

By: Olivo

H.B. No. 4006

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the creation of the Booth Ranch Municipal Utility
3 District of Fort Bend County, Texas; providing authority to impose
4 a tax and issue bonds; granting the power of eminent domain.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subtitle F, Title 6, Special District Local Laws
7 Code, is amended by adding Chapter 8242 to read as follows:

8 CHAPTER 8242. BOOTH RANCH MUNICIPAL UTILITY DISTRICT OF FORT BEND
9 COUNTY, TEXAS

10 SUBCHAPTER A. GENERAL PROVISIONS

11 Sec. 8242.001. DEFINITIONS. In this chapter:

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

13 (2) "Director" means a board member.

14 (3) "District" means the Booth Ranch Municipal Utility
15 District of Fort Bend County, Texas.

16 Sec. 8242.002. NATURE OF DISTRICT. The district is a
17 municipal utility district created under and essential to
18 accomplish the purposes of Section 59, Article XVI, Texas
19 Constitution.

20 Sec. 8242.003. CONFIRMATION ELECTION REQUIRED. The board
21 shall hold an election to confirm the creation of the district as
22 provided by Section 49.102, Water Code.

23 Sec. 8242.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
24 land and other property in the district will benefit from the

1 improvements and services to be provided by the district.

2 Sec. 8242.005. INITIAL DISTRICT TERRITORY. (a) The
3 district is initially composed of the territory described by
4 Section 2 of the Act creating this chapter.

5 (b) The boundaries and field notes contained in Section 2 of
6 the Act creating this chapter form a closure. A mistake made in the
7 field notes or in copying the field notes in the legislative process
8 does not affect the district's:

9 (1) organization, existence, or validity;

10 (2) right to issue any type of bond for a purpose for
11 which the district is created or to pay the principal of and
12 interest on the bond;

13 (3) right to impose an assessment or tax; or

14 (4) legality or operation.

15 [Sections 8242.006-8242.050 reserved for expansion]

16 SUBCHAPTER B. BOARD OF DIRECTORS

17 Sec. 8242.051. GOVERNING BODY; TERMS. (a) The district is
18 governed by a board of five directors.

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

20 Sec. 8242.052. INITIAL DIRECTORS. (a) On or after
21 September 1, 2007, a person who owns land in the district may submit
22 a petition to the Texas Commission on Environmental Quality
23 requesting that the commission appoint as initial directors the
24 five persons named in the petition.

25 (b) The commission shall appoint as initial directors the
26 five persons named in the first petition received by the commission
27 under Subsection (a).

1 (c) If an initial director fails to qualify for office, the
2 commission shall appoint a person to fill the vacancy.

3 (d) Unless the initial board agrees otherwise, the initial
4 directors shall draw lots to determine which two shall serve until
5 the first regularly scheduled election of directors and which three
6 shall serve until the second regularly scheduled election of
7 directors.

8 (e) This section expires September 1, 2014.

9 [Sections 8242.053-8242.100 reserved for expansion]

10 SUBCHAPTER C. POWERS AND DUTIES

11 Sec. 8242.101. GENERAL POWERS AND DUTIES. The district has
12 the powers and duties necessary to accomplish the purposes for
13 which the district is created.

14 Sec. 8242.102. MUNICIPAL UTILITY DISTRICT POWERS AND
15 DUTIES. The district has the powers and duties provided by the
16 general law of this state, including Chapters 49 and 54, Water Code,
17 applicable to municipal utility districts created under Section 59,
18 Article XVI, Texas Constitution.

19 Sec. 8242.103. LEVEE IMPROVEMENT DISTRICT POWERS. The
20 district has the powers provided by the general law of this state,
21 including Chapter 57, Water Code, applicable to levee improvement
22 districts created under Section 59, Article XVI, Texas
23 Constitution.

24 Sec. 8242.104. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
25 OR RESOLUTION. The district shall comply with all applicable
26 requirements of any ordinance or resolution, adopted by the
27 governing body of a municipality under Section 54.016, Water Code,

1 that consents to the creation of the district or to the inclusion of
2 land in the district.

