

By: Hegar

H.B. No. 3579

Substitute the following for H.B. No. 3579:

By: Puente

C.S.H.B. No. 3579

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 182; 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 8156 to read as follows:

CHAPTER 8156. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT

NO. 182

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8156.001. 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. 182.

Sec. 8156.002. 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. 8156.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8156.023 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 Fort Bend 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. 8156.004. 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 8156.005-8156.020 reserved for expansion]

24 SUBCHAPTER A1. TEMPORARY PROVISIONS

25 Sec. 8156.021. TEMPORARY DIRECTORS. (a) On or after
26 September 1, 2005, a person who owns land in the district may
27 petition the Texas Commission on Environmental Quality to appoint

1 as temporary directors the five persons listed in the petition.

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

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

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

10 (1) the date directors are elected under Section
11 8156.023; or

12 (2) the date this chapter expires under Section
13 8156.003.

14 Sec. 8156.022. ORGANIZATIONAL MEETING OF TEMPORARY
15 DIRECTORS. As soon as practicable after all the temporary
16 directors have qualified under Section 49.055, Water Code, the
17 temporary directors shall meet at a location in the district
18 agreeable to a majority of the directors. If a location cannot be
19 agreed upon, the meeting shall be at the Fort Bend County
20 Courthouse. At the meeting, the temporary directors shall elect
21 officers from among the temporary directors.

22 Sec. 8156.023. 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. 8156.024. INITIAL ELECTED DIRECTORS; TERMS. The
27 directors elected under Section 8156.023 shall draw lots to

1 determine which two shall serve until the first regularly scheduled
2 election of directors under Section 8156.052 and which three shall
3 serve until the second regularly scheduled election of directors.

4 Sec. 8156.025. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2010.

6 [Sections 8156.026-8156.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8156.051. DIRECTORS; TERMS. (a) The district is
9 governed by a board of five directors.

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

11 Sec. 8156.052. 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 8156.053-8156.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8156.101. GENERAL POWERS. The district has all of the
17 rights, powers, privileges, authority, functions, and duties
18 provided by the general law of this state, including Chapters 49 and
19 54, Water Code, applicable to municipal utility districts created
20 under Section 59, Article XVI, Texas Constitution.

21 Sec. 8156.102. ROAD PROJECTS. (a) The district may
22 construct, acquire, improve, maintain, or operate macadamized,
23 graveled, or paved roads or turnpikes, or improvements in aid of
24 those roads or turnpikes, inside the district.

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

1 district is located.

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

5 Sec. 8156.103. LIMITATION ON USE OF EMINENT DOMAIN. The
6 district may exercise the power of eminent domain outside the
7 district only to acquire an easement necessary for a pipeline that
8 serves the district.

9 Sec. 8156.104. DIVISION OF DISTRICT. (a) Except as
10 provided by Subsection (c), the district may be divided into two new
11 districts only if the district:

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

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

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

25 Sec. 8156.105. 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 Fulshear, 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 8156.106-8156.150 reserved for expansion]

7 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

8 Sec. 8156.151. TAX TO REPAY BONDS. The district may impose
9 a tax to pay the principal of or interest on bonds issued under
10 Section 8156.201.

11 Sec. 8156.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
12 ASSESSMENTS. The district may not impose an impact fee or
13 assessment on the property, including the equipment,
14 rights-of-way, facilities, or improvements, of:

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

17 (2) a gas utility as defined by Section 101.003 or
18 121.001, Utilities Code;

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

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

23 [Sections 8156.153-8156.200 reserved for expansion]

24 SUBCHAPTER E. BONDS

25 Sec. 8156.201. AUTHORITY TO ISSUE BONDS AND OTHER
26 OBLIGATIONS. (a) The district may issue bonds or other obligations
27 as provided by Chapters 49 and 54, Water Code, to finance the

1 construction, maintenance, or operation of projects under Section
2 8156.101 or 8156.102.

3 (b) The district may not issue bonds to finance projects
4 authorized by Section 8156.102 unless the issuance is approved by a
5 vote of a two-thirds majority of the voters of the district voting
6 at an election called for that purpose.

7 (c) Bonds or other obligations issued or incurred to finance
8 projects authorized by Section 8156.102 may not exceed one-fourth
9 of the assessed value of the real property in the district.

