

By: Wilson

H.B. No. 5379

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the creation of the Williamson and Bell Counties  
3 Municipal Utility District No. 1; granting a limited power of  
4 eminent domain; providing authority to issue bonds; providing  
5 authority to impose 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 7972A to read as follows:

9 CHAPTER 7972A. WILLIAMSON AND BELL COUNTIES MUNICIPAL UTILITY

10 DISTRICT NO. 1

11 SUBCHAPTER A. GENERAL PROVISIONS

12 Sec. 7972A.0101. DEFINITIONS. In this chapter:

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

14 (2) "Commission" means the Texas Commission on  
15 Environmental Quality.

16 (3) "Director" means a board member.

17 (4) "District" means Williamson and Bell Counties  
18 Municipal Utility District No. 1.

19 Sec. 7972A.0102. NATURE OF DISTRICT. The district is a  
20 municipal utility district created under Section 59, Article XVI,  
21 Texas Constitution.

22 Sec. 7972A.0103. CONFIRMATION AND DIRECTORS' ELECTION  
23 REQUIRED. The temporary directors shall hold an election to  
24 confirm the creation of the district and to elect five permanent

1 directors as provided by Section 49.102, Water Code.

2 Sec. 7972A.0104. CONSENT OF MUNICIPALITY REQUIRED. The  
3 temporary directors may not hold an election under Section  
4 7972A.0103 until each municipality in whose corporate limits or  
5 extraterritorial jurisdiction the district is located has  
6 consented by ordinance or resolution to the creation of the  
7 district and to the inclusion of land in the district.

8 Sec. 7972A.0105. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

9 (a) The district is created to serve a public purpose and benefit.

10 (b) The district is created to accomplish the purposes of:

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

13 (2) Section 52, Article III, Texas Constitution, that  
14 relate to the construction, acquisition, improvement, operation,  
15 or maintenance of macadamized, graveled, or paved roads, or  
16 improvements, including storm drainage, in aid of those roads.

17 Sec. 7972A.0106. INITIAL DISTRICT TERRITORY. (a) The  
18 district is initially composed of the territory described by  
19 Section 2 of the Act enacting this chapter.

20 (b) The boundaries and field notes contained in Section 2 of  
21 the Act enacting this chapter form a closure. A mistake made in the  
22 field notes or in copying the field notes in the legislative process  
23 does not affect the district's:

24 (1) organization, existence, or validity;

25 (2) right to issue any type of bond for the purposes  
26 for which the district is created or to pay the principal of and  
27 interest on a bond;

1           (3) right to impose a tax; or

2           (4) legality or operation.

3                   SUBCHAPTER B. BOARD OF DIRECTORS

4           Sec. 7972A.0201. GOVERNING BODY; TERMS. (a) The district  
5 is governed by a board of five elected directors.

6           (b) Except as provided by Section 7972A.0202, directors  
7 serve staggered four-year terms.

8           Sec. 7972A.0202. TEMPORARY DIRECTORS. (a) The temporary  
9 board consists of:

10           (1) Jamison Stewart;

11           (2) Ron Lusk;

12           (3) Paul Otte;

13           (4) Megan Turnipseed; and

14           (5) Roland Fagerberg.

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

16           (1) the date permanent directors are elected under  
17 Section 7972A.0103; or

18           (2) the fourth anniversary of the effective date of  
19 the Act enacting this chapter.

20           (c) If permanent directors have not been elected under  
21 Section 7972A.0103 and the terms of the temporary directors have  
22 expired, successor temporary directors shall be appointed or  
23 reappointed as provided by Subsection (d) to serve terms that  
24 expire on the earlier of:

25           (1) the date permanent directors are elected under  
26 Section 7972A.0103; or

27           (2) the fourth anniversary of the date of the

1 appointment or reappointment.

2 (d) If Subsection (c) applies, the owner or owners of a  
3 majority of the assessed value of the real property in the district  
4 may submit a petition to the commission requesting that the  
5 commission appoint as successor temporary directors the five  
6 persons named in the petition. The commission shall appoint as  
7 successor temporary directors the five persons named in the  
8 petition.

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 7972A.0301. GENERAL POWERS AND DUTIES. The district  
11 has the powers and duties necessary to accomplish the purposes for  
12 which the district is created.

13 Sec. 7972A.0302. MUNICIPAL UTILITY DISTRICT POWERS AND  
14 DUTIES. The district has the powers and duties provided by the  
15 general law of this state, including Chapters 49 and 54, Water Code,  
16 applicable to municipal utility districts created under Section 59,  
17 Article XVI, Texas Constitution.

