

By: Janek

S.B. No. 1070

A BILL TO BE ENTITLED

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 8209 to read as follows:

CHAPTER 8209. BOOTH RANCH MUNICIPAL UTILITY DISTRICT OF FORT BEND COUNTY, TEXAS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8209.001. 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. 8209.002. 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. 8209.003. 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. 8209.004. 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. 8209.005. 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 contained in Section 2 of  
13 the Act creating this chapter form a closure. A mistake in the  
14 field notes or in copying the field notes in the legislative process  
15 does not in any way affect the 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 8209.006-8209.050 reserved for expansion]

23 SUBCHAPTER B. BOARD OF DIRECTORS

24 Sec. 8209.051. BOARD OF DIRECTORS; TERMS. (a) The  
25 district is governed by a board of five directors.

26 (b) Except as provided by Section 8209.053, directors serve  
27 staggered four-year terms.

1       Sec. 8209.052. 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. 8209.053. 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 8209.054-8209.100 reserved for expansion]

12                   SUBCHAPTER C. POWERS AND DUTIES

13       Sec. 8209.101. 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. 8209.102. 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. 8209.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES  
22 OR RESOLUTIONS. 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       Sec. 8209.104. ADDITIONAL POWERS. The district has the

1 additional powers provided by the general laws of this state,  
2 including Chapters 49 and 57, Water Code, applicable to levee  
3 improvement districts created under Section 59, Article XVI, Texas  
4 Constitution.

5 [Sections 8209.105-8209.150 reserved for expansion]

6 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

7 Sec. 8209.151. ELECTIONS REGARDING TAXES OR BONDS.

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

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

15 Sec. 8209.152. OPERATION AND MAINTENANCE TAX. (a) If  
16 authorized at an election held in accordance with Section 8209.151,  
17 the district may impose an operation and maintenance tax on taxable  
18 property in the district in accordance with the provisions of  
19 Section 49.107, Water Code.

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

22 [Sections 8209.153-8209.200 reserved for expansion]

23 SUBCHAPTER E. BONDS, NOTES, OR OTHER OBLIGATIONS

24 Sec. 8209.201. OBLIGATIONS. The district may issue bonds,  
25 notes, or other obligations payable in whole or in part from ad  
26 valorem taxes, impact fees, revenues, grants, or other district  
27 money, or any combination of those sources, to pay for any

1 authorized district purpose.

2 Sec. 8209.202. TAXES FOR BONDS. At the time bonds, notes,  
3 or other obligations payable in whole or in part from ad valorem  
4 taxes are issued:

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

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

12 (A) pay the interest on the bonds, notes, or  
13 other obligations as the interest becomes due;

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

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

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

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

26 BEGINNING at a 4-inch angle iron found for the Place of Beginning of  
27 the herein described 915.7374 acre tract of land, said point having

1 coordinates of X=3,032,723.77', Y=13,766,317.24';  
2 THENCE North 22 degrees 07 minutes 24 seconds East, at 669.10 feet  
3 pass a 5/8 inch iron rod with cap (description not legible) found,  
4 and continuing for a total distance of 827.05 feet to a point on the  
5 gradient boundary on the right bank of the Brazos River for the  
6 northwest corner of the herein described tract;  
7 THENCE downstream along the gradient boundary of the right bank of  
8 the Brazos River with the following meanders:  
9       South 16 degrees 44 minutes 39 seconds East, 41.52 feet;  
10       South 73 degrees 11 minutes 59 seconds East, 165.03 feet;  
11       South 77 degrees 41 minutes 26 seconds East, 172.10 feet;  
12       South 84 degrees 10 minutes 35 seconds East, 214.31 feet;  
13       South 75 degrees 02 minutes 24 seconds East, 323.83 feet;  
14       South 73 degrees 02 minutes 28 seconds East, 344.02 feet;  
15       South 83 degrees 21 minutes 44 seconds East, 35.99 feet;  
16       South 85 degrees 10 minutes 12 seconds East, 213.53 feet;  
17       South 69 degrees 30 minutes 50 seconds East, 188.68 feet;  
18       South 56 degrees 31 minutes 03 seconds East, 82.41 feet;  
19       South 62 degrees 04 minutes 17 seconds East, 147.31 feet;  
20       South 29 degrees 22 minutes 03 seconds East, 62.61 feet;  
21       South 44 degrees 26 minutes 56 seconds East, 269.60 feet;  
22       South 46 degrees 08 minutes 30 seconds East, 91.43 feet;  
23       South 26 degrees 33 minutes 24 seconds East, 172.82 feet;  
24       South 21 degrees 13 minutes 22 seconds East, 187.83 feet;  
25       South 25 degrees 50 minutes 14 seconds East, 114.11 feet;  
26       South 14 degrees 54 minutes 38 seconds East, 132.51 feet;  
27       South 08 degrees 48 minutes 04 seconds East, 96.92 feet;

