

1-1 By: Armbrister S.B. No. 1795  
1-2 (In the Senate - Filed March 21, 2005; March 30, 2005, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 25, 2005, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;  
1-6 April 25, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1795 By: Gallegos  
1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of the Fort Bend County Municipal Utility  
1-11 District No. 177; providing authority to impose a tax and issue  
1-12 bonds; granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-15 Code, is amended by adding Chapter 8122 to read as follows:

1-16 CHAPTER 8122. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT  
1-17 NO. 177

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 8122.001. DEFINITIONS. In this chapter:

1-20 (1) "Board" means the board of directors of the  
1-21 district.

1-22 (2) "Director" means a member of the board.

1-23 (3) "District" means the Fort Bend County Municipal  
1-24 Utility District No. 177.

1-25 Sec. 8122.002. NATURE OF DISTRICT. The district is a  
1-26 municipal utility district in Fort Bend County created under and  
1-27 essential to accomplish the purposes of Section 52, Article III,  
1-28 and Section 59, Article XVI, Texas Constitution.

1-29 Sec. 8122.003. CONFIRMATION ELECTION REQUIRED. If the  
1-30 creation of the district is not confirmed at a confirmation  
1-31 election held under Section 8122.023 before September 1, 2007:

1-32 (1) the district is dissolved September 1, 2007,  
1-33 except that:

1-34 (A) any debts incurred shall be paid;

1-35 (B) any assets that remain after the payment of  
1-36 debts shall be transferred to Fort Bend County; and

1-37 (C) the organization of the district shall be  
1-38 maintained until all debts are paid and remaining assets are  
1-39 transferred; and

1-40 (2) this chapter expires September 1, 2010.

1-41 Sec. 8122.004. INITIAL DISTRICT TERRITORY. (a) The  
1-42 district is initially composed of the territory described by  
1-43 Section 2 of the Act creating this chapter.

1-44 (b) The boundaries and field notes contained in Section 2 of  
1-45 the Act creating this chapter form a closure. A mistake made in the  
1-46 field notes or in copying the field notes in the legislative process  
1-47 does not affect:

1-48 (1) the organization, existence, or validity of the  
1-49 district;

1-50 (2) the right of the district to impose taxes;

1-51 (3) the validity of the district's bonds, notes, or  
1-52 indebtedness; or

1-53 (4) the legality or operation of the district or the  
1-54 board.

1-55 Sec. 8122.005. APPLICABILITY OF OTHER LAW. Except as  
1-56 otherwise provided by this chapter, Chapters 49 and 54, Water Code,  
1-57 apply to the district.

1-58 [Sections 8122.006-8122.020 reserved for expansion]

1-59 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-60 Sec. 8122.021. TEMPORARY DIRECTORS. (a) On or after  
1-61 September 1, 2005, a person who owns land inside the boundaries of  
1-62 the district may petition the Texas Commission on Environmental  
1-63 Quality to appoint as temporary directors the five persons listed

2-1 in the petition.

2-2 (b) The commission shall appoint as temporary directors the  
2-3 persons listed in a petition received by the commission under  
2-4 Subsection (a). If the commission receives more than one petition,  
2-5 the commission shall appoint the directors listed in the first  
2-6 petition the commission receives.

2-7 (c) If a temporary director fails to qualify for office, the  
2-8 commission shall appoint a person to fill the vacancy.

2-9 (d) Temporary directors serve until the earlier of:  
2-10 (1) the date directors are elected under Section  
2-11 8122.023; or  
2-12 (2) the date this chapter expires under Section  
2-13 8122.003.

2-14 Sec. 8122.022. ORGANIZATIONAL MEETING OF TEMPORARY  
2-15 DIRECTORS. As soon as practicable after all the temporary  
2-16 directors have qualified under Section 49.055, Water Code, the  
2-17 temporary directors shall meet at a location in the district  
2-18 agreeable to a majority of the directors. If a location cannot be  
2-19 agreed upon, the meeting shall be at the Fort Bend County  
2-20 Courthouse. At the meeting, the temporary directors shall elect  
2-21 officers from among the temporary directors and conduct any other  
2-22 district business.

