

AN ACT

relating to the creation of the Waller County Road Improvement District No. 1; providing authority to impose a tax and issue bonds.

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

SECTION 1. CREATION OF DISTRICT. (a) Waller County Road Improvement District No. 1 is created as a special district under Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

(b) The board by resolution may change the district's name.

SECTION 2. DECLARATION OF INTENT. (a) The creation of the district is necessary to promote, develop, encourage, and maintain transportation, safety, employment, commerce, housing, tourism, recreation, the arts, entertainment, economic development, and the public welfare in the area of the district.

(b) The creation of the district is essential to accomplish the purposes of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, and other public purposes stated in this Act.

SECTION 3. DEFINITIONS. In this Act:

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

(2) "District" means Waller County Road Improvement District No. 1.

SECTION 4. BOUNDARIES. The district includes all the

1 territory contained in the following described area:

2 FIELD NOTES FOR A 31.6118 ACRE TRACT OF LAND IN THE H&TC RAILROAD
3 COMPANY SURVEY, SECTION 103, ABSTRACT 169, WALLER COUNTY, TEXAS,
4 SAID 31.6118 ACRE TRACT BEING THAT CERTAIN CALLED 31.6120 ACRE
5 TRACT (PART OF TRACT 4) IN DEED TO K-B MANAGEMENT PARTNERS, LTD.,
6 RECORDED IN VOLUME 305, PAGE 361, DEED RECORDS, WALLER COUNTY,
7 TEXAS, AND FURTHER DESCRIBED IN VOLUME 236, PAGE 630, DEED RECORDS,
8 WALLER COUNTY, TEXAS, BEARINGS FOR THE HEREIN DESCRIBED TRACT ARE
9 GRID BASED UPON G.P.S. OBSERVATIONS OF TRIANGULATIONS STATION
10 "BROOKSHIRE", DISTANCES ARE GEODETIC, SCALE FACTOR USED IS
11 0.99988896, COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE,
12 NAD 1983;

13 COMMENCING at a 3/4 inch iron pipe found in the east line of Igloo
14 Road (80-feet wide) at the southwest corner of the K-B Management
15 Partners, LTD., called 39.581 acre tract (Tract 2), recorded in
16 Volume 305, Page 361, Deed Records, Waller County, Texas, and
17 further described in Volume 235, Page 43, Deed Records, Waller
18 County, Texas. surveyed this date as 39.3537 acres, same being the
19 northwest corner of the K-B Management Partners, LTD. called
20 161.383 acre tract (Tract 2), surveyed this date as 161.8245 acres,
21 recorded in Volume 305, Page 361, Deed Records, Waller County,
22 Texas, said point bears North 87 degrees 55 minutes 48 seconds East,
23 11.5 feet from the southwest corner of the H&TC Railroad Company
24 Survey, Section 103, Abstract 169, same being the northwest corner
25 of the J.G. Bennett Survey, Abstract 292 (Section 104);

26 THENCE North 87 degrees 55 minutes 48 seconds East, along the common
27 line of the H&TC Railroad Company Survey, Section 103, Abstract

1 169, and the J.G. Bennett Survey, Abstract 292 (Section 104), and
2 the south line of said adjoining called 39.581 acre K-B Management
3 Partners, LTD tract, 3.135.06 feet to a 1-1/4 inch iron pipe found
4 on said line for the southwest corner of Place of Beginning of the
5 herein described 31.6118 acre tract of land, same being the
6 southeast corner of said adjoining K-B Management Partners, LTD.
7 called 39.581 acre tract, surveyed this date as 39.3537 acres, and
8 being in the north line of a certain adjoining Pennzoil Exploration
9 and Production Company called 142 acre tract, recorded in Volume
10 464, Page 271, Deed Records, Waller County, Texas;

