

By: Janek

S.B. No. 1069

Substitute the following for S.B. No. 1069:

By: Puente

C.S.S.B. No. 1069

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 183; 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 8208 to read as follows:

CHAPTER 8208. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 183

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8208.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means Fort Bend County Municipal Utility District No. 183.

Sec. 8208.002. NATURE OF DISTRICT. The district is a municipal utility district in Fort Bend County created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8208.003. CONFIRMATION ELECTION REQUIRED. If the creation of the district is not confirmed at a confirmation election held under Section 8208.055 before September 1, 2011:

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

1           (A) any debts incurred shall be paid;

2           (B) any assets that remain after the payment of  
3 debts shall be transferred to Fort Bend County; and

4           (C) the organization of the district shall be  
5 maintained until all debts are paid and remaining assets are  
6 transferred; and

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

8           Sec. 8208.004. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

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

15           (1) the organization, existence, or validity of the  
16 district;

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

18           (3) the validity of the district's bonds, notes, or  
19 indebtedness; or

20           (4) the legality or operation of the district or the  
21 board.

22           [Sections 8208.005-8208.050 reserved for expansion]

23           SUBCHAPTER B. BOARD OF DIRECTORS

24           Sec. 8208.051. BOARD OF DIRECTORS; TERMS. (a) The  
25 district is governed by a board of five directors.

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

27           Sec. 8208.052. ELECTION OF DIRECTORS. On the uniform

1 election date in May of each even-numbered year, the appropriate  
2 number of directors shall be elected.

3 Sec. 8208.053. INITIAL DIRECTORS. (a) The initial board  
4 consists of:

- 5 (1) John Randolph;
- 6 (2) Stacy Eickhoff;
- 7 (3) Karen Ross;
- 8 (4) John Neslage; and
- 9 (5) Stephen Eustis.

10 (b) Notwithstanding Section 8208.051(b), the terms of the  
11 first three directors named in Subsection (a) expire on the uniform  
12 election date in May 2008, and the terms of the last two directors  
13 named in Subsection (a) expire on the uniform election date in May  
14 2010.

15 Sec. 8208.054. CONSENT OF MUNICIPALITY REQUIRED. The  
16 initial directors may not hold an election under Section 8208.055  
17 until each municipality in whose corporate limits or  
18 extraterritorial jurisdiction the district is located has adopted a  
19 resolution consenting to the creation of the district.

20 Sec. 8208.055. CONFIRMATION AND INITIAL DIRECTORS  
21 ELECTION. The initial directors shall hold an election to confirm  
22 the creation of the district as provided by Section 49.102, Water  
23 Code.

24 Sec. 8208.056. EXPIRATION. Sections 8208.053, 8208.054,  
25 and 8208.055 and this section expire September 1, 2011.

26 [Sections 8208.057-8208.100 reserved for expansion]

1                   SUBCHAPTER C. POWERS AND DUTIES

2           Sec. 8208.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
3 DUTIES. The district has the powers and duties provided by the  
4 general law of this state, including Chapters 49 and 54, Water Code,  
5 applicable to municipal utility districts created under Section 59,  
6 Article XVI, Texas Constitution.

7           Sec. 8208.102. ROAD PROJECTS. (a) To the extent  
8 authorized by Section 52, Article III, Texas Constitution, the  
9 district may construct, acquire, improve, maintain, or operate  
10 macadamized, graveled, or paved roads or turnpikes, or improvements  
11 in aid of those roads or turnpikes, inside the district.

12           (b) A road project must meet or exceed all applicable  
13 construction standards, zoning and subdivision requirements, and  
14 regulatory ordinances of each municipality in whose corporate  
15 limits or extraterritorial jurisdiction the district is located.  
16 If the district is located outside the extraterritorial  
17 jurisdiction of a municipality, a road project must meet all  
18 applicable construction standards, zoning and subdivision  
19 requirements, and regulatory ordinances of each county in which the  
20 district is located.

21           (c) The district may not undertake a road project unless  
22 each municipality in whose corporate limits or extraterritorial  
23 jurisdiction the district is located consents by ordinance or  
24 resolution.

25           Sec. 8208.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
26 RESOLUTIONS. The district shall comply with all applicable  
27 requirements of any ordinance or resolution adopted by the city

1 council of the City of Alvin.

