

By: Olivo

H.B. No. 3476

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 177; 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 8122 to read as follows:

CHAPTER 8122. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT

NO. 177

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8122.001. 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 Fort Bend County Municipal Utility District No. 177.

Sec. 8122.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8122.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8122.023 before September 1, 2007:

(1) the district is dissolved September 1, 2007,

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 Fort Bend 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, 2010.

9 Sec. 8122.004. 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. 8122.005. APPLICABILITY OF OTHER LAW. Except as
24 otherwise provided by this chapter, Chapters 49 and 54, Water Code,
25 apply to the district.

26 [Sections 8122.006-8122.020 reserved for expansion]

1 SUBCHAPTER A1. TEMPORARY PROVISIONS

2 Sec. 8122.021. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2005, a person who owns land inside the boundaries of
4 the district may petition the Texas Commission on Environmental
5 Quality to appoint as temporary directors the five persons listed
6 in the petition.

7 (b) The commission shall appoint as temporary directors the
8 persons listed in a petition received by the commission under
9 Subsection (a). If the commission receives more than one petition,
10 the commission shall appoint the directors listed in the first
11 petition the commission receives.

12 (c) If a temporary director fails to qualify for office, the
13 commission shall appoint a person to fill the vacancy.

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

15 (1) the date directors are elected under Section
16 8122.023; or

17 (2) the date this chapter expires under Section
18 8122.003.

19 Sec. 8122.022. ORGANIZATIONAL MEETING OF TEMPORARY
20 DIRECTORS. As soon as practicable after all the temporary
21 directors have qualified under Section 49.055, Water Code, the
22 temporary directors shall meet at a location in the district
23 agreeable to a majority of the directors. If a location cannot be
24 agreed upon, the meeting shall be at the Fort Bend County
25 Courthouse. At the meeting, the temporary directors shall elect
26 officers from among the temporary directors and conduct any other
27 district business.

1 Sec. 8122.023. CONFIRMATION AND INITIAL DIRECTORS'
2 ELECTION. The temporary directors shall hold an election to
3 confirm the creation of the district and to elect five directors as
4 provided by Section 49.102, Water Code.

5 Sec. 8122.024. INITIAL ELECTED DIRECTORS; TERMS. The
6 directors elected under Section 8122.023 shall draw lots to
7 determine which two shall serve until the first regularly scheduled
8 election of directors under Section 8122.052 and which three shall
9 serve until the second regularly scheduled election of directors.

10 Sec. 8122.025. EXPIRATION OF SUBCHAPTER. This subchapter
11 expires September 1, 2010.

12 [Sections 8122.026-8122.050 reserved for expansion]

13 SUBCHAPTER B. BOARD OF DIRECTORS

14 Sec. 8122.051. DIRECTORS; TERMS. (a) The district is
15 governed by a board of five directors.

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

17 Sec. 8122.052. ELECTION OF DIRECTORS. On the uniform
18 election date in May of each even-numbered year, the appropriate
19 number of directors shall be elected.

20 [Sections 8122.053-8122.100 reserved for expansion]

21 SUBCHAPTER C. POWERS AND DUTIES

22 Sec. 8122.101. GENERAL POWERS. The district has all of the
23 rights, powers, privileges, authority, functions, and duties
24 provided by the general law of this state, including Chapters 49 and
25 54, Water Code, applicable to municipal utility districts created
26 under Section 59, Article XVI, Texas Constitution.

27 Sec. 8122.102. ROAD PROJECTS. The district may construct,

1 acquire, improve, maintain, or operate macadamized, graveled, or
2 paved roads or turnpikes, or improvements in aid of those roads or
3 turnpikes, inside or outside the district.

4 Sec. 8122.103. COMPLIANCE WITH MUNICIPAL CONSENT
5 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
6 54.016, Water Code, the district shall comply with all applicable
7 requirements of any ordinance or resolution adopted by the city
8 council of the City of Rosenberg, including an ordinance or
9 resolution adopted before September 1, 2005, that consents to the
10 creation of the district or to the inclusion of lands within the
11 district.

12 [Sections 8122.104-8122.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8122.151. TAX TO REPAY BONDS. The district may impose
15 a tax to pay the principal of or interest on bonds issued under
16 Section 8122.201.

17 Sec. 8122.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
18 ASSESSMENTS. The district may not impose an impact fee or
19 assessment on the property, including the equipment,
20 rights-of-way, facilities, or improvements, of:

21 (1) an electric utility or a power generation company
22 as defined by Section 31.002, Utilities Code;

23 (2) a gas utility as defined by Section 101.003 or
24 121.001, Utilities Code;

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

27 (4) a person who provides to the public cable

1 television or advanced telecommunications services.

