

1-1 By: Springer S.B. No. 2205
 1-2 (In the Senate - Filed April 14, 2021; April 14, 2021, read
 1-3 first time and referred to Committee on Local Government;
 1-4 April 27, 2021, reported favorably by the following vote: Yeas 8,
 1-5 Nays 0; April 27, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Bettencourt	X			
1-8 Menéndez			X	
1-9 Eckhardt	X			
1-10 Gutierrez	X			
1-11 Hall	X			
1-12 Nichols	X			
1-13 Paxton	X			
1-14 Springer	X			
1-15 Zaffirini	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the creation of the Hillcrest North Municipal Utility
 1-20 District of Wise County; granting a limited power of eminent
 1-21 domain; providing authority to issue bonds; providing authority to
 1-22 impose 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 8017 to read as follows:

1-26 CHAPTER 8017. HILLCREST NORTH MUNICIPAL UTILITY DISTRICT OF WISE
 1-27 COUNTY

1-28 SUBCHAPTER A. GENERAL PROVISIONS

1-29 Sec. 8017.0101. DEFINITIONS. In this chapter:

1-30 (1) "Board" means the district's board of directors.

1-31 (2) "Commission" means the Texas Commission on
 1-32 Environmental Quality.

1-33 (3) "Director" means a board member.

1-34 (4) "District" means the Hillcrest North Municipal
 1-35 Utility District of Wise County.

1-36 Sec. 8017.0102. NATURE OF DISTRICT. The district is a
 1-37 municipal utility district created under Section 59, Article XVI,
 1-38 Texas Constitution.

1-39 Sec. 8017.0103. CONFIRMATION AND DIRECTOR ELECTION
 1-40 REQUIRED. The temporary directors shall hold an election to
 1-41 confirm the creation of the district and to elect five permanent
 1-42 directors as provided by Section 49.102, Water Code.

1-43 Sec. 8017.0104. CONSENT OF MUNICIPALITY REQUIRED. The
 1-44 temporary directors may not hold an election under Section
 1-45 8017.0103 until each municipality in whose corporate limits or
 1-46 extraterritorial jurisdiction the district is located has
 1-47 consented by ordinance or resolution to the creation of the
 1-48 district and to the inclusion of land in the district.

1-49 Sec. 8017.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

1-50 (a) The district is created to serve a public purpose and benefit.

1-51 (b) The district is created to accomplish the purposes of:

1-52 (1) a municipal utility district as provided by
 1-53 general law and Section 59, Article XVI, Texas Constitution; and

1-54 (2) Section 52, Article III, Texas Constitution, that
 1-55 relate to the construction, acquisition, improvement, operation,
 1-56 or maintenance of macadamized, graveled, or paved roads, or
 1-57 improvements, including storm drainage, in aid of those roads.

1-58 Sec. 8017.0106. INITIAL DISTRICT TERRITORY. (a) The
 1-59 district is initially composed of the territory described by
 1-60 Section 2 of the Act enacting this chapter.

1-61 (b) The boundaries and field notes contained in Section 2 of

2-1 the Act enacting this chapter form a closure. A mistake made in the
2-2 field notes or in copying the field notes in the legislative process
2-3 does not affect the district's:

- 2-4 (1) organization, existence, or validity;
- 2-5 (2) right to issue any type of bond for the purposes
2-6 for which the district is created or to pay the principal of and
2-7 interest on a bond;
- 2-8 (3) right to impose a tax; or
- 2-9 (4) legality or operation.

2-10 SUBCHAPTER B. BOARD OF DIRECTORS

2-11 Sec. 8017.0201. GOVERNING BODY; TERMS. (a) The district is
2-12 governed by a board of five elected directors.

2-13 (b) Except as provided by Section 8017.0202, directors
2-14 serve staggered four-year terms.

2-15 Sec. 8017.0202. TEMPORARY DIRECTORS. (a) The temporary
2-16 board consists of:

- 2-17 (1) Lisa Smith;
- 2-18 (2) Alma Blanco;
- 2-19 (3) Charlotte Ann Pollett;
- 2-20 (4) Carter Posey; and
- 2-21 (5) Scott Toner.

