

By: Zerwas

H.B. No. 4024

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 190; 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 XXXX to read as follows:

CHAPTER XXXX. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT

NO. 190

SUBCHAPTER A. GENERAL PROVISIONS

Sec. XXXX.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. 190.

Sec. XXXX.002. NATURE OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district, to the extent authorized by Section XXXX.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. XXXX.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as

1 provided by Section 49.102, Water Code.

2 Sec. XXXX.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All  
3 land and other property in the district will benefit from the  
4 improvements and services to be provided by the district.

5 Sec. XXXX.005. INITIAL DISTRICT TERRITORY. (a) The  
6 district is initially composed of the territory described by  
7 Section 2 of the Act creating this chapter.

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

12 (1) organization, existence, or validity;

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

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

17 (4) legality or operation.

18 [Sections XXXX.006-XXXX.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. XXXX.051. GOVERNING BODY; TERMS. (a) The district is  
21 governed by a board of five elected directors.

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

23 Sec. XXXX.052. INITIAL DIRECTORS. (a) The initial board  
24 consists of:

25 (1) Phil Mullan;

26 (2) Shannon M. Frederick;

27 (3) Barbara D. Colihan;

1           (4) Randy Young; and

2           (5) Ronald D. Petersen.

3           (b) 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           (c) This section expires September 1, 2014.

9           [Sections XXXX.053-XXXX.100 reserved for expansion]

10                           SUBCHAPTER C. POWERS AND DUTIES

11           Sec. XXXX.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. XXXX.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. XXXX.103. ROAD PROJECTS. (a) Under Section 52,  
20 Article III, Texas Constitution, the district may finance,  
21 construct, or acquire a road project as provided by this section.

22           (b) The district shall employ or contract with a licensed  
23 engineer to certify whether a proposed road project meets the  
24 criteria for a thoroughfare, arterial, or collector road of:

25                   (1) a county in whose jurisdiction the proposed road  
26 project is located; or

27                   (2) a municipality in whose corporate limits or

1 extraterritorial jurisdiction the proposed road project is  
2 located.

3 (c) The district may finance, construct, or acquire a  
4 thoroughfare, arterial, or collector road that has been certified  
5 by the licensed engineer, or any improvements in aid of the road.

6 (d) A road project must meet all applicable standards,  
7 regulations, ordinances, or orders of:

8 (1) each municipality in whose corporate limits or  
9 extraterritorial jurisdiction the road project is located; and

10 (2) each county in which the road project is located if  
11 the road project is not located in the corporate limits of a  
12 municipality.

13 (e) The district may, with the consent of the municipality  
14 or county, convey a completed road project to:

15 (1) a municipality in whose corporate limits or  
16 extraterritorial jurisdiction the road project is located; or

17 (2) a county in which the road project is located.

18 Sec. XXXX.104. COMPLIANCE WITH MUNICIPAL CONSENT  
19 RESOLUTION. The district shall comply with all applicable  
20 requirements of any resolution, adopted by the governing body of a  
21 municipality under Section 54.016, Water Code, that consents to the  
22 creation of the district or to the inclusion of land in the  
23 district.

24 [Sections XXXX.105-XXXX.150 reserved for expansion]

25 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

26 Sec. XXXX.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 ad valorem tax or issue bonds  
6 payable from ad valorem taxes.

7 (c) The district may not issue bonds payable from ad valorem  
8 taxes to finance a road project unless the issuance is approved by a  
9 vote of a two-thirds majority of district voters voting at an  
10 election held for that purpose.

11 Sec. XXXX.152. OPERATION AND MAINTENANCE TAX. (a) If  
12 authorized at an election held under Section XXXX.151, the district  
13 may impose an operation and maintenance tax on taxable property in  
14 the district as provided by Chapter 49.107, Water Code.

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

17 [Sections XXXX.153-XXXX.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. XXXX.201. AUTHORITY TO ISSUE BONDS AND OTHER  
20 OBLIGATIONS. The district may issue bonds or other obligations  
21 payable wholly or partly from ad valorem taxes, impact fees,  
22 revenue, grants, or other district money, or any combination of  
23 those sources, to pay for any authorized district purpose.

