

1-1 By: Janek S.B. No. 1070
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 27, 2007, reported favorably by the following
1-5 vote: Yeas 3, Nays 0; April 27, 2007, sent to printer.)

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

1-8 relating to the creation of Booth Ranch Municipal Utility District
1-9 of Fort Bend County, Texas; providing authority to impose taxes and
1-10 issue 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 8209 to read as follows:

1-14 CHAPTER 8209. BOOTH RANCH MUNICIPAL UTILITY DISTRICT OF FORT BEND
1-15 COUNTY, TEXAS

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8209.001. DEFINITIONS. In this chapter:

1-18 (1) "Board" means the board of directors of the
1-19 district.

1-20 (2) "Commission" means the Texas Commission on
1-21 Environmental Quality or its successors.

1-22 (3) "Director" means a member of the board.

1-23 (4) "District" means Booth Ranch Municipal Utility
1-24 District of Fort Bend County, Texas.

1-25 Sec. 8209.002. NATURE OF DISTRICT. Booth Ranch Municipal
1-26 Utility District of Fort Bend County, Texas, is created as a
1-27 municipal utility district created under and essential to
1-28 accomplish the purposes of Section 59, Article XVI, Texas
1-29 Constitution.

1-30 Sec. 8209.003. CONFIRMATION ELECTION REQUIRED. The board
1-31 shall hold an election to confirm the creation of the district as
1-32 provided by Section 49.102, Water Code.

1-33 Sec. 8209.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-34 (a) All land and other property included in the district will
1-35 benefit from the improvements and services to be provided by the
1-36 district.

1-37 (b) The district is created to accomplish the purposes of a
1-38 municipal utility district as provided by general law.

1-39 Sec. 8209.005. INITIAL DISTRICT TERRITORY. (a) The
1-40 district is initially composed of territory described by Section 2
1-41 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of
1-43 the Act creating this chapter form a closure. A mistake in the
1-44 field notes or in copying the field notes in the legislative process
1-45 does not in any way affect the district's:

1-46 (1) organization, existence, or validity;

1-47 (2) right to issue any type of bond for the purposes
1-48 for which the district is created or to pay the principal of and
1-49 interest on a bond;

1-50 (3) right to impose or collect an assessment or tax; or

1-51 (4) legality or operation.

1-52 [Sections 8209.006-8209.050 reserved for expansion]

1-53 SUBCHAPTER B. BOARD OF DIRECTORS

1-54 Sec. 8209.051. BOARD OF DIRECTORS; TERMS. (a) The
1-55 district is governed by a board of five directors.

1-56 (b) Except as provided by Section 8209.053, directors serve
1-57 staggered four-year terms.

1-58 Sec. 8209.052. ELECTION OF DIRECTORS. On the uniform
1-59 election date in May of each even-numbered year, the appropriate
1-60 number of directors shall be elected.

1-61 Sec. 8209.053. INITIAL DIRECTORS. (a) The initial board
1-62 shall be appointed by the commission upon petition of any landowner
1-63 in the district.

1-64 (b) Unless otherwise agreed, the directors shall decide the

2-1 initial terms of office by lot, with a simple majority of directors
2-2 serving until the second succeeding directors election and the
2-3 remaining directors serving until the next directors election.

2-4 [Sections 8209.054-8209.100 reserved for expansion]

2-5 SUBCHAPTER C. POWERS AND DUTIES

2-6 Sec. 8209.101. GENERAL POWERS AND DUTIES. The district has
2-7 the powers and duties necessary to accomplish the purposes for
2-8 which the district is created.

2-9 Sec. 8209.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-10 DUTIES. The district has the powers and duties provided by the
2-11 general law of this state, including Chapters 49 and 54, Water Code,
2-12 applicable to municipal utility districts created under Section 59,
2-13 Article XVI, Texas Constitution.