2-22 (b) Temporary directors serve until the earlier of:

- 2-23 (1) the date permanent directors are elected under
2-24 Section 8017.0103; or
- 2-25 (2) the fourth anniversary of the effective date of
2-26 the Act enacting this chapter.

2-27 (c) If permanent directors have not been elected under
2-28 Section 8017.0103 and the terms of the temporary directors have
2-29 expired, successor temporary directors shall be appointed or
2-30 reappointed as provided by Subsection (d) to serve terms that
2-31 expire on the earlier of:

- 2-32 (1) the date permanent directors are elected under
2-33 Section 8017.0103; or
- 2-34 (2) the fourth anniversary of the date of the
2-35 appointment or reappointment.

2-36 (d) If Subsection (c) applies, the owner or owners of a
2-37 majority of the assessed value of the real property in the district
2-38 may submit a petition to the commission requesting that the
2-39 commission appoint as successor temporary directors the five
2-40 persons named in the petition. The commission shall appoint as
2-41 successor temporary directors the five persons named in the
2-42 petition.

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 8017.0301. GENERAL POWERS AND DUTIES. The district
2-45 has the powers and duties necessary to accomplish the purposes for
2-46 which the district is created.

2-47 Sec. 8017.0302. MUNICIPAL UTILITY DISTRICT POWERS AND
2-48 DUTIES. The district has the powers and duties provided by the
2-49 general law of this state, including Chapters 49 and 54, Water Code,
2-50 applicable to municipal utility districts created under Section 59,
2-51 Article XVI, Texas Constitution.

2-52 Sec. 8017.0303. AUTHORITY FOR ROAD PROJECTS. Under Section
2-53 52, Article III, Texas Constitution, the district may design,
2-54 acquire, construct, finance, issue bonds for, improve, operate,
2-55 maintain, and convey to this state, a county, or a municipality for
2-56 operation and maintenance macadamized, graveled, or paved roads, or
2-57 improvements, including storm drainage, in aid of those roads.

2-58 Sec. 8017.0304. ROAD STANDARDS AND REQUIREMENTS. (a) A
2-59 road project must meet all applicable construction standards,
2-60 zoning and subdivision requirements, and regulations of each
2-61 municipality in whose corporate limits or extraterritorial
2-62 jurisdiction the road project is located.

2-63 (b) If a road project is not located in the corporate limits
2-64 or extraterritorial jurisdiction of a municipality, the road
2-65 project must meet all applicable construction standards,
2-66 subdivision requirements, and regulations of each county in which
2-67 the road project is located.

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

3-1 specifications of the road project.
3-2 Sec. 8017.0305. COMPLIANCE WITH MUNICIPAL CONSENT
3-3 ORDINANCE OR RESOLUTION. The district shall comply with all
3-4 applicable requirements of any ordinance or resolution that is
3-5 adopted under Section 54.016 or 54.0165, Water Code, and that
3-6 consents to the creation of the district or to the inclusion of land
3-7 in the district.

3-8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-9 Sec. 8017.0401. ELECTIONS REGARDING TAXES OR BONDS. (a)
3-10 The district may issue, without an election, bonds and other
3-11 obligations secured by:

- 3-12 (1) revenue other than ad valorem taxes; or
- 3-13 (2) contract payments described by Section 8017.0403.

3-14 (b) The district must hold an election in the manner
3-15 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-16 before the district may impose an ad valorem tax or issue bonds
3-17 payable from ad valorem taxes.

3-18 (c) The district may not issue bonds payable from ad valorem
3-19 taxes to finance a road project unless the issuance is approved by a
3-20 vote of a two-thirds majority of the district voters voting at an
3-21 election held for that purpose.

3-22 Sec. 8017.0402. OPERATION AND MAINTENANCE TAX. (a) If
3-23 authorized at an election held under Section 8017.0401, the
3-24 district may impose an operation and maintenance tax on taxable
3-25 property in the district in accordance with Section 49.107, Water
3-26 Code.

3-27 (b) The board shall determine the tax rate. The rate may not
3-28 exceed the rate approved at the election.

