

1-1 By: Hegar (Senate Sponsor - Armbrister) H.B. No. 3579
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. 3579 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 Fort Bend County Municipal Utility
1-12 District No. 182; providing authority to impose a tax and issue
1-13 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 8156 to read as follows:

1-17 CHAPTER 8156. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT
1-18 NO. 182

1-19 SUBCHAPTER A. GENERAL PROVISIONS

1-20 Sec. 8156.001. 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 Fort Bend County Municipal
1-25 Utility District No. 182.

1-26 Sec. 8156.002. NATURE OF DISTRICT. The district is a
1-27 municipal utility district in Fort Bend County created under and
1-28 essential to accomplish the purposes of Section 52, Article III,
1-29 and Section 59, Article XVI, Texas Constitution.

1-30 Sec. 8156.003. CONFIRMATION ELECTION REQUIRED. If the
1-31 creation of the district is not confirmed at a confirmation
1-32 election held under Section 8156.023 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 Fort Bend 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. 8156.004. 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 8156.005-8156.020 reserved for expansion]

1-57 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-58 Sec. 8156.021. TEMPORARY DIRECTORS. (a) On or after
1-59 September 1, 2005, a person who owns land in the district may
1-60 petition the Texas Commission on Environmental Quality to appoint
1-61 as temporary directors the five persons listed in the petition.

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

2-6 (c) If a temporary director fails to qualify for office, the
 2-7 commission shall appoint a person to fill the vacancy.

2-8 (d) Temporary directors serve until the earlier of:

2-9 (1) the date directors are elected under Section
 2-10 8156.023; or

2-11 (2) the date this chapter expires under Section
 2-12 8156.003.

2-13 Sec. 8156.022. ORGANIZATIONAL MEETING OF TEMPORARY
 2-14 DIRECTORS. As soon as practicable after all the temporary
 2-15 directors have qualified under Section 49.055, Water Code, the
 2-16 temporary directors shall meet at a location in the district
 2-17 agreeable to a majority of the directors. If a location cannot be
 2-18 agreed upon, the meeting shall be at the Fort Bend County
 2-19 Courthouse. At the meeting, the temporary directors shall elect
 2-20 officers from among the temporary directors.

2-21 Sec. 8156.023. CONFIRMATION AND INITIAL DIRECTORS'
 2-22 ELECTION. The temporary directors shall hold an election to
 2-23 confirm the creation of the district and to elect five directors as
 2-24 provided by Section 49.102, Water Code.

2-25 Sec. 8156.024. INITIAL ELECTED DIRECTORS; TERMS. The
 2-26 directors elected under Section 8156.023 shall draw lots to
 2-27 determine which two shall serve until the first regularly scheduled
 2-28 election of directors under Section 8156.052 and which three shall
 2-29 serve until the second regularly scheduled election of directors.

2-30 Sec. 8156.025. EXPIRATION OF SUBCHAPTER. This subchapter
 2-31 expires September 1, 2010.

2-32 [Sections 8156.026-8156.050 reserved for expansion]

2-33 SUBCHAPTER B. BOARD OF DIRECTORS

2-34 Sec. 8156.051. DIRECTORS; TERMS. (a) The district is
 2-35 governed by a board of five directors.

2-36 (b) Directors serve staggered four-year terms.

2-37 Sec. 8156.052. ELECTION OF DIRECTORS. On the uniform
 2-38 election date in May of each even-numbered year, the appropriate
 2-39 number of directors shall be elected.

2-40 [Sections 8156.053-8156.100 reserved for expansion]

2-41 SUBCHAPTER C. POWERS AND DUTIES

2-42 Sec. 8156.101. GENERAL POWERS. The district has all of the
 2-43 rights, powers, privileges, authority, functions, and duties
 2-44 provided by the general law of this state, including Chapters 49 and
 2-45 54, Water Code, applicable to municipal utility districts created
 2-46 under Section 59, Article XVI, Texas Constitution.

2-47 Sec. 8156.102. ROAD PROJECTS. (a) The district may
 2-48 construct, acquire, improve, maintain, or operate macadamized,
 2-49 graveled, or paved roads or turnpikes, or improvements in aid of
 2-50 those roads or turnpikes, inside the district.

2-51 (b) A road project must meet all applicable construction
 2-52 standards, zoning and subdivision requirements, and regulatory
 2-53 ordinances of the municipality or county in whose jurisdiction the
 2-54 district is located.

2-55 (c) The district may not undertake a road project unless
 2-56 each municipality or county in whose jurisdiction the district is
 2-57 located consents by ordinance or resolution.