2-23 Sec. 8122.023. CONFIRMATION AND INITIAL DIRECTORS'  
2-24 ELECTION. The temporary directors shall hold an election to  
2-25 confirm the creation of the district and to elect five directors as  
2-26 provided by Section 49.102, Water Code.

2-27 Sec. 8122.024. INITIAL ELECTED DIRECTORS; TERMS. The  
2-28 directors elected under Section 8122.023 shall draw lots to  
2-29 determine which two shall serve until the first regularly scheduled  
2-30 election of directors under Section 8122.052 and which three shall  
2-31 serve until the second regularly scheduled election of directors.

2-32 Sec. 8122.025. EXPIRATION OF SUBCHAPTER. This subchapter  
2-33 expires September 1, 2010.

2-34 [Sections 8122.026-8122.050 reserved for expansion]  
2-35 SUBCHAPTER B. BOARD OF DIRECTORS

2-36 Sec. 8122.051. DIRECTORS; TERMS. (a) The district is  
2-37 governed by a board of five directors.

2-38 (b) Directors serve staggered four-year terms.

2-39 Sec. 8122.052. ELECTION OF DIRECTORS. On the uniform  
2-40 election date in May of each even-numbered year, the appropriate  
2-41 number of directors shall be elected.

2-42 [Sections 8122.053-8122.100 reserved for expansion]

2-43 SUBCHAPTER C. POWERS AND DUTIES

2-44 Sec. 8122.101. GENERAL POWERS. The district has all of the  
2-45 rights, powers, privileges, authority, functions, and duties  
2-46 provided by the general law of this state, including Chapters 49 and  
2-47 54, Water Code, applicable to municipal utility districts created  
2-48 under Section 59, Article XVI, Texas Constitution.

2-49 Sec. 8122.102. ROAD PROJECTS. The district may construct,  
2-50 acquire, improve, maintain, or operate macadamized, graveled, or  
2-51 paved roads or turnpikes, or improvements in aid of those roads or  
2-52 turnpikes, inside or outside the district.

2-53 Sec. 8122.103. COMPLIANCE WITH MUNICIPAL CONSENT  
2-54 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
2-55 54.016, Water Code, the district shall comply with all applicable  
2-56 requirements of any ordinance or resolution adopted by the city  
2-57 council of the City of Rosenberg, including an ordinance or  
2-58 resolution adopted before September 1, 2005, that consents to the  
2-59 creation of the district or to the inclusion of lands within the  
2-60 district.

2-61 [Sections 8122.104-8122.150 reserved for expansion]

2-62 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-63 Sec. 8122.151. TAX TO REPAY BONDS. The district may impose  
2-64 a tax to pay the principal of or interest on bonds issued under  
2-65 Section 8122.201.

2-66 Sec. 8122.152. UTILITY PROPERTY EXEMPT FROM IMPACT FEES AND  
2-67 ASSESSMENTS. The district may not impose an impact fee or  
2-68 assessment on the property, including the equipment,  
2-69 rights-of-way, facilities, or improvements, of:

3-1 (1) an electric utility or a power generation company  
3-2 as defined by Section 31.002, Utilities Code;

3-3 (2) a gas utility as defined by Section 101.003 or  
3-4 121.001, Utilities Code;

3-5 (3) a telecommunications provider as defined by  
3-6 Section 51.002, Utilities Code; or

3-7 (4) a person who provides to the public cable  
3-8 television or advanced telecommunications services.

3-9 [Sections 8122.153-8122.200 reserved for expansion]

3-10 SUBCHAPTER E. BONDS

3-11 Sec. 8122.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-12 OBLIGATIONS. (a) The district may issue bonds or other  
3-13 obligations as provided by Chapters 49 and 54, Water Code, to  
3-14 finance the construction, maintenance, or operation of projects  
3-15 under Sections 8122.101 and 8122.102.

