

By: Williams

S.B. No. 886

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the East Montgomery County Municipal Utility District No. 11; 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 8115 to read as follows:

CHAPTER 8115. EAST MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT

NO. 11

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8115.001. 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 East Montgomery County Municipal Utility District No. 11.

Sec. 8115.002. NATURE OF DISTRICT. The district is a municipal utility district in Montgomery County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8115.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8115.023 before September 1, 2010:

(1) the district is dissolved September 1, 2010,

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 Montgomery 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, 2013.

9 Sec. 8115.004. 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. 8115.005. 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 8115.006-8115.020 reserved for expansion]

1                   SUBCHAPTER A1. TEMPORARY PROVISIONS

2                   Sec. 8115.021. TEMPORARY DIRECTORS. (a) On or after  
3 September 1, 2005, a person who owns land in the district may submit  
4 a petition to the Texas Commission on Environmental Quality  
5 requesting that the commission appoint as temporary directors the  
6 five persons named in the petition.

7                   (b) The commission shall appoint as temporary directors the  
8 five persons named in the first petition received by the commission  
9 under Subsection (a).

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

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

14                   (1) the date directors are elected under Section  
15 8115.023; or

16                   (2) the date this chapter expires under Section  
17 8115.003.

18                  Sec. 8115.022. 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 Montgomery County  
24 Courthouse. At the meeting, the temporary directors shall elect  
25 officers from among the temporary directors and conduct any other  
26 district business.

27                  Sec. 8115.023. CONFIRMATION AND INITIAL DIRECTORS'

1 ELECTION. (a) The temporary directors shall hold an election to  
2 confirm the creation of the district and to elect five directors as  
3 provided by Section 49.102, Water Code.

4 (b) Section 41.001(a), Election Code, does not apply to a  
5 confirmation and initial directors' election held under this  
6 section.

7 Sec. 8115.024. INITIAL ELECTED DIRECTORS; TERMS. The  
8 directors elected under Section 8115.023 shall draw lots to  
9 determine which two shall serve until the first regularly scheduled  
10 election of directors under Section 8115.052 and which three shall  
11 serve until the second regularly scheduled election of directors.

12 Sec. 8115.025. FIRST REGULARLY SCHEDULED ELECTION OF  
13 DIRECTORS. The board by order may postpone the first election under  
14 Section 8115.052 following the confirmation and directors'  
15 election held under Section 8115.023 if:

16 (1) the election would otherwise occur not later than  
17 the 60th day after the date on which the confirmation election is  
18 held; or

19 (2) the board determines that there is not sufficient  
20 time to comply with the requirements of law and to order the  
21 election.

22 Sec. 8115.026. EXPIRATION OF SUBCHAPTER. This subchapter  
23 expires September 1, 2013.

24 [Sections 8115.027-8115.050 reserved for expansion]

25 SUBCHAPTER B. BOARD OF DIRECTORS

26 Sec. 8115.051. DIRECTORS; TERMS. (a) The district is  
27 governed by a board of five directors.

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

2       Sec. 8115.052. ELECTION OF DIRECTORS. On the uniform  
3 election date in May of each even-numbered year, the appropriate  
4 number of directors shall be elected.

5       [Sections 8115.053-8115.100 reserved for expansion]

6                   SUBCHAPTER C. POWERS AND DUTIES

7       Sec. 8115.101. UTILITIES. The district may not impose an  
8 impact fee or assessment on the property, equipment, rights-of-way,  
9 facilities, or improvements of:

10           (1) an electric utility as defined by Section 31.002,  
11 Utilities Code;

12           (2) a gas utility as defined by Section 101.003 or  
13 121.001, Utilities Code;

14           (3) a telecommunications provider as defined by  
15 Section 51.002, Utilities Code; or

16           (4) a cable operator as defined by 47 U.S.C. Section  
17 522, as amended.

18       Sec. 8115.102. 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 a  
22 municipality in the corporate limits or extraterritorial  
23 jurisdiction of which the district is located, including an  
24 ordinance or resolution adopted before September 1, 2005, that  
25 consents to the creation of the district or to the inclusion of  
26 lands within the district.

27       SECTION 2. The East Montgomery County Municipal Utility

1 District No. 11 initially includes all the territory contained in  
2 the following area:

3 Being a 400.0 acre tract of land located in the Walker County School  
4 Land Survey, A-494, Montgomery County, Texas; said 400.0 acre tract  
5 being out of a 11,527.599 acre tract of land described as "Parcel 5,  
6 Tract M-5" recorded in Clerk's File Number 2001-054253 of the  
7 Official Public Records of Real Property of Montgomery County,  
8 Texas; said 400.0 acre tract being more particularly described by  
9 metes and bounds as follows (all bearings are referenced to the  
10 north line of a 756.08 acre tract of land recorded in Clerk's File  
11 Number 2004-069636 of the Official Public Records of Real Property  
12 of Montgomery County, Texas):

