

By: Zerwas

H.B. No. 1855

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fulshear Municipal Utility District No. 1 of Fort Bend County; 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 8207 to read as follows:

CHAPTER 8207. FULSHEAR MUNICIPAL UTILITY DISTRICT

NO. 1 OF FORT BEND COUNTY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8207.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Director" means a board member.

(3) "District" means the Fulshear Municipal Utility District No. 1 of Fort Bend County.

Sec. 8207.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8207.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8207.024 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that the district shall:

- 1                   (A) pay any debts incurred;  
2                   (B) transfer to Fort Bend County any assets that  
3 remain after the payment of debts; and  
4                   (C) maintain the organization of the district  
5 until all debts are paid and remaining assets are transferred; and  
6                   (2) this chapter expires September 1, 2014.

7           Sec. 8207.004. INITIAL DISTRICT TERRITORY. (a) The  
8 district is initially composed of the territory described by  
9 Section 2 of the Act creating this chapter.

10           (b) The boundaries and field notes contained in Section 2 of  
11 the Act creating this chapter form a closure. A mistake made in the  
12 field notes or in copying the field notes in the legislative process  
13 does not affect:

14                   (1) the organization, existence, or validity of the  
15 district;

16                   (2) the right of the district to impose taxes;

17                   (3) the validity of the district's bonds, notes, or  
18 indebtedness; or

19                   (4) the legality or operation of the district or the  
20 board.

21           [Sections 8207.005-8207.020 reserved for expansion]

22                   SUBCHAPTER A-1. TEMPORARY PROVISIONS

23           Sec. 8207.021. TEMPORARY DIRECTORS. (a) The temporary  
24 board consists of:

25                   (1) \_\_\_\_\_ ;

26                   (2) \_\_\_\_\_ ;

27                   (3) \_\_\_\_\_ ;

1           (4) \_\_\_\_\_ ; and

2           (5) \_\_\_\_\_ .

3           (b) If a temporary director fails to qualify for office, the  
4 Texas Commission on Environmental Quality shall appoint a person to  
5 fill the vacancy.

6           (c) Temporary directors serve until the earlier of:

7           (1) the date directors are elected under Section  
8 8207.024; or

9           (2) the date this chapter expires under Section  
10 8207.003.

11           Sec. 8207.022. ORGANIZATIONAL MEETING OF TEMPORARY  
12 DIRECTORS. As soon as practicable after all the temporary  
13 directors have qualified under Section 49.055, Water Code, the  
14 temporary directors shall meet at a location in the district  
15 agreeable to a majority of the directors. If a location cannot be  
16 agreed upon, the directors shall meet at the Fort Bend County  
17 Courthouse. At the meeting, the temporary directors shall elect  
18 officers from among the temporary directors and conduct any other  
19 district business.

20           Sec. 8207.023. CONSENT OF MUNICIPALITY REQUIRED. The  
21 temporary directors may not hold an election under Section 8207.024  
22 until each municipality in whose corporate limits or  
23 extraterritorial jurisdiction the district is located has adopted a  
24 resolution consenting to the creation of the district.

25           Sec. 8207.024. CONFIRMATION AND INITIAL DIRECTORS'  
26 ELECTION. The temporary directors shall hold an election to  
27 confirm the creation of the district and to elect five directors as

1 provided by Section 49.102, Water Code.

2 Sec. 8207.025. INITIAL ELECTED DIRECTORS; TERMS. The  
3 directors elected under Section 8207.024 shall draw lots to  
4 determine which two shall serve until the first regularly scheduled  
5 election of directors and which three shall serve until the second  
6 regularly scheduled election of directors.

7 Sec. 8207.026. EXPIRATION OF SUBCHAPTER. This subchapter  
8 expires September 1, 2014.

9 [Sections 8207.027-8207.050 reserved for expansion]

10 SUBCHAPTER B. BOARD OF DIRECTORS

11 Sec. 8207.051. GOVERNING BODY; TERMS. (a) The district is  
12 governed by a board of five directors.

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

14 [Sections 8207.052-8207.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8207.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
17 DUTIES. The district has the powers and duties provided by the  
18 general law of this state, including Chapters 49 and 54, Water Code,  
19 applicable to municipal utility districts created under Section 59,  
20 Article XVI, Texas Constitution.

21 Sec. 8207.102. ROAD PROJECTS. (a) To the extent authorized  
22 by Section 52, Article III, Texas Constitution, the district may  
23 construct, acquire, improve, maintain, or operate macadamized,  
24 graveled, or paved roads or turnpikes, or improvements in aid of  
25 those roads or turnpikes, inside the district.

