

By: Hope

H.B. No. 1055

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Montgomery County Municipal Utility District No. 101; 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 8120 to read as follows:

CHAPTER 8120. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8120.001. 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. 101.

Sec. 8120.002. 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. 8120.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8120.023 before September 1, 2010:

(1) the district is dissolved September 1, 2010, except that:

1           (A) any debts incurred shall be paid;

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

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

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

8           Sec. 8120.004. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

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

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

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

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

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

22           Sec. 8120.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW.  
23 Except as otherwise provided by this chapter, Chapters 49 and 54,  
24 Water Code, apply to the district.

25           [Sections 8120.006-8120.020 reserved for expansion]

26           SUBCHAPTER A-1. TEMPORARY PROVISIONS

27           Sec. 8120.021. TEMPORARY DIRECTORS. (a) On or after

1 September 1, 2005, a person who owns land in the district may submit  
2 a petition to the Texas Commission on Environmental Quality  
3 requesting that the commission appoint as temporary directors the  
4 five persons named in the petition.

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

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

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

12 (1) the date directors are elected under Section  
13 8120.023; or

14 (2) the date this chapter expires under Section  
15 8120.003.

16 Sec. 8120.022. ORGANIZATIONAL MEETING OF TEMPORARY  
17 DIRECTORS. As soon as practicable after all the temporary  
18 directors have qualified under Section 49.055, Water Code, the  
19 temporary directors shall meet at a location in the district  
20 agreeable to a majority of the directors. If a location cannot be  
21 agreed upon, the meeting shall be at the Montgomery County  
22 Courthouse. At the meeting, the temporary directors shall elect  
23 officers from among the temporary directors and conduct any other  
24 district business.

25 Sec. 8120.023. CONFIRMATION AND INITIAL DIRECTORS'  
26 ELECTION. (a) The temporary directors shall hold an election to  
27 confirm the creation of the district and to elect five directors as

1 provided by Section 49.102, Water Code.

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

5 Sec. 8120.024. INITIAL ELECTED DIRECTORS; TERMS. The  
6 directors elected under Section 8120.023 shall draw lots to  
7 determine which two shall serve until the first regularly scheduled  
8 election of directors under Section 8120.052 and which three shall  
9 serve until the second regularly scheduled election of directors.

10 Sec. 8120.025. FIRST REGULARLY SCHEDULED ELECTION OF  
11 DIRECTORS. The board by order may postpone the first election under  
12 Section 8120.052 following the confirmation and directors'  
13 election held under Section 8120.023 if:

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

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

20 Sec. 8120.026. EXPIRATION OF SUBCHAPTER. This subchapter  
21 expires September 1, 2013.

22 [Sections 8120.027-8120.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 8120.051. DIRECTORS; TERMS. (a) The district is  
25 governed by a board of five directors.

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

27 Sec. 8120.052. ELECTION OF DIRECTORS. On the uniform

1 election date in May of each even-numbered year, the appropriate  
2 number of directors shall be elected.

3 [Sections 8120.053-8120.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8120.101. UTILITIES. The district may not impose an  
6 impact fee or assessment on the property, equipment, rights-of-way,  
7 facilities, or improvements of:

8 (1) an electric utility as defined by Section 31.002,  
9 Utilities Code;

10 (2) a gas utility as defined by Section 101.003 or  
11 121.001, Utilities Code;

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

14 (4) a cable operator as defined by 47 U.S.C. Section  
15 522, as amended.

16 Sec. 8120.102. COMPLIANCE WITH MUNICIPAL CONSENT  
17 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
18 54.016, Water Code, the district shall comply with all applicable  
19 requirements of any ordinance or resolution adopted by a  
20 municipality in the corporate limits or extraterritorial  
21 jurisdiction of which the district is located, including an  
22 ordinance or resolution adopted before September 1, 2005, that  
23 consents to the creation of the district or to the inclusion of  
24 lands within the district.

25 Sec. 8120.103. LIMITATION ON USE OF EMINENT DOMAIN. The  
26 district may not exercise the power of eminent domain outside the  
27 district boundaries to acquire a site for a water treatment plant,

1 water storage facility, wastewater treatment plant, or wastewater  
2 disposal facility.

