

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 4024
1-2 (In the Senate - Received from the House May 14, 2007;
1-3 May 15, 2007, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 18, 2007, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of the Fort Bend County Municipal Utility
1-9 District No. 190; providing authority to impose a tax and issue
1-10 bonds.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8233 to read as follows:

1-14 CHAPTER 8233. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 190

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8233.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the district's board of directors.

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Fort Bend County Municipal
1-20 Utility District No. 190.

1-21 Sec. 8233.002. NATURE OF DISTRICT. (a) The district is a
1-22 municipal utility district created under and essential to
1-23 accomplish the purposes of Section 59, Article XVI, Texas
1-24 Constitution.

1-25 (b) The district, to the extent authorized by Section
1-26 8233.102 and Section 52, Article III, Texas Constitution, has road
1-27 powers.

1-28 Sec. 8233.003. CONFIRMATION ELECTION REQUIRED. The board
1-29 shall hold an election to confirm the creation of the district as
1-30 provided by Section 49.102, Water Code.

1-31 Sec. 8233.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
1-32 All land and other property in the district will benefit from the
1-33 improvements and services to be provided by the district.

1-34 (b) The district is created to accomplish:

1-35 (1) the purposes of a municipal utility district as
1-36 provided by general law; and

1-37 (2) to the extent authorized by Section 52, Article
1-38 III, Texas Constitution, the financing, construction, or
1-39 acquisition of road projects.

1-40 Sec. 8233.005. INITIAL DISTRICT TERRITORY. (a) The
1-41 district is initially composed of the territory described by
1-42 Section 2 of the Act creating this chapter.

1-43 (b) The boundaries and field notes contained in Section 2 of
1-44 the Act creating this chapter form a closure. A mistake in the
1-45 field notes or in copying the field notes in the legislative process
1-46 does not affect the district's:

1-47 (1) organization, existence, or validity;

1-48 (2) right to issue any type of bond for a purpose for
1-49 which the district is created or to pay the principal of and
1-50 interest on the bond;

1-51 (3) right to impose an assessment or tax; or

1-52 (4) legality or operation.

1-53 [Sections 8233.006-8233.050 reserved for expansion]

1-54 SUBCHAPTER B. BOARD OF DIRECTORS

1-55 Sec. 8233.051. GOVERNING BODY; TERMS. (a) The district is
1-56 governed by a board of five elected directors.

1-57 (b) Directors serve staggered four-year terms.

1-58 Sec. 8233.052. INITIAL DIRECTORS. (a) The initial board
1-59 consists of:

1-60 (1) Phil Mullan;

1-61 (2) Shannon M. Frederick;

1-62 (3) Barbara D. Colihan;

1-63 (4) Randy Young; and

1-64 (5) Ronald D. Petersen.

2-1 (b) Unless the initial board agrees otherwise, the initial
2-2 directors shall draw lots to determine which two shall serve until
2-3 the first regularly scheduled election of directors and which three
2-4 shall serve until the second regularly scheduled election of
2-5 directors.

2-6 (c) This section expires September 1, 2014.

2-7 [Sections 8233.053-8233.100 reserved for expansion]

2-8 SUBCHAPTER C. POWERS AND DUTIES

2-9 Sec. 8233.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-10 DUTIES. (a) The district has the powers and duties provided by the
2-11 general law of this state, including Chapters 49 and 54, Water Code,
2-12 applicable to municipal utility districts created under Section 59,
2-13 Article XVI, Texas Constitution.

2-14 (b) The district has the powers and duties necessary to
2-15 accomplish the purposes for which the district is created.

2-16 Sec. 8233.102. ROAD PROJECTS. (a) Under Section 52,
2-17 Article III, Texas Constitution, a district may finance, construct,
2-18 or acquire a road project as provided by this section.

2-19 (b) A road project must meet all applicable standards,
2-20 regulations, ordinances, or orders of:

2-21 (1) each municipality in whose corporate limits or
2-22 extraterritorial jurisdiction the road project is located; and

2-23 (2) each county in which the road project is located.