3 [Sections 8242.105-8242.150 reserved for expansion]

4 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

5 Sec. 8242.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
6 district may issue, without an election, bonds and other
7 obligations secured by revenue or contract payments from a source
8 other than ad valorem taxation.

9 (b) The district must hold an election in the manner
10 provided by Chapters 49 and 54, Water Code, to obtain voter approval
11 before the district may impose an ad valorem tax or issue bonds
12 payable from ad valorem taxes.

13 Sec. 8242.152. OPERATION AND MAINTENANCE TAX. (a) If
14 authorized at an election held under Section 8242.151, the district
15 may impose an operation and maintenance tax on taxable property in
16 the district as provided by Chapter 49.107, Water Code.

17 (b) The board shall determine the tax rate. The rate may not
18 exceed the rate approved at the election.

19 [Sections 8242.153-8242.200 reserved for expansion]

20 SUBCHAPTER E. BONDS

21 Sec. 8242.201. AUTHORITY TO ISSUE BONDS AND OTHER
22 OBLIGATIONS. The district may issue bonds or other obligations
23 payable wholly or partly from ad valorem taxes, impact fees,
24 revenue, grants, or other district money, or any combination of
25 those sources, to pay for any authorized district purpose.

26 Sec. 8242.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
27 the time bonds or other obligations payable wholly or partly from ad

1 valorem taxes are issued:

2 (1) the board shall impose a continuing direct annual
3 ad valorem tax, without limit as to rate or amount, for each year
4 that all or part of the bonds are outstanding; and

5 (2) the district annually shall impose an ad valorem
6 tax on all taxable property in the district in an amount sufficient
7 to:

8 (A) pay the interest on the bonds or other
9 obligations as the interest becomes due;

10 (B) create a sinking fund for the payment of the
11 principal of the bonds or other obligations when due or the
12 redemption price at any earlier required redemption date; and

13 (C) pay the expenses of imposing the taxes.

14 SECTION 2. The Booth Ranch Municipal Utility District of
15 Fort Bend County, Texas, initially includes all the territory
16 contained in the following area:

17 BEING A 915.7374 ACRE TRACT OF LAND IN THE ABNER KUYKENDALL LEAGUE,
18 ABSTRACT 48, AND THE HENRY JONES LEAGUE, ABSTRACT 39, FORT BEND
19 COUNTY, TEXAS, WITH ALL BEARINGS BEING GRID, COORDINATES ARE TEXAS
20 STATE PLANE, SOUTH CENTRAL ZONE, NAD-83 (1993), BASED UPON GPS
21 OBSERVATIONS OF TRIANGULATION STATION "GEORGE."

22 BEGINNING at a 4-inch angle iron found for the Place of Beginning of
23 the herein described 915.7374 acre tract of land, said point having
24 coordinates of X=3,032,723.77', Y=13,766,317.24';

25 THENCE North 22 degrees 07 minutes 24 seconds East, at 669.10 feet
26 pass a 5/8 inch iron rod with cap (description not legible) found,
27 and continuing for a total distance of 827.05 feet to a point on the

1 gradient boundary on the right bank of the Brazos River for the
2 northwest corner of the herein described tract;