3 SECTION 2. The Montgomery County Municipal Utility District  
4 No. 101 initially includes all the territory contained in the  
5 following area:

6 Being 725 acres of land in the William Weir Survey, A-42, Montgomery  
7 County, Texas, said 725 acres being described more particularly as  
8 follows:

9 COMMENCING at the intersection of the North line of Long  
10 Street, with the Westerly limits of the City of Willis and being  
11 Westerly along the North line of Long Street 942.75 feet from its'  
12 intersection with the West Right of Way line of Interstate Highway  
13 No. 45;

14 THENCE in a Northwesterly direction along the North line of  
15 Long Street as follows:

- 16 1. N. 71° 40' 15" W., 996.91 feet,
- 17 2. N. 70° 35' 24" W., 832.19 feet,
- 18 3. N. 75° 51' 31" W., 428.03 feet,
- 19 4. N. 79° 32' 59" W., 915.10 feet,
- 20 5. N. 75° 16' 38" W., 654.77 feet,
- 21 6. N. 74° 38' 52" W., 2,492.02 feet,
- 22 7. N. 74° 08' 48" W., 152.05 feet,

23 THENCE N. 15° 12' 12" E., leaving the North line of Long Street  
24 for a distance of 1,674.56 feet to the Lower Northeast corner and  
25 POINT OF BEGINNING of the herein described tract;

26 THENCE N. 74° 11' 32" W., 1,501.04 feet;

27 THENCE S. 15° 52' 40" W., 1,673.29 feet to the Southeast

1 corner of the herein described tract, in the North line of Long  
2 Street;

3           THENCE N. 74° 10' 48" W., along the North line of Long Street  
4 for a distance of 1,786.58 feet to the Southwest corner of the  
5 herein described tract;

6           THENCE N. 15° 21' 11" E. leaving the North line of Long Street  
7 for a distance of 1,894.76 feet;

8           THENCE N. 74° 41' 53" W., for a distance of 2,669.61 feet;

9           THENCE N. 13° 36' 19" W., for a distance of 1,069.55 feet to a  
10 point in the centerline of Weir Creek;

11           THENCE in a Northerly direction along the centerline of Weir  
12 Creek as follows:

13 1. N. 78° 55' 04" W., 47.22 feet,

14 2. S. 58° 01' 42" W., 105.77 feet,

15 3. N. 41° 14' 47" W., 124.78 feet,

16 4. N. 88° 50' 36" W., 219.00 feet,

17 5. S. 58° 02' 04" W., 122.09 feet,

18 6. N. 17° 29' 15" W., 293.63 feet,

19 7. S. 84° 23' 53" W., 32.62 feet,

20 8. N. 13° 47' 19" W., 440.86 feet

21           THENCE N. 48° 35' 31" E., leaving the centerline of Weir Creek  
22 for a distance of 1,493.62 feet;

23           THENCE N. 09° 32' 29" E., for a distance of 148.15 feet to the  
24 Lower Northwest corner of the herein described tract;

25           THENCE S. 75° 49' 24" E., for a distance of 3,305.60 feet;

26           THENCE S. 64° 25' 00" E., for a distance of 140.00 feet;

27           THENCE S. 75° 18' 33" E., for a distance of 1,386.40 feet;

1           THENCE S. 76° 58' 00" E., for a distance of 247.11 feet;

2           THENCE S. 79° 23' 15" E., for a distance of 3.39 feet;

3           THENCE N. 33° 31' 19" E., for a distance of 1,108.94 feet;

4           THENCE N. 12° 43' 04" E., for a distance of 49.20 feet;

5           THENCE N. 50° 18' 13" E., for a distance of 477.33 feet;

6           THENCE N. 18° 24' 04" E., for a distance of 247.92 feet;

7           THENCE N. 28° 11' 51" E., for a distance of 329.61 feet to the  
8 Northwest corner of the herein described tract, in the South line of  
9 Calvary Road;

10           THENCE S. 73° 21' 34" E., along the South line of Calvary Road  
11 for a distance of 923.47 feet;

12           THENCE S. 73° 41' 20" E., continuing along the South line of  
13 Calvary Road for a distance of 1,310.90 feet to the Northeast corner  
14 of the herein described tract;

15           THENCE S. 14° 46' 27" W., leaving the South line of Calvary  
16 Road for a distance of 4,278.49 feet;

17           THENCE N. 74° 45' 22" W., for a distance of 1,453.09 feet;

18           THENCE S. 15° 12' 12" W., for a distance of 850.71 feet to the  
19 POINT OF BEGINNING and containing in all 725 acres of land.

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

27           (b) The governor, one of the required recipients, has



1 submitted the notice and Act to the Texas Commission on  
2 Environmental Quality.

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

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

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