

By: Hegar

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 Sec. 8156.005. APPLICABILITY OF OTHER LAW. Except as
24 otherwise provided by this chapter, Chapters 49 and 54, Water Code,
25 apply to the district.

26 [Sections 8156.006-8156.020 reserved for expansion]

1 SUBCHAPTER A1. TEMPORARY PROVISIONS

2 Sec. 8156.021. TEMPORARY DIRECTORS. (a) On or after
3 September 1, 2005, a person who owns land in the district may
4 petition the Texas Commission on Environmental Quality to appoint
5 as temporary directors the five persons listed in the petition.

6 (b) The commission shall appoint as temporary directors the
7 persons listed in a petition received by the commission under
8 Subsection (a). If the commission receives more than one petition,
9 the commission shall appoint the directors listed in the first
10 petition the commission receives.

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

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

14 (1) the date directors are elected under Section
15 8156.023; or

16 (2) the date this chapter expires under Section
17 8156.003.

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

26 Sec. 8156.023. CONFIRMATION AND INITIAL DIRECTORS'
27 ELECTION. The temporary directors shall hold an election to

1 confirm the creation of the district and to elect five directors as
2 provided by Section 49.102, Water Code.

3 Sec. 8156.024. INITIAL ELECTED DIRECTORS; TERMS. The
4 directors elected under Section 8156.023 shall draw lots to
5 determine which two shall serve until the first regularly scheduled
6 election of directors under Section 8156.052 and which three shall
7 serve until the second regularly scheduled election of directors.

8 Sec. 8156.025. EXPIRATION OF SUBCHAPTER. This subchapter
9 expires September 1, 2010.

10 [Sections 8156.026-8156.050 reserved for expansion]

11 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

15 Sec. 8156.052. ELECTION OF DIRECTORS. On the uniform
16 election date in May of each even-numbered year, the appropriate
17 number of directors shall be elected.

18 [Sections 8156.053-8156.100 reserved for expansion]

19 SUBCHAPTER C. POWERS AND DUTIES

20 Sec. 8156.101. GENERAL POWERS. The district has all of the
21 rights, powers, privileges, authority, functions, and duties
22 provided by the general law of this state, including Chapters 49 and
23 54, Water Code, applicable to municipal utility districts created
24 under Section 59, Article XVI, Texas Constitution.

25 Sec. 8156.102. ROAD PROJECTS. The district may construct,
26 acquire, improve, maintain, or operate macadamized, graveled, or
27 paved roads or turnpikes, or improvements in aid of those roads or

1 turnpikes, inside or outside the district.

2 Sec. 8156.103. DIVISION OF DISTRICT. (a) Except as
3 provided by Subsection (c), the district may be divided into two new
4 districts only if the district:

5 (1) has no outstanding bonded debt;

6 (2) is not imposing ad valorem taxes; and

7 (3) has not annexed land.

8 (b) The division procedure is prescribed by Sections 53.030
9 through 53.041, Water Code. Any new district created by the
10 division of the district has all the powers and duties of the
11 district.

12 (c) A new district created by the division described by
13 Subsection (a) is subject to the restrictions prescribed by
14 Subsections (a)(1) and (2). If the new district annexes land, that
15 new district may not again divide if the result is that the annexed
16 land wholly constitutes one of the districts created by the
17 division of the new district.

18 Sec. 8156.104. COMPLIANCE WITH MUNICIPAL CONSENT
19 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
20 54.016, Water Code, the district shall comply with all applicable
21 requirements of any ordinance or resolution adopted by the city
22 council of the City of Fulshear, including an ordinance or
23 resolution adopted before September 1, 2005, that consents to the
24 creation of the district or to the inclusion of lands within the
25 district.

26 [Sections 8156.105-8156.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

5 [Sections 8156.152-8156.200 reserved for expansion]

6 SUBCHAPTER E. BONDS

7 Sec. 8156.201. AUTHORITY TO ISSUE BONDS AND OTHER
8 OBLIGATIONS. (a) The district may issue bonds or other obligations
9 as provided by Chapters 49 and 54, Water Code, to finance the
10 construction, maintenance, or operation of projects under Section
11 8156.101 or 8156.102.