2 [Sections 8122.153-8122.200 reserved for expansion]

3 SUBCHAPTER E. BONDS

4 Sec. 8122.201. AUTHORITY TO ISSUE BONDS AND OTHER
5 OBLIGATIONS. (a) The district may issue bonds or other obligations
6 as provided by Chapters 49 and 54, Water Code, to finance the
7 construction, maintenance, or operation of projects under Sections
8 8122.101 and 8122.102.

9 (b) The district may not issue bonds to finance projects
10 authorized by Section 8122.102 unless the issuance is approved by a
11 vote of a two-thirds majority of the voters of the district voting
12 at an election called for that purpose.

13 (c) Bonds or other obligations issued or incurred to finance
14 projects authorized by Section 8122.102 may not exceed one-fourth
15 of the assessed value of the real property in the district.

16 (d) Sections 49.181 and 49.182, Water Code, do not apply to
17 a project undertaken by the district under Section 8122.102 or to
18 bonds issued by the district to finance the project.

19 SECTION 2. The Fort Bend County Municipal Utility District
20 No. 177 initially includes all the territory contained in the
21 following area:

22 TRACT 1:

23 Field notes for a 100.5080 acre tract of land in the R. H.
24 Earnest Survey, Abstract 389, Fort Bend County, Texas, being that
25 same tract of land described in Deed recorded in Volume 129, Page
26 126, Deed Records, Fort Bend County, Texas and being more
27 particularly described by metes and bounds as follows:

1 BEGINNING at a $\frac{1}{2}$ inch iron pipe set at the NORTH corner of the
2 R. H. Earnest Survey, said point being located in a right angle turn
3 of Koebelen Road and in the SOUTHEAST line of the B.B.B. & C.RR.
4 Company Survey Section 11, said point also being the WEST corner of
5 the B.B.B. & C.R.R. Company Survey Section 9, Abstract 129, for the
6 NORTH corner and PLACE OF BEGINNING of the herein described
7 100.5080 acre tract of land;

8 THENCE SOUTH 45 degrees 00 minutes EAST along the NORTHEAST
9 line Of The R. H. Earnest Survey as located in Koebelen Road,
10 1524.25 feet to a $\frac{1}{2}$ inch iron pipe found on said line for the EAST
11 corner of the herein described 100.5080 acre tract;

12 THENCE SOUTH 45 degrees 13 minutes 10 seconds WEST, at 30 feet
13 pass a 1-1/4 inch iron pipe found on the SOUTHWEST line of Koebelen
14 Road and continuing for a total distance of 2876.08 feet to a 1-1/4
15 inch iron pipe found for the SOUTH corner of the herein described
16 100.5080 acre tract;

17 THENCE NORTH 44 degrees 48 minutes 38 seconds WEST along a
18 fence line as located on the SOUTHWEST line of the herein described
19 100.5080 acre tract, 1522.95 feet to a 1 inch iron pipe found on
20 said line for the WEST corner of the herein described 100.5080 acre
21 tract, said point being the NORTHWEST line of the R. H. Earnest
22 Survey;

23 THENCE NORTH 45 degrees 11 minutes 37 seconds EAST along the
24 NORTHWEST line of the R. H. Earnest Survey, 2210.59 feet to a 1 inch
25 iron pipe found set in concrete, said point being in the SOUTHWEST
26 line of Koebelen Road;

27 THENCE continuing NORTH 45 degrees 11 minutes 37 seconds EAST

1 along the NORTHWEST line of the R. H. Earnest Survey as located in
2 Koebelen Road, 660.45 feet to the PLACE OF BEGINNING AND CONTAINING
3 100.5080 acres of land.

4 TRACT II:

5 A tract or parcel containing 86.0235 acres (3,747,184 square
6 feet) of land out of and a part of a called 90 acre tract described
7 in Volume 283, Page 521 of the Fort Bend County Deed Records, and
8 being parts of the J. D. Vermillion Survey, Abstract No. 340, and
9 the B. B. B. & C. R. R. Co. Survey, Abstract No. 132, in Fort Bend
10 County, Texas, said 86.0235 acre tract being more particularly
11 described by metes and bounds as follows:

12 BEGINNING at an old 1 inch flared top iron pipe found in the
13 SOUTHEAST line of F. M. Highway 2218 (100 foot wide and partially
14 described in Right Of Way Deed Recorded in Volume 335, Page 517 of
15 the Fort Bend County Deed Records) For the most WESTERLY corner of
16 the herein described tract, being in the NORTH line of the Al
17 Zurovec called 2.0 acre tract described in Volume 339, Page 459 of
18 The Fort Bend County Deed Records;

19 THENCE NORTH 21 degrees 12 minutes 00 seconds EAST, along the
20 SOUTHEAST line of F.M. Highway 2218 for a distance of 1,540.54 feet
21 to a 1 inch iron pipe found at the intersection of said SOUTHEAST
22 line of F.M. Highway 2218 and the SOUTHWEST line of Koebelen Road;

