

By: Bonnen

H.B. No. 4031

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Brazoria County Municipal Utility District No. 62; 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 8213 to read as follows:

CHAPTER 8213. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 62

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8213.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means Brazoria County Municipal Utility District No. 62.

Sec. 8213.002. NATURE OF DISTRICT. The district is a municipal utility district in Brazoria County created under and essential to accomplish the purposes of Section 52, Article III, and Section 59, Article XVI, Texas Constitution.

Sec. 8213.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8213.024 before September 1, 2011:

(1) the district is dissolved September 1, 2011, except that the district shall:

(A) pay any debts incurred;

1 (B) transfer to Brazoria County any assets that
2 remain after the payment of debts; and

3 (C) maintain the organization of the district
4 until all debts are paid and remaining assets are transferred; and

5 (2) this chapter expires September 1, 2014.

6 Sec. 8213.004. INITIAL DISTRICT TERRITORY. (a) The
7 district is initially composed of the territory described by
8 Section 2 of the Act creating this chapter.

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

13 (1) the organization, existence, or validity of the
14 district;

15 (2) the right of the district to impose taxes;

16 (3) the validity of the district's bonds, notes, or
17 indebtedness; or

18 (4) the legality or operation of the district or the
19 board.

20 [Sections 8213.005-8213.020 reserved for expansion]

21 SUBCHAPTER A-1. TEMPORARY PROVISIONS

22 Sec. 8213.021. TEMPORARY DIRECTORS. (a) On or after
23 September 1, 2007, a person who owns land in the district may submit
24 a petition to the Texas Commission on Environmental Quality
25 requesting that the commission appoint as temporary directors the
26 five persons named in the petition.

27 (b) The commission shall appoint as temporary directors the

1 five persons named in the first petition received by the commission
2 under Subsection (a).

3 (c) If a temporary director fails to qualify for office, the
4 commission shall appoint a person to fill the vacancy.

5 (d) Temporary directors serve until the earlier of:

6 (1) the date directors are elected under Section
7 8213.024; or

8 (2) the date this chapter expires under Section
9 8213.003.

10 Sec. 8213.022. ORGANIZATIONAL MEETING OF TEMPORARY
11 DIRECTORS. As soon as practicable after all the temporary
12 directors have qualified under Section 49.055, Water Code, the
13 temporary directors shall meet at a location in the district
14 agreeable to a majority of the directors. At the meeting, the
15 temporary directors shall elect officers from among the temporary
16 directors and conduct any other district business.

17 Sec. 8213.023. CONSENT OF MUNICIPALITY REQUIRED. The
18 temporary directors may not hold an election under Section 8213.024
19 until each municipality in whose corporate limits or
20 extraterritorial jurisdiction the district is located has adopted a
21 resolution consenting to the creation of the district.

22 Sec. 8213.024. CONFIRMATION AND INITIAL DIRECTORS'
23 ELECTION. The temporary directors shall hold an election to
24 confirm the creation of the district and to elect five directors as
25 provided by Section 49.102, Water Code.

26 Sec. 8213.025. INITIAL ELECTED DIRECTORS; TERMS. The
27 directors elected under Section 8213.024 shall draw lots to

1 determine which two shall serve until the first regularly scheduled
2 election of directors and which three shall serve until the second
3 regularly scheduled election of directors.

4 Sec. 8213.026. EXPIRATION OF SUBCHAPTER. This subchapter
5 expires September 1, 2014.

6 [Sections 8213.027-8213.050 reserved for expansion]

7 SUBCHAPTER B. BOARD OF DIRECTORS

8 Sec. 8213.051. GOVERNING BODY; TERMS. (a) The district is
9 governed by a board of five directors.

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

11 [Sections 8213.052-8213.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8213.101. 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. 8213.102. ROAD PROJECTS. (a) To the extent authorized
19 by Section 52, Article III, Texas Constitution, the district may
20 construct, acquire, improve, maintain, or operate macadamized,
21 graveled, or paved roads or turnpikes, or improvements in aid of
22 those roads or turnpikes, inside the district.

