanent directors have not been elected under

12 Section 7929A.0103 and the terms of the temporary directors have

13 expired, successor temporary directors shall be appointed or

14 reappointed as provided by Subsection (d) to serve terms that

15 expire on the earlier of:

- 16 (1) the date permanent directors are elected under
- 17 Section 7929A.0103; or
- 18 (2) the fourth anniversary of the date of the
- 19 appointment or reappointment.

20 (d) If Subsection (c) applies, the owner or owners of a

21 majority of the assessed value of the real property in the district

22 may submit a petition to the commission requesting that the

23 commission appoint as successor temporary directors the five

24 persons named in the petition. The commission shall appoint as

25 successor temporary directors the five persons named in the

26 petition.

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 7929A.0301. GENERAL POWERS AND DUTIES. The district
3 has the powers and duties necessary to accomplish the purposes for
4 which the district is created.

5 Sec. 7929A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties provided by the
7 general law of this state, including Chapters 49 and 54, Water Code,
8 applicable to municipal utility districts created under Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 7929A.0303. AUTHORITY FOR ROAD PROJECTS. Under
11 Section 52, Article III, Texas Constitution, the district may
12 design, acquire, construct, finance, issue bonds for, improve,
13 operate, maintain, and convey to this state, a county, or a
14 municipality for operation and maintenance macadamized, graveled,
15 or paved roads, or improvements, including storm drainage, in aid
16 of those roads.

17 Sec. 7929A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
18 road project must meet all applicable construction standards,
19 zoning and subdivision requirements, and regulations of each
20 municipality in whose corporate limits or extraterritorial
21 jurisdiction the road project is located.

22 (b) If a road project is not located in the corporate limits
23 or extraterritorial jurisdiction of a municipality, the road
24 project must meet all applicable construction standards,
25 subdivision requirements, and regulations of each county in which
26 the road project is located.

27 (c) If the state will maintain and operate the road, the

1 Texas Transportation Commission must approve the plans and
2 specifications of the road project.

3 Sec. 7929A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
4 ORDINANCE OR RESOLUTION. The district shall comply with all
5 applicable requirements of any ordinance or resolution that is
6 adopted under Section 54.016 or 54.0165, Water Code, and that
7 consents to the creation of the district or to the inclusion of land
8 in the district.

9 Sec. 7929A.0306. DIVISION OF DISTRICT. (a) The district
10 may be divided into two or more new districts only if the district:

11 (1) has no outstanding bond debt; and

12 (2) is not imposing ad valorem taxes.

13 (b) This chapter applies to any new district created by
14 division of the district, and a new district has all the powers and
15 duties of the district.

16 (c) A new district created by the division of the district
17 may not, at the time the new district is created, contain any land
18 outside the area described by Section 2 of the Act enacting this
19 chapter.

20 (d) The board, on its own motion or on receipt of a petition
21 signed by the owner or owners of a majority of the assessed value of
22 the real property in the district, may adopt an order dividing the
23 district.

24 (e) The board may adopt an order dividing the district
25 before or after the date the board holds an election under Section
26 7929A.0103 to confirm the district's creation.

27 (f) An order dividing the district shall:

1 (1) name each new district;

2 (2) include the metes and bounds description of the
3 territory of each new district;

4 (3) appoint temporary directors for each new district;
5 and

6 (4) provide for the division of assets and liabilities
7 between the new districts.

8 (g) On or before the 30th day after the date of adoption of
9 an order dividing the district, the district shall file the order
10 with the commission and record the order in the real property
11 records of each county in which the district is located.

12 (h) Any new district created by the division of the district
13 shall hold a confirmation and directors' election as required by
14 Section 7929A.0103. If the voters of a new district do not confirm
15 the creation of the new district, the assets, obligations,
16 territory, and governance of the new district revert to the
17 original district.

18 (i) Municipal consent to the creation of the district and to
19 the inclusion of land in the district granted under Section
20 7929A.0104 acts as municipal consent to the creation of any new
21 district created by the division of the district and to the
22 inclusion of land in the new district.

