

1-1 By: Taylor S.B. No. 2145
 1-2 (In the Senate - Filed March 18, 2021; April 1, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 21, 2021, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; April 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Brazoria County Municipal Utility
 1-20 District No. 79; granting a limited power of eminent domain;
 1-21 providing authority to issue bonds; providing authority to impose
 1-22 assessments, fees, and taxes.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-24 SECTION 1. Subtitle F, Title 6, Special District Local Laws
 1-25 Code, is amended by adding Chapter 8151 to read as follows:

1-26 CHAPTER 8151. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 79
 1-27 SUBCHAPTER A. GENERAL PROVISIONS
 1-28 Sec. 8151.0101. DEFINITIONS. In this chapter:
 1-29 (1) "Board" means the district's board of directors.
 1-30 (2) "Commission" means the Texas Commission on
 1-31 Environmental Quality.

1-32 (3) "Director" means a board member.
 1-33 (4) "District" means the Brazoria County Municipal
 1-34 Utility District No. 79.

1-35 Sec. 8151.0102. NATURE OF DISTRICT. The district is a
 1-36 municipal utility district created under Section 59, Article XVI,
 1-37 Texas Constitution.

1-38 Sec. 8151.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-39 REQUIRED. The temporary directors shall hold an election to
 1-40 confirm the creation of the district and to elect five permanent
 1-41 directors as provided by Section 49.102, Water Code.

1-42 Sec. 8151.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-43 temporary directors may not hold an election under Section
 1-44 8151.0103 until each municipality in whose corporate limits or
 1-45 extraterritorial jurisdiction the district is located has
 1-46 consented by ordinance or resolution to the creation of the
 1-47 district and to the inclusion of land in the district.

1-48 Sec. 8151.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.
 1-49 (a) The district is created to serve a public purpose and benefit.

1-50 (b) The district is created to accomplish the purposes of:
 1-51 (1) a municipal utility district as provided by
 1-52 general law and Section 59, Article XVI, Texas Constitution; and
 1-53 (2) Section 52, Article III, Texas Constitution, that
 1-54 relate to the construction, acquisition, improvement, operation,
 1-55 or maintenance of macadamized, graveled, or paved roads, or
 1-56 improvements, including storm drainage, in aid of those roads.

1-57 Sec. 8151.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-58 district is initially composed of the territory described by
 1-59 Section 2 of the Act enacting this chapter.

1-60 (b) The boundaries and field notes contained in Section 2 of
 1-61 the Act enacting this chapter form a closure. A mistake made in the

2-1 field notes or in copying the field notes in the legislative process
 2-2 does not affect the district's:
 2-3 (1) organization, existence, or validity;
 2-4 (2) right to issue any type of bond for the purposes
 2-5 for which the district is created or to pay the principal of and
 2-6 interest on a bond;
 2-7 (3) right to impose a tax; or
 2-8 (4) legality or operation.

2-9 SUBCHAPTER B. BOARD OF DIRECTORS

2-10 Sec. 8151.0201. GOVERNING BODY; TERMS. (a) The district is
 2-11 governed by a board of five elected directors.

2-12 (b) Except as provided by Section 8151.0202, directors
 2-13 serve staggered four-year terms.

2-14 Sec. 8151.0202. TEMPORARY DIRECTORS. (a) The temporary
 2-15 board consists of:

- 2-16 (1) Mark C. Wargo;
- 2-17 (2) Kathleen English;
- 2-18 (3) Inna Babbitt;
- 2-19 (4) Linda Houston; and
- 2-20 (5) John B. Tickle.

2-21 (b) Temporary directors serve until the earlier of:

2-22 (1) the date permanent directors are elected under
 2-23 Section 8151.0103; or

2-24 (2) the fourth anniversary of the effective date of
 2-25 the Act enacting this chapter.

2-26 (c) If permanent directors have not been elected under
 2-27 Section 8151.0103 and the terms of the temporary directors have
 2-28 expired, successor temporary directors shall be appointed or
 2-29 reappointed as provided by Subsection (d) to serve terms that
 2-30 expire on the earlier of:

2-31 (1) the date permanent directors are elected under
 2-32 Section 8151.0103; or

2-33 (2) the fourth anniversary of the date of the
 2-34 appointment or reappointment.