26 (b) A road project must meet all applicable construction  
27 standards, zoning and subdivision requirements, and regulations of

1 each municipality in whose corporate limits or extraterritorial  
2 jurisdiction the district is located. If the district is not  
3 located in the corporate limits or extraterritorial jurisdiction of  
4 a municipality, a road project must meet all applicable  
5 construction standards, zoning and subdivision requirements, and  
6 regulations of each county in which the district is located.

7 (c) The district may not undertake a road project unless  
8 each municipality in whose corporate limits or extraterritorial  
9 jurisdiction the district is located consents by resolution.

10 Sec. 8207.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
11 RESOLUTIONS. The district shall comply with all applicable  
12 requirements of any ordinance or resolution adopted by the  
13 governing body of the City of Fulshear.

14 [Sections 8207.104-8207.150 reserved for expansion]

15 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

16 Sec. 8207.151. TAX TO REPAY BONDS. The district may impose  
17 a tax to pay the principal of or interest on bonds or other  
18 obligations issued under Section 8207.201.

19 [Sections 8207.152-8207.200 reserved for expansion]

20 SUBCHAPTER E. BONDS

21 Sec. 8207.201. AUTHORITY TO ISSUE BONDS AND OTHER  
22 OBLIGATIONS. (a) The district may issue bonds or other obligations  
23 as provided by Chapters 49 and 54, Water Code, to finance the  
24 construction, maintenance, or operation of a project under Section  
25 8207.101 or 8207.102.

26 (b) The district may not issue bonds or other obligations to  
27 finance projects authorized by Section 8207.102 unless the issuance

1 is approved by a vote of a two-thirds majority of the district  
2 voters voting at an election called for that purpose.

3 (c) Bonds or other obligations issued or incurred to finance  
4 projects authorized by Section 8207.102 may not exceed one-fourth  
5 of the assessed value of the real property in the district.

6 SECTION 2. The Fulshear Municipal Utility District No. 1 of  
7 Fort Bend County includes all the territory contained in the  
8 following area:

9 All that certain 559.97 acres of land out of the Churchill Fulshear  
10 League, A-29 and being more particularly described by metes and  
11 bounds as follows, all coordinates and bearings being referred to  
12 the Texas Plain Coordinate System, South Central Zone, all  
13 distances shown are surface and may be converted to grid by  
14 multiplying by a combined scale factor of 0.99988107.

15 BEGINNING at a found 3/4" iron pipe in the south right-of-way line  
16 of F.M. 1093 (100' wide) having state plain coordinates of  
17 Y=13812541.25 X=2951919.61;

18 Thence with said south right-of-way line for the following six  
19 courses and distances:

20 Thence S 89° 09' 28" E - 109.25' to a found 3/4" iron pipe for angle  
21 point;

22 Thence N 88° 12' 11" E - 134.25' to a found 3/4" iron pipe for angle  
23 point;

24 Thence N 83° 08' 18" E - 33.72' found 5/8" iron rod with cap for angle  
25 point;

26 Thence N 82° 10' 27" E - 104.93' found 5/8" iron rod with cap for  
27 angle point;

1 Thence N 78° 13' 14" E - 103.12' found 5/8" iron rod with cap for  
2 angle point;  
3 Thence N 74° 48' 15" E - 12.13' found 5/8" iron rod with cap for angle  
4 point;  
5 Thence S 1° 31' 32" E - 272.75', with the west line of a called 1.00  
6 acre tract of land described in a deed dated 03-19-2003 from Sethora  
7 Bell Nott West to Frances Smart filed at Clerk File No. 2003036275  
8 to a found 3/4" iron pipe for corner;  
9 Thence N 88° 28' 28" E - 453.56' to a found 5/8" iron rod with cap for  
10 corner;  
11 Thence N 1° 30' 19" W - 302.52', with the east line of a called 2.2155  
12 acre tract of land described in a deed dated 05-10-1990 from Federal  
13 Deposit Insurance Corp. to City of Fulshear, filed at Volume 2210,  
14 Pg. 2029 Fort Bend County Deed Records to a found 3/4" iron pipe for  
15 corner;  
16 Thence S 84° 09' 54" E - 66.59' to a found 1 1/4" iron pipe for angle  
17 point;  
18 Thence N 84° 13' 20" E - 141.77' to a found 1 1/4" iron pipe for angle  
19 point;  
20 Thence N 82° 24' 05" E - 366.36' to a found 1 1/4" iron pipe for corner;  
21 Thence N 26° 49' 05" E - 288.84' to a found 1 1/4" iron pipe for corner;  
22 Thence N 83° 17' 51" E - 199.80' to a found 1 1/4" iron pipe for corner;  
23 Thence N 6° 03' 32" W - 151.80' to a found 5/8" iron rod with cap for  
24 corner;  
25 Thence N 82° 58' 28" E - 247.20', with the south line of the  
26 aforementioned Metropolitan Transit Authority of Harris County  
27 tract to a found 5/8" iron rod with cap for corner;