24 Sec. XXXX.202. BONDS FOR ROAD PROJECTS. At the time of  
25 issuance, the total principal amount of a bond, note, or other  
26 obligation issued or incurred to finance a road project may not  
27 exceed one-fourth of the assessed value of real property in the

1 district according to the most recent certified tax appraisal roll  
2 for Fort Bend County.

3 Sec. XXXX.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
4 the time bonds or other obligations payable wholly or partly from ad  
5 valorem taxes are issued:

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

9 (2) the district annually shall impose an ad valorem  
10 tax on all taxable property in the district in an amount sufficient  
11 to:

12 (A) pay the interest on the bonds or other  
13 obligations as the interest becomes due;

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

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

18 SECTION 2. The Fort Bend County Municipal Utility District  
19 No. 190 initially includes all the territory contained in the  
20 following area:

21 Being 794.4 acres of land located in the Leonard Burknapp  
22 Survey, Abstract-108, the Hugh Rogers Survey, Abstract-309, the  
23 Benjamin Orsburn Survey, Abstract-390, and the Day Land and Cattle  
24 Company Survey, Abstract-451, Fort Bend County, Texas; said 794.4  
25 acre tract being all of a called 15.5 acre save and except tract  
26 retained by TXI Operations, LP., and out of a called 1,095.0 acre  
27 tract, recorded in the name of Terravista Lakes, LLC, under Fort

1 Bend County Clerk's File Number (F.B.C.C.F.No.) 2006064288; said  
2 794.4 acre tract being more particularly described by metes and  
3 bounds as follows (bearings based on the Texas State Plane  
4 Coordinate System, South Central Zone, NAD 83):

5 COMMENCING at the southwest corner of said 1,095.0 acre  
6 tract, being in the center of Harlem Road, and in the north line of a  
7 called 463.25 acre tract recorded in the name of Joseph A. Bono Jr.,  
8 Trustee, under F.B.C.C.F.No. 9545430;

9 THENCE, along the west line of said 1,095.0 acre tract, North  
10 02 degrees 07 minutes 17 seconds West, a distance of 2,431.25 feet,  
11 to an angle point;

12 THENCE, continuing along the west line of said 1,095.0 acre  
13 tract, and the center of said Harlem Road, North 02 degrees 03  
14 minutes 06 seconds West, a distance of 50.15 feet, to a point in the  
15 proposed north right-of-way (R.O.W.) line of Beechnut Street  
16 (proposed 100 feet in width), for the southwest corner and POINT OF  
17 BEGINNING of the herein described tract;

18 THENCE, continuing along the west line of said 1,095.0 acre  
19 tract, and the center of said Harlem Road, North 02 degrees 03  
20 minutes 06 seconds West, a distance of 7,748.81 feet, to the  
21 northwest corner of said 1,095.0 acre tract, and the southwest  
22 corner of a called 5.056 acre tract recorded in the name of Fort  
23 Bend County Toll Road Authority under F.B.C.C.F.No. 2004049483, for  
24 the northwest corner of the herein described tract;

25 THENCE, along northerly lines of said 1,095.0 acre tract,  
26 being southerly lines of said 5.056 acre tract, the following four  
27 (4) courses:

1           1. North 88 degrees 00 minutes 56 seconds East, a distance  
2 of 24.83 feet, to an angle point;

3           2. North 40 degrees 32 minutes 01 seconds East, a distance  
4 of 21.00 feet, to an inner corner;

5           3. North 83 degrees 04 minutes 08 seconds East, a distance  
6 of 1,411.35 feet, to an angle point;

7           4. North 87 degrees 45 minutes 00 seconds East, a distance  
8 of 116.96 feet, to the northwest corner of a called 11.322 acre  
9 tract recorded in the name of Fort Bend County Toll Road Authority,  
10 under Fort Bend County Clerk's File Number (F.B.C.C.F.No.)  
11 2004049483, for an angle point of the herein described tract;

