

1-1 By: Williams S.B. No. 884  
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 7, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 7, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the East Montgomery County Municipal  
1-9 Utility District No. 9; providing authority to impose a tax and  
1-10 issue bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-13 Code, is amended by adding Chapter 8113 to read as follows:

1-14 CHAPTER 8113. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT  
1-15 NO. 9

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8113.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the  
1-19 district.

1-20 (2) "Director" means a member of the board.

1-21 (3) "District" means the East Montgomery County  
1-22 Municipal Utility District No. 9.

1-23 Sec. 8113.002. NATURE OF DISTRICT. The district is a  
1-24 municipal utility district in Montgomery County created under and  
1-25 essential to accomplish the purposes of Section 59, Article XVI,  
1-26 Texas Constitution.

1-27 Sec. 8113.003. CONFIRMATION ELECTION REQUIRED. If the  
1-28 creation of the district is not confirmed at a confirmation  
1-29 election held under Section 8113.023 before September 1, 2010:

1-30 (1) the district is dissolved September 1, 2010,  
1-31 except that:

1-32 (A) any debts incurred shall be paid;

1-33 (B) any assets that remain after the payment of  
1-34 debts shall be transferred to Montgomery County; and

1-35 (C) the organization of the district shall be  
1-36 maintained until all debts are paid and remaining assets are  
1-37 transferred; and

1-38 (2) this chapter expires September 1, 2013.

1-39 Sec. 8113.004. INITIAL DISTRICT TERRITORY. (a) The  
1-40 district is initially composed of the territory described by  
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of  
1-43 the Act creating this chapter form a closure. A mistake made in the  
1-44 field notes or in copying the field notes in the legislative process  
1-45 does not affect:

1-46 (1) the organization, existence, or validity of the  
1-47 district;

1-48 (2) the right of the district to impose taxes;

1-49 (3) the validity of the district's bonds, notes, or  
1-50 indebtedness; or

1-51 (4) the legality or operation of the district or the  
1-52 board.

1-53 Sec. 8113.005. APPLICABILITY OF OTHER LAW. Except as  
1-54 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
1-55 apply to the district.

1-56 [Sections 8113.006-8113.020 reserved for expansion]

1-57 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-58 Sec. 8113.021. TEMPORARY DIRECTORS. (a) On or after  
1-59 September 1, 2005, a person who owns land in the district may submit  
1-60 a petition to the Texas Commission on Environmental Quality  
1-61 requesting that the commission appoint as temporary directors the  
1-62 five persons named in the petition.

1-63 (b) The Texas Commission on Environmental Quality shall  
1-64 appoint as temporary directors the five persons named in the first

2-1 petition received by the commission under Subsection (a).

2-2 (c) If a temporary director fails to qualify for office or  
 2-3 if a vacancy occurs in the office of temporary director, the vacancy  
 2-4 shall be filled as provided by Section 49.105, Water Code.

2-5 (d) Temporary directors serve until the earlier of:

2-6 (1) the date directors are elected under Section  
 2-7 8113.023; or

2-8 (2) the date this chapter expires under Section  
 2-9 8113.003.

2-10 Sec. 8113.022. ORGANIZATIONAL MEETING OF TEMPORARY  
 2-11 DIRECTORS. As soon as practicable after all the temporary  
 2-12 directors have qualified under Section 49.055, Water Code, the  
 2-13 temporary directors shall meet at a location in the district  
 2-14 agreeable to a majority of the directors. If a location cannot be  
 2-15 agreed upon, the meeting shall be at the Montgomery County  
 2-16 Courthouse. At the meeting, the temporary directors shall elect  
 2-17 officers from among the temporary directors and conduct any other  
 2-18 district business.

2-19 Sec. 8113.023. CONFIRMATION AND INITIAL DIRECTORS'  
 2-20 ELECTION. (a) The temporary directors shall hold an election to  
 2-21 confirm the creation of the district and to elect five directors as  
 2-22 provided by Section 49.102, Water Code.

