

By: Wilson

H.B. No. 5380

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Theon Ranches Municipal Utility District No. 3; granting a limited power of eminent domain; providing authority to issue bonds; providing authority to impose assessments, fees, and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle F, Title 6, Special District Local Laws Code, is amended by adding Chapter 7963A to read as follows:

CHAPTER 7963A. THEON RANCHES MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 7963A.0101. DEFINITIONS. In this chapter:

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

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

(3) "Director" means a board member.

(4) "District" means the Theon Ranches Municipal Utility District No. 3.

Sec. 7963A.0102. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 7963A.0103. CONFIRMATION AND DIRECTOR ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

1 Sec. 7963A.0104. CONSENT OF MUNICIPALITY REQUIRED. The
2 temporary directors may not hold an election under Section
3 7963A.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 as required by
7 applicable law.

8 Sec. 7963A.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. 7963A.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. 7963A.0201. GOVERNING BODY; TERMS. (a) The district
5 is governed by a board of five elected directors.

6 (b) Except as provided by Section 7963A.0202, directors
7 serve staggered four-year terms.

8 Sec. 7963A.0202. TEMPORARY DIRECTORS. (a) The temporary
9 board consists of:

10 (1) Robert Peerman;

11 (2) David Featherston;

12 (3) Eric Miller;

13 (4) Lisa Laguna; and

14 (5) John Chang.

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

16 (1) the date permanent directors are elected under
17 Section 7963A.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 7963A.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 7963A.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. 7963A.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. 7963A.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. 7963A.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. 7963A.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. 7963A.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. 7963A.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 7963A.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. 7963A.0402. OPERATION AND MAINTENANCE TAX. (a) If
6 authorized at an election held under Section 7963A.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. 7963A.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. 7963A.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.

H.B. No. 5380

1 being a 76.927 acre tract, of record to Cobb Springs Ranch, LTD,
2 Exhibit A, Document No. 9838601, (OPRWCT), fourth tract being a
3 43.61 acre tract, of record to Cobb Springs Ranch, LTD, Exhibit A,
4 Document No. 2000083825, (OPRWCT) and fifth tract being an
5 unrecorded strip of land, said strip of land being a 0.5551 acre
6 tract (24,182 square feet). This tract was surveyed on the ground in
7 November of 2021 under the direction of William F. Forest, Jr.,
8 Registered Professional Land Surveyor No. 1847. Survey note: The
9 bearing basis for this survey is the State Plane Coordinate System,
10 Texas Central Zone (4203), and being more particularly described by
11 metes and bounds as follows:

12 BEGINNING, at a 1/2" iron pin found (steel pin), at the Southwest
13 corner of said 97.7 acre tract, for the Southwest corner hereof,
14 same being the upper Northwest corner of a 4.02 acre tract, of
15 record to Robert A. Van Swelm and Patricia Van Swelm, Document
16 No. 2017095989, (OPRWCT), said point being a point in the East
17 Right-of-Way line of County Road 234, from which a 1/2" capped iron
18 pin found, marked "FOREST RPLS 1847", bears: S 21°37'06" E, 21.52
19 feet,

20 THENCE, with the West boundary line of said 97.7 acre tract and the
21 East Right-of-Way line of County Road 234, along or near a fence, N
22 21°22'50" W, crossing the common Survey line of the Nathaniel Moore
23 Survey, Abstract No. 410 and the Edmund Parsons Survey, Abstract
24 No. 494, in all a total distance of 3228.45 feet, to a 1/2" capped
25 iron pin set, marked "FOREST RPLS 1847", at the Northwest corner of
26 said 97.7 acre tract, for the Northwest corner hereof, said point
27 being a point in the South Right-of-Way line of Farm to Market Road

