

By: Janek

S.B. No. 1070

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of Booth Ranch Municipal Utility District of Fort Bend County, Texas; providing authority to impose taxes 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 8242 to read as follows:

CHAPTER 8242. BOOTH RANCH MUNICIPAL UTILITY

DISTRICT OF FORT BEND COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8242.001. DEFINITIONS. In this chapter:

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

(2) "Commission" means the Texas Commission on Environmental Quality or its successors.

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

(4) "District" means Booth Ranch Municipal Utility District of Fort Bend County, Texas.

Sec. 8242.002. NATURE OF DISTRICT. Booth Ranch Municipal Utility District of Fort Bend County, Texas, is created as a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8242.003. CONFIRMATION ELECTION REQUIRED. The board

1 shall hold an election to confirm the creation of the district as
2 provided by Section 49.102, Water Code.

3 Sec. 8242.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

4 (a) All land and other property included in the district will
5 benefit from the improvements and services to be provided by the
6 district.

7 (b) The district is created to accomplish the purposes of a
8 municipal utility district as provided by general law.

9 Sec. 8242.005. INITIAL DISTRICT TERRITORY. (a) The
10 district is initially composed of territory described by Section 2
11 of the Act creating this chapter.

12 (b) The boundaries and field notes of the district form a
13 closure. A mistake in the field notes or in copying the field notes
14 in the legislative process does not in any way affect the
15 district's:

16 (1) organization, existence, or validity;

17 (2) right to issue any type of bond for the purposes
18 for which the district is created or to pay the principal of and
19 interest on a bond;

20 (3) right to impose or collect an assessment or tax; or

21 (4) legality or operation.

22 [Sections 8242.006-8242.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 8242.051. BOARD OF DIRECTORS; TERMS. (a) The
25 district is governed by a board of five directors.

26 (b) Except as provided by Section 8242.053, directors serve
27 staggered four-year terms.

1 Sec. 8242.052. ELECTION OF DIRECTORS. On the uniform
2 election date in May of each even-numbered year, the appropriate
3 number of directors shall be elected.

4 Sec. 8242.053. INITIAL DIRECTORS. (a) The initial board
5 shall be appointed by the commission upon petition of any landowner
6 in the district.

7 (b) Unless otherwise agreed, the directors shall decide the
8 initial terms of office by lot, with a simple majority of directors
9 serving until the second succeeding directors election and the
10 remaining directors serving until the next directors election.

11 [Sections 8242.054-8242.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8242.101. GENERAL POWERS AND DUTIES. The district has
14 the powers and duties necessary to accomplish the purposes for
15 which the district is created.

16 Sec. 8242.102. MUNICIPAL UTILITY DISTRICT POWERS AND
17 DUTIES. The district has the powers and duties provided by the
18 general law of this state, including Chapters 49 and 54, Water Code,
19 applicable to municipal utility districts created under Section 59,
20 Article XVI, Texas Constitution.

21 Sec. 8242.103. MUNICIPAL CONSENT ORDINANCES OR
22 RESOLUTIONS. (a) Subject to the limitations of Section 54.016,
23 Water Code, the district shall comply with all applicable
24 requirements of any ordinance or resolution adopted by the
25 governing body of the municipality that consents to the creation of
26 the district or to the inclusion of lands within the district.

27 (b) Notwithstanding Section 54.016(e), Water Code, the

1 governing body of a municipality which includes within its
2 corporate limits all or a portion of the district may include
3 restrictions in or conditions to its consent to the creation of the
4 district in addition to those set forth in that subsection,
5 including the condition that, at the time such consent is granted,
6 no lands within the district may be within the corporate limits or
7 extraterritorial jurisdiction of any other municipality.

8 [Sections 8242.104-8242.150 reserved for expansion]

9 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

10 Sec. 8242.151. ELECTIONS REGARDING TAXES OR BONDS.

11 (a) The district may issue, without an election, bonds and other
12 obligations secured by revenues or contract payments from any
13 lawful sources other than ad valorem taxation.

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

18 Sec. 8242.152. OPERATION AND MAINTENANCE TAX. (a) If
19 authorized at an election held in accordance with Section 8242.151,
20 the district may impose an operation and maintenance tax on taxable
21 property in the district in accordance with the provisions of
22 Section 49.107, Water Code.

