

1-1 By: Geren (Senate Sponsor - Nelson) H.B. No. 3530  
1-2 (In the Senate - Received from the House May 20, 2005;  
1-3 May 20, 2005, read first time and referred to Committee on  
1-4 Intergovernmental Relations; May 21, 2005, reported favorably by  
1-5 the following vote: Yeas 5, Nays 0; May 21, 2005, sent to  
1-6 printer.)

1-7 HOUSE COMMITTEE SUBSTITUTE FOR H.B. NO. 3530 RECEIVED IN THE FORM OF  
1-8 ENGROSSED RIDER IN LIEU OF A FULL ENGROSSMENT

1-9 A BILL TO BE ENTITLED  
1-10 AN ACT

1-11 relating to the creation of the City of Fort Worth Municipal Utility  
1-12 District No. 2 of Tarrant County; providing authority to impose a  
1-13 tax and issue bonds; granting the power of eminent domain.

1-14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-15 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-16 Code, is amended by adding Chapter 8139 to read as follows:

1-17 CHAPTER 8139. CITY OF FORT WORTH MUNICIPAL UTILITY DISTRICT

1-18 NO. 2 OF TARRANT COUNTY

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 8139.001. DEFINITIONS. In this chapter:

1-21 (1) "Board" means the board of directors of the  
1-22 district.

1-23 (2) "Director" means a member of the board.

1-24 (3) "District" means the City of Fort Worth Municipal  
1-25 Utility District No. 2 of Tarrant County.

1-26 Sec. 8139.002. NATURE OF DISTRICT. The district is a  
1-27 municipal utility district in Tarrant County created under and  
1-28 essential to accomplish the purposes of Section 59, Article XVI,  
1-29 Texas Constitution.

1-30 Sec. 8139.003. CONFIRMATION ELECTION REQUIRED. If the  
1-31 creation of the district is not confirmed at a confirmation  
1-32 election held under Section 8139.024 before September 1, 2007:

1-33 (1) the district is dissolved September 1, 2007,  
1-34 except that:

1-35 (A) any debts incurred shall be paid;

1-36 (B) any assets that remain after the payment of  
1-37 debts shall be transferred to Tarrant County; and

1-38 (C) the organization of the district shall be  
1-39 maintained until all debts are paid and remaining assets are  
1-40 transferred; and

1-41 (2) this chapter expires September 1, 2010.

1-42 Sec. 8139.004. INITIAL DISTRICT TERRITORY. (a) The  
1-43 district is initially composed of the territory described by  
1-44 Section 2 of the Act creating this chapter.

1-45 (b) The boundaries and field notes contained in Section 2 of  
1-46 the Act creating this chapter form a closure. A mistake made in the  
1-47 field notes or in copying the field notes in the legislative process  
1-48 does not affect:

1-49 (1) the organization, existence, or validity of the  
1-50 district;

1-51 (2) the right of the district to impose taxes;

1-52 (3) the validity of the district's bonds, notes, or  
1-53 indebtedness; or

1-54 (4) the legality or operation of the district or the  
1-55 board.

1-56 [Sections 8139.005-8139.020 reserved for expansion]

1-57 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-58 Sec. 8139.021. 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

2-1 five persons named in the petition.

2-2 (b) The commission shall appoint as temporary directors the  
2-3 five persons named in the first petition received by the commission  
2-4 under Subsection (a).

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 8139.024; or

2-10 (2) the date this chapter expires under Section  
2-11 8139.003.

2-12 Sec. 8139.022. 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 Tarrant County Courthouse.  
2-18 At the meeting, the temporary directors shall elect officers from  
2-19 among the temporary directors and conduct any other district  
2-20 business.

2-21 Sec. 8139.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

2-22 (a) The temporary directors may not hold an election under Section  
2-23 8139.024 until each municipality in whose corporate limits or  
2-24 extraterritorial jurisdiction the district is located has adopted a  
2-25 resolution consenting to the creation of the district.

