

By: Jackson, Mike

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 52, Article III, and 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 8153.023 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 8153.023; 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. CONFIRMATION AND INITIAL DIRECTORS'
20 ELECTION. The temporary directors shall hold an election to
21 confirm the creation of the district and to elect five directors as
22 provided by Section 49.102, Water Code.

23 Sec. 8153.024. INITIAL ELECTED DIRECTORS; TERMS. The
24 directors elected under Section 8153.023 shall draw lots to
25 determine which two shall serve until the first regularly scheduled
26 election of directors under Section 8153.052 and which three shall
27 serve until the second regularly scheduled election of directors.

1 Sec. 8153.025. EXPIRATION OF SUBCHAPTER. This subchapter
2 expires September 1, 2010.

3 [Sections 8153.026-8153.050 reserved for expansion]

4 SUBCHAPTER B. BOARD OF DIRECTORS

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

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

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

11 [Sections 8153.053-8153.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

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

18 Sec. 8153.102. ROAD PROJECTS. The district may construct,
19 acquire, improve, maintain, or operate macadamized, graveled, or
20 paved roads or turnpikes, or improvements in aid of those roads or
21 turnpikes, inside or outside the district.

22 Sec. 8153.103. COMPLIANCE WITH MUNICIPAL CONSENT
23 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
24 54.016, Water Code, the district shall comply with all applicable
25 requirements of any ordinance or resolution adopted by the city
26 council of the City of Bonney, including an ordinance or resolution
27 adopted before September 1, 2005, that consents to the creation of

1 the district or to the inclusion of lands within the district.

2 [Sections 8153.104-8153.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

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

7 [Sections 8153.152-8153.200 reserved for expansion]

8 SUBCHAPTER E. BONDS

9 Sec. 8153.201. AUTHORITY TO ISSUE BONDS AND OTHER
10 OBLIGATIONS. (a) The district may issue bonds or other obligations
11 as provided by Chapters 49 and 54, Water Code, to finance the
12 construction, maintenance, or operation of projects under Sections
13 8153.101 and 8153.102.

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

18 (c) Bonds or other obligations issued or incurred to finance
19 projects authorized by Section 8153.102 may not exceed one-fourth
20 of the assessed value of the real property in the district.

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

24 SECTION 2. The Brazoria County Municipal Utility District
25 No. 44 initially includes all the territory contained in the
26 following area:

27 BEGINNING at a concrete monument at the intersection with the East

1 line of County Road 48, Airline road, and the South line of County
2 Road 51; said concrete monument making the Northwest corner of
3 Tract 25 of the Bogart & Taylor Subdivision;
4 THENCE South 03 deg. 01 min. 46 sec. East 2,577.15 feet to a
5 concrete monument at the intersection with the East line of County
6 Road 48 and the North line of County Road 35;
7 THENCE North 86 deg. 58 min. 14 sec. East 4,305.70 feet along the
8 North line of County Road 35 to a concrete monument in the Westerly
9 right-of-way line of the proposed State Highway 288 Freeway;
10 THENCE in a Northerly direction following the said Westerly
11 right-of-way line of proposed State Highway 288 Freeway with the
12 following calls: North 42 deg. 01 min. 15 sec. East, 70.69 feet to
13 an iron rod for corner;
14 THENCE North 02 deg, 59 min. 46 sec. West, 1,273.85 feet to an iron
15 rod for corner;
16 THENCE around a curve to the left whose radius is 1,091.35 feet, an
17 arc distance of 961.91 feet to an iron rod for corner;
18 THENCE North 53 deg. 29 min. 46 sec. West, 44.89 feet to an iron rod
19 for corner;
20 THENCE around a curve to the right whose radius is 446.46 feet, an
21 arc distance of 293.51 feet to an iron rod for corner;
22 THENCE North 45 deg. 34 min. 29 sec. West, 134.72 feet to an iron rod
23 for corner;
24 THENCE South 87 deg. 00 min. 14 sec. West, 270.00 feet to an iron rod
25 for corner;
26 THENCE North 02 deg. 59 min. 46 sec. West, 31.24 feet to a concrete
27 monument in the South line of County Road 51;

1 THENCE South 86 deg. 58 min. 14 sec. West, 3,405.20 feet along the
2 South line of County Road 51 to the PLACE OF BEGINNING
3 Said tract therein containing 249.972 acres of land.

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

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

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

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