

1-1 By: Rodriguez (Senate Sponsor - Zaffirini) H.B. No. 4646
 1-2 (In the Senate - Received from the House May 10, 2021;
 1-3 May 10, 2021, read first time and referred to Committee on Local
 1-4 Government; May 20, 2021, reported adversely, with favorable
 1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
 1-6 May 20, 2021, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 4646 By: Zaffirini

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the creation of the Creedmoor Municipal Utility
 1-22 District; granting a limited power of eminent domain; providing
 1-23 authority to issue bonds; providing authority to impose
 1-24 assessments, fees, and taxes.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-26 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-27 Code, is amended by adding Chapter 7951A to read as follows:

1-28 CHAPTER 7951A. CREEDMOOR MUNICIPAL UTILITY DISTRICT

1-29 SUBCHAPTER A. GENERAL PROVISIONS

1-30 Sec. 7951A.0101. DEFINITIONS. In this chapter:

1-31 (1) "Board" means the district's board of directors.

1-32 (2) "Commission" means the Texas Commission on
 1-33 Environmental Quality.

1-34 (3) "Director" means a board member.

1-35 (4) "District" means the Creedmoor Municipal Utility
 1-36 District.

1-37 Sec. 7951A.0102. NATURE OF DISTRICT. The district is a
 1-38 municipal utility district created under Section 59, Article XVI,
 1-39 Texas Constitution.

1-40 Sec. 7951A.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-41 REQUIRED. The temporary directors shall hold an election to
 1-42 confirm the creation of the district and to elect five permanent
 1-43 directors as provided by Section 49.102, Water Code.

1-44 Sec. 7951A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-45 temporary directors may not hold an election under Section
 1-46 7951A.0103 until each municipality in whose corporate limits or
 1-47 extraterritorial jurisdiction the district is located has
 1-48 consented by ordinance or resolution to the creation of the
 1-49 district and to the inclusion of land in the district.

1-50 Sec. 7951A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-51 (a) The district is created to serve a public purpose and benefit.

1-52 (b) The district is created to accomplish the purposes of:

1-53 (1) a municipal utility district as provided by
 1-54 general law and Section 59, Article XVI, Texas Constitution; and

1-55 (2) Section 52, Article III, Texas Constitution, that
 1-56 relate to the construction, acquisition, improvement, operation,
 1-57 or maintenance of macadamized, graveled, or paved roads, or
 1-58 improvements, including storm drainage, in aid of those roads.

1-59 Sec. 7951A.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-60 district is initially composed of the territory described by

