

By: Hegar

H.B. No. 3578

Substitute the following for H.B. No. 3578:

By: Puente

C.S.H.B. No. 3578

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 178; 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 8154 to read as follows:

CHAPTER 8154. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 178

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8154.001. 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. 178.

Sec. 8154.002. 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. 8154.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8154.023 before September 1, 2007:

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

1 (A) any debts incurred shall be paid;

2 (B) any assets that remain after the payment of
3 debts shall be transferred to Fort Bend County; and

4 (C) the organization of the district shall be
5 maintained until all debts are paid and remaining assets are
6 transferred; and

7 (2) this chapter expires September 1, 2010.

8 Sec. 8154.004. INITIAL DISTRICT TERRITORY. (a) The
9 district is initially composed of the territory described by
10 Section 2 of the Act creating this chapter.

11 (b) The boundaries and field notes contained in Section 2 of
12 the Act creating this chapter form a closure. A mistake made in the
13 field notes or in copying the field notes in the legislative process
14 does not affect:

15 (1) the organization, existence, or validity of the
16 district;

17 (2) the right of the district to impose taxes;

18 (3) the validity of the district's bonds, notes, or
19 indebtedness; or

20 (4) the legality or operation of the district or the
21 board.

22 [Sections 8154.005-8154.020 reserved for expansion]

23 SUBCHAPTER A1. TEMPORARY PROVISIONS

24 Sec. 8154.021. TEMPORARY DIRECTORS. (a) On or after
25 September 1, 2005, a person who owns land in the district may
26 petition the Texas Commission on Environmental Quality to appoint
27 as temporary directors the five persons listed in the petition.

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

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 8154.023; or

11 (2) the date this chapter expires under Section
12 8154.003.

13 Sec. 8154.022. 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 Fort Bend County
19 Courthouse. At the meeting, the temporary directors shall elect
20 officers from among the temporary directors.

21 Sec. 8154.023. CONFIRMATION AND INITIAL DIRECTORS'
22 ELECTION. The temporary directors shall hold an election to
23 confirm the creation of the district and to elect five directors as
24 provided by Section 49.102, Water Code.

25 Sec. 8154.024. INITIAL ELECTED DIRECTORS; TERMS. The
26 directors elected under Section 8154.023 shall draw lots to
27 determine which two shall serve until the first regularly scheduled

1 election of directors under Section 8154.052 and which three shall
2 serve until the second regularly scheduled election of directors.

3 Sec. 8154.025. EXPIRATION OF SUBCHAPTER. This subchapter
4 expires September 1, 2010.

5 [Sections 8154.026-8154.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8154.051. DIRECTORS; TERMS. (a) The district is
8 governed by a board of five directors.

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

10 Sec. 8154.052. ELECTION OF DIRECTORS. On the uniform
11 election date in May of each even-numbered year, the appropriate
12 number of directors shall be elected.

13 [Sections 8154.053-8154.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8154.101. GENERAL POWERS. The district has all of the
16 rights, powers, privileges, authority, functions, and duties
17 provided by the general law of this state, including Chapters 49 and
18 54, Water Code, applicable to municipal utility districts created
19 under Section 59, Article XVI, Texas Constitution.

20 Sec. 8154.102. ROAD PROJECTS. (a) The district may
21 construct, acquire, improve, maintain, or operate macadamized,
22 graveled, or paved roads or turnpikes, or improvements in aid of
23 those roads or turnpikes, inside the district.

24 (b) A road project must meet all applicable construction
25 standards, zoning and subdivision requirements, and regulatory
26 ordinances of the municipality or county in whose jurisdiction the
27 district is located.

1 (c) The district may not undertake a road project unless
2 each municipality or county in whose jurisdiction the district is
3 located consents by ordinance or resolution.

4 Sec. 8154.103. LIMITATION ON USE OF EMINENT DOMAIN. The
5 district may exercise the power of eminent domain outside the
6 district only to acquire an easement necessary for a pipeline that
7 serves the district.

8 Sec. 8154.104. DIVISION OF DISTRICT. (a) Except as
9 provided by Subsection (c), the district may be divided into two new
10 districts only if the district:

- 11 (1) has no outstanding bonded debt;
12 (2) is not imposing ad valorem taxes; and
13 (3) has not annexed land.

14 (b) The division procedure is prescribed by Sections 53.030
15 through 53.041, Water Code. Any new district created by the
16 division of the district has all the powers and duties of the
17 district.

18 (c) A new district created by the division described by
19 Subsection (a) is subject to the restrictions prescribed by
20 Subsections (a)(1) and (2). If the new district annexes land, that
21 new district may not again divide if the result is that the annexed
22 land wholly constitutes one of the districts created by the
23 division of the new district.