2-23 (b) Section 41.001(a), Election Code, does not apply to a  
 2-24 confirmation and initial directors' election held under this  
 2-25 section.

2-26 Sec. 8113.024. INITIAL ELECTED DIRECTORS; TERMS. The  
 2-27 directors elected under Section 8113.023 shall draw lots to  
 2-28 determine which two shall serve until the first regularly scheduled  
 2-29 election of directors under Section 8113.052 and which three shall  
 2-30 serve until the second regularly scheduled election of directors.

2-31 Sec. 8113.025. FIRST REGULARLY SCHEDULED ELECTION OF  
 2-32 DIRECTORS. The board by order may postpone the first election under  
 2-33 Section 8113.052 following the confirmation and directors'  
 2-34 election held under Section 8113.023 if:

2-35 (1) the election would otherwise occur not later than  
 2-36 the 60th day after the date on which the confirmation election is  
 2-37 held; or

2-38 (2) the board determines that there is not sufficient  
 2-39 time to comply with the requirements of law and to order the  
 2-40 election.

2-41 Sec. 8113.026. EXPIRATION OF SUBCHAPTER. This subchapter  
 2-42 expires September 1, 2013.

2-43 [Sections 8113.027-8113.050 reserved for expansion]

2-44 SUBCHAPTER B. BOARD OF DIRECTORS

2-45 Sec. 8113.051. DIRECTORS; TERMS. (a) The district is  
 2-46 governed by a board of five directors.

2-47 (b) Directors serve staggered four-year terms.

2-48 Sec. 8113.052. ELECTION OF DIRECTORS. On the uniform  
 2-49 election date in May of each even-numbered year, the appropriate  
 2-50 number of directors shall be elected.

2-51 [Sections 8113.053-8113.100 reserved for expansion]

2-52 SUBCHAPTER C. POWERS AND DUTIES

2-53 Sec. 8113.101. UTILITIES. The district may not impose an  
 2-54 impact fee or assessment on the property, equipment, rights-of-way,  
 2-55 facilities, or improvements of:

2-56 (1) an electric utility as defined by Section 31.002,  
 2-57 Utilities Code;

2-58 (2) a gas utility as defined by Section 101.003 or  
 2-59 121.001, Utilities Code;

2-60 (3) a telecommunications provider as defined by  
 2-61 Section 51.002, Utilities Code; or

2-62 (4) a cable operator as defined by 47 U.S.C. Section  
 2-63 522, as amended.

2-64 Sec. 8113.102. COMPLIANCE WITH MUNICIPAL CONSENT  
 2-65 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
 2-66 54.016, Water Code, the district shall comply with all applicable  
 2-67 requirements of any ordinance or resolution adopted by a  
 2-68 municipality in the corporate limits or extraterritorial  
 2-69 jurisdiction of which the district is located, including an

3-1 ordinance or resolution adopted before September 1, 2005, that  
 3-2 consents to the creation of the district or to the inclusion of  
 3-3 lands within the district.

3-4 SECTION 2. The East Montgomery County Municipal Utility  
 3-5 District No. 9 initially includes all the territory contained in  
 3-6 the following area:

3-7 Being a 400.0 acre tract of land located in the Walker County School  
 3-8 Land Survey, A-494, Montgomery County, Texas; said 400.0 acre tract  
 3-9 being out of a 1,778.551 acre tract of land recorded in Clerk's File  
 3-10 Number 2003-155376 of the Official Public Records of Real Property  
 3-11 of Montgomery County, Texas; said 400.0 acre tract being more  
 3-12 particularly described by metes and bounds as follows (all bearings  
 3-13 are referenced to the south line of said call 1,778.551 acre tract):  
 3-14 Beginning at the southwest corner of said 1,778.551 acre tract,  
 3-15 same being on the northeasterly right-of-way line of State Highway  
 3-16 242 (right-of-way width varies) recorded in Clerk's File Number  
 3-17 9050364 of the Official Public Records of Real Property of  
 3-18 Montgomery County, Texas, same being on the south line of said  
 3-19 Walker County School Land Survey, A-494 and the north line of the  
 3-20 George Scott Survey, A-524;