3-16 (b) The district may not issue bonds to finance projects  
3-17 authorized by Section 8122.102 unless the issuance is approved by a  
3-18 vote of a two-thirds majority of the voters of the district voting  
3-19 at an election called for that purpose.

3-20 (c) Bonds or other obligations issued or incurred to finance  
3-21 projects authorized by Section 8122.102 may not exceed one-fourth  
3-22 of the assessed value of the real property in the district.

3-23 (d) Sections 49.181 and 49.182, Water Code, do not apply to  
3-24 a project undertaken by the district under Section 8122.102 or to  
3-25 bonds issued by the district to finance the project.

3-26 SECTION 2. The Fort Bend County Municipal Utility District  
3-27 No. 177 initially includes all the territory contained in the  
3-28 following area:

3-29 TRACT 1:

3-30 Field notes for a 100.5080 acre tract of land in the R. H.  
3-31 Earnest Survey, Abstract 389, Fort Bend County, Texas, being that  
3-32 same tract of land described in Deed recorded in Volume 129, Page  
3-33 126, Deed Records, Fort Bend County, Texas and being more  
3-34 particularly described by metes and bounds as follows:

3-35 BEGINNING at a ½ inch iron pipe set at the NORTH corner of the  
3-36 R. H. Earnest Survey, said point being located in a right angle turn  
3-37 of Koebelen Road and in the SOUTHEAST line of the B.B.B. & C.R.R.  
3-38 Company Survey Section 11, said point also being the WEST corner of  
3-39 the B.B.B. & C.R.R. Company Survey Section 9, Abstract 129, for the  
3-40 NORTH corner and PLACE OF BEGINNING of the herein described  
3-41 100.5080 acre tract of land;

3-42 THENCE SOUTH 45 degrees 00 minutes EAST along the NORTHEAST  
3-43 line Of The R. H. Earnest Survey as located in Koebelen Road,  
3-44 1524.25 feet to a ½ inch iron pipe found on said line for the EAST  
3-45 corner of the herein described 100.5080 acre tract;

3-46 THENCE SOUTH 45 degrees 13 minutes 10 seconds WEST, at 30 feet  
3-47 pass a 1-1/4 inch iron pipe found on the SOUTHWEST line of Koebelen  
3-48 Road and continuing for a total distance of 2876.08 feet to a 1-1/4  
3-49 inch iron pipe found for the SOUTH corner of the herein described  
3-50 100.5080 acre tract;

3-51 THENCE NORTH 44 degrees 48 minutes 38 seconds WEST along a  
3-52 fence line as located on the SOUTHWEST line of the herein described  
3-53 100.5080 acre tract, 1522.95 feet to a 1 inch iron pipe found on  
3-54 said line for the WEST corner of the herein described 100.5080 acre  
3-55 tract, said point being the NORTHWEST line of the R. H. Earnest  
3-56 Survey;

3-57 THENCE NORTH 45 degrees 11 minutes 37 seconds EAST along the  
3-58 NORTHWEST line of the R. H. Earnest Survey, 2210.59 feet to a 1 inch  
3-59 iron pipe found set in concrete, said point being in the SOUTHWEST  
3-60 line of Koebelen Road;

3-61 THENCE continuing NORTH 45 degrees 11 minutes 37 seconds EAST  
3-62 along the NORTHWEST line of the R. H. Earnest Survey as located in  
3-63 Koebelen Road, 660.45 feet to the PLACE OF BEGINNING AND CONTAINING  
3-64 100.5080 acres of land.

