

By: Hegar

S.B. No. 1954

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 2; 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 8236 to read as follows:

CHAPTER 8236. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8236.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Waller County Municipal Utility District No. 2.

Sec. 8236.002. NATURE OF DISTRICT. (a) The district is a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

(b) The district, to the extent authorized by Section 8236.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8236.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

1 Sec. 8236.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
2 land and other property in the district will benefit from the
3 improvements and services to be provided by the district.

4 Sec. 8236.005. INITIAL DISTRICT TERRITORY. (a) The
5 district is initially composed of the territory described by
6 Section 2 of the Act creating this chapter.

7 (b) The boundaries and field notes contained in Section 2 of
8 the Act creating this chapter form a closure. A mistake in the
9 field notes or in copying the field notes in the legislative process
10 does not affect the district's:

11 (1) organization, existence, or validity;

12 (2) right to issue any type of bond for a purpose for
13 which the district is created or to pay the principal of and
14 interest on the bond;

15 (3) right to impose an assessment or tax; or

16 (4) legality or operation.

17 Sec. 8236.006. EFFECT OF CHAPTER ON BROOKSHIRE-KATY
18 DRAINAGE DISTRICT OF WALLER COUNTY. This chapter does not affect
19 the powers of the Brookshire-Katy Drainage District of Waller
20 County.

21 [Sections 8236.007-8236.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8236.051. GOVERNING BODY; TERMS. (a) The district is
24 governed by a board of five elected directors.

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

26 Sec. 8236.052. INITIAL DIRECTORS. (a) The initial board
27 consists of:

- 1 (1) Jason Kelly;
- 2 (2) Sandra E. Baggett;
- 3 (3) Irma Ocampo;
- 4 (4) Paul Cornett; and
- 5 (5) Ben Stamets.

6 (b) Unless the initial board agrees otherwise, the initial
7 directors shall draw lots to determine which two shall serve until
8 the first regularly scheduled election of directors and which three
9 shall serve until the second regularly scheduled election of
10 directors.

11 (c) This section expires September 1, 2014.

12 [Sections 8236.053-8236.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8236.101. GENERAL POWERS AND DUTIES. The district has
15 the powers and duties necessary to accomplish the purposes for
16 which the district is created.

17 Sec. 8236.102. MUNICIPAL UTILITY DISTRICT POWERS AND
18 DUTIES. The district has the powers and duties provided by the
19 general law of this state, including Chapters 49 and 54, Water Code,
20 applicable to municipal utility districts created under Section 59,
21 Article XVI, Texas Constitution.

22 Sec. 8236.103. ROAD PROJECTS. (a) Under Section 52,
23 Article III, Texas Constitution, the district may finance,
24 construct, or acquire a road project as provided by this section.

25 (b) The district shall employ or contract with a licensed
26 engineer to certify whether a proposed road project meets the
27 criteria for a thoroughfare, arterial, or collector road of:

1 (1) a county in whose jurisdiction the proposed road
2 project is located; or

3 (2) a municipality in whose corporate limits or
4 extraterritorial jurisdiction the proposed road project is
5 located.

6 (c) The district may finance, construct, or acquire a road
7 that has been certified by the licensed engineer as a thoroughfare,
8 arterial, or collector road, or any improvements in aid of the
9 certified road.

10 (d) A road project must meet all applicable standards,
11 regulations, ordinances, or orders of:

12 (1) each municipality in whose corporate limits or
13 extraterritorial jurisdiction the road project is located; and

14 (2) if the road project is not located in the corporate
15 limits of a municipality, each county in which the road project is
16 located.

17 (e) The district may, with the consent of the municipality
18 or county, convey a completed road project to:

19 (1) a municipality in whose corporate limits or
20 extraterritorial jurisdiction the road project is located; or

21 (2) a county in which the road project is located.

22 Sec. 8236.104. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
23 OR RESOLUTION. The district shall comply with all applicable
24 requirements of any ordinance or resolution, adopted by the
25 governing body of a municipality under Section 54.016, Water Code,
26 that consents to the creation of the district or to the inclusion of
27 land in the district.

1 [Sections 8236.105-8236.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8236.151. ELECTIONS REGARDING TAXES OR BONDS.

4 (a) The district may issue, without an election, bonds and other
5 obligations secured by revenue or contract payments from a source
6 other than ad valorem taxation.

7 (b) The district must hold an election in the manner
8 provided by Chapters 49 and 54, Water Code, to obtain voter approval
9 before the district may impose an ad valorem tax or issue bonds
10 payable from ad valorem taxes.

11 (c) The district may not issue bonds payable from ad valorem
12 taxes to finance a road project unless the issuance is approved by a
13 vote of a two-thirds majority of district voters voting at an
14 election held for that purpose.

15 Sec. 8236.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8236.151, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district as provided by Section 49.107, Water Code.

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

21 [Sections 8236.153-8236.200 reserved for expansion]

22 SUBCHAPTER E. BONDS

23 Sec. 8236.201. AUTHORITY TO ISSUE BONDS AND OTHER
24 OBLIGATIONS. The district may issue bonds or other obligations
25 payable wholly or partly from ad valorem taxes, impact fees,
26 revenue, grants, or other district money, or any combination of
27 those sources, to pay for any authorized district purpose.