11 THENCE North 02 degrees 00 minutes 55 seconds West along the common
12 line of the herein described 31.6118 acre tract and the
13 aforementioned adjoining called 39.581 acre K-B Management
14 Partners, LTD tract, surveyed this date as 39.3537 acres (called
15 North 02 degrees 01 minute West, 540.4 feet) for a distance of
16 541.97 feet to a 1/2 inch iron pipe found on the south right-of-way
17 line of Interstate Highway 10 for the northwest corner of the herein
18 described 31.6118 acre tract, same being the northeast corner of
19 said adjoining 39.581 acre K-B Management Partners, LTD tract, said
20 point having coordinates of Y=13,844,652.304, X=2,954,875,326;

21 THENCE North 88 degrees 15 minutes 42 seconds East, along the north
22 line of the herein described 31.6118 acre tract, being the south
23 line of Interstate Highway 10 (called North 87 degrees 58 minutes 56
24 seconds East, 2,047.09 feet) for a distance of 2,049.18 feet to a
25 concrete right-of-way marker found on said line at the beginning of
26 a curve to the right;

27 THENCE around said curve to the right with a central angle of 40

1 degrees 08 minutes 27 seconds, a radius of 534.68 feet, a length of
2 374.59 feet, a tangent of 195.35 feet, and a chord bearing South 71
3 degrees 40 minutes 04 seconds East, 366.98 feet to a 1/2 inch iron
4 pipe with cap marked "Kalkomey Surveying" set at the tangency of
5 said curve;

6 THENCE South 51 degrees 56 minutes 59 seconds East, 337.90 feet to a
7 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set at the
8 beginning of a curve to the left;

9 THENCE around said curve to the left with a central angel of 40
10 degrees 10 minutes 58 seconds, a radius of 617.97 feet, a length of
11 433.39 feet, a tangent of 226.04 feet, and a chord bearing South 71
12 degrees 13 minutes 35 seconds East, 424.57 feet to a concrete
13 right-of-way marker found at the tangency of said curve;

14 THENCE North 88 degrees 13 minutes 11 seconds East continuing along
15 the south right-of-way line of Interstate Highway 10, being the
16 north line of the herein described tract (called North 88 degrees 17
17 minutes 10 seconds East, 158.67 feet) for a distance of 158.16 feet
18 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set at
19 its point of intersection with the west right-of-way line of
20 Pederson Road, being the northeast-most corner of the herein
21 described 31.6118 acre tract of land, and being located in the east
22 line of said H&TC Railroad Company Survey, Section 103, Abstract,
23 169, same being the west line of the H&TC Railroad Company Survey,
24 Section 107, Abstract, 170;

25 THENCE South 02 degrees 33 minutes 46 seconds East (called South 02
26 degrees 15 minutes East, 30 feet) along the east line of the herein
27 described tract, the west right-of-way line of Pederson Road (50

1 feet wide), and the common line of said H&TC Railroad Company
2 Survey, Section 103, Abstract, 169, and said H&TC Railroad Company
3 Survey, Section 107, Abstract 170, a distance of 30.46 feet to a 1
4 inch iron pipe found on said common line for the southeast-most
5 corner of the herein described 31.6118 acre tract of land, same
6 being the northeast corner of an adjoining Cooper Cameron Corp.
7 called 58.6130 acre tract, recorded in Volume 0509, Page 919,
8 Official Records, Waller County, Texas, and being the southeast
9 corner of said H&TC Railroad Company Survey, Section 103, Abstract,
10 169, and the northeast corner of the aforementioned J.G. Bennett
11 Survey, Abstract 292 (Section 104), said point having coordinates
12 of Y=13,844,228.624, X=2,958,099.425;

13 THENCE South 87 degrees 53 minutes 32 seconds West along the south
14 line of the herein described tract, being the common line between
15 the H&TC Railroad Company Survey, Section 103, Abstract 169, and
16 the J.G. Bennett Survey, Abstract 292 (Section 104), same being the
17 north line of said adjoining Cooper Cameron Corp. called 58.6130
18 acre tract, and the north line of the aforementioned adjoining
19 Pennzoil Exploration and Production Company called 142 acre tract
20 (called South 87 degrees 43 minutes 39 seconds West, 3.204.36 feet)
21 for a distance of 3,207.21 feet to the Place of Beginning containing
22 31.6118 acres of land, more or less.