1 South 01 degrees 25 minutes 42 seconds West, 153.18 feet;  
2 South 10 degrees 40 minutes 14 seconds West, 307.44 feet;  
3 South 12 degrees 47 minutes 06 seconds West, 329.55 feet;  
4 South 14 degrees 00 minutes 04 seconds West, 282.23 feet;  
5 South 24 degrees 48 minutes 40 seconds West, 150.24 feet;  
6 South 20 degrees 13 minutes 52 seconds West, 100.41 feet;  
7 South 15 degrees 57 minutes 16 seconds West, 233.58 feet;  
8 South 04 degrees 46 minutes 11 seconds West, 244.22 feet;  
9 South 06 degrees 27 minutes 58 seconds East, 150.60 feet;  
10 South 09 degrees 25 minutes 46 seconds East, 340.52 feet;  
11 South 38 degrees 32 minutes 58 seconds East, 66.69 feet to a  
12 point on said gradient;  
13 THENCE continuing downstream along the gradient boundary of the  
14 right bank of the Brazos River with the following meanders:  
15 South 47 degrees 59 minutes 24 seconds East, 210.99 feet;  
16 South 72 degrees 55 minutes 53 seconds East, 156.45 feet;  
17 South 80 degrees 40 minutes 00 seconds East, 342.63 feet;  
18 North 84 degrees 27 minutes 18 seconds East, 100.35 feet;  
19 South 88 degrees 24 minutes 53 seconds East, 192.07 feet;  
20 South 78 degrees 34 minutes 41 seconds East, 120.62 feet;  
21 South 71 degrees 07 minutes 34 seconds East, 124.65 feet;  
22 South 46 degrees 23 minutes 22 seconds East, 24.90 feet;  
23 South 78 degrees 28 minutes 52 seconds East, 221.94 feet;  
24 South 69 degrees 11 minutes 13 seconds East, 88.35 feet;  
25 North 60 degrees 19 minutes 57 seconds East, 57.84 feet;  
26 North 83 degrees 36 minutes 38 seconds East, 202.16 feet;  
27 South 76 degrees 44 minutes 05 seconds East, 455.45 feet;

1 South 70 degrees 10 minutes 30 seconds East, 346.28 feet;  
2 South 57 degrees 55 minutes 58 seconds East, 174.08 feet;  
3 South 39 degrees 29 minutes 27 seconds East, 107.98 feet;  
4 South 62 degrees 48 minutes 29 seconds East, 245.59 feet;  
5 South 70 degrees 51 minutes 05 seconds East, 53.10 feet;  
6 South 56 degrees 53 minutes 53 seconds East, 112.09 feet;  
7 South 60 degrees 24 minutes 22 seconds East, 162.20 feet;  
8 South 63 degrees 37 minutes 41 seconds East, 99.04 feet to a  
9 point on said gradient on the right bank of the Brazos River for the  
10 northeast corner of the herein described 915.7374 acre tract of  
11 land;  
12 THENCE South 26 degrees 54 minutes 33 seconds West along the east  
13 line of the herein described tract, at 140.24 feet pass a ½ inch  
14 iron pipe found on said line, and continuing for a total distance of  
15 323.73 feet to a 3-inch angle iron found on said line for angle  
16 point;  
17 THENCE South 27 degrees 56 minutes 38 seconds West continuing along  
18 said line, 14.56 feet to a ½ inch iron pipe found on said line for  
19 angle point;  
20 THENCE South 27 degrees 03 minutes 33 seconds West continuing along  
21 said line, 486.47 feet to a ½ inch iron pipe found on said line for  
22 an angle point in the east line of the herein described tract;  
23 THENCE South 27 degrees 54 minutes 27 seconds West along the east  
24 line of the herein described tract, 2,103.77 feet to a 1-1/4 inch  
25 iron bar found for the upper southeast corner of the herein  
26 described 915.7374 acre tract;  
27 THENCE North 67 degrees 24 minutes 19 seconds West, at 1,637.78 feet



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

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

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

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

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

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

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

25 SECTION 3. The legislature finds that:

26 (1) proper and legal notice of the intention to  
27 introduce this Act, setting forth the general substance of this

1 Act, has been published as provided by law, and the notice and a  
2 copy of this Act have been furnished to all persons, agencies,  
3 officials, or entities to which they are required to be furnished  
4 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5 Government Code, including the governor, who has submitted the  
6 notice and Act to the Texas Commission on Environmental Quality;

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

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

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

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

1 within the district will be met and satisfied if such consent is  
2 secured before the date and hour of canvassing the returns and  
3 declaring the results of the confirmation election.

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