

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.