23 (b) A road project must meet all applicable construction
24 standards, zoning and subdivision requirements, and regulations of
25 each municipality in whose corporate limits or extraterritorial
26 jurisdiction the district is located. If the district is not
27 located in the corporate limits or extraterritorial jurisdiction of

1 a municipality, a road project must meet all applicable
2 construction standards, zoning and subdivision requirements, and
3 regulations of each county in which the district is located.

4 (c) The district may not undertake a road project unless
5 each municipality in whose corporate limits or extraterritorial
6 jurisdiction the district is located consents by resolution.

7 Sec. 8213.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
8 RESOLUTIONS. The district shall comply with all applicable
9 requirements of any ordinance or resolution adopted by the
10 governing body of each municipality in whose corporate limits or
11 extraterritorial jurisdiction the district is located.

12 [Sections 8213.104-8213.150 reserved for expansion]

13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

14 Sec. 8213.151. TAX TO REPAY BONDS. The district may impose
15 a tax to pay the principal of or interest on bonds or other
16 obligations issued under Section 8213.201.

17 [Sections 8213.152-8213.200 reserved for expansion]

18 SUBCHAPTER E. BONDS

19 Sec. 8213.201. AUTHORITY TO ISSUE BONDS AND OTHER
20 OBLIGATIONS. (a) The district may issue bonds or other obligations
21 as provided by Chapters 49 and 54, Water Code, to finance the
22 construction, maintenance, or operation of a project under Section
23 8213.101 or 8213.102.

24 (b) The district may not issue bonds or other obligations to
25 finance projects authorized by Section 8213.102 unless the issuance
26 is approved by a vote of a two-thirds majority of the district
27 voters voting at an election called for that purpose.

1 (c) Bonds or other obligations issued or incurred to finance
2 projects authorized by Section 8213.102 may not exceed one-fourth
3 of the assessed value of the real property in the district.

4 SECTION 2. The Brazoria County Utility District No. 62
5 includes all the territory contained in the following area:

6 TRACT ONE:

7 FIELD NOTES FOR A 136.184 ACRE TRACT OF LAND IN THE CHARLES M. HAYES
8 SURVEY, ABSTRACT 535 (H.T. & B. RAILROAD COMPANY SURVEY NO. 19)
9 BRAZORIA COUNTY, TEXAS BEING A CALLED 140.09 ACRE TRACT, THE HAMIL
10 FOUNDATION RECORDED IN 99-056005, OFFICIAL RECORDS, BRAZORIA
11 COUNTY, TEXAS, THE BASE BEARING FOR THE HEREIN DESCRIBED TRACT IS
12 THE SOUTH LINE OF THE AFOREMENTIONED 136.184 ACRE TRACT, SAID
13 BEARING BEING SOUTH 86 DEGREES 59 MINUTES 14 SECONDS WEST.

14 BEGINNING at a 5/8 inch iron rod found on the North right-of-way
15 line of F.M. Highway 1462 (100-foot right-of-way) for the Southwest
16 corner and PLACE OF BEGINNING of the herein described 136.184 acre
17 tract of land, same being a Southeast corner of the adjoining South
18 Freeway Ltd. Called 145.764 acre tract recorded in Volume 1186,
19 Page 622, Official Records, Brazoria County, Texas;

20 THENCE North 02 degrees 02 minutes 41 seconds West along the common
21 line of the herein described tract and the aforementioned adjoining
22 South Freeway Ltd. Called 145.764 acre tract (called North 02
23 degrees 02 minutes 41 seconds West), at 3,050.79 feet pass a 1/2
24 inch iron pipe with cap marked "Kalkomey Surveying" set on said line
25 and continuing for a total distance, of 3,058.79 feet to a point on
26 the centerline of canal for the Northwest corner of the herein
27 described 136.184 acre tract, same being on the South line of the