2-14 Sec. 8209.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCES
2-15 OR RESOLUTIONS. Subject to the limitations of Section 54.016,
2-16 Water Code, the district shall comply with all applicable
2-17 requirements of any ordinance or resolution adopted by the
2-18 governing body of the municipality that consents to the creation of
2-19 the district or to the inclusion of lands within the district.

2-20 Sec. 8209.104. ADDITIONAL POWERS. The district has the
2-21 additional powers provided by the general laws of this state,
2-22 including Chapters 49 and 57, Water Code, applicable to levee
2-23 improvement districts created under Section 59, Article XVI, Texas
2-24 Constitution.

2-25 [Sections 8209.105-8209.150 reserved for expansion]

2-26 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-27 Sec. 8209.151. ELECTIONS REGARDING TAXES OR BONDS.
2-28 (a) The district may issue, without an election, bonds and other
2-29 obligations secured by revenues or contract payments from any
2-30 lawful sources other than ad valorem taxation.

2-31 (b) The district must hold an election in the manner
2-32 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2-33 before the district may impose an operation and maintenance tax or
2-34 issue bonds payable from ad valorem taxes.

2-35 Sec. 8209.152. OPERATION AND MAINTENANCE TAX. (a) If
2-36 authorized at an election held in accordance with Section 8209.151,
2-37 the district may impose an operation and maintenance tax on taxable
2-38 property in the district in accordance with the provisions of
2-39 Section 49.107, Water Code.

2-40 (b) The board shall determine the tax rate. The rate may not
2-41 exceed the rate approved at the election.

2-42 [Sections 8209.153-8209.200 reserved for expansion]

2-43 SUBCHAPTER E. BONDS, NOTES, OR OTHER OBLIGATIONS

2-44 Sec. 8209.201. OBLIGATIONS. The district may issue bonds,
2-45 notes, or other obligations payable in whole or in part from ad
2-46 valorem taxes, impact fees, revenues, grants, or other district
2-47 money, or any combination of those sources, to pay for any
2-48 authorized district purpose.

2-49 Sec. 8209.202. TAXES FOR BONDS. At the time bonds, notes,
2-50 or other obligations payable in whole or in part from ad valorem
2-51 taxes are issued:

2-52 (1) the board shall impose a continuing direct annual
2-53 ad valorem tax, without limit as to rate or amount, for each year
2-54 that all or part of the bonds, notes, or other obligations are
2-55 outstanding; and

2-56 (2) the district annually shall impose an ad valorem
2-57 tax on all taxable property in the district in an amount sufficient
2-58 to:

2-59 (A) pay the interest on the bonds, notes, or
2-60 other obligations as the interest becomes due;

2-61 (B) create a sinking fund for the payment of the
2-62 principal of the bonds, notes, or other obligations when due or the
2-63 redemption price at any earlier required redemption date; and

2-64 (C) pay the expenses of imposing the taxes.

2-65 SECTION 2. Booth Ranch Municipal Utility District of Fort
2-66 Bend County, Texas, initially includes all the territory contained
2-67 in the following area:

2-68 BEING A 915.7374 ACRE TRACT OF LAND IN THE ABNER KUYKENDALL LEAGUE,
2-69 ABSTRACT 48, AND THE HENRY JONES LEAGUE, ABSTRACT 39, FORT BEND