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

25 [Sections 8242.153-8242.200 reserved for expansion]

26 SUBCHAPTER E. BONDS OR OTHER OBLIGATIONS

27 Sec. 8242.201. OBLIGATIONS. The district may issue bonds,

1 notes, or other obligations payable in whole or in part from ad
2 valorem taxes, impact fees, revenues, grants, or other district
3 money, or any combination of those sources, to pay for any
4 authorized district purpose.

5 Sec. 8242.202. TAXES FOR BONDS. At the time bonds payable
6 in whole or in part from ad valorem taxes are issued:

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

10 (2) the district annually shall impose an ad valorem
11 tax on all taxable property in the district in an amount sufficient
12 to:

13 (A) pay the interest on the bonds as the interest
14 becomes due;

15 (B) create a sinking fund for the payment of the
16 principal of the bonds when due or the redemption price at any
17 earlier required redemption date; and

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

19 SECTION 2. Booth Ranch Municipal Utility District of Fort
20 Bend County, Texas, initially includes all the territory contained
21 in the following area:

22 BEING A 915.7374 ACRE TRACT OF LAND IN THE ABNER KUYKENDALL LEAGUE,
23 ABSTRACT 48, AND THE HENRY JONES LEAGUE, ABSTRACT 39, FORT BEND
24 COUNTY, TEXAS, WITH ALL BEARINGS BEING GRID, COORDINATES ARE TEXAS
25 STATE PLANE, SOUTH CENTRAL ZONE, NAD-83 (1993), BASED UPON GPS
26 OBSERVATIONS OF TRIANGULATION STATION "GEORGE."

27 BEGINNING at a 4-inch angle iron found for the Place of Beginning of

1 the herein described 915.7374 acre tract of land, said point having
2 coordinates of X=3,032,723.77', Y=13,766,317.24';

3 THENCE North 22 degrees 07 minutes 24 seconds East, at 669.10 feet
4 pass a 5/8 inch iron rod with cap (description not legible) found,
5 and continuing for a total distance of 827.05 feet to a point on the
6 gradient boundary on the right bank of the Brazos River for the
7 northwest corner of the herein described tract;

8 THENCE downstream along the gradient boundary of the right bank of
9 the Brazos River with the following meanders:

- 10 South 16 degrees 44 minutes 39 seconds East, 41.52 feet;
- 11 South 73 degrees 11 minutes 59 seconds East, 165.03 feet;
- 12 South 77 degrees 41 minutes 26 seconds East, 172.10 feet;
- 13 South 84 degrees 10 minutes 35 seconds East, 214.31 feet;
- 14 South 75 degrees 02 minutes 24 seconds East, 323.83 feet;
- 15 South 73 degrees 02 minutes 28 seconds East, 344.02 feet;
- 16 South 83 degrees 21 minutes 44 seconds East, 35.99 feet;
- 17 South 85 degrees 10 minutes 12 seconds East, 213.53 feet;
- 18 South 69 degrees 30 minutes 50 seconds East, 188.68 feet;
- 19 South 56 degrees 31 minutes 03 seconds East, 82.41 feet;
- 20 South 62 degrees 04 minutes 17 seconds East, 147.31 feet;
- 21 South 29 degrees 22 minutes 03 seconds East, 62.61 feet;
- 22 South 44 degrees 26 minutes 56 seconds East, 269.60 feet;
- 23 South 46 degrees 08 minutes 30 seconds East, 91.43 feet;
- 24 South 26 degrees 33 minutes 24 seconds East, 172.82 feet;
- 25 South 21 degrees 13 minutes 22 seconds East, 187.83 feet;
- 26 South 25 degrees 50 minutes 14 seconds East, 114.11 feet;
- 27 South 14 degrees 54 minutes 38 seconds East, 132.51 feet;