1 adjoining Peter Terpstra Trustee called 164.653 acre tract recorded
2 in (94)-014323, Official Records, Brazoria County, Texas;
3 THENCE North 86 degrees 58 minutes 25 seconds East along the North
4 line of the herein described tract being the South line of the
5 aforementioned adjoining called 164.653 acre tract (called North 86
6 degrees 58 minutes 25 seconds East) for a distance of 1,912.57 feet
7 to a point on the centerline of said canal for the Northeast corner
8 of the herein described tract, said point being the Northwest
9 corner of the State of Texas 0.184 acre (Parcel 152-E) recorded in
10 Volume 1142, Page 612, Deed Records, Brazoria County, Texas;
11 THENCE South 00 degrees 12 minutes 17 seconds West, 80.13 feet to a
12 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for a
13 re-entry corner to the herein described tract;
14 THENCE North 86 degrees 58 minutes 25 seconds East, 100.13 feet to a
15 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set for the
16 Southeast corner of the aforementioned 0.184 acre (Parcel 152-E)
17 recorded in Volume 1142, Page 612, Deed Records, Brazoria County,
18 Texas, said point being on the existing West right-of-way line of
19 Highway 288;
20 THENCE South 00 degrees 12 minutes 17 seconds West along the West
21 right-of-way line of Highway 288 (called South 00 degrees 12
22 minutes 17 seconds West) for a distance of 344.22 feet to a 1/2 inch
23 iron pipe with cap marked "Kalkomey Surveying" set at the beginning
24 of a curve to the left;
25 THENCE around said curve to the left having a central angle of 05
26 degrees 30 minutes 57 seconds, a radius of 11,669.16 feet, an arc
27 length of 1,123.38 feet and a tangent of 562.12 feet. and a chord

1 bearing South 02 degrees 25 minutes 32 seconds East, 1,122.94 feet
2 to a concrete monument found at the tangency of said curve;
3 THENCE South 05 degrees 21 minutes 11 seconds East along the West
4 right-of-way line of Highway 288 (called South 05 degrees 17
5 minutes 42 seconds East, 258.85 feet) for a distance of 256.23 feet
6 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set at
7 an angle point on said line;
8 THENCE South 01 degree 17 minutes 40 seconds East along the West
9 right-of-way line of Highway 288 (called South 01 degree 12 minutes
10 29 seconds East, 1,031.39 feet) for a distance of 1,031.39 feet to a
11 concrete monument found on said line for an angle point;
12 THENCE South 42 degrees 48 minutes 11 seconds West along a cut-back
13 line of Highway 288 (called South 42 degrees 53 minutes 22 seconds
14 West, 287.26 feet) for a distance of 287.74 feet to a concrete
15 right-of-way monument found for an angle point;
16 THENCE South 86 degrees 53 minutes 31 seconds West along the North
17 right-of-way line of Highway 1462 (called South 86 degrees 59
18 minutes 14 seconds West, 200.00 feet) for a distance of 169.31 feet
19 to a 5/8 inch iron rod found on said line for an angle point;
20 THENCE South 48 degrees 09 minutes 54 seconds West along the North
21 right-of-way line of Highway 1462, 39.08 feet to a 5/8 inch iron rod
22 found on said line for the lower Southwest Corner of the herein
23 described 136.184 acre tract of land;
24 THENCE South 86 degrees 59 minutes 14 seconds West along the South
25 line of said 136.184 acre tract being the North line of F.M. Highway
26 1462 (called South 86 degrees 59 minutes 14 seconds West) for a
27 distance of 55.28 feet to a 1/2 inch pipe with cap marked "Kalkomey