23 FIELD NOTES FOR 39.3537 ACRE TRACT OF LAND IN THE H&TC RAILROAD
24 COMPANY SURVEY, SECTION 103, ABSTRACT 169, WALLER COUNTY, TEXAS,
25 SAID 39.3537 ACRE TRACT BEING THAT CERTAIN CALLED 39.581 ACRE TRACT
26 (TRACT 2) IN DEED TO K-B MANAGEMENT PARTNERS, LTD., RECORDED IN
27 VOLUME 305, PAGE 361, DEED RECORDS, WALLER COUNTY, TEXAS, FURTHER

H.B. No. 3563

1 DESCRIBED IN VOLUME 235, PAGE 43, DEED RECORDS, WALLER COUNTY,
2 TEXAS, BEARINGS FOR THE HEREIN DESCRIBED TRACT ARE GRID BASED UPON
3 G.P.S. OBSERVATIONS FROM TRANGULATION STATION "BROOKSHIRE",
4 DISTANCES ARE GEODETIC, SCALE FACTOR USED IS 0.99988896,
5 COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE, NAD 1983;
6 BEGINNING at a 3/4 inch iron pipe found on the east tine of Igloo
7 Road (80 feet right-of-way) for the southwest corner and Place of
8 Beginning of the herein described 39.3537 acre tract of land, said
9 point being North 87 degrees 55 minutes 48 seconds East, 11.5 feet
10 from the southwest corner of the aforementioned H&TC Railroad
11 Company Survey, Section 103, Abstract 169, same being the northwest
12 corner of the J.G. Bennett Survey, Abstract 292 (Section 104), said
13 beginning point also being the northwest corner of an adjoining
14 161.8245 acre tract (called 161.383 acres), surveyed by the
15 undersigned this date, being in deed to K-B Management Partners,
16 LTD., recorded in Volume 305, Page 361, Deed Records, Waller
17 County, Texas, said point having coordinates Y=13,843,997.417,
18 X=2,951,761.369;
19 THENCE North 01 degrees 50 minutes 00 seconds West along the east
20 line of Igloo Road being the west line of the herein described tract
21 (called North 00 degrees 14 minutes 57 seconds West, 125.66 feet)
22 for a distance of 125.66 feet to a 1/2 inch iron pipe with cap marked
23 "Kalkomey Surveying" set on said line for an angle point;
24 THENCE North 06 degrees 04 minutes 27 seconds East continuing along
25 the west line of the herein described tract (called North 07 degrees
26 39 minutes 20 seconds East, 438.71 feet) for a distance of 438.71
27 feet to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying"

1 set at the point of intersection of said line with the south
2 right-of-way line of Interstate Highway 10 for the northwest corner
3 of the herein described 39.3537 acre tract of land;
4 THENCE North 88 degrees 15 minutes 54 seconds East along the south
5 right-of-way line of Interstate Highway 10, being the north line of
6 the herein described tract (called North 89 degrees 44 minutes 20
7 seconds East, 3,073.79 feet) for a distance of 3,072.96 feet to a
8 1/2 inch iron pipe found on said line for the northeast corner of
9 the herein described 39.3537 acre tract of land, same being the
10 northwest corner of an adjoining K-B Management Partners, LTD.,
11 called 31.6120 acre tract, surveyed this date as 31.6118 acres,
12 recorded in Volume 305, Page 361 (Deed Description in Volume 236,
13 Page 630), Deed Records, Waller County, Texas, said point having
14 coordinates of Y=13,844,652.304, X=2,954,875.326;
15 THENCE South 02 degrees 00 minutes 55 seconds East along the common
16 line of the herein described 39.3537 acre tract and the
17 aforementioned adjoining 31.6118 acre tract surveyed this date
18 (called South 00 degrees 34 minutes 45 seconds East, 547.87 feet)
19 for a distance of 541.97 feet to a 1-1/4 iron pipe found at the point
20 of intersection of said line with the common line of the
21 aforementioned H&TC Railroad Company Survey, Section 103, Abstract
22 169, and the J.G. Bennett Survey, Abstract 292 (Section 104), the
23 southeast corner of the herein described 39.3537 acre tract, same
24 being the southwest corner of the aforementioned adjoining 31.6118
25 acre tract surveyed this date, said point also being in the north
26 line of an adjoining Pennzoil Exploration and Production Company
27 called 142 acre tract, recorded in Volume 464, Page 271, Deed

