

By: Paxton

H.B. No. 4054

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Stover Creek 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 8243 to read as follows:

CHAPTER 8243. STOVER CREEK MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8243.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Stover Creek Municipal Utility District.

Sec. 8243.002. 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 8243.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8243.003. 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. 8243.004. 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. 8243.005. 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 8243.006-8243.050 reserved for expansion]

18 SUBCHAPTER B. BOARD OF DIRECTORS

19 Sec. 8243.051. 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. 8243.052. INITIAL DIRECTORS. (a) The initial board
23 consists of:

24 (1) _____;

25 (2) _____;

26 (3) _____;

27 (4) _____; and

1 (5) _____.

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 8243.053-8243.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8243.101. 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. 8243.102. 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. 8243.103. 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 improvements in aid of those roads.

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. 8243.104. 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 Sec. 8243.105. DIVISION OF DISTRICT. (a) The district may
9 be divided into two new districts only if the district:

10 (1) has no outstanding bonded debt; and

11 (2) is not imposing ad valorem taxes.

12 (b) The board may adopt an order dividing the district on
13 the board's own motion or after receipt of a petition signed by the
14 owners of a majority of the assessed value of real property in the
15 district according to the most recent certified appraisal roll for
16 each county in which the district is located.

17 (c) An order dividing the district must:

18 (1) name each new district;

19 (2) describe the boundaries of each new district by
20 metes and bounds;

21 (3) appoint initial directors for each new district;

22 and

23 (4) divide the assets and liabilities among the new
24 districts.

25 (d) Not later than the 30th day after the date the board
26 adopts the order, the district shall file the order with the Texas
27 Commission on Environmental Quality and record the order in the

1 real property records of each county in which each district is
2 located.

3 (e) Each new district created under this section:

4 (1) shall hold an election to confirm the creation of
5 the new district and to elect directors as provided by Section
6 49.102, Water Code;

7 (2) has all the powers and duties of the district; and

8 (3) may not, at the time the new district is created,
9 contain any land outside the area described by Section 2 of the Act
10 creating this chapter.

11 [Sections 8243.106-8243.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8243.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
14 district may issue, without an election, bonds and other
15 obligations secured by revenue or contract payments from a source
16 other than ad valorem taxation.

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

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

25 Sec. 8243.152. OPERATION AND MAINTENANCE TAX. (a) If
26 authorized at an election held under Section 8243.151, the district
27 may impose an operation and maintenance tax on taxable property in

1 the district as provided by Chapter 49.107, Water Code.

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

4 [Sections 8243.153-8243.200 reserved for expansion]

5 SUBCHAPTER E. BONDS

6 Sec. 8243.201. AUTHORITY TO ISSUE BONDS AND OTHER
7 OBLIGATIONS. The district may issue bonds or other obligations
8 payable wholly or partly from ad valorem taxes, impact fees,
9 revenue, grants, or other district money, or any combination of
10 those sources, to pay for any authorized district purpose.

11 Sec. 8243.202. BONDS FOR ROAD PROJECTS. At the time of
12 issuance, the total principal amount of a bond, note, or other
13 obligation issued or incurred to finance a road project may not
14 exceed one-fourth of the assessed value of real property in the
15 district.

16 Sec. 8243.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
17 the time bonds or other obligations payable wholly or partly from ad
18 valorem taxes are issued:

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

22 (2) the district annually shall impose an ad valorem
23 tax on all taxable property in the district in an amount sufficient
24 to:

25 (A) pay the interest on the bonds or other
26 obligations as the interest becomes due;

27 (B) create a sinking fund for the payment of the

1 principal of the bonds or other obligations when due or the
2 redemption price at any earlier required redemption date; and

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

4 SECTION 2. The Stover Creek Municipal Utility District
5 initially includes all the territory contained in the following
6 area:

