

By: Stephenson

H.B. No. 4634

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Fort Bend County Municipal Utility
3 District No. 250; granting a limited power of eminent domain;
4 providing authority to issue bonds; providing authority to impose
5 assessments, fees, and taxes.

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

7 SECTION 1. Subtitle F, Title 6, Special District Local Laws
8 Code, is amended by adding Chapter 7943A to read as follows:

9 CHAPTER 7943A. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 250

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7943A.0101. DEFINITIONS. In this chapter:

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

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

15 (3) "Director" means a board member.

16 (4) "District" means the Fort Bend County Municipal
17 Utility District No. 250.

18 Sec. 7943A.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7943A.0103. CONFIRMATION AND DIRECTOR ELECTION
22 REQUIRED. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five permanent
24 directors as provided by Section 49.102, Water Code.

1 Sec. 7943A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7943A.0103 until each municipality in whose corporate limits or
4 extraterritorial jurisdiction the district is located has
5 consented by ordinance or resolution to the creation of the
6 district and to the inclusion of land in the district.

7 Sec. 7943A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

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

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

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

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

16 Sec. 7943A.0106. INITIAL DISTRICT TERRITORY. (a) The
17 district is initially composed of the territory described by
18 Section 2 of the Act enacting this chapter.

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

23 (1) organization, existence, or validity;

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

27 (3) right to impose a tax; or

1 (4) legality or operation.

2 SUBCHAPTER B. BOARD OF DIRECTORS

3 Sec. 7943A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7943A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7943A.0202. TEMPORARY DIRECTORS. (a) The temporary
8 board consists of:

9 (1) Kyle Kraus;

10 (2) Darrin Fentress;

11 (3) Joseph Koch;

12 (4) Michelle Vinklarek; and

13 (5) Justin Vickery.

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

15 (1) the date permanent directors are elected under
16 Section 7943A.0103; or

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

19 (c) If permanent directors have not been elected under
20 Section 7943A.0103 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 7943A.0103; or

26 (2) the fourth anniversary of the date of the
27 appointment or reappointment.

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

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 7943A.0301. GENERAL POWERS AND DUTIES. The district
10 has the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 7943A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 7943A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve,
20 operate, maintain, and convey to this state, a county, or a
21 municipality for operation and maintenance macadamized, graveled,
22 or paved roads, or improvements, including storm drainage, in aid
23 of those roads.

24 Sec. 7943A.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. 7943A.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 Sec. 7943A.0306. DIVISION OF DISTRICT. (a) The district
17 may be divided into two or more new districts only if the district:

- 18 (1) has never issued any bonds; and
19 (2) is not imposing ad valorem taxes.

20 (b) This chapter applies to any new district created by
21 division of the district, and a new district has all the powers and
22 duties of the district.

23 (c) A new district created by the division of the district
24 may not, at the time the new district is created, contain any land
25 outside the area described by Section 2 of the Act enacting this
26 chapter.

27 (d) The board, on its own motion or on receipt of a petition

1 signed by the owner or owners of a majority of the assessed value of
2 the real property in the district, may adopt an order dividing the
3 district.

4 (e) The board may adopt an order dividing the district
5 before or after the date the board holds an election under Section
6 7943A.0103 to confirm the district's creation.

7 (f) An order dividing the district shall:

8 (1) name each new district;

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

11 (3) appoint temporary directors for each new district;

12 and

13 (4) provide for the division of assets and liabilities
14 between the new districts.

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

19 (h) A new district created by the division of the district
20 shall hold a confirmation and directors' election as required by
21 Section 7943A.0103.

22 (i) If the creation of the new district is confirmed, the
23 new district shall provide the election date and results to the
24 commission.

25 (j) A new district created by the division of the district
26 must hold an election as required by this chapter to obtain voter
27 approval before the district may impose a maintenance tax or issue

1 bonds payable wholly or partly from ad valorem taxes.

2 (k) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 7943A.0104 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in the new district.

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 7943A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
9 The district may issue, without an election, bonds and other
10 obligations secured by:

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

12 (2) contract payments described by Section
13 7943A.0403.

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

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

22 Sec. 7943A.0402. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 7943A.0401, the
24 district may impose an operation and maintenance tax on taxable
25 property in the district in accordance with Section 49.107, Water
26 Code.

27 (b) The board shall determine the tax rate. The rate may not

1 exceed the rate approved at the election.