2-35 (d) If Subsection (c) applies, the owner or owners of a
 2-36 majority of the assessed value of the real property in the district
 2-37 may submit a petition to the commission requesting that the
 2-38 commission appoint as successor temporary directors the five
 2-39 persons named in the petition. The commission shall appoint as
 2-40 successor temporary directors the five persons named in the
 2-41 petition.

2-42 SUBCHAPTER C. POWERS AND DUTIES

2-43 Sec. 8151.0301. GENERAL POWERS AND DUTIES. The district
 2-44 has the powers and duties necessary to accomplish the purposes for
 2-45 which the district is created.

2-46 Sec. 8151.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-47 DUTIES. The district has the powers and duties provided by the
 2-48 general law of this state, including Chapters 49 and 54, Water Code,
 2-49 applicable to municipal utility districts created under Section 59,
 2-50 Article XVI, Texas Constitution.

2-51 Sec. 8151.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
 2-52 52, Article III, Texas Constitution, the district may design,
 2-53 acquire, construct, finance, issue bonds for, improve, operate,
 2-54 maintain, and convey to this state, a county, or a municipality for
 2-55 operation and maintenance macadamized, graveled, or paved roads, or
 2-56 improvements, including storm drainage, in aid of those roads.

2-57 Sec. 8151.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
 2-58 road project must meet all applicable construction standards,
 2-59 zoning and subdivision requirements, and regulations of each
 2-60 municipality in whose corporate limits or extraterritorial
 2-61 jurisdiction the road project is located.

2-62 (b) If a road project is not located in the corporate limits
 2-63 or extraterritorial jurisdiction of a municipality, the road
 2-64 project must meet all applicable construction standards,
 2-65 subdivision requirements, and regulations of each county in which
 2-66 the road project is located.

2-67 (c) If the state will maintain and operate the road, the
 2-68 Texas Transportation Commission must approve the plans and
 2-69 specifications of the road project.

3-1 Sec. 8151.0305. COMPLIANCE WITH MUNICIPAL CONSENT
 3-2 ORDINANCE OR RESOLUTION. The district shall comply with all
 3-3 applicable requirements of any ordinance or resolution that is
 3-4 adopted under Section 54.016 or 54.0165, Water Code, and that
 3-5 consents to the creation of the district or to the inclusion of land
 3-6 in the district.

3-7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-8 Sec. 8151.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
 3-9 The district may issue, without an election, bonds and other
 3-10 obligations secured by:

3-11 (1) revenue other than ad valorem taxes; or
 3-12 (2) contract payments described by Section 8151.0403.

3-13 (b) The district must hold an election in the manner
 3-14 provided by Chapters 49 and 54, Water Code, to obtain voter approval
 3-15 before the district may impose an ad valorem tax or issue bonds
 3-16 payable from ad valorem taxes.

3-17 (c) The district may not issue bonds payable from ad valorem
 3-18 taxes to finance a road project unless the issuance is approved by a
 3-19 vote of a two-thirds majority of the district voters voting at an
 3-20 election held for that purpose.

3-21 Sec. 8151.0402. OPERATION AND MAINTENANCE TAX. (a) If
 3-22 authorized at an election held under Section 8151.0401, the
 3-23 district may impose an operation and maintenance tax on taxable
 3-24 property in the district in accordance with Section 49.107, Water
 3-25 Code.

3-26 (b) The board shall determine the tax rate. The rate may not
 3-27 exceed the rate approved at the election.

3-28 Sec. 8151.0403. CONTRACT TAXES. (a) In accordance with
 3-29 Section 49.108, Water Code, the district may impose a tax other than
 3-30 an operation and maintenance tax and use the revenue derived from
 3-31 the tax to make payments under a contract after the provisions of
 3-32 the contract have been approved by a majority of the district voters
 3-33 voting at an election held for that purpose.

3-34 (b) A contract approved by the district voters may contain a
 3-35 provision stating that the contract may be modified or amended by
 3-36 the board without further voter approval.

