

1-1 By: Staples S.B. No. 1705
1-2 (In the Senate - Filed March 11, 2005; March 30, 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. 101; 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 8120 to read as follows:

1-14 CHAPTER 8120. MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 101

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8120.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the board of directors of the
1-18 district.

1-19 (2) "Director" means a member of the board.

1-20 (3) "District" means the Montgomery County Municipal
1-21 Utility District No. 101.

1-22 Sec. 8120.002. NATURE OF DISTRICT. The district is a
1-23 municipal utility district in Montgomery County created under and
1-24 essential to accomplish the purposes of Section 59, Article XVI,
1-25 Texas Constitution.

1-26 Sec. 8120.003. CONFIRMATION ELECTION REQUIRED. If the
1-27 creation of the district is not confirmed at a confirmation
1-28 election held under Section 8120.023 before September 1, 2010:

1-29 (1) the district is dissolved September 1, 2010,
1-30 except that:

1-31 (A) any debts incurred shall be paid;

1-32 (B) any assets that remain after the payment of
1-33 debts shall be transferred to Montgomery County; and

1-34 (C) the organization of the district shall be
1-35 maintained until all debts are paid and remaining assets are
1-36 transferred; and

1-37 (2) this chapter expires September 1, 2013.

1-38 Sec. 8120.004. INITIAL DISTRICT TERRITORY. (a) The
1-39 district is initially composed of the territory described by
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of
1-42 the Act creating this chapter form a closure. A mistake made in the
1-43 field notes or in copying the field notes in the legislative process
1-44 does not affect:

1-45 (1) the organization, existence, or validity of the
1-46 district;

1-47 (2) the right of the district to impose taxes;

1-48 (3) the validity of the district's bonds, notes, or
1-49 indebtedness; or

1-50 (4) the legality or operation of the district or the
1-51 board.

1-52 Sec. 8120.005. APPLICABILITY OF OTHER WATER DISTRICTS LAW.
1-53 Except as otherwise provided by this chapter, Chapters 49 and 54,
1-54 Water Code, apply to the district.

1-55 [Sections 8120.006-8120.020 reserved for expansion]

1-56 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-57 Sec. 8120.021. TEMPORARY DIRECTORS. (a) On or after
1-58 September 1, 2005, a person who owns land in the district may submit
1-59 a petition to the Texas Commission on Environmental Quality
1-60 requesting that the commission appoint as temporary directors the
1-61 five persons named in the petition.

1-62 (b) The commission shall appoint as temporary directors the
1-63 five persons named in the first petition received by the commission
1-64 under Subsection (a).

2-1 (c) If a temporary director fails to qualify for office or
2-2 if a vacancy occurs in the office of temporary director, the vacancy
2-3 shall be filled as provided by Section 49.105, Water Code.

2-4 (d) Temporary directors serve until the earlier of:
2-5 (1) the date directors are elected under Section
2-6 8120.023; or
2-7 (2) the date this chapter expires under Section
2-8 8120.003.

2-9 Sec. 8120.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-10 DIRECTORS. As soon as practicable after all the temporary
2-11 directors have qualified under Section 49.055, Water Code, the
2-12 temporary directors shall meet at a location in the district
2-13 agreeable to a majority of the directors. If a location cannot be
2-14 agreed upon, the meeting shall be at the Montgomery County
2-15 Courthouse. At the meeting, the temporary directors shall elect
2-16 officers from among the temporary directors and conduct any other
2-17 district business.

2-18 Sec. 8120.023. CONFIRMATION AND INITIAL DIRECTORS'
2-19 ELECTION. (a) The temporary directors shall hold an election to
2-20 confirm the creation of the district and to elect five directors as
2-21 provided by Section 49.102, Water Code.

2-22 (b) Section 41.001(a), Election Code, does not apply to a
2-23 confirmation and initial directors' election held under this
2-24 section.

2-25 Sec. 8120.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-26 directors elected under Section 8120.023 shall draw lots to
2-27 determine which two shall serve until the first regularly scheduled
2-28 election of directors under Section 8120.052 and which three shall
2-29 serve until the second regularly scheduled election of directors.