3-65 TRACT II:

3-66 A tract or parcel containing 86.0235 acres (3,747,184 square  
3-67 feet) of land out of and a part of a called 90 acre tract described  
3-68 in Volume 283, Page 521 of the Fort Bend County Deed Records, and  
3-69 being parts of the J. D. Vermillion Survey, Abstract No. 340, and

4-1 the B. B. B. & C. R. R. Co. Survey, Abstract No. 132, in Fort Bend  
 4-2 County, Texas, said 86.0235 acre tract being more particularly  
 4-3 described by metes and bounds as follows:

4-4 BEGINNING at an old 1 inch flared top iron pipe found in the  
 4-5 SOUTHEAST line of F. M. Highway 2218 (100 foot wide and partially  
 4-6 described in Right Of Way Deed Recorded in Volume 335, Page 517 of  
 4-7 the Fort Bend County Deed Records) For the most WESTERLY corner of  
 4-8 the herein described tract, being in the NORTH line of the Al  
 4-9 Zurovec called 2.0 acre tract described in Volume 339, Page 459 of  
 4-10 The Fort Bend County Deed Records;

4-11 THENCE NORTH 21 degrees 12 minutes 00 seconds EAST, along the  
 4-12 SOUTHEAST line of F.M. Highway 2218 for a distance of 1,540.54 feet  
 4-13 to a 1 inch iron pipe found at the intersection of said SOUTHEAST  
 4-14 line of F.M. Highway 2218 and the SOUTHWEST line of Koebelen Road;

4-15 THENCE SOUTH 55 degrees 07 minutes 08 seconds EAST, along the  
 4-16 SOUTHWEST line of Koebelen Road, (called 40 foot wide per Deed  
 4-17 recorded in Volume 283, Page 521, Surveyor Recovered Monuments on  
 4-18 the ground indicating a width of 60 feet) for a distance of 2,783.55  
 4-19 feet to a 1 inch iron pipe found for the NORTHEAST corner of the  
 4-20 herein described tract. Being in the NORTHWEST line of the David  
 4-21 Drabek called 1.2069 acre tract described in Volume 2246, Page 733  
 4-22 of the Fort Bend County Deed Records;

4-23 THENCE SOUTH 44 degrees 43 minutes 09 seconds WEST, along the  
 4-24 NORTHWEST line of said Drabek Tract for a distance of 247.01 feet to  
 4-25 a 1 inch iron pipe found for corner;

4-26 THENCE SOUTH 45 degrees 42 minutes 09 seconds WEST, along the  
 4-27 NORTHWEST line of the remainder the Alfonse Drabek called 17.99  
 4-28 acre tract described in Volume 1011, Page 849 for a distance of  
 4-29 1460.96 feet to a 1 inch iron pipe found for the SOUTHEAST corner of  
 4-30 the herein described tract, being in the NORTHEAST line of the Joyce  
 4-31 Lolley called 22.043 acre tract described in Volume 1097, Page 865  
 4-32 of the Fort Bend County Deed Records;

4-33 THENCE NORTH 45 degrees 16 minutes 50 seconds WEST, pass at  
 4-34 67.50 feet the NORTHEAST corner of the Meadowbend Park of Fort Bend  
 4-35 County Subdivision, from which a  $\frac{1}{2}$  inch iron rod found bears SOUTH  
 4-36 71 degrees 48 minutes WEST, 8.85 feet, continuing along the  
 4-37 Northeast line of said Meadowbend Park of Fort Bend County  
 4-38 Subdivision for a distance of 1,467.87 feet to a  $\frac{1}{2}$  inch iron rod  
 4-39 found for an interior corner;

4-40 THENCE NORTH 61 degrees 08 minutes 40 seconds WEST, pass at  
 4-41 263.49 feet the NORTHEAST corner of the said Al Zurovec called 2.0  
 4-42 acre tract described in Volume 339, Page 459 of the Fort Bend County  
 4-43 Deed Records, in all a distance of 660.05 feet to the POINT OF  
 4-44 BEGINNING and containing 86.0235 acres of land, more or less.