3-1 COUNTY, TEXAS, WITH ALL BEARINGS BEING GRID, COORDINATES ARE TEXAS
3-2 STATE PLANE, SOUTH CENTRAL ZONE, NAD-83 (1993), BASED UPON GPS
3-3 OBSERVATIONS OF TRIANGULATION STATION "GEORGE."
3-4 BEGINNING at a 4-inch angle iron found for the Place of Beginning of
3-5 the herein described 915.7374 acre tract of land, said point having
3-6 coordinates of X=3,032,723.77', Y=13,766,317.24';
3-7 THENCE North 22 degrees 07 minutes 24 seconds East, at 669.10 feet
3-8 pass a 5/8 inch iron rod with cap (description not legible) found,
3-9 and continuing for a total distance of 827.05 feet to a point on the
3-10 gradient boundary on the right bank of the Brazos River for the
3-11 northwest corner of the herein described tract;
3-12 THENCE downstream along the gradient boundary of the right bank of
3-13 the Brazos River with the following meanders:
3-14 South 16 degrees 44 minutes 39 seconds East, 41.52 feet;
3-15 South 73 degrees 11 minutes 59 seconds East, 165.03 feet;
3-16 South 77 degrees 41 minutes 26 seconds East, 172.10 feet;
3-17 South 84 degrees 10 minutes 35 seconds East, 214.31 feet;
3-18 South 75 degrees 02 minutes 24 seconds East, 323.83 feet;
3-19 South 73 degrees 02 minutes 28 seconds East, 344.02 feet;
3-20 South 83 degrees 21 minutes 44 seconds East, 35.99 feet;
3-21 South 85 degrees 10 minutes 12 seconds East, 213.53 feet;
3-22 South 69 degrees 30 minutes 50 seconds East, 188.68 feet;
3-23 South 56 degrees 31 minutes 03 seconds East, 82.41 feet;
3-24 South 62 degrees 04 minutes 17 seconds East, 147.31 feet;
3-25 South 29 degrees 22 minutes 03 seconds East, 62.61 feet;
3-26 South 44 degrees 26 minutes 56 seconds East, 269.60 feet;
3-27 South 46 degrees 08 minutes 30 seconds East, 91.43 feet;
3-28 South 26 degrees 33 minutes 24 seconds East, 172.82 feet;
3-29 South 21 degrees 13 minutes 22 seconds East, 187.83 feet;
3-30 South 25 degrees 50 minutes 14 seconds East, 114.11 feet;
3-31 South 14 degrees 54 minutes 38 seconds East, 132.51 feet;
3-32 South 08 degrees 48 minutes 04 seconds East, 96.92 feet;
3-33 South 01 degrees 25 minutes 42 seconds West, 153.18 feet;
3-34 South 10 degrees 40 minutes 14 seconds West, 307.44 feet;
3-35 South 12 degrees 47 minutes 06 seconds West, 329.55 feet;
3-36 South 14 degrees 00 minutes 04 seconds West, 282.23 feet;
3-37 South 24 degrees 48 minutes 40 seconds West, 150.24 feet;
3-38 South 20 degrees 13 minutes 52 seconds West, 100.41 feet;
3-39 South 15 degrees 57 minutes 16 seconds West, 233.58 feet;
3-40 South 04 degrees 46 minutes 11 seconds West, 244.22 feet;
3-41 South 06 degrees 27 minutes 58 seconds East, 150.60 feet;
3-42 South 09 degrees 25 minutes 46 seconds East, 340.52 feet;
3-43 South 38 degrees 32 minutes 58 seconds East, 66.69 feet to a
3-44 point on said gradient;
3-45 THENCE continuing downstream along the gradient boundary of the
3-46 right bank of the Brazos River with the following meanders:
3-47 South 47 degrees 59 minutes 24 seconds East, 210.99 feet;
3-48 South 72 degrees 55 minutes 53 seconds East, 156.45 feet;
3-49 South 80 degrees 40 minutes 00 seconds East, 342.63 feet;
3-50 North 84 degrees 27 minutes 18 seconds East, 100.35 feet;
3-51 South 88 degrees 24 minutes 53 seconds East, 192.07 feet;
3-52 South 78 degrees 34 minutes 41 seconds East, 120.62 feet;
3-53 South 71 degrees 07 minutes 34 seconds East, 124.65 feet;
3-54 South 46 degrees 23 minutes 22 seconds East, 24.90 feet;
3-55 South 78 degrees 28 minutes 52 seconds East, 221.94 feet;
3-56 South 69 degrees 11 minutes 13 seconds East, 88.35 feet;
3-57 North 60 degrees 19 minutes 57 seconds East, 57.84 feet;
3-58 North 83 degrees 36 minutes 38 seconds East, 202.16 feet;
3-59 South 76 degrees 44 minutes 05 seconds East, 455.45 feet;
3-60 South 70 degrees 10 minutes 30 seconds East, 346.28 feet;
3-61 South 57 degrees 55 minutes 58 seconds East, 174.08 feet;
3-62 South 39 degrees 29 minutes 27 seconds East, 107.98 feet;
3-63 South 62 degrees 48 minutes 29 seconds East, 245.59 feet;
3-64 South 70 degrees 51 minutes 05 seconds East, 53.10 feet;
3-65 South 56 degrees 53 minutes 53 seconds East, 112.09 feet;
3-66 South 60 degrees 24 minutes 22 seconds East, 162.20 feet;
3-67 South 63 degrees 37 minutes 41 seconds East, 99.04 feet to a
3-68 point on said gradient on the right bank of the Brazos River for the
3-69 northeast corner of the herein described 915.7374 acre tract of