2 [Sections 8208.104-8208.150 reserved for expansion]

3 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

4 Sec. 8208.151. TAX TO REPAY BONDS. The district may impose  
5 a tax to pay the principal of or interest on bonds issued under  
6 Section 8208.201.

7 [Sections 8208.152-8208.200 reserved for expansion]

8 SUBCHAPTER E. BONDS

9 Sec. 8208.201. AUTHORITY TO ISSUE BONDS AND OTHER  
10 OBLIGATIONS. (a) The district may issue bonds or other  
11 obligations as provided by Chapters 49 and 54, Water Code, to  
12 finance the construction, maintenance, or operation of projects  
13 under Sections 8208.101 and 8208.102.

14 (b) The district may not issue bonds to finance projects  
15 authorized by Section 8208.102 unless the issuance is approved by a  
16 vote of a two-thirds majority of the voters of the district voting  
17 at an election called for that purpose.

18 (c) Bonds or other obligations issued or incurred to finance  
19 projects authorized by Section 8208.102 may not exceed one-fourth  
20 of the assessed value of the real property in the district.

21 SECTION 2. Fort Bend County Municipal Utility District No.  
22 183 includes all the territory contained in the following area:

23 TRACT I:

24 Being a tract or parcel containing 504.70 acres of land situated in  
25 the William Pettus League, Abstract Number 68, Fort Bend County,  
26 Texas; being all that certain called 504.6532 acre tract conveyed  
27 from J.E. Foster to H.B. Gordon, Trustee by deed recorded in Volume

1 393, Page 64 of the Deed Records Fort Bend County, Texas; being  
2 conveyed from H.B. Gordon, Trustee to S. Conrad Weil, Jr., Trustee,  
3 16.668% interest as recorded in Clerk's File Number 9329669 of the  
4 Deed Records Fort Bend County, Texas; and being conveyed from Aron  
5 S. Gordon, Trustee to Asgor, Ltd. 41.666% interest as recorded in  
6 Clerk's File Number 9512339 of the Deed Records Fort Bend County,  
7 Texas; said 504.70 acre tract being more particularly described as  
8 follows (bearings are referenced to the Texas State Plain  
9 Coordinate System, South Central Zone, (NAD 83);  
10 BEGINNING at a 1-inch iron pipe found in the west right-of-way line  
11 of the Missouri-Pacific (I.G. & N.) Railroad (width varies), being  
12 in the south line of said William Pettus League and in the north  
13 line of the Francis Bingham Survey, Abstract Number 43 and on the  
14 south line of Fort Bend County and on the north line of Brazoria  
15 County, said iron pipe marking the common northwest corner of that  
16 certain called 0.24 acre tract (Tract 3) as recorded in Clerk's File  
17 Number 99058295 of the Deed Records Brazoria County, Texas and the  
18 northeast corner of that certain called 3.00 acre tract (Tract 2) as  
19 recorded in Clerk's File Number 99058295 of the Deed Records  
20 Brazoria County, Texas, said iron pipe also marking the southeast  
21 corner of said called 504.6532 acre tract and the herein described  
22 tract;  
23 THENCE, South 87°18'39" West (called South 89°44'40" West, 7,627.20  
24 feet), along the north line of said Francis Bingham Survey and the  
25 south line of said William Pettus League, along the north line of  
26 Brazoria County and the south line of Fort Bend County, along the  
27 north line of said called 3.00 acre tract and the north line of that

1 certain called 373.91 acre tract (Tract 1) as recorded in Clerk's  
2 File Number 99058295 of the Deed Records Brazoria County, Texas,  
3 and along the south line of said called 504.6532 acre tract, at a  
4 distance of 2,183.94 feet passing a found 1/2-inch iron rod which  
5 bears South 02°41'21" East, 0.72 feet, at a distance of 4,873.14  
6 feet passing a found Axle which bears South 02°41'21" East, 5.95  
7 feet, continuing, in all, a distance of 7,627.83 feet to a Railroad  
8 Rail found marking the southeast corner of that certain called 300  
9 acre tract (Second Tract) as recorded in Volume 226, Page 540 of the  
10 Deed Records Fort Bend County, Texas, said Railroad Rail marking  
11 the southwest corner of said called 504.6532 acre tract and the  
12 herein described tract;

