

1-1 By: Bonnen (Senate Sponsor - Jackson) H.B. No. 4031
1-2 (In the Senate - Received from the House May 9, 2007;
1-3 May 10, 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 4, 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 Brazoria County Municipal Utility
1-9 District No. 62; providing authority to impose a tax and issue
1-10 bonds; granting the power of eminent domain.

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 8213 to read as follows:

1-14 CHAPTER 8213. BRAZORIA COUNTY MUNICIPAL UTILITY DISTRICT NO. 62

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8213.001. 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 Brazoria County Municipal
1-20 Utility District No. 62.

1-21 Sec. 8213.002. NATURE OF DISTRICT. The district is a
1-22 municipal utility district in Brazoria County created under and
1-23 essential to accomplish the purposes of Section 52, Article III,
1-24 and Section 59, Article XVI, Texas Constitution.

1-25 Sec. 8213.003. CONFIRMATION ELECTION REQUIRED. If the
1-26 creation of the district is not confirmed at a confirmation
1-27 election held under Section 8213.024 before September 1, 2011:

1-28 (1) the district is dissolved September 1, 2011,
1-29 except that the district shall:

1-30 (A) pay any debts incurred;

1-31 (B) transfer to Brazoria County any assets that
1-32 remain after the payment of debts; and

1-33 (C) maintain the organization of the district
1-34 until all debts are paid and remaining assets are transferred; and

1-35 (2) this chapter expires September 1, 2014.

1-36 Sec. 8213.004. INITIAL DISTRICT TERRITORY. (a) The
1-37 district is initially composed of the territory described by
1-38 Section 2 of the Act creating this chapter.

1-39 (b) The boundaries and field notes contained in Section 2 of
1-40 the Act creating this chapter form a closure. A mistake made in the
1-41 field notes or in copying the field notes in the legislative process
1-42 does not affect:

1-43 (1) the organization, existence, or validity of the
1-44 district;

1-45 (2) the right of the district to impose taxes;

1-46 (3) the validity of the district's bonds, notes, or
1-47 indebtedness; or

1-48 (4) the legality or operation of the district or the
1-49 board.

1-50 [Sections 8213.005-8213.020 reserved for expansion]

1-51 SUBCHAPTER A-1. TEMPORARY PROVISIONS

1-52 Sec. 8213.021. TEMPORARY DIRECTORS. (a) On or after
1-53 September 1, 2007, a person who owns land in the district may submit
1-54 a petition to the Texas Commission on Environmental Quality
1-55 requesting that the commission appoint as temporary directors the
1-56 five persons named in the petition.

1-57 (b) The commission shall appoint as temporary directors the
1-58 five persons named in the first petition received by the commission
1-59 under Subsection (a).

1-60 (c) If a temporary director fails to qualify for office, the
1-61 commission shall appoint a person to fill the vacancy.

1-62 (d) Temporary directors serve until the earlier of:

1-63 (1) the date directors are elected under Section
1-64 8213.024; or

2-1 (2) the date this chapter expires under Section
2-2 8213.003.

2-3 Sec. 8213.022. ORGANIZATIONAL MEETING OF TEMPORARY
2-4 DIRECTORS. As soon as practicable after all the temporary
2-5 directors have qualified under Section 49.055, Water Code, the
2-6 temporary directors shall meet at a location in the district
2-7 agreeable to a majority of the directors. At the meeting, the
2-8 temporary directors shall elect officers from among the temporary
2-9 directors and conduct any other district business.

2-10 Sec. 8213.023. CONSENT OF MUNICIPALITY REQUIRED. The
2-11 temporary directors may not hold an election under Section 8213.024
2-12 until each municipality in whose corporate limits or
2-13 extraterritorial jurisdiction the district is located has adopted a
2-14 resolution consenting to the creation of the district.

2-15 Sec. 8213.024. CONFIRMATION AND INITIAL DIRECTORS'
2-16 ELECTION. The temporary directors shall hold an election to
2-17 confirm the creation of the district and to elect five directors as
2-18 provided by Section 49.102, Water Code.

2-19 Sec. 8213.025. INITIAL ELECTED DIRECTORS; TERMS. The
2-20 directors elected under Section 8213.024 shall draw lots to
2-21 determine which two shall serve until the first regularly scheduled
2-22 election of directors and which three shall serve until the second
2-23 regularly scheduled election of directors.

2-24 Sec. 8213.026. EXPIRATION OF SUBCHAPTER. This subchapter
2-25 expires September 1, 2014.

2-26 [Sections 8213.027-8213.050 reserved for expansion]

2-27 SUBCHAPTER B. BOARD OF DIRECTORS

2-28 Sec. 8213.051. GOVERNING BODY; TERMS. (a) The district is
2-29 governed by a board of five directors.