24 Sec. 8154.105. COMPLIANCE WITH MUNICIPAL CONSENT
25 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
26 54.016, Water Code, the district shall comply with all applicable
27 requirements of any ordinance or resolution adopted by the city

1 council of the City of Fulshear, including an ordinance or
2 resolution adopted before September 1, 2005, that consents to the
3 creation of the district or to the inclusion of lands within the
4 district.

5 [Sections 8154.106-8154.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 8154.151. TAX TO REPAY BONDS. The district may impose
8 a tax to pay the principal of or interest on bonds issued under
9 Section 8154.201.

10 Sec. 8154.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
11 ASSESSMENTS. The district may not impose an impact fee or
12 assessment on the property, including the equipment,
13 rights-of-way, facilities, or improvements, of:

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

16 (2) a gas utility as defined by Section 101.003 or
17 121.001, Utilities Code;

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

20 (4) a person who provides to the public cable
21 television or advanced telecommunications services.

22 [Sections 8154.153-8154.200 reserved for expansion]

23 SUBCHAPTER E. BONDS

24 Sec. 8154.201. AUTHORITY TO ISSUE BONDS AND OTHER
25 OBLIGATIONS. (a) The district may issue bonds or other obligations
26 as provided by Chapters 49 and 54, Water Code, to finance the
27 construction, maintenance, or operation of projects under Section

1 8154.101 or 8154.102.

2 (b) The district may not issue bonds to finance projects
3 authorized by Section 8154.102 unless the issuance is approved by a
4 vote of a two-thirds majority of the voters of the district voting
5 at an election called for that purpose.

6 (c) Bonds or other obligations issued or incurred to finance
7 projects authorized by Section 8154.102 may not exceed one-fourth
8 of the assessed value of the real property in the district.

9 (d) Sections 49.181 and 49.182, Water Code, do not apply to
10 a project undertaken by the district under Section 8154.102 or to
11 bonds issued by the district to finance the project.

12 SECTION 2. The Fort Bend County Municipal Utility District
13 No. 178 initially includes all the territory contained in the
14 following area:

15 TRACT I:

16 Two Hundred (200) acre tract off the North end of Section 105, Block
17 1 of the H. & T. C. Railway Company Survey in Waller and Fort Bend
18 Counties, Texas (Waller County Abstract Being No. 416 and Fort Bend
19 County Abstract being No. 261) described as follows:

20 BEGINNING at an iron stake, the Northwest corner of Section 105;

21 THENCE South 1188 1/2 varas to stake on West line of said Section
22 from which a large iron post bears South 59 degrees East 67 3/4
23 varas;

24 THENCE 950 varas to a stake on the East line of said Section 105;

25 THENCE North with the east line of said section 1188 1/2 varas to
26 the Northeast corner;

27 THENCE West 950 varas to the place of beginning containing 200 acres

1 of land, more or less, and being the Fifth Tract described in the
2 Deed to William Dorsey Parker by Emma D. Parker, individually and as
3 Executrix of J. B. Parker, deceased, and recorded in Volume 163,
4 Page 106, Deed Records of Fort Bend County, Texas (but not including
5 any other land described in said deed);

6 And being the same land as conveyed from W. D. Parker to Chester F.
7 Jordan by deed recorded in Volume 252, Page 465, Deed Records of
8 Fort Bend County, Texas.

9 TRACT II:

10 Being a tract of One Hundred and Ten acres (110), more or less, out
11 of Section 105, Block 1 of the H. & T. C. Railway Company Survey in
12 Waller and Fort Bend Counties, Texas (Waller County Abstract Being
13 No. 416 and Fort Bend County Abstract being No. 261) described as
14 follows:

15 Being 110 acres of land, more or less, bounded thus:

16 BEGINNING at a 2" iron pipe in the West line of said survey 5112 ft.
17 south of the Northwest corner thereof;

18 THENCE East 2640.3 ft. to a stake for corner in the East line of said
19 survey;

20 THENCE North 1813.8 ft. with the East line of said survey to a stake
21 for corner in same;

22 THENCE West 2640.3 ft. to a stake for corner in the West line
23 survey;

24 THENCE South 1813.8 ft. with the west line of said survey to the
25 place of beginning, containing 110 acres of land, more or less, and
26 being the same land conveyed to W. D. Parker by Lessy C. McDade, et
27 al, by deed dated September 9, 1941, filed January 23, 1942, of

1 record in Volume 202, Page 84, Deed Records of Fort Bend County,
2 Texas;

3 And being the same land as conveyed from W. D. Parker to Chester F.
4 Jordan by deed recorded in Volume 252, Page 465, Deed Records of
5 Fort Bend County, Texas.