2-1 Section 2 of the Act enacting this chapter.
 2-2 (b) The boundaries and field notes contained in Section 2 of
 2-3 the Act enacting this chapter form a closure. A mistake made in the
 2-4 field notes or in copying the field notes in the legislative process
 2-5 does not affect the district's:
 2-6 (1) organization, existence, or validity;
 2-7 (2) right to issue any type of bond for the purposes
 2-8 for which the district is created or to pay the principal of and
 2-9 interest on a bond;
 2-10 (3) right to impose a tax; or
 2-11 (4) legality or operation.
 2-12 SUBCHAPTER B. BOARD OF DIRECTORS
 2-13 Sec. 7951A.0201. GOVERNING BODY; TERMS. (a) The district
 2-14 is governed by a board of five elected directors.
 2-15 (b) Except as provided by Section 7951A.0202, directors
 2-16 serve staggered four-year terms.
 2-17 Sec. 7951A.0202. TEMPORARY DIRECTORS. (a) On or after the
 2-18 effective date of the Act enacting this chapter, the owner or owners
 2-19 of a majority of the assessed value of the real property in the
 2-20 district may submit a petition to the commission requesting that
 2-21 the commission appoint as temporary directors the five persons
 2-22 named in the petition. The commission shall appoint as temporary
 2-23 directors the five persons named in the petition.
 2-24 (b) Temporary directors serve until the earlier of:
 2-25 (1) the date permanent directors are elected under
 2-26 Section 7951A.0103; or
 2-27 (2) the fourth anniversary of the effective date of
 2-28 the Act enacting this chapter.
 2-29 (c) If permanent directors have not been elected under
 2-30 Section 7951A.0103 and the terms of the temporary directors have
 2-31 expired, successor temporary directors shall be appointed or
 2-32 reappointed as provided by Subsection (d) to serve terms that
 2-33 expire on the earlier of:
 2-34 (1) the date permanent directors are elected under
 2-35 Section 7951A.0103; or
 2-36 (2) the fourth anniversary of the date of the
 2-37 appointment or reappointment.
 2-38 (d) If Subsection (c) applies, the owner or owners of a
 2-39 majority of the assessed value of the real property in the district
 2-40 may submit a petition to the commission requesting that the
 2-41 commission appoint as successor temporary directors the five
 2-42 persons named in the petition. The commission shall appoint as
 2-43 successor temporary directors the five persons named in the
 2-44 petition.
 2-45 SUBCHAPTER C. POWERS AND DUTIES
 2-46 Sec. 7951A.0301. GENERAL POWERS AND DUTIES. The district
 2-47 has the powers and duties necessary to accomplish the purposes for
 2-48 which the district is created.
 2-49 Sec. 7951A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-50 DUTIES. The district has the powers and duties provided by the
 2-51 general law of this state, including Chapters 49 and 54, Water Code,
 2-52 applicable to municipal utility districts created under Section 59,
 2-53 Article XVI, Texas Constitution.
 2-54 Sec. 7951A.0303. AUTHORITY FOR ROAD PROJECTS. Under
 2-55 Section 52, Article III, Texas Constitution, the district may
 2-56 design, acquire, construct, finance, issue bonds for, improve,
 2-57 operate, maintain, and convey to this state, a county, or a
 2-58 municipality for operation and maintenance macadamized, graveled,
 2-59 or paved roads, or improvements, including storm drainage, in aid
 2-60 of those roads.
 2-61 Sec. 7951A.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-62 road project must meet all applicable construction standards,
 2-63 zoning and subdivision requirements, and regulations of each
 2-64 municipality in whose corporate limits or extraterritorial
 2-65 jurisdiction the road project is located.
 2-66 (b) If a road project is not located in the corporate limits
 2-67 or extraterritorial jurisdiction of a municipality, the road
 2-68 project must meet all applicable construction standards,
 2-69 subdivision requirements, and regulations of each county in which

3-1 the road project is located.
3-2 (c) If the state will maintain and operate the road, the
3-3 Texas Transportation Commission must approve the plans and
3-4 specifications of the road project.

3-5 Sec. 7951A.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-6 ORDINANCE OR RESOLUTION. The district shall comply with all
3-7 applicable requirements of any ordinance or resolution that is
3-8 adopted under Section 54.016 or 54.0165, Water Code, and that
3-9 consents to the creation of the district or to the inclusion of land
3-10 in the district.

3-11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-12 Sec. 7951A.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-13 The district may issue, without an election, bonds and other
3-14 obligations secured by:

- 3-15 (1) revenue other than ad valorem taxes; or
- 3-16 (2) contract payments described by Section
3-17 7951A.0403.

3-18 (b) The district must hold an election in the manner
3-19 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-20 before the district may impose an ad valorem tax or issue bonds
3-21 payable from ad valorem taxes.

3-22 (c) The district may not issue bonds payable from ad valorem
3-23 taxes to finance a road project unless the issuance is approved by a
3-24 vote of a two-thirds majority of the district voters voting at an
3-25 election held for that purpose.

3-26 Sec. 7951A.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-27 authorized at an election held under Section 7951A.0401, the
3-28 district may impose an operation and maintenance tax on taxable
3-29 property in the district in accordance with Section 49.107, Water
3-30 Code.