1 Thence S 1° 15' 35" E - 1101.52', with the west line of a called  
2 20.089 acre tract of land described in a deed dated 07-02-1999 from  
3 Jim Gibson, Trustee to H&G Joint Venture, filed at Clerk File No.  
4 1999057259 to a point for corner;

5 Thence S 88° 28' 28" W - 662.15', with the north line of a called  
6 59.93 acre tract of land described in a deed dated 12-15-1967 from  
7 E.M. Huggins, Sr., et ux to Carrie R. Pickard, filed at Volume 495,  
8 Page 744 Fort Bend County Deed Records to a found 1" iron pipe for  
9 corner;

10 Thence S 1° 27' 32" E - 430.22', with the east line of said 59.93 acre  
11 tract to a found 5/8", iron rod with cap for corner;

12 Thence N 88° 30' 44" E - 2332.55', with the south line of said 59.93  
13 acre tract to a found 5/8" iron rod with cap for corner;

14 Thence S 1° 40' 54" E - 1095.91', with the west line of a called  
15 101.3597 acre tract of land conveyed to George Gayle Jr. filed at  
16 Volume 629, Page 43 Fort Bend County Deed Records to a found 5/8"  
17 iron rod with cap for angle point;

18 Thence S 2° 23' 52" E - 476.42', continuing with said west line to a  
19 found 4" iron pipe for corner;

20 Thence S 87° 45' 13" W - 14.70' to a found 5/8" iron rod with cap for  
21 corner;

22 Thence S 2° 06' 35" E - 3042.83', with the west line of a called  
23 101.782 acre tract of land conveyed to George Gayle Jr. described in  
24 a deed filed at Volume 672, Page 169 Fort Bend County Deed Records  
25 to a found 5/8" iron rod with cap for corner;

26 Thence S 88° 46' 07" W - 14.40' to a found 5/8" iron rod with cap for  
27 corner;



1 Thence S 1° 20' 46" E - 1743.09', with the west line of a called 125  
2 acre tract of land conveyed to Dan Harrison Jr. described in a deed  
3 filed at Volume 557, Page 227 Fort Bend County Deed Records to a  
4 found 5/8" iron rod with cap for corner;

5 Thence S 88' 39' 14" W - 2303.93', to a found 5/8" iron rod with cap  
6 for corner;

7 Thence N 62° 16' 40" W - 1252.23' with the north line of a tract of  
8 land conveyed to Dan J. Harrison III and Bruce Finch Harrison in a  
9 deed filed at Volume 565, Page 244 Fort Bend County Deed Records;

10 Thence along the margin of Grassy Lake for the following six courses  
11 and distances:

12 Thence N 31° 24' 28" E - 152.31' to an angle point;

13 Thence N 34° 24' 37" E - 154.00' to an angle point;

14 Thence N 23° 55' 37" E - 116.30' to an angle point;

15 Thence N 36° 00' 37" E - 224.00' to an angle point;

16 Thence N 21° 02' 37" E - 261.80' to an angle point;

17 Thence N 17° 46' 37" E - 288.22' to an angle point;

18 Thence N 68° 58' 13" W - 994.83', with the north line of a called  
19 17.806 acre tract of land described in a deed dated 01-10-1987 from  
20 Anna Ruth Turner McCann to McCann Family Trusts filed at Volume  
21 1928, Pg. 827 Fort Bend County Deed Records to a found 3/4" iron  
22 pipe for corner;

23 Thence N 1° 34' 03" W - 1445.29', with the east line of a called 190  
24 acre tract of land described in a deed dated 07-17-1987 from P.  
25 Michael Wells to P. Michael Wells, Trustee filed at Volume 1963,  
26 Page 1436 Fort Bend County Deed Records to a found 3/4" iron pipe  
27 for angle point;

1 Thence N 1° 32' 09" W - 3846.77', continuing with said east line to  
2 the POINT OF BEGINNING containing 559.97 acres (24,392,276 square  
3 feet) of land for Fulshear M.U.D. No. 1 more or less.

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

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

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

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

22 SECTION 4. This Act takes effect September 1, 2007.