12           THENCE, along westerly, southerly, and easterly lines of said  
13 11.322 acre tract, the following five (5) courses:

14           1. South 28 degrees 52 minutes 09 seconds West, a distance  
15 of 1,124.24 feet, to the point of curvature of a tangent curve to  
16 the left;

17           2. 116.21 feet along the arc of said curve to the left,  
18 having a radius of 78.00 feet, through a central angle of 85 degrees  
19 21 minutes 42 seconds, with a chord bearing of South 13 degrees 48  
20 minutes 42 seconds East, a distance of 105.75 feet, to the point of  
21 tangency;

22           3. South 56 degrees 29 minutes 33 seconds East, a distance  
23 of 284.60 feet, to the point of curvature of a tangent curve to the  
24 left;

25           4. 136.86 feet along the arc of said curve to the left,  
26 having a radius of 78.00 feet, through a central angle of 100  
27 degrees 31 minutes 51 seconds, with a chord bearing of North 73



1 degrees 14 minutes 31 seconds East, a distance of 119.97 feet, to  
2 the point of tangency;

3 5. North 22 degrees 58 minutes 36 seconds East, a distance  
4 of 1,329.10 feet, to the northeast corner of said 11.322 acre tract,  
5 the southeast corner of said 5.056 acre tract, and the southwest  
6 corner of a called 5.379 acre tract recorded in the name of Fort  
7 Bend County Toll Road Authority under F.B.C.C.F.No. 2004049483, for  
8 an angle point of the herein described tract;

9 THENCE, along northerly lines of said 1,095.0 acre tract,  
10 being southerly lines of said 5.379 acre tract, the following five  
11 (5) courses:

12 1. North 87 degrees 44 minutes 19 seconds East, a distance  
13 of 176.73 feet, to an angle point;

14 2. North 83 degrees 04 minutes 51 seconds East, a distance  
15 of 135.68 feet, to an angle point;

16 3. North 67 degrees 26 minutes 19 seconds East, a distance  
17 of 196.03 feet, to an angle point;

18 4. North 83 degrees 04 minutes 27 seconds East, a distance  
19 of 1,250.52 feet, to an angle point;

20 5. North 79 degrees 52 minutes 29 seconds East, a distance  
21 of 709.72 feet, to the northerly northeast corner of said 1,095.0  
22 acre tract, and the southeasterly corner of said 5.379 acre tract,  
23 being in the west line of a called 3.4238 acre tract, being an 85  
24 foot wide drainage easement, recorded in the name of Fort Bend  
25 County, under F.B.C.C.F.No. 8741250, for the northeast corner of  
26 the herein described tract;

27 THENCE, along the northerly east line of said 1,095.0 acre

1 tract, and the west line of said 3.4238 acre tract, South 03 degrees  
2 02 minutes 36 seconds East, a distance of 1,796.66 feet, to the  
3 northwest corner of a called 4.8853 acre, 50-foot wide right-of-way  
4 (R.O.W.), recorded in the name of S/C Management #99, Ltd., in  
5 Volume 614, Page 389, Fort Bend County Deed Records, for an angle  
6 point;

7       THENCE, continuing along the northerly east line of said  
8 1,095.0 acre tract, and the west line of said 3.4238 acre tract, and  
9 the west line of a called 2.702 acre, 50-foot wide temporary  
10 drainage easement recorded in the name of Fort Bend County, under  
11 F.B.C.C.F.No. 2001047405, South 03 degrees 16 minutes 55 seconds  
12 East, a distance of 100.02 feet, to the southwest corner of said  
13 2.702 acre tract, and the northwest corner of Twin Oaks Village,  
14 Sec. 6, a subdivision plat of which is recorded under Plat Number  
15 (P.No.) 20040013, Fort Bend County Plat Records (F.B.C.P.R.), for  
16 an angle point;