2 Sec. 7943A.0403. CONTRACT TAXES. (a) In accordance with
3 Section 49.108, Water Code, the district may impose a tax other than
4 an operation and maintenance tax and use the revenue derived from
5 the tax to make payments under a contract after the provisions of
6 the contract have been approved by a majority of the district voters
7 voting at an election held for that purpose.

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

11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12 Sec. 7943A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. The district may issue bonds or other obligations
14 payable wholly or partly from ad valorem taxes, impact fees,
15 revenue, contract payments, grants, or other district money, or any
16 combination of those sources, to pay for any authorized district
17 purpose.

18 Sec. 7943A.0502. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 board shall provide for the annual imposition of a continuing
21 direct ad valorem tax, without limit as to rate or amount, while all
22 or part of the bonds are outstanding as required and in the manner
23 provided by Sections 54.601 and 54.602, Water Code.

24 Sec. 7943A.0503. BONDS FOR ROAD PROJECTS. At the time of
25 issuance, the total principal amount of bonds or other obligations
26 issued or incurred to finance road projects and payable from ad
27 valorem taxes may not exceed one-fourth of the assessed value of the

1 real property in the district.

2 SECTION 2. The Fort Bend County Municipal Utility District
3 No. 250 initially includes all the territory contained in the
4 following area:

5 A METES & BOUNDS description of a 428.72 acre tract of land in
6 the B. B. B. & C. Railroad Company Survey Section 309, Abstract 126,
7 and the Gabriel Cole 3/4 League, Abstract 19, Fort Bend County,
8 Texas, being those portions of that certain called 614.964 acre
9 tract (Tract One) and called 4.00 acre tract (Tract Two) recorded
10 under County Clerk's File Number 2020160769, Official Public
11 Records, Fort Bend County, Texas, and that certain called 315.937
12 acre tract recorded under 2015047309, Official Public Records, Fort
13 Bend County, Texas, outside of the Extraterritorial Jurisdictional
14 limits of the City of Rosenberg, with all bearings based upon the
15 Texas Coordinate System of 1983, South Central Zone, based upon GPS
16 observations.

17 Beginning at a concrete monument found in the southeast
18 right-of-way line of U. S. Highway 59 (width varies) for the north
19 corner of said called 614.964 acre tract, same being the west corner
20 of an adjoining called 130.806 acre tract (First Tract) recorded in
21 Volume 382, Page 180, Deed Records, Fort Bend County, Texas, for the
22 north corner and Place of Beginning of the herein described tract,
23 said point being in the northeast line of said B. B. B. & C. Railroad
24 company Survey Section 309, Abstract 126, same being the southwest
25 line of the adjoining S. N. Cross Survey, Abstract 400;

26 Thence South 39 degrees 03 minutes 55 seconds East along the
27 northeast line of the herein described tract and said called

1 614.964 acre tract, same being the southwest line of said adjoining
2 called 130.806 acre tract, being the northeast line of said B. B. B.
3 & C. Railroad Company Survey Section 309, Abstract 126, same being
4 the southwest line of said adjoining S. N. Cross Survey, Abstract
5 400, 1,148.86 feet to a point on said line at its intersection with
6 the Extraterritorial Jurisdictional limits of the City of Rosenberg
7 based on a 2-mile arc from the west line of City of Rosenberg
8 Annexation Number 66, said point being in a non-tangent curve to the
9 left;

10 Thence with said non-tangent curve to the left, being the
11 Extraterritorial Jurisdictional limits of the City of Rosenberg,
12 having a central angle of 20 degrees 50 minutes 55 seconds, an arc
13 length of 3,842.56 feet, a radius of 10,560.00 feet, and a chord
14 bearing South 08 degrees 54 minutes 47 seconds West, 3,821.40 feet
15 to a point in the upper southwest line of said called 614.964 acre
16 tract and said B. B. B. & C. Railroad Company Survey Section 309,
17 Abstract 126, same being the northeast line of said Gabriel Cole 3/4
18 League, Abstract 19;

19 Thence North 39 degrees 01 minute 53 seconds West along an
20 interior line of the herein described tract, being the upper
21 southwest line of said called 614.964 acre tract and said B. B. B. &
22 C. Railroad Company Survey Section 309, Abstract 126, same being
23 the northeast line of said Gabriel Cole 3/4 League, Abstract 19,
24 2,484.19 feet to the upper southeast corner of the aforementioned
25 called 315.937 acre tract for a reentry corner to the herein
26 described tract;