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

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

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

22 SECTION 2. The Fort Bend County Municipal Utility District
23 No. 182 initially includes all the territory contained in the
24 following area:

25 TRACT I

26 All that certain tract or parcel of land, lying and being situated
27 in FORT BEND COUNTY, TEXAS, part of the ALEXANDER PHILLIPS SURVEY,

1 A-300, being a portion of the same land described as the south
2 one-half (S.1/2) of 1/3 of a League, originally granted to
3 Alexander Phillips and called 738 acres in a deed from Florence B.
4 Cardiff to Charles I. Cardill, et. al, dated January 3, 1950,
5 recorded in Volume 270, Page 431, Deed Records of Fort Bend County,
6 Texas (270/431 D.R.F.B.C., Tx.), and/or being part of a Charles I.
7 Cardiff, et al. tract described as 194.1101 acres (1356/871 &
8 1356/874, O.R.F.B.C., Tx.), and being more fully described by metes
9 and bounds as follows, to-wit:

10 BEGINNING at 3/4" iron rod found for the most easterly or northeast
11 corner hereof and of said 194.1101 acre tract, being the most
12 northerly northwest corner of a 553.382 acre tract surveyed for
13 West Houston LTD. (2571/1460, O.R.F.B.C., Tx.), and on the south
14 line of an Imperatum Corporation tract called 309.1712 acres
15 (2479/1977, O.R.F.B.C., Tx.), a 3/4" iron rod found on the east line
16 of said Alexander Phillips Survey bears N 89° 21' 14" E, 1034.98
17 feet;

18 THENCE, along the southeast line hereof and of said 194.1101 acre
19 tract, commence with the northwest line of said West Houston LTD.
20 Tract, being on the northwest side of a Transcontinental Gas Pipe
21 Line Corporation easement (273/342 & 407/169 D.R.F.B.C., Tx.)
22 situated upon and crossing said West Houston LTD. tract, S 41° 20'
23 16" W, 2345.77 feet, to a 5/8" iron rod set on said line for the
24 south corner hereof;

25 THENCE, severing said 194.1101 acre tract, N 00° 29' 46" W, 1839.81
26 feet, to a 5/8" iron rod set on the south margin of Corbitt Road
27 (Flewellen-Katy Road) for the northwest corner hereof, being 49.9

1 feet southerly from a north line of said 194.1101 acre tract;
2 THENCE, along the south margin of said road, N 89° 30' 14" E, 200.00
3 feet, to a 5/8" iron rod set as said road margin for a northerly
4 exterior corner hereof, being on an easterly line of said original
5 194.1101 acre tract, common with a west line of said Imperatum
6 Corporation tract, a 3/4" iron rod found in Corbitt Road
7 (Flewellen-Katy Road) at a turn of same for a northeasterly
8 exterior corner of said 194.1101 acre tract bears N 00° 27' 18" W,
9 49.98 feet;

10 THENCE, along the common line of said 194.1101 acre tract and of
11 said Imperatum Corporation tract, S 00° 27' 18" E, 95.59 feet, to a
12 1/2 iron pipe found for the southwest corner of said Imperatum
13 Corporation tract and for an interior corner hereof and of said
14 194.1101 acre tract;

15 THENCE, along a south line of said Imperatum Corporation Tract, N
16 89° 21' 14" E, 1364.64 feet, to the PLACE OF BEGINNING, containing
17 31.755 ACRES of land.

18 TRACT II

19 FIELD NOTES for a 685.9742 ACRE TRACT OF LAND IN THE J. D.
20 VERMILLION SURVEY, ABSTRACT 339, FORT BEND COUNTY, TEXAS, 201.1257
21 ACRES BEING THAT CERTAIN CALLED 201.5 ACRE TRACT DESCRIBED IN DEED,
22 RECORDED IN VOLUME 339, PAGE 434, DEED RECORDS, 201.1251 ACRES
23 BEING THAT CERTAIN CALLED 200 ACRE TRACT DESCRIBED IN DEED,
24 RECORDED IN VOLUME 242, Page 533, DEED RECORDS, AND 283.7234 ACRES
25 BEING THAT CERTAIN CALLED 357.66 ACRE TRACT DESCRIBED IN DEED,
26 RECORDED IN VOLUME 129, PAGE 207, DEED RECORDS, FORT BEND COUNTY,
27 TEXAS.