3-31 (b) The board shall determine the tax rate. The rate may not
3-32 exceed the rate approved at the election.

3-33 Sec. 7951A.0403. CONTRACT TAXES. (a) In accordance with
3-34 Section 49.108, Water Code, the district may impose a tax other than
3-35 an operation and maintenance tax and use the revenue derived from
3-36 the tax to make payments under a contract after the provisions of
3-37 the contract have been approved by a majority of the district voters
3-38 voting at an election held for that purpose.

3-39 (b) A contract approved by the district voters may contain a
3-40 provision stating that the contract may be modified or amended by
3-41 the board without further voter approval.

3-42 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-43 Sec. 7951A.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-44 OBLIGATIONS. The district may issue bonds or other obligations
3-45 payable wholly or partly from ad valorem taxes, impact fees,
3-46 revenue, contract payments, grants, or other district money, or any
3-47 combination of those sources, to pay for any authorized district
3-48 purpose.

3-49 Sec. 7951A.0502. TAXES FOR BONDS. At the time the district
3-50 issues bonds payable wholly or partly from ad valorem taxes, the
3-51 board shall provide for the annual imposition of a continuing
3-52 direct ad valorem tax, without limit as to rate or amount, while all
3-53 or part of the bonds are outstanding as required and in the manner
3-54 provided by Sections 54.601 and 54.602, Water Code.

3-55 Sec. 7951A.0503. BONDS FOR ROAD PROJECTS. At the time of
3-56 issuance, the total principal amount of bonds or other obligations
3-57 issued or incurred to finance road projects and payable from ad
3-58 valorem taxes may not exceed one-fourth of the assessed value of the
3-59 real property in the district.

3-60 SECTION 2. The Creedmoor Municipal Utility District
3-61 initially includes all the territory contained in the following
3-62 area:

3-63 TRACT I

3-64 FIELDNOTE DESCRIPTION of a tract or parcel of land containing
3-65 134.000 acres situated in the Elijah Caples League Survey No. 7,
3-66 Abstract No. 155, Travis County, Texas, being a portion of that
3-67 certain 148.94 acre tract, conveyed to C. L. Thomas Holdings, LLC as
3-68 recorded in Document No. 2014173787 of the Official Public Records
3-69 of Travis County, Texas; the said 134.000 acre tract is more

4-1 particularly described by metes and bounds as follows:

4-2 BEGINNING at a 1/2" iron pipe found for the northeast corner
4-3 of the said 148.94 acre tract, same being the southeast corner of
4-4 the remainder of that certain 74.8 acre tract, conveyed to Humbert
4-5 R. Ventura by probate as recorded in Volume 12557, Page 35 of the
4-6 Real Property Records of Travis County, Texas and being on the
4-7 northwesterly line of that certain 22.325 acre tract described as
4-8 Tract 3, conveyed to JMJ LLC as recorded in Document No. 2018066108
4-9 of the said Official Public Records;

4-10 THENCE, S42°13'26"W, leaving the southwesterly line of the
4-11 said 74.8 acre tract, with the southeasterly line of the said 148.94
4-12 acre tract and northwesterly line of the said Tract 3 and the
4-13 northwesterly line of that certain 22.325 acre tract (Tract III)
4-14 conveyed to JMJ LLC as recorded in Document No. 2017146247 of the
4-15 said Official Public Records, for a distance of 2266.21 feet to a
4-16 concrete monument found for the common southeast corner of the
4-17 aforesaid 148.94 acre tract and the said 22.325 acre tract, on the
4-18 existing northeasterly right-of-way line of Old Lockhart Road
4-19 (right-of-way varies);

4-20 THENCE, N63°07'05"E, leaving the northwesterly line of the
4-21 said Tract III and with the southwesterly line of the said 148.94
4-22 acre tract and the northeasterly right-of-way line of Old Lockhart
4-23 Road, for a distance of 3685.69 feet to a 1/2" iron rod, with cap
4-24 marked "Capital Surveying Co. Inc.", set;