1 487 (FM 487),
2 THENCE, with the North boundary line of said 97.7 acre tract and the
3 South Right-of-Way line of FM 487, along or near a fence, N 80°32'16"
4 E, passing at 409.73 feet, the remains of a TXDOT Type I concrete
5 marker, in all a total distance of 987.50 feet, to a 1/2" capped
6 iron pin found, marked "FOREST RPLS 1847", at the Northeast corner
7 of said 97.7 acre tract, for an angle point hereof, said point being
8 the Northwest corner of said 52.03 acre tract, from which a 1/2"
9 capped iron pin found, marked "FOREST RPLS 1847", at the Southwest
10 corner of said 52.03 acre tract, bears: S 21°27'07" E, 1969.98 feet,
11 THENCE, with the North boundary line of said 52.03 acre tract and
12 the South Right-of-Way line of FM 487, along or near a fence, the
13 following three (3) courses and distances:

- 14 1. N 80°32'16" E, 260.89 feet, to a TXDOT Type I concrete marker, at
15 the point of curvature for an angle point hereof,
16 2. in a easterly direction with a non-tangent curve to the left,
17 (C1) with a Radius of 1178.28 feet, having a Chord Bearing of N
18 73°11'06" E, 303.24 feet, having a Central Angle of 14°47'12" and an
19 Arc Length of 304.09 feet, to a TXDOT Type I concrete marker, at the
20 point of tangency, for an angle point hereof,
21 3. N 65°50'39" E, 629.67 feet, to a 1/2" iron pin found, at the
22 Northeast corner of said 52.03 acre tract, for an angle point
23 hereof, said point being the Northwest corner of said 76.927 acre
24 tract,

25 THENCE, with the North boundary line of said 76.927 acre tract and
26 the South Right-of-Way line of FM 487, along or near a fence, the
27 following four (4) courses and distances:

1 1. N 65°50'39" E, 577.18 feet, to a TXDOT Type I concrete marker, at
2 the point of curvature, for the upper Northeast corner hereof,
3 2. in an easterly direction with a tangent curve to the right, (C2)
4 with a Radius of 532.96 feet, having a Chord Bearing of S 67°55'46"
5 E, 769.78 feet, having a Central Angle of 92°28'08" and an Arc Length
6 of 860.14 feet, to a 3/8" iron pin found, at the point of tangency,
7 for the lower Northeast corner hereof,
8 3. S 21°41'45" E, 876.06 feet, to a TXDOT Type I concrete marker, at
9 the point of curvature for an angle point hereof,
10 4. in a southeasterly direction with a tangent curve to the left,
11 (C3) with a Radius of 613.89 feet, having a Chord Bearing of S
12 30°08'38" E, 180.38 feet, having a Central Angle of 16°53'48" and an
13 Arc Length of 181.04 feet, to calculated point, for an angle point
14 hereof, a 3/8" iron pin found, bears: S 20°58'07" E, 0.21 feet, said
15 point being the Northwest corner of a 7.73 acre tract, of record to
16 Frank L. Fletcher, Document No. 2017046532, (OPRWCT), described in
17 Document No. 2006034149, (OPRWCT), from which a TXDOT Type I
18 concrete marker found, bears: in a southeasterly direction with a
19 non-tangent curve to the left, (C4) with a Radius of 613.89 feet,
20 having a Chord Bearing of S 74°39'37" E, 722.85 feet, having a
21 Central Angle of 72°08'11" and an Arc Length of 772.90 feet,
22 THENCE, departing said Right-of-Way line, with the common boundary
23 line of said 76.927 acre tract and said 7.73 acre tract, along or
24 near a fence, S 20°58'07" E, passing at 0.21 feet, 3/8" iron pin
25 found, passing at 4 feet, a 4" square concrete monument, S 69°01'53"
26 W, 0.67 feet, and crossing the common Survey line of the Nathaniel
27 Moore Survey, Abstract No. 410 and the Edmund Parsons Survey,