7 Being a tract of land situated in Collin County, Texas in the S.W.
8 Cash Survey, Abstract No. 237, the Benjamin Thayer Survey, Abstract
9 No. 915, the Charles A. Burns Survey, Abstract No. 109 and the
10 Coleman Watson Survey, Abstract No. 945, including a portion of a
11 608.587 Acre Brinker property as recorded in Volume 4758, Page 1442
12 of the Collin County Land Records and same 608.587 acre tract of
13 land as described in Volume 1605, Page 288-292; Volume 2826, Page
14 920-924 and under County Clerk No. 93-0005677 and 93-0042933 of the
15 Collin County Deed Records and including a resurvey of 327.72 acres
16 of land described in a deed from General Walter Kalter to Patrick F.
17 Deprez dated February 29, 1972, recorded in Volume 812, Page 531 of
18 the Collin County Deed Records, also being the same 327.51 acre
19 tract described in a deed from Ferry D. Lewis to George R. Jordan
20 dated May 10, 1965, recorded in Volume 812, Page 531 of the Collin
21 County Deed Records, and including a part of a called 461.659 acre
22 tract as conveyed from Henry H. Dickerson, Jr., Trustee to Robert S.
23 Folsom from H.T. Witherspoon, Jr., et al, as recorded in Volume 876,
24 Page 562, Deed Records, Collin County, Texas, and part of a called
25 153.97 acre tract as conveyed to Robert S. Folsom, Trustee, from
26 Robert W. Bagwell, Trustee, and William S. Hooton, Trustee, as
27 recorded in Volume 903, Page 507, Deed Records, Collin County,

1 Texas, said premises being more particularly described as follows:
2 BEGINNING at an iron pin on the east side of a corner post, said iron
3 pin being the southeast corner of said 327.72 acre tract and at the
4 south end of an old established fence and hedgerow from the north
5 and in the north right of way line of F.M. 1461;
6 Thence in a westerly direction with the said north right of way line
7 of F.M. 1461 the following courses and distances:
8 South 88°56'00" West, 1643.09 feet;
9 North 79°45'24" West, 101.98 feet;
10 South 88°56'00" West, 245.00 feet to a point in said north right of
11 way line of F.M. 1461 in the center of Stover Creek for a corner;
12 Thence departing the said north right of way line of F.M. 1461,
13 generally in a northerly direction up the center of Stover Creek the
14 following courses and distances:
15 North 38°46'50" East, 562.40 feet;
16 North 30°13'10" West, 280.00 feet;
17 North 72°13'10" West, 666.40 feet;
18 North 14°46'50" East, 469.00 feet;
19 North 62°13'10" West, 530.00 feet;
20 North 11°16'50" East, 164.50 feet;
21 North 38°43'10" West, 86.18 feet to a point for corner, said point
22 being the northeast corner of an 80.00 acre (gross) tract of land
23 out of the aforementioned 608.587 acre tract on land;
24 Thence in a westerly direction with the northerly line of the 80.00
25 acre (gross) tract of land, West, passing at 121.80 feet a ½ inch
26 iron rod found for reference at the base of a 12 inch Elm marked "x"
27 and continuing for a total distance of 1205.67 feet;

1 Thence in a southerly direction with the westerly line of the 80.00
2 acre (gross) tract of land, South 01°33'17" East, 1937.62 feet to a ½
3 inch iron rod found for corner in said north right of way line of
4 F.M. 1461;

5 Thence in a westerly direction with the said north right of way line
6 of F.M. 1461, North 89°05'00" West, 2631.35 feet to a point for
7 corner in said north right of way line of F.M. 1461, said point
8 being the southeast corner of a 30.00 acre tract being part of the
9 aforementioned 608.587 acre tract;

10 Thence departing the north right of way line of F.M. 1461 in a
11 northerly and westerly direction the following courses and
12 distances:

13 North 00°55'00" East, 900.00 feet point for corner;

14 North 89°05'00" West, 273.81 feet point for corner;

15 North 01°01'43" East, 280.94 feet point for corner;

16 North 88°58'17" West, 900.00 feet point for corner in the east right
17 of way line of F.M. 2478 and the most westerly west line of said
18 608.587 acre tract;

