

By: Geren

H.B. No. 3530

Substitute the following for H.B. No. 3530:

By: Puente

C.S.H.B. No. 3530

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the City of Fort Worth Municipal Utility District No. 2 of Tarrant County; 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 8139 to read as follows:

CHAPTER 8139. CITY OF FORT WORTH MUNICIPAL UTILITY DISTRICT

NO. 2 OF TARRANT COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8139.001. 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 City of Fort Worth Municipal Utility District No. 2 of Tarrant County.

Sec. 8139.002. NATURE OF DISTRICT. The district is a municipal utility district in Tarrant County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8139.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8139.024 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 Tarrant 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. 8139.004. 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 [Sections 8139.005-8139.020 reserved for expansion]

24 SUBCHAPTER A1. TEMPORARY PROVISIONS

25 Sec. 8139.021. TEMPORARY DIRECTORS. (a) On or after
26 September 1, 2005, a person who owns land in the district may submit
27 a petition to the Texas Commission on Environmental Quality

1 requesting that the commission appoint as temporary directors the
2 five persons named in the petition.

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

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

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

9 (1) the date directors are elected under Section
10 8139.024; or

11 (2) the date this chapter expires under Section
12 8139.003.

13 Sec. 8139.022. ORGANIZATIONAL MEETING OF TEMPORARY
14 DIRECTORS. As soon as practicable after all the temporary
15 directors have qualified under Section 49.055, Water Code, the
16 temporary directors shall meet at a location in the district
17 agreeable to a majority of the directors. If a location cannot be
18 agreed upon, the meeting shall be at the Tarrant County Courthouse.
19 At the meeting, the temporary directors shall elect officers from
20 among the temporary directors and conduct any other district
21 business.

22 Sec. 8139.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

23 (a) The temporary directors may not hold an election under Section
24 8139.024 until each municipality in whose corporate limits or
25 extraterritorial jurisdiction the district is located has adopted a
26 resolution consenting to the creation of the district.

27 (b) If the district is located outside the extraterritorial

1 jurisdiction of a municipality, the temporary directors may not
2 hold the election until each county in which the district is located
3 has adopted a resolution consenting to the creation of the
4 district.

5 (c) A municipality or county may not adopt a resolution
6 under this section before the effective date of the Act creating
7 this chapter.

8 Sec. 8139.024. CONFIRMATION AND INITIAL DIRECTORS'
9 ELECTION. If each municipality or county has consented to the
10 creation of the district under Section 8139.023, the temporary
11 directors shall hold an election to confirm the creation of the
12 district and to elect five directors as provided by Section 49.102,
13 Water Code.

14 Sec. 8139.025. INITIAL ELECTED DIRECTORS; TERMS. The
15 directors elected under Section 8139.024 shall draw lots to
16 determine which two shall serve until the first regularly scheduled
17 election of directors under Section 8139.052 and which three shall
18 serve until the second regularly scheduled election of directors.

19 Sec. 8139.026. EXPIRATION OF SUBCHAPTER. This subchapter
20 expires September 1, 2010.

21 [Sections 8139.027-8139.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8139.051. DIRECTORS; TERMS. (a) The district is
24 governed by a board of five directors.

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

26 Sec. 8139.052. ELECTION OF DIRECTORS. On the uniform
27 election date in May of each even-numbered year, the appropriate

1 number of directors shall be elected.

2 [Sections 8139.053-8139.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8139.101. MUNICIPAL UTILITY DISTRICT POWERS AND
5 DUTIES. The district has the powers and duties provided by the
6 general law of this state, including Chapters 49 and 54, Water Code,
7 applicable to municipal utility districts created under Section 59,
8 Article XVI, Texas Constitution.

9 Sec. 8139.102. ROAD PROJECTS. (a) To the extent authorized
10 by Section 52, Article III, Texas Constitution, the district may
11 construct, acquire, improve, maintain, or operate macadamized,
12 graveled, or paved roads or turnpikes, or improvements in aid of
13 those roads or turnpikes, inside the district.

14 (b) A road project must meet or exceed all applicable
15 construction standards, zoning and subdivision requirements, and
16 regulatory ordinances of each municipality in whose corporate
17 limits or extraterritorial jurisdiction the district is located.
18 If the district is located outside the extraterritorial
19 jurisdiction of a municipality, a road project must meet all
20 applicable construction standards, zoning and subdivision
21 requirements, and regulatory ordinances of each county in which the
22 district is located.

23 (c) The district may not undertake a road project unless
24 each municipality in whose corporate limits or extraterritorial
25 jurisdiction the district is located consents by ordinance or
26 resolution. If the district is located outside the
27 extraterritorial jurisdiction of a municipality, the district may

1 not undertake a road project unless each county in which the
2 district is located consents by ordinance or resolution.

