

1-1 By: Olivo (Senate Sponsor - Armbrister) H.B. No. 3476  
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 20, 2005, reported favorably by  
1-5 the following vote: Yeas 4, Nays 0; May 20, 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 Fort Bend County Municipal Utility  
1-10 District No. 177; 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 8122 to read as follows:

1-15 CHAPTER 8122. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT  
1-16 NO. 177

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8122.001. DEFINITIONS. In this chapter:

1-19 (1) "Board" means the board of directors of the  
1-20 district.

1-21 (2) "Director" means a member of the board.

1-22 (3) "District" means the Fort Bend County Municipal  
1-23 Utility District No. 177.

1-24 Sec. 8122.002. NATURE OF DISTRICT. The district is a  
1-25 municipal utility district in Fort Bend County created under and  
1-26 essential to accomplish the purposes of Section 52, Article III,  
1-27 and Section 59, Article XVI, Texas Constitution.

1-28 Sec. 8122.003. CONFIRMATION ELECTION REQUIRED. If the  
1-29 creation of the district is not confirmed at a confirmation  
1-30 election held under Section 8122.023 before September 1, 2007:

1-31 (1) the district is dissolved September 1, 2007,  
1-32 except that:

1-33 (A) any debts incurred shall be paid;

1-34 (B) any assets that remain after the payment of  
1-35 debts shall be transferred to Fort Bend County; and

1-36 (C) the organization of the district shall be  
1-37 maintained until all debts are paid and remaining assets are  
1-38 transferred; and

1-39 (2) this chapter expires September 1, 2010.

1-40 Sec. 8122.004. INITIAL DISTRICT TERRITORY. (a) The  
1-41 district is initially composed of the territory described by  
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of  
1-44 the Act creating this chapter form a closure. A mistake made in the  
1-45 field notes or in copying the field notes in the legislative process  
1-46 does not affect:

1-47 (1) the organization, existence, or validity of the  
1-48 district;

1-49 (2) the right of the district to impose taxes;

1-50 (3) the validity of the district's bonds, notes, or  
1-51 indebtedness; or

1-52 (4) the legality or operation of the district or the  
1-53 board.

1-54 Sec. 8122.005. APPLICABILITY OF OTHER LAW. Except as  
1-55 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
1-56 apply to the district.

1-57 [Sections 8122.006-8122.020 reserved for expansion]

1-58 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-59 Sec. 8122.021. TEMPORARY DIRECTORS. (a) On or after  
1-60 September 1, 2005, a person who owns land inside the boundaries of  
1-61 the district may petition the Texas Commission on Environmental  
1-62 Quality to appoint as temporary directors the five persons listed  
1-63 in the petition.

1-64 (b) The commission shall appoint as temporary directors the

2-1 persons listed in a petition received by the commission under  
2-2 Subsection (a). If the commission receives more than one petition,  
2-3 the commission shall appoint the directors listed in the first  
2-4 petition the commission receives.

2-5 (c) If a temporary director fails to qualify for office, the  
2-6 commission shall appoint a person to fill the vacancy.

2-7 (d) Temporary directors serve until the earlier of:

2-8 (1) the date directors are elected under Section  
2-9 8122.023; or

2-10 (2) the date this chapter expires under Section  
2-11 8122.003.

2-12 Sec. 8122.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-13 DIRECTORS. As soon as practicable after all the temporary  
2-14 directors have qualified under Section 49.055, Water Code, the  
2-15 temporary directors shall meet at a location in the district  
2-16 agreeable to a majority of the directors. If a location cannot be  
2-17 agreed upon, the meeting shall be at the Fort Bend County  
2-18 Courthouse. At the meeting, the temporary directors shall elect  
2-19 officers from among the temporary directors and conduct any other  
2-20 district business.

2-21 Sec. 8122.023. CONFIRMATION AND INITIAL DIRECTORS'  
2-22 ELECTION. The temporary directors shall hold an election to  
2-23 confirm the creation of the district and to elect five directors as  
2-24 provided by Section 49.102, Water Code.

2-25 Sec. 8122.024. INITIAL ELECTED DIRECTORS; TERMS. The  
2-26 directors elected under Section 8122.023 shall draw lots to  
2-27 determine which two shall serve until the first regularly scheduled  
2-28 election of directors under Section 8122.052 and which three shall  
2-29 serve until the second regularly scheduled election of directors.

2-30 Sec. 8122.025. EXPIRATION OF SUBCHAPTER. This subchapter  
2-31 expires September 1, 2010.

2-32 [Sections 8122.026-8122.050 reserved for expansion]

2-33 SUBCHAPTER B. BOARD OF DIRECTORS

2-34 Sec. 8122.051. DIRECTORS; TERMS. (a) The district is  
2-35 governed by a board of five directors.