2-26 (b) If the district is located outside the extraterritorial  
2-27 jurisdiction of a municipality, the temporary directors may not  
2-28 hold the election until each county in which the district is located  
2-29 has adopted a resolution consenting to the creation of the  
2-30 district.

2-31 (c) A municipality or county may not adopt a resolution  
2-32 under this section before the effective date of the Act creating  
2-33 this chapter.

2-34 Sec. 8139.024. CONFIRMATION AND INITIAL DIRECTORS'  
2-35 ELECTION. If each municipality or county has consented to the  
2-36 creation of the district under Section 8139.023, the temporary  
2-37 directors shall hold an election to confirm the creation of the  
2-38 district and to elect five directors as provided by Section 49.102,  
2-39 Water Code.

2-40 Sec. 8139.025. INITIAL ELECTED DIRECTORS; TERMS. The  
2-41 directors elected under Section 8139.024 shall draw lots to  
2-42 determine which two shall serve until the first regularly scheduled  
2-43 election of directors under Section 8139.052 and which three shall  
2-44 serve until the second regularly scheduled election of directors.

2-45 Sec. 8139.026. EXPIRATION OF SUBCHAPTER. This subchapter  
2-46 expires September 1, 2010.

2-47 [Sections 8139.027-8139.050 reserved for expansion]

2-48 SUBCHAPTER B. BOARD OF DIRECTORS

2-49 Sec. 8139.051. DIRECTORS; TERMS. (a) The district is  
2-50 governed by a board of five directors.

2-51 (b) Directors serve staggered four-year terms.

2-52 Sec. 8139.052. ELECTION OF DIRECTORS. On the uniform  
2-53 election date in May of each even-numbered year, the appropriate  
2-54 number of directors shall be elected.

2-55 [Sections 8139.053-8139.100 reserved for expansion]

2-56 SUBCHAPTER C. POWERS AND DUTIES

2-57 Sec. 8139.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-58 DUTIES. The district has the powers and duties provided by the  
2-59 general law of this state, including Chapters 49 and 54, Water Code,  
2-60 applicable to municipal utility districts created under Section 59,  
2-61 Article XVI, Texas Constitution.

2-62 Sec. 8139.102. ROAD PROJECTS. (a) To the extent authorized  
2-63 by Section 52, Article III, Texas Constitution, the district may  
2-64 construct, acquire, improve, maintain, or operate macadamized,  
2-65 graveled, or paved roads or turnpikes, or improvements in aid of  
2-66 those roads or turnpikes, inside the district.

2-67 (b) A road project must meet or exceed all applicable  
2-68 construction standards, zoning and subdivision requirements, and  
2-69 regulatory ordinances of each municipality in whose corporate

3-1 limits or extraterritorial jurisdiction the district is located.  
3-2 If the district is located outside the extraterritorial  
3-3 jurisdiction of a municipality, a road project must meet all  
3-4 applicable construction standards, zoning and subdivision  
3-5 requirements, and regulatory ordinances of each county in which the  
3-6 district is located.

3-7 (c) The district may not undertake a road project unless  
3-8 each municipality in whose corporate limits or extraterritorial  
3-9 jurisdiction the district is located consents by ordinance or  
3-10 resolution. If the district is located outside the  
3-11 extraterritorial jurisdiction of a municipality, the district may  
3-12 not undertake a road project unless each county in which the  
3-13 district is located consents by ordinance or resolution.

3-14 Sec. 8139.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
3-15 RESOLUTIONS. Subject to the limitations of Section 54.016, Water  
3-16 Code, the district shall comply with all applicable requirements of  
3-17 any ordinance or resolution adopted by the city council of the City  
3-18 of Fort Worth.

3-19 Sec. 8139.104. LIMITATION ON USE OF EMINENT DOMAIN. The  
3-20 district may exercise the power of eminent domain outside the  
3-21 district only to acquire an easement necessary for a pipeline that  
3-22 serves the district.

3-23 [Sections 8139.105-8139.150 reserved for expansion]

3-24 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-25 Sec. 8139.151. TAX TO REPAY BONDS. The district may impose  
3-26 a tax to pay the principal of or interest on bonds issued under  
3-27 Section 8139.201.