2-30 (b) Directors serve staggered four-year terms.

2-31 [Sections 8213.052-8213.100 reserved for expansion]

2-32 SUBCHAPTER C. POWERS AND DUTIES

2-33 Sec. 8213.101. MUNICIPAL UTILITY DISTRICT POWERS AND
2-34 DUTIES. The district has the powers and duties provided by the
2-35 general law of this state, including Chapters 49 and 54, Water Code,
2-36 applicable to municipal utility districts created under Section 59,
2-37 Article XVI, Texas Constitution.

2-38 Sec. 8213.102. ROAD PROJECTS. (a) To the extent authorized
2-39 by Section 52, Article III, Texas Constitution, the district may
2-40 construct, acquire, improve, maintain, or operate macadamized,
2-41 graveled, or paved roads, or improvements in aid of those roads,
2-42 inside the district.

2-43 (b) A road project must meet all applicable construction
2-44 standards, zoning and subdivision requirements, and regulations of
2-45 each municipality in whose corporate limits or extraterritorial
2-46 jurisdiction the district is located. If the district is not
2-47 located in the corporate limits or extraterritorial jurisdiction of
2-48 a municipality, a road project must meet all applicable
2-49 construction standards, zoning and subdivision requirements, and
2-50 regulations of each county in which the district is located.

2-51 (c) The district may not undertake a road project unless
2-52 each municipality in whose corporate limits or extraterritorial
2-53 jurisdiction the district is located consents by resolution.

2-54 Sec. 8213.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR
2-55 RESOLUTIONS. The district shall comply with all applicable
2-56 requirements of any ordinance or resolution adopted by the
2-57 governing body of each municipality in whose corporate limits or
2-58 extraterritorial jurisdiction the district is located.

2-59 Sec. 8213.104. EFFECT OF ANNEXATION BY CITY OF ALVIN. If,
2-60 before the date of the confirmation election, the City of Alvin
2-61 annexes into its corporate limits all territory described by the
2-62 Act creating this chapter, Section 43.075, Local Government Code,
2-63 does not apply to the district.

2-64 [Sections 8213.105-8213.150 reserved for expansion]

2-65 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-66 Sec. 8213.151. TAX TO REPAY BONDS. The district may impose
2-67 a tax to pay the principal of or interest on bonds or other
2-68 obligations issued under Section 8213.201.

2-69 [Sections 8213.152-8213.200 reserved for expansion]

