

By: Zerwas

H.B. No. 4026

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Willow Creek Farms Municipal Utility District; 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 8218 to read as follows:

CHAPTER 8218. WILLOW CREEK FARMS MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8218.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Willow Creek Farms Municipal Utility District.

Sec. 8218.002. 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 8218.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8218.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

1       Sec. 8218.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All  
2 land and other property in the district will benefit from the  
3 improvements and services to be provided by the district.

4       Sec. 8218.005. INITIAL DISTRICT TERRITORY. (a) The  
5 district is initially composed of the territory described by  
6 Section 2 of the Act creating this chapter.

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

11           (1) organization, existence, or validity;

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

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

16           (4) legality or operation.

17       [Sections 8218.006-8218.050 reserved for expansion]

18                   SUBCHAPTER B. BOARD OF DIRECTORS

19       Sec. 8218.051. GOVERNING BODY; TERMS. (a) The district is  
20 governed by a board of five elected directors.

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

22       Sec. 8218.052. INITIAL DIRECTORS. (a) The initial board  
23 consists of:

24           (1) Steven Bonjonia;

25           (2) Julie Styles;

26           (3) Alesha Herbert;

27           (4) Kevin Labban; and

1           (5) Glynda Cross-Paris.

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 8218.053-8218.100 reserved for expansion]

9                           SUBCHAPTER C. POWERS AND DUTIES

10           Sec. 8218.101. 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. 8218.102. 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. 8218.103. ROAD PROJECTS. (a) Under Section 52,  
19 Article III, Texas Constitution, the district may construct,  
20 acquire, maintain, or operate macadamized, graveled, or paved roads  
21 or turnpikes, or improvements in aid of those roads or turnpikes.

22           (b) A road project must meet all applicable standards,  
23 regulations, ordinances, or orders of:

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

26                   (2) each county in which the road project is located,  
27 if the road project is not located in the corporate limits of a

1 municipality.

2 Sec. 8218.104. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
3 OR RESOLUTION. The district shall comply with all applicable  
4 requirements of any ordinance or resolution, adopted by the  
5 governing body of a municipality under Section 54.016, Water Code,  
6 that consents to the creation of the district or to the inclusion of  
7 land in the district.

8 [Sections 8218.105-8218.150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8218.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
11 district may issue, without an election, bonds and other  
12 obligations secured by revenue or contract payments from a source  
13 other than ad valorem taxation.

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

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

22 Sec. 8218.152. OPERATION AND MAINTENANCE TAX. (a) If  
23 authorized at an election held under Section 8218.151, the district  
24 may impose an operation and maintenance tax on taxable property in  
25 the district as provided by Chapter 49.107, Water Code.

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

1 [Sections 8218.153-8218.200 reserved for expansion]

2 SUBCHAPTER E. BONDS

3 Sec. 8218.201. AUTHORITY TO ISSUE BONDS AND OTHER  
4 OBLIGATIONS. The district may issue bonds or other obligations  
5 payable wholly or partly from ad valorem taxes, impact fees,  
6 revenue, grants, or other district money, or any combination of  
7 those sources, to pay for any authorized district purpose.

8 Sec. 8218.202. BONDS FOR ROAD PROJECTS. At the time of  
9 issuance, the total principal amount of a bond, note, or other  
10 obligation issued or incurred to finance a road project may not  
11 exceed one-fourth of the assessed value of real property in the  
12 district.

13 Sec. 8218.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
14 the time bonds or other obligations payable wholly or partly from ad  
15 valorem taxes are issued:

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

19 (2) the district annually shall impose an ad valorem  
20 tax on all taxable property in the district in an amount sufficient  
21 to:

22 (A) pay the interest on the bonds or other  
23 obligations as the interest becomes due;

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

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

1           SECTION 2. The Willow Creek Farms Municipal Utility  
2 District initially includes all the territory contained in the  
3 following area:

4 All of that certain 330.2 acres of land, which is out of the 3.659  
5 acre tract described in the deed from Cooper Cameron Corporation to  
6 West I-10 Katy Holdings I, LTD. recorded under Volume 908, Page 385,  
7 in the Deed Records of Waller County, Texas, in the Jessie Thompson  
8 Survey, A-394, out of the 140.000 acre tract described in the deed  
9 from Devon Energy Production Company, L.P. to West I-10 Katy  
10 Holdings I, LTD. recorded under Volume 773, Page 100, in the Deed  
11 Records of Waller County, Texas, in the J.G. Bennett Survey,  
12 Section 104, A-292, Waller County, Texas, out of the 249.010 acre  
13 tract described in the deed from O.M. Pederson, Jr. et ux to  
14 Pederson Farms, Inc. recorded under Volume 280, Page 316, in the  
15 Deed Records of Waller County, Texas, in the Jessie Thompson  
16 Survey, A-394, out of the 316 acre tract described in the deed from  
17 Frances Y. Rochow, et al to R & Y Interests, LTD. recorded under  
18 Volume 553, Page 88, Volume 553, Page 91, and Volume 553, Page 93,  
19 in the Deed Records of Waller County, Texas, in the Jessie Thompson  
20 Survey, A-394, and out of the 261.701 acre tract described in the  
21 deed from Susan L. Cummins, et al to West I-10 Katy Holdings II,  
22 Ltd. recorded under Volume 808, Page 67, in the Deed Records of  
23 Waller County, Texas, and File No. 2003150688, in the Official  
24 Public Records of Fort Bend County, Texas, in the J.G. Bennett  
25 Survey, Section 104, A-292, Waller County, Texas, and more  
26 particularly described by metes and bounds as follows: (All  
27 bearings based on the State Plane Coordinate System, South Central

1 Zone)  
2 COMMENCING at a 5/8" iron rod with Kalkomey cap found for the  
3 northeast corner of said 140.000 acre tract, common to the  
4 northeast corner of the 12.933 acre tract described in the deed from  
5 West I-10 Katy Holdings I, LTD. to Cooper Cameron Corporation  
6 recorded under Volume 908, Page 380, in the Deed Records of Waller  
7 County, Texas and the northwest corner of the 58.6130 acre tract  
8 described in the deed from Cooper Industries, Inc. to Cooper  
9 Cameron Corporation recorded under Volume 509, Page 919, in the  
10 Deed Records of Waller County, Texas, in the south line of the  
11 31.6118 acre tract described as TRACT 1 in the deed from K-B  
12 Management Partners, LTD. to Blimp Base Project, LP recorded under  
13 Volume 720, Page 16, in the Deed Records of Waller County, Texas,  
14 from which a 1" iron rod found for the southeast corner of said  
15 31.6118 acre tract, common to the northeast corner of the  
16 additional 10' wide right-of-way for Pederson Road to Waller County  
17 recorded under Volume 325, Page 764, in the Deed Records of Waller  
18 County, Texas bears North 87° 53' 38" East - 1249.52'; THENCE South  
19 87° 53' 38" West - 300.00', along the north line of said 140.000 acre  
20 tract, common to the north line of said 12.933 acre tract and the  
21 south line of said 31.6118 acre tract to a 3/4" iron rod set for the  
22 most northerly northeast corner and POINT OF BEGINNING of the  
23 herein described tract, common to the northwest corner of said  
24 12.933 acre tract;  
25 THENCE South 01° 59' 02" East - 1875.75' (called South 01° 58' 47"  
26 East - 1877.79'), along the west line of said 12.933 acre tract to a  
27 3/4" iron rod set for an angle corner of the herein described tract,