1 South 08 degrees 48 minutes 04 seconds East, 96.92 feet;
2 South 01 degrees 25 minutes 42 seconds West, 153.18 feet;
3 South 10 degrees 40 minutes 14 seconds West, 307.44 feet;
4 South 12 degrees 47 minutes 06 seconds West, 329.55 feet;
5 South 14 degrees 00 minutes 04 seconds West, 282.23 feet;
6 South 24 degrees 48 minutes 40 seconds West, 150.24 feet;
7 South 20 degrees 13 minutes 52 seconds West, 100.41 feet;
8 South 15 degrees 57 minutes 16 seconds West, 233.58 feet;
9 South 04 degrees 46 minutes 11 seconds West, 244.22 feet;
10 South 06 degrees 27 minutes 58 seconds East, 150.60 feet;
11 South 09 degrees 25 minutes 46 seconds East, 340.52 feet;
12 South 38 degrees 32 minutes 58 seconds East, 66.69 feet to a
13 point on said gradient;
14 THENCE continuing downstream along the gradient boundary of the
15 right bank of the Brazos River with the following meanders:
16 South 47 degrees 59 minutes 24 seconds East, 210.99 feet;
17 South 72 degrees 55 minutes 53 seconds East, 156.45 feet;
18 South 80 degrees 40 minutes 00 seconds East, 342.63 feet;
19 North 84 degrees 27 minutes 18 seconds East, 100.35 feet;
20 South 88 degrees 24 minutes 53 seconds East, 192.07 feet;
21 South 78 degrees 34 minutes 41 seconds East, 120.62 feet;
22 South 71 degrees 07 minutes 34 seconds East, 124.65 feet;
23 South 46 degrees 23 minutes 22 seconds East, 24.90 feet;
24 South 78 degrees 28 minutes 52 seconds East, 221.94 feet;
25 South 69 degrees 11 minutes 13 seconds East, 88.35 feet;
26 North 60 degrees 19 minutes 57 seconds East, 57.84 feet;
27 North 83 degrees 36 minutes 38 seconds East, 202.16 feet;

1 South 76 degrees 44 minutes 05 seconds East, 455.45 feet;
2 South 70 degrees 10 minutes 30 seconds East, 346.28 feet;
3 South 57 degrees 55 minutes 58 seconds East, 174.08 feet;
4 South 39 degrees 29 minutes 27 seconds East, 107.98 feet;
5 South 62 degrees 48 minutes 29 seconds East, 245.59 feet;
6 South 70 degrees 51 minutes 05 seconds East, 53.10 feet;
7 South 56 degrees 53 minutes 53 seconds East, 112.09 feet;
8 South 60 degrees 24 minutes 22 seconds East, 162.20 feet;
9 South 63 degrees 37 minutes 41 seconds East, 99.04 feet to a
10 point on said gradient on the right bank of the Brazos River for the
11 northeast corner of the herein described 915.7374 acre tract of
12 land;
13 THENCE South 26 degrees 54 minutes 33 seconds West along the east
14 line of the herein described tract, at 140.24 feet pass a $\frac{1}{2}$ inch
15 iron pipe found on said line, and continuing for a total distance of
16 323.73 feet to a 3-inch angle iron found on said line for angle
17 point;
18 THENCE South 27 degrees 56 minutes 38 seconds West continuing along
19 said line, 14.56 feet to a $\frac{1}{2}$ inch iron pipe found on said line for
20 angle point;
21 THENCE South 27 degrees 03 minutes 33 seconds West continuing along
22 said line, 486.47 feet to a $\frac{1}{2}$ inch iron pipe found on said line for
23 an angle point in the east line of the herein described tract;
24 THENCE South 27 degrees 54 minutes 27 seconds West along the east
25 line of the herein described tract, 2,103.77 feet to a 1-1/4 inch
26 iron bar found for the upper southeast corner of the herein
27 described 915.7374 acre tract;