4-25 THENCE, N26°52'55"E, leaving the northeasterly right-of-way
4-26 line of Old Lockhart Road, across the said 148.94 acre tract, for a
4-27 distance of 704.72 feet to a 1/2" iron rod, with cap marked "Capital
4-28 Surveying Co. Inc.", set on the northerly line of the said 148.94
4-29 acre tract same being the southerly right-of-way line of State
4-30 Highway 45 (SH 45) (right-of-way varies), as described by the State
4-31 of Texas (47.679 acres - Parcel 714) in Document No. 2007143559 of
4-32 the said Official Public Records, from which TxDOT brass disk found
4-33 on the southerly right-of-way line bears N71°13'19"W, 146.00 feet;

4-34 THENCE, with the common northerly line of the said 148.94
4-35 acre tract and the southerly right-of-way line of SH 45, for the
4-36 following seven (7) courses:

4-37 1) S71°13'19"E, 50.52 feet to a TxDOT brass disk found;
4-38 2) S74°24'20"E, 225.01 feet to a 1/2" iron rod, with cap
4-39 marked "Capital Surveying Co. Inc.", set;

4-40 3) S76°44'38"E, 237.76 feet to a TxDOT brass disk found for
4-41 the point of curvature for a non-tangent curve to the left;

4-42 4) With said non-tangent curve to the left, having a central
4-43 angle of 24°35'52", a radius of 4174.50 feet, a chord distance of
4-44 1778.43 (chord bears S85°28'34"E), passing a TxDOT brass disk found
4-45 at an arc distance of 807.02, for a total arc distance 1792.16 feet
4-46 to a TxDOT brass disk found for the point of tangency;

4-47 5) N82°13'31"E, passing a TxDOT brass disk at 160.58 feet,
4-48 for a total distance of 380.81 feet to a TxDOT brass disk found for
4-49 the point of curvature for a non-tangent curve to the left;

4-50 6) With said non-tangent curve to the left, having a central
4-51 angle of 04°12'53", a radius of 12,000.00 feet, a chord distance of
4-52 882.55 feet (chord bears N84°14'58"E), for an arc distance of 882.75
4-53 feet to a TxDOT brass disk found for a point non-tangency;

4-54 7) N56°45'06"E, 72.87 feet to a 1/2" iron rod, with TxDOT
4-55 aluminum cap, found for the most easterly north corner of the said
4-56 148.94 tract, same being the westerly corner of the remainder of
4-57 that certain 0.682 acres, described as Tract 2, recorded in
4-58 Document 2018156843 of the said Official Public Records;

4-59 THENCE, S59°42'07"E, leaving the southerly right-of-way line
4-60 of SH 45, with the common northeasterly line of the said 148.94 acre
4-61 tract and the southwesterly line of the said 0.682 acre tract, for a
4-62 distance of 277.84 feet to a 1/2" iron pipe found for the southeast
4-63 corner of the said 0.682 acre tract and southwesterly corner of the
4-64 aforesaid 74.8 acre tract;

4-65 THENCE, S59°59'13"E, with the common northwesterly line of
4-66 the said 148.94 acre tract and southwesterly line of the said 74.84
4-67 acre tract, for a distance of 769.85 feet to the POINT OF BEGINNING,
4-68 CONTAINING within these metes and bounds 134.000 acres of land
4-69 area.

5-1 Basis of Bearing is the Texas State Plane Coordinate System,
5-2 Central Zone, NAD83 (Grid).