3 THENCE downstream along the gradient boundary of the right bank of
4 the Brazos River with the following meanders:

- 5 South 16 degrees 44 minutes 39 seconds East, 41.52 feet;
- 6 South 73 degrees 11 minutes 59 seconds East, 165.03 feet;
- 7 South 77 degrees 41 minutes 26 seconds East, 172.10 feet;
- 8 South 84 degrees 10 minutes 35 seconds East, 214.31 feet;
- 9 South 75 degrees 02 minutes 24 seconds East, 323.83 feet;
- 10 South 73 degrees 02 minutes 28 seconds East, 344.02 feet;
- 11 South 83 degrees 21 minutes 44 seconds East, 35.99 feet;
- 12 South 85 degrees 10 minutes 12 seconds East, 213.53 feet;
- 13 South 69 degrees 30 minutes 50 seconds East, 188.68 feet;
- 14 South 56 degrees 31 minutes 03 seconds East, 82.41 feet;
- 15 South 62 degrees 04 minutes 17 seconds East, 147.31 feet;
- 16 South 29 degrees 22 minutes 03 seconds East, 62.61 feet;
- 17 South 44 degrees 26 minutes 56 seconds East, 269.60 feet;
- 18 South 46 degrees 08 minutes 30 seconds East, 91.43 feet;
- 19 South 26 degrees 33 minutes 24 seconds East, 172.82 feet;
- 20 South 21 degrees 13 minutes 22 seconds East, 187.83 feet;
- 21 South 25 degrees 50 minutes 14 seconds East, 114.11 feet;
- 22 South 14 degrees 54 minutes 38 seconds East, 132.51 feet;
- 23 South 08 degrees 48 minutes 04 seconds East, 96.92 feet;
- 24 South 01 degree 25 minutes 42 seconds West, 153.18 feet;
- 25 South 10 degrees 40 minutes 14 seconds West, 307.44 feet;
- 26 South 12 degrees 47 minutes 06 seconds West, 329.55 feet;
- 27 South 14 degrees 00 minutes 04 seconds West, 282.23 feet;

1 South 24 degrees 48 minutes 40 seconds West, 150.24 feet;
2 South 20 degrees 13 minutes 52 seconds West, 100.41 feet;
3 South 15 degrees 57 minutes 16 seconds West, 233.58 feet;
4 South 04 degrees 46 minutes 11 seconds West, 244.22 feet;
5 South 06 degrees 27 minutes 58 seconds East, 150.60 feet;
6 South 09 degrees 25 minutes 46 seconds East, 340.52 feet;
7 South 38 degrees 32 minutes 58 seconds East, 66.69 feet to a point
8 on said gradient;
9 THENCE continuing downstream along the gradient boundary of the
10 right bank of the Brazos River with the following meanders:
11 South 47 degrees 59 minutes 24 seconds East, 210.99 feet;
12 South 72 degrees 55 minutes 53 seconds East, 156.45 feet;
13 South 80 degrees 40 minutes 00 seconds East, 342.63 feet;
14 North 84 degrees 27 minutes 18 seconds East, 100.35 feet;
15 South 88 degrees 24 minutes 53 seconds East, 192.07 feet;
16 South 78 degrees 34 minutes 41 seconds East, 120.62 feet;
17 South 71 degrees 07 minutes 34 seconds East, 124.65 feet;
18 South 46 degrees 23 minutes 22 seconds East, 24.90 feet;
19 South 78 degrees 28 minutes 52 seconds East, 221.94 feet;
20 South 69 degrees 11 minutes 13 seconds East, 88.35 feet;
21 North 60 degrees 19 minutes 57 seconds East, 57.84 feet;
22 North 83 degrees 36 minutes 38 seconds East, 202.16 feet;
23 South 76 degrees 44 minutes 05 seconds East, 455.45 feet;
24 South 70 degrees 10 minutes 30 seconds East, 346.28 feet;
25 South 57 degrees 55 minutes 58 seconds East, 174.08 feet;
26 South 39 degrees 29 minutes 27 seconds East, 107.98 feet;
27 South 62 degrees 48 minutes 29 seconds East, 245.59 feet;

