

By: Rodriguez

H.B. No. 4646

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Creedmoor Municipal Utility
3 District; granting a limited power of eminent domain; providing
4 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 7951A to read as follows:

9 CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7951A.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 Creedmoor Municipal Utility
17 District.

18 Sec. 7951A.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7951A.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. 7951A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7951A.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. 7951A.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. 7951A.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. 7951A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7951A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7951A.0202. TEMPORARY DIRECTORS. (a) On or after the
8 effective date of the Act enacting this chapter, the owner or owners
9 of a majority of the assessed value of the real property in the
10 district may submit a petition to the commission requesting that
11 the commission appoint as temporary directors the five persons
12 named in the petition. The commission shall appoint as temporary
13 directors the five persons named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 7951A.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 7951A.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 7951A.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. 7951A.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. 7951A.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. 7951A.0303. AUTHORITY FOR ROAD PROJECTS. Under
18 Section 52, Article III, Texas Constitution, and, if authorized at
19 an election held under Section 53.029(c), Water Code, the district
20 may design, acquire, construct, finance, issue bonds for, improve,
21 operate, maintain, and convey to this state, a county, or a
22 municipality for operation and maintenance macadamized, graveled,
23 or paved roads, or improvements, including storm drainage, in aid
24 of those roads.

25 Sec. 7951A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
26 road project must meet all applicable construction standards,
27 zoning and subdivision requirements, and regulations of each

1 municipality in whose corporate limits or extraterritorial
2 jurisdiction the road project is located.

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

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

11 Sec. 7951A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
12 ORDINANCE OR RESOLUTION. The district shall comply with all
13 applicable requirements of any ordinance or resolution that is
14 adopted under Section 54.016 or 54.0165, Water Code, and that
15 consents to the creation of the district or to the inclusion of land
16 in the district.

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 7951A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
19 The district may issue, without an election, bonds and other
20 obligations secured by:

21 (1) revenue other than ad valorem taxes; or
22 (2) contract payments described by Section
23 7951A.0403.

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

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

5 Sec. 7951A.0402. OPERATION AND MAINTENANCE TAX. (a) If
6 authorized at an election held under Section 7951A.0401, the
7 district may impose an operation and maintenance tax on taxable
8 property in the district in accordance with Section 49.107, Water
9 Code.

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

12 Sec. 7951A.0403. CONTRACT TAXES. (a) In accordance with
13 Section 49.108, Water Code, the district may impose a tax other than
14 an operation and maintenance tax and use the revenue derived from
15 the tax to make payments under a contract after the provisions of
16 the contract have been approved by a majority of the district voters
17 voting at an election held for that purpose.

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

21 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

22 Sec. 7951A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
23 OBLIGATIONS. The district may issue bonds or other obligations
24 payable wholly or partly from ad valorem taxes, impact fees,
25 revenue, contract payments, grants, or other district money, or any
26 combination of those sources, to pay for any authorized district
27 purpose.

1 northwesterly line of that certain 22.325 acre tract described as
2 Tract 3, conveyed to JMJ LLC as recorded in Document No. 2018066108
3 of the said Official Public Records;

4 THENCE, S42°13'26"W, leaving the southwesterly line of the
5 said 74.8 acre tract, with the southeasterly line of the said 148.94
6 acre tract and northwesterly line of the said Tract 3 and the
7 northwesterly line of that certain 22.325 acre tract (Tract III)
8 conveyed to JMJ LLC as recorded in Document No. 2017146247 of the
9 said Official Public Records, for a distance of 2266.21 feet to a
10 concrete monument found for the common southeast corner of the
11 aforesaid 148.94 acre tract and the said 22.325 acre tract, on the
12 existing northeasterly right-of-way line of Old Lockhart Road
13 (right-of-way varies);

14 THENCE, N63°07'05"E, leaving the northwesterly line of the
15 said Tract III and with the southwesterly line of the said 148.94
16 acre tract and the northeasterly right-of-way line of Old Lockhart
17 Road, for a distance of 3685.69 feet to a 1/2" iron rod, with cap
18 marked "Capital Surveying Co. Inc.", set;

