

1-1 By: Hope (Senate Sponsor - Staples) H.B. No. 1055
1-2 (In the Senate - Received from the House May 10, 2005;
1-3 May 12, 2005, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2005, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 18, 2005, sent to
1-6 printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to the creation of the Montgomery County Municipal Utility
1-10 District No. 101; providing authority to impose a tax and issue
1-11 bonds; granting the power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-14 Code, is amended by adding Chapter 8120 to read as follows:

1-15 CHAPTER 8120. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8120.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the Montgomery County Municipal
1-22 Utility District No. 101.

1-23 Sec. 8120.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district in Montgomery County created under and
1-25 essential to accomplish the purposes of Section 59, Article XVI,
1-26 Texas Constitution.

1-27 Sec. 8120.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 8120.023 before September 1, 2010:

1-30 (1) the district is dissolved September 1, 2010,
1-31 except that:

1-32 (A) any debts incurred shall be paid;

1-33 (B) any assets that remain after the payment of
1-34 debts shall be transferred to Montgomery County; and

1-35 (C) the organization of the district shall be
1-36 maintained until all debts are paid and remaining assets are
1-37 transferred; and

1-38 (2) this chapter expires September 1, 2013.

1-39 Sec. 8120.004. INITIAL DISTRICT TERRITORY. (a) The
1-40 district is initially composed of the territory described by
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of
1-43 the Act creating this chapter form a closure. A mistake made in the
1-44 field notes or in copying the field notes in the legislative process
1-45 does not affect:

1-46 (1) the organization, existence, or validity of the
1-47 district;

1-48 (2) the right of the district to impose taxes;

1-49 (3) the validity of the district's bonds, notes, or
1-50 indebtedness; or

1-51 (4) the legality or operation of the district or the
1-52 board.

1-53 Sec. 8120.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW.
1-54 Except as otherwise provided by this chapter, Chapters 49 and 54,
1-55 Water Code, apply to the district.

1-56 [Sections 8120.006-8120.020 reserved for expansion]

1-57 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-58 Sec. 8120.021. TEMPORARY DIRECTORS. (a) On or after
1-59 September 1, 2005, a person who owns land in the district may submit
1-60 a petition to the Texas Commission on Environmental Quality
1-61 requesting that the commission appoint as temporary directors the
1-62 five persons named in the petition.

1-63 (b) The commission shall appoint as temporary directors the
1-64 five persons named in the first petition received by the commission

2-1 under Subsection (a).

2-2 (c) If a temporary director fails to qualify for office or
 2-3 if a vacancy occurs in the office of temporary director, the vacancy
 2-4 shall be filled as provided by Section 49.105, Water Code.

2-5 (d) Temporary directors serve until the earlier of:

2-6 (1) the date directors are elected under Section
 2-7 8120.023; or

2-8 (2) the date this chapter expires under Section
 2-9 8120.003.

2-10 Sec. 8120.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-11 DIRECTORS. As soon as practicable after all the temporary
 2-12 directors have qualified under Section 49.055, Water Code, the
 2-13 temporary directors shall meet at a location in the district
 2-14 agreeable to a majority of the directors. If a location cannot be
 2-15 agreed upon, the meeting shall be at the Montgomery County
 2-16 Courthouse. At the meeting, the temporary directors shall elect
 2-17 officers from among the temporary directors and conduct any other
 2-18 district business.

2-19 Sec. 8120.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-20 ELECTION. (a) The temporary directors shall hold an election to
 2-21 confirm the creation of the district and to elect five directors as
 2-22 provided by Section 49.102, Water Code.

2-23 (b) Section 41.001(a), Election Code, does not apply to a
 2-24 confirmation and initial directors' election held under this
 2-25 section.

2-26 Sec. 8120.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-27 directors elected under Section 8120.023 shall draw lots to
 2-28 determine which two shall serve until the first regularly scheduled
 2-29 election of directors under Section 8120.052 and which three shall
 2-30 serve until the second regularly scheduled election of directors.

2-31 Sec. 8120.025. FIRST REGULARLY SCHEDULED ELECTION OF
 2-32 DIRECTORS. The board by order may postpone the first election under
 2-33 Section 8120.052 following the confirmation and directors'
 2-34 election held under Section 8120.023 if:

2-35 (1) the election would otherwise occur not later than
 2-36 the 60th day after the date on which the confirmation election is
 2-37 held; or

2-38 (2) the board determines that there is not sufficient
 2-39 time to comply with the requirements of law and to order the
 2-40 election.

2-41 Sec. 8120.026. EXPIRATION OF SUBCHAPTER. This subchapter
 2-42 expires September 1, 2013.

2-43 [Sections 8120.027-8120.050 reserved for expansion]

2-44 SUBCHAPTER B. BOARD OF DIRECTORS

2-45 Sec. 8120.051. DIRECTORS; TERMS. (a) The district is
 2-46 governed by a board of five directors.

2-47 (b) Directors serve staggered four-year terms.

2-48 Sec. 8120.052. ELECTION OF DIRECTORS. On the uniform
 2-49 election date in May of each even-numbered year, the appropriate
 2-50 number of directors shall be elected.