3 Sec. 8139.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
4 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
5 Code, the district shall comply with all applicable requirements of
6 any ordinance or resolution adopted by the city council of the City
7 of Fort Worth.

8 Sec. 8139.104. LIMITATION ON USE OF EMINENT DOMAIN. The
9 district may exercise the power of eminent domain outside the
10 district only to acquire an easement necessary for a pipeline that
11 serves the district.

12 [Sections 8139.105-8139.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8139.151. TAX TO REPAY BONDS. The district may impose
15 a tax to pay the principal of or interest on bonds issued under
16 Section 8139.201.

17 [Sections 8139.152-8139.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8139.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of projects under Sections
23 8139.101 and 8139.102.

24 (b) The district may not issue bonds to finance projects
25 authorized by Section 8139.102 unless the issuance is approved by a
26 vote of a two-thirds majority of the voters of the district voting
27 at an election called for that purpose.

1 (c) Bonds or other obligations issued or incurred to finance
2 projects authorized by Section 8139.102 may not exceed one-fourth
3 of the assessed value of the real property in the district.

4 (d) Sections 49.181 and 49.182, Water Code, do not apply to
5 a project undertaken by the district under Section 8139.102 or to
6 bonds issued by the district to finance the project.

7 SECTION 2. The City of Fort Worth Municipal Utility
8 District No. 2 of Tarrant County initially includes all the
9 territory contained in the following area:

10 BEING a 259.098 acre tract of land located in Tarrant County, Texas,
11 a part of the J.T. Allen Survey, Abstract No. 67, a part of the
12 C.E.P.I. & M. Company Survey, Abstract No. 382, a part of the S.B.
13 Hopkins Survey, Abstract No. 672, a part of C.E. Newman Survey,
14 Abstract No. 1183, a part of the F. Schoeverling Survey, Abstract
15 No. 1398, a part of the T. & N.O. R.R. Company Survey, Abstract No.
16 1566, apart of the W. K. Gandy Survey, Abstract No. 1890, and being
17 a part of that 738.20 acre tract of land described in deed filed on
18 January 8, 2004 in Document D2004008 174 of the Tarrant County Deed
19 Records, and being further described as follows:

20 BEGINNING at the southwest corner of said 738.20 acre tract of land,
21 said point being in the center of White Settlement Road (County Road
22 No. 1007);

23 THENCE North 00 degrees 31 minutes 00 seconds East, 4694.71 feet
24 along the west line of said 738.20 acre tract of land to a point for
25 corner;

26 THENCE South 89 degrees 29 minutes 00 seconds East, 137.38 feet to a
27 point for corner;

1 THENCE South 24 degrees 36 minutes 10 seconds East, 264.01 feet to a
2 point for corner;
3 THENCE South 30 degrees 26 minutes 41 seconds East, 394.46 feet to a
4 point for corner;
5 THENCE South 38 degrees 12 minutes 46 seconds East, 420.12 feet to a
6 point for corner;
7 THENCE South 46 degrees 49 minutes 36 seconds East, 219.32 feet to a
8 point for corner;
9 THENCE South 38 degrees 40 minutes 56 seconds East, 504.19 feet to a
10 point for corner;
11 THENCE North 55 degrees 00 minutes 00 seconds East, 250.00 feet to a
12 point for corner in the east line of said 738.20 acre tract of land;
13 THENCE along the east line of said 738.20 acre tract of land as
14 follows:
15 South 89 degrees 34 minutes 00 seconds East, 1850.60 feet to a point
16 for corner;
17 South 00 degrees 03 minutes 00 seconds West, 3059.10 feet to a point
18 for corner;
19 North 89 degrees 48 minutes 00 seconds West, 2036.40 feet to a point
20 for corner;
21 South 00 degrees 08 minutes 00 seconds West, 638.10 feet to the
22 southeast corner of said 738.20 acre tract of land, said point being
23 in the center of White Settlement Road;
24 THENCE North 75 degrees 28 minutes 00 seconds West, 1280.20 feet
25 along the south line of said 738.20 acre tract of land and along the
26 center of White Settlement Road to the POINT OF BEGINNING and
27 containing 11,286,297 square feet or 259.098 acres of land.

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

8 (b) The governor, one of the required recipients, has
9 submitted the notice and Act to the Texas Commission on
10 Environmental Quality.

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

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

19 SECTION 4. This Act takes effect immediately if it receives
20 a vote of two-thirds of all the members elected to each house, as
21 provided by Section 39, Article III, Texas Constitution. If this
22 Act does not receive the vote necessary for immediate effect, this
23 Act takes effect September 1, 2005.