1 BEGINNING at a 1 1/4 inch Iron Pipe found at the Southwest corner of
2 the J. D. Vermillion Survey, Abstract 339, for the Southwest corner
3 and Place of Beginning of the herein described 685.9742 Acre Tract,
4 said point being the upper Northwest corner of the Micajah Autrey
5 Survey, Abstract 100, and being located in the East line of the J.
6 G. Bennett Survey, Abstract 611, said point also being the
7 Southwest corner of a certain 201.1257 Acre Tract being that
8 certain called 201.5 Acre Tract described in deed, recorded in
9 Volume 339, Page 434, Fort Bend County Deed Records;
10 THENCE North 00 degrees 04 minutes 20 seconds East along the West
11 line of the J. D. Vermillion Survey, Abstract 339, same being the
12 East line of the J. G. Bennett Survey, Abstract 611, at 2886.00 feet
13 pass an Iron Pipe set at the Northwest corner of the said 201.1257
14 Acre Tract, same being the Southwest corner of a certain 283.7234
15 Acre Tract being that certain called 357.66 Acre Tract described in
16 deed, recorded in Volume 129, Page 207, Fort Bend County Deed
17 Records, and continuing for a total distance of 4919.99 feet a 1
18 inch Iron Pipe found for the Northwest corner of the herein
19 described 685.9742 Acre Tract, same being the Northwest corner of
20 said 283.7234 Acre Tract, same being the Southwest corner of a
21 certain 199.9539 Acre Tract being that certain called 200 Acre
22 Tract, described in deed, recorded in Volume 251, Page 551, Fort
23 Bend County Deed Records;
24 THENCE North 89 degrees 51 minutes 39 seconds East along the North
25 line of said 283.7734 Acre Tract, at 2793.03 feet pass an Iron Pipe
26 set at the Southeast corner of the said 199.9539 Acre Tract, at
27 5025.10 feet pass an Iron Pipe set at the Southwest corner of a

1 certain 75.9665 Acre Tract being that certain called 75.75 Acre
2 Tract described in deed, recorded in Volume 251, Page 551, Fort Bend
3 County Deed Records, and continuing for a total distance of 6077.75
4 feet to an Iron Pipe set for the Northeast corner of the herein
5 described 685.9742 Acre Tract, same being the Southeast corner of
6 said 75.9665 Acre Tract, said point being on the common line of the
7 William Ames Survey, Abstract 104, and the J.D. Vermillion Survey,
8 Abstract 339;

9 THENCE South 00 degrees 10 minutes 33 seconds West along the common
10 line of the J.D. Vermillion Survey and the William Ames Survey, at
11 580.04 feet pass the Southwest corner of the William Ames Survey,
12 same being the upper Northwest corner of the A. G. Sharpless Survey,
13 Abstract 322, at 2034.24 feet pass an Iron Pipe set at the Southeast
14 corner of the aforementioned 283.7234 Acre Tract, same being the
15 Northeast corner of that certain 201.1251 Acre Tract being that
16 certain called 200 Acre Tract, described in deed, recorded in
17 Volume 242, Page 533, Fort Bend County Deed Records, and continuing
18 for a total distance of 4920.24 feet to an Iron Pipe set for the
19 Southeast corner of the herein described 685.9742 Acre Tract, same
20 being the Southeast corner of the J. D. Vermillion Survey, same
21 being a reentry corner of the A. G. Sharpless Survey, same also
22 being the Southeast corner of the aforementioned 201.1251 Acre
23 Tract;

24 THENCE South 89 degrees 51 minutes 46 seconds West along the common
25 line of the J.D. Vermillion Survey and the A. G. Sharpless Survey,
26 at 1346.64 feet pass the lower Northwest corner of the A. G.
27 Sharpless Survey, same being the Northeast corner of the Micajah

1 Autrey Survey, Abstract 100, at 3034.43 feet pass an Iron Pipe set
2 at the Southwest corner of the aforementioned 201.1251 Acre Tract,
3 same being the Southeast corner of the aforementioned 201.1257 Acre
4 Tract, and continuing along the common line of the J. D. Vermillion
5 Survey and the Micajah Autrey Survey for a total distance of 6068.85
6 feet to the Place of BEGINNING and containing 685.9742 acres of
7 land, more or less.

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

15 (b) The governor, one of the required recipients, has
16 submitted the notice and Act to the Texas Commission on
17 Environmental Quality.

18 (c) The Texas Commission on Environmental Quality has filed
19 its recommendations relating to this Act with the governor, the
20 lieutenant governor, and the speaker of the house of
21 representatives within the required time.

22 (d) All requirements of the constitution and laws of this
23 state and the rules and procedures of the legislature with respect
24 to the notice, introduction, and passage of this Act are fulfilled
25 and accomplished.

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