H.B. No. 5380

1 Abstract No. 494, and passing the common corner of said 7.73 acre
2 tract and a 13.00 acre tract, of record to Frank L. Fletcher,
3 Document No. 2017046531, (OPRWCT), described in Document
4 No. 9733401, (OPRWCT), and continuing with the common boundary line
5 of said 76.927 acre tract and said 13.00 acre tract, in all a total
6 distance of 1391.06 feet, to a 4" square concrete monument, at the
7 Southeast corner of said 76.927 acre tract, for an angle point
8 hereof, said point being the termination of a boundary agreement
9 between Frank L. Fletcher and Cobb Springs Ranch, LTD, Document
10 No. 2001002451, said point being the Northeast corner of said
11 0.5551 acre tract, an unrecorded strip of land, from which a 5/8"
12 iron pin found inside a 2" galvanized iron pipe, at the Southwest
13 corner of said 76.927 acre tract, bears: S 68°20'29" W, 1164.49
14 feet,
15 THENCE, continuing with said boundary agreement, S 19°19'34" E, 9.72
16 feet, to a 1/2" iron pin found, at the Southwest corner of said
17 13.00 acre tract, for an ell corner hereof, said point being a point
18 in the North line of a 2 track lane, from which the Southeast corner
19 of said 0.5551 acre tract, an unrecorded strip of land, bears: S
20 19°19'34" E, 12.08 feet,
21 THENCE, continuing with said boundary agreement, N 69°03'10" E,
22 crossing the 2 track lane, in all a total distance of 1086.02 feet,
23 to a 1/2" capped iron pin set, marked "FOREST RPLS 1847", for an ell
24 corner hereof, said point being the Northeast corner of a 43.61 acre
25 tract, of record to Cobb Springs Ranch, LTD, Document
26 No. 2000083825, same being the Southeast corner of said 13.00 acre
27 tract, said point being a point in the West Right-of-Way line of

1 County Road 239, from which a 1/2" iron pin found, at the Northeast
2 corner of said 13.00 acre tract, bears: N 21°04'32" W, 522.18 feet,
3 THENCE, with the East boundary line of said 43.61 acre tract and the
4 West Right-of-Way line of County Road 239, along or near a fence, S
5 21°04'32" E, 1038.90 feet, to a 3/8" iron pin found, at the Southeast
6 corner of said 43.61 acre tract, for the Southeast corner hereof,
7 said point being the Northeast corner of a 99.49 acre tract, of
8 record to Danek Construction, Document No. 2006027410, (OPRWCT),
9 described in Volume 602, Page 888, Deed Records Williamson County,
10 Texas (DRWCT),
11 THENCE, departing said Right-of-Way line, with South boundary line
12 of said 43.61 acre tract, along or near a fence, S 68°51'36" W,
13 1842.80 feet, to a 1/2" capped iron pin set, marked "FOREST RPLS
14 1847", at the Southwest corner of said 43.61 acre tract, for an ell
15 corner hereof, same being the Southeast corner of a 27.55 acre
16 tract, of record to Robert A. Van Swelm and Patricia Van Swelm,
17 Tract 2, Exhibit B, Document No. 2017095989, (OPRWCT), from which a
18 1/2" iron pin found, at the Northwest corner of said 99.49 acre
19 tract, bears: S 68°32'49" W, 344.78 feet,
20 THENCE, with the common boundary line of said 43.61 acre tract and
21 said 27.55 acre tract, N 21°01'56" W, passing at 1004.60 feet, a 1/2"
22 iron pin found, at the South line of a road lane, said point being
23 the Southeast corner of a 1.26 acre tract, of record to Amy Andrews,
24 Exhibit A, Document No. 2000065741, (OPRWCT), and continuing in all
25 a total distance of 1024.63 feet, to a 1/2" iron pin found, for an
26 ell corner hereof, said point being the Northwest corner of said
27 43.61 acre tract, same being the Northeast corner of said 27.55 acre

1 tract, same being the Northeast corner of said 1.26 acre tract, said
2 point being a point in the South line of said 0.5551 acre tract, an
3 unrecorded strip of land,

4 THENCE, with the common boundary line of said 27.55 acre tract and
5 said 0.5551 acre tract, along the South line of a road lane, S
6 68°31'57" W, passing at 408.01 feet, the Southeast corner of said
7 97.7 acre tract, same being the Southwest corner of said 0.5551 acre
8 tract, and continuing with the common boundary line of said 97.7
9 acre tract and said 27.55 acre tract, in all a total distance of
10 975.08 feet, to a 1/2" capped iron pin found, marked "FOREST RPLS
11 1847", at the Northeast corner of said 4.02 acre tract, for an angle
12 point hereof,