2-24 (c) The district may, with the consent of the municipality
2-25 or county, convey a completed road project to:

2-26 (1) a municipality in whose corporate limits or
2-27 extraterritorial jurisdiction the road project is located; or

2-28 (2) a county in which the road project is located.

2-29 Sec. 8233.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-30 OR RESOLUTION. The district shall comply with all applicable
2-31 requirements of any ordinance or resolution, adopted by the
2-32 governing body of a municipality under Section 54.016, Water Code,
2-33 that consents to the creation of the district or to the inclusion of
2-34 land in the district.

2-35 [Sections 8233.104-8233.150 reserved for expansion]

2-36 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-37 Sec. 8233.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
2-38 district may issue, without an election, bonds and other
2-39 obligations secured by revenue or contract payments from a source
2-40 other than ad valorem taxation.

2-41 (b) The district must hold an election in the manner
2-42 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2-43 before the district may impose an ad valorem tax or issue bonds
2-44 payable from ad valorem taxes.

2-45 (c) The district may not issue bonds to finance a road
2-46 project under Section 8233.102 unless the issuance is approved by a
2-47 vote of a two-thirds majority of district voters voting at an
2-48 election held for that purpose.

2-49 Sec. 8233.152. OPERATION AND MAINTENANCE TAX. (a) If
2-50 authorized at an election held under Section 8233.151, the district
2-51 may impose an operation and maintenance tax on taxable property in
2-52 the district as provided by Chapter 49.107, Water Code.

2-53 (b) The board shall determine the tax rate. The rate may not
2-54 exceed the rate approved at the election.

2-55 [Sections 8233.153-8233.200 reserved for expansion]

2-56 SUBCHAPTER E. BONDS

2-57 Sec. 8233.201. AUTHORITY TO ISSUE BONDS AND OTHER
2-58 OBLIGATIONS. The district may issue bonds or other obligations
2-59 payable wholly or partly from ad valorem taxes, impact fees,
2-60 revenue, grants, or other district money, or any combination of
2-61 those sources, to pay for any authorized district purpose.

2-62 Sec. 8233.202. BONDS FOR ROAD PROJECTS. At the time of
2-63 issuance, the total principal amount of bonds, notes, or other
2-64 obligations issued or incurred to finance a road project under
2-65 Section 8233.102 may not exceed one-fourth of the assessed value of
2-66 real property in the district according to the most recent
2-67 appraisal roll for Fort Bend County.

2-68 Sec. 8233.203. TAXES FOR BONDS. At the time bonds payable
2-69 wholly or partly from ad valorem taxes are issued:

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

3-4 (2) the district annually shall impose an ad valorem
3-5 tax on all taxable property in the district in an amount sufficient
3-6 to:

3-7 (A) pay the interest on the bonds as the interest
3-8 becomes due;

3-9 (B) create a sinking fund for the payment of the
3-10 principal of the bonds when due or the redemption price at any
3-11 earlier required redemption date; and

3-12 (C) pay the expenses of imposing the taxes.

3-13 SECTION 2. The Fort Bend County Municipal Utility District
3-14 No. 190 initially includes all the territory contained in the
3-15 following area:

3-16 Being 794.4 acres of land located in the Leonard Burknapp
3-17 Survey, Abstract-108, the Hugh Rogers Survey, Abstract-309, the
3-18 Benjamin Orsburn Survey, Abstract-390, and the Day Land and Cattle
3-19 Company Survey, Abstract-451, Fort Bend County, Texas; said 794.4
3-20 acre tract being all of a called 15.5 acre save and except tract
3-21 retained by TXI Operations, LP., and out of a called 1,095.0 acre
3-22 tract, recorded in the name of Terravista Lakes, LLC, under Fort
3-23 Bend County Clerk's File Number (F.B.C.C.F.No.) 2006064288; said
3-24 794.4 acre tract being more particularly described by metes and
3-25 bounds as follows (bearings based on the Texas State Plane
3-26 Coordinate System, South Central Zone, NAD 83):