10 (d) Sections 49.181 and 49.182, Water Code, do not apply to
11 a project undertaken by the district under Section 8156.102 or to
12 bonds issued by the district to finance the project.

13 SECTION 2. The Fort Bend County Municipal Utility District
14 No. 182 initially includes all the territory contained in the
15 following area:

16 TRACT I

17 All that certain tract or parcel of land, lying and being situated
18 in FORT BEND COUNTY, TEXAS, part of the ALEXANDER PHILLIPS SURVEY,
19 A-300, being a portion of the same land described as the south
20 one-half (S.1/2) of 1/3 of a League, originally granted to
21 Alexander Phillips and called 738 acres in a deed from Florence B.
22 Cardiff to Charles I. Cardill, et. al, dated January 3, 1950,
23 recorded in Volume 270, Page 431, Deed Records of Fort Bend County,
24 Texas (270/431 D.R.F.B.C., Tx.), and/or being part of a Charles I.
25 Cardiff, et al. tract described as 194.1101 acres (1356/871 &
26 1356/874, O.R.F.B.C., Tx.), and being more fully described by metes
27 and bounds as follows, to-wit:

1 BEGINNING at 3/4" iron rod found for the most easterly or northeast
2 corner hereof and of said 194.1101 acre tract, being the most
3 northerly northwest corner of a 553.382 acre tract surveyed for
4 West Houston LTD. (2571/1460, O.R.F.B.C., Tx.), and on the south
5 line of an Imperatum Corporation tract called 309.1712 acres
6 (2479/1977, O.R.F.B.C., Tx.), a 3/4" iron rod found on the east line
7 of said Alexander Phillips Survey bears N 89° 21' 14" E, 1034.98
8 feet;
9 THENCE, along the southeast line hereof and of said 194.1101 acre
10 tract, commence with the northwest line of said West Houston LTD.
11 Tract, being on the northwest side of a Transcontinental Gas Pipe
12 Line Corporation easement (273/342 & 407/169 D.R.F.B.C., Tx.)
13 situated upon and crossing said West Houston LTD. tract, S 41° 20'
14 16" W, 2345.77 feet, to a 5/8" iron rod set on said line for the
15 south corner hereof;
16 THENCE, severing said 194.1101 acre tract, N 00° 29' 46" W, 1839.81
17 feet, to a 5/8" iron rod set on the south margin of Corbitt Road
18 (Flewellen-Katy Road) for the northwest corner hereof, being 49.9
19 feet southerly from a north line of said 194.1101 acre tract;
20 THENCE, along the south margin of said road, N 89° 30' 14" E, 200.00
21 feet, to a 5/8" iron rod set as said road margin for a northerly
22 exterior corner hereof, being on an easterly line of said original
23 194.1101 acre tract, common with a west line of said Imperatum
24 Corporation tract, a 3/4" iron rod found in Corbitt Road
25 (Flewellen-Katy Road) at a turn of same for a northeasterly
26 exterior corner of said 194.1101 acre tract bears N 00° 27' 18" W,
27 49.98 feet;

1 THENCE, along the common line of said 194.1101 acre tract and of
2 said Imperatum Corporation tract, S 00° 27' 18" E, 95.59 feet, to a
3 1/2 iron pipe found for the southwest corner of said Imperatum
4 Corporation tract and for an interior corner hereof and of said
5 194.1101 acre tract;

6 THENCE, along a south line of said Imperatum Corporation Tract, N
7 89° 21' 14" E, 1364.64 feet, to the PLACE OF BEGINNING, containing
8 31.755 ACRES of land.

9 TRACT II

10 FIELD NOTES for a 685.9742 ACRE TRACT OF LAND IN THE J. D.
11 VERMILLION SURVEY, ABSTRACT 339, FORT BEND COUNTY, TEXAS, 201.1257
12 ACRES BEING THAT CERTAIN CALLED 201.5 ACRE TRACT DESCRIBED IN DEED,
13 RECORDED IN VOLUME 339, PAGE 434, DEED RECORDS, 201.1251 ACRES
14 BEING THAT CERTAIN CALLED 200 ACRE TRACT DESCRIBED IN DEED,
15 RECORDED IN VOLUME 242, Page 533, DEED RECORDS, AND 283.7234 ACRES
16 BEING THAT CERTAIN CALLED 357.66 ACRE TRACT DESCRIBED IN DEED,
17 RECORDED IN VOLUME 129, PAGE 207, DEED RECORDS, FORT BEND COUNTY,
18 TEXAS.