23 (j) Any new district created by the division of the district
24 must hold an election as required by this chapter to obtain voter
25 approval before the district may impose a maintenance tax or issue
26 bonds payable wholly or partly from ad valorem taxes.

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 7929A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)

3 The district may issue, without an election, bonds and other
4 obligations secured by:

5 (1) revenue other than ad valorem taxes; or

6 (2) contract payments described by Section
7 7929A.0403.

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

12 (c) The district may not issue bonds payable from ad valorem
13 taxes to finance a road project unless the issuance is approved by a
14 vote of a two-thirds majority of the district voters voting at an
15 election held for that purpose.

16 Sec. 7929A.0402. OPERATION AND MAINTENANCE TAX. (a) If
17 authorized at an election held under Section 7929A.0401, the
18 district may impose an operation and maintenance tax on taxable
19 property in the district in accordance with Section 49.107, Water
20 Code.

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

23 Sec. 7929A.0403. CONTRACT TAXES. (a) In accordance with
24 Section 49.108, Water Code, the district may impose a tax other than
25 an operation and maintenance tax and use the revenue derived from
26 the tax to make payments under a contract after the provisions of
27 the contract have been approved by a majority of the district voters

1 voting at an election held for that purpose.

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

5 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

6 Sec. 7929A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
7 OBLIGATIONS. The district may issue bonds or other obligations
8 payable wholly or partly from ad valorem taxes, impact fees,
9 revenue, contract payments, grants, or other district money, or any
10 combination of those sources, to pay for any authorized district
11 purpose.

12 Sec. 7929A.0502. TAXES FOR BONDS. At the time the district
13 issues bonds payable wholly or partly from ad valorem taxes, the
14 board shall provide for the annual imposition of a continuing
15 direct ad valorem tax, without limit as to rate or amount, while all
16 or part of the bonds are outstanding as required and in the manner
17 provided by Sections 54.601 and 54.602, Water Code.

18 Sec. 7929A.0503. BONDS FOR ROAD PROJECTS. At the time of
19 issuance, the total principal amount of bonds or other obligations
20 issued or incurred to finance road projects and payable from ad
21 valorem taxes may not exceed one-fourth of the assessed value of the
22 real property in the district.

23 SECTION 2. The Blue Meadow Municipal Utility District No. 1
24 of Collin County initially includes all the territory contained in
25 the following area:

26 BEING all that tract of land in Collin County, Texas, out of
27 the Jonathan Douthit Survey, A-251, and being part of that called

1 196.345 acres, all of that called 169.531 acres, and part of that
2 called 79.452 acres of land described as Tract I, Tract 2, Tract 3,
3 respectively, in deed to Stonehollow Homes, LLC as recorded under
4 CC# 20170322000362630 of the Official Public Records of Collin
5 County, Texas, and being all of that called 75.012 acres of land
6 described in deed to Stonehollow Homes, LLC as recorded under CC#
7 20170104000011010 of the Official Public Records of Collin County,
8 Texas, and being all of that called 37.530 acres of land in deed to
9 Stonehollow Homes, LLC as recorded under CC# 20170104000011020 of
10 the Official Public Records of Collin County, Texas, and being all
11 of that called 37.432 acres of land described in deed to Stonehollow
12 Homes, LLC as recorded under CC# 20170104000011000 of the Official
13 Public Records of Collin County, Texas, and being further described
14 as follows:

15 BEGINNING at a 5/8 inch steel rod found at a turn in County
16 Road No. 502, at the Southeast corner of said 196.345 acres, and at
17 the Southwest corner of that called 10.363 acres of land described
18 in deed to Byron Shelton and Sadie Shelton as recorded under CC#
19 20190418000415530 of the Official Public Records of Collin County,
20 Texas;

