

By: Rodriguez

H.B. No. 4647

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the creation of the Mustang Ridge 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 7945A to read as follows:

9 CHAPTER 7945A. MUSTANG RIDGE MUNICIPAL UTILITY DISTRICT

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 7945A.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 Mustang Ridge Municipal
17 Utility District.

18 Sec. 7945A.0102. NATURE OF DISTRICT. The district is a
19 municipal utility district created under Section 59, Article XVI,
20 Texas Constitution.

21 Sec. 7945A.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. 7945A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7945A.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. 7945A.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. 7945A.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. 7945A.0201. GOVERNING BODY; TERMS. (a) The district
4 is governed by a board of five elected directors.

5 (b) Except as provided by Section 7945A.0202, directors
6 serve staggered four-year terms.

7 Sec. 7945A.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 7945A.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 7945A.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 7945A.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. 7945A.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. 7945A.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. 7945A.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. 7945A.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. 7945A.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. 7945A.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 7945A.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. 7945A.0402. OPERATION AND MAINTENANCE TAX. (a) If
6 authorized at an election held under Section 7945A.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. 7945A.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. 7945A.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 Sec. 7945A.0502. TAXES FOR BONDS. At the time the district
2 issues bonds payable wholly or partly from ad valorem taxes, the
3 board shall provide for the annual imposition of a continuing
4 direct ad valorem tax, without limit as to rate or amount, while all
5 or part of the bonds are outstanding as required and in the manner
6 provided by Sections 54.601 and 54.602, Water Code.

7 Sec. 7945A.0503. BONDS FOR ROAD PROJECTS. At the time of
8 issuance, the total principal amount of bonds or other obligations
9 issued or incurred to finance road projects and payable from ad
10 valorem taxes may not exceed one-fourth of the assessed value of the
11 real property in the district.

12 SECTION 2. The Mustang Ridge Municipal Utility District
13 initially includes all the territory contained in the following
14 area:

15 BEING A 303.2 ACRE TRACT OUT OF THE JOSE SEFERINA MORA SURVEY NUMBER
16 6, ABSTRACT NUMBER 522, TRAVIS COUNTY, TEXAS, BEING THE
17 CONSOLIDATION OF SIX TRACTS OF LAND DESCRIBED HEREIN, BEING ALL OF A
18 CALLED 91.81 ACRE TRACT, DESCRIBED TO ALTON BROOKS LAWS, JR. AS
19 RECORDED IN VOLUME 10031, PAGE 431 OF THE REAL PROPERTY RECORDS OF
20 TRAVIS COUNTY, TEXAS [R.P.R.T.C.T.], AND BEING ALL OF A CALLED
21 107.33 ACRE TRACT, CONVEYED TO LAWS FAMILY PARTNERSHIP, LTD., AS
22 RECORDED IN DOCUMENT NUMBER 2008202782 OF THE OFFICIAL PUBLIC
23 RECORDS OF TRAVIS COUNTY, TEXAS [O.P.R.T.C.T.], AND BEING ALL OF A
24 CALLED 92.775 TRACT, CONVEYED TO ALTON B. LAWS JR. AND WIFE, JOYCE
25 KING LAWS, AS RECORDED IN VOLUME 3931, PAGE 2021 OF THE DEED RECORDS
26 OF TRAVIS COUNTY, TEXAS [D.R.T.C.T.], AND BEING ALL OF A CALLED 6.00
27 ACRES, CONVEYED TO ALTON B. LAWS, III, AS RECORDED IN DOCUMENT

1 NUMBER 2001109391 [O.P.R.T.C.T.], AND BEING ALL OF A CALLED 6.00
2 ACRES, CONVEYED TO LARRY L. LAWS AND TERRI R. LAWS, AS RECORDED IN
3 DOCUMENT NUMBER 2000125247 [O.P.R.T.C.T.], AND BEING ALL OF A
4 CALLED 1.00 ACRE TRACT, BEING A PORTION OF THAT 114.34 ACRE TRACT
5 CONVEYED TO ALTON B. LAWS JR. AND WIFE, JOYCE K. LAWS, AS RECORDED
6 IN VOLUME 174, PAGE 214 [D.R.T.C.T.], SAID 303.2 ACRE TRACT BEING
7 MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

8 BEGINNING at a 1/2 inch iron rod found for the west corner of said
9 91.81 acre tract, same being the south corner of a called 91.784
10 acre tract described to MRLH, LLC, recorded in Document Number
11 2020178896 [O.P.R.T.C.T.], same being on the northeast line of a
12 called 223.25 acre tract, described to H. Philip Whitworth, Jr.,
13 described in Volume 12605, Page 836 [O.P.R.T.C.T.],
14 THENCE, N42°21'15"E, along the common line of said 91.81 acre tract
15 and said 91.7984 acre tract, a distance of 3,395.26 feet to a 60D
16 nail found for the north corner of said 91.81 acre tract, same being
17 the east corner of said 91.7984 acre tract, also in the southwest
18 right-of-way of Old Lockhart Highway, a 50-foot wide right-of-way,
19 recorded in Document Number 2000125247 [O.P.R.T.C.T.],
20 THENCE with the common lines of said right-of-way, said 91.81 acre
21 tract, said 6.00 acre Larry L. Laws tract, said 107.33 acre tract,
22 and said 92.775 acre tract, the following three (3) courses and
23 distances:

24 1) S47°20'14"E, a distance of 1,465.76 feet to an angle
25 point,

26 2) N42°02'10"E, a distance of 27.63 feet to an angle point,

27 and

1 3) S48°15'17"E, a distance of 2,408.01 feet to a 6 inch cedar
2 fence post, found at the east corner of said 92.775 acre tract and
3 the tract described herein, same being a point on the said southwest
4 right-of-way of Old Lockhart Highway, and being on the northwest
5 right-of-way of Elm Grove Road, a variable width right-of-way,
6 described in Volume 3426, Page 1348 [D.R.T.C.T.];
7 THENCE, S43°03'48"W, along the common line of said 92.775 acre
8 tract, said 6.00 acre Alton B. Laws tract, and the northwest
9 right-of-way of said Elm Grove Road, a distance of 3,469.91 feet to
10 1/2-inch iron rod found for the south corner of said 92.775 acre
11 tract, and the south corner of the tract described herein, same
12 being the northerly southeast corner of Lot 2, Elm Grove Estates, a
13 plat thereof recorded in Volume 92, Pages 263-264 of the Plat
14 Records of Travis County, Texas, [P.R.T.C.T];
15 THENCE, N47°12'40"W, along the common line of said 91.775 acre tract
16 and said 107.33 acre tract, said 91.81 acre tract, said Lot 2, and
17 said 223.25 acre tract, a distance of 3,830.62 feet to the POINT OF
18 BEGINNING of the tract described herein and containing
19 approximately 303.2 acres.

20 Basis of bearing is the Texas Coordinate System, Central Zone
21 [4203], NAD83 (2011), Epoch 2010.

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 7945A, Special District Local Laws Code, as added by Section 1 of
16 this Act, is amended by adding Section 7945A.0306 to read as
17 follows:

18 Sec. 7945A.0306. 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.