1 Records, Waller County, Texas, said point having coordinates of
2 Y=13,844,110.6650, X=2,954,894.385;
3 THENCE South 87 degrees 55 minutes 48 seconds West along the common
4 line of the H&TC Railroad Company Survey, Section 103, Abstract
5 169, and the J.G. Bennett Survey, Abstract 292 (Section 104), being
6 the north line of the aforementioned Pennzoil Exploration and
7 Production Company called 142 acre tract, at 244.24 feet pass the
8 northwest corner of said adjoining called 142 acre Pennzoil
9 Exploration and Production Company tract, same being the upper
10 northeast corner of a certain adjoining called 261.7841 acre tract
11 conveyed to Margene West Lloyd and W.R. Lloyd, Jr., recorded in
12 Volume 303, Page 584, Deed Records, Waller County, Texas, at 324.24
13 feet pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying"
14 set on said line being the upper northwest corner of said adjoining
15 called 261.7841 acre Lloyd tract, same being the northeast corner
16 of the aforementioned adjoining K-B Management Partners, LTD.
17 called 161.383 acre tract (Tract 3), and continue along said line
18 (called North 89 degrees 30 minutes 50 seconds West, 3,137.31 feet)
19 for a distance of 3,135.06 feet to the Place of Beginning,
20 containing 39.3537 acres of land, more or less.

21 FIELD NOTES FOR A 161.8245 ACRE TRACT OF LAND IN THE J.G. BENNETT
22 SURVEY, ABSTRACT 292 (SECTION 104), WALLER COUNTY, TEXAS, SAID
23 161.8245 ACRE TRACT BEING THAT CERTAIN CALLED 161.383 ACRE TRACT
24 (TRACT 3) IN DEED TO K-B MANAGEMENT PARTNERS LTD. RECORDED IN VOLUME
25 305, PAGE 361, DEED RECORDS, WALLER COUNTY, TEXAS, FURTHER
26 DESCRIBED IN VOLUME 236, PAGE 223, DEED RECORDS, WALLER COUNTY,
27 TEXAS. BEARINGS FOR THE HEREIN DESCRIBED TRACT ARE GRID BASED UPON

1 G.P.S. OBSERVATIONS OF TRIANGULATION STATION "BROOKSHIRE",
2 DISTANCES ARE GEODETIC, SCALE FACTOR USED IS 0.99988896.
3 COORDINATES ARE TEXAS STATE PLANE, SOUTH CENTRAL ZONE, NAD 1983;
4 BEGINNING at a 3/4 inch iron pipe found on the east line of Igloo
5 Road (80 feet wide) for the north west corner and Place of Beginning
6 of the herein described 161.8245 acre tract of land, same being a
7 southwest corner of an adjoining called 39.581 acre tract (surveyed
8 by the undersigned this date as 39.3537 acres) conveyed to K-B
9 Management Partners, LTD. recorded in Volume 305, Page 361, and
10 further described in Volume 235, Page 43, Deed Records, Waller
11 County, Texas, said beginning point having coordinates of
12 Y=13,843,997.417, X=2,951,761.369, said point being North 87
13 degrees 55 minutes 48 seconds East. 11.5 feet from. the southwest
14 corner of the H&TC Railroad Company Survey, Section 103, Abstract
15 169, same being the northwest corner of the J.G. Bennett Survey,
16 Abstract 292 (Section 104);
17 THENCE North 87 degrees 55 minutes 48 seconds East, along the common
18 line of the aforementioned H&TC Railroad Company Survey, Section
19 103, and the J.G. Bennett Survey, Abstract 292 (Section 104), being
20 the common line between the herein described 161.8245 acre tract
21 and said adjoining called 39.581 acre K-B Management Partners
22 tract, (called North 89 degrees 30 minutes 50 seconds East,
23 2,813.08 feet) for a distance of 2,810.83 feet to a 1/2 inch iron
24 pipe with cap marked "Kalkomey Surveying" set on said line for the
25 northeast corner of the herein described 161.8245 acre tract of
26 land, same being the most northerly northwest corner of the
27 adjoining Margene West Lloyd and W. R. Lloyd, Jr. called 261.7841

