

By: Olivo

H.B. No. 4012

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the creation of the Fort Bend County Municipal Utility
3 District No. 189; providing authority to impose a tax and issue
4 bonds.

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 8249 to read as follows:

8 CHAPTER 8249. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 189

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 8249.001. DEFINITIONS. In this chapter:

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

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

13 (3) "District" means the Fort Bend County Municipal
14 Utility District No. 189.

15 Sec. 8249.002. NATURE OF DISTRICT. The district is a
16 municipal utility district created under and essential to
17 accomplish the purposes of Section 59, Article XVI, Texas
18 Constitution.

19 Sec. 8249.003. CONFIRMATION ELECTION REQUIRED. The board
20 shall hold an election to confirm the creation of the district as
21 provided by Section 49.102, Water Code.

22 Sec. 8249.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
23 land and other property in the district will benefit from the
24 improvements and services to be provided by the district.

1 Sec. 8249.005. INITIAL DISTRICT TERRITORY. (a) The
2 district is initially composed of the territory described by
3 Section 2 of the Act creating this chapter.

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

8 (1) organization, existence, or validity;

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

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

13 (4) legality or operation.

14 [Sections 8249.006-8249.050 reserved for expansion]

15 SUBCHAPTER B. BOARD OF DIRECTORS

16 Sec. 8249.051. GOVERNING BODY; TERMS; ELECTION. (a) The
17 district is governed by a board of five elected directors.

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

19 (c) On the uniform election date in May of each
20 even-numbered year, the appropriate number of directors shall be
21 elected.

22 Sec. 8249.052. INITIAL DIRECTORS. (a) The initial board
23 consists of:

24 (1) Dan LeNeveu;

25 (2) Nikki Ball;

26 (3) Glenn Hansen;

27 (4) Joseph Charles Tusa; and

1 (5) Howard Moon.

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

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

8 [Sections 8249.053-8249.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8249.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8249.102. 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. 8249.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
19 OR RESOLUTION. The district shall comply with all applicable
20 requirements of any ordinance or resolution, adopted by the
21 governing body of a municipality under Section 54.016, Water Code,
22 that consents to the creation of the district or to the inclusion of
23 land in the district.

24 [Sections 8249.104-8249.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. 8249.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
27 district may issue, without an election, bonds and other

1 obligations secured by revenue or contract payments from a source
2 other than ad valorem taxation.

3 (b) The district must hold an election in the manner
4 provided by Chapters 49 and 54, Water Code, to obtain voter approval
5 before the district may impose an operation and maintenance tax or
6 issue bonds payable from ad valorem taxes.

7 Sec. 8249.152. OPERATION AND MAINTENANCE TAX. (a) If
8 authorized at an election held under Section 8249.151, the district
9 may impose an operation and maintenance tax on taxable property in
10 the district as provided by Section 49.107, Water Code.

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

13 [Sections 8249.153-8249.200 reserved for expansion]

14 SUBCHAPTER E. BONDS

15 Sec. 8249.201. AUTHORITY TO ISSUE BONDS AND OTHER
16 OBLIGATIONS. The district may issue bonds or other obligations
17 payable wholly or partly from ad valorem taxes, impact fees,
18 revenue, grants, or other district money, or any combination of
19 those sources, to pay for any authorized district purpose.

20 Sec. 8249.202. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
21 the time bonds or other obligations payable wholly or partly from ad
22 valorem taxes are issued:

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

26 (2) the district annually shall impose an ad valorem
27 tax on all taxable property in the district in an amount sufficient

1 to:

2 (A) pay the interest on the bonds or other
3 obligations as the interest becomes due;

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

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

8 SECTION 2. The Fort Bend County Municipal Utility District
9 No. 189 initially includes all the territory contained in the
10 following area:

11 All those certain tracts or parcels containing a total of
12 238.597 acres of land in the William Pettus League, A-68, Fort Bend
13 County, Texas, being all of that certain tract called 9.284 acres
14 conveyed to BGM Land Investments, Ltd., by an instrument of record
15 in File No. 2006124260 of the Official Public Records of said Fort
16 Bend County (F.B.C.O.P.R.); all of that certain tract called 46.415
17 acres conveyed to said BGM Land Investments, Ltd., by an instrument
18 of record in File No. 2006124259 of the F.B.C.O.P.R.; all of those
19 certain tracts called 179.359 acres and 2.559 acres conveyed to
20 said BGM Land Investments, Ltd., by an instrument of record in File
21 No. 2006086726 of the F.B.C.O.R. and all of that certain tract
22 called 1.000 acres conveyed to said BGM Land Investment, Ltd, by an
23 instrument of record in File No. 2006086725 of the F.B.C.O.P.R. and
24 all of Farm No. 1 thru Farm No. 9, all of Farm No. 39 thru Farm No. 41
25 and part of Farm No. 15 of the Emigration Land Company Subdivision
26 as recorded in Volume 618, Page 725 of the Plat Records of said Fort
27 Bend County and being more particularly described as Part One

1 containing 236.039 acres and Part Two containing 2.558 acres by
2 metes and bounds as follows, all bearings referenced to the Texas
3 State Plane Coordinate System, South Central Zone;

4 PART ONE

5 BEGINNING at a 2-inch pipe found marking the northwest corner
6 of said 9.284 acre tract, same being on the easterly right-of-way
7 line of F.M. No. 521, 115.0 feet wide, on the common line between
8 said William Pettus League and the William Hall League, A-31, and on
9 the south line of Southern Colony Section One, a subdivision of
10 record on Plat No. 20050137 of the Plat Records of said Fort Bend
11 County;