13 THENCE, North 02°44'11" West, (called North 00°18'10 West, 2,820.37  
14 feet), along the east line of said called 300 acre tract and along  
15 the west line of said called 504.6532 acre tract, a distance of  
16 2,820.37 feet to a 5/8-inch iron rod with "Terra" cap set in the  
17 south line of that certain called 294.4 acre tract as recorded in  
18 Clerk's File Numbers 9781317 and 9809582 of the Deed Records Fort  
19 Bend County, Texas, said iron rod marking the northeast corner of  
20 said called 300 acre tract and marking the northwest corner of said  
21 called 504.6532 acre tract and the herein described tract, from  
22 which a Railroad Rail found marking the southwest corner of said  
23 called 294.4 acre tract bears South 87°12'30' West, 4,609.45 feet;

24 THENCE, North 87°01'19" East, (called North 89°27'20" East, 7,674.31  
25 feet), along the south line of said called 294.4 acre tract and  
26 along the north line of said called 504.6532 acre tract, a distance  
27 of 7,676.59 feet to a 5/8-inch iron rod with "Terra" cap set marking

1 the northwest corner of an old cemetery tract (no deed of record)  
2 and marking the most northerly northeast corner of said called  
3 504.6532 acre tract and the herein described tract;  
4 THENCE, South 02°22'59" West, (called South 04°49'00" West, 196.45  
5 feet), along an easterly line of said called 504.6532 acre tract and  
6 along the west line of said cemetery tract, a distance of 195.81  
7 feet to a 1-inch iron pipe found marking the southwest corner of  
8 said cemetery tract and marking an interior corner of said called  
9 504.6532 acre tract and the herein described tract;  
10 THENCE, South 89°07'39" East, (called South 86°41'00" East, 208.85  
11 feet), along a northerly line of said called 504.6532 acre tract and  
12 along the south line of said cemetery tract, a distance of 207.11  
13 feet to a 1-inch iron pipe found in the aforesaid west right-of-way  
14 line of the Missouri- Pacific (I.G. & N.) Railroad, marking the  
15 southeast corner of said cemetery tract and marking the most  
16 easterly northeast corner of said called 504.6532 acre tract and  
17 the herein described tract, from which the centerline of the old  
18 railroad bed bears South 89°07'39" East, 48.7 feet;  
19 THENCE, South 02°23'30" West, (called South 04°49'40" West, 2,660.84  
20 feet), along the east line of said called 504.6532 acre tract and  
21 along the west right-of-way line of the Missouri- Pacific (I.S. &  
22 N.) Railroad, a distance of 2,660.63 feet to the POINT OF BEGINNING  
23 and containing 504.70 acres of land. This description is based on  
24 the Land Title Survey and plat made by Terra Surveying Co., dated  
25 September, 2005, Project Number 9430-0501-S.

26 TRACT II:

27 Being a tract of land out of the William Pettus Survey, Abstract 68,



1 Fort Bend County, Texas, being more particularly described as  
2 follows:

3 Beginning at a point on the south line of Fort Bend County, on the  
4 north line of Brazoria County, and the west right of way line of the  
5 International & Great Northern Railroad Company, predecessor to  
6 Union Pacific Railroad Company, distant 50 feet west from the  
7 centerline of track as originally constructed and operated and  
8 opposite Railroad Engineer's Station 1307+03;

9 Thence Northeast parallel with said railroad and 50 feet distance  
10 at right angles from the centerline of its track 2,660.63 feet to a  
11 point;

12 Thence East at right angles, 100 feet to the east right of way line  
13 of said railroad, also being the west right of way line of F. M. 521;

14 Thence Southwest parallel and 50 feet distant from the centerline  
15 of the railroad track to the south line of Fort Bend County, Texas;

16 Thence West 100 feet along the County line to the Point of  
17 Beginning.

18 Save and except any portion lying within the right of way of F. M.  
19 521.

20 Contains 6.10 Acres more or less.

21 SECTION 3. (a) The legal notice of the intention to  
22 introduce this Act, setting forth the general substance of this  
23 Act, has been published as provided by law, and the notice and a  
24 copy of this Act have been furnished to all persons, agencies,  
25 officials, or entities to which they are required to be furnished  
26 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
27 Government Code.

1           (b) The governor, one of the required recipients, has  
2 submitted the notice and Act to the Texas Commission on  
3 Environmental Quality.

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

8           (d) All requirements of the constitution and laws of this  
9 state and the rules and procedures of the legislature with respect  
10 to the notice, introduction, and passage of this Act are fulfilled  
11 and accomplished.

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