2-30 Sec. 8120.025. FIRST REGULARLY SCHEDULED ELECTION OF
2-31 DIRECTORS. The board by order may postpone the first election under
2-32 Section 8120.052 following the confirmation and directors'
2-33 election held under Section 8120.023 if:

2-34 (1) the election would otherwise occur not later than
2-35 the 60th day after the date on which the confirmation election is
2-36 held; or

2-37 (2) the board determines that there is not sufficient
2-38 time to comply with the requirements of law and to order the
2-39 election.

2-40 Sec. 8120.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-41 expires September 1, 2013.

2-42 [Sections 8120.027-8120.050 reserved for expansion]

2-43 SUBCHAPTER B. BOARD OF DIRECTORS

2-44 Sec. 8120.051. DIRECTORS; TERMS. (a) The district is
2-45 governed by a board of five directors.

2-46 (b) Directors serve staggered four-year terms.

2-47 Sec. 8120.052. ELECTION OF DIRECTORS. On the uniform
2-48 election date in May of each even-numbered year, the appropriate
2-49 number of directors shall be elected.

2-50 [Sections 8120.053-8120.100 reserved for expansion]

2-51 SUBCHAPTER C. POWERS AND DUTIES

2-52 Sec. 8120.101. UTILITIES. The district may not impose an
2-53 impact fee or assessment on the property, equipment, rights-of-way,
2-54 facilities, or improvements of:

2-55 (1) an electric utility as defined by Section 31.002,
2-56 Utilities Code;

2-57 (2) a gas utility as defined by Section 101.003 or
2-58 121.001, Utilities Code;

2-59 (3) a telecommunications provider as defined by
2-60 Section 51.002, Utilities Code; or

2-61 (4) a cable operator as defined by 47 U.S.C. Section
2-62 522, as amended.

2-63 Sec. 8120.102. COMPLIANCE WITH MUNICIPAL CONSENT
2-64 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
2-65 54.016, Water Code, the district shall comply with all applicable
2-66 requirements of any ordinance or resolution adopted by a
2-67 municipality in the corporate limits or extraterritorial
2-68 jurisdiction of which the district is located, including an
2-69 ordinance or resolution adopted before September 1, 2005, that

3-1 consents to the creation of the district or to the inclusion of
 3-2 lands within the district.

3-3 SECTION 2. The Montgomery County Municipal Utility District
 3-4 No. 101 initially includes all the territory contained in the
 3-5 following area:

3-6 Being 725 acres of land in the William Weir Survey, A-42, Montgomery
 3-7 County, Texas, said 725 acres being described more particularly as
 3-8 follows:

3-9 COMMENCING at the intersection of the North line of Long
 3-10 Street, with the Westerly limits of the City of Willis and being
 3-11 Westerly along the North line of Long Street 942.75 feet from its'
 3-12 intersection with the West Right of Way line of Interstate Highway
 3-13 No. 45;

3-14 THENCE in a Northwesterly direction along the North line of
 3-15 Long Street as follows:

- 3-16 1. N. 71° 40' 15" W., 996.91 feet,
- 3-17 2. N. 70° 35' 24" W., 832.19 feet,
- 3-18 3. N. 75° 51' 31" W., 428.03 feet,
- 3-19 4. N. 79° 32' 59" W., 915.10 feet,
- 3-20 5. N. 75° 16' 38" W., 654.77 feet,
- 3-21 6. N. 74° 38' 52" W., 2,492.02 feet,
- 3-22 7. N. 74° 08' 48" W., 152.05 feet,

3-23 THENCE N. 15° 12' 12" E., leaving the North line of Long Street
 3-24 for a distance of 1,674.56 feet to the Lower Northeast corner and
 3-25 POINT OF BEGINNING of the herein described tract;

3-26 THENCE N. 74° 11' 32" W., 1,501.04 feet;

3-27 THENCE S. 15° 52' 40" W., 1,673.29 feet to the Southeast
 3-28 corner of the herein described tract, in the North line of Long
 3-29 Street;

3-30 THENCE N. 74° 10' 48" W., along the North line of Long Street
 3-31 for a distance of 1,786.58 feet to the Southwest corner of the
 3-32 herein described tract;