1 South 70 degrees 51 minutes 05 seconds East, 53.10 feet;
2 South 56 degrees 53 minutes 53 seconds East, 112.09 feet;
3 South 60 degrees 24 minutes 22 seconds East, 162.20 feet;
4 South 63 degrees 37 minutes 41 seconds East, 99.04 feet to a point
5 on said gradient on the right bank of the Brazos River for the
6 northeast corner of the herein described 915.7374 acre tract of
7 land;
8 THENCE South 26 degrees 54 minutes 33 seconds West along the east
9 line of the herein described tract, at 140.24 feet pass a $\frac{1}{2}$ inch
10 iron pipe found on said line, and continuing for a total distance of
11 323.73 feet to a 3-inch angle iron found on said line for angle
12 point;
13 THENCE South 27 degrees 56 minutes 38 seconds West continuing along
14 said line, 14.56 feet to a $\frac{1}{2}$ inch iron pipe found on said line for
15 angle point;
16 THENCE South 27 degrees 03 minutes 33 seconds West continuing along
17 said line, 486.47 feet to a $\frac{1}{2}$ inch iron pipe found on said line for
18 an angle point in the east line of the herein described tract;
19 THENCE South 27 degrees 54 minutes 27 seconds West along the east
20 line of the herein described tract, 2,103.77 feet to a 1-1/4 inch
21 iron bar found for the upper southeast corner of the herein
22 described 915.7374 acre tract;
23 THENCE North 67 degrees 24 minutes 19 seconds West, at 1,637.78 feet
24 pass a $\frac{1}{2}$ inch iron rod found on said line, and continuing for a total
25 distance of 3,243.30 feet to a 4-inch angle iron found for a
26 re-entry corner to the herein described 915.7374 acre tract;
27 THENCE South 22 degrees 38 minutes 07 seconds West, 2,700.18 feet to

1 a 1-inch iron pipe found for the middle southeast corner of the
2 herein described tract;
3 THENCE North 67 degrees 18 minutes 53 seconds West, 1,032.10 feet to
4 a 5/8 inch iron rod found for a corner to the herein described
5 tract;
6 THENCE North 22 degrees 06 minutes 05 seconds East, 1,424.05 feet to
7 a ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a
8 re-entry corner to the herein described tract;
9 THENCE North 67 degrees 53 minutes 53 seconds West, 234.95 feet to a
10 ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a
11 re-entry corner to the herein described tract;
12 THENCE South 25 degrees 40 minutes 37 seconds West, 764.19 feet to a
13 ½ inch iron pipe with cap marked "Kalkomey Surveying" set for a
14 re-entry corner to the herein described tract;
15 THENCE South 68 degrees 53 minutes 03 seconds East, 125.40 feet to a
16 ½ inch iron pipe with cap marked "Kalkomey Surveying" set for corner
17 to the herein described tract;
18 THENCE South 15 degrees 51 minutes 17 seconds West, 666.60 feet to a
19 ½ inch iron pipe with cap marked "Kalkomey Surveying" set for corner
20 to the herein described tract;
21 THENCE North 67 degrees 18 minutes 54 seconds West, 35.15 feet to a
22 1-inch iron pipe found for a re-entry corner to the herein described
23 tract;
24 THENCE South 21 degrees 38 minutes 27 seconds West, at 2,040.17 feet
25 pass a 1-inch iron pipe found on said line, and continuing along
26 said line for a total distance of 2,906.22 feet to a 1-inch iron
27 pipe found for the lower southeast corner of the herein described

1 tract, and being in the north right-of-way line of F.M Highway 2759,
2 said point having coordinates of X=3,030,903.69',
3 Y=13,756,145.06';

4 THENCE North 82 degrees 44 minutes 12 seconds West along the north
5 right-of-way line of F.M Highway 2759, 1,401.42 feet to a ½ inch
6 iron rod found for the lower southwest corner of the herein
7 described tract;

8 THENCE North 20 degrees 19 minutes 13 seconds East, 2,350.24 feet to
9 a ½ inch iron pipe with cap marked "Kalkomey Survey" set for a
10 re-entry corner to the herein described tract;

11 THENCE North 67 degrees 58 minutes 09 seconds West along the upper
12 south line of the herein described tract, 715.46 feet to a 2-inch
13 angle iron found for the upper southwest corner of the herein
14 described tract;

15 THENCE North 22 degrees 04 minutes 08 seconds East, 1,519.58 feet to
16 a 5/8 inch iron rod with cap (description not legible) for angle
17 point to the herein described tract;

18 THENCE North 22 degrees 07 minutes 24 seconds East, 6,601.91 feet to
19 the Place of Beginning and containing 915.7374 acres of land, more
20 or less.

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 immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.