19 THENCE, N26°52'55"E, leaving the northeasterly right-of-way
20 line of Old Lockhart Road, across the said 148.94 acre tract, for a
21 distance of 704.72 feet to a 1/2" iron rod, with cap marked "Capital
22 Surveying Co. Inc.", set on the northerly line of the said 148.94
23 acre tract same being the southerly right-of-way line of State
24 Highway 45 (SH 45) (right-of-way varies), as described to the State
25 of Texas (47.679 acres - Parcel 714) in Document No. 2007143559 of
26 the said Official Public Records, from which TxDOT brass disk found
27 on the southerly right-of-way line bears N71°13'19"W, 146.00 feet;

1 THENCE, with the common northerly line of the said 148.94
2 acre tract and the southerly right-of-way line of SH 45, for the
3 following seven (7) courses:

4 1) S71°13'19"E, 50.52 feet to a TxDOT brass disk found;

5 2) S74°24'20"E. 225.01 feet to a 1/2" iron rod, with cap
6 marked "Capital Surveying Co. Inc.", set;

7 3) S76°44'38"E, 237.76 feet to a TxDOT brass disk found for
8 the point of curvature for a non-tangent curve to the left;

9 4) With said non-tangent curve to the left, having a central
10 angle of 24°35'52", a radius of 4174.50 feet, a chord distance of
11 1778.43 (chord bears S85°28'34"E), passing a TxDOT brass disk found
12 at an arc distance of 807.02, for a total arc distance 1792.16 feet
13 to a TxDOT brass disk found for the point of tangency;

14 5) N82°13'31"E, passing a TxDOT brass disk at 160.58 feet,
15 for a total distance of 380.81 feet to a TxDOT brass disk found for
16 the point of curvature for a non-tangent curve to the left;

17 6) With said non-tangent curve to the left, having a central
18 angle of 04°12'53", a radius of 12,000.00 feet, a chord distance of
19 882.55 feet (chord bears N84°14'58"E), for an arc distance of 882.75
20 feet to a TxDOT brass disk found for a point non-tangency;

21 7) N56°45'06"E, 72.87 feet to a 1/2" iron rod, with TxDOT
22 aluminum cap, found for the most easterly north corner of the said
23 148.94 tract, same being the westerly corner of the remainder of
24 that certain 0.682 acres, described as Tract 2, recorded in
25 Document 2018156843 of the said Official Public Records;

26 THENCE, S59°42'07"E, leaving the southerly right-of-way line
27 of SH 45, with the common northeasterly line of the said 148.94 acre

1 THENCE, N62°19'41"W, leaving the westerly line of the said
2 2.728 acre tract, with the common southerly line of the said 87 acre
3 tract and northerly right-of-way line of Turnersville Road, for a
4 distance of 1136.36 feet to a 1/2" iron rod, with cap, found for the
5 southeast corner of that 1.82 acre tract conveyed to Richard A.
6 Schmidt by deed recorded in Document No. 2019020106 of the said
7 Official Public Records;

8 THENCE, N00°29'43"W, leaving the northerly right-of-way line
9 of Turnersville Road, across the said remainder of the 87 acre
10 tract, with the easterly line of the said 1.82 acre tract, for a
11 distance of 421.83 feet to a calculated point. for the northeast
12 corner of the aforesaid 1.82 acre tract, being the southeast corner
13 of that 2.18 acre remainder of that 4.0 acre tract conveyed to
14 Robert A. Schmidt by deed recorded in Document No. 2019017058 of
15 the said Official Public Records;

16 THENCE, N00°29'43"W, leaving the northerly line of the said
17 1.82 acre tract and continuing across the said 87 acre tract, with
18 the easterly line of the said 2.18 acre tract, for a distance of
19 195.16 feet to a 1/2" iron pipe found for the northeast corner of
20 the aforesaid 2.18 acre tract, same being in the southerly line of
21 that 2.50 acre tract (Remainder of 4.00 acre Tracts 1 and 2),
22 conveyed to Jorge Ruiz Sanchez by deed recorded in Document
23 No. 2006008601 of the said Official Public Records;