13 THENCE, continuing with the common boundary line of said 97.7 acre
14 tract and said 4.02 acre tract, S 69°19'55" W, 128.20 feet, to a 1/2"
15 iron pin found, at the Southeast corner of a 10.00 acre tract, of
16 record to Daniel Voss and Kathryn Voss, Exhibit A, Document
17 No. 1999985405, (OPRWCT),

18 THENCE, over and across said 97.7 acre tract, following the
19 perimeter of said 10.00 acre tract, the following three (3) courses
20 and distances:

21 1. N 23°27'53" W, passing at 20.04 feet, a 1/2" iron pin found, in
22 the North line of said Road lane, in all a total distance of 993.53
23 feet, to a 1/2" iron pin found, at the Northeast corner of said
24 10.00 acre tract, for an ell corner hereof,

25 2. S 68°27'28" W, 438.04 feet, to a 3/8" iron pin found, at the
26 Northwest corner of said 10.00 acre tract, for an ell corner hereof,

27 3. S 23°25'00" E, passing at 974.00 feet, a 1/2" capped iron pin set,

H.B. No. 5380

1 marked "FOREST RPLS 1847", in all a total distance of 993.98 feet,
2 to a 1/2" iron pin found, at the Southwest corner of said 10.00 acre
3 tract, for an ell corner hereof, said point being a point in the
4 common boundary line of said 97.7 acre tract and said 4.02 acre
5 tract, said point being in the approximate centerline of a gravel
6 driveway,
7 THENCE, with the South boundary line of said 97.7 acre tract and
8 North boundary line of said 4.02 acre tract, along or near the
9 centerline of a gravel driveway, S 68°23'17" W, 1011.78 feet, to the
10 POINT OF BEGINNING, and containing 261.35 acres, more or less.

11 TRACT "B"

12 All that certain tract or parcel of land situated in Williamson
13 County, Texas, out of the Edmond Parsons Survey, Abstract No. 494,
14 being a part of that tract described as 97.7 acres (Tract 2) in a
15 Warranty Deed granted to Cobb Springs Ranch, Ltd., dated July 7,
16 1998, and recorded as Doc# 9838600, Official Records, Williamson
17 County and further described by metes and bounds:

18 BEGINNING at a 1/2" iron pin set in the center line of a private
19 road, said center line being the South line of said Cobb Springs
20 Ranch, Ltd. tract for the Southwest corner of this tract; the
21 Southwest corner of said Cobb Springs Ranch, Ltd. tract, marked by a
22 1/2" iron pin set at the intersection of the centerline of said
23 private road and the East margin of County Road 234 bears S 70°54'32"
24 W 1012.13 feet;

25 THENCE: N 20°54'22" W at 19.72 feet passing a 60d nail set in a fence
26 post in the North margin of said private road, in all 994.14 feet
27 into said Cobb Springs Ranch, Ltd. tract with a wire fence to a 1/2"

1 iron pin set for the Northwest corner of this tract;

2 THENCE: N 71°00'00" E 438.56 feet to a 1/2" iron pin set for the
3 Northeast corner of this tract;

4 THENCE: S 20°54'22" E, at 973.28 feet passing a 1/2" iron pin set in
5 a wire fence line in the North margin of said private road, in all
6 993.44 feet to a 1/2" iron pin set in the center line of said private
7 road for the Southeast corner of this tract;

8 THENCE: S 70°54'32" W 438.54 feet with the center line of said
9 private road and the South line of said Cobb Springs Ranch, Ltd.
10 tract to the point of Beginning and containing 10.00 acres of land.

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

18 (b) The governor, one of the required recipients, has
19 submitted the notice and Act to the Texas Commission on
20 Environmental Quality.

21 (c) The Texas Commission on Environmental Quality has filed
22 its recommendations relating to this Act with the governor, the
23 lieutenant governor, and the speaker of the house of
24 representatives within the required time.

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. (a) If this Act does not receive a two-thirds
3 vote of all the members elected to each house, Subchapter C, Chapter
4 7963A, Special District Local Laws Code, as added by Section 1 of
5 this Act, is amended by adding Section 7963A.0306 to read as
6 follows:

7 Sec. 7963A.0306. NO EMINENT DOMAIN POWER. The district may
8 not exercise the power of eminent domain.

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

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