1 Sec. 8236.202. BONDS FOR ROAD PROJECTS. At the time of
2 issuance, the total principal amount of a bond, note, or other
3 obligation issued or incurred to finance a road project may not
4 exceed one-fourth of the assessed value of real property in the
5 district according to the most recent certified tax appraisal roll
6 for Waller County.

7 Sec. 8236.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
8 the time bonds or other obligations payable wholly or partly from ad
9 valorem taxes are issued:

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

13 (2) the district annually shall impose an ad valorem
14 tax on all taxable property in the district in an amount sufficient
15 to:

16 (A) pay the interest on the bonds or other
17 obligations as the interest becomes due;

18 (B) create a sinking fund for the payment of the
19 principal of the bonds or other obligations when due or the
20 redemption price at any earlier required redemption date; and

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

22 SECTION 2. The Waller County Municipal Utility District No.
23 2 initially includes all the territory contained in the following
24 area:

25 Being a 419.987-acre (18,294,644 square foot) tract of land
26 situated in the H. &T.C.R.R. Survey, Section 73, A-154, the T.S.
27 Reese Survey, A-330 and the Nathan Brookshire Survey, A-16, Waller

1 County, Texas, being out of a 150.62-acre tract of land recorded in
2 Volume 262, Page 403 of the Waller County Deed Records, being out of
3 a 93.675-acre tract of land recorded in Volume 240, Page 93 of the
4 Waller County Deed Records, being out of a 24.1408-acre tract of
5 land recorded in Volume 250, Page 9 of the Waller County Deed
6 Records, being out of a 302.299-acre tract of land recorded in
7 Volume 233, Page 774 of the Waller County Deed Records, being out of
8 a 191.19-acre tract of land recorded in Volume 237, Page 329 of the
9 Waller County Deed Records and being more particularly described by
10 metes and bounds as follows:

11 BEGINNING at a 4-inch x 4-inch concrete monument found for the
12 point-of-intersection of the westerly right-of-way line of Woods
13 Road (80 feet wide) with the southerly right-of-way line of
14 Interstate Highway No. 10 (width varies) for the northeasterly
15 corner of said 191.19-acre tract and for the northeasterly corner
16 of this tract;

17 THENCE South $02^{\circ} 06' 49''$ East, a distance of 1,690.14 feet with the
18 westerly right-of-way line of said Woods Road to a 5/8-inch iron rod
19 with cap stamped "Weisser Eng. Houston, Tx." set for a
20 point-of-curvature;

21 THENCE In a southerly direction with the westerly right-of-way line
22 of said Woods Road and with a tangent curve to the right having a
23 radius of 1,105.92 feet, a central angle of $17^{\circ} 00' 00''$, a length of
24 328.13 feet and a chord bearing South $06^{\circ} 23' 11''$ West, a distance of
25 326.93 feet to a 1/2-inch iron pipe found for a point-of-tangency;

26 THENCE South $14^{\circ} 53' 11''$ West, a distance of 249.26 feet with the
27 westerly right-of-way line of said Woods Road to a 1/2-inch iron

1 pipe found for a point-of-curvature;
2 THENCE In a southerly direction with the westerly right-of-way line
3 of said Woods Road and with a tangent curve to the left having a
4 radius of 1,185.92 feet, a central angle of 17° 30' 00", a length of
5 362.22 feet and a chord bearing South 06° 08' 11" West, a distance of
6 360.81 feet to a 1/2-inch iron pipe found for a point-of-tangency;
7 THENCE South 02° 36' 49" East, a distance of 2,007.29 feet with the
8 westerly right-of-way line of said Woods Road to a 5/8-inch iron rod
9 with cap stamped "Weisser Eng. Houston, Tx." set for the
10 southeasterly corner of said 150.62-acre tract and for the
11 southeasterly corner of this tract, from which a 1-1/2-inch iron
12 pipe found bears South 87° 46' 29" West, a distance of 0.69 feet;
13 THENCE South 87° 46' 29" West, a distance of 3,184.82 feet with the
14 northerly line of a 150.0909-acre tract of land described as "First
15 Tract" as recorded in Volume 152, Page 268 of the Waller County Deed
16 Records to a 1-1/2-inch iron pipe found for the most southerly
17 southwesterly corner of this tract;
18 THENCE North 02° 33' 17" West, a distance of 1,996.16 feet with the
19 easterly line of the Archie K. Brookshire 30-acre tract of land as
20 recorded in Volume 60, Page 580 of the Waller County Deed Records to
21 a 1-1/2-inch iron pipe found for an interior corner of this tract;
22 THENCE South 86° 30' 38" West, a distance of 1,396.67 feet with the
23 northerly line of said 30-acre tract and with the northerly line of
24 the Howard L. Brookshire 30-acre tract of land as recorded in Volume
25 147, Page 248 of the Waller County Deed Records to a 1-1/2-inch iron
26 pipe found for an interior corner of this tract;
27 THENCE South 03° 34' 47" East, a distance of 703.09 feet with the

1 westerly line of said Howard L. Brookshire 30-acre tract to a
2 1-1/2-inch iron pipe found for an angle point of this tract;
3 THENCE South 02° 27' 11" East, a distance of 364.21 feet with the
4 westerly line of said Howard L. Brookshire 30-acre tract to a
5 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set
6 for a southeasterly corner of this tract;
7 THENCE South 87° 24' 31" West, a distance of 1,319.86 feet with the
8 northerly line of a 51.4349-acre tract of land conveyed to Ferrin B.
9 Moreland, et ux, as recorded in Volume 425