

By: Jackson

S.B. No. 1871

Substitute the following for S.B. No. 1871:

By: Puente

C.S.S.B. No. 1871

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 44; 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 8153 to read as follows:

CHAPTER 8153. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT

NO. 44

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8153.001. 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 Brazoria County Municipal Utility District No. 44.

Sec. 8153.002. NATURE OF DISTRICT. The district is a municipal utility district in Brazoria County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8153.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8153.024 before September 1, 2007:

(1) the district is dissolved September 1, 2007,

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 Brazoria 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, 2010.

9 Sec. 8153.004. 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; or

19 (3) the legality or operation of the board.

20 [Sections 8153.005-8153.020 reserved for expansion]

21 SUBCHAPTER A1. TEMPORARY PROVISIONS

22 Sec. 8153.021. TEMPORARY DIRECTORS. (a) On or after
23 September 1, 2005, a person who owns land in the district may submit
24 a petition to the Texas Commission on Environmental Quality to
25 appoint as temporary directors the five persons named in the
26 petition.

27 (b) The commission shall appoint as temporary directors the

1 five persons named in the first petition received by the commission
2 under Subsection (a).

3 (c) If a temporary director fails to qualify for office, the
4 commission shall appoint a person to fill the vacancy.

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

6 (1) the date directors are elected under Section
7 8153.024; or

8 (2) the date this chapter expires under Section
9 8153.003.

10 Sec. 8153.022. ORGANIZATIONAL MEETING OF TEMPORARY
11 DIRECTORS. As soon as practicable after all the temporary
12 directors have qualified under Section 49.055, Water Code, the
13 temporary directors shall meet at a location in the district
14 agreeable to a majority of the directors. If a location cannot be
15 agreed upon, the meeting shall be at the Brazoria County
16 Courthouse. At the meeting, the temporary directors shall elect
17 officers from among the temporary directors and conduct any other
18 district business.

19 Sec. 8153.023. CONSENT OF MUNICIPALITY OR COUNTY REQUIRED.

20 (a) The temporary directors may not hold an election under Section
21 8153.024 until each municipality in whose corporate limits or
22 extraterritorial jurisdiction the district is located has adopted a
23 resolution consenting to the creation of the district.

24 (b) If the district is located outside the extraterritorial
25 jurisdiction of a municipality, the temporary directors may not
26 hold the election until each county in which the district is located
27 has adopted a resolution consenting to the creation of the

1 district.

2 (c) A municipality or county may not adopt a resolution
3 under this section before the effective date of the Act creating
4 this chapter.

5 Sec. 8153.024. CONFIRMATION AND INITIAL DIRECTORS'
6 ELECTION. If each municipality or county has consented to the
7 creation of the district under Section 8153.023, the temporary
8 directors shall hold an election to confirm the creation of the
9 district and to elect five directors as provided by Section 49.102,
10 Water Code.

11 Sec. 8153.025. INITIAL ELECTED DIRECTORS; TERMS. The
12 directors elected under Section 8153.024 shall draw lots to
13 determine which two shall serve until the first regularly scheduled
14 election of directors under Section 8153.052 and which three shall
15 serve until the second regularly scheduled election of directors.

16 Sec. 8153.026. EXPIRATION OF SUBCHAPTER. This subchapter
17 expires September 1, 2010.

18 [Sections 8153.027-8153.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8153.051. DIRECTORS; TERMS. (a) The district is
21 governed by a board of five directors.

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

23 Sec. 8153.052. ELECTION OF DIRECTORS. On the uniform
24 election date in May of each even-numbered year, the appropriate
25 number of directors shall be elected.

26 [Sections 8153.053-8153.100 reserved for expansion]

1 SUBCHAPTER C. POWERS AND DUTIES

2 Sec. 8153.101. MUNICIPAL UTILITY DISTRICT POWERS AND
3 DUTIES. The district has the powers and duties provided by the
4 general law of this state, including Chapters 49 and 54, Water Code,
5 applicable to municipal utility districts created under Section 59,
6 Article XVI, Texas Constitution.

7 Sec. 8153.102. ROAD PROJECTS. (a) To the extent authorized
8 under Section 52, Article III, Texas Constitution, the district may
9 construct, acquire, improve, maintain, or operate macadamized,
10 graveled, or paved roads or turnpikes, or improvements in aid of
11 those roads or turnpikes, inside the district.

12 (b) A road project must meet or exceed all applicable
13 construction standards, zoning and subdivision requirements, and
14 regulatory ordinances of each municipality in whose corporate
15 limits or extraterritorial jurisdiction the district is located.
16 If the district is located outside the extraterritorial
17 jurisdiction of a municipality, a road project must meet or exceed
18 all applicable construction standards, zoning and subdivision
19 requirements, and regulatory ordinances of each county in which the
20 district is located.

21 (c) The district may not undertake a road project unless
22 each municipality in whose corporate limits or extraterritorial
23 jurisdiction the district is located consents by ordinance or
24 resolution. If the district is located outside the
25 extraterritorial jurisdiction of a municipality, the district may
26 not undertake a road project unless each county in which the
27 district is located consents by ordinance or resolution.