1 acre tract, recorded in Volume 303, Page 584, Deed Records, Waller
2 County, Texas;

3 THENCE South 02 degrees 36 minutes 59 seconds East along the east
4 line of the herein described tract, same being the upper west line
5 of the aforementioned adjoining called 261.7841 acre Lloyd tract
6 (called South 00 degrees 37 minutes 04 seconds East, 2,482.08 feet)
7 for a distance of 2,493.17 feet to a 1/2 inch iron pipe with cap
8 marked "Kalkomey Surveying" set for the southeast corner of the
9 herein described 161.8245 acre tract of land, same being a re-entry
10 corner to the aforementioned adjoining called 261.7841 acre Lloyd
11 tract, said point having coordinates Y=13,841,608.37995,
12 X=2,954,684.177568;

13 THENCE South 88 degrees 02 minutes 01 second West along the south
14 line of the herein described tract, being the lower north line of
15 the aforementioned adjoining called 261.7841 acre Lloyd tract
16 (called South 89 degrees 30 minutes West, 2,850.65 feet), for a
17 distance of 2,850.00 feet to a 1/2 inch iron pipe found on the east
18 line of Igloo Road (80 feet) for the southwest corner of the herein
19 described 161.8245 acre tract, same being the lower northwest
20 corner of the aforementioned adjoining called 261.7841 acre Lloyd
21 tract;

22 THENCE North 01 degree 42 minutes 56 seconds West, along the east
23 line of Igloo Road and the west line of the herein described tract
24 (called North 00 degrees 14 minutes 57 seconds West, 2,482.97 feet)
25 for a distance of 2,487.95 feet to the Place of Beginning,
26 containing 161.8245 acres of land, more or less.

27 SECTION 5. FINDINGS RELATING TO BOUNDARIES. The boundaries

1 and field notes of the district form a closure. A mistake in the
2 field notes or in copying the field notes in the legislative process
3 does not in any way affect the district's:

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

10 SECTION 6. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a) The
11 district is created to serve a public use and benefit.

12 (b) All land and other property included in the district
13 will benefit from the improvements and services to be provided by
14 the district under powers conferred by Sections 52 and 52-a,
15 Article III, and Section 59, Article XVI, Texas Constitution, and
16 other powers granted under this Act.

17 (c) The creation of the district is in the public interest
18 and is essential to:

- 19 (1) further the public purposes of the development and
20 diversification of the economy of the state;
- 21 (2) eliminate unemployment and underemployment; and
- 22 (3) develop or expand transportation and commerce.

23 (d) The present and prospective traffic congestion in the
24 district and the safety of pedestrians and the limited availability
25 of funds require the promotion and development of public
26 transportation and pedestrian facilities and systems, and the
27 district will serve the public purpose of securing expanded and

1 improved transportation and pedestrian facilities and systems.

2 (e) The district will:

3 (1) promote the health, safety, and general welfare of
4 residents, employers, employees, visitors, and consumers in the
5 district and of the public;

6 (2) provide needed funding to preserve, maintain, and
7 enhance the economic health and vitality of the district as a
8 community; and

9 (3) promote the health, safety, welfare, and enjoyment
10 of the public by providing pedestrian ways and by landscaping and
11 developing certain areas in the district, which are necessary for
12 the restoration, preservation, and enhancement of scenic beauty.

13 (f) Pedestrian ways along or across a street, whether at
14 grade or above or below the surface, and street lighting, street
15 landscaping, and street art objects are parts of and necessary
16 components of a street and are considered to be a street or road
17 improvement.

18 (g) The district will not act as the agent or
19 instrumentality of any private interest even though the district
20 will benefit many private interests as well as the public.