3-21 Thence, with the southwesterly line of said 1,778.551 acre tract  
 3-22 and said northeasterly right-of-way line, the following seven (7)  
 3-23 courses and distances:

3-24 (a) North 26 degrees 22 minutes 13 seconds West, a distance  
 3-25 of 497.30 feet;

3-26 (b) North 24 degrees 42 minutes 17 seconds West, a distance  
 3-27 of 688.11 feet;

3-28 (c) North 28 degrees 46 minutes 57 seconds West, a distance  
 3-29 of 712.81 feet;

3-30 (d) North 22 degrees 14 minutes 51 seconds West, a distance  
 3-31 of 455.75 feet;

3-32 (e) North 30 degrees 11 minutes 52 seconds West, a distance  
 3-33 of 207.60 feet;

3-34 (f) North 37 degrees 22 minutes 38 seconds West, a distance  
 3-35 of 362.70 feet;

3-36 (g) 942.12 feet along the arc of a curve to the left, said  
 3-37 curve having a central angle of 15 degrees 57 minutes 04  
 3-38 seconds, a radius of 3,384.05 feet and a chord that  
 3-39 bears North 46 degrees 02 minutes 54 seconds West, a  
 3-40 distance of 939.08 feet to the most westerly corner of  
 3-41 aforesaid 1,778.551 acre tract and most southerly  
 3-42 southeast corner of a 1,092.131 acre tract of land  
 3-43 recorded in Clerk's File Number 2004-000027 of the  
 3-44 Official Public Records of Real Property of Montgomery  
 3-45 County, Texas;

3-46 Thence, with the northwest line of said 1,778.551 acre tract and  
 3-47 southeast line of said 1,092.131 acre tract, North 49 degrees 35  
 3-48 minutes 48 seconds East, a distance of 5,342.97 feet;

3-49 Thence, crossing said 1,778.551 acre tract, South 03 degrees 01  
 3-50 minutes 57 seconds East, a distance of 6,582.29 feet to the south  
 3-51 line of said 1,778.551 acre tract, same being on the south line of  
 3-52 aforesaid Walker County School Land Survey, A-494 and north line of  
 3-53 aforesaid George Scott Survey, A-524;

3-54 Thence, with the south line of said 1,778.551 acre tract, south line  
 3-55 of said Walker County School Land Survey, A-494, and north line of  
 3-56 said George Scott Survey, A-524, South 86 degrees 58 minutes 03  
 3-57 seconds West, a distance of 2,395.34 feet to the Point of Beginning  
 3-58 and containing within these calls 400.0 acres of land.

3-59 SECTION 3. (a) The legal notice of the intention to  
 3-60 introduce this Act, setting forth the general substance of this  
 3-61 Act, has been published as provided by law, and the notice and a  
 3-62 copy of this Act have been furnished to all persons, agencies,  
 3-63 officials, or entities to which they are required to be furnished  
 3-64 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 3-65 Government Code.

3-66 (b) The governor, one of the required recipients, has  
 3-67 submitted the notice and Act to the Texas Commission on  
 3-68 Environmental Quality.

3-69 (c) The Texas Commission on Environmental Quality has filed

4-1 its recommendations relating to this Act with the governor, the  
4-2 lieutenant governor, and the speaker of the house of  
4-3 representatives within the required time.

4-4 (d) All requirements of the constitution and laws of this  
4-5 state and the rules and procedures of the legislature with respect  
4-6 to the notice, introduction, and passage of this Act are fulfilled  
4-7 and accomplished.

4-8 SECTION 4. This Act takes effect September 1, 2005.

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