1 THENCE North 67 degrees 24 minutes 19 seconds West, at 1,637.78 feet
2 pass a $\frac{1}{2}$ inch iron rod found on said line, and continuing for a total
3 distance of 3,243.30 feet to a 4-inch angle iron found for a
4 re-entry corner to the herein described 915.7374 acre tract;
5 THENCE South 22 degrees 38 minutes 07 seconds West, 2,700.18 feet to
6 a 1-inch iron pipe found for the middle southeast corner of the
7 herein described tract;
8 THENCE North 67 degrees 18 minutes 53 seconds West, 1,032.10 feet to
9 a $\frac{5}{8}$ inch iron rod found for a corner to the herein described
10 tract;
11 THENCE North 22 degrees 06 minutes 05 seconds East, 1,424.05 feet to
12 a $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for a
13 re-entry corner to the herein described tract;
14 THENCE North 67 degrees 53 minutes 53 seconds West, 234.95 feet to a
15 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for a
16 re-entry corner to the herein described tract;
17 THENCE South 25 degrees 40 minutes 37 seconds West, 764.19 feet to a
18 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for a
19 re-entry corner to the herein described tract;
20 THENCE South 68 degrees 53 minutes 03 seconds East, 125.40 feet to a
21 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for corner
22 to the herein described tract;
23 THENCE South 15 degrees 51 minutes 17 seconds West, 666.60 feet to a
24 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for corner
25 to the herein described tract;
26 THENCE North 67 degrees 18 minutes 54 seconds West, 35.15 feet to a
27 1-inch iron pipe found for a re-entry corner to the herein described

1 tract;

2 THENCE South 21 degrees 38 minutes 27 seconds West, at 2,040.17 feet
3 pass a 1-inch iron pipe found on said line, and continuing along
4 said line for a total distance of 2,906.22 feet to a 1-inch iron
5 pipe found for the lower southeast corner of the herein described
6 tract, and being in the north right-of-way line of F.M Highway 2759,
7 said point having coordinates of X=3,030,903.69',
8 Y=13,756,145.06';

9 THENCE North 82 degrees 44 minutes 12 seconds West along the north
10 right-of-way line of F.M Highway 2759, 1,401.42 feet to a ½ inch
11 iron rod found for the lower southwest corner of the herein
12 described tract;

13 THENCE North 20 degrees 19 minutes 13 seconds East, 2,350.24 feet to
14 a ½ inch iron pipe with cap marked "Kalkomey Survey" set for a
15 re-entry corner to the herein described tract;

16 THENCE North 67 degrees 58 minutes 09 seconds West along the upper
17 south line of the herein described tract, 715.46 feet to a 2-inch
18 angle iron found for the upper southwest corner of the herein
19 described tract;

20 THENCE North 22 degrees 04 minutes 08 seconds East, 1,519.58 feet to
21 a 5/8 inch iron rod with cap (description not legible) for angle
22 point to the herein described tract;

23 THENCE North 22 degrees 07 minutes 24 seconds East, 6,601.91 feet to
24 the Place of Beginning and containing 915.7374 acres of land, more
25 or less.

26 SECTION 3. The legislature finds that:

27 (1) proper and legal notice of the intention to

1 introduce this Act, setting forth the general substance of this
2 Act, has been published as provided by law, and the notice and a
3 copy of this Act have been furnished to all persons, agencies,
4 officials, or entities to which they are required to be furnished by
5 the constitution and laws of this state, including the governor,
6 who has submitted the notice and Act to the Texas Commission on
7 Environmental Quality;

8 (2) the Texas Commission on Environmental Quality has
9 filed its recommendations relating to this Act with the governor,
10 the lieutenant governor, and the speaker of the house of
11 representatives within the required time;

12 (3) the general law relating to consent by political
13 subdivisions to the creation of districts with conservation and
14 reclamation powers and the inclusion of land in those districts has
15 been complied with; and

16 (4) all requirements of the constitution and laws of
17 this state and the rules and procedures of the legislature with
18 respect to the notice, introduction, and passage of this Act have
19 been fulfilled and accomplished.

20 SECTION 4. The legislature finds and declares that the
21 Booth Ranch Municipal Utility District of Fort Bend County, Texas,
22 will not be officially created until passage of a confirmation
23 election, and that securing consent by political subdivisions to
24 the creation of the district prior to the introduction or passage of
25 this Act is impractical due to the uncertainties of the legislative
26 process, and that the constitutional requirement for compliance by
27 the district with the provisions of the general laws now in effect

1 relating to the consent by political subdivisions to the creation
2 and inclusion of land within the district will be met and satisfied
3 if such consent is secured prior to the date and hour of canvassing
4 the returns and declaring the results of such confirmation
5 election.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2007.