17       THENCE, along a northerly east line of said 1,095.0 acre  
18 tract, and the west line of said Twin Oaks Village, Sec. 6, and the  
19 west line of Twin Oaks Village, Sec. 9, a subdivision plat of which  
20 is recorded under P.No. 20040035, F.B.C.P.R., at approximately  
21 1,118.79 feet pass an angle point in the east line of a called 17.63  
22 acre drainage easement recorded in the name of Fort Bend County  
23 Municipal Utility Distreict No. 30, under F.B.C.C.F. No.  
24 2005022422, and along the east line of said 17.63 acre tract, South  
25 03 degrees 27 minutes 25 seconds East, a distance of 3,992.49 feet,  
26 to an inner corner of said 1,095.0 acre tract, and being the  
27 southwest corner of said Twin Oaks Village, Sec. 9, for an angle

1 point;

2           THENCE, through and across said 1,095.0 acre tract, and along  
3 the east lines of said 17.63 acre tract, the following five (5)  
4 courses:

5           1. South 03 degrees 27 minutes 57 seconds East, a distance  
6 of 722.86 feet, to an angle point;

7           2. South 40 degrees 46 minutes 28 seconds East, a distance  
8 of 439.31 feet, to the point of curvature of a tangent curve to the  
9 right;

10           3. 371.44 feet along the arc of said curve to the right,  
11 having a radius of 350.00 feet, through a central angle of 60  
12 degrees 48 minutes 22 seconds, with a chord bearing of South 10  
13 degrees 22 minutes 17 seconds East, a distance of 354.26 feet, to  
14 the point of tangency;

15           4. South 20 degrees 01 minutes 54 seconds West, a distance  
16 of 361.65 feet, to the point of curvature of a tangent curve to the  
17 left;

18           5. 146.82 feet along the arc of said curve to the left,  
19 having a radius of 600.00 feet, through a central angle of 14  
20 degrees 01 minutes 14 seconds, with a chord bearing of South 13  
21 degrees 01 minutes 17 seconds West, a distance of 146.46 feet, to a  
22 point in the extended north line of a called 100-foot by 200-foot  
23 tract recorded in the name of R.C. Darrough, et.al., Trustee, in  
24 Volume 86, Page 350, Fort Bend County Deed Records, for an angle  
25 point of the herein described tract;

26           THENCE, along said extended north line, North 87 degrees 49  
27 minutes 30 seconds East, a distance of 46.97 feet, to an inner

1 corner of said 1,095.0 acre tract, and the northwest corner of said  
2 100-foot by 200-foot tract, for an angle point of the herein  
3 described tract;

4 THENCE, along an east line of said 1,095.0 acre tract, and the  
5 west line of said 100-foot by 200-foot tract, South 02 degrees 49  
6 minutes 45 seconds East, a distance of 200.91 feet, to a point in  
7 the north R.O.W. line of said Beechnut Street, for the  
8 southeast-corner of the herein described tract;

9 THENCE, through and across said 1,095.0 acre tract, and along  
10 the north R.O.W. line of said Beechnut Street, the following three  
11 (3) courses:

12 1. South 87 degrees 48 minutes 26 seconds West, a distance  
13 of 1,420.93 feet, to the point of curvature of a tangent curve to  
14 the left;

15 2. 114.14 feet along the arc of said curve to the left,  
16 having a radius of 2,050.00 feet, through a central angle of 03  
17 degrees 11 minutes 24 seconds, with a chord bearing of South 86  
18 degrees 12 minutes 44 seconds West, a distance of 114.12 feet, to  
19 the point of tangency.

20 3. South 84 degrees 37 minutes 02 seconds West, a distance  
21 of 3,181.23 feet, to the POINT OF BEGINNING, containing 794.4 acres  
22 of land.

23 SECTION 3. (a) The legal notice of the intention to  
24 introduce this Act, setting forth the general substance of this  
25 Act, has been published as provided by law, and the notice and a  
26 copy of this Act have been furnished to all persons, agencies,  
27 officials, or entities to which they are required be furnished

1 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
2 Government Code.

3 (b) The governor, one of the required recipients, has  
4 submitted the notice and Act to the Texas Commission on  
5 Environmental Quality.

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

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

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