

1-1 By: Jackson S.B. No. 1871
1-2 (In the Senate - Filed April 20, 2005; April 20, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 28, 2005, reported favorably by the following
1-5 vote: Yeas 5, Nays 0; April 28, 2005, sent to printer.)

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

1-8 relating to the creation of the Brazoria County Municipal Utility
1-9 District No. 44; 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 8153 to read as follows:

1-14 CHAPTER 8153. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT
1-15 NO. 44

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8153.001. 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 Brazoria County Municipal
1-22 Utility District No. 44.

1-23 Sec. 8153.002. NATURE OF DISTRICT. The district is a
1-24 municipal utility district in Brazoria County created under and
1-25 essential to accomplish the purposes of Section 52, Article III,
1-26 and Section 59, Article XVI, Texas Constitution.

1-27 Sec. 8153.003. CONFIRMATION ELECTION REQUIRED. If the
1-28 creation of the district is not confirmed at a confirmation
1-29 election held under Section 8153.023 before September 1, 2007:

1-30 (1) the district is dissolved September 1, 2007,
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 Brazoria 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, 2010.

1-39 Sec. 8153.004. 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; or

1-49 (3) the legality or operation of the board.

1-50 [Sections 8153.005-8153.020 reserved for expansion]

1-51 SUBCHAPTER A1. TEMPORARY PROVISIONS

1-52 Sec. 8153.021. TEMPORARY DIRECTORS. (a) On or after
1-53 September 1, 2005, a person who owns land in the district may submit
1-54 a petition to the Texas Commission on Environmental Quality to
1-55 appoint as temporary directors the five persons named in the
1-56 petition.

1-57 (b) The commission shall appoint as temporary directors the
1-58 five persons named in the first petition received by the commission
1-59 under Subsection (a).

1-60 (c) If a temporary director fails to qualify for office, the
1-61 commission shall appoint a person to fill the vacancy.

1-62 (d) Temporary directors serve until the earlier of:

1-63 (1) the date directors are elected under Section
1-64 8153.023; or

2-1 (2) the date this chapter expires under Section
2-2 8153.003.

2-3 Sec. 8153.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-4 DIRECTORS. As soon as practicable after all the temporary
2-5 directors have qualified under Section 49.055, Water Code, the
2-6 temporary directors shall meet at a location in the district
2-7 agreeable to a majority of the directors. If a location cannot be
2-8 agreed upon, the meeting shall be at the Brazoria County
2-9 Courthouse. At the meeting, the temporary directors shall elect
2-10 officers from among the temporary directors and conduct any other
2-11 district business.

2-12 Sec. 8153.023. CONFIRMATION AND INITIAL DIRECTORS
2-13 ELECTION. The temporary directors shall hold an election to
2-14 confirm the creation of the district and to elect five directors as
2-15 provided by Section 49.102, Water Code.

2-16 Sec. 8153.024. INITIAL ELECTED DIRECTORS; TERMS. The
2-17 directors elected under Section 8153.023 shall draw lots to
2-18 determine which two shall serve until the first regularly scheduled
2-19 election of directors under Section 8153.052 and which three shall
2-20 serve until the second regularly scheduled election of directors.

2-21 Sec. 8153.025. EXPIRATION OF SUBCHAPTER. This subchapter
2-22 expires September 1, 2010.

2-23 [Sections 8153.026-8153.050 reserved for expansion]

2-24 SUBCHAPTER B. BOARD OF DIRECTORS

2-25 Sec. 8153.051. DIRECTORS; TERMS. (a) The district is
2-26 governed by a board of five directors.

2-27 (b) Directors serve staggered four-year terms.

2-28 Sec. 8153.052. ELECTION OF DIRECTORS. On the uniform
2-29 election date in May of each even-numbered year, the appropriate
2-30 number of directors shall be elected.

2-31 [Sections 8153.053-8153.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 8153.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-34 DUTIES. The district has the powers and duties provided by the
2-35 general law of this state, including Chapters 49 and 54, Water Code,
2-36 applicable to municipal utility districts created under Section 59,
2-37 Article XVI, Texas Constitution.

2-38 Sec. 8153.102. ROAD PROJECTS. The district may construct,
2-39 acquire, improve, maintain, or operate macadamized, graveled, or
2-40 paved roads or turnpikes, or improvements in aid of those roads or
2-41 turnpikes, inside or outside the district.

2-42 Sec. 8153.103. COMPLIANCE WITH MUNICIPAL CONSENT
2-43 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
2-44 54.016, Water Code, the district shall comply with all applicable
2-45 requirements of any ordinance or resolution adopted by the city
2-46 council of the City of Bonney, including an ordinance or resolution
2-47 adopted before September 1, 2005, that consents to the creation of
2-48 the district or to the inclusion of lands within the district.

2-49 [Sections 8153.104-8153.150 reserved for expansion]

2-50 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-51 Sec. 8153.151. TAX TO REPAY BONDS. The district may impose
2-52 a tax to pay the principal of or interest on bonds issued under
2-53 Section 8153.201.