1 Sec. 8153.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
2 RESOLUTIONS. Subject to the limitations of Section 54.016, Water
3 Code, the district shall comply with all applicable requirements of
4 any ordinance or resolution adopted by the city council of the City
5 of Bonney.

6 Sec. 8153.104. LIMITATION ON USE OF EMINENT DOMAIN. The
7 district may exercise the power of eminent domain outside the
8 district only to acquire an easement necessary for a pipeline that
9 serves the district.

10 [Sections 8153.105-8153.150 reserved for expansion]

11 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

12 Sec. 8153.151. TAX TO REPAY BONDS. The district may impose
13 a tax to pay the principal of or interest on bonds issued under
14 Section 8153.201.

15 [Sections 8153.152-8153.200 reserved for expansion]

16 SUBCHAPTER E. BONDS

17 Sec. 8153.201. AUTHORITY TO ISSUE BONDS AND OTHER
18 OBLIGATIONS. (a) The district may issue bonds or other
19 obligations as provided by Chapters 49 and 54, Water Code, to
20 finance the construction, maintenance, or operation of projects
21 under Sections 8153.101 and 8153.102.

22 (b) The district may not issue bonds to finance projects
23 authorized by Section 8153.102 unless the issuance is approved by a
24 vote of a two-thirds majority of the voters of the district voting
25 at an election called for that purpose.

26 (c) Bonds or other obligations issued or incurred to finance
27 projects authorized by Section 8153.102 may not exceed one-fourth

1 of the assessed value of the real property in the district.

2 (d) Sections 49.181 and 49.182, Water Code, do not apply to
3 a project undertaken by the district under Section 8153.102 or to
4 bonds issued by the district to finance the project.

5 SECTION 2. The Brazoria County Municipal Utility District
6 No. 44 initially includes all the territory contained in the
7 following area:

8 BEGINNING at a concrete monument at the intersection with the East
9 line of County Road 48, Airline road, and the South line of County
10 Road 51; said concrete monument making the Northwest corner of
11 Tract 25 of the Bogart & Taylor Subdivision;

12 THENCE South 03 deg. 01 min. 46 sec. East 2,577.15 feet to a
13 concrete monument at the intersection with the East line of County
14 Road 48 and the North line of County Road 35;

15 THENCE North 86 deg. 58 min. 14 sec. East 4,305.70 feet along the
16 North line of County Road 35 to a concrete monument in the Westerly
17 right-of-way line of the proposed State Highway 288 Freeway;

18 THENCE in a Northerly direction following the said Westerly
19 right-of-way line of proposed State Highway 288 Freeway with the
20 following calls: North 42 deg. 01 min. 15 sec. East, 70.69 feet to
21 an iron rod for corner;

22 THENCE North 02 deg, 59 min. 46 sec. West, 1,273.85 feet to an iron
23 rod for corner;

24 THENCE around a curve to the left whose radius is 1,091.35 feet, an
25 arc distance of 961.91 feet to an iron rod for corner;

26 THENCE North 53 deg. 29 min. 46 sec. West, 44.89 feet to an iron rod
27 for corner;

1 THENCE around a curve to the right whose radius is 446.46 feet, an
2 arc distance of 293.51 feet to an iron rod for corner;

3 THENCE North 45 deg. 34 min. 29 sec. West, 134.72 feet to an iron rod
4 for corner;

5 THENCE South 87 deg. 00 min. 14 sec. West, 270.00 feet to an iron rod
6 for corner;

7 THENCE North 02 deg. 59 min. 46 sec. West, 31.24 feet to a concrete
8 monument in the South line of County Road 51;

9 THENCE South 86 deg. 58 min. 14 sec. West, 3,405.20 feet along the
10 South line of County Road 51 to the PLACE OF BEGINNING

11 Said tract therein containing 249.972 acres of land.

12 SAVE AND EXCEPT 4.066 acres, more or less, out of Lots Twenty Two
13 (22) and Twenty Three (23) being more fully described in that
14 certain conveyance of drainage facilities to the State Hwy
15 Commission as filed under Volume 1180, Page 790 of the Deed Records
16 of Brazoria County, Texas.

17 SAVE AND EXCEPT the Southerly thirty (30) feet of Lot Twenty Four
18 (24) as conveyed to the County of Brazoria as described in deed
19 filed under Volume 50, Page 102, in the Deed Records of Brazoria
20 County, Texas.

21 SECTION 3. (a) The legal notice of the intention to
22 introduce this Act, setting forth the general substance of this
23 Act, has been published as provided by law, and the notice and a
24 copy of this Act have been furnished to all persons, agencies,
25 officials, or entities to which they are required to be furnished
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
27 Government Code.

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

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

8 (d) All requirements of the constitution and laws of this
9 state and the rules and procedures of the legislature with respect
10 to the notice, introduction, and passage of this Act are fulfilled
11 and accomplished.

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