24 THENCE, leaving the southerly line of the said 2.18 tract,
25 and continuing across the said 87 acre tract, with the southerly and
26 easterly line of the said 2.50 acre tract, for the following three
27 (3) courses

1 1) S65°36'06"E, 41.42 feet to a 1/2" iron rod pipe found for
2 the most southerly corner of the aforesaid 2.50 acre tract;

3 2) N12°03'22"E, 311.02 feet to a fence post for an angle
4 point;

5 3) N03°45'59"E, 91.37 feet to a 1/2" iron pin found, no cap,
6 for the northeast corner of the aforesaid 2.50 acre tract, same
7 being the southwest corner of that 1.50 acre tract conveyed to
8 Valentin Benitez-Benitez by deed recorded in Document
9 No. 2014109464 of the said Official Public Records;

10 THENCE, leaving the northerly line of the said 2.50 acre
11 tract, across the said 87 acre tract, with the easterly and
12 northerly line of the said 1.50 acre tract, for the following two
13 (2) courses:

14 1) N03°45'59"E, 187.42 feet to a fence corner post found for
15 corner;

16 2) N86°49'20"W, 355.99 feet to a 1" iron rod, without cap,
17 found for the northwest corner of the aforesaid 1.50 acre tract,
18 same being on the common occupied westerly line of the 87 acre tract
19 and easterly right-of-way line of Williamson Road (right-of-way
20 varies);

21 THENCE, N00°33'27"W, leaving the northerly line of the 1.50
22 acre tract, across the said 87 acre tract, with the easterly
23 right-of-way line of Williamson Road, for a distance of 914.74 feet
24 to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.",
25 set for the most northerly corner of the herein described tract,
26 same being on the occupied southwest right-of way line of Old
27 Lockhart Highway (right-of-way varies);

1 THENCE, S63°21'38"E, leaving the southerly right-of-way of
2 Williamson Road, across the said 87 acre tract, with the southwest
3 right-of-way line of the Old Lockhart Highway, 2802.82 feet to a
4 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for
5 the most easterly corner of the herein described tract, same being
6 the northwest corner of that 7.728 acre tract conveyed to Linda
7 Thompson and Larry D. Thompson by deed recorded in Document
8 No. 2008094501 of the said Official Public Records;

9 THENCE, leaving the southwest right-of-way line of Old
10 Lockhart Highway along the southeast line of the said 87 acre tract,
11 being the northwest line of the said 7.728 acre tract and the
12 aforesaid 2.728 acre tract, for the following four (4) courses:

13 1) S42°01'19"W, 786.97 feet to a 1/2" iron rod, with cap
14 marked "Capital Surveying Co. Inc.", set, from which a 1/2" iron rod
15 found, no cap, bears N06°44'11"E, 1.37 feet;

16 2) S41°46'24"W, passing at 406.30 feet the northwest corner
17 of the aforesaid 2.728 acre tract for a total distance of 449.42
18 feet;

19 3) S42°05'30"W, 328.50 feet to a 1/2" iron rod, with cap
20 marked "Capital Surveying Co. Inc.", set;

21 4) S42°17'24"W, 302.91 feet to the POINT OF BEGINNING,
22 CONTAINING within these metes and bounds 78.934 acres of land area.
23 Basis of Bearing is the Texas State Plane Coordinate System,
24 Central Zone, NAD83 (Grid).

25 SECTION 3. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,
2 officials, or entities to which they are required to be furnished
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4 Government Code.

5 (b) The governor, one of the required recipients, has
6 submitted the notice and Act to the Texas Commission on
7 Environmental Quality.

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

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

16 SECTION 4. (a) If this Act does not receive a two-thirds
17 vote of all the members elected to each house, Subchapter C, Chapter
18 7951A, Special District Local Laws Code, as added by Section 1 of
19 this Act, is amended by adding Section 7951A.0306 to read as
20 follows:

21 Sec. 7951A.0306. NO EMINENT DOMAIN POWER. The district may
22 not exercise the power of eminent domain.

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

26 SECTION 5. This Act takes effect immediately if it receives
27 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2021.