1 Surveying" set at the Southeast corner of the Houston Light & Power
2 Company called 0.434 acre tract of land recorded in Volume 1707,
3 Page 383, Official Records, Brazoria County, Texas;
4 THENCE North 03 degrees 32 minutes 14 seconds West along the East
5 line of said 0.434 acre tract, at 385.96 feet pass a 1/2 inch iron
6 pipe with cap marked "Kalkomey Surveying" set at the Southeast
7 corner of the Houston Light & Power Company called 3.099 acre tract
8 (Tract II) recorded in Volume 1707, Page 383, Official Records,
9 Brazoria County, Texas and continuing for a total distance of
10 685.96 feet to a concrete nail set at the Northeast corner of said
11 Tract II being a re-entry corner to the herein described tract;
12 THENCE South 86 degrees 25 minutes 05 seconds West along the North
13 line of said Houston Light & Power Company tract, 450.00 feet to a
14 concrete nail set in a concrete pad for the Northwest corner of the
15 aforementioned Houston Light & Power Company Tract II for a
16 re-entry corner to the herein described tract;
17 THENCE South 03 degrees 32 minutes 14 seconds East along the West
18 line of said Houston Light & Power Company Tract II, 300.00 feet to
19 a concrete nail set a re-entry corner to the herein described tract;
20 THENCE North 86 degrees 25 minutes 04 seconds East along the South
21 line of the aforementioned Houston Light & Power Company Tract II,
22 400 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
23 Surveying" set at the Northwest corner of the Houston Light & Power
24 Company Tract I;
25 THENCE South 03 degrees 32 minutes 14 seconds East along the West
26 line of the aforementioned Houston Light & Power Company Tract I,
27 385.46 feet to a 1/2 inch iron pipe with cap marked "Kalkomey

1 Surveying" set at the Southwest corner of the aforementioned
2 Houston Light & Power Company Tract I;
3 THENCE South 86 degrees 59 minutes 14 seconds West along the South
4 line of the herein described tract being the North line of F.M.
5 Highway 1462 (100-foot right-of-way) for a distance of 1,497.21
6 feet to the PLACE OF BEGINNING and containing 136.184 acres of land,
7 more or less.

8 TRACT TWO:

9 145.7642 acres of land, more or less, on the West 1/2 of the East 1/2
10 of Section 10 of the H. T. & B. R. R. Survey, Abstract 535, Brazoria
11 County, Texas, with said tract being more particularly described by
12 metes and bounds as follows:

13 COMMENCING at an iron rod set in concrete marking the Southwest
14 corner of State Highway #288 acquisition as recorded in Volume 509,
15 Page 24 of the Deed Records of Brazoria County, Texas, with said
16 iron rod also being located in the North right-of-way line of F. M.
17 Road 1462;

18 THENCE South 86 deg. 59 min. 14 sec. West along the North
19 right-of-way line of F. M. Road 1462 a distance of 1602.23 feet to
20 an iron rod set in concrete marking the Southeast corner of this
21 tract and the POINT OF BEGINNING:

22 THENCE continuing along the North right-of-way line of F. M. Road
23 1462 South 86 deg. 57 min. 07 sec. West a distance of 2075.45 feet to
24 a 1-1/4" iron pipe marking the Southwest corner of this tract;

25 THENCE North 02 deg. 02 min. 41 sec. West a distance of 3066.01 feet
26 to a 1-1/4" iron pipe marking the Northwest corner of this tract;

27 THENCE North 87 deg. 22 min. 27 sec. East a distance of 1330.55 feet

1 to a concrete monument marking a point of intersection;
2 THENCE North 86 deg. 45 min. 09 sec. East a distance of 744.81 feet
3 to a 1-1/4" iron pipe marking the Northeast corner of this tract;
4 THENCE South 02 deg. 02 min. 41 sec. East a distance of 3058.79 feet
5 to the POINT OF BEGINNING.

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

13 (b) The governor, one of the required recipients, has
14 submitted the notice and Act to the Texas Commission on
15 Environmental Quality.

16 (c) The Texas Commission on Environmental Quality has filed
17 its recommendations relating to this Act with the governor, the
18 lieutenant governor, and the speaker of the house of
19 representatives within the required time.

20 (d) All requirements of the constitution and laws of this
21 state and the rules and procedures of the legislature with respect
22 to the notice, introduction, and passage of this Act are fulfilled
23 and accomplished.

24 SECTION 4. This Act takes effect September 1, 2007.