19 Thence in a northerly direction along the said east right of way
20 line of F.M. 2478 the following courses and distances:

21 North 01°01'43" East, 460.94 feet to a point;

22 North 01°06'15" East, 1319.35 feet to a point;

23 North 06°41'09" East, 100.87 feet to a point;

24 North 01°06'00" East, 2013.84 feet to a point to the beginning of a
25 curve to the left having a central angle of 02°36'27" and a radius of
26 5789.58 feet;

27 Thence along said curve for an arc distance of 263.48 feet to a

1 point for corner;
2 Thence departing the said east right of way line of F.M. 2478 in an
3 easterly direction, South $89^{\circ}03'36''$ East, passing a point at
4 4054.98' in the centerline of Stover Creek and continuing in all
5 4714.98' to a point for corner;
6 Thence in a southerly direction South $00^{\circ}23'25''$ West, 89.69 feet to
7 a point for corner, said point being a northwest corner of said
8 327.72 acre tract;
9 Thence in an easterly direction South $89^{\circ}45'00''$ East, 48.50 feet
10 with a north line of said 327.72 acre tract to an iron pin found
11 beside a large Bois d'arc post for corner;
12 Thence in a northerly direction with a west line of said 327.72 acre
13 tract and with a fence as follows;
14 North $01^{\circ}21'18''$ East, 849.30 feet to a point;
15 North $00^{\circ}11'01''$ East, 424.49 feet to an iron found beside a corner
16 post at the northernmost northwest corner of said 327.72 acre tract
17 for corner;
18 Thence in an easterly direction with the north line of said 327.72
19 acre tract and with an established fence as follows;
20 South $89^{\circ}57'03''$ East, 1838.51 feet to a point;
21 North $89^{\circ}49'25''$ East, 799.38 feet to an existing iron pin at the
22 northeast corner of said 327.72 acre tract in the center of a
23 north-south rock road for a corner;
24 Thence in a southerly direction, South $00^{\circ}28'43''$ East, 1275.72 feet
25 with an east line of said 327.72 acre tract and with a rock road to
26 an existing iron pin set beside a bois d'arc stake beside a rock
27 marked with a cross (+) for a corner;

1 Thence West, 7.0 feet to an iron rod found for a point for corner;
2 Thence in a southerly direction with an east line of said 327.72
3 acre tract and with an old established fence as follows;
4 South 00°09'20" East, 229.35 feet;
5 South 00°02'40" East, 194.25 feet;
6 South 00°13'46" East, 273.77 feet;
7 South 00°03'45" East, 410.28 feet;
8 South 00°30'54" East, 182.35 feet;
9 South 00°19'46" East, 241.30 feet;
10 South 08°48'46" East, 50.69 feet;
11 South 02°35'34" West, 76.7 feet;
12 South 04°18'15" West, 33.51 feet;
13 South 03°34'45" West, 56.66 feet;
14 South 18°02'08" West, 235.49 feet;
15 South 00°30'15" West, 13.84 feet to an existing iron pin at the west
16 end of a fence from the east;
17 South 12°42'11" West, 54.57 feet;
18 South 00°09'48" East 85.96 feet;
19 South 00°15'11" West, 320.72 feet;
20 South 00°28'28" West, 325.06 feet;
21 South 00°03'10" West, 201.62 feet to an iron pin beside a corner
22 post;
23 East 6.5 feet to an iron pin beside a corner post;
24 South 00°06'08" East, 516.78 feet;
25 South 00°14'28" East, 155.28 feet to an iron pin beside a corner post
26 for a corner;
27 Thence South 89°10'37" East, 262.99 feet to an existing iron pin at

1 the east northeast corner of said 327.72 acre tract for a corner;
2 Thence in a southerly direction, South 00°23'28" West, 1534.51 feet
3 with the evidence of an old fence and with a hedgerow parallel with
4 and two to three feet easterly for a convenience fence to the PLACE
5 OF BEGINNING and containing 891.7774 acres, more or less.

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 immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

H.B. No. 4054

1 Act takes effect September 1, 2007.