1 common to the southwest corner of said 12.933 acre tract;  
2 THENCE North 87° 51' 48" East - 300.00' (called North 87° 53' 45"  
3 East), along the south line of said 12.933 acre tract and the north  
4 line of aforesaid 3.659 acre tract, to the southeast corner of said  
5 12.933 acre tract, common to the northwest corner of said 3.659 acre  
6 tract in the east line of aforesaid 140.000 acre tract,  
7 THENCE South 01° 59' 02" East - 492.68' (called South 01° 59' 08"  
8 East), along the east line of said 140.000 acre, common to the west  
9 line of aforesaid 316 acre tract to an angle corner of the herein  
10 described tract;  
11 THENCE North 87° 52' 05" East - 1220.64' to an angle corner of the  
12 herein described tract;  
13 THENCE North 42° 52' 05" East - 35.36' to an angle corner of the  
14 herein described tract;  
15 THENCE North 02° 07' 55" West - 467.78' to an angle corner of the  
16 herein described tract in the north line of aforesaid 3.659 acre  
17 tract, and in the west line of aforesaid Pederson Road;  
18 THENCE North 87° 51' 48" East - 60.00' continuing along said north  
19 line, to the most easterly northeast corner of the herein described  
20 tract, in the east right-of-way line of said Pederson Road;  
21 THENCE South 02° 07' 55" East - 627.78', partially along the east  
22 right-of-way line of said Pederson Road, to the most easterly  
23 southeast corner of the herein described tract;  
24 THENCE South 87° 52' 05" West - 60.00' to an angle corner of the  
25 herein described tract;  
26 THENCE North 02° 07' 55" West - 10.00' an angle corner of the herein  
27 described tract;



1 THENCE North 47° 07' 55" West - 35.36' an angle corner of the herein  
2 described tract;

3 THENCE South 87° 52' 05" West - 1220.90' to an angle corner of the  
4 herein described tract, in aforesaid east line of said 140.000 acre  
5 tract;

6 THENCE South 01° 59' 02" East - 326.61' (called South 01° 59' 08"  
7 East), continuing along the east line of said 140.000 acre tract to  
8 a 1" iron pipe found for the southeast corner of said 140.000 acre  
9 tract, common to an angle corner of the herein described tract in  
10 the north line of aforesaid 261.701 acre tract;

11 THENCE North 88° 12' 05" East - 24.50' continuing along said north  
12 line to a concrete post found for the most easterly northeast corner  
13 of said 261.701 acre tract;

14 THENCE South 01° 52' 17" East - 584.20' (called South 01° 52' 23"  
15 East), along an east line of said 261.701 acre tract, common to the  
16 west line of aforesaid 316 acre tract, to a an angle corner of the  
17 herein described tract;

18 THENCE South 65° 00' 39" West - 3923.27', along a southeast line of  
19 Waller County, Texas, according to the 261.701 acre tract deed, to  
20 an angle corner in a south line of said 261.701 acre tract, common  
21 to the north line of the 200 acre tract described as TRACT SIX in the  
22 deed from the Estate of Bessie Mae Jordan to Lyle Talbert Jordan,  
23 Trustee, et al recorded under Volume 648, Page 384, in the Deed  
24 Records of Waller County, Texas, and File No. 2000-015121, in the  
25 Official Public Records of Fort Bend County, Texas;

26 THENCE South 87° 37' 06" West - 1694.69' (called South 87° 37' 00"  
27 West), continuing along a south line of said 261.701 acre tract,

1 common to the north line of aforesaid 200 acre tract, to a 5/8" iron  
2 rod with Kalkomey cap found for the southwest corner of said 261.701  
3 acre tract, common to the northwest corner of said 200 acre tract,  
4 in the east line of the 280.3406 acre tract described in the deed  
5 from K-B Management Partners, LTD. to Dixie Farm Partners, LLP.  
6 recorded under Volume 817, Page 27, in the Deed Records of Waller  
7 County, Texas;

8 THENCE North 01° 54' 14" West - 1202.21' (called North 01° 54' 20"  
9 West), along a west line of said 261.701 acre tract, common to the  
10 east line of aforesaid 280.3406 acre tract and the east line of the  
11 279.0613 acre tract described in the deed from Tiltex 97A, Ltd. to  
12 Shasta Minerals, Inc. recorded under Volume 745, Page 381, in the  
13 Deed Records of Waller County, Texas, to a 1" iron pipe found for an  
14 angle corner of said 261.701 acre tract, common to the southwest  
15 corner of the 20.0 acre tract described as TRACT EIGHT in the deed  
16 from the Estate of Bessie Mae Jordan to Lyle Talbert Jordan,  
17 Trustee, et al recorded under Volume 648, Page 384 in the Deed  
18 Records of Waller County, Texas;

