

By: Geren

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 52, Article III, and 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 8139.023 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 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 8139.023; 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. CONFIRMATION AND INITIAL DIRECTORS'
23 ELECTION. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five directors as
25 provided by Section 49.102, Water Code.

26 Sec. 8139.024. INITIAL ELECTED DIRECTORS; TERMS. The
27 directors elected under Section 8139.023 shall draw lots to

1 determine which two shall serve until the first regularly scheduled
2 election of directors under Section 8139.052 and which three shall
3 serve until the second regularly scheduled election of directors.

4 Sec. 8139.025. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2012.

6 [Sections 8139.026-8139.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

11 Sec. 8139.052. ELECTION OF DIRECTORS. On the uniform
12 election date in May of each even-numbered year, the appropriate
13 number of directors shall be elected.

14 [Sections 8139.053-8139.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

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

21 Sec. 8139.102. ROAD PROJECTS. The district may construct,
22 acquire, improve, maintain, or operate macadamized, graveled, or
23 paved roads or turnpikes, or improvements in aid of those roads or
24 turnpikes, inside or outside the district.

25 Sec. 8139.103. COMPLIANCE WITH MUNICIPAL CONSENT
26 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
27 54.016, Water Code, the district shall comply with all applicable

1 requirements of any ordinance or resolution adopted by the city
2 council of the City of Fort Worth, including an ordinance or
3 resolution adopted before September 1, 2005, that consents to the
4 creation of the district or to the inclusion of lands within the
5 district.

6 [Sections 8139.104-8139.150 reserved for expansion]

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

11 [Sections 8139.152-8139.200 reserved for expansion]

12 SUBCHAPTER E. BONDS

13 Sec. 8139.201. AUTHORITY TO ISSUE BONDS AND OTHER
14 OBLIGATIONS. (a) The district may issue bonds or other obligations
15 as provided by Chapters 49 and 54, Water Code, to finance the
16 construction, maintenance, or operation of projects under Sections
17 8139.101 and 8139.102.

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

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

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

1 SECTION 2. The City of Fort Worth Municipal Utility
2 District No. 2 of Tarrant initially includes all the territory
3 contained in the following area:

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

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

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

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

22 THENCE South 24 degrees 36 minutes 10 seconds East, 264.01 feet to a
23 point for corner;

24 THENCE South 30 degrees 26 minutes 41 seconds East, 394.46 feet to a
25 point for corner;

26 THENCE South 38 degrees 12 minutes 46 seconds East, 420.12 feet to a
27 point for corner;

1 THENCE South 46 degrees 49 minutes 36 seconds East, 219.32 feet to a
2 point for corner;

3 THENCE South 38 degrees 40 minutes 56 seconds East, 504.19 feet to a
4 point for corner;

5 THENCE North 55 degrees 00 minutes 00 seconds East, 250.00 feet to a
6 point for corner in the east line of said 738.20 acre tract of land;

7 THENCE along the east line of said 738.20 acre tract of land as
8 follows:

9 South 89 degrees 34 minutes 00 seconds East, 1850.60 feet to a point
10 for corner;

11 South 00 degrees 03 minutes 00 seconds West, 3059.10 feet to a point
12 for corner;

13 North 89 degrees 48 minutes 00 seconds West, 2036.40 feet to a point
14 for corner;

15 South 00 degrees 08 minutes 00 seconds West, 638.10 feet to the
16 southeast corner of said 738.20 acre tract of land, said point being
17 in the center of White Settlement Road;

18 THENCE North 75 degrees 28 minutes 00 seconds West, 1280.20 feet
19 along the south line of said 738.20 acre tract of land and along the
20 center of White Settlement Road to the POINT OF BEGINNING and
21 containing 11,286,297 square feet or 259.098 acres of land.

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

1 Government Code.

2 (b) The governor, one of the required recipients, has
3 submitted the notice and Act to the Texas Commission on
4 Environmental Quality.

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

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

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