3-29 Sec. 8017.0403. CONTRACT TAXES. (a) In accordance with
3-30 Section 49.108, Water Code, the district may impose a tax other than
3-31 an operation and maintenance tax and use the revenue derived from
3-32 the tax to make payments under a contract after the provisions of
3-33 the contract have been approved by a majority of the district voters
3-34 voting at an election held for that purpose.

3-35 (b) A contract approved by the district voters may contain a
3-36 provision stating that the contract may be modified or amended by
3-37 the board without further voter approval.

3-38 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-39 Sec. 8017.0501. AUTHORITY TO ISSUE BONDS AND OTHER
3-40 OBLIGATIONS. The district may issue bonds or other obligations
3-41 payable wholly or partly from ad valorem taxes, impact fees,
3-42 revenue, contract payments, grants, or other district money, or any
3-43 combination of those sources, to pay for any authorized district
3-44 purpose.

3-45 Sec. 8017.0502. TAXES FOR BONDS. At the time the district
3-46 issues bonds payable wholly or partly from ad valorem taxes, the
3-47 board shall provide for the annual imposition of a continuing
3-48 direct ad valorem tax, without limit as to rate or amount, while all
3-49 or part of the bonds are outstanding as required and in the manner
3-50 provided by Sections 54.601 and 54.602, Water Code.

3-51 Sec. 8017.0503. BONDS FOR ROAD PROJECTS. At the time of
3-52 issuance, the total principal amount of bonds or other obligations
3-53 issued or incurred to finance road projects and payable from ad
3-54 valorem taxes may not exceed one-fourth of the assessed value of the
3-55 real property in the district.

3-56 SECTION 2. The Hillcrest North Municipal Utility District
3-57 of Wise County initially includes all the territory contained in
3-58 the following area:

3-59 PHASE ONE:
3-60 129.531 acres of land situated in the ASA HILL SURVEY, ABSTRACT NO.
3-61 363, Wise County, Texas, being the tracts described as First Tract
3-62 and Second Tract, described by deed to Russell Hayes Stephens,
3-63 recorded in Volume 1307, Page 563, Real Records, Wise County, Texas
3-64 and being more particularly described as follows:
3-65 BEGINNING at a 5/8" iron rod found for the Southwest corner of said
3-66 First Tract, said point being, per deed call, WEST, 1436.11 feet and
3-67 S 16 °34'43" W, 4451.44 feet from the northeast corner of said HILL
3-68 SURVEY, for the Northwest corner of that certain tract of land
3-69 described by deed to The Harry and Jherrie Logan Family Limited