2-58 Sec. 8156.103. LIMITATION ON USE OF EMINENT DOMAIN. The
 2-59 district may exercise the power of eminent domain outside the
 2-60 district only to acquire an easement necessary for a pipeline that
 2-61 serves the district.

2-62 Sec. 8156.104. DIVISION OF DISTRICT. (a) Except as
 2-63 provided by Subsection (c), the district may be divided into two new
 2-64 districts only if the district:

2-65 (1) has no outstanding bonded debt;

2-66 (2) is not imposing ad valorem taxes; and

2-67 (3) has not annexed land.

2-68 (b) The division procedure is prescribed by Sections 53.030
 2-69 through 53.041, Water Code. Any new district created by the

3-1 division of the district has all the powers and duties of the
 3-2 district.

3-3 (c) A new district created by the division described by
 3-4 Subsection (a) is subject to the restrictions prescribed by
 3-5 Subsections (a)(1) and (2). If the new district annexes land, that
 3-6 new district may not again divide if the result is that the annexed
 3-7 land wholly constitutes one of the districts created by the
 3-8 division of the new district.

3-9 Sec. 8156.105. COMPLIANCE WITH MUNICIPAL CONSENT
 3-10 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
 3-11 54.016, Water Code, the district shall comply with all applicable
 3-12 requirements of any ordinance or resolution adopted by the city
 3-13 council of the City of Fulshear, including an ordinance or
 3-14 resolution adopted before September 1, 2005, that consents to the
 3-15 creation of the district or to the inclusion of lands within the
 3-16 district.

3-17 [Sections 8156.106-8156.150 reserved for expansion]

3-18 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-19 Sec. 8156.151. TAX TO REPAY BONDS. The district may impose
 3-20 a tax to pay the principal of or interest on bonds issued under
 3-21 Section 8156.201.

3-22 Sec. 8156.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND
 3-23 ASSESSMENTS. The district may not impose an impact fee or
 3-24 assessment on the property, including the equipment,
 3-25 rights-of-way, facilities, or improvements, of:

3-26 (1) an electric utility or a power generation company
 3-27 as defined by Section 31.002, Utilities Code;

3-28 (2) a gas utility as defined by Section 101.003 or
 3-29 121.001, Utilities Code;

3-30 (3) a telecommunications provider as defined by
 3-31 Section 51.002, Utilities Code; or

3-32 (4) a person who provides to the public cable
 3-33 television or advanced telecommunications services.

3-34 [Sections 8156.153-8156.200 reserved for expansion]

3-35 SUBCHAPTER E. BONDS

3-36 Sec. 8156.201. AUTHORITY TO ISSUE BONDS AND OTHER
 3-37 OBLIGATIONS. (a) The district may issue bonds or other obligations
 3-38 as provided by Chapters 49 and 54, Water Code, to finance the
 3-39 construction, maintenance, or operation of projects under Section
 3-40 8156.101 or 8156.102.

3-41 (b) The district may not issue bonds to finance projects
 3-42 authorized by Section 8156.102 unless the issuance is approved by a
 3-43 vote of a two-thirds majority of the voters of the district voting
 3-44 at an election called for that purpose.

3-45 (c) Bonds or other obligations issued or incurred to finance
 3-46 projects authorized by Section 8156.102 may not exceed one-fourth
 3-47 of the assessed value of the real property in the district.

3-48 (d) Sections 49.181 and 49.182, Water Code, do not apply to
 3-49 a project undertaken by the district under Section 8156.102 or to
 3-50 bonds issued by the district to finance the project.

3-51 SECTION 2. The Fort Bend County Municipal Utility District
 3-52 No. 182 initially includes all the territory contained in the
 3-53 following area:

3-54 TRACT I

3-55 All that certain tract or parcel of land, lying and being situated
 3-56 in FORT BEND COUNTY, TEXAS, part of the ALEXANDER PHILLIPS SURVEY,
 3-57 A-300, being a portion of the same land described as the south
 3-58 one-half (S.1/2) of 1/3 of a League, originally granted to
 3-59 Alexander Phillips and called 738 acres in a deed from Florence B.
 3-60 Cardiff to Charles I. Cardill, et. al, dated January 3, 1950,
 3-61 recorded in Volume 270, Page 431, Deed Records of Fort Bend County,
 3-62 Texas (270/431 D.R.F.B.C., Tx.), and/or being part of a Charles I.
 3-63 Cardiff, et al. tract described as 194.1101 acres (1356/871 &
 3-64 1356/874, O.R.F.B.C., Tx.), and being more fully described by metes
 3-65 and bounds as follows, to-wit:

