

1-1 By: Staples S.B. No. 897  
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 21, 2005, reported favorably by the following  
1-5 vote: Yeas 5, Nays 0; April 21, 2005, sent to printer.)

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

1-8 relating to the creation of the Montgomery County Municipal Utility  
1-9 District No. 100; providing authority to impose a tax and issue  
1-10 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 8119 to read as follows:

1-14 CHAPTER 8119. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT  
1-15 NO. 100

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8119.001. 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 Montgomery County Municipal  
1-22 Utility District No. 100.

1-23 Sec. 8119.002. 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. 8119.003. CONFIRMATION ELECTION REQUIRED. If the  
1-28 creation of the district is not confirmed at a confirmation  
1-29 election held under Section 8119.023 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. 8119.004. 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. 8119.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW.  
1-54 Except as otherwise provided by this chapter, Chapters 49 and 54,  
1-55 Water Code, apply to the district.

1-56 [Sections 8119.006-8119.020 reserved for expansion]

1-57 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-58 Sec. 8119.021. 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 commission shall appoint as temporary directors the  
1-64 five persons named in the first petition received by the commission

2-1 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 8119.023; or

2-8 (2) the date this chapter expires under Section  
 2-9 8119.003.

2-10 Sec. 8119.022. 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. 8119.023. 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. 8119.024. INITIAL ELECTED DIRECTORS; TERMS. The  
 2-27 directors elected under Section 8119.023 shall draw lots to  
 2-28 determine which two shall serve until the first regularly scheduled  
 2-29 election of directors under Section 8119.052 and which three shall  
 2-30 serve until the second regularly scheduled election of directors.

2-31 Sec. 8119.025. FIRST REGULARLY SCHEDULED ELECTION OF  
 2-32 DIRECTORS. The board by order may postpone the first election under  
 2-33 Section 8119.052 following the confirmation and directors'  
 2-34 election held under Section 8119.023 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. 8119.026. EXPIRATION OF SUBCHAPTER. This subchapter  
 2-42 expires September 1, 2013.

2-43 [Sections 8119.027-8119.050 reserved for expansion]

2-44 SUBCHAPTER B. BOARD OF DIRECTORS

2-45 Sec. 8119.051. 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. 8119.052. 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 8119.053-8119.100 reserved for expansion]

2-52 SUBCHAPTER C. POWERS AND DUTIES

2-53 Sec. 8119.101. 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. 8119.102. 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 Montgomery County Municipal Utility District  
 3-5 No. 100 initially includes all the territory contained in the  
 3-6 following area:

3-7 Being 759 acres of land in the William Weir Survey, A-42, the James  
 3-8 Elkins Survey, A-198, Montgomery County, Texas, said 759 acres  
 3-9 being described more particularly as follows:

3-10 Beginning at the Southeast corner of the herein described  
 3-11 tract, at the intersection of the North line of Long Street, with  
 3-12 the Westerly limits of the City of Willis and being Westerly along  
 3-13 the North line of Long Street 000.00 feet from its' intersection  
 3-14 with the West Right of Way line of Interstate Highway No. 45;

3-15 Thence in a Northwesterly direction along the North line of  
 3-16 Long Street as follows:

3-17 1. N. 71° 40' 15" W., 996.91 feet,

3-18 2. N. 70° 35' 24" W., 832.19 feet,

3-19 3. N. 75° 51' 31" W., 428.03 feet,

3-20 4. N. 79° 32' 59" W., 915.10 feet,

3-21 5. N. 75° 16' 38" W., 654.77 feet,

3-22 6. N. 74° 38' 52" W., 2,492.02 feet,

3-23 7. N. 74° 08' 48" W., 152.05 feet to the Southwest corner of the  
 3-24 herein described tract;

3-25 THENCE N. 15° 12' 12" E., leaving the North line of Long Street  
 3-26 for a distance of 2,525.27 feet;

3-27 THENCE S. 74° 45' 22" E., 1,453.09 feet;

3-28 THENCE N. 14° 46' 27" E., 4,278.49 feet to the Northwest  
 3-29 corner of the herein described tract, in the South line of Calvary  
 3-30 Road;

3-31 THENCE S. 73° 41' 20" E., along the South line of Calvary Road  
 3-32 for a distance of 2,757.80 feet to the Northeast corner of the  
 3-33 herein described tract;

3-34 THENCE S. 15° 07' 48" W., leaving the South line of Calvary  
 3-35 Road for a distance of 3,209.39 feet;

3-36 THENCE S. 74° 26' 07" E., for a distance of 2,354.27 feet;

3-37 THENCE N. 15° 23' 39" E., for a distance of 1,311.19 feet to  
 3-38 the Lower Northeast corner of the herein described tract, in the  
 3-39 West line of I.H. 45;

3-40 THENCE in a Southerly direction along the West line of I.H. 45  
 3-41 as follows:

3-42 1. S. 01° 38' 03" E., 509.25 feet,

3-43 2. S. 00° 34' 07" E., 600.39 feet,

3-44 3. S. 02° 16' 39" W., 600.02 feet,

3-45 4. S. 00° 38' 13" E., 200.31 feet,

3-46 5. S. 04° 02' 56" E., 500.41 feet,

3-47 6. S. 00° 38' 08" E., 800.08 feet,

3-48 7. S. 00° 37' 36" E., 1,288.19 feet to the intersection with the  
 3-49 Northerly line of the City of Willis;

3-50 THENCE N. 75° 02' 00" W., leaving the West line of I.H. 45,  
 3-51 along the Northerly line of the City of Willis for a distance of  
 3-52 1,458.17 feet;

3-53 THENCE SOUTH, along the West line of the City of Willis for a  
 3-54 distance of 560.00 feet to the POINT OF BEGINNING and containing in  
 3-55 all 759 acres of land.

3-56 SECTION 3. (a) The legal notice of the intention to  
 3-57 introduce this Act, setting forth the general substance of this  
 3-58 Act, has been published as provided by law, and the notice and a  
 3-59 copy of this Act have been furnished to all persons, agencies,  
 3-60 officials, or entities to which they are required to be furnished  
 3-61 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
 3-62 Government Code.

3-63 (b) The governor, one of the required recipients, has  
 3-64 submitted the notice and Act to the Texas Commission on  
 3-65 Environmental Quality.

3-66 (c) The Texas Commission on Environmental Quality has filed  
 3-67 its recommendations relating to this Act with the governor, the  
 3-68 lieutenant governor, and the speaker of the house of  
 3-69 representatives within the required time.

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

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

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