13 Beginning at the northeast corner of said 756.08 acre tract, same  
14 being in the center of F.M. 2090 (100-foot wide right-of-way), the  
15 east line of said Walker County School Land Survey, A-494, and the  
16 west line of the William Barker Survey, A-82;

17 Thence, with the north line of said 756.08 acre tract and centerline  
18 of said F.M. 2090, the following three (3) courses and distances:

19 (a) 81.63 feet along the arc of a curve to the left,  
20 said curve having a central angle of 03 degrees 15 minutes 55  
21 seconds, a radius of 1,432.39 feet and a chord that bears  
22 North 84 degrees 48 minutes 40 seconds West, a distance of  
23 81.62 feet;

24 (b) North 86 degrees 26 minutes 38 seconds West, a  
25 distance of 2,009.05 feet;

26 (c) 19.09 feet along the arc of a curve to the right,  
27 said curve having a central angle of 00 degrees 34 minutes 22

1           seconds, a radius of 1,909.86 feet and a chord that bears  
2           North 86 degrees 10 minutes 30 seconds West, a distance of  
3           19.09 feet to northwest corner of said 756.08 acre tract and  
4           northeast corner of a call 835.884 acre tract of land  
5           recorded in Clerk's File Number 2004-000030 of the Official  
6           Public Records of Real Property of Montgomery County, Texas;  
7    Thence, with the east line of Splendora Independent School District  
8    land recorded in Clerk's File Numbers 2001-063288 (call 2.331  
9    acres), 2002-004774 (call 2.2579 acres), 2001-090719 (call 2.2579  
10   acres), 2000-066207 (call 41.1126 acres), 2001-042637 (call 2.2579  
11   acres), and 2001-063288 (call 2.2579 acres), all of the Official  
12   Public Records of Real Property of Montgomery County, Texas, North  
13   06 degrees 58 minutes 07 seconds East, a distance of 2,304.24 feet  
14   to the northeast corner of said 41.1126 acre tract;  
15   Thence, with the north line of said 41.1126 acre tract, North 82  
16   degrees 34 minutes 03 seconds West, a distance of 1,052.38 feet to  
17   the northwest corner of said 41.1126 acre tract, same being on the  
18   east line of a 60 acre tract conveyed to Splendora Independent  
19   School District in Clerk's File Number 9107369 of the Official  
20   Public Records of Real Property of Montgomery County, Texas;  
21   Thence with the east line of said 60 acre tract, North 06 degrees 42  
22   minutes 13 seconds East, a distance of 428.46 feet to the northeast  
23   corner of said 60 acre tract;  
24   Thence, with the north line of said 60 acre tract, North 72 degrees  
25   56 minutes 57 seconds West, a distance of 1,195.14 feet;  
26   Thence, crossing aforesaid 11,527.599 acre tract, North 17 degrees  
27   16 minutes 28 seconds East, a distance of 866.40 feet;

1 Thence, continuing across said 11,527.599 acre tract, North 87  
2 degrees 02 minutes 06 seconds East, a distance of 5,483.20 feet to  
3 the east line of said 11,527.599 acre tract, same being the east  
4 line of aforesaid Walker County School Land Survey, A-494 and west  
5 line of the William F. Renfro Survey, A-446;

6 Thence, with said east line of said 11,527.599 acre tract, said east  
7 line of Walker County School Land Survey, A-494, and said west line  
8 of William F. Renfro Survey, A-446, South 02 degrees 57 minutes 54  
9 seconds East, a distance of 3,516.25 feet to an exterior corner of  
10 said 11,527.599 acre tract, exterior corner of said Walker County  
11 School Land Survey, A-494, and southwest corner of said William F.  
12 Renfro Survey, A-446, same being on the north line of aforesaid  
13 William Barker Survey, A-82;

14 Thence, with an interior line of said 11,527.599 acre tract, an  
15 interior line of said Walker County School Land Survey, A-494, and  
16 the north line of said William Barker Survey, A-82, South 86 degrees  
17 53 minutes 09 seconds West, a distance of 1,995.28 feet to an  
18 interior corner of said 11,527.599 acre tract, an interior line of  
19 said Walker County School Land Survey, A-494, and the northwest  
20 corner of said William Barker Survey, A-82;

21 Thence, with an east line of said 11,527.599 acre tract, an east  
22 line of said Walker County School Land Survey, A-494, and the west  
23 line of said William Barker Survey, A-82, South 02 degrees 44  
24 minutes 19 seconds East, a distance of 824.54 feet to the Point of  
25 Beginning and containing within these calls 400.0 acres of land.

26 SECTION 3. (a) The legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this



1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code.

6 (b) The governor, one of the required recipients, has  
7 submitted the notice and Act to the Texas Commission on  
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed  
10 its recommendations relating to this Act with the governor, the  
11 lieutenant governor, and the speaker of the house of  
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this  
14 state and the rules and procedures of the legislature with respect  
15 to the notice, introduction, and passage of this Act are fulfilled  
16 and accomplished.

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