21 SECTION 7. APPLICATION OF OTHER LAW. Chapter 311,
22 Government Code (Code Construction Act), applies to this Act.

23 SECTION 8. CONSTRUCTION OF ACT. (a) This Act shall be
24 liberally construed in conformity with the findings and purposes
25 set forth in this Act.

26 (b) If any provision of the general law conflicts with this
27 Act, this Act prevails.

1 SECTION 9. BOARD OF DIRECTORS; TERMS. (a) The district is
2 governed by a board of five elected directors who serve staggered
3 terms of four years.

4 (b) Elections for directors shall be held on the uniform
5 election date in May in even-numbered years.

6 SECTION 10. QUALIFICATIONS. (a) A person must meet the
7 qualifications of Section 375.063, Local Government Code, to serve
8 as a director of the district.

9 (b) Section 49.052, Water Code, does not apply to directors
10 of the district.

11 SECTION 11. POWERS OF DISTRICT. (a) The district has all
12 powers and authority provided by the general laws on road districts
13 and road utility districts created under Section 52, Article III,
14 Texas Constitution, and conservation and reclamation districts and
15 municipal management districts created under Section 59, Article
16 XVI, Texas Constitution, including:

- 17 (1) Chapters 257 and 441, Transportation Code;
18 (2) Chapter 375, Local Government Code; and
19 (3) Chapters 49 and 54, Water Code.

20 (b) Authority granted by this Act shall in no way affect or
21 impact the powers and authority of the Brookshire-Katy Drainage
22 District of Waller County.

23 SECTION 12. AGREEMENTS; GRANTS. (a) The district may make
24 an agreement with or accept a gift, grant, or loan from any person.

25 (b) The implementation of a project is a governmental
26 function or service for the purposes of Chapter 791, Government
27 Code.

1 SECTION 13. LAW ENFORCEMENT SERVICES. To protect the
2 public interest, the district may contract with a municipality or
3 county to provide law enforcement services in the district for a
4 fee.

5 SECTION 14. AUTHORITY TO IMPOSE AD VALOREM TAXES,
6 ASSESSMENTS, AND IMPACT FEES. The district may impose an ad valorem
7 tax, assessment, or impact fee and use the proceeds of the tax,
8 assessment, or impact fee for any district purpose, including the
9 payment of debt or other contractual obligations, or the payment of
10 maintenance and operating expenses.

11 SECTION 15. ELECTIONS REGARDING TAXES OR BONDS. (a) The
12 district must hold an election in the manner provided by Chapters 49
13 and 54, Water Code, to obtain voter approval before the district may
14 impose a maintenance tax or issue bonds payable from ad valorem
15 taxes.

16 (b) The board may include more than one purpose in a single
17 proposition at an election.

18 SECTION 16. MAINTENANCE TAX. (a) The district may impose
19 an annual ad valorem tax on taxable property in the district for any
20 district purpose, including to:

21 (1) maintain and operate the district, including
22 improvements constructed or acquired by the district; or

23 (2) provide a service.

24 (b) The board shall determine the tax rate.

25 SECTION 17. ASSESSMENTS; PETITION REQUIRED FOR FINANCING
26 SERVICES AND IMPROVEMENTS. (a) The board by resolution may impose
27 and collect an assessment for any purpose authorized by this Act.

1 (b) The board may not finance a service or improvement
2 project through an assessment under this Act unless a written
3 petition requesting that service or improvement has been filed with
4 the board. The petition must be signed by:

5 (1) the owners of a majority of the assessed value of
6 real property in the district that will be subject to the assessment
7 according to the most recent certified tax appraisal roll for the
8 county in which the property is located; or

9 (2) at least 25 owners of land in the district that
10 will be subject to the assessment, if more than 25 persons own land
11 in the district that will be subject to the assessment according to
12 the most recent certified tax appraisal roll for the county in which
13 the property is located.

14 (c) An assessment, a reassessment, or an assessment
15 resulting from an addition to or correction of the assessment roll
16 by the district, penalties and interest on an assessment or
17 reassessment, an expense of collection, and reasonable attorney's
18 fees incurred by the district:

19 (1) are a first and prior lien against the property
20 assessed;

21 (2) are superior to any other lien or claim other than
22 a lien or claim for county, school district, or municipal ad valorem
23 taxes; and

24 (3) are the personal liability of and charge against
25 the owners of the property even if the owners are not named in the
26 assessment proceeding.