21 THENCE North 89 degrees 50 minutes 47 seconds West, 99.86
22 feet to a 5/8 inch steel rod set;

23 THENCE North 00 degrees 38 minutes 29 seconds East, 323.07
24 feet to a 5/8 inch steel rod set;

25 THENCE North 89 degrees 21 minutes 31 seconds West, 2400.00
26 feet to a 5/8 inch steel rod set;

27 THENCE South 00 degrees 38 minutes 29 seconds West, 300.00

1 feet to a 5/8 inch steel rod set;
2 THENCE North 89 degrees 21 minutes 31 seconds West, 85.00
3 feet to a 5/8 inch steel rod set;
4 THENCE North 00 degrees 38 minutes 29 seconds East, 300.00
5 feet to a 5/8 inch steel rod set;
6 THENCE North 89 degrees 21 minutes 31 seconds West, 900.00
7 feet to a 5/8 inch steel rod set;
8 THENCE South 00 degrees 38 minutes 29 seconds West, 300.00
9 feet to a 5/8 inch steel rod set;
10 THENCE North 89 degrees 21 minutes 31 seconds West, 60.00
11 feet to a 5/8 inch steel rod set;
12 THENCE North 00 degrees 38 minutes 29 seconds East, 300.00
13 feet to a 5/8 inch steel rod set;
14 THENCE North 89 degrees 21 minutes 31 seconds West, 601.65
15 feet to a 5/8 inch steel rod set;
16 THENCE South 00 degrees 19 minutes 52 seconds West, 340.05
17 feet to a 5/8 inch steel rod set to a point in the center of County
18 Road No. 502;
19 THENCE North 88 degrees 46 minutes 28 seconds West, 50.01
20 feet along the approximate center of said County Road No. 502 to a
21 60d nail set at the Southwest corner of said 79.452 acres, and at
22 the Southeast corner of that called 6.000 acres of land described as
23 Tract I in deed to Alton W. Hopper as recorded under CC#
24 20060407000462250 of the Official Public Records of Collin County,
25 Texas;
26 THENCE North 00 degrees 19 minutes 52 seconds East, 1291.43
27 feet to a 1/2 inch steel rod found at the Westerly most Northwest

1 corner of said 79.452 acres, at the Northeast corner of that called
2 11.621 acres of land described as Tract I in deed to Collin County
3 as recorded in Volume 5910, Page 3146 of the Land Records of Collin
4 County, Texas, and on the South line of that called 54 acres of land
5 described in deed to Kimberly Cantrell Wright as recorded under CC#
6 20080516000598880 of the Official Public Records of Collin County,
7 Texas;

8 THENCE North 89 degrees 41 minutes 48 seconds East, 130.95
9 feet to a 3/8 inch steel rod found at an ell corner of said 79.452
10 acres, and at the Southeast corner of said 54 acres;

11 THENCE North 01 degrees 16 minutes 55 seconds East, 1623.59
12 feet to a 1/2 inch steel rod found at the Northwest corner of said
13 79.452 acres, at the Southwest corner of said 37.432 acres, at the
14 Southeast corner of said 37.530 acres, and at the Northeast corner
15 of said 54 acres;

16 THENCE North 89 degrees 54 minutes 28 seconds West, 730.81
17 feet to a 5/8 inch steel rod set at the Southwest corner of said
18 37.530 acres, and at the Southeast corner of that called 37.48 acres
19 of land described as Tract Two in deed to Justin Ray Armbrister and
20 Wendi Lynn Armbrister as recorded under CC# 20160104000002710 of
21 the Official Public Records of Collin County, Texas;

22 THENCE North 01 degrees 00 minutes 40 seconds West, 1219.81
23 feet to a point on the South line of the Anna E.T.J.;

24 THENCE Northeasterly, 2067.03 feet along said South line of
25 Anna E.T.J. and a curve to the left having a radius of 5358.48 feet
26 and a central angle of 22 degrees 06 minutes 07 seconds (Chord bears
27 North 55 degrees 19 minutes 30 seconds East, 2054.24 feet) to a

1 point;

