

By: Hegar

H.B. No. 3580

Substitute the following for H.B. No. 3580:

By: Puente

C.S.H.B. No. 3580

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the Fort Bend County Municipal Utility  
3 District No. 181; providing authority to impose a tax and issue  
4 bonds; granting the power of eminent domain.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
7 Code, is amended by adding Chapter 8155 to read as follows:

8 CHAPTER 8155. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 181

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8155.001. DEFINITIONS. In this chapter:

11 (1) "Board" means the board of directors of the  
12 district.

13 (2) "Director" means a member of the board.

14 (3) "District" means the Fort Bend County Municipal  
15 Utility District No. 181.

16 Sec. 8155.002. NATURE OF DISTRICT. The district is a  
17 municipal utility district in Fort Bend County created under and  
18 essential to accomplish the purposes of Section 52, Article III,  
19 and Section 59, Article XVI, Texas Constitution.

20 Sec. 8155.003. CONFIRMATION ELECTION REQUIRED. If the  
21 creation of the district is not confirmed at a confirmation  
22 election held under Section 8155.023 before September 1, 2007:

23 (1) the district is dissolved September 1, 2007,  
24 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. 8155.004. 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 8155.005-8155.020 reserved for expansion]

23           SUBCHAPTER A1. TEMPORARY PROVISIONS

24           Sec. 8155.021. 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 8155.023; or

11           (2) the date this chapter expires under Section  
12 8155.003.

13       Sec. 8155.022. 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. 8155.023. 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. 8155.024. INITIAL ELECTED DIRECTORS; TERMS. The  
26 directors elected under Section 8155.023 shall draw lots to  
27 determine which two shall serve until the first regularly scheduled

1 election of directors under Section 8155.052 and which three shall  
2 serve until the second regularly scheduled election of directors.

3 Sec. 8155.025. EXPIRATION OF SUBCHAPTER. This subchapter  
4 expires September 1, 2010.

5 [Sections 8155.026-8155.050 reserved for expansion]

6 SUBCHAPTER B. BOARD OF DIRECTORS

7 Sec. 8155.051. DIRECTORS; TERMS. (a) The district is  
8 governed by a board of five directors.

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

10 Sec. 8155.052. 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 8155.053-8155.100 reserved for expansion]

14 SUBCHAPTER C. POWERS AND DUTIES

15 Sec. 8155.101. 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. 8155.102. 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. 8155.103. 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. 8155.104. 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. 8155.105. 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 Beasley, 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 8155.106-8155.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 8155.151. TAX TO REPAY BONDS. The district may impose  
8 a tax to pay the principal of or interest on bonds issued under  
9 Section 8155.201.

10 Sec. 8155.152. 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 8155.153-8155.200 reserved for expansion]

23 SUBCHAPTER E. BONDS

24 Sec. 8155.201. 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 8155.101 or 8155.102.

2 (b) The district may not issue bonds to finance projects  
3 authorized by Section 8155.102 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 8155.102 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 8155.102 or to  
11 bonds issued by the district to finance the project.

12 SECTION 2. The Fort Bend County Municipal Utility District  
13 No. 181 initially includes all the territory contained in the  
14 following area:

15 Field notes for a 288.37 acre tract of land in the Samuel Cross  
16 Survey, Abstract 397, Fort Bend County, Texas, being out of the  
17 residue of a called 320 acre tract set aside to Thomas R. Booth and  
18 described in deed recorded in Volume 17, Page 50, Deed Records, Fort  
19 Bend County, Texas, said 288.37 acre tract also being out of Lots 1,  
20 4, 5, 6, 7, 10 and 11 of the Cobb & Booth Subdivision, according to  
21 map or plat thereof recorded in Volume 2, Page 18, Plat Records,  
22 Fort Bend County, Texas.

23 Beginning at the east corner of said Samuel Cross survey, Abstract  
24 397, same being the south corner of the I. & G. N. Railroad Company  
25 Survey, Abstract 351, said point also being the east corner of said  
26 called 320 acre tract, for the Place of Beginning of the herein  
27 described 288.37 acre tract of land, and being in the northwest line

1 of the H. Brodbeck Survey, Abstract 687;  
2 Thence South 45° West along the southeast line of the herein  
3 described tract and the southeast line of said called 320 acre  
4 tract, same being the common line of the Samuel Cross Survey,  
5 Abstract 397, and the H. Brodbeck Survey, Abstract 687, 2,640.28  
6 feet to a point in the centerline of Hardin Road for the south  
7 corner of the herein described tract and the south corner of said  
8 called 320 acre tract;  
9 Thence North 45° West along the southwest line of the herein  
10 described tract and the southwest line of said called 320 acre  
11 tract, as located in Hardin Road, 5,280.56 feet to a point for the  
12 west corner of the herein described tract and the west corner of  
13 said called 320 acre tract, said point being in the common line of  
14 the Samuel Cross Survey, Abstract 397, and the B.B.B. & C. Survey,  
15 Abstract 141;  
16 Thence North 45° East along the northwesterly line of the herein  
17 described tract, 105 feet to a point on said line at its  
18 intersection with the southeasterly right-of-way of US Highway 59,  
19 and being an angle point in said northwesterly line;  
20 Thence North 68° 14 minutes 55 seconds East along the southeasterly  
21 right-of-way of U.S. Highway 59, 2,759.34 feet to a point for the  
22 north corner of the herein described tract, said point being in the  
23 northeast line of said called 320 acre tract, same being the common  
24 line of the Samuel Cross Survey, Abstract 397, and the I. & G. N.  
25 Railroad Company Survey, Abstract 351;  
26 Thence South 45° East along the northeast line of the herein  
27 described tract and the northeast line of said called 320 acre



1 tract, same being the common line of the Samuel Cross Survey,  
2 Abstract 397, and the I. & G. N. Railroad Company Survey, Abstract  
3 351, 4,191.39 feet to the Place of Beginning and containing 288.37  
4 acres of land, more or less.

5 This description is based upon available records and does not  
6 represent an actual on the ground survey.

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

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

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

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

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