4-45 TRACT III:

4-46 That certain 89.011 acres tract of land out of the R.H.  
 4-47 Earnest Survey No. 6, Abstract 388 and the B.B.B. & C.R.R. Co.  
 4-48 Survey, Section 11, Abstract 132, in Fort Bend County, Texas, being  
 4-49 more particularly described by metes and bounds as follows:

4-50 BEGINNING at a railroad spike set at the SOUTH corner of the  
 4-51 B.B.B. & C. Railroad Co. Survey, Section 11, Abstract 132, same  
 4-52 being the WEST corner of the R.H. Earnest Survey No. 6, Abstract  
 4-53 388, said point being located in the pavement of Power Line Road,  
 4-54 SOUTH 45 degrees WEST 27.6 feet from the Northeast line of said  
 4-55 road;

4-56 THENCE, NORTH 45 degrees WEST along the SOUTHWEST line of the  
 4-57 B.B.B. & C. Railroad Co. Survey Section 11, as located in Power Line  
 4-58 Road, 858.8 feet to a point on said line for the WEST corner of the  
 4-59 herein described tract;

4-60 THENCE, NORTH 45 degrees EAST along the NORTHWEST line of  
 4-61 this 89.011 acre tract, at 27.6 feet pass a  $\frac{3}{4}$ " Iron Pipe found at a  
 4-62 fence corner post on the NORTHEAST R.O.W. line of Power Line Road,  
 4-63 and continuing along said line for a total distance 2,562 feet to a  
 4-64  $1\frac{1}{4}$ " iron pipe, with a flat blade inside said pipe, found for the  
 4-65 NORTH corner of this 89.011 acre tract;

4-66 THENCE, SOUTH 45 degrees EAST along the NORTHEAST line of  
 4-67 this 89.011 acre tract at 858.8 feet pass the SOUTHEAST line of the  
 4-68 NORTHWEST line of the R.H. Earnest Survey No. 6, Abstract 388, and  
 4-69 continuing for a total distance of 1,513.4 feet to a  $\frac{3}{4}$ " iron pipe

5-1 found for the EAST corner of this 89.011 acre tract of land, same  
5-2 being the NORTH corner of the Lindsey 89.24 acre tract;

5-3 THENCE, SOUTH 45 degrees WEST along the common line of this  
5-4 89.011 acre tract and the Lindsey 89.24 acre tract, at 2,534.4 feet  
5-5 pass a ½" iron rod found in the NORTHEAST line of Power Line Road,  
5-6 and continuing for a total distance of 2,562 feet to a point on the  
5-7 SOUTHEAST line, of the R.H. Earnest Survey No. 6, as located in  
5-8 Power Line Road, for the SOUTH corner of the herein described 89.011  
5-9 acre tract;

5-10 THENCE, NORTH 45 degrees WEST along the SOUTHWEST line of the  
5-11 aforementioned R.H. Earnest Survey No. 6, 654.6 feet to the Place of  
5-12 Beginning and containing 89.011 acres of land.

5-13 SECTION 3. (a) The legal notice of the intention to  
5-14 introduce this Act, setting forth the general substance of this  
5-15 Act, has been published as provided by law, and the notice and a  
5-16 copy of this Act have been furnished to all persons, agencies,  
5-17 officials, or entities to which they are required to be furnished  
5-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-19 Government Code.

5-20 (b) The governor, one of the required recipients, has  
5-21 submitted the notice and Act to the Texas Commission on  
5-22 Environmental Quality.

5-23 (c) The Texas Commission on Environmental Quality has filed  
5-24 its recommendations relating to this Act with the governor, the  
5-25 lieutenant governor, and the speaker of the house of  
5-26 representatives within the required time.

5-27 (d) All requirements of the constitution and laws of this  
5-28 state and the rules and procedures of the legislature with respect  
5-29 to the notice, introduction, and passage of this Act are fulfilled  
5-30 and accomplished.

5-31 SECTION 4. This Act takes effect September 1, 2005.

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