3-27 COMMENCING at the southwest corner of said 1,095.0 acre
3-28 tract, being in the center of Harlem Road, and in the north line of a
3-29 called 463.25 acre tract recorded in the name of Joseph A. Bono Jr.,
3-30 Trustee, under F.B.C.C.F.No. 9545430;

3-31 THENCE, along the west line of said 1,095.0 acre tract, North
3-32 02 degrees 07 minutes 17 seconds West, a distance of 2,431.25 feet,
3-33 to an angle point;

3-34 THENCE, continuing along the west line of said 1,095.0 acre
3-35 tract, and the center of said Harlem Road, North 02 degrees 03
3-36 minutes 06 seconds West, a distance of 50.15 feet, to a point in the
3-37 proposed north right-of-way (R.O.W.) line of Beechnut Street
3-38 (proposed 100 feet in width), for the southwest corner and POINT OF
3-39 BEGINNING of the herein described tract;

3-40 THENCE, continuing along the west line of said 1,095.0 acre
3-41 tract, and the center of said Harlem Road, North 02 degrees 03
3-42 minutes 06 seconds West, a distance of 7,748.81 feet, to the
3-43 northwest corner of said 1,095.0 acre tract, and the southwest
3-44 corner of a called 5.056 acre tract recorded in the name of Fort
3-45 Bend County Toll Road Authority under F.B.C.C.F.No. 2004049483, for
3-46 the northwest corner of the herein described tract;

3-47 THENCE, along northerly lines of said 1,095.0 acre tract,
3-48 being southerly lines of said 5.056 acre tract, the following four
3-49 (4) courses:

3-50 1. North 88 degrees 00 minutes 56 seconds East, a distance
3-51 of 24.83 feet, to an angle point;

3-52 2. North 40 degrees 32 minutes 01 seconds East, a distance
3-53 of 21.00 feet, to an inner corner;

3-54 3. North 83 degrees 04 minutes 08 seconds East, a distance
3-55 of 1,411.35 feet, to an angle point;

3-56 4. North 87 degrees 45 minutes 00 seconds East, a distance
3-57 of 116.96 feet, to the northwest corner of a called 11.322 acre
3-58 tract recorded in the name of Fort Bend County Toll Road Authority,
3-59 under Fort Bend County Clerk's File Number (F.B.C.C.F.No.)
3-60 2004049483, for an angle point of the herein described tract;

3-61 THENCE, along westerly, southerly, and easterly lines of said
3-62 11.322 acre tract, the following five (5) courses:

3-63 1. South 28 degrees 52 minutes 09 seconds West, a distance
3-64 of 1,124.24 feet, to the point of curvature of a tangent curve to
3-65 the left;

3-66 2. 116.21 feet along the arc of said curve to the left,
3-67 having a radius of 78.00 feet, through a central angle of 85 degrees
3-68 21 minutes 42 seconds, with a chord bearing of South 13 degrees 48
3-69 minutes 42 seconds East, a distance of 105.75 feet, to the point of

4-1 tangency;

4-2 3. South 56 degrees 29 minutes 33 seconds East, a distance
4-3 of 284.60 feet, to the point of curvature of a tangent curve to the
4-4 left;

4-5 4. 136.86 feet along the arc of said curve to the left,
4-6 having a radius of 78.00 feet, through a central angle of 100
4-7 degrees 31 minutes 51 seconds, with a chord bearing of North 73
4-8 degrees 14 minutes 31 seconds East, a distance of 119.97 feet, to
4-9 the point of tangency;

4-10 5. North 22 degrees 58 minutes 36 seconds East, a distance
4-11 of 1,329.10 feet, to the northeast corner of said 11.322 acre tract,
4-12 the southeast corner of said 5.056 acre tract, and the southwest
4-13 corner of a called 5.379 acre tract recorded in the name of Fort
4-14 Bend County Toll Road Authority under F.B.C.C.F.No. 2004049483, for
4-15 an angle point of the herein described tract;