27 (d) The lien is effective from the date of the board's

1 resolution imposing the assessment until the date the assessment is
2 paid. The board may enforce the lien in the same manner that the
3 board may enforce an ad valorem tax lien against real property.

4 SECTION 18. OBLIGATIONS. (a) The district may issue bonds
5 or other obligations payable in whole or in part from ad valorem
6 taxes, assessments, impact fees, revenue, grants, or other money of
7 the district, or any combination of those sources of money, to pay
8 for any authorized purpose of the district.

9 (b) In exercising the district's borrowing power, the
10 district may issue a bond or other obligation in the form of a bond,
11 note, certificate of participation or other instrument evidencing a
12 proportionate interest in payments to be made by the district, or
13 other type of obligation.

14 SECTION 19. INITIAL DIRECTORS. (a) The initial board
15 consists of the following persons:

- 16 (1) Julie Magness;
- 17 (2) Craig Artze;
- 18 (3) Julie Crum;
- 19 (4) Gary Tankersley; and
- 20 (5) Jennifer Kramer.

21 (b) Of the initial directors, the terms of the first three
22 directors named in Subsection (a) expire on June 1, 2006, and the
23 terms of the last two directors named in Subsection (a) expire on
24 June 1, 2004.

25 (c) On the uniform election date in May 2004, the board
26 shall hold an election for the directors whose terms expire on June
27 1, 2004. On the uniform election date in May 2006, the board shall

1 hold an election for the directors whose terms expire on June 1,
2 2006.

3 (d) This section expires September 1, 2006.

4 SECTION 20. UTILITIES. The district may not impose an
5 impact fee or assessment on the property, equipment, rights-of-way,
6 facilities, or improvements of an electric utility or a power
7 generation company as defined by Section 31.002, Utilities Code, a
8 telecommunications provider as defined by Section 51.002,
9 Utilities Code, a cable operator as defined by 47 U.S.C. Section
10 522, as amended, or a gas utility as defined by Section 101.003 or
11 121.001, Utilities Code. If the district, in the exercise of the
12 powers conferred upon it herein, requires or requests the
13 relocation, rerouting, or removal of electric, gas, water, sewer,
14 communications, or other public utilities, the relocation,
15 rerouting, or removal shall be at the sole expense of the district.

16 SECTION 21. ADDITIONAL LEGISLATIVE FINDINGS. The
17 legislature finds that:

18 (1) proper and legal notice of the intention to
19 introduce this Act, setting forth the general substance of this
20 Act, has been published as provided by law, and the notice and a
21 copy of this Act have been furnished to all persons, agencies,
22 officials, or entities to which they are required to be furnished by
23 the constitution and laws of this state, including the governor,
24 who has submitted the notice and Act to the Texas Commission on
25 Environmental Quality;

26 (2) the Texas Commission on Environmental Quality has
27 filed its recommendations relating to this Act with the governor,

1 lieutenant governor, and speaker of the house of representatives
2 within the required time;

3 (3) the general law relating to consent by political
4 subdivisions to the creation of districts with conservation,
5 reclamation, and road powers and the inclusion of land in those
6 districts has been complied with; and

7 (4) all requirements of the constitution and laws of
8 this state and the rules and procedures of the legislature with
9 respect to the notice, introduction, and passage of this Act have
10 been fulfilled and accomplished.

11 SECTION 22. EFFECTIVE DATE. This Act takes effect
12 immediately if it receives a vote of two-thirds of all the members
13 elected to each house, as provided by Section 39, Article III, Texas
14 Constitution. If this Act does not receive the vote necessary for
15 immediate effect, this Act takes effect September 1, 2003.

President of the Senate

Speaker of the House

I certify that H.B. No. 3563 was passed by the House on May 6, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 3563 on May 30, 2003, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3563 was passed by the Senate, with amendments, on May 28, 2003, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor