

By: Olivo

H.B. No. 2531

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 183; 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 8165 to read as follows:

CHAPTER 8165. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 183

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8165.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fort Bend County Municipal Utility District No. 183.

Sec. 8165.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8165.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8165.055 before September 1, 2011:

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

(A) any debts incurred shall be paid;

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

3 (C) the organization of the district shall be
4 maintained until all debts are paid and remaining assets are
5 transferred; and

6 (2) this chapter expires September 1, 2014.

7 Sec. 8165.004. 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 8165.005-8165.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8165.051. GOVERNING BODY; TERMS. (a) The district is
24 governed by a board of five directors.

25 (b) Except as provided by Section 8165.052, directors serve
26 staggered four-year terms.

27 Sec. 8165.052. INITIAL DIRECTORS. (a) The initial board

1 consists of:

- 2 (1) John Randolph;
- 3 (2) Stacy Eickhoff;
- 4 (3) Karen Ross;
- 5 (4) John Neslage; and
- 6 (5) Stephen Eustis.

7 (b) Unless the initial board agrees otherwise, the initial
8 directors shall draw lots to determine which two shall serve until
9 the first regularly scheduled election of directors under Section
10 8165.053, and which three shall serve until the second regularly
11 scheduled election of directors.

12 (c) This section expires September 1, 2014.

13 Sec. 8165.053. INITIAL ELECTION OF PERMANENT DIRECTORS. On
14 the uniform election date in May of the first even-numbered year
15 after the year in which the creation of the district is confirmed at
16 an election held under Section 8165.055, an election shall be held
17 in the district for the election of two directors to replace the
18 initial directors who, under Section 8165.052(b), serve until that
19 election.

20 Sec. 8165.054. CONSENT OF MUNICIPALITY REQUIRED. The
21 initial directors may not hold an election under Section 8165.055
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. 8165.055. CONFIRMATION ELECTION. The initial
26 directors shall hold an election to confirm the creation of the
27 district in the manner provided by Section 49.102, Water Code. A

1 reference to temporary directors or to electing permanent directors
2 under Section 49.102 does not apply to the district.

3 [Sections 8165.056-8165.100 reserved for expansion]

4 SUBCHAPTER C. POWERS AND DUTIES

5 Sec. 8165.101. MUNICIPAL UTILITY DISTRICT POWERS AND
6 DUTIES. The district has the powers and duties provided by the
7 general law of this state, including Chapters 49 and 54, Water Code,
8 applicable to municipal utility districts created under Section 59,
9 Article XVI, Texas Constitution.

10 Sec. 8165.102. ROAD PROJECTS. (a) To the extent authorized
11 by Section 52, Article III, Texas Constitution, the district may
12 construct, acquire, improve, maintain, or operate macadamized,
13 graveled, or paved roads or turnpikes, or improvements in aid of
14 those roads or turnpikes, inside the district.

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

23 (c) The district may not undertake a road project unless
24 each municipality in whose corporate limits or extraterritorial
25 jurisdiction the district is located consents by ordinance or
26 resolution.

27 Sec. 8165.103. COMPLIANCE WITH MUNICIPAL CONSENT

1 ORDINANCES OR RESOLUTIONS. The district shall comply with all
2 applicable requirements of any ordinance or resolution adopted by
3 the city council of the City of Alvin.

4 [Sections 8165.104-8165.150 reserved for expansion]

5 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

6 Sec. 8165.151. TAX TO REPAY BONDS. The district may impose
7 a tax to pay the principal of or interest on bonds or other
8 obligations issued under Section 8165.201.

9 [Sections 8165.152-8165.200 reserved for expansion]

10 SUBCHAPTER E. BONDS

11 Sec. 8165.201. AUTHORITY TO ISSUE BONDS AND OTHER
12 OBLIGATIONS. (a) The district may issue bonds or other obligations
13 as provided by Chapters 49 and 54, Water Code, to finance the
14 construction, maintenance, or operation of a project under Section
15 8165.101 or 8165.102.

16 (b) The district may not issue bonds to finance projects
17 authorized by Section 8165.102 unless the issuance is approved by a
18 vote of a two-thirds majority of the district voters voting at an
19 election called for that purpose.

20 (c) Bonds or other obligations issued or incurred to finance
21 projects authorized by Section 8165.102 may not exceed one-fourth
22 of the assessed value of the real property in the district.

23 SECTION 2. The Fort Bend County Municipal Utility District
24 No. 183 includes all the territory contained in the following area:

25 TRACT I:

26 Being a tract or parcel containing 504.70 acres of land
27 situated in the William Pettus League, Abstract Number 68, Fort

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1 Bend County, Texas; being all that certain called 504.6532 acre
2 tract conveyed from J.E. Foster to H.B. Gordon, Trustee by deed
3 recorded in Volume 393, Page 64 of the Deed Records Fort Bend
4 County, Texas; being conveyed from H.B. Gordon, Trustee to S.
5 Conrad Weil, Jr., Trustee, 16.668% interest as recorded in Clerk's
6 File Number 9329669 of the Deed Records Fort Bend County, Texas; and
7 being conveyed from Aron S. Gordon, Trustee to Asgor, Ltd. 41.666%
8 interest as recorded in Clerk's File Number 9512339 of the Deed
9 Records Fort Bend County, Texas; said 504.70 acre tract being more
10 particularly described as follows (bearings are referenced to the
11 Texas State Plain Coordinate System, South Central Zone, (NAD 83);

12 BEGINNING at a 1-inch iron pipe found in the west
13 right-of-way line of the Missouri-Pacific (I.G. & N.) Railroad
14 (width varies), being in the south line of said William Pettus
15 League and in the north line of the Francis Bingham Survey, Abstract
16 Number 43 and on the south line of Fort Bend County and on the north
17 line of Brazoria County, said iron pipe marking the common
18 northwest corner of that certain called 0.24 acre tract (Tract 3) as
19 recorded in Clerk's File Number 99058295 of the Deed Records
20 Brazoria County, Texas and the northeast corner of that certain
21 called 3.00 acre tract (Tract 2) as recorded in Clerk's File Number
22 99058295 of the Deed Records Brazoria County, Texas, said iron pipe
23 also marking the southeast corner of said called 504.6532 acre
24 tract and the herein described tract;

25 THENCE, South 87°18'39" West (called South 89°44'40" West,
26 7,627.20 feet), along the north line of said Francis Bingham Survey
27 and the south line of said William Pettus League, along the north

1 line of Brazoria County and the south line of Fort Bend County,
2 along the north line of said called 3.00 acre tract and the north
3 line of that certain called 373.91 acre tract (Tract 1) as recorded
4 in Clerk's File Number 99058295 of the Deed Records Brazoria
5 County, Texas, and along the south line of said called 504.6532 acre
6 tract, at a distance of 2,183.94 feet passing a found 1/2-inch iron
7 rod which bears South 02°41'21" East, 0.72 feet, at a distance of
8 4,873.14 feet passing a found Axle which bears South 02°41'21" East,
9 5.95 feet, continuing, in all, a distance of 7,627.83 feet to a
10 Railroad Rail found marking the southeast corner of that certain
11 called 300 acre tract (Second Tract) as recorded in Volume 226, Page
12 540 of the Deed Records Fort Bend County, Texas, said Railroad Rail
13 marking the southwest corner of said called 504.6532 acre tract and
14 the herein described tract;

15 THENCE, North 02°44'11" West, (called North 00°18'10 West,
16 2,820.37 feet), along the east line of said called 300 acre tract
17 and along the west line of said called 504.6532 acre tract, a
18 distance of 2,820.37 feet to a 5/8-inch iron rod with "Terra" cap
19 set in the south line of that certain called 294.4 acre tract as
20 recorded in Clerk's File Numbers 9781317 and 9809582 of the Deed
21 Records Fort Bend County, Texas, said iron rod marking the
22 northeast corner of said called 300 acre tract and marking the
23 northwest corner of said called 504.6532 acre tract and the herein
24 described tract, from which a Railroad Rail found marking the
25 southwest corner of said called 294.4 acre tract bears South
26 87°12'30' West, 4,609.45 feet;

27 THENCE, North 87°01'19" East, (called North 89°27'20" East,

1 7,674.31 feet), along the south line of said called 294.4 acre tract
2 and along the north line of said called 504.6532 acre tract, a
3 distance of 7,676.59 feet to a 5/8-inch iron rod with "Terra" cap
4 set marking the northwest corner of an old cemetery tract (no deed
5 of record) and marking the most northerly northeast corner of said
6 called 504.6532 acre tract and the herein described tract;

7 THENCE, South 02°22'59" West, (called South 04°49'00" West,
8 196.45 feet), along an easterly line of said called 504.6532 acre
9 tract and along the west line of said cemetery tract, a distance of
10 195.81 feet to a 1-inch iron pipe found marking the southwest corner
11 of said cemetery tract and marking an interior corner of said called
12 504.6532 acre tract and the herein described tract;

13 THENCE, South 89°07'39" East, (called South 86°41'00" East,
14 208.85 feet), along a northerly line of said called 504.6532 acre
15 tract and along the south line of said cemetery tract, a distance of
16 207.11 feet to a 1-inch iron pipe found in the aforesaid west
17 right-of-way line of the Missouri- Pacific (I.G. & N.) Railroad,
18 marking the southeast corner of said cemetery tract and marking the
19 most easterly northeast corner of said called 504.6532 acre tract
20 and the herein described tract, from which the centerline of the old
21 railroad bed bears South 89°07'39" East, 48.7 feet;

22 THENCE, South 02°23'30" West, (called South 04°49'40" West,
23 2,660.84 feet), along the east line of said called 504.6532 acre
24 tract and along the west right-of-way line of the Missouri- Pacific
25 (I.S. & N.) Railroad, a distance of 2,660.63 feet to the POINT OF
26 BEGINNING and containing 504.70 acres of land. This description is
27 based on the Land Title Survey and plat made by Terra Surveying Co.,

1 dated September, 2005, Project Number 9430-0501-S.

2 TRACT II:

3 Being a tract of land out of the William Pettus Survey,
4 Abstract 68, Fort Bend County, Texas, being more particularly
5 described as follows:

6 Beginning at a point on the south line of Fort Bend County, on the
7 north line of Brazoria County, and the west right of way line of the
8 International & Great Northern Railroad Company, predecessor to
9 Union Pacific Railroad Company, distant 50 feet west from the
10 centerline of track as originally constructed and operated and
11 opposite Railroad Engineer's Station 1307+03;

12 THENCE Northeast parallel with said railroad and 50 feet
13 distance at right angles from the centerline of its track 2,660.63
14 feet to a point;

15 THENCE East at right angles, 100 feet to the east right of way
16 line of said railroad, also being the west right of way line of F. M.
17 521;

18 THENCE Southwest parallel and 50 feet distant from the
19 centerline of the railroad track to the south line of Fort Bend
20 County, Texas;

21 THENCE West 100 feet along the County line to the Point of
22 Beginning.

23 Save and except any portion lying within the right of way of F. M.
24 521.

25 Contains 6.10 Acres more or less.

26 SECTION 3. (a) The legal notice of the intention to
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a
2 copy of this Act have been furnished to all persons, agencies,
3 officials, or entities to which they are required to be furnished
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5 Government Code.

6 (b) The governor, one of the required recipients, has
7 submitted the notice and Act to the Texas Commission on
8 Environmental Quality.

9 (c) The Texas Commission on Environmental Quality has filed
10 its recommendations relating to this Act with the governor, the
11 lieutenant governor, and the speaker of the house of
12 representatives within the required time.

13 (d) All requirements of the constitution and laws of this
14 state and the rules and procedures of the legislature with respect
15 to the notice, introduction, and passage of this Act are fulfilled
16 and accomplished.

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