4-1 Partnership, recorded in Volume 1634, Page 559, Real Records, Wise
 4-2 County, Texas;
 4-3 THENCE N 00°27'31" W, along the West line of said First Tract,
 4-4 3251.80 feet to a 1/2" capped iron rod found for the Southwest
 4-5 corner of that certain tract of land described by deed to George I.
 4-6 Caballero and Michele L. Caballero, recorded in Volume 881, Page
 4-7 568, Real Records, Wise County, Texas;
 4-8 THENCE N 88°16'12" E, along the South line of said Caballero tract,
 4-9 381.67 feet from which a 4" metal fence post bears N 48°27'59" W,
 4-10 0.69 feet;
 4-11 THENCE N 01°47'57" E, along the East line of said Caballero tract, at
 4-12 959.66 feet passing a 3" metal fence post found, continuing in all,
 4-13 979.48 feet to the approximate center of County Road No. 4010 (a
 4-14 variable width Right-of-Way);
 4-15 THENCE N 88°26'01" E, along the approximate center of said County
 4-16 Road No. 4010, passing the northeast corner of said First Tract and
 4-17 the northwest corner of said Second Tract, continuing along the
 4-18 approximate center of said County Road No. 4010, in all, 884.25
 4-19 feet;
 4-20 THENCE S 00°14'44" W, along the East line of said Second Tract, at
 4-21 22.94 feet passing a 4" metal fence corner post found, continuing in
 4-22 all, 1736.40 feet to a 4" metal fence corner post found;
 4-23 THENCE N 88°59'44" E, 216.87 feet to a 4" metal fence post found;
 4-24 THENCE S 00°31'11" E, along the East line of said Second Tract,
 4-25 2551.64 feet to a 4" metal fence corner post found for the Southeast
 4-26 corner of said Second Tract, from which a 3" metal fence post found
 4-27 for the Northeast corner of said Logan tract bears S 89°13'59" E,
 4-28 1162.91 feet;
 4-29 THENCE N 89°19'26" W, along the South line of said Second Tract,
 4-30 passing the southwest corner of said Second Tract and the southeast
 4-31 corner of said First Tract, continuing, in all, 1502.78 feet to the
 4-32 POINT OF BEGINNING and containing 129.531 acres of land.
 4-33 PHASE TWO:
 4-34 WHEREAS FFILP LAND HOLDINGS LLC., BEING THE OWNERS OF A 172.359
 4-35 ACRES TRACT OF LAND OUT OF THE J. LEVINS SURVEY, ABSTRACT NO. 489,
 4-36 WISE COUNTY, TEXAS; BEING ALL OF THAT CERTAIN TRACT AS RECORDED IN
 4-37 DOC. NO. 201915186, REAL PROPERTY RECORDS, WISE COUNTY, TEXAS; AND
 4-38 BEING FURTHER DESCRIBED BY METES AND BOUNDS AS FOLLOWS:
 4-39 THE FOLLOWING BEARINGS, DISTANCES, AND/OR AREAS DERIVED FROM GNSS
 4-40 OBSERVATIONS PERFORMED BY TEXAS SURVEYING, INC. AND REFLECT N.A.D.
 4-41 1983, TEXAS STATE PLANE COORDINATE SYSTEM, NORTH CENTRAL ZONE 4202
 4-42 (GRID).
 4-43 BEGINNING AT A SET 1/2" CAPPED IRON ROD (TEXAS SURVEYING, INC.) IN
 4-44 THE EAST LINE OF THAT CALLED 72 ACRES TRACT DESCRIBED IN VOLUME
 4-45 2416, PAGE 558, R.P.R.W.C.T., AND AT THE SOUTHWEST CORNER OF SAID
 4-46 DOC. NO. 201915186, FOR THE SOUTHWEST AND BEGINNING CORNER OF THIS
 4-47 TRACT. WHENCE THE NORTHWEST CORNER OF OAK TREE FARMS, PHASE I, AS
 4-48 RECORDED IN CABINET D, SLIDE 159, PLAT RECORDS, WISE COUNTY, TEXAS
 4-49 BEARS S 41°31'13" W 529.04 FEET.
 4-50 THENCE N 00°49'04" W 1888.27 FEET ALONG THE EAST LINE OF SAID 72
 4-51 ACRES TRACT TO A 3" STEEL FENCE POST AT THE SOUTHWEST CORNER OF THAT
 4-52 CALLED 303.087 ACRES TRACT DESCRIBED IN VOLUME 2015, PAGE 238,
 4-53 R.P.R.W.C.T., AND AT THE NORTHWEST CORNER OF SAID DOC. NO.
 4-54 201915186, FOR THE NORTHWEST CORNER OF THIS TRACT.
 4-55 THENCE N 89°09'34" E 3629.87 FEET ALONG THE SOUTH LINE OF SAID
 4-56 303.087 ACRES TRACT TO A FOUND 2" IRON PIPE AT THE COMMON SOUTHERN
 4-57 CORNER OF SAID 303.087 ACRES TRACT AND THAT CALLED 454.8 ACRES TRACT
 4-58 DESCRIBED IN VOLUME 476, PAGE 415, R.P.R.W.C.T., FOR A CORNER OF
 4-59 THIS TRACT.
 4-60 THENCE N 89°09'18" E 866.12 FEET ALONG THE SOUTH LINE OF SAID 454.8
 4-61 ACRES TRACT TO A FOUND 1/2" IRON ROD AT A CORNER IN THE WEST LINE OF
 4-62 THAT CALLED 151.559 ACRES TRACT DESCRIBED IN VOLUME 1196, PAGE 229,
 4-63 R.P.R.W.C.T., AND AT THE NORTHEAST CORNER OF SAID DOC. NO.
 4-64 201915186, FOR THE NORTHEAST CORNER OF THIS TRACT.
 4-65 THENCE ALONG THE WEST LINE OF SAID 151.559 ACRES TRACT AS FOLLOWS:
 4-66 S 02°36'08" E 629.26 FEET TO A FOUND 1/2" IRON ROD, FOR A CORNER OF
 4-67 THIS TRACT.
 4-68 S 89°59'10" W 756.80 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
 4-69 SURVEYING, INC.), FOR AN ELL CORNER OF THIS TRACT.