- 4-1 land;
- 4-2 THENCE South 26 degrees 54 minutes 33 seconds West along the east
- 4-3 line of the herein described tract, at 140.24 feet pass a $\frac{1}{2}$ inch
- 4-4 iron pipe found on said line, and continuing for a total distance of
- 4-5 323.73 feet to a 3-inch angle iron found on said line for angle
- 4-6 point;
- 4-7 THENCE South 27 degrees 56 minutes 38 seconds West continuing along
- 4-8 said line, 14.56 feet to a $\frac{1}{2}$ inch iron pipe found on said line for
- 4-9 angle point;
- 4-10 THENCE South 27 degrees 03 minutes 33 seconds West continuing along
- 4-11 said line, 486.47 feet to a $\frac{1}{2}$ inch iron pipe found on said line for
- 4-12 an angle point in the east line of the herein described tract;
- 4-13 THENCE South 27 degrees 54 minutes 27 seconds West along the east
- 4-14 line of the herein described tract, 2,103.77 feet to a 1-1/4 inch
- 4-15 iron bar found for the upper southeast corner of the herein
- 4-16 described 915.7374 acre tract;
- 4-17 THENCE North 67 degrees 24 minutes 19 seconds West, at 1,637.78 feet
- 4-18 pass a $\frac{1}{2}$ inch iron rod found on said line, and continuing for a total
- 4-19 distance of 3,243.30 feet to a 4-inch angle iron found for a
- 4-20 re-entry corner to the herein described 915.7374 acre tract;
- 4-21 THENCE South 22 degrees 38 minutes 07 seconds West, 2,700.18 feet to
- 4-22 a 1-inch iron pipe found for the middle southeast corner of the
- 4-23 herein described tract;
- 4-24 THENCE North 67 degrees 18 minutes 53 seconds West, 1,032.10 feet to
- 4-25 a 5/8 inch iron rod found for a corner to the herein described
- 4-26 tract;
- 4-27 THENCE North 22 degrees 06 minutes 05 seconds East, 1,424.05 feet to
- 4-28 a $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for a
- 4-29 re-entry corner to the herein described tract;
- 4-30 THENCE North 67 degrees 53 minutes 53 seconds West, 234.95 feet to a
- 4-31 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for a
- 4-32 re-entry corner to the herein described tract;
- 4-33 THENCE South 25 degrees 40 minutes 37 seconds West, 764.19 feet to a
- 4-34 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for a
- 4-35 re-entry corner to the herein described tract;
- 4-36 THENCE South 68 degrees 53 minutes 03 seconds East, 125.40 feet to a
- 4-37 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for corner
- 4-38 to the herein described tract;
- 4-39 THENCE South 15 degrees 51 minutes 17 seconds West, 666.60 feet to a
- 4-40 $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Surveying" set for corner
- 4-41 to the herein described tract;
- 4-42 THENCE North 67 degrees 18 minutes 54 seconds West, 35.15 feet to a
- 4-43 1-inch iron pipe found for a re-entry corner to the herein described
- 4-44 tract;
- 4-45 THENCE South 21 degrees 38 minutes 27 seconds West, at 2,040.17 feet
- 4-46 pass a 1-inch iron pipe found on said line, and continuing along
- 4-47 said line for a total distance of 2,906.22 feet to a 1-inch iron
- 4-48 pipe found for the lower southeast corner of the herein described
- 4-49 tract, and being in the north right-of-way line of F.M Highway 2759,
- 4-50 said point having coordinates of X=3,030,903.69',
- 4-51 Y=13,756,145.06';
- 4-52 THENCE North 82 degrees 44 minutes 12 seconds West along the north
- 4-53 right-of-way line of F.M Highway 2759, 1,401.42 feet to a $\frac{1}{2}$ inch
- 4-54 iron rod found for the lower southwest corner of the herein
- 4-55 described tract;
- 4-56 THENCE North 20 degrees 19 minutes 13 seconds East, 2,350.24 feet to
- 4-57 a $\frac{1}{2}$ inch iron pipe with cap marked "Kalkomey Survey" set for a
- 4-58 re-entry corner to the herein described tract;
- 4-59 THENCE North 67 degrees 58 minutes 09 seconds West along the upper
- 4-60 south line of the herein described tract, 715.46 feet to a 2-inch
- 4-61 angle iron found for the upper southwest corner of the herein
- 4-62 described tract;
- 4-63 THENCE North 22 degrees 04 minutes 08 seconds East, 1,519.58 feet to
- 4-64 a 5/8 inch iron rod with cap (description not legible) for angle
- 4-65 point to the herein described tract;
- 4-66 THENCE North 22 degrees 07 minutes 24 seconds East, 6,601.91 feet to
- 4-67 the Place of Beginning and containing 915.7374 acres of land, more
- 4-68 or less.
- 4-69 SECTION 3. The legislature finds that:

5-1 (1) proper and legal notice of the intention to
5-2 introduce this Act, setting forth the general substance of this
5-3 Act, has been published as provided by law, and the notice and a
5-4 copy of this Act have been furnished to all persons, agencies,
5-5 officials, or entities to which they are required to be furnished
5-6 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-7 Government Code, including the governor, who has submitted the
5-8 notice and Act to the Texas Commission on Environmental Quality;

5-9 (2) the Texas Commission on Environmental Quality has
5-10 filed its recommendations relating to this Act with the governor,
5-11 the lieutenant governor, and the speaker of the house of
5-12 representatives within the required time;

5-13 (3) the general law relating to consent by political
5-14 subdivisions to the creation of districts with conservation and
5-15 reclamation powers and the inclusion of land in those districts has
5-16 been complied with; and

5-17 (4) all requirements of the constitution and laws of
5-18 this state and the rules and procedures of the legislature with
5-19 respect to the notice, introduction, and passage of this Act have
5-20 been fulfilled and accomplished.

5-21 SECTION 4. The legislature finds and declares that the
5-22 Booth Ranch Municipal Utility District of Fort Bend County, Texas,
5-23 will not be officially created until passage of a confirmation
5-24 election, and that securing consent by political subdivisions to
5-25 the creation of the district before the introduction or passage of
5-26 this Act is impractical due to the legislative process, and that the
5-27 constitutional requirement for compliance by the district with the
5-28 provisions of the general laws now in effect relating to the consent
5-29 by political subdivisions to the creation and inclusion of land
5-30 within the district will be met and satisfied if such consent is
5-31 secured before the date and hour of canvassing the returns and
5-32 declaring the results of the confirmation election.

5-33 SECTION 5. This Act takes effect immediately if it receives
5-34 a vote of two-thirds of all the members elected to each house, as
5-35 provided by Section 39, Article III, Texas Constitution. If this
5-36 Act does not receive the vote necessary for immediate effect, this
5-37 Act takes effect September 1, 2007.

5-38 * * * * *