3-28 [Sections 8139.152-8139.200 reserved for expansion]

3-29 SUBCHAPTER E. BONDS

3-30 Sec. 8139.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-31 OBLIGATIONS. (a) The district may issue bonds or other obligations  
3-32 as provided by Chapters 49 and 54, Water Code, to finance the  
3-33 construction, maintenance, or operation of projects under Sections  
3-34 8139.101 and 8139.102.

3-35 (b) The district may not issue bonds to finance projects  
3-36 authorized by Section 8139.102 unless the issuance is approved by a  
3-37 vote of a two-thirds majority of the voters of the district voting  
3-38 at an election called for that purpose.

3-39 (c) Bonds or other obligations issued or incurred to finance  
3-40 projects authorized by Section 8139.102 may not exceed one-fourth  
3-41 of the assessed value of the real property in the district.

3-42 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
3-43 a project undertaken by the district under Section 8139.102 or to  
3-44 bonds issued by the district to finance the project.

3-45 SECTION 2. The City of Fort Worth Municipal Utility  
3-46 District No. 2 of Tarrant County initially includes all the  
3-47 territory contained in the following area:

3-48 BEING a 259.098 acre tract of land located in Tarrant County, Texas,  
3-49 a part of the J.T. Allen Survey, Abstract No. 67, a part of the  
3-50 C.E.P.I. & M. Company Survey, Abstract No. 382, a part of the S.B.  
3-51 Hopkins Survey, Abstract No. 672, a part of C.E. Newman Survey,  
3-52 Abstract No. 1183, a part of the F. Schoeverling Survey, Abstract  
3-53 No. 1398, a part of the T. & N.O. R.R. Company Survey, Abstract No.  
3-54 1566, apart of the W. K. Gandy Survey, Abstract No. 1890, and being  
3-55 a part of that 738.20 acre tract of land described in deed filed on  
3-56 January 8, 2004 in Document D2004008 174 of the Tarrant County Deed  
3-57 Records, and being further described as follows:

3-58 BEGINNING at the southwest corner of said 738.20 acre tract of land,  
3-59 said point being in the center of White Settlement Road (County Road  
3-60 No. 1007);

3-61 THENCE North 00 degrees 31 minutes 00 seconds East, 4694.71 feet  
3-62 along the west line of said 738.20 acre tract of land to a point for  
3-63 corner;

3-64 THENCE South 89 degrees 29 minutes 00 seconds East, 137.38 feet to a  
3-65 point for corner;

3-66 THENCE South 24 degrees 36 minutes 10 seconds East, 264.01 feet to a  
3-67 point for corner;

3-68 THENCE South 30 degrees 26 minutes 41 seconds East, 394.46 feet to a  
3-69 point for corner;

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

4-24 SECTION 3. (a) The legal notice of the intention to  
4-25 introduce this Act, setting forth the general substance of this  
4-26 Act, has been published as provided by law, and the notice and a  
4-27 copy of this Act have been furnished to all persons, agencies,  
4-28 officials, or entities to which they are required to be furnished  
4-29 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4-30 Government Code.

4-31 (b) The governor, one of the required recipients, has  
4-32 submitted the notice and Act to the Texas Commission on  
4-33 Environmental Quality.

4-34 (c) The Texas Commission on Environmental Quality has filed  
4-35 its recommendations relating to this Act with the governor, the  
4-36 lieutenant governor, and the speaker of the house of  
4-37 representatives within the required time.

4-38 (d) All requirements of the constitution and laws of this  
4-39 state and the rules and procedures of the legislature with respect  
4-40 to the notice, introduction, and passage of this Act are fulfilled  
4-41 and accomplished.

4-42 SECTION 4. This Act takes effect immediately if it receives  
4-43 a vote of two-thirds of all the members elected to each house, as  
4-44 provided by Section 39, Article III, Texas Constitution. If this  
4-45 Act does not receive the vote necessary for immediate effect, this  
4-46 Act takes effect September 1, 2005.

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