27 Thence South 71 degrees 57 minutes 09 seconds West along an

1 interior line of the herein described tract and said called 315.937
2 acre tract, and along the northwest line of an adjoining called
3 25.00 acre tract recorded under County Clerk's File Number
4 2001085827, Official Public Records, Fort Bend County, Texas, and
5 described in Volume 638, Page 367, Deed Records, Fort Bend County,
6 Texas, 1,494.57 feet to the west corner of said adjoining called
7 25.00 acre tract, being a reentry corner of said called 315.937 acre
8 tract and a reentry corner to the herein described tract;

9 Thence South 67 degrees 13 minutes 47 seconds East along the
10 southerly line of said adjoining called 25.00 acre tract, 2,718.67
11 feet to the southeast corner of said adjoining called 25.00 acre
12 tract;

13 Thence South 41 degrees 16 minutes 22 seconds East along an
14 interior line of the herein described tract, being the
15 northeasterly line of said called 315.937 acre tract, 732.40 feet
16 to a point on said line at its intersection with the above-described
17 Extraterritorial Jurisdictional limits of the City of Rosenberg;

18 Thence with said non-tangent curve to the left, being the
19 Extraterritorial Jurisdictional limits of the City of Rosenberg,
20 having a central angle of 11 degrees 03 minutes 22 seconds, an arc
21 length of 2,037.72 feet, a radius of 10,560.00 feet, and a chord
22 bearing South 07 degrees 46 minutes 39 seconds East, 2,034.56 feet
23 to a point in the southwest line of said called 315.937 acre tract,
24 same being the northeast line of an adjoining called 189.1838 acre
25 tract recorded under County Clerk's File Number 2014097231,
26 Official Public Records, Fort Bend County, Texas, for the south
27 corner of the herein described tract;

1 Thence North 67 degrees 34 minutes 04 seconds West along the
2 southwest line of the herein described tract and said called
3 315.937 acre tract, same being the northeast line of said adjoining
4 called 189.183 acre tract, 1,285.70 feet to the north corner of said
5 adjoining called 189.183 acre tract, same being the east corner of
6 an adjoining called 133.7601 acre tract recorded in Volume 2180,
7 Page 1885, Official Records, Fort Bend County, Texas;

8 Thence North 67 degrees 21 minutes 28 seconds West along the
9 southwest line of the herein described tract and said called
10 315.937 acre tract, same being a northeast line of said adjoining
11 called 133.7601 acre tract, 912.38 feet to the lower north corner of
12 said adjoining called 133.7601 acre tract for corner, said point
13 being in the southeast line of an adjoining called 8.6 acre tract
14 recorded in Volume 963, Page 371, Deed Records, Fort Bend County,
15 Texas;

16 Thence North 57 degrees 49 minutes 44 seconds East along the
17 common line of the herein described tract and said adjoining called
18 8.6 acre tract, 121.36 feet to the east corner of said adjoining
19 called 8.6 acre tract for a reentry corner to the herein described
20 tract;

21 Thence North 67 degrees 39 minutes 16 seconds West continuing
22 along said common line, and along the northeast line of an adjoining
23 called 11.05 acre tract recorded in Volume 81, Page 265, Deed
24 Records, Fort Bend County, Texas, 1,458.82 feet to the north corner
25 of said adjoining called 11.05 acre tract, same being the lower east
26 corner of an adjoining called 177.581 acre tract recorded under
27 County Clerk's File Number 2016022967, Official Public Records,

1 Fort Bend County, Texas;

2 Thence North 68 degrees 05 minutes 20 seconds West along the
3 common line of the herein described tract and said adjoining called
4 177.581 acre tract, 2,064.49 feet to a point in the centerline of
5 Turkey Creek;