18 Sec. 7972A.0303. AUTHORITY FOR ROAD PROJECTS. Under  
19 Section 52, Article III, Texas Constitution, the district may  
20 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. 7972A.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. 7972A.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. 7972A.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 7972A.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. 7972A.0402. OPERATION AND MAINTENANCE TAX. (a) If  
6 authorized at an election held under Section 7972A.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. 7972A.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. 7972A.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. 7972A.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. 7972A.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 Williamson and Bell Counties Municipal  
13 Utility District No. 1 initially includes all the territory  
14 contained in the following area:

15       355.8 ACRES OF LAND LOCATED IN THE ELISHA DAVIS SURVEY 23,  
16 ABSTRACT 172, WILLIAMSON COUNTY, TEXAS, AND THE ELISHA DAVIS SURVEY  
17 23, ABSTRACT 244, BELL COUNTY TEXAS, COMPRISED OF THAT CALLED  
18 134.83 ACRE TRACT DESCRIBED IN DOCUMENT 2008000104, THAT CALLED  
19 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103, AND THAT CALLED  
20 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 ALL OF THE  
21 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS. SAID 355.8  
22 ACRES BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

23       BEGINNING, AT A FOUND 1" IRON PIPE ON THE NORTH RIGHT-OF-WAY  
24 LINE OF COUNTY ROAD 307, THE SOUTHEAST CORNER OF SAID 110.51 ACRE  
25 TRACT DESCRIBED IN DOCUMENT 2020077242, AND THE SOUTHWEST CORNER OF  
26 A CALLED 114.33 ACRE TRACT DESCRIBED IN DOCUMENT 9641312 OF THE  
27 OFFICIAL PUBLIC RECORDS OF WILLIAMSON COUNTY, TEXAS;

1           THENCE, S 67°50'15" W, WITH THE COMMON LINE OF SAID 110.51  
2 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID COUNTY ROAD  
3 307, A DISTANCE OF 781.06 FEET TO A FOUND 1/2" IRON ROD WITH CAP  
4 MARKED "RPLS 5784";

5           THENCE, S 50°10'30" W, WITH THE COMMON LINE OF SAID 110.51  
6 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID COUNTY ROAD  
7 307, AT A DISTANCE OF 308.92 FEET PASSING A FOUND 1/2" IRON ROD WITH  
8 CAP MARKED "RPLS 5784" AT THE SOUTHWEST CORNER OF SAID 110.51 ACRE  
9 TRACT DESCRIBED IN DOCUMENT 2020077242 AND THE SOUTHEAST CORNER OF  
10 SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103, CONTINUING  
11 WITH THE COMMON LINE OF SAID COUNTY ROAD 307 AND SAID 110.51 ACRE  
12 TRACT DESCRIBED IN DOCUMENT 2008000103, A TOTAL DISTANCE OF 632.18  
13 FEET TO A FOUND COTTON SPINDLE;

14           THENCE, S 49°58'30" W, WITH THE COMMON LINE OF SAID 110.51  
15 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103 AND SAID COUNTY ROAD  
16 307, A DISTANCE OF 748.19 FEET TO A FOUND 1" SQUARE IRON PIPE AT THE  
17 SOUTHWEST CORNER OF SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT  
18 2008000103, AND THE EAST LINE OF A CALLED 464.1 ACRE TRACT DESCRIBED  
19 IN VOLUME 365, PAGE 115 OF THE DEED RECORDS OF WILLIAMSON COUNTY,  
20 TEXAS;

21           THENCE, WITH THE COMMON LINES OF SAID 464.1 ACRE TRACT AND  
22 SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT 2008000103, THE  
23 FOLLOWING BEARINGS AND DISTANCES:

24           N 21°33'15" W, A DISTANCE OF 272.82 FEET TO A FOUND 1/2" IRON  
25 ROD WITH CAP MARKED "RPLS 5784";

26           S 68°36'45" W, A DISTANCE OF 47.23 FEET TO A FOUND 5/8" IRON  
27 ROD;



1 N 22°16'30" W, AT A DISTANCE OF 4362.66 FEET PASSING THE  
2 NORTHWEST CORNER OF SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT  
3 2008000103 AND THE SOUTHWEST CORNER OF SAID 134.83 ACRE TRACT,  
4 CONTINUING WITH THE COMMON LINES OF SAID 464.1 ACRE TRACT AND SAID  
5 134.83 ACRE TRACT, A TOTAL DISTANCE OF 4414.09 FEET TO A SET 1/2"  
6 IRON ROD WITH "CUDE" CAP;

7 THENCE, N 21°49'30" W, WITH THE COMMON LINES OF SAID 464.1  
8 ACRE TRACT AND SAID 134.83 ACRE TRACT, A DISTANCE OF 59.24 FEET TO A  
9 SET 1/2" IRON ROD WITH "CUDE" CAP;