2-54 [Sections 8153.152-8153.200 reserved for expansion]

2-55 SUBCHAPTER E. BONDS

2-56 Sec. 8153.201. AUTHORITY TO ISSUE BONDS AND OTHER
2-57 OBLIGATIONS. (a) The district may issue bonds or other
2-58 obligations as provided by Chapters 49 and 54, Water Code, to
2-59 finance the construction, maintenance, or operation of projects
2-60 under Sections 8153.101 and 8153.102.

2-61 (b) The district may not issue bonds to finance projects
2-62 authorized by Section 8153.102 unless the issuance is approved by a
2-63 vote of a two-thirds majority of the voters of the district voting
2-64 at an election called for that purpose.

2-65 (c) Bonds or other obligations issued or incurred to finance
2-66 projects authorized by Section 8153.102 may not exceed one-fourth
2-67 of the assessed value of the real property in the district.

2-68 (d) Sections 49.181 and 49.182, Water Code, do not apply to
2-69 a project undertaken by the district under Section 8153.102 or to

3-1 bonds issued by the district to finance the project.

3-2 SECTION 2. The Brazoria County Municipal Utility District
3-3 No. 44 initially includes all the territory contained in the
3-4 following area:

3-5 BEGINNING at a concrete monument at the intersection with the East
3-6 line of County Road 48, Airline road, and the South line of County
3-7 Road 51; said concrete monument making the Northwest corner of
3-8 Tract 25 of the Bogart & Taylor Subdivision;

3-9 THENCE South 03 deg. 01 min. 46 sec. East 2,577.15 feet to a
3-10 concrete monument at the intersection with the East line of County
3-11 Road 48 and the North line of County Road 35;

3-12 THENCE North 86 deg. 58 min. 14 sec. East 4,305.70 feet along the
3-13 North line of County Road 35 to a concrete monument in the Westerly
3-14 right-of-way line of the proposed State Highway 288 Freeway;

3-15 THENCE in a Northerly direction following the said Westerly
3-16 right-of-way line of proposed State Highway 288 Freeway with the
3-17 following calls: North 42 deg. 01 min. 15 sec. East, 70.69 feet to
3-18 an iron rod for corner;

3-19 THENCE North 02 deg, 59 min. 46 sec. West, 1,273.85 feet to an iron
3-20 rod for corner;

3-21 THENCE around a curve to the left whose radius is 1,091.35 feet, an
3-22 arc distance of 961.91 feet to an iron rod for corner;

3-23 THENCE North 53 deg. 29 min. 46 sec. West, 44.89 feet to an iron rod
3-24 for corner;

3-25 THENCE around a curve to the right whose radius is 446.46 feet, an
3-26 arc distance of 293.51 feet to an iron rod for corner;

3-27 THENCE North 45 deg. 34 min. 29 sec. West, 134.72 feet to an iron rod
3-28 for corner;

3-29 THENCE South 87 deg. 00 min. 14 sec. West, 270.00 feet to an iron rod
3-30 for corner;

3-31 THENCE North 02 deg. 59 min. 46 sec. West, 31.24 feet to a concrete
3-32 monument in the South line of County Road 51;

3-33 THENCE South 86 deg. 58 min. 14 sec. West, 3,405.20 feet along the
3-34 South line of County Road 51 to the PLACE OF BEGINNING

3-35 Said tract therein containing 249.972 acres of land.

3-36 SAVE AND EXCEPT 4.066 acres, more or less, out of Lots Twenty Two
3-37 (22) and Twenty Three (23) being more fully described in that
3-38 certain conveyance of drainage facilities to the State Hwy
3-39 Commission as filed under Volume 1180, Page 790 of the Deed Records
3-40 of Brazoria County, Texas.

3-41 SAVE AND EXCEPT the Southerly thirty (30) feet of Lot Twenty Four
3-42 (24) as conveyed to the County of Brazoria as described in deed
3-43 filed under Volume 50, Page 102, in the Deed Records of Brazoria
3-44 County, Texas.

3-45 SECTION 3. (a) The legal notice of the intention to
3-46 introduce this Act, setting forth the general substance of this
3-47 Act, has been published as provided by law, and the notice and a
3-48 copy of this Act have been furnished to all persons, agencies,
3-49 officials, or entities to which they are required to be furnished
3-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
3-51 Government Code.

3-52 (b) The governor, one of the required recipients, has
3-53 submitted the notice and Act to the Texas Commission on
3-54 Environmental Quality.

3-55 (c) The Texas Commission on Environmental Quality has filed
3-56 its recommendations relating to this Act with the governor, the
3-57 lieutenant governor, and the speaker of the house of
3-58 representatives within the required time.

3-59 (d) All requirements of the constitution and laws of this
3-60 state and the rules and procedures of the legislature with respect
3-61 to the notice, introduction, and passage of this Act are fulfilled
3-62 and accomplished.

3-63 SECTION 4. This Act takes effect September 1, 2005.

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