2-36 (b) Directors serve staggered four-year terms.

2-37 Sec. 8122.052. ELECTION OF DIRECTORS. On the uniform  
2-38 election date in May of each even-numbered year, the appropriate  
2-39 number of directors shall be elected.

2-40 [Sections 8122.053-8122.100 reserved for expansion]

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 8122.101. GENERAL POWERS. The district has all of the  
2-43 rights, powers, privileges, authority, functions, and duties  
2-44 provided by the general law of this state, including Chapters 49 and  
2-45 54, Water Code, applicable to municipal utility districts created  
2-46 under Section 59, Article XVI, Texas Constitution.

2-47 Sec. 8122.102. ROAD PROJECTS. The district may construct,  
2-48 acquire, improve, maintain, or operate macadamized, graveled, or  
2-49 paved roads or turnpikes, or improvements in aid of those roads or  
2-50 turnpikes, inside or outside the district.

2-51 Sec. 8122.103. COMPLIANCE WITH MUNICIPAL CONSENT  
2-52 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
2-53 54.016, Water Code, the district shall comply with all applicable  
2-54 requirements of any ordinance or resolution adopted by the city  
2-55 council of the City of Rosenberg, including an ordinance or  
2-56 resolution adopted before September 1, 2005, that consents to the  
2-57 creation of the district or to the inclusion of lands within the  
2-58 district.

2-59 [Sections 8122.104-8122.150 reserved for expansion]

2-60 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-61 Sec. 8122.151. TAX TO REPAY BONDS. The district may impose  
2-62 a tax to pay the principal of or interest on bonds issued under  
2-63 Section 8122.201.

2-64 Sec. 8122.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
2-65 ASSESSMENTS. The district may not impose an impact fee or  
2-66 assessment on the property, including the equipment,  
2-67 rights-of-way, facilities, or improvements, of:

2-68 (1) an electric utility or a power generation company  
2-69 as defined by Section 31.002, Utilities Code;

3-1 (2) a gas utility as defined by Section 101.003 or  
3-2 121.001, Utilities Code;

3-3 (3) a telecommunications provider as defined by  
3-4 Section 51.002, Utilities Code; or

3-5 (4) a person who provides to the public cable  
3-6 television or advanced telecommunications services.

3-7 [Sections 8122.153-8122.200 reserved for expansion]

3-8 SUBCHAPTER E. BONDS

3-9 Sec. 8122.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-10 OBLIGATIONS. (a) The district may issue bonds or other obligations  
3-11 as provided by Chapters 49 and 54, Water Code, to finance the  
3-12 construction, maintenance, or operation of projects under Sections  
3-13 8122.101 and 8122.102.

3-14 (b) The district may not issue bonds to finance projects  
3-15 authorized by Section 8122.102 unless the issuance is approved by a  
3-16 vote of a two-thirds majority of the voters of the district voting  
3-17 at an election called for that purpose.

3-18 (c) Bonds or other obligations issued or incurred to finance  
3-19 projects authorized by Section 8122.102 may not exceed one-fourth  
3-20 of the assessed value of the real property in the district.

3-21 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
3-22 a project undertaken by the district under Section 8122.102 or to  
3-23 bonds issued by the district to finance the project.

3-24 SECTION 2. The Fort Bend County Municipal Utility District  
3-25 No. 177 initially includes all the territory contained in the  
3-26 following area:

3-27 TRACT I:

3-28 Field notes for a 100.5080 acre tract of land in the R. H.  
3-29 Earnest Survey, Abstract 389, Fort Bend County, Texas, being that  
3-30 same tract of land described in Deed recorded in Volume 129, Page  
3-31 126, Deed Records, Fort Bend County, Texas and being more  
3-32 particularly described by metes and bounds as follows:

3-33 BEGINNING at a ½ inch iron pipe set at the NORTH corner of the  
3-34 R. H. Earnest Survey, said point being located in a right angle turn  
3-35 of Koebelen Road and in the SOUTHEAST line of the B.B.B. & C.R.R.  
3-36 Company Survey Section 11, said point also being the WEST corner of  
3-37 the B.B.B. & C.R.R. Company Survey Section 9, Abstract 129, for the  
3-38 NORTH corner and PLACE OF BEGINNING of the herein described  
3-39 100.5080 acre tract of land;

3-40 THENCE SOUTH 45 degrees 00 minutes EAST along the NORTHEAST  
3-41 line Of The R. H. Earnest Survey as located in Koebelen Road,  
3-42 1524.25 feet to a ½ inch iron pipe found on said line for the EAST  
3-43 corner of the herein described 100.5080 acre tract;