4-1 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set at
4-2 an angle point on said line;
4-3 THENCE South 01 degree 17 minutes 40 seconds East along the West
4-4 right-of-way line of Highway 288 (called South 01 degree 12 minutes
4-5 29 seconds East, 1,031.39 feet) for a distance of 1,031.39 feet to a
4-6 concrete monument found on said line for an angle point;
4-7 THENCE South 42 degrees 48 minutes 11 seconds West along a cut-back
4-8 line of Highway 288 (called South 42 degrees 53 minutes 22 seconds
4-9 West, 287.26 feet) for a distance of 287.74 feet to a concrete
4-10 right-of-way monument found for an angle point;
4-11 THENCE South 86 degrees 53 minutes 31 seconds West along the North
4-12 right-of-way line of Highway 1462 (called South 86 degrees 59
4-13 minutes 14 seconds West, 200.00 feet) for a distance of 169.31 feet
4-14 to a 5/8 inch iron rod found on said line for an angle point;
4-15 THENCE South 48 degrees 09 minutes 54 seconds West along the North
4-16 right-of-way line of Highway 1462, 39.08 feet to a 5/8 inch iron rod
4-17 found on said line for the lower Southwest Corner of the herein
4-18 described 136.184 acre tract of land;
4-19 THENCE South 86 degrees 59 minutes 14 seconds West along the South
4-20 line of said 136.184 acre tract being the North line of F.M. Highway
4-21 1462 (called South 86 degrees 59 minutes 14 seconds West) for a
4-22 distance of 55.28 feet to a 1/2 inch pipe with cap marked "Kalkomey
4-23 Surveying" set at the Southeast corner of the Houston Light & Power
4-24 Company called 0.434 acre tract of land recorded in Volume 1707,
4-25 Page 383, Official Records, Brazoria County, Texas;
4-26 THENCE North 03 degrees 32 minutes 14 seconds West along the East
4-27 line of said 0.434 acre tract, at 385.96 feet pass a 1/2 inch iron
4-28 pipe with cap marked "Kalkomey Surveying" set at the Southeast
4-29 corner of the Houston Light & Power Company called 3.099 acre tract
4-30 (Tract II) recorded in Volume 1707, Page 383, Official Records,
4-31 Brazoria County, Texas and continuing for a total distance of
4-32 685.96 feet to a concrete nail set at the Northeast corner of said
4-33 Tract II being a re-entry corner to the herein described tract;
4-34 THENCE South 86 degrees 25 minutes 05 seconds West along the North
4-35 line of said Houston Light & Power Company tract, 450.00 feet to a
4-36 concrete nail set in a concrete pad for the Northwest corner of the
4-37 aforementioned Houston Light & Power Company Tract II for a
4-38 re-entry corner to the herein described tract;
4-39 THENCE South 03 degrees 32 minutes 14 seconds East along the West
4-40 line of said Houston Light & Power Company Tract II, 300.00 feet to
4-41 a concrete nail set a re-entry corner to the herein described tract;
4-42 THENCE North 86 degrees 25 minutes 04 seconds East along the South
4-43 line of the aforementioned Houston Light & Power Company Tract II,
4-44 400 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
4-45 Surveying" set at the Northwest corner of the Houston Light & Power
4-46 Company Tract I;
4-47 THENCE South 03 degrees 32 minutes 14 seconds East along the West
4-48 line of the aforementioned Houston Light & Power Company Tract I,
4-49 385.46 feet to a 1/2 inch iron pipe with cap marked "Kalkomey
4-50 Surveying" set at the Southwest corner of the aforementioned
4-51 Houston Light & Power Company Tract I;
4-52 THENCE South 86 degrees 59 minutes 14 seconds West along the South
4-53 line of the herein described tract being the North line of F.M.
4-54 Highway 1462 (100-foot right-of-way) for a distance of 1,497.21
4-55 feet to the PLACE OF BEGINNING and containing 136.184 acres of land,
4-56 more or less.
4-57 TRACT TWO:
4-58 145.7642 acres of land, more or less, on the West 1/2 of the East 1/2
4-59 of Section 10 of the H. T. & B. R. R. Survey, Abstract 535, Brazoria
4-60 County, Texas, with said tract being more particularly described by
4-61 metes and bounds as follows:
4-62 COMMENCING at an iron rod set in concrete marking the Southwest
4-63 corner of State Highway #288 acquisition as recorded in Volume 509,
4-64 Page 24 of the Deed Records of Brazoria County, Texas, with said
4-65 iron rod also being located in the North right-of-way line of F. M.
4-66 Road 1462;
4-67 THENCE South 86 deg. 59 min. 14 sec. West along the North
4-68 right-of-way line of F. M. Road 1462 a distance of 1602.23 feet to
4-69 an iron rod set in concrete marking the Southeast corner of this

5-1 tract and the POINT OF BEGINNING:
5-2 THENCE continuing along the North right-of-way line of F. M. Road
5-3 1462 South 86 deg. 57 min. 07 sec. West a distance of 2075.45 feet to
5-4 a 1-1/4" iron pipe marking the Southwest corner of this tract;
5-5 THENCE North 02 deg. 02 min. 41 sec. West a distance of 3066.01 feet
5-6 to a 1-1/4" iron pipe marking the Northwest corner of this tract;
5-7 THENCE North 87 deg. 22 min. 27 sec. East a distance of 1330.55 feet
5-8 to a concrete monument marking a point of intersection;
5-9 THENCE North 86 deg. 45 min. 09 sec. East a distance of 744.81 feet
5-10 to a 1-1/4" iron pipe marking the Northeast corner of this tract;
5-11 THENCE South 02 deg. 02 min. 41 sec. East a distance of 3058.79 feet
5-12 to the POINT OF BEGINNING.

5-13 SECTION 3. (a) The legal notice of the intention to
5-14 introduce this Act, setting forth the general substance of this
5-15 Act, has been published as provided by law, and the notice and a
5-16 copy of this Act have been furnished to all persons, agencies,
5-17 officials, or entities to which they are required to be furnished
5-18 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-19 Government Code.

5-20 (b) The governor, one of the required recipients, has
5-21 submitted the notice and Act to the Texas Commission on
5-22 Environmental Quality.

5-23 (c) The Texas Commission on Environmental Quality has filed
5-24 its recommendations relating to this Act with the governor, the
5-25 lieutenant governor, and the speaker of the house of
5-26 representatives within the required time.

5-27 (d) All requirements of the constitution and laws of this
5-28 state and the rules and procedures of the legislature with respect
5-29 to the notice, introduction, and passage of this Act are fulfilled
5-30 and accomplished.

5-31 SECTION 4. This Act takes effect September 1, 2007.

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