10 THENCE, N 22°28'45" W, WITH THE COMMON LINES OF SAID 464.1  
11 ACRE TRACT AND SAID 134.83 ACRE TRACT, A DISTANCE OF 2643.38 FEET TO  
12 A SET 1/2" IRON ROD WITH "CUDE" CAP AT THE NORTHWEST CORNER OF SAID  
13 134.83 ACRE TRACT, ON THE SOUTH LINE OF A CALLED 767 ACRE TRACT  
14 DESCRIBED IN VOLUME 365, PAGE 115 OF THE DEED RECORDS OF WILLIAMSON  
15 COUNTY, TEXAS AND THE NORTHEAST CORNER OF SAID 464.1 ACRE TRACT;

16 THENCE, N 67°04'15" E, WITH THE COMMON LINE OF SAID 134.83  
17 ACRE TRACT AND SAID 767 ACRE TRACT, A DISTANCE OF 890.64 FEET TO A  
18 FOUND NAIL ON CEDAR POST AT THE COMMON CORNER OF SAID 767 ACRE TRACT  
19 AND A 415.66 ACRE TRACT DESCRIBED IN VOLUME 798, PAGE 146 OF THE  
20 DEED RECORDS OF BELL COUNTY, TEXAS, AN ANGLE POINT ON THE NORTH LINE  
21 OF SAID 134.83 ACRE TRACT;

22 THENCE, N 68°25'45" E, WITH THE COMMON LINE OF SAID 134.83  
23 ACRE TRACT AND SAID 415.66 ACRE TRACT, A DISTANCE OF 1335.71 FEET TO  
24 A FOUND 1" SQUARE IRON PIPE AT THE NORTHEAST CORNER OF SAID 134.83  
25 ACRE TRACT AND THE NORTHWEST CORNER OF SAID 114.33 ACRE TRACT;

26 THENCE, S 21°42'45" E, WITH THE COMMON LINE OF SAID 134.83  
27 ACRE TRACT AND SAID 114.33 ACRE TRACT, A DISTANCE OF 2336.96 FEET TO

1 A FOUND 1/2" IRON ROD WITH CAP MARKED "RPLS 5784";

2 THENCE, S 25°45'46" E, WITH THE COMMON LINE OF SAID 134.83  
3 ACRE TRACT AND SAID 114.33 ACRE TRACT, AT A DISTANCE OF 42.61 FEET  
4 PASSING THE SOUTHEAST CORNER OF SAID 134.83 ACRE TRACT AND THE  
5 NORTHEAST CORNER OF SAID 110.51 ACRE TRACT DESCRIBED IN DOCUMENT  
6 2020077242, AND CONTINUING WITH THE COMMON LINE OF SAID 110.51 ACRE  
7 TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID 114.33 ACRE TRACT,  
8 A TOTAL DISTANCE OF 157.87 FEET TO A SET 1/2" IRON ROD WITH "CUDE"  
9 CAP;

10 THENCE, S 20°18'23" E, WITH THE COMMON LINE OF SAID 110.51  
11 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID 114.33 ACRE  
12 TRACT, A DISTANCE OF 552.12 FEET TO A FOUND COTTON SPINDLE;

13 THENCE, S 21°37'15" E, WITH THE COMMON LINE OF SAID 110.51  
14 ACRE TRACT DESCRIBED IN DOCUMENT 2020077242 AND SAID 114.33 ACRE  
15 TRACT, A DISTANCE OF 3920.82 FEET TO THE POINT OF BEGINNING AND  
16 CONTAINING 355.8 ACRES OF LAND, MORE OR LESS.

17 SECTION 3. (a) The legal notice of the intention to  
18 introduce this Act, setting forth the general substance of this  
19 Act, has been published as provided by law, and the notice and a  
20 copy of this Act have been furnished to all persons, agencies,  
21 officials, or entities to which they are required to be furnished  
22 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
23 Government Code.

24 (b) The governor, one of the required recipients, has  
25 submitted the notice and Act to the Texas Commission on  
26 Environmental Quality.

27 (c) The Texas Commission on Environmental Quality has filed

1 its recommendations relating to this Act with the governor, the  
2 lieutenant governor, and the speaker of the house of  
3 representatives within the required time.

4 (d) All requirements of the constitution and laws of this  
5 state and the rules and procedures of the legislature with respect  
6 to the notice, introduction, and passage of this Act are fulfilled  
7 and accomplished.

8 SECTION 4. (a) If this Act does not receive a two-thirds  
9 vote of all the members elected to each house, Subchapter C, Chapter  
10 7972A, Special District Local Laws Code, as added by Section 1 of  
11 this Act, is amended by adding Section 7972A.0306 to read as  
12 follows:

13 Sec. 7972A.0306. NO EMINENT DOMAIN POWER. The district may  
14 not exercise the power of eminent domain.

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

18 SECTION 5. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2023.