6 TRACT III:

7 All that certain tract of land out of Section No. 105, H. & T. C.
8 Railway Company Survey in Fort Bend County, Texas and described by
9 metes and bounds as follows:

10 BEGINNING at an iron stake, Harvey & McDade's Southwest corner of
11 the West line of Section No. 105;

12 THENCE South 817 varas to an iron stake for corner;

13 THENCE East 950 varas to an iron stake for corner in fence;

14 THENCE North 817 varas to an iron stake in fence, Harvey & McDade's
15 Southeast corner;

16 THENCE West 950 varas to the place of beginning and containing 137
17 1/2 acres of land more or less,

18 And being the same identical property conveyed from W. S. Cochran,
19 Jr, to Chester Jordan in a deed recorded in Volume 208, Page 635,
20 Deed Records of Fort Bend County, Texas.

21 TRACT IV:

22 All of that certain tract of land known and described as 160 acres
23 off of the north end of H. & T. C. Railroad Section No. 106 in Fort
24 Bend County, Texas, and described by metes and bounds as follows:

25 BEGINNING at a 3/4" iron pipe at the northeast corner of H. & T. C.

26 Railroad Section No 106, the same being the northwest corner of the

27 J. D. Vermilion One-third League, said iron pipe being 8 feet South

1 and 20 feet South 89 degrees 40 minutes west from a northeast fence
2 corner of fences enclosing the property;
3 THENCE south, along the east line of said Section 106 and the west
4 line of the J. D. Vermillion One-third League, at 600 feet pass the
5 northwest corner of a 10 acre tract, at 2002.8 feet the southwest
6 corner of said 10 acre tract, in all 2640 feet to an iron pipe, the
7 southeast corner of this 160 acres, and 25.2 feet South 89 degrees
8 40 minutes west from another iron pipe set under fence;
9 THENCE south 89 degrees 40 minutes west 2640 feet to an iron pipe in
10 a rice field;
11 THENCE north at 2633 feet cross east and west fence, in all 2640
12 feet to an iron pipe on levee,
13 THENCE north 89 degrees 40 minutes east, at 86.6 feet a fence corner
14 and angle point 7 feet right, at 418.2 feet an angle point in fence
15 14 feet left, in all 2640 feet to the place of beginning, containing
16 160 acres of land;
17 And being the same land conveyed by F. M. Robinson to Ethan A.
18 Wilmot by deed dated September 17, 1904, and recorded in Volume 29,
19 Page 197, et seq., of the Deed Records of Fort Bend County, Texas.
20 TRACT V:
21 200 acres of land out of and a part of the Joseph D. Vermillion Survey
22 in said Fort Bend County, Texas described by metes and bounds as
23 follows:
24 BEGINNING at a stake set in the W. line of the said Joseph D.
25 Vermillion Survey and 1960 vrs N. from its S. W. Corner
26 THENCE N. along said W. boundary line 1124 vrs or 3122.2 ft. to a
27 stake in N. W. corner of the 200 acres tract herein conveyed;

1 THENCE E. 1006 Vrs or 2794.44 ft. to a point for the N.E. corner of
2 the tract herein conveyed;

3 THENCE S. parallel with the said W. line of the Joseph D. Vermillion
4 Survey 1124 vrs or 3122.2 ft. to a point for the S. E. corner of the
5 200 acre tract herein conveyed;

6 THENCE W. 2794.44 t. to the place of beginning and containing 200
7 acres of land; being the same 200 acres of land conveyed to George
8 F. Fluke by J. A. Friedman and Eugene Mills by Warranty Deed dated
9 April 23, 1904 and recorded in Deed Book 28, Pages 164 and 165 of the
10 Deed Records of Fort Bend County, Texas.

11 TRACT VI:

12 75.856 acres of land out of the Joseph D. Vermillion Survey,
13 Abstract 339, Fort Bend County, Texas, described by metes and
14 bounds as follows:

15 BEGINNING at a one inch iron pipe set for the Northwest corner of
16 the Joseph D. Vermillion Survey, and also being the Northwest
17 corner of the herein described 75 856 acre tract;

18 THENCE East, 1,910.87 feet along the North line of the Joseph D.
19 Vermillion Survey, Abstract 339, to a one inch pipe set for the
20 Northeast corner of this 75.856 acre tract;

21 THENCE South, 2,002.77 feet to a one inch iron pipe set in a fence
22 line for the Southeast corner of this 75.856 acre tract;

23 THENCE West, 1,600.34 feet along a fence line to a one inch iron
24 pipe set for the most Southerly West corner of this 75.856 acre
25 tract, and also being the Southeast corner of the Chester Jordan ten
26 acre tract;