12 Thence North $86^{\circ} 59' 51''$ East, 4,218.75 feet with said common
13 survey line, with the north line of said 9.284 acre tract, with the
14 north line of the aforesaid 1.000 acre tract, with the north line of
15 the aforesaid 179.359 acre tract and with the south line of said
16 Southern Colony to a 1/2-inch iron pipe with a Kalkomey Cap found
17 for corner, the common north corner of Farm No. 40 and 51 and in the
18 center line of a 40.0 foot wide platted roadway (not open) as shown
19 on said Emigration Land Company Subdivision;

20 Thence South $03^{\circ} 01' 47''$ East, 2,359.44 feet departing said
21 common and north line, with the common line between Farm No. 40 and
22 51 and Farm No. 41 and 50, with the east line of said 179.359 acre
23 tract and with the centerline of said 40.0 foot wide platted roadway
24 (not open) to a 1/2-inch iron pipe with a Kalkomey cap found for
25 corner on the north right-of-way line of Juliff-Manvel Road, 60.0
26 feet wide, same being the southeast corner of said 179.359 acre
27 tract;

1 Thence South 86° 58' 17" West, 2,458.02 feet with the north
2 line of said Juliff-Manvel Road and with the south line of said
3 179.359 acre tract to a 1/2-inch iron pipe with a Kalkomey Cap found
4 for corner;

5 Thence South 03° 01' 43" East, 30.00 feet with a west line of
6 said 179.359 acre tract to a cotton picker spindle found for corner
7 on the centerline of Juliff-Manvel Road;

8 Thence South 86° 58' 17" West, 674.01 feet with a south line of
9 said 179.359 acre tract and with the centerline of said
10 Juliff-Manvel Road to a cotton picker spindle found for corner;

11 Thence North 03° 01' 30" West, 30.00 feet with a west line of
12 said 179.359 acre tract to a 1/2-inch iron pipe with a Kalkomey Cap
13 found for corner on the north right-of-way line of Juliff-Manvel
14 Road;

15 Thence South 86° 58' 17" West, 187.93 feet with a south line of
16 said 179.359 acre tract and with the north right-of-way line of
17 Juliff-Manvel Road to a 1/2-inch iron pipe with a Kalkomey Cap found
18 for corner, the southwest corner of said 179.359 acre tract and on
19 the east line of the aforesaid 46.415 acre tract;

20 Thence South 03° 01' 43" East, 30.00 feet with the east line of
21 said 46.415 acre tract to a cotton picker spindle found for corner,
22 the southeast corner of said 46.415 acre tract and on the centerline
23 of the aforesaid Juliff-Manvel Road;

24 Thence South 86° 58' 17" West, 1130.82 feet with the south
25 line of said 46.415 acre tract and with the centerline of said
26 Juliff-Manvel Road to a cotton picker spindle found for corner, the
27 southwest corner of said 46.415 acre tract and on the easterly

1 right-of-way line of the aforesaid F.M. No. 521;

2 Thence North 02° 31' 47" East, with the west line of said
3 46.415 acre tract and with the easterly right-of-way line of F.M.
4 No. 521, at 30.14 feet pass a 5/8-inch iron rod found on the north
5 right-of-way line of Juliff-Manvel Road and continuing in all a
6 total of 1960.12 feet to a 5/8-inch iron rod found for corner, the
7 northwest corner of said 46.415 acre tract and the southwest corner
8 of the aforesaid 9.284 acre tract;

9 Thence North 02° 26' 06" East, 442.48 feet with the easterly
10 right-of-way line of said F.M. No. 521 and with the west line of
11 said 9.284 acre tract to the POINT OF BEGINNING and containing
12 236.039 acres of land.

13 PART TWO

14 BEGINNING at a 1/2-inch iron pipe with a Kalkomey Cap found
15 marking the northwest corner of the aforesaid 2.559 acre tract,
16 same being on the south right-of-way line of Juliff-Manvel Road,
17 60.0 feet wide;

18 Thence North 86° 58' 17" East, 240.76 feet with the north line
19 of said 2.559 acre tract and with the south right-of-way line of
20 Juliff-Manvel Road to a 1/2-inch iron pipe with a Kalkomey Cap found
21 marking the northeast corner of said 2.559 acre tract and the
22 northwest corner of that certain tract called 10.3 acres conveyed
23 to Fabian Valdez by an instrument of record in Volume 2500, Page
24 1181 of the Official Records of Fort Bend County (F.B.C.O.R.);

25 Thence South 02° 50' 17" East, 528.91 feet with the east line
26 of said 2.559 acre tract and with the west line of said 10.3 acre
27 tract to a 1/2-inch iron pipe with a Kalkomey Cap found for corner,

1 the southeast corner of said 2.559 acre tract;

2 Thence North 64° 38' 41" West, 271.49 feet departing said west
3 line and with a south line of said 2.559 acre tract to a 1/2-inch
4 iron pipe with a Kalkomey Cap found for corner, the southwest corner
5 of said 2.559 acre tract;

6 Thence North 03° 03' 00" West, 399.85 feet with the west line
7 of said 2.559 acre tract to the POINT OF BEGINNING and containing
8 2.558 acres of land.

9 Said Part One and Part Two containing a total of 238.597 acres
10 of land.

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

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

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

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.