3-44 THENCE SOUTH 45 degrees 13 minutes 10 seconds WEST, at 30 feet  
3-45 pass a 1-1/4 inch iron pipe found on the SOUTHWEST line of Koebelen  
3-46 Road and continuing for a total distance of 2876.08 feet to a 1-1/4  
3-47 inch iron pipe found for the SOUTH corner of the herein described  
3-48 100.5080 acre tract;

3-49 THENCE NORTH 44 degrees 48 minutes 38 seconds WEST along a  
3-50 fence line as located on the SOUTHWEST line of the herein described  
3-51 100.5080 acre tract, 1522.95 feet to a 1 inch iron pipe found on  
3-52 said line for the WEST corner of the herein described 100.5080 acre  
3-53 tract, said point being the NORTHWEST line of the R. H. Earnest  
3-54 Survey;

3-55 THENCE NORTH 45 degrees 11 minutes 37 seconds EAST along the  
3-56 NORTHWEST line of the R. H. Earnest Survey, 2210.59 feet to a 1 inch  
3-57 iron pipe found set in concrete, said point being in the SOUTHWEST  
3-58 line of Koebelen Road;

3-59 THENCE continuing NORTH 45 degrees 11 minutes 37 seconds EAST  
3-60 along the NORTHWEST line of the R. H. Earnest Survey as located in  
3-61 Koebelen Road, 660.45 feet to the PLACE OF BEGINNING AND CONTAINING  
3-62 100.5080 acres of land.

3-63 TRACT II:

3-64 A tract or parcel containing 86.0235 acres (3,747,184 square  
3-65 feet) of land out of and a part of a called 90 acre tract described  
3-66 in Volume 283, Page 521 of the Fort Bend County Deed Records, and  
3-67 being parts of the J. D. Vermillion Survey, Abstract No. 340, and  
3-68 the B. B. B. & C. R. R. Co. Survey, Abstract No. 132, in Fort Bend  
3-69 County, Texas, said 86.0235 acre tract being more particularly

4-1 described by metes and bounds as follows:

4-2 BEGINNING at an old 1 inch flared top iron pipe found in the  
4-3 SOUTHEAST line of F. M. Highway 2218 (100 foot wide and partially  
4-4 described in Right Of Way Deed Recorded in Volume 335, Page 517 of  
4-5 the Fort Bend County Deed Records) For the most WESTERLY corner of  
4-6 the herein described tract, being in the NORTH line of the Al  
4-7 Zurovec called 2.0 acre tract described in Volume 339, Page 459 of  
4-8 The Fort Bend County Deed Records;

4-9 THENCE NORTH 21 degrees 12 minutes 00 seconds EAST, along the  
4-10 SOUTHEAST line of F.M. Highway 2218 for a distance of 1,540.54 feet  
4-11 to a 1 inch iron pipe found at the intersection of said SOUTHEAST  
4-12 line of F.M. Highway 2218 and the SOUTHWEST line of Koebelen Road;

4-13 THENCE SOUTH 55 degrees 07 minutes 08 seconds EAST, along the  
4-14 SOUTHWEST line of Koebelen Road, (called 40 foot wide per Deed  
4-15 recorded in Volume 283, Page 521, Surveyor Recovered Monuments on  
4-16 the ground indicating a width of 60 feet) for a distance of 2,783.55  
4-17 feet to a 1 inch iron pipe found for the NORTHEAST corner of the  
4-18 herein described tract. Being in the NORTHWEST line of the David  
4-19 Drabek called 1.2069 acre tract described in Volume 2246, Page 733  
4-20 of the Fort Bend County Deed Records;

4-21 THENCE SOUTH 44 degrees 43 minutes 09 seconds WEST, along the  
4-22 NORTHWEST line of said Drabek Tract for a distance of 247.01 feet to  
4-23 a 1 inch iron pipe found for corner;

4-24 THENCE SOUTH 45 degrees 42 minutes 09 seconds WEST, along the  
4-25 NORTHWEST line of the remainder the Alfonse Drabek called 17.99  
4-26 acre tract described in Volume 1011, Page 849 for a distance of  
4-27 1460.96 feet to a 1 inch iron pipe found for the SOUTHEAST corner of  
4-28 the herein described tract, being in the NORTHEAST line of the Joyce  
4-29 Lolley called 22.043 acre tract described in Volume 1097, Page 865  
4-30 of the Fort Bend County Deed Records;