19 BEGINNING at a 1 1/4 inch Iron Pipe found at the Southwest corner of
20 the J. D. Vermillion Survey, Abstract 339, for the Southwest corner
21 and Place of Beginning of the herein described 685.9742 Acre Tract,
22 said point being the upper Northwest corner of the Micajah Autrey
23 Survey, Abstract 100, and being located in the East line of the J.
24 G. Bennett Survey, Abstract 611, said point also being the
25 Southwest corner of a certain 201.1257 Acre Tract being that
26 certain called 201.5 Acre Tract described in deed, recorded in
27 Volume 339, Page 434, Fort Bend County Deed Records;

1 THENCE North 00 degrees 04 minutes 20 seconds East along the West
2 line of the J. D. Vermillion Survey, Abstract 339, same being the
3 East line of the J. G. Bennett Survey, Abstract 611, at 2886.00 feet
4 pass an Iron Pipe set at the Northwest corner of the said 201.1257
5 Acre Tract, same being the Southwest corner of a certain 283.7234
6 Acre Tract being that certain called 357.66 Acre Tract described in
7 deed, recorded in Volume 129, Page 207, Fort Bend County Deed
8 Records, and continuing for a total distance of 4919.99 feet a 1
9 inch Iron Pipe found for the Northwest corner of the herein
10 described 685.9742 Acre Tract, same being the Northwest corner of
11 said 283.7234 Acre Tract, same being the Southwest corner of a
12 certain 199.9539 Acre Tract being that certain called 200 Acre
13 Tract, described in deed, recorded in Volume 251, Page 551, Fort
14 Bend County Deed Records;

15 THENCE North 89 degrees 51 minutes 39 seconds East along the North
16 line of said 283.7734 Acre Tract, at 2793.03 feet pass an Iron Pipe
17 set at the Southeast corner of the said 199.9539 Acre Tract, at
18 5025.10 feet pass an Iron Pipe set at the Southwest corner of a
19 certain 75.9665 Acre Tract being that certain called 75.75 Acre
20 Tract described in deed, recorded in Volume 251, Page 551, Fort Bend
21 County Deed Records, and continuing for a total distance of 6077.75
22 feet to an Iron Pipe set for the Northeast corner of the herein
23 described 685.9742 Acre Tract, same being the Southeast corner of
24 said 75.9665 Acre Tract, said point being on the common line of the
25 William Ames Survey, Abstract 104, and the J.D. Vermillion Survey,
26 Abstract 339;

27 THENCE South 00 degrees 10 minutes 33 seconds West along the common

1 line of the J.D. Vermillion Survey and the William Ames Survey, at
2 580.04 feet pass the Southwest corner of the William Ames Survey,
3 same being the upper Northwest corner of the A. G. Sharpless Survey,
4 Abstract 322, at 2034.24 feet pass an Iron Pipe set at the Southeast
5 corner of the aforementioned 283.7234 Acre Tract, same being the
6 Northeast corner of that certain 201.1251 Acre Tract being that
7 certain called 200 Acre Tract, described in deed, recorded in
8 Volume 242, Page 533, Fort Bend County Deed Records, and continuing
9 for a total distance of 4920.24 feet to an Iron Pipe set for the
10 Southeast corner of the herein described 685.9742 Acre Tract, same
11 being the Southeast corner of the J. D. Vermillion Survey, same
12 being a reentry corner of the A. G. Sharpless Survey, same also
13 being the Southeast corner of the aforementioned 201.1251 Acre
14 Tract;

15 THENCE South 89 degrees 51 minutes 46 seconds West along the common
16 line of the J.D. Vermillion Survey and the A. G. Sharpless Survey,
17 at 1346.64 feet pass the lower Northwest corner of the A. G.
18 Sharpless Survey, same being the Northeast corner of the Micajah
19 Autrey Survey, Abstract 100, at 3034.43 feet pass an Iron Pipe set
20 at the Southwest corner of the aforementioned 201.1251 Acre Tract,
21 same being the Southeast corner of the aforementioned 201.1257 Acre
22 Tract, and continuing along the common line of the J. D. Vermillion
23 Survey and the Micajah Autrey Survey for a total distance of 6068.85
24 feet to the Place of BEGINNING and containing 685.9742 acres of
25 land, more or less.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

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

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

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

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