3-37 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-38 Sec. 8151.0501. AUTHORITY TO ISSUE BONDS AND OTHER
 3-39 OBLIGATIONS. The district may issue bonds or other obligations
 3-40 payable wholly or partly from ad valorem taxes, impact fees,
 3-41 revenue, contract payments, grants, or other district money, or any
 3-42 combination of those sources, to pay for any authorized district
 3-43 purpose.

3-44 Sec. 8151.0502. TAXES FOR BONDS. At the time the district
 3-45 issues bonds payable wholly or partly from ad valorem taxes, the
 3-46 board shall provide for the annual imposition of a continuing
 3-47 direct ad valorem tax, without limit as to rate or amount, while all
 3-48 or part of the bonds are outstanding as required and in the manner
 3-49 provided by Sections 54.601 and 54.602, Water Code.

3-50 Sec. 8151.0503. BONDS FOR ROAD PROJECTS. At the time of
 3-51 issuance, the total principal amount of bonds or other obligations
 3-52 issued or incurred to finance road projects and payable from ad
 3-53 valorem taxes may not exceed one-fourth of the assessed value of the
 3-54 real property in the district.

3-55 SECTION 2. The Brazoria County Municipal Utility District
 3-56 No. 79 initially includes all the territory contained in the
 3-57 following area:

3-58 Being 79.905 acres of land located in the A. C. H. & B. R. R.
 3-59 Co. Survey, Section 90 also known as the Kate R. Ehrmann Survey,
 3-60 Abstract 459 of Brazoria County, Texas, more particularly being a
 3-61 portion of Block "O" of the Allison Richey Gulf Coast Home Company
 3-62 Part of Suburban Gardens, a subdivision of record in Volume 2, Page
 3-63 91 & 92, Plat Records, Brazoria County, Texas (B.C.P.R.) more
 3-64 particularly being all of those certain tracts called 2.2229 acres
 3-65 (referred to as Tract B), 16.6700 acres (referred to as Tract C),
 3-66 46.8412 acres (referred to as Tract D), 14.1479 acres (referred to
 3-67 as Tract E) conveyed to VDB Partners, Ltd, by instrument of record
 3-68 in File Number 99-050835, Official Records of Brazoria County,
 3-69 Texas (B.C.O.R.), all of those certain tracts called 46.8412 acres

4-1 (referred to as Tract D), and 14.1479 acres (referred to as Tract E)
 4-2 conveyed to VDB Partners, Ltd, by instrument of record in File
 4-3 Number 99- 050834, B.C.O.R. and in an affidavit to correct legal
 4-4 description of record under File Number 2006000883, B.C.O.R., said
 4-5 79.905 acres being more particularly described by metes and bounds
 4-6 in two tracts, Tract One being 16.447 acres and Tract Two being
 4-7 63.458 acres as follows (all bearings referenced to the Texas
 4-8 Coordinate System, South Central Zone, NAO 83 (1993 adjustment));

4-9 TRACT ONE

4-10 BEGINNING at a 5/8-inch iron rod found for a re-entrant
 4-11 corner on the north line of that certain called 99.9653 acre tract
 4-12 conveyed to SLP 288 and Rodeo Palms II, LP, by instrument of record
 4-13 in File No. 2004064049, B.C.O.R.;

4-14 Thence, North 03° 08' 38" West, along the west line of said
 4-15 14.1479 acre tract and the most northerly east line of said 99.9653
 4-16 acre tract, 333.68 feet to a 5/8-inch iron rod with cap stamped "LA
 4-17 THOMPSON 3987" found for the most northerly northeast corner of
 4-18 said 99.9653 acre tract, same being the southeast corner of Lot 19,
 4-19 Section 90 of the Allison Richey Gulf Coast Home Company Part of
 4-20 Suburban Gardens, a subdivision of record in Volume 2, Page 98,
 4-21 B.C.P.R.;