2 THENCE South 89 degrees 36 minutes 54 seconds East, 482.37
3 feet to a 3/8 inch steel rod found at an ell corner of said 169.531
4 acres, and at the Southeast corner of that called 25.05 acres of
5 land described in deed to Leroy W. Warren, Jr. and Linda F. Warren
6 as recorded under CC# 20070530000726310 of the Official Public
7 Records of Collin County, Texas;

8 THENCE North 00 degrees 56 minutes 06 seconds West, 191.40
9 feet to a 1/2 inch steel rod found at a Northwest corner of said
10 169.531 acres, and at the Southwest corner of that called 96.806
11 acres of land described in deed to R&D Aycock, Ltd. as recorded in
12 Volume 5105, Page 2819 of the Land Records of Collin County, Texas;

13 THENCE South 88 degrees 31 minutes 34 seconds East, 1381.94
14 feet to a 1/2 inch steel rod found at an ell corner of said 169.531
15 acres, and at the Southeast corner of said 96.806 acres;

16 THENCE North 89 degrees 56 minutes 56 seconds East, 1325.67
17 feet to a 5/8 inch steel rod set on the East line of said 75.012
18 acres;

19 THENCE along the East line of said 75.012 acres as follows:

20 North 89 degrees 05 minutes 15 seconds East, 16.83 feet to a
21 5/8 inch steel rod set;

22 South 02 degrees 35 minutes 43 seconds West, 1434.52 feet to a
23 5/8 inch pipe found at the Southeast corner of said 75.012 acres,
24 and at the Northeast corner of that called 51.26 acres of land
25 described in deed to Joe Brent Cantrell as recorded under CC#
26 96-0016857 of the Land Records of Collin County, Texas;

27 THENCE South 89 degrees 56 minutes 04 seconds West, 2009.91

1 feet to a 1/2 inch steel rod found at an ell corner of said 169.531
2 acres, and at the Northwest corner of said 51.26 acres;

3 THENCE South 00 degrees 05 minutes 52 seconds East, 1121.56
4 feet to a 1/2 inch steel rod found at the Southerly most Southeast
5 corner of said 169.531 acres, and at the Southwest corner of said
6 51.26 acres;

7 THENCE North 89 degrees 54 minutes 51 seconds East, 1960.98
8 feet to a 5/8 inch steel rod set at the Northeast corner of said
9 196.345 acres, and at the Southeast corner of said 51.26 acres;

10 THENCE South 00 degrees 50 minutes 54 seconds East, 85.79
11 feet to a Bois d'arc post found at an angle point of said 196.345
12 acres, and at the Northwest corner of that called 5.311 acres of
13 land described as Tract Two in deed to J.D. Horton and Linda K.
14 Horton as recorded under CC# 94-0004753 of the Land Records of
15 Collin County, Texas;

16 THENCE South 00 degrees 35 minutes 21 seconds West, 1835.45
17 feet to a 5/8 inch steel rod set at centerline intersection of a
18 turn in County Road No. 502;

19 THENCE South 00 degrees 31 minutes 06 seconds East, 1013.39
20 feet along the approximate center of said County Road No. 502 to the
21 POINT OF BEGINNING, containing 444.35 acres of land.

22 SECTION 3. (a) The legal notice of the intention to
23 introduce this Act, setting forth the general substance of this
24 Act, has been published as provided by law, and the notice and a
25 copy of this Act have been furnished to all persons, agencies,
26 officials, or entities to which they are required to be furnished
27 under Section 59, Article XVI, Texas Constitution, and Chapter 313,

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

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

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

13 SECTION 4. (a) If this Act does not receive a two-thirds
14 vote of all the members elected to each house, Subchapter C, Chapter
15 7929A, Special District Local Laws Code, as added by Section 1 of
16 this Act, is amended by adding Section 7929A.0307 to read as
17 follows:

18 Sec. 7929A.0307. NO EMINENT DOMAIN POWER. The district may
19 not exercise the power of eminent domain.

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

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