5-3 TRACT II

5-4 FIELDNOTE DESCRIPTION of a tract or parcel of land containing
5-5 78.934 acres situated in the William P. Corbin League Survey,
5-6 Abstract No. 159, Travis County, Texas, being the remainder of that
5-7 87 acre tract, described as Tracts 1, 2 and 3 in the deed conveyed to
5-8 Veleria Graef Hohertz and Arlon Wayne Graef as recorded in Document
5-9 No. 2017122621 of the Official Public Records of Travis County,
5-10 Texas; the said 78.934 acre tract is more particularly described by
5-11 metes and bounds as follows:

5-12 BEGINNING at a 1/2" iron rod, without cap, found for the
5-13 southeast corner of the herein described tract, same being the
5-14 southwest corner of that 2.728 acre tract conveyed to George A.
5-15 Soria by deed recorded in Volume 10335, Page 141 of the Real
5-16 Property Records of Travis County, Texas, and a point on the
5-17 existing northerly right-of-way line of Turnersville Road
5-18 (right-of-way varies);

5-19 THENCE, N62°19'41"W, leaving the westerly line of the said
5-20 2.728 acre tract, with the common southerly line of the said 87 acre
5-21 tract and northerly right-of-way line of Turnersville Road, for a
5-22 distance of 1136.36 feet to a 1/2" iron rod, with cap, found for the
5-23 southeast corner of that 1.82 acre tract conveyed to Richard A.
5-24 Schmidt by deed recorded in Document No. 2019020106 of the said
5-25 Official Public Records;

5-26 THENCE, N00°29'43"W, leaving the northerly right-of-way line
5-27 of Turnersville Road, across the said remainder of the 87 acre
5-28 tract, with the easterly line of the said 1.82 acre tract, for a
5-29 distance of 421.83 feet to a calculated point. for the northeast
5-30 corner of the aforesaid 1.82 acre tract, being the southeast corner
5-31 of that 2.18 acre remainder of that 4.0 acre tract conveyed to
5-32 Robert A. Schmidt by deed recorded in Document No. 2019017058 of
5-33 the said Official Public Records;

5-34 THENCE, N00°29'43"W, leaving the northerly line of the said
5-35 1.82 acre tract and continuing across the said 87 acre tract, with
5-36 the easterly line of the said 2.18 acre tract, for a distance of
5-37 195.16 feet to a 1/2" iron pipe found for the northeast corner of
5-38 the aforesaid 2.18 acre tract, same being in the southerly line of
5-39 that 2.50 acre tract (Remainder of 4.00 acre Tracts 1 and 2),
5-40 conveyed to Jorge Ruiz Sanchez by deed recorded in Document
5-41 No. 2006008601 of the said Official Public Records;

5-42 THENCE, leaving the southerly line of the said 2.18 tract,
5-43 and continuing across the said 87 acre tract, with the southerly and
5-44 easterly line of the said 2.50 acre tract, for the following three
5-45 (3) courses

5-46 1) S65°36'06"E, 41.42 feet to a 1/2" iron rod pipe found for
5-47 the most southerly corner of the aforesaid 2.50 acre tract;

5-48 2) N12°03'22"E, 311.02 feet to a fence post for an angle
5-49 point;

5-50 3) N03°45'59"E, 91.37 feet to a 1/2" iron pin found, no cap,
5-51 for the northeast corner of the aforesaid 2.50 acre tract, same
5-52 being the southwest corner of that 1.50 acre tract conveyed to
5-53 Valentin Benitez-Benitez by deed recorded in Document
5-54 No. 2014109464 of the said Official Public Records;

5-55 THENCE, leaving the northerly line of the said 2.50 acre
5-56 tract, across the said 87 acre tract, with the easterly and
5-57 northerly line of the said 1.50 acre tract, for the following two
5-58 (2) courses:

5-59 1) N03°45'59"E, 187.42 feet to a fence corner post found for
5-60 corner;

5-61 2) N86°49'20"W, 355.99 feet to a 1" iron rod, without cap,
5-62 found for the northwest corner of the aforesaid 1.50 acre tract,
5-63 same being on the common occupied westerly line of the 87 acre tract
5-64 and easterly right-of-way line of Williamson Road (right-of-way
5-65 varies);