23 THENCE SOUTH 55 degrees 07 minutes 08 seconds EAST, along the
24 SOUTHWEST line of Koebelen Road, (called 40 foot wide per Deed
25 recorded in Volume 283, Page 521, Surveyor Recovered Monuments on
26 the ground indicating a width of 60 feet) for a distance of 2,783.55
27 feet to a 1 inch iron pipe found for the NORTHEAST corner of the

1 herein described tract. Being in the NORTHWEST line of the David
2 Drabek called 1.2069 acre tract described in Volume 2246, Page 733
3 of the Fort Bend County Deed Records;

4 THENCE SOUTH 44 degrees 43 minutes 09 seconds WEST, along the
5 NORTHWEST line of said Drabek Tract for a distance of 247.01 feet to
6 a 1 inch iron pipe found for corner;

7 THENCE SOUTH 45 degrees 42 minutes 09 seconds WEST, along the
8 NORTHWEST line of the remainder the Alfonse Drabek called 17.99
9 acre tract described in Volume 1011, Page 849 for a distance of
10 1460.96 feet to a 1 inch iron pipe found for the SOUTHEAST corner of
11 the herein described tract, being in the NORTHEAST line of the Joyce
12 Lolley called 22.043 acre tract described in Volume 1097, Page 865
13 of the Fort Bend County Deed Records;

14 THENCE NORTH 45 degrees 16 minutes 50 seconds WEST, pass at
15 67.50 feet the NORTHEAST corner of the Meadowbend Park of Fort Bend
16 County Subdivision, from which a $\frac{1}{2}$ inch iron rod found bears SOUTH
17 71 degrees 48 minutes WEST, 8.85 feet, continuing along the
18 Northeast line of said Meadowbend Park of Fort Bend County
19 Subdivision for a distance of 1,467.87 feet to a $\frac{1}{2}$ inch iron rod
20 found for an interior corner;

21 THENCE NORTH 61 degrees 08 minutes 40 seconds WEST, pass at
22 263.49 feet the NORTHEAST corner of the said Al Zurovec called 2.0
23 acre tract described in Volume 339, Page 459 of the Fort Bend County
24 Deed Records, in all a distance of 660.05 feet to the POINT OF
25 BEGINNING and containing 86.0235 acres of land, more or less.

26 TRACT III:

27 That certain 89.011 acres tract of land out of the R.H.

1 Earnest Survey No. 6, Abstract 388 and the B.B.B. & C.R.R. Co.
2 Survey, Section 11, Abstract 132, in Fort Bend County, Texas, being
3 more particularly described by metes and bounds as follows:

4 BEGINNING at a railroad spike set at the SOUTH corner of the
5 B.B.B. & C. Railroad Co. Survey, Section 11, Abstract 132, same
6 being the WEST corner of the R.H. Earnest Survey No. 6, Abstract
7 388, said point being located in the pavement of Power Line Road,
8 SOUTH 45 degrees WEST 27.6 feet from the Northeast line of said
9 road;

10 THENCE, NORTH 45 degrees WEST along the SOUTHWEST line of the
11 B.B.B. & C. Railroad Co. Survey Section 11, as located in Power Line
12 Road, 858.8 feet to a point on said line for the WEST corner of the
13 herein described tract;

14 THENCE, NORTH 45 degrees EAST along the NORTHWEST line of
15 this 89.011 acre tract, at 27.6 feet pass a 3/4" Iron Pipe found at a
16 fence corner post on the NORTHEAST R.O.W. line of Power Line Road,
17 and continuing along said line for a total distance 2,562 feet to a
18 1-1/4" iron pipe, with a flat blade inside said pipe, found for the
19 NORTH corner of this 89.011 acre tract;

20 THENCE, SOUTH 45 degrees EAST along the NORTHEAST line of
21 this 89.011 acre tract at 858.8 feet pass the SOUTHEAST line of the
22 NORTHWEST line of the R.H. Earnest Survey No. 6, Abstract 388, and
23 continuing for a total distance of 1,513.4 feet to a 3/4" iron pipe
24 found for the EAST corner of this 89.011 acre tract of land, same
25 being the NORTH corner of the Lindsey 89.24 acre tract;

26 THENCE, SOUTH 45 degrees WEST along the common line of this
27 89.011 acre tract and the Lindsey 89.24 acre tract, at 2,534.4 feet

1 pass a $\frac{1}{2}$ " iron rod found in the NORTHEAST line of Power Line Road,
2 and continuing for a total distance of 2,562 feet to a point on the
3 SOUTHEAST line, of the R.H. Earnest Survey No. 6, as located in
4 Power Line Road, for the SOUTH corner of the herein described 89.011
5 acre tract;

6 THENCE, NORTH 45 degrees WEST along the SOUTHWEST line of the
7 aforementioned R.H. Earnest Survey No. 6, 654.6 feet to the Place of
8 Beginning and containing 89.011 acres of land.

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

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

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

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

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