3-66 BEGINNING at 3/4" iron rod found for the most easterly or northeast
 3-67 corner hereof and of said 194.1101 acre tract, being the most
 3-68 northerly northwest corner of a 553.382 acre tract surveyed for
 3-69 West Houston LTD. (2571/1460, O.R.F.B.C., Tx.), and on the south

4-1 line of an Imperatum Corporation tract called 309.1712 acres
4-2 (2479/1977, O.R.F.B.C., Tx.), a 3/4" iron rod found on the east line
4-3 of said Alexander Phillips Survey bears N 89° 21' 14" E, 1034.98
4-4 feet;
4-5 THENCE, along the southeast line hereof and of said 194.1101 acre
4-6 tract, commence with the northwest line of said West Houston LTD.
4-7 Tract, being on the northwest side of a Transcontinental Gas Pipe
4-8 Line Corporation easement (273/342 & 407/169 D.R.F.B.C., Tx.)
4-9 situated upon and crossing said West Houston LTD. tract, S 41° 20'
4-10 16" W, 2345.77 feet, to a 5/8" iron rod set on said line for the
4-11 south corner hereof;
4-12 THENCE, severing said 194.1101 acre tract, N 00° 29' 46" W, 1839.81
4-13 feet, to a 5/8" iron rod set on the south margin of Corbitt Road
4-14 (Flewellen-Katy Road) for the northwest corner hereof, being 49.9
4-15 feet southerly from a north line of said 194.1101 acre tract;
4-16 THENCE, along the south margin of said road, N 89° 30' 14" E, 200.00
4-17 feet, to a 5/8" iron rod set as said road margin for a northerly
4-18 exterior corner hereof, being on an easterly line of said original
4-19 194.1101 acre tract, common with a west line of said Imperatum
4-20 Corporation tract, a 3/4" iron rod found in Corbitt Road
4-21 (Flewellen-Katy Road) at a turn of same for a northeasterly
4-22 exterior corner of said 194.1101 acre tract bears N 00° 27' 18" W,
4-23 49.98 feet;
4-24 THENCE, along the common line of said 194.1101 acre tract and of
4-25 said Imperatum Corporation tract, S 00° 27' 18" E, 95.59 feet, to a
4-26 1/2 iron pipe found for the southwest corner of said Imperatum
4-27 Corporation tract and for an interior corner hereof and of said
4-28 194.1101 acre tract;
4-29 THENCE, along a south line of said Imperatum Corporation Tract, N
4-30 89° 21' 14" E, 1364.64 feet, to the PLACE OF BEGINNING, containing
4-31 31.755 ACRES of land.
4-32 TRACT II
4-33 FIELD NOTES for a 685.9742 ACRE TRACT OF LAND IN THE J. D.
4-34 VERMILLION SURVEY, ABSTRACT 339, FORT BEND COUNTY, TEXAS, 201.1257
4-35 ACRES BEING THAT CERTAIN CALLED 201.5 ACRE TRACT DESCRIBED IN DEED,
4-36 RECORDED IN VOLUME 339, PAGE 434, DEED RECORDS, 201.1251 ACRES
4-37 BEING THAT CERTAIN CALLED 200 ACRE TRACT DESCRIBED IN DEED,
4-38 RECORDED IN VOLUME 242, Page 533, DEED RECORDS, AND 283.7234 ACRES
4-39 BEING THAT CERTAIN CALLED 357.66 ACRE TRACT DESCRIBED IN DEED,
4-40 RECORDED IN VOLUME 129, PAGE 207, DEED RECORDS, FORT BEND COUNTY,
4-41 TEXAS.
4-42 BEGINNING at a 1 1/4 inch Iron Pipe found at the Southwest corner of
4-43 the J. D. Vermillion Survey, Abstract 339, for the Southwest corner
4-44 and Place of Beginning of the herein described 685.9742 Acre Tract,
4-45 said point being the upper Northwest corner of the Micajah Autrey
4-46 Survey, Abstract 100, and being located in the East line of the J.
4-47 G. Bennett Survey, Abstract 611, said point also being the
4-48 Southwest corner of a certain 201.1257 Acre Tract being that
4-49 certain called 201.5 Acre Tract described in deed, recorded in
4-50 Volume 339, Page 434, Fort Bend County Deed Records;
4-51 THENCE North 00 degrees 04 minutes 20 seconds East along the West
4-52 line of the J. D. Vermillion Survey, Abstract 339, same being the
4-53 East line of the J. G. Bennett Survey, Abstract 611, at 2886.00 feet
4-54 pass an Iron Pipe set at the Northwest corner of the said 201.1257
4-55 Acre Tract, same being the Southwest corner of a certain 283.7234
4-56 Acre Tract being that certain called 357.66 Acre Tract described in
4-57 deed, recorded in Volume 129, Page 207, Fort Bend County Deed
4-58 Records, and continuing for a total distance of 4919.99 feet a 1
4-59 inch Iron Pipe found for the Northwest corner of the herein
4-60 described 685.9742 Acre Tract, same being the Northwest corner of
4-61 said 283.7234 Acre Tract, same being the Southwest corner of a
4-62 certain 199.9539 Acre Tract being that certain called 200 Acre
4-63 Tract, described in deed, recorded in Volume 251, Page 551, Fort
4-64 Bend County Deed Records;
4-65 THENCE North 89 degrees 51 minutes 39 seconds East along the North
4-66 line of said 283.7734 Acre Tract, at 2793.03 feet pass an Iron Pipe
4-67 set at the Southeast corner of the said 199.9539 Acre Tract, at
4-68 5025.10 feet pass an Iron Pipe set at the Southwest corner of a
4-69 certain 75.9665 Acre Tract being that certain called 75.75 Acre