5-66 THENCE, N00°33'27"W, leaving the northerly line of the 1.50
5-67 acre tract, across the said 87 acre tract, with the easterly
5-68 right-of-way line of Williamson Road, for a distance of 914.74 feet
5-69 to a 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.",

6-1 set for the most northerly corner of the herein described tract,
6-2 same being on the occupied southwest right-of way line of Old
6-3 Lockhart Highway (right-of-way varies);

6-4 THENCE, S63°21'38"E, leaving the southerly right-of-way of
6-5 Williamson Road, across the said 87 acre tract, with the southwest
6-6 right-of-way line of the Old Lockhart Highway, 2802.82 feet to a
6-7 1/2" iron rod, with cap marked "Capital Surveying Co. Inc.", set for
6-8 the most easterly corner of the herein described tract, same being
6-9 the northwest corner of that 7.728 acre tract conveyed to Linda
6-10 Thompson and Larry D. Thompson by deed recorded in Document
6-11 No. 2008094501 of the said Official Public Records;

6-12 THENCE, leaving the southwest right-of-way line of Old
6-13 Lockhart Highway along the southeast line of the said 87 acre tract,
6-14 being the northwest line of the said 7.728 acre tract and the
6-15 aforesaid 2.728 acre tract, for the following four (4) courses:

6-16 1) S42°01'19"W, 786.97 feet to a 1/2" iron rod, with cap
6-17 marked "Capital Surveying Co. Inc.", set, from which a 1/2" iron rod
6-18 found, no cap, bears N06°44'11"E, 1.37 feet;

6-19 2) S41°46'24"W, passing at 406.30 feet the northwest corner
6-20 of the aforesaid 2.728 acre tract for a total distance of 449.42
6-21 feet;

6-22 3) S42°05'30"W, 328.50 feet to a 1/2" iron rod, with cap
6-23 marked "Capital Surveying Co. Inc.", set;

6-24 4) S42°17'24"W, 302.91 feet to the POINT OF BEGINNING,
6-25 CONTAINING within these metes and bounds 78.934 acres of land area.
6-26 Basis of Bearing is the Texas State Plane Coordinate System,
6-27 Central Zone, NAD83 (Grid).

6-28 SECTION 3. (a) The legal notice of the intention to
6-29 introduce this Act, setting forth the general substance of this
6-30 Act, has been published as provided by law, and the notice and a
6-31 copy of this Act have been furnished to all persons, agencies,
6-32 officials, or entities to which they are required to be furnished
6-33 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-34 Government Code.

6-35 (b) The governor, one of the required recipients, has
6-36 submitted the notice and Act to the Texas Commission on
6-37 Environmental Quality.

6-38 (c) The Texas Commission on Environmental Quality has filed
6-39 its recommendations relating to this Act with the governor, the
6-40 lieutenant governor, and the speaker of the house of
6-41 representatives within the required time.

6-42 (d) All requirements of the constitution and laws of this
6-43 state and the rules and procedures of the legislature with respect
6-44 to the notice, introduction, and passage of this Act are fulfilled
6-45 and accomplished.

6-46 SECTION 4. (a) If this Act does not receive a two-thirds
6-47 vote of all the members elected to each house, Subchapter C, Chapter
6-48 7951A, Special District Local Laws Code, as added by Section 1 of
6-49 this Act, is amended by adding Section 7951A.0306 to read as
6-50 follows:

6-51 Sec. 7951A.0306. NO EMINENT DOMAIN POWER. The district may
6-52 not exercise the power of eminent domain.

6-53 (b) This section is not intended to be an expression of a
6-54 legislative interpretation of the requirements of Section 17(c),
6-55 Article I, Texas Constitution.

6-56 SECTION 5. This Act takes effect immediately if it receives
6-57 a vote of two-thirds of all the members elected to each house, as
6-58 provided by Section 39, Article III, Texas Constitution. If this
6-59 Act does not receive the vote necessary for immediate effect, this
6-60 Act takes effect September 1, 2021.

6-61 * * * * *