

By: Hope

H.B. No. 1054

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 100; providing authority to impose a tax and issue bonds; granting the power of eminent domain.

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 8119 to read as follows:

CHAPTER 8119. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 100

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8119.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means the Montgomery County Municipal Utility District No. 100.

Sec. 8119.002. NATURE OF DISTRICT. The district is a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8119.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8119.023 before September 1, 2010:

(1) the district is dissolved September 1, 2010,

1 except that:

2 (A) any debts incurred shall be paid;

3 (B) any assets that remain after the payment of
4 debts shall be transferred to Montgomery County; and

5 (C) the organization of the district shall be
6 maintained until all debts are paid and remaining assets are
7 transferred; and

8 (2) this chapter expires September 1, 2013.

9 Sec. 8119.004. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of the territory described by
11 Section 2 of the Act creating this chapter.

12 (b) The boundaries and field notes contained in Section 2 of
13 the Act creating this chapter form a closure. A mistake made in the
14 field notes or in copying the field notes in the legislative process
15 does not affect:

16 (1) the organization, existence, or validity of the
17 district;

18 (2) the right of the district to impose taxes;

19 (3) the validity of the district's bonds, notes, or
20 indebtedness; or

21 (4) the legality or operation of the district or the
22 board.

23 Sec. 8119.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW.
24 Except as otherwise provided by this chapter, Chapters 49 and 54,
25 Water Code, apply to the district.

26 [Sections 8119.006-8119.020 reserved for expansion]

1 SUBCHAPTER A-1. TEMPORARY PROVISIONS

2 Sec. 8119.021. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2005, a person who owns land in the district may submit
4 a petition to the Texas Commission on Environmental Quality
5 requesting that the commission appoint as temporary directors the
6 five persons named in the petition.

7 (b) The commission shall appoint as temporary directors the
8 five persons named in the first petition received by the commission
9 under Subsection (a).

10 (c) If a temporary director fails to qualify for office or
11 if a vacancy occurs in the office of temporary director, the vacancy
12 shall be filled as provided by Section 49.105, Water Code.

13 (d) Temporary directors serve until the earlier of:

14 (1) the date directors are elected under Section
15 8119.023; or

16 (2) the date this chapter expires under Section
17 8119.003.

18 Sec. 8119.022. ORGANIZATIONAL MEETING OF TEMPORARY
19 DIRECTORS. As soon as practicable after all the temporary
20 directors have qualified under Section 49.055, Water Code, the
21 temporary directors shall meet at a location in the district
22 agreeable to a majority of the directors. If a location cannot be
23 agreed upon, the meeting shall be at the Montgomery County
24 Courthouse. At the meeting, the temporary directors shall elect
25 officers from among the temporary directors and conduct any other
26 district business.

27 Sec. 8119.023. CONFIRMATION AND INITIAL DIRECTORS'

1 ELECTION. (a) The temporary directors shall hold an election to
2 confirm the creation of the district and to elect five directors as
3 provided by Section 49.102, Water Code.

4 (b) Section 41.001(a), Election Code, does not apply to a
5 confirmation and initial directors' election held under this
6 section.

7 Sec. 8119.024. INITIAL ELECTED DIRECTORS; TERMS. The
8 directors elected under Section 8119.023 shall draw lots to
9 determine which two shall serve until the first regularly scheduled
10 election of directors under Section 8119.052 and which three shall
11 serve until the second regularly scheduled election of directors.

12 Sec. 8119.025. FIRST REGULARLY SCHEDULED ELECTION OF
13 DIRECTORS. The board by order may postpone the first election under
14 Section 8119.052 following the confirmation and directors'
15 election held under Section 8119.023 if:

16 (1) the election would otherwise occur not later than
17 the 60th day after the date on which the confirmation election is
18 held; or

19 (2) the board determines that there is not sufficient
20 time to comply with the requirements of law and to order the
21 election.

22 Sec. 8119.026. EXPIRATION OF SUBCHAPTER. This subchapter
23 expires September 1, 2013.

24 [Sections 8119.027-8119.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8119.051. DIRECTORS; TERMS. (a) The district is
27 governed by a board of five directors.

1 (b) Directors serve staggered four-year terms.

2 Sec. 8119.052. ELECTION OF DIRECTORS. On the uniform
3 election date in May of each even-numbered year, the appropriate
4 number of directors shall be elected.

5 [Sections 8119.053-8119.100 reserved for expansion]

6 SUBCHAPTER C. POWERS AND DUTIES

7 Sec. 8119.101. UTILITIES. The district may not impose an
8 impact fee or assessment on the property, equipment, rights-of-way,
9 facilities, or improvements of:

10 (1) an electric utility as defined by Section 31.002,
11 Utilities Code;

12 (2) a gas utility as defined by Section 101.003 or
13 121.001, Utilities Code;

14 (3) a telecommunications provider as defined by
15 Section 51.002, Utilities Code; or

16 (4) a cable operator as defined by 47 U.S.C. Section
17 522, as amended.