27 THENCE North 1,402.77 feet with the East line of said ten acre

1 tract, pass a one inch iron pipe set for the Northeast corner of
2 said ten acre tract and also being the Southeast corner of a 2 acre
3 tract, continuing along same course a total distance of 1,683.32
4 feet to a one inch iron pipe set for an interior corner of this
5 75.856 acre tract, and also being the Northeast corner of said 2
6 acre tract;

7 THENCE West, 310.53 feet with the North line of said 2 acre tract to
8 a one inch iron pipe set in the West line of the Joseph D. Vermillion
9 Survey, Abstract 339, being the Northwest corner of said 2 acre
10 tract;

11 THENCE North, 319.45 feet along the West line of the Joseph D
12 Vermillion Survey, Abstract 339, to the place of beginning and
13 containing 75.856 acres of land, more or less,

14 And being the same and identical land conveyed from McMillian
15 Farms, Inc. to Chester Jordan by General Warranty Deed recorded in
16 Volume 416, Page 572, Deed Records of Fort Bend County, Texas.

17 TRACT VII:

18 The following described property, to-wit:

19 Being a ten (10) acre tract of land out of the J. D. Vermillion
20 one-third (1/3) League Survey, Patent No. 197, Volume 21, situated
21 in Fort Bend County, Texas and being described by metes and bounds
22 as follows.

23 BEGINNING at a stake set in the West line of at the R. D. MacDonald
24 179.6 acre tract recorded in Volume 85, Pages 342-344, Deed Records
25 of Fort Bend County, Texas, off of the West side of Lot number four
26 (4) of the J. D. Vermillion 1/3 League Survey, Patent Number 197,
27 Volume 21, situated in Fort Bend County, Texas, 600 feet South of

1 its N. W. corner,
2 THENCE South following the West line of the R. D. MacDonald 179.6
3 acre tract in said survey 1402.8 feet to a stake for corner and same
4 being the S. W corner of said R D. MacDonald 179.6 acre tract;
5 THENCE East following the South line of the said R. D. MacDonald 179
6 6 acre tract in said survey 311.14 feet to a stake for corner;
7 THENCE North parallel with the West line of the said R D. MacDonald
8 179.6 acre tract in said survey 1402.8 feet to a stake for corner;
9 THENCE West parallel with the South line of the said R D. MacDonald
10 1796 acre tract in said survey 311.14 feet to the place of beginning
11 and containing ten (10) acres of land
12 And being the same identical property conveyed from Sam Schwartz to
13 Chester F. Jordan in a deed recorded in Volume 281, Page 207, Deed
14 Records of Fort Bend County, Texas.

15 TRACT VIII:

16 The following described real property situated in Fort Bend, Texas,
17 to-wit:

18 COMMENCING at the Northwest corner of the J. D. Vermillion Survey,
19 Same being the Northwest corner of the Chester F. Jordan 75.856 Acre
20 Tract, (Volume 416, Page 572, Deed Records) Fort Bend County,
21 Texas;

22 THENCE, South along the West line of the Chester F. Jordan 75.856
23 Acre Tract, 319.45 feet to the Northwest corner and Place of
24 Beginning of the herein described 2 Acre Tract;

25 THENCE, continuing South, for a distance of 280.55 feet to a point
26 for the Southwest corner of this 2.0 acre tract same being the
27 Northwest corner of a certain 10.0 Acre Tract, owned by Chester F

1 Jordan,
2 THENCE, East along the common line of this 2.0 Acre Tract and the
3 above mentioned Chester F. Jordan 10.0 Acre Tract, 310.53 feet to a
4 point for the Southeast corner, of the aforementioned 10.0 Acre
5 Tract and on the West line of the aforementioned 75.856 Acre Tract;
6 THENCE, North along the common line of this 2.0 Acre Tract and the
7 aforementioned 75.856 Acre Tract, 280.55 feet to a point for the
8 Northeast corner of this 2 0 Acre Tract, same being an interior
9 corner of the aforementioned 75.856 Acre Tract;
10 THENCE. West along a line common to this 2.0 Acre Tract and the 75
11 856 Acre Tract, 310.53 feet to the Place of Beginning and containing
12 2 0 Acres of Land,
13 And being the same & identical property conveyed by Don F. McMillian
14 to Chester F. Jordan in deed recorded in Volume 523, Page 545, Deed
15 Records of Fort Bend County, Texas.

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

23 (b) The governor, one of the required recipients, has
24 submitted the notice and Act to the Texas Commission on
25 Environmental Quality.

26 (c) The Texas Commission on Environmental Quality has filed
27 its recommendations relating to this Act with the governor, the

1 lieutenant governor, and the speaker of the house of
2 representatives within the required time.

3 (d) All requirements of the constitution and laws of this
4 state and the rules and procedures of the legislature with respect
5 to the notice, introduction, and passage of this Act are fulfilled
6 and accomplished.

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