5-1 S 00°13'36" E 1225.52 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-2 SURVEYING, INC.) AT THE SOUTHEAST CORNER OF SAID DOC. NO.
5-3 201915186, FOR THE SOUTHEAST CORNER OF THIS TRACT.
5-4 THENCE ALONG THE SOUTH LINE OF SAID DOC. NO. 201915186 THE FOLLOWING
5-5 COURSES AND DISTANCES:
5-6 S 88°28'24" W 1314.90 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-7 SURVEYING, INC.) AT THE BEGINNING OF A CURVE TO THE RIGHT, FOR A
5-8 CORNER OF THIS TRACT.
5-9 ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 380.00
5-10 FEET, AN ARC LENGTH OF 226.27 FEET, AND WHOSE CHORD BEARS S 17°43'20"
5-11 E 222.94 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS SURVEYING, INC.)
5-12 FOR A CORNER OF THIS TRACT.
5-13 S 00°39'50" E 85.92 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-14 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-15 S 88°28'24" W 60.01 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-16 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-17 N 00°39'50" W 86.82 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-18 SURVEYING, INC.) AT THE BEGINNING OF A CURVE TO THE LEFT, FOR A
5-19 CORNER OF THIS TRACT.
5-20 ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 320.00
5-21 FEET, AN ARC LENGTH OF 224.23 FEET, AND WHOSE CHORD BEARS N 20°44'16"
5-22 W 219.67 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS SURVEYING, INC.)
5-23 FOR A CORNER OF THIS TRACT.
5-24 N 40°48'42" W 7.43 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-25 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-26 S 88°28'24" W 1697.99 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-27 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-28 S 01°31'36" E 300.00 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-29 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-30 S 88°28'24" W 60.00 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-31 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-32 N 01°31'36" W 300.00 FEET TO A SET 1/2" CAPPED IRON ROD (TEXAS
5-33 SURVEYING, INC.) FOR A CORNER OF THIS TRACT.
5-34 S 88°28'24" W 598.81 FEET TO THE POINT OF BEGINNING.

5-35 SECTION 3. (a) The legal notice of the intention to
5-36 introduce this Act, setting forth the general substance of this
5-37 Act, has been published as provided by law, and the notice and a
5-38 copy of this Act have been furnished to all persons, agencies,
5-39 officials, or entities to which they are required to be furnished
5-40 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-41 Government Code.

5-42 (b) The governor, one of the required recipients, has
5-43 submitted the notice and Act to the Texas Commission on
5-44 Environmental Quality.

5-45 (c) The Texas Commission on Environmental Quality has filed
5-46 its recommendations relating to this Act with the governor, the
5-47 lieutenant governor, and the speaker of the house of
5-48 representatives within the required time.

5-49 (d) All requirements of the constitution and laws of this
5-50 state and the rules and procedures of the legislature with respect
5-51 to the notice, introduction, and passage of this Act are fulfilled
5-52 and accomplished.

5-53 SECTION 4. (a) If this Act does not receive a two-thirds
5-54 vote of all the members elected to each house, Subchapter C, Chapter
5-55 8017, Special District Local Laws Code, as added by Section 1 of
5-56 this Act, is amended by adding Section 8017.0306 to read as follows:

5-57 Sec. 8017.0306. NO EMINENT DOMAIN POWER. The district may
5-58 not exercise the power of eminent domain.

5-59 (b) This section is not intended to be an expression of a
5-60 legislative interpretation of the requirements of Section 17(c),
5-61 Article I, Texas Constitution.

5-62 SECTION 5. This Act takes effect immediately if it receives
5-63 a vote of two-thirds of all the members elected to each house, as
5-64 provided by Section 39, Article III, Texas Constitution. If this
5-65 Act does not receive the vote necessary for immediate effect, this
5-66 Act takes effect September 1, 2021.