

1-1 By: Janek S.B. No. 1069  
1-2 (In the Senate - Filed March 2, 2007; March 14, 2007, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 12, 2007, reported favorably by the following  
1-5 vote: Yeas 3, Nays 0; April 12, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the creation of the Fort Bend County Municipal Utility  
1-9 District No. 183; 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 8208 to read as follows:

1-14 CHAPTER 8208. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 183.

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8208.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the board of directors of the  
1-18 district.

1-19 (2) "Director" means a member of the board.

1-20 (3) "District" means Fort Bend County Municipal  
1-21 Utility District No. 183.

1-22 Sec. 8208.002. NATURE OF DISTRICT. The district is a  
1-23 municipal utility district in Fort Bend County created under and  
1-24 essential to accomplish the purposes of Section 59, Article XVI,  
1-25 Texas Constitution.

1-26 Sec. 8208.003. CONFIRMATION ELECTION REQUIRED. If the  
1-27 creation of the district is not confirmed at a confirmation  
1-28 election held under Section 8208.055 before September 1, 2011:

1-29 (1) the district is dissolved September 1, 2011,  
1-30 except that:

1-31 (A) any debts incurred shall be paid;

1-32 (B) any assets that remain after the payment of  
1-33 debts shall be transferred to Fort Bend County; and

1-34 (C) the organization of the district shall be  
1-35 maintained until all debts are paid and remaining assets are  
1-36 transferred; and

1-37 (2) this chapter expires September 1, 2014.

1-38 Sec. 8208.004. INITIAL DISTRICT TERRITORY. (a) The  
1-39 district is initially composed of the territory described by  
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of  
1-42 the Act creating this chapter form a closure. A mistake made in the  
1-43 field notes or in copying the field notes in the legislative process  
1-44 does not affect:

1-45 (1) the organization, existence, or validity of the  
1-46 district;

1-47 (2) the right of the district to impose taxes;

1-48 (3) the validity of the district's bonds, notes, or  
1-49 indebtedness; or

1-50 (4) the legality or operation of the district or the  
1-51 board.

1-52 [Sections 8208.005-8208.050 reserved for expansion]

1-53 SUBCHAPTER B. BOARD OF DIRECTORS

1-54 Sec. 8208.051. BOARD OF DIRECTORS; TERMS. (a) The  
1-55 district is governed by a board of five directors.

1-56 (b) Directors serve staggered four-year terms.

1-57 Sec. 8208.052. ELECTION OF DIRECTORS. On the uniform  
1-58 election date in May of each even-numbered year, the appropriate  
1-59 number of directors shall be elected.

1-60 Sec. 8208.053. INITIAL DIRECTORS. (a) The initial board  
1-61 consists of:

1-62 (1) \_\_\_\_\_;

1-63 (2) \_\_\_\_\_;

1-64 (3) \_\_\_\_\_;

2-1 (4) \_\_\_\_\_; and

2-2 (5) \_\_\_\_\_.

2-3 (b) Notwithstanding Section 8208.051(b), the terms of the  
2-4 first three directors named in Subsection (a) expire on the uniform  
2-5 election date in May 2008, and the terms of the last two directors  
2-6 named in Subsection (a) expire on the uniform election date in May  
2-7 2010.

2-8 Sec. 8208.054. CONSENT OF MUNICIPALITY REQUIRED. The  
2-9 initial directors may not hold an election under Section 8208.055  
2-10 until each municipality in whose corporate limits or  
2-11 extraterritorial jurisdiction the district is located has adopted a  
2-12 resolution consenting to the creation of the district.

2-13 Sec. 8208.055. CONFIRMATION AND INITIAL DIRECTORS  
2-14 ELECTION. The initial directors shall hold an election to confirm  
2-15 the creation of the district as provided by Section 49.102, Water  
2-16 Code.

2-17 Sec. 8208.056. EXPIRATION. Sections 8208.053, 8208.054,  
2-18 and 8208.055 and this section expire September 1, 2011.