4-16 THENCE, along northerly lines of said 1,095.0 acre tract,
4-17 being southerly lines of said 5.379 acre tract, the following five
4-18 (5) courses:

4-19 1. North 87 degrees 44 minutes 19 seconds East, a distance
4-20 of 176.73 feet, to an angle point;

4-21 2. North 83 degrees 04 minutes 51 seconds East, a distance
4-22 of 135.68 feet, to an angle point;

4-23 3. North 67 degrees 26 minutes 19 seconds East, a distance
4-24 of 196.03 feet, to an angle point;

4-25 4. North 83 degrees 04 minutes 27 seconds East, a distance
4-26 of 1,250.52 feet, to an angle point;

4-27 5. North 79 degrees 52 minutes 29 seconds East, a distance
4-28 of 709.72 feet, to the northerly northeast corner of said 1,095.0
4-29 acre tract, and the southeasterly corner of said 5.379 acre tract,
4-30 being in the west line of a called 3.4238 acre tract, being an 85
4-31 foot wide drainage easement, recorded in the name of Fort Bend
4-32 County, under F.B.C.C.F.No. 8741250, for the northeast corner of
4-33 the herein described tract;

4-34 THENCE, along the northerly east line of said 1,095.0 acre
4-35 tract, and the west line of said 3.4238 acre tract, South 03 degrees
4-36 02 minutes 36 seconds East, a distance of 1,796.66 feet, to the
4-37 northwest corner of a called 4.8853 acre, 50-foot wide right-of-way
4-38 (R.O.W.), recorded in the name of S/C Management #99, Ltd., in
4-39 Volume 614, Page 389, Fort Bend County Deed Records, for an angle
4-40 point;

4-41 THENCE, continuing along the northerly east line of said
4-42 1,095.0 acre tract, and the west line of said 3.4238 acre tract, and
4-43 the west line of a called 2.702 acre, 50-foot wide temporary
4-44 drainage easement recorded in the name of Fort Bend County, under
4-45 F.B.C.C.F.No. 2001047405, South 03 degrees 16 minutes 55 seconds
4-46 East, a distance of 100.02 feet, to the southwest corner of said
4-47 2.702 acre tract, and the northwest corner of Twin Oaks Village,
4-48 Sec. 6, a subdivision plat of which is recorded under Plat Number
4-49 (P.No.) 20040013, Fort Bend County Plat Records (F.B.C.P.R.), for
4-50 an angle point;

4-51 THENCE, along a northerly east line of said 1,095.0 acre
4-52 tract, and the west line of said Twin Oaks Village, Sec. 6, and the
4-53 west line of Twin Oaks Village, Sec. 9, a subdivision plat of which
4-54 is recorded under P.No. 20040035, F.B.C.P.R., at approximately
4-55 1,118.79 feet pass an angle point in the east line of a called 17.63
4-56 acre drainage easement recorded in the name of Fort Bend County
4-57 Municipal Utility Distreict No. 30, under F.B.C.C.F.No.
4-58 2005022422, and along the east line of said 17.63 acre tract, South
4-59 03 degrees 27 minutes 25 seconds East, a distance of 3,992.49 feet,
4-60 to an inner corner of said 1,095.0 acre tract, and being the
4-61 southwest corner of said Twin Oaks Village, Sec. 9, for an angle
4-62 point;

4-63 THENCE, through and across said 1,095.0 acre tract, and along
4-64 the east lines of said 17.63 acre tract, the following five (5)
4-65 courses:

4-66 1. South 03 degrees 27 minutes 57 seconds East, a distance
4-67 of 722.86 feet, to an angle point;

4-68 2. South 40 degrees 46 minutes 28 seconds East, a distance
4-69 of 439.31 feet, to the point of curvature of a tangent curve to the