3-33 THENCE N. 15° 21' 11" E. leaving the North line of Long Street
 3-34 for a distance of 1,894.76 feet;

3-35 THENCE N. 74° 41' 53" W., for a distance of 2,669.61 feet;

3-36 THENCE N. 13° 36' 19" W., for a distance of 1,069.55 feet to a
 3-37 point in the centerline of Weir Creek;

3-38 THENCE in a Northerly direction along the centerline of Weir
 3-39 Creek as follows:

- 3-40 1. N. 78° 55' 04" W., 47.22 feet,
- 3-41 2. S. 58° 01' 42" W., 105.77 feet,
- 3-42 3. N. 41° 14' 47" W., 124.78 feet,
- 3-43 4. N. 88° 50' 36" W., 219.00 feet,
- 3-44 5. S. 58° 02' 04" W., 122.09 feet,
- 3-45 6. N. 17° 29' 15" W., 293.63 feet,
- 3-46 7. S. 84° 23' 53" W., 32.62 feet,
- 3-47 8. N. 13° 47' 19" W., 440.86 feet

3-48 THENCE N. 48° 35' 31" E., leaving the centerline of Weir Creek
 3-49 for a distance of 1,493.62 feet;

3-50 THENCE N. 09° 32' 29" E., for a distance of 148.15 feet to the
 3-51 Lower Northwest corner of the herein described tract;

3-52 THENCE S. 75° 49' 24" E., for a distance of 3,305.60 feet;

3-53 THENCE S. 64° 25' 00" E., for a distance of 140.00 feet;

3-54 THENCE S. 75° 18' 33" E., for a distance of 1,386.40 feet;

3-55 THENCE S. 76° 58' 00" E., for a distance of 247.11 feet;

3-56 THENCE S. 79° 23' 15" E., for a distance of 3.39 feet;

3-57 THENCE N. 33° 31' 19" E., for a distance of 1,108.94 feet;

3-58 THENCE N. 12° 43' 04" E., for a distance of 49.20 feet;

3-59 THENCE N. 50° 18' 13" E., for a distance of 477.33 feet;

3-60 THENCE N. 18° 24' 04" E., for a distance of 247.92 feet;

3-61 THENCE N. 28° 11' 51" E., for a distance of 329.61 feet to the
 3-62 Northwest corner of the herein described tract, in the South line of
 3-63 Calvary Road;

3-64 THENCE S. 73° 21' 34" E., along the South line of Calvary Road
 3-65 for a distance of 923.47 feet;

3-66 THENCE S. 73° 41' 20" E., continuing along the South line of
 3-67 Calvary Road for a distance of 1,310.90 feet to the Northeast corner
 3-68 of the herein described tract;

3-69 THENCE S. 14° 46' 27" W., leaving the South line of Calvary

4-1 Road for a distance of 4,278.49 feet;
4-2 THENCE N. 74° 45' 22" W., for a distance of 1,453.09 feet;
4-3 THENCE S. 15° 12' 12" W., for a distance of 850.71 feet to the
4-4 POINT OF BEGINNING and containing in all 725 acres of land.

4-5 SECTION 3. (a) The legal notice of the intention to
4-6 introduce this Act, setting forth the general substance of this
4-7 Act, has been published as provided by law, and the notice and a
4-8 copy of this Act have been furnished to all persons, agencies,
4-9 officials, or entities to which they are required to be furnished
4-10 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-11 Government Code.

4-12 (b) The governor, one of the required recipients, has
4-13 submitted the notice and Act to the Texas Commission on
4-14 Environmental Quality.

4-15 (c) The Texas Commission on Environmental Quality has filed
4-16 its recommendations relating to this Act with the governor, the
4-17 lieutenant governor, and the speaker of the house of
4-18 representatives within the required time.

4-19 (d) All requirements of the constitution and laws of this
4-20 state and the rules and procedures of the legislature with respect
4-21 to the notice, introduction, and passage of this Act are fulfilled
4-22 and accomplished.

4-23 SECTION 4. This Act takes effect September 1, 2005.

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