4-31 THENCE NORTH 45 degrees 16 minutes 50 seconds WEST, pass at  
4-32 67.50 feet the NORTHEAST corner of the Meadowbend Park of Fort Bend  
4-33 County Subdivision, from which a ½ inch iron rod found bears SOUTH  
4-34 71 degrees 48 minutes WEST, 8.85 feet, continuing along the  
4-35 Northeast line of said Meadowbend Park of Fort Bend County  
4-36 Subdivision for a distance of 1,467.87 feet to a ½ inch iron rod  
4-37 found for an interior corner;

4-38 THENCE NORTH 61 degrees 08 minutes 40 seconds WEST, pass at  
4-39 263.49 feet the NORTHEAST corner of the said Al Zurovec called 2.0  
4-40 acre tract described in Volume 339, Page 459 of the Fort Bend County  
4-41 Deed Records, in all a distance of 660.05 feet to the POINT OF  
4-42 BEGINNING and containing 86.0235 acres of land, more or less.

4-43 TRACT III:

4-44 That certain 89.011 acres tract of land out of the R.H.  
4-45 Earnest Survey No. 6, Abstract 388 and the B.B.B. & C.R.R. Co.  
4-46 Survey, Section 11, Abstract 132, in Fort Bend County, Texas, being  
4-47 more particularly described by metes and bounds as follows:

4-48 BEGINNING at a railroad spike set at the SOUTH corner of the  
4-49 B.B.B. & C. Railroad Co. Survey, Section 11, Abstract 132, same  
4-50 being the WEST corner of the R.H. Earnest Survey No. 6, Abstract  
4-51 388, said point being located in the pavement of Power Line Road,  
4-52 SOUTH 45 degrees WEST 27.6 feet from the Northeast line of said  
4-53 road;

4-54 THENCE, NORTH 45 degrees WEST along the SOUTHWEST line of the  
4-55 B.B.B. & C. Railroad Co. Survey Section 11, as located in Power Line  
4-56 Road, 858.8 feet to a point on said line for the WEST corner of the  
4-57 herein described tract;

4-58 THENCE, NORTH 45 degrees EAST along the NORTHWEST line of  
4-59 this 89.011 acre tract, at 27.6 feet pass a 3/4" Iron Pipe found at a  
4-60 fence corner post on the NORTHEAST R.O.W. line of Power Line Road,  
4-61 and continuing along said line for a total distance 2,562 feet to a  
4-62 1-1/4" iron pipe, with a flat blade inside said pipe, found for the  
4-63 NORTH corner of this 89.011 acre tract;

4-64 THENCE, SOUTH 45 degrees EAST along the NORTHEAST line of  
4-65 this 89.011 acre tract at 858.8 feet pass the SOUTHEAST line of the  
4-66 NORTHWEST line of the R.H. Earnest Survey No. 6, Abstract 388, and  
4-67 continuing for a total distance of 1,513.4 feet to a 3/4" iron pipe  
4-68 found for the EAST corner of this 89.011 acre tract of land, same  
4-69 being the NORTH corner of the Lindsey 89.24 acre tract;

5-1           THENCE, SOUTH 45 degrees WEST along the common line of this  
5-2 89.011 acre tract and the Lindsey 89.24 acre tract, at 2,534.4 feet  
5-3 pass a ½" iron rod found in the NORTHEAST line of Power Line Road,  
5-4 and continuing for a total distance of 2,562 feet to a point on the  
5-5 SOUTHEAST line, of the R.H. Earnest Survey No. 6, as located in  
5-6 Power Line Road, for the SOUTH corner of the herein described 89.011  
5-7 acre tract;

5-8           THENCE, NORTH 45 degrees WEST along the SOUTHWEST line of the  
5-9 aforementioned R.H. Earnest Survey No. 6, 654.6 feet to the Place of  
5-10 Beginning and containing 89.011 acres of land.

5-11           SECTION 3. (a) The legal notice of the intention to  
5-12 introduce this Act, setting forth the general substance of this  
5-13 Act, has been published as provided by law, and the notice and a  
5-14 copy of this Act have been furnished to all persons, agencies,  
5-15 officials, or entities to which they are required to be furnished  
5-16 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-17 Government Code.

5-18           (b) The governor, one of the required recipients, has  
5-19 submitted the notice and Act to the Texas Commission on  
5-20 Environmental Quality.

5-21           (c) The Texas Commission on Environmental Quality has filed  
5-22 its recommendations relating to this Act with the governor, the  
5-23 lieutenant governor, and the speaker of the house of  
5-24 representatives within the required time.

5-25           (d) All requirements of the constitution and laws of this  
5-26 state and the rules and procedures of the legislature with respect  
5-27 to the notice, introduction, and passage of this Act are fulfilled  
5-28 and accomplished.

5-29           SECTION 4. This Act takes effect September 1, 2005.

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