6 Thence continuing along said common line, being the
7 centerline of Turkey Creek, with the following meanders:

8 North 65 degrees 07 minutes 28 seconds West, 96.85 feet;

9 North 74 degrees 24 minutes 56 seconds West, 132.63
10 feet;

11 South 60 degrees 58 minutes 04 seconds West, 22.62 feet;

12 North 82 degrees 08 minutes 09 seconds West, 34.34 feet;

13 North 60 degrees 55 minutes 28 seconds West, 74.41 feet;

14 North 32 degrees 56 minutes 51 seconds West, 57.73 feet;

15 North 49 degrees 02 minutes 35 seconds West, 56.30 feet;

16 North 50 degrees 06 minutes 14 seconds West, 38.15 feet;

17 North 26 degrees 39 minutes 23 seconds West, 55.25 feet;

18 North 19 degrees 50 minutes 01 second East, 25.51 feet;

19 North 51 degrees 51 minutes 14 seconds East, 44.50 feet;

20 North 42 degrees 17 minutes 14 seconds East, 63.75 feet;

21 North 85 degrees 38 minutes 12 seconds East, 96.38 feet;

22 North 01 degree 45 minutes 24 seconds West, 27.11 feet;

23 North 43 degrees 44 minutes 40 seconds West, 84.31 feet;

24 North 45 degrees 44 minutes 36 seconds West, 53.16 feet;

25 South 88 degrees 33 minutes 49 seconds West, 27.33 feet;

26 South 61 degrees 21 minutes 16 seconds West, 46.71 feet;

27 North 71 degrees 54 minutes 51 seconds West, 30.41 feet;

1 North 33 degrees 27 minutes 49 seconds West, 51.91 feet;
2 North 13 degrees 54 minutes 32 seconds East, 51.27 feet;
3 North 31 degrees 15 minutes 08 seconds East, 103.53 feet
4 to a point for corner, said point being the west corner of an
5 adjoining called 8.6215 acre tract in deed to the State of Texas,
6 and described under County Clerk's File Number 2016123444, Official
7 Public Records, Fort Bend County, Texas;

8 Thence South 42 degrees 35 minutes 10 seconds East along the
9 common line of the herein described tract and said adjoining called
10 8.6215 acre tract, 798.02 feet to a point for corner;

11 Thence North 47 degrees 22 minutes 21 seconds East continuing
12 along said common line, 120.63 feet to a point for corner;

13 Thence North 42 degrees 23 minutes 23 seconds West continuing
14 along said common line, 19.45 feet to a point for corner;

15 Thence North 49 degrees 23 minutes 31 seconds East continuing
16 along said common line, 70.26 feet to a point for corner, said point
17 being in a non-tangent curve to the left;

18 Thence with said non-tangent curve to the left, continuing
19 along said common line, having a central angle of 85 degrees 32
20 minutes 06 seconds, an arc length of 528.48 feet, a radius of 354.00
21 feet, and a chord bearing North 06 degrees 39 minutes 42 seconds
22 East, 480.75 feet to the end of said curve;

23 Thence North 36 degrees 05 minutes 40 seconds West continuing
24 along said common line, 348.39 feet to a point for corner, said
25 point being in the southeast line of an adjoining called 3.307 acre
26 tract (Parcel 98-E) in deed to the State of Texas in Volume 486,
27 Page 735, Deed Records, Fort Bend County, Texas;

1 Thence North 53 degrees 54 minutes 57 seconds East along the
2 southeast line of said adjoining called 3.307 acre tract, 748.91
3 feet to the east corner of said adjoining called 3.307 acre tract
4 for a reentry corner to the herein described tract;

5 Thence North 36 degrees 16 minutes 59 seconds West along the
6 northeast line of said adjoining called 3.307 acre tract, 150.00
7 feet to the north corner of said adjoining called 3.307 acre tract,
8 said point being in the southeast right-of-way line of U. S. Highway
9 59;

10 Thence North 53 degrees 54 minutes 14 seconds East along the
11 southeast right-of-way line of U.S. Highway 59, 2,333.11 feet to
12 the north corner of said called 315.937 acre tract, same being the
13 west corner of said called 614.964 acre tract;

14 Thence North 53 degrees 55 minutes 05 seconds East continuing
15 along the southeast right-of- way line of U. S. Highway 59, 2,841.22
16 feet to the Place of Beginning and containing 428.72 acres of land,
17 more or less.

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

25 (b) The governor, one of the required recipients, has
26 submitted the notice and Act to the Texas Commission on
27 Environmental Quality.

1 (c) The Texas Commission on Environmental Quality has filed
2 its recommendations relating to this Act with the governor, the
3 lieutenant governor, and the speaker of the house of
4 representatives within the required time.

5 (d) All requirements of the constitution and laws of this
6 state and the rules and procedures of the legislature with respect
7 to the notice, introduction, and passage of this Act are fulfilled
8 and accomplished.

9 SECTION 4. (a) If this Act does not receive a two-thirds
10 vote of all the members elected to each house, Subchapter C, Chapter
11 7943A, Special District Local Laws Code, as added by Section 1 of
12 this Act, is amended by adding Section 7943A.0307 to read as
13 follows:

14 Sec. 7943A.0307. NO EMINENT DOMAIN POWER. The district may
15 not exercise the power of eminent domain.

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

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