2-19 [Sections 8208.057-8208.100 reserved for expansion]

2-20 SUBCHAPTER C. POWERS AND DUTIES

2-21 Sec. 8208.101. MUNICIPAL UTILITY DISTRICT POWERS AND  
2-22 DUTIES. The district has the powers and duties provided by the  
2-23 general law of this state, including Chapters 49 and 54, Water Code,  
2-24 applicable to municipal utility districts created under Section 59,  
2-25 Article XVI, Texas Constitution.

2-26 Sec. 8208.102. ROAD PROJECTS. (a) To the extent  
2-27 authorized by Section 52, Article III, Texas Constitution, the  
2-28 district may construct, acquire, improve, maintain, or operate  
2-29 macadamized, graveled, or paved roads or turnpikes, or improvements  
2-30 in aid of those roads or turnpikes, inside the district.

2-31 (b) A road project must meet or exceed all applicable  
2-32 construction standards, zoning and subdivision requirements, and  
2-33 regulatory ordinances of each municipality in whose corporate  
2-34 limits or extraterritorial jurisdiction the district is located.  
2-35 If the district is located outside the extraterritorial  
2-36 jurisdiction of a municipality, a road project must meet all  
2-37 applicable construction standards, zoning and subdivision  
2-38 requirements, and regulatory ordinances of each county in which the  
2-39 district is located.

2-40 (c) The district may not undertake a road project unless  
2-41 each municipality in whose corporate limits or extraterritorial  
2-42 jurisdiction the district is located consents by ordinance or  
2-43 resolution.

2-44 Sec. 8208.103. COMPLIANCE WITH MUNICIPAL ORDINANCES OR  
2-45 RESOLUTIONS. The district shall comply with all applicable  
2-46 requirements of any ordinance or resolution adopted by the city  
2-47 council of the City of Alvin.

2-48 [Sections 8208.104-8208.150 reserved for expansion]

2-49 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-50 Sec. 8208.151. TAX TO REPAY BONDS. The district may impose  
2-51 a tax to pay the principal of or interest on bonds issued under  
2-52 Section 8208.201.

2-53 [Sections 8208.152-8208.200 reserved for expansion]

2-54 SUBCHAPTER E. BONDS

2-55 Sec. 8208.201. AUTHORITY TO ISSUE BONDS AND OTHER  
2-56 OBLIGATIONS. (a) The district may issue bonds or other  
2-57 obligations as provided by Chapters 49 and 54, Water Code, to  
2-58 finance the construction, maintenance, or operation of projects  
2-59 under Sections 8208.101 and 8208.102.

2-60 (b) The district may not issue bonds to finance projects  
2-61 authorized by Section 8208.102 unless the issuance is approved by a  
2-62 vote of a two-thirds majority of the voters of the district voting  
2-63 at an election called for that purpose.

2-64 (c) Bonds or other obligations issued or incurred to finance  
2-65 projects authorized by Section 8208.102 may not exceed one-fourth  
2-66 of the assessed value of the real property in the district.

2-67 SECTION 2. Fort Bend County Municipal Utility District No.  
2-68 183 includes all the territory contained in the following area:  
2-69 TRACT I:

3-1 Being a tract or parcel containing 504.70 acres of land situated in  
3-2 the William Pettus League, Abstract Number 68, Fort Bend County,  
3-3 Texas; being all that certain called 504.6532 acre tract conveyed  
3-4 from J.E. Foster to H.B. Gordon, Trustee by deed recorded in Volume  
3-5 393, Page 64 of the Deed Records Fort Bend County, Texas; being  
3-6 conveyed from H.B. Gordon, Trustee to S. Conrad Weil, Jr., Trustee,  
3-7 16.668% interest as recorded in Clerk's File Number 9329669 of the  
3-8 Deed Records Fort Bend County, Texas; and being conveyed from Aron  
3-9 S. Gordon, Trustee to Asgor, Ltd. 41.666% interest as recorded in  
3-10 Clerk's File Number 9512339 of the Deed Records Fort Bend County,  
3-11 Texas; said 504.70 acre tract being more particularly described as  
3-12 follows (bearings are referenced to the Texas State Plain  
3-13 Coordinate System, South Central Zone, (NAD 83);  
3-14 BEGINNING at a 1-inch iron pipe found in the west right-of-way line  
3-15 of the Missouri-Pacific (I.G. & N.) Railroad (width varies), being  
3-16 in the south line of said William Pettus League and in the north  
3-17 line of the Francis Bingham Survey, Abstract Number 43 and on the  
3-18 south line of Fort Bend County and on the north line of Brazoria  
3-19 County, said iron pipe marking the common northwest corner of that  
3-20 certain called 0.24 acre tract (Tract 3) as recorded in Clerk's File  
3-21 Number 99058295 of the Deed Records Brazoria County, Texas and the  
3-22 northeast corner of that certain called 3.00 acre tract (Tract 2) as  
3-23 recorded in Clerk's File Number 99058295 of the Deed Records  
3-24 Brazoria County, Texas, said iron pipe also marking the southeast  
3-25 corner of said called 504.6532 acre tract and the herein described  
3-26 tract;  
3-27 THENCE, South 87°18'39" West (called South 89°44'40" West, 7,627.20  
3-28 feet), along the north line of said Francis Bingham Survey and the  
3-29 south line of said William Pettus League, along the north line of  
3-30 Brazoria County and the south line of Fort Bend County, along the  
3-31 north line of said called 3.00 acre tract and the north line of that  
3-32 certain called 373.91 acre tract (Tract 1) as recorded in Clerk's  
3-33 File Number 99058295 of the Deed Records Brazoria County, Texas,  
3-34 and along the south line of said called 504.6532 acre tract, at a  
3-35 distance of 2,183.94 feet passing a found 1/2-inch iron rod which  
3-36 bears South 02°41'21" East, 0.72 feet, at a distance of 4,873.14  
3-37 feet passing a found Axle which bears South 02°41'21" East, 5.95  
3-38 feet, continuing, in all, a distance of 7,627.83 feet to a Railroad  
3-39 Rail found marking the southeast corner of that certain called 300  
3-40 acre tract (Second Tract) as recorded in Volume 226, Page 540 of the  
3-41 Deed Records Fort Bend County, Texas, said Railroad Rail marking  
3-42 the southwest corner of said called 504.6532 acre tract and the  
3-43 herein described tract;  
3-44 THENCE, North 02°44'11" West, (called North 00°18'10 West, 2,820.37  
3-45 feet), along the east line of said called 300 acre tract and along  
3-46 the west line of said called 504.6532 acre tract, a distance of  
3-47 2,820.37 feet to a 5/8-inch iron rod with "Terra" cap set in the  
3-48 south line of that certain called 294.4 acre tract as recorded in  
3-49 Clerk's File Numbers 9781317 and 9809582 of the Deed Records Fort  
3-50 Bend County, Texas, said iron rod marking the northeast corner of  
3-51 said called 300 acre tract and marking the northwest corner of said  
3-52 called 504.6532 acre tract and the herein described tract, from  
3-53 which a Railroad Rail found marking the southwest corner of said  
3-54 called 294.4 acre tract bears South 87°12'30' West, 4,609.45 feet;  
3-55 THENCE, North 87°01'19" East, (called North 89°27'20" East, 7,674.31  
3-56 feet), along the south line of said called 294.4 acre tract and  
3-57 along the north line of said called 504.6532 acre tract, a distance  
3-58 of 7,676.59 feet to a 5/8-inch iron rod with "Terra" cap set marking  
3-59 the northwest corner of an old cemetery tract (no deed of record)  
3-60 and marking the most northerly northeast corner of said called  
3-61 504.6532 acre tract and the herein described tract;  
3-62 THENCE, South 02°22'59" West, (called South 04°49'00" West, 196.45  
3-63 feet), along an easterly line of said called 504.6532 acre tract and  
3-64 along the west line of said cemetery tract, a distance of 195.81  
3-65 feet to a 1-inch iron pipe found marking the southwest corner of  
3-66 said cemetery tract and marking an interior corner of said called  
3-67 504.6532 acre tract and the herein described tract;  
3-68 THENCE, South 89°07'39" East, (called South 86°41'00" East, 208.85  
3-69 feet), along a northerly line of said called 504.6532 acre tract and

