

By: Hegar

H.B. No. 3580

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 181; 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 8155 to read as follows:

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8155.001. 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. 181.

Sec. 8155.002. 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. 8155.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8155.023 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. 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 Sec. 8155.005. APPLICABILITY OF OTHER LAW. Except as
23 otherwise provided by this chapter, Chapters 49 and 54, Water Code,
24 apply to the district.

25 [Sections 8155.006-8155.020 reserved for expansion]

26 SUBCHAPTER A1. TEMPORARY PROVISIONS

27 Sec. 8155.021. TEMPORARY DIRECTORS. (a) On or after

1 September 1, 2005, a person who owns land in the district may
2 petition the Texas Commission on Environmental Quality to appoint
3 as temporary directors the five persons listed in the petition.

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

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

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

12 (1) the date directors are elected under Section
13 8155.023; or

14 (2) the date this chapter expires under Section
15 8155.003.

16 Sec. 8155.022. ORGANIZATIONAL MEETING OF TEMPORARY
17 DIRECTORS. As soon as practicable after all the temporary
18 directors have qualified under Section 49.055, Water Code, the
19 temporary directors shall meet at a location in the district
20 agreeable to a majority of the directors. If a location cannot be
21 agreed upon, the meeting shall be at the Fort Bend County
22 Courthouse. At the meeting, the temporary directors shall elect
23 officers from among the temporary directors.

24 Sec. 8155.023. CONFIRMATION AND INITIAL DIRECTORS'
25 ELECTION. The temporary directors shall hold an election to
26 confirm the creation of the district and to elect five directors as
27 provided by Section 49.102, Water Code.

1 Sec. 8155.024. INITIAL ELECTED DIRECTORS; TERMS. The
2 directors elected under Section 8155.023 shall draw lots to
3 determine which two shall serve until the first regularly scheduled
4 election of directors under Section 8155.052 and which three shall
5 serve until the second regularly scheduled election of directors.

6 Sec. 8155.025. EXPIRATION OF SUBCHAPTER. This subchapter
7 expires September 1, 2010.

8 [Sections 8155.026-8155.050 reserved for expansion]

9 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

13 Sec. 8155.052. ELECTION OF DIRECTORS. On the uniform
14 election date in May of each even-numbered year, the appropriate
15 number of directors shall be elected.

16 [Sections 8155.053-8155.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES

18 Sec. 8155.101. GENERAL POWERS. The district has all of the
19 rights, powers, privileges, authority, functions, and duties
20 provided by the general law of this state, including Chapters 49 and
21 54, Water Code, applicable to municipal utility districts created
22 under Section 59, Article XVI, Texas Constitution.

23 Sec. 8155.102. ROAD PROJECTS. The district may construct,
24 acquire, improve, maintain, or operate macadamized, graveled, or
25 paved roads or turnpikes, or improvements in aid of those roads or
26 turnpikes, inside or outside the district.

27 Sec. 8155.103. DIVISION OF DISTRICT. (a) Except as

1 provided by Subsection (c), the district may be divided into two new
2 districts only if the district:

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

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

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

16 Sec. 8155.104. COMPLIANCE WITH MUNICIPAL CONSENT
17 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
18 54.016, Water Code, the district shall comply with all applicable
19 requirements of any ordinance or resolution adopted by the city
20 council of the City of Beasley, including an ordinance or
21 resolution adopted before September 1, 2005, that consents to the
22 creation of the district or to the inclusion of lands within the
23 district.

24 [Sections 8155.105-8155.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 8155.151. TAX TO REPAY BONDS. The district may impose
27 a tax to pay the principal of or interest on bonds issued under

1 Section 8155.201.

2 [Sections 8155.152-8155.200 reserved for expansion]

3 SUBCHAPTER E. BONDS

4 Sec. 8155.201. AUTHORITY TO ISSUE BONDS AND OTHER
5 OBLIGATIONS. (a) The district may issue bonds or other obligations
6 as provided by Chapters 49 and 54, Water Code, to finance the
7 construction, maintenance, or operation of projects under Section
8 8155.101 or 8155.102.

9 (b) The district may not issue bonds to finance projects
10 authorized by Section 8155.102 unless the issuance is approved by a
11 vote of a two-thirds majority of the voters of the district voting
12 at an election called for that purpose.

13 (c) Bonds or other obligations issued or incurred to finance
14 projects authorized by Section 8155.102 may not exceed one-fourth
15 of the assessed value of the real property in the district.

16 (d) Sections 49.181 and 49.182, Water Code, do not apply to
17 a project undertaken by the district under Section 8155.102 or to
18 bonds issued by the district to finance the project.

19 SECTION 2. The Fort Bend County Municipal Utility District
20 No. 181 initially includes all the territory contained in the
21 following area:

22 Field notes for a 288.37 acre tract of land in the Samuel Cross
23 Survey, Abstract 397, Fort Bend County, Texas, being out of the
24 residue of a called 320 acre tract set aside to Thomas R. Booth and
25 described in deed recorded in Volume 17, Page 50, Deed Records, Fort
26 Bend County, Texas, said 288.37 acre tract also being out of Lots 1,
27 4, 5, 6, 7, 10 and 11 of the Cobb & Booth Subdivision, according to

1 map or plat thereof recorded in Volume 2, Page 18, Plat Records,
2 Fort Bend County, Texas.

3 Beginning at the east corner of said Samuel Cross survey, Abstract
4 397, same being the south corner of the I. & G. N. Railroad Company
5 Survey, Abstract 351, said point also being the east corner of said
6 called 320 acre tract, for the Place of Beginning of the herein
7 described 288.37 acre tract of land, and being in the northwest line
8 of the H. Brodbeck Survey, Abstract 687;

9 Thence South 45° West along the southeast line of the herein
10 described tract and the southeast line of said called 320 acre
11 tract, same being the common line of the Samuel Cross Survey,
12 Abstract 397, and the H. Brodbeck Survey, Abstract 687, 2,640.28
13 feet to a point in the centerline of Hardin Road for the south
14 corner of the herein described tract and the south corner of said
15 called 320 acre tract;

16 Thence North 45° West along the southwest line of the herein
17 described tract and the southwest line of said called 320 acre
18 tract, as located in Hardin Road, 5,280.56 feet to a point for the
19 west corner of the herein described tract and the west corner of
20 said called 320 acre tract, said point being in the common line of
21 the Samuel Cross Survey, Abstract 397, and the B.B.B. & C. Survey,
22 Abstract 141;

23 Thence North 45° East along the northwesterly line of the herein
24 described tract, 105 feet to a point on said line at its
25 intersection with the southeasterly right-of-way of US Highway 59,
26 and being an angle point in said northwesterly line;

27 Thence North 68° 14 minutes 55 seconds East along the southeasterly

1 right-of-way of U.S. Highway 59, 2,759.34 feet to a point for the
2 north corner of the herein described tract, said point being in the
3 northeast line of said called 320 acre tract, same being the common
4 line of the Samuel Cross Survey, Abstract 397, and the I. & G. N.
5 Railroad Company Survey, Abstract 351;

6 Thence South 45° East along the northeast line of the herein
7 described tract and the northeast line of said called 320 acre
8 tract, same being the common line of the Samuel Cross Survey,
9 Abstract 397, and the I. & G. N. Railroad Company Survey, Abstract
10 351, 4,191.39 feet to the Place of Beginning and containing 288.37
11 acres of land, more or less.

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

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

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

24 (c) The Texas Commission on Environmental Quality has filed
25 its recommendations relating to this Act with the governor, the
26 lieutenant governor, and the speaker of the house of
27 representatives within the required time.

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

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