2-51 [Sections 8120.053-8120.100 reserved for expansion]

2-52 SUBCHAPTER C. POWERS AND DUTIES

2-53 Sec. 8120.101. UTILITIES. The district may not impose an
 2-54 impact fee or assessment on the property, equipment, rights-of-way,
 2-55 facilities, or improvements of:

2-56 (1) an electric utility as defined by Section 31.002,
 2-57 Utilities Code;

2-58 (2) a gas utility as defined by Section 101.003 or
 2-59 121.001, Utilities Code;

2-60 (3) a telecommunications provider as defined by
 2-61 Section 51.002, Utilities Code; or

2-62 (4) a cable operator as defined by 47 U.S.C. Section
 2-63 522, as amended.

2-64 Sec. 8120.102. COMPLIANCE WITH MUNICIPAL CONSENT
 2-65 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
 2-66 54.016, Water Code, the district shall comply with all applicable
 2-67 requirements of any ordinance or resolution adopted by a
 2-68 municipality in the corporate limits or extraterritorial
 2-69 jurisdiction of which the district is located, including an

3-1 ordinance or resolution adopted before September 1, 2005, that
3-2 consents to the creation of the district or to the inclusion of
3-3 lands within the district.

3-4 Sec. 8120.103. LIMITATION ON USE OF EMINENT DOMAIN. The
3-5 district may not exercise the power of eminent domain outside the
3-6 district boundaries to acquire a site for a water treatment plant,
3-7 water storage facility, wastewater treatment plant, or wastewater
3-8 disposal facility.

3-9 SECTION 2. The Montgomery County Municipal Utility District
3-10 No. 101 initially includes all the territory contained in the
3-11 following area:
3-12 Being 725 acres of land in the William Weir Survey, A-42, Montgomery
3-13 County, Texas, said 725 acres being described more particularly as
3-14 follows:

3-15 COMMENCING at the intersection of the North line of Long
3-16 Street, with the Westerly limits of the City of Willis and being
3-17 Westerly along the North line of Long Street 942.75 feet from its'
3-18 intersection with the West Right of Way line of Interstate Highway
3-19 No. 45;

3-20 THENCE in a Northwesterly direction along the North line of
3-21 Long Street as follows:

- 3-22 1. N. 71° 40' 15" W., 996.91 feet,
- 3-23 2. N. 70° 35' 24" W., 832.19 feet,
- 3-24 3. N. 75° 51' 31" W., 428.03 feet,
- 3-25 4. N. 79° 32' 59" W., 915.10 feet,
- 3-26 5. N. 75° 16' 38" W., 654.77 feet,
- 3-27 6. N. 74° 38' 52" W., 2,492.02 feet,
- 3-28 7. N. 74° 08' 48" W., 152.05 feet,

3-29 THENCE N. 15° 12' 12" E., leaving the North line of Long Street
3-30 for a distance of 1,674.56 feet to the Lower Northeast corner and
3-31 POINT OF BEGINNING of the herein described tract;

3-32 THENCE N. 74° 11' 32" W., 1,501.04 feet;

3-33 THENCE S. 15° 52' 40" W., 1,673.29 feet to the Southeast
3-34 corner of the herein described tract, in the North line of Long
3-35 Street;

3-36 THENCE N. 74° 10' 48" W., along the North line of Long Street
3-37 for a distance of 1,786.58 feet to the Southwest corner of the
3-38 herein described tract;

3-39 THENCE N. 15° 21' 11" E. leaving the North line of Long Street
3-40 for a distance of 1,894.76 feet;

3-41 THENCE N. 74° 41' 53" W., for a distance of 2,669.61 feet;

3-42 THENCE N. 13° 36' 19" W., for a distance of 1,069.55 feet to a
3-43 point in the centerline of Weir Creek;

3-44 THENCE in a Northerly direction along the centerline of Weir
3-45 Creek as follows:

- 3-46 1. N. 78° 55' 04" W., 47.22 feet,
- 3-47 2. S. 58° 01' 42" W., 105.77 feet,
- 3-48 3. N. 41° 14' 47" W., 124.78 feet,
- 3-49 4. N. 88° 50' 36" W., 219.00 feet,
- 3-50 5. S. 58° 02' 04" W., 122.09 feet,
- 3-51 6. N. 17° 29' 15" W., 293.63 feet,
- 3-52 7. S. 84° 23' 53" W., 32.62 feet,
- 3-53 8. N. 13° 47' 19" W., 440.86 feet

3-54 THENCE N. 48° 35' 31" E., leaving the centerline of Weir Creek
3-55 for a distance of 1,493.62 feet;

3-56 THENCE N. 09° 32' 29" E., for a distance of 148.15 feet to the
3-57 Lower Northwest corner of the herein described tract;

3-58 THENCE S. 75° 49' 24" E., for a distance of 3,305.60 feet;

3-59 THENCE S. 64° 25' 00" E., for a distance of 140.00 feet;

3-60 THENCE S. 75° 18' 33" E., for a distance of 1,386.40 feet;

3-61 THENCE S. 76° 58' 00" E., for a distance of 247.11 feet;

3-62 THENCE S. 79° 23' 15" E., for a distance of 3.39 feet;

3-63 THENCE N. 33° 31' 19" E., for a distance of 1,108.94 feet;

3-64 THENCE N. 12° 43' 04" E., for a distance of 49.20 feet;

3-65 THENCE N. 50° 18' 13" E., for a distance of 477.33 feet;

3-66 THENCE N. 18° 24' 04" E., for a distance of 247.92 feet;

3-67 THENCE N. 28° 11' 51" E., for a distance of 329.61 feet to the
3-68 Northwest corner of the herein described tract, in the South line of
3-69 Calvary Road;