5-1 right;
 5-2 3. 371.44 feet along the arc of said curve to the right,
 5-3 having a radius of 350.00 feet, through a central angle of 60
 5-4 degrees 48 minutes 22 seconds, with a chord bearing of South 10
 5-5 degrees 22 minutes 17 seconds East, a distance of 354.26 feet, to
 5-6 the point of tangency;

5-7 4. South 20 degrees 01 minutes 54 seconds West, a distance
 5-8 of 361.65 feet, to the point of curvature of a tangent curve to the
 5-9 left;

5-10 5. 146.82 feet along the arc of said curve to the left,
 5-11 having a radius of 600.00 feet, through a central angle of 14
 5-12 degrees 01 minutes 14 seconds, with a chord bearing of South 13
 5-13 degrees 01 minutes 17 seconds West, a distance of 146.46 feet, to a
 5-14 point in the extended north line of a called 100-foot by 200-foot
 5-15 tract recorded in the name of R.C. Darrough, et.al., Trustee, in
 5-16 Volume 86, Page 350, Fort Bend County Deed Records, for an angle
 5-17 point of the herein described tract;

5-18 THENCE, along said extended north line, North 87 degrees 49
 5-19 minutes 30 seconds East, a distance of 46.97 feet, to an inner
 5-20 corner of said 1,095.0 acre tract, and the northwest corner of said
 5-21 100-foot by 200-foot tract, for an angle point of the herein
 5-22 described tract;

5-23 THENCE, along an east line of said 1,095.0 acre tract, and the
 5-24 west line of said 100-foot by 200-foot tract, South 02 degrees 49
 5-25 minutes 45 seconds East, a distance of 200.91 feet, to a point in
 5-26 the north R.O.W. line of said Beechnut Street, for the southeast
 5-27 corner of the herein described tract;

5-28 THENCE, through and across said 1,095.0 acre tract, and along
 5-29 the north R.O.W. line of said Beechnut Street, the following three
 5-30 (3) courses:

5-31 1. South 87 degrees 48 minutes 26 seconds West, a distance
 5-32 of 1,420.93 feet, to the point of curvature of a tangent curve to
 5-33 the left;

5-34 2. 114.14 feet along the arc of said curve to the left,
 5-35 having a radius of 2,050.0 feet, through a central angle of 03
 5-36 degrees 11 minutes 24 seconds, with a chord bearing of South 86
 5-37 degrees 12 minutes 44 seconds West, a distance of 114.12 feet, to
 5-38 the point of tangency.

5-39 3. South 84 degrees 37 minutes 02 seconds West, a distance
 5-40 of 3,181.23 feet, to the POINT OF BEGINNING, and containing 794.4
 5-41 acres of land.

5-42 SECTION 3. (a) The legal notice of the intention to
 5-43 introduce this Act, setting forth the general substance of this
 5-44 Act, has been published as provided by law, and the notice and a
 5-45 copy of this Act have been furnished to all persons, agencies,
 5-46 officials, or entities to which they are required to be furnished
 5-47 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
 5-48 Government Code.

5-49 (b) The governor, one of the required recipients, has
 5-50 submitted the notice and Act to the Texas Commission on
 5-51 Environmental Quality.

5-52 (c) The Texas Commission on Environmental Quality has filed
 5-53 its recommendations relating to this Act with the governor, the
 5-54 lieutenant governor, and the speaker of the house of
 5-55 representatives within the required time.

5-56 (d) All requirements of the constitution and laws of this
 5-57 state and the rules and procedures of the legislature with respect
 5-58 to the notice, introduction, and passage of this Act are fulfilled
 5-59 and accomplished.

5-60 SECTION 4. This Act takes effect immediately if it receives
 5-61 a vote of two-thirds of all the members elected to each house, as
 5-62 provided by Section 39, Article III, Texas Constitution. If this
 5-63 Act does not receive the vote necessary for immediate effect, this
 5-64 Act takes effect September 1, 2007.

5-65 * * * * *