18 Sec. 8119.102. COMPLIANCE WITH MUNICIPAL CONSENT
19 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
20 54.016, Water Code, the district shall comply with all applicable
21 requirements of any ordinance or resolution adopted by a
22 municipality in the corporate limits or extraterritorial
23 jurisdiction of which the district is located, including an
24 ordinance or resolution adopted before September 1, 2005, that
25 consents to the creation of the district or to the inclusion of
26 lands within the district.

27 SECTION 2. The Montgomery County Municipal Utility District

1 No. 100 initially includes all the territory contained in the
2 following area:

3 Being 759 acres of land in the William Weir Survey, A-42, the James
4 Elkins Survey, A-198, Montgomery County, Texas, said 759 acres
5 being described more particularly as follows:

6 Beginning at the Southeast corner of the herein described
7 tract, at the intersection of the North line of Long Street, with
8 the Westerly limits of the City of Willis and being Westerly along
9 the North line of Long Street 000.00 feet from its' intersection
10 with the West Right of Way line of Interstate Highway No. 45;

11 Thence in a Northwesterly direction along the North line of
12 Long Street as follows:

- 13 1. N. 71° 40' 15" W., 996.91 feet,
- 14 2. N. 70° 35' 24" W., 832.19 feet,
- 15 3. N. 75° 51' 31" W., 428.03 feet,
- 16 4. N. 79° 32' 59" W., 915.10 feet,
- 17 5. N. 75° 16' 38" W., 654.77 feet,
- 18 6. N. 74° 38' 52" W., 2,492.02 feet,
- 19 7. N. 74° 08' 48" W., 152.05 feet to the Southwest corner of the
20 herein described tract;

21 THENCE N. 15° 12' 12" E., leaving the North line of Long Street
22 for a distance of 2,525.27 feet;

23 THENCE S. 74° 45' 22" E., 1,453.09 feet;

24 THENCE N. 14° 46' 27" E., 4,278.49 feet to the Northwest
25 corner of the herein described tract, in the South line of Calvary
26 Road;

27 THENCE S. 73° 41' 20" E., along the South line of Calvary Road

1 for a distance of 2,757.80 feet to the Northeast corner of the
2 herein described tract;

3 THENCE S. 15° 07' 48" W., leaving the South line of Calvary
4 Road for a distance of 3,209.39 feet;

5 THENCE S. 74° 26' 07" E., for a distance of 2,354.27 feet;

6 THENCE N. 15° 23' 39" E., for a distance of 1,311.19 feet to
7 the Lower Northeast corner of the herein described tract, in the
8 West line of I.H. 45;

9 THENCE in a Southerly direction along the West line of I.H. 45
10 as follows:

11 1. S. 01° 38' 03" E., 509.25 feet,

12 2. S. 00° 34' 07" E., 600.39 feet,

13 3. S. 02° 16' 39" W., 600.02 feet,

14 4. S. 00° 38' 13" E., 200.31 feet,

15 5. S. 04° 02' 56" E., 500.41 feet,

16 6. S. 00° 38' 08" E., 800.08 feet,

17 7. S. 00° 37' 36" E., 1,288.19 feet to the intersection with the
18 Northerly line of the City of Willis;

19 THENCE N. 75° 02' 00" W., leaving the West line of I.H. 45,
20 along the Northerly line of the City of Willis for a distance of
21 1,458.17 feet;

22 THENCE SOUTH, along the West line of the City of Willis for a
23 distance of 560.00 feet to the POINT OF BEGINNING and containing in
24 all 759 acres of land.

25 SECTION 3. (a) The legal notice of the intention to
26 introduce this Act, setting forth the general substance of this
27 Act, has been published as provided by law, and the notice and a

1 copy of this Act have been furnished to all persons, agencies,
2 officials, or entities to which they are required to be furnished
3 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4 Government Code.

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

8 (c) The Texas Commission on Environmental Quality has filed
9 its recommendations relating to this Act with the governor, the
10 lieutenant governor, and the speaker of the house of
11 representatives within the required time.

12 (d) All requirements of the constitution and laws of this
13 state and the rules and procedures of the legislature with respect
14 to the notice, introduction, and passage of this Act are fulfilled
15 and accomplished.

16 SECTION 4. This Act takes effect September 1, 2005.

1 COMMITTEE AMENDMENT NO. 1

2 Amend H.B. No. 1054 on page 5, between lines 26 and 27, by
3 inserting the following:

4 Sec. 8119.103. LIMITATION ON USE OF EMINENT DOMAIN. The
5 district may not exercise the power of eminent domain outside the
6 district boundaries to acquire a site for a water treatment plant,
7 water storage facility, wastewater treatment plant, or wastewater
8 disposal facility.

9 79R12624 QS-F

Puente