5-1 Tract described in deed, recorded in Volume 251, Page 551, Fort Bend
5-2 County Deed Records, and continuing for a total distance of 6077.75
5-3 feet to an Iron Pipe set for the Northeast corner of the herein
5-4 described 685.9742 Acre Tract, same being the Southeast corner of
5-5 said 75.9665 Acre Tract, said point being on the common line of the
5-6 William Ames Survey, Abstract 104, and the J.D. Vermillion Survey,
5-7 Abstract 339;
5-8 THENCE South 00 degrees 10 minutes 33 seconds West along the common
5-9 line of the J.D. Vermillion Survey and the William Ames Survey, at
5-10 580.04 feet pass the Southwest corner of the William Ames Survey,
5-11 same being the upper Northwest corner of the A. G. Sharpless Survey,
5-12 Abstract 322, at 2034.24 feet pass an Iron Pipe set at the Southeast
5-13 corner of the aforementioned 283.7234 Acre Tract, same being the
5-14 Northeast corner of that certain 201.1251 Acre Tract being that
5-15 certain called 200 Acre Tract, described in deed, recorded in
5-16 Volume 242, Page 533, Fort Bend County Deed Records, and continuing
5-17 for a total distance of 4920.24 feet to an Iron Pipe set for the
5-18 Southeast corner of the herein described 685.9742 Acre Tract, same
5-19 being the Southeast corner of the J. D. Vermillion Survey, same
5-20 being a reentry corner of the A. G. Sharpless Survey, same also
5-21 being the Southeast corner of the aforementioned 201.1251 Acre
5-22 Tract;
5-23 THENCE South 89 degrees 51 minutes 46 seconds West along the common
5-24 line of the J.D. Vermillion Survey and the A. G. Sharpless Survey,
5-25 at 1346.64 feet pass the lower Northwest corner of the A. G.
5-26 Sharpless Survey, same being the Northeast corner of the Micajah
5-27 Autrey Survey, Abstract 100, at 3034.43 feet pass an Iron Pipe set
5-28 at the Southwest corner of the aforementioned 201.1251 Acre Tract,
5-29 same being the Southeast corner of the aforementioned 201.1257 Acre
5-30 Tract, and continuing along the common line of the J. D. Vermillion
5-31 Survey and the Micajah Autrey Survey for a total distance of 6068.85
5-32 feet to the Place of BEGINNING and containing 685.9742 acres of
5-33 land, more or less.

5-34 SECTION 3. (a) The legal notice of the intention to
5-35 introduce this Act, setting forth the general substance of this
5-36 Act, has been published as provided by law, and the notice and a
5-37 copy of this Act have been furnished to all persons, agencies,
5-38 officials, or entities to which they are required to be furnished
5-39 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-40 Government Code.

5-41 (b) The governor, one of the required recipients, has
5-42 submitted the notice and Act to the Texas Commission on
5-43 Environmental Quality.

5-44 (c) The Texas Commission on Environmental Quality has filed
5-45 its recommendations relating to this Act with the governor, the
5-46 lieutenant governor, and the speaker of the house of
5-47 representatives within the required time.

5-48 (d) All requirements of the constitution and laws of this
5-49 state and the rules and procedures of the legislature with respect
5-50 to the notice, introduction, and passage of this Act are fulfilled
5-51 and accomplished.

5-52 SECTION 4. This Act takes effect September 1, 2005.

5-53 * * * * *