19 THENCE North 88° 03' 47" East - 933.95' (called North 88° 03' 41"  
20 East), along a north line of said 261.701 acre tract, common to the  
21 south line of said 20.0 acre tract, to a 5/8" iron rod with Kalkomey  
22 cap found for an angle corner of said 261.701 acre tract, common to  
23 the southeast corner of said 20.0 acre tract;

24 THENCE North 01° 55' 58" West - 933.37' (called North 01° 56' 04"  
25 West), along a west line of said 261.701 acre tract, common to the  
26 east line of said 20.0 acre tract, to a 5/8" iron rod with Kalkomey  
27 cap found for an angle corner of said 261.701 acre tract, common to

1 the northeast corner of said 20.0 acre tract;  
2 THENCE South 88° 03' 47" West - 759.75' (called South 88° 03' 41"  
3 West), along a south line of said 261.701 acre tract, common to the  
4 north line of said 20.0 acre tract, to a 5/8" iron rod with Kalkomey  
5 cap found for an angle corner of said 261.701 acre tract;  
6 THENCE North 01° 42' 50" West - 292.04' (called North 01° 42' 56"  
7 West), along a west line of said 261.701 acre tract, to a 1/2" iron  
8 pipe found for an angle corner of said 261.701 acre tract, common to  
9 the southwest corner of the 161.8245 acre tract described as TRACT 3  
10 in the deed from K-B Management Partners, LTD. to Blimp Base  
11 Project, LP recorded under Volume 720, Page 16, in the Deed Records  
12 of Waller County, Texas;  
13 THENCE North 88° 02' 07" East - 2850.00' (called North 88° 02' 01"  
14 East), along a north line of said 261.701 acre tract, common to the  
15 south line of said 161.8245 acre tract, to a 5/8" iron rod with  
16 Kalkomey cap found for an angle corner of said 261.701 acre tract,  
17 common to the southeast corner of said 161.8245 acre tract;  
18 THENCE North 02° 36' 53" West - 2493.17' (called North 02° 36' 59"  
19 West), along a west line of said 261.701 acre tract, common to the  
20 east line of said 161.8245 acre tract, to a 1/2" iron pipe found for  
21 the most northerly northwest corner of said 261.701 acre tract,  
22 common to the northeast corner of said 161.8245 acre tract, in the  
23 south line of the 39.3537 acre tract described as TRACT 2 in the  
24 deed from K-B Management Partners, LTD. to Blimp Base Project, LP  
25 recorded under Volume 720, Page 16, in the Deed Records of Waller  
26 County, Texas, from which a 1/2" iron pipe found for the northwest  
27 corner of said 161.8245 acre tract, common to the southwest corner

1 of said 39.3537 acre tract bears South 87° 55' 54" West - 2810.83';  
2 THENCE North 87° 55' 54" East - 324.23' (called North 87° 55' 47"  
3 East), along a north line of said 261.701 acre tract, common to the  
4 south line of said 39.3537 acre tract at 80.00' passing a 3/4" iron  
5 rod found for the most northerly northeast corner of said 261.701  
6 acre tract and the northwest corner of the aforesaid 140.000 acre  
7 tract, to a 1-1/4" iron pipe found for the southeast corner of said  
8 39.3537 acre tract, common to the southwest corner of the aforesaid  
9 31.6118 acre tract;

10 THENCE North 87° 53' 38" East - 1657.68', along the south line of  
11 said 31.6118 acre tract, to the POINT OF BEGINNING of the herein  
12 described tract and containing 330.2 acres of land.

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

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

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect  
2 to the notice, introduction, and passage of this Act are fulfilled  
3 and accomplished.

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