4-1 along the south line of said cemetery tract, a distance of 207.11  
4-2 feet to a 1-inch iron pipe found in the aforesaid west right-of-way  
4-3 line of the Missouri- Pacific (I.G. & N.) Railroad, marking the  
4-4 southeast corner of said cemetery tract and marking the most  
4-5 easterly northeast corner of said called 504.6532 acre tract and  
4-6 the herein described tract, from which the centerline of the old  
4-7 railroad bed bears South 89°07'39" East, 48.7 feet;  
4-8 THENCE, South 02°23'30" West, (called South 04°49'40" West, 2,660.84  
4-9 feet), along the east line of said called 504.6532 acre tract and  
4-10 along the west right-of-way line of the Missouri- Pacific (I.S. &  
4-11 N.) Railroad, a distance of 2,660.63 feet to the POINT OF BEGINNING  
4-12 and containing 504.70 acres of land. This description is based on  
4-13 the Land Title Survey and plat made by Terra Surveying Co., dated  
4-14 September, 2005, Project Number 9430-0501-S.

4-15 TRACT II:

4-16 Being a tract of land out of the William Pettus Survey, Abstract 68,  
4-17 Fort Bend County, Texas, being more particularly described as  
4-18 follows:

4-19 Beginning at a point on the south line of Fort Bend County, on the  
4-20 north line of Brazoria County, and the west right of way line of the  
4-21 International & Great Northern Railroad Company, predecessor to  
4-22 Union Pacific Railroad Company, distant 50 feet west from the  
4-23 centerline of track as originally constructed and operated and  
4-24 opposite Railroad Engineer's Station 1307+03;

4-25 Thence Northeast parallel with said railroad and 50 feet distance  
4-26 at right angles from the centerline of its track 2,660.63 feet to a  
4-27 point;

4-28 Thence East at right angles, 100 feet to the east right of way line  
4-29 of said railroad, also being the west right of way line of F. M. 521;

4-30 Thence Southwest parallel and 50 feet distant from the centerline  
4-31 of the railroad track to the south line of Fort Bend County, Texas;

4-32 Thence West 100 feet along the County line to the Point of  
4-33 Beginning.

4-34 Save and except any portion lying within the right of way of F. M.  
4-35 521.

4-36 Contains 6.10 Acres more or less.

4-37 SECTION 3. (a) The legal notice of the intention to  
4-38 introduce this Act, setting forth the general substance of this  
4-39 Act, has been published as provided by law, and the notice and a  
4-40 copy of this Act have been furnished to all persons, agencies,  
4-41 officials, or entities to which they are required to be furnished  
4-42 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
4-43 Government Code.

4-44 (b) The governor, one of the required recipients, has  
4-45 submitted the notice and Act to the Texas Commission on  
4-46 Environmental Quality.

4-47 (c) The Texas Commission on Environmental Quality has filed  
4-48 its recommendations relating to this Act with the governor, the  
4-49 lieutenant governor, and the speaker of the house of  
4-50 representatives within the required time.

4-51 (d) All requirements of the constitution and laws of this  
4-52 state and the rules and procedures of the legislature with respect  
4-53 to the notice, introduction, and passage of this Act are fulfilled  
4-54 and accomplished.

4-55 SECTION 4. This Act takes effect September 1, 2007.

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