4-22 Thence, North 03° 19' 05" West, continuing along the west line
 4-23 of said 14.1479 acre tract and along the east line of said Lot 19 and
 4-24 Lot 18 of said subdivision, passing at 1,318.43 feet a TXDOT
 4-25 concrete right-of-way monument found for the northeast corner of
 4-26 said Lot 18 and for an angle point on the easterly right-of-way line
 4-27 of State Highway 288 (width varies), from which a found TXDOT
 4-28 concrete right-of-way monument bears South 85° 24' 57" West, 7.42
 4-29 feet for an angle point on said easterly right-of-way line, and
 4-30 continuing along said easterly right-of-way line and said west line
 4-31 in all 1,354.07 feet to a 5/8-inch iron rod with cap stamped "LJA
 4-32 ENG" set for an angle point on said easterly right-of-way line;

4-33 Thence, North 09° 45' 18" East, continuing along said 14.1479
 4-34 acre tract and said easterly right-of-way line, passing at 472.50
 4-35 feet a 5/8-inch iron rod found for the common west corner of said
 4-36 14.1479 acre tract and the aforementioned 2.2229 acre tract, and
 4-37 continuing along the common line of said easterly right-of-way line
 4-38 and the westerly line of said 2.2229 acre tract, in all 865.71 feet
 4-39 to a TXDOT concrete right-of-way monument found for an angle point
 4-40 on said easterly right-of-way line, the beginning of a curve;

4-41 Thence, continuing along said common line, 251.31 feet along
 4-42 the arc of a non-tangent curve to the left having a radius of
 4-43 1,195.92 feet, a central angle of 12° 02' 25", and a chord that bears
 4-44 North 03° 59' 19" East, 250.85 feet to a TXDOT concrete right-of-way
 4-45 monument found for the point of tangency of said easterly
 4-46 right-of-way line;

4-47 Thence, North 02° 01' 53" West, continuing along said common
 4-48 line, 23.81 feet to a 5/8- inch iron rod with cap stamped "LJA ENG"
 4-49 set for an angle point on said easterly right-of-way line;

4-50 Thence, North 41° 22' 51" East, continuing along said common
 4-51 line, 139.94 feet to a 5/8- inch iron rod with cap stamped "LJA ENG"
 4-52 set for an angle point on said easterly right-of-way line, said
 4-53 point being the north corner of said 2.2229 acre tract and located
 4-54 at the intersection of said easterly right-of-way line and the west
 4-55 right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa
 4-56 Lane);

4-57 Thence, South 02° 27' 53" East, along said west right-of-way
 4-58 line and the east line of said 2.2229 acre tract, passing at 755.91
 4-59 feet the common east corner of said 2.2229 and 14.1479 acre tracts,
 4-60 from which a found 5/8-inch iron rod bears North 81° 46' 31" West,
 4-61 2.79 feet and a found 1/2-inch iron rod bears South 05° 03' 37"
 4-62 East, 6.31 feet, and continuing along said west right-of-way line
 4-63 and the east line of said 14.1479 acre tract, in all 2,903.60 feet
 4-64 to a 5/8-inch iron rod with cap stamped "LJA ENG" set for the
 4-65 intersection of said west right-of-way line with the north line of
 4-66 said 99.9653 acre tract, from which a 5/8-inch iron rod bears North
 4-67 02° 27' 53" West, 1.68 feet;

4-68 Thence, South 86° 42' 53" West, along the north line of said
 4-69 99.9653 acre tract, 284.45 feet the POINT OF BEGINNING and

5-1 containing 16.447 acres of land.

5-2 TRACT TWO

5-3 BEGINNING at a 5/8-inch iron rod found for the northeast
5-4 corner of that certain called 99.9653 acre tract conveyed to SLP 288
5-5 and Rodeo Palms II, LP, by instrument of record in File
5-6 No. 2004064049, B.C.O.R.;

5-7 Thence, South 86° 42' 53" West, along the most easterly north
5-8 line of said 99.9653 acre tract, 964.95 feet to a 5/8-inch iron rod
5-9 with cap stamped "LJA ENG" set for the intersection of the east
5-10 right-of-way line of County Road No. 82 (70 feet wide, AKA Iowa
5-11 Lane) with the north line of said 99.9653 acre tract;

5-12 Thence, North 02° 27' 53" West, along said east right-of-way
5-13 line, passing at 2,147.50 feet the common west corner of the
5-14 aforementioned 46.8412 acre tract and the aforementioned 16.6700
5-15 acre tract, from which a found 5/8-inch iron rod bears North 71° 19'
5-16 55" West, 2.93 feet and a found 1/2-inch iron rod bears South 25° 18'
5-17 36" East, 6.82 feet, and continuing along said east right-of-way
5-18 line and the west line of the aforementioned 16.6700 acre tract, in
5-19 all 2,903.69 feet to a 5/8-inch iron rod with cap stamped "LJA ENG"
5-20 set for the intersection of said east right-of-way line and
5-21 easterly right-of-way line of State Highway 288 (width varies);

5-22 Thence, North 86° 38' 43" East, along said easterly
5-23 right-of-way line and along a north line of said 16.6700 acre tract,
5-24 139.51 feet to a 5/8-inch iron rod found for an angle point on said
5-25 easterly right-of-way line and a re-entrant corner on said north
5-26 line;

5-27 Thence, North 04° 30' 35" West, continuing along said easterly
5-28 right-of-way line and said north line, 29.58 feet to a 5/8-inch iron
5-29 rod found at the intersection of said easterly right-of-way line
5-30 and the south right-of-way line of County Road 58 (called 60 feet
5-31 wide);

5-32 Thence, North 86° 44' 06" East, along said south right-of-way
5-33 line and said north line, passing at 754.62 feet the common survey
5-34 line of said A. C. H. & B. R. R. Co. Survey, Section 90 and the Mary
5-35 V. O'Donnell! Survey, Abstract 469, of said Brazoria County,
5-36 continuing in all

5-37 784.31 feet to a 5/8-inch iron rod with cap stamped "LJA ENG"
5-38 set for the northeast corner of said 16.6700 acre tract as described
5-39 in File Number 99-050835, B.C.O.R.;

5-40 Thence, South 03° 17' 19" East, along the record east line of
5-41 said 16.6700 acre tract, passing at 785.03 feet the common east
5-42 corner of said 16.6700 and 46.8412 acre tracts, and continuing
5-43 along the record east line of said 46.8412 acre tract in all
5-44 2,932.86 feet to the POINT OF BEGINNING and containing 63.458 acres
5-45 of land.

5-46 Said Tract One and Tract Two containing a total of 79.905
5-47 acres.

5-48 SECTION 3. (a) The legal notice of the intention to
5-49 introduce this Act, setting forth the general substance of this
5-50 Act, has been published as provided by law, and the notice and a
5-51 copy of this Act have been furnished to all persons, agencies,
5-52 officials, or entities to which they are required to be furnished
5-53 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-54 Government Code.

5-55 (b) The governor, one of the required recipients, has
5-56 submitted the notice and Act to the Texas Commission on
5-57 Environmental Quality.

5-58 (c) The Texas Commission on Environmental Quality has filed
5-59 its recommendations relating to this Act with the governor, the
5-60 lieutenant governor, and the speaker of the house of
5-61 representatives within the required time.

5-62 (d) All requirements of the constitution and laws of this
5-63 state and the rules and procedures of the legislature with respect
5-64 to the notice, introduction, and passage of this Act are fulfilled
5-65 and accomplished.

5-66 SECTION 4. (a) If this Act does not receive a two-thirds
5-67 vote of all the members elected to each house, Subchapter C, Chapter
5-68 8151, Special District Local Laws Code, as added by Section 1 of
5-69 this Act, is amended by adding Section 8151.0306 to read as follows:

6-1 Sec. 8151.0306. NO EMINENT DOMAIN POWER. The district may
6-2 not exercise the power of eminent domain.

6-3 (b) This section is not intended to be an expression of a
6-4 legislative interpretation of the requirements of Section 17(c),
6-5 Article I, Texas Constitution.

6-6 SECTION 5. This Act takes effect immediately if it receives
6-7 a vote of two-thirds of all the members elected to each house, as
6-8 provided by Section 39, Article III, Texas Constitution. If this
6-9 Act does not receive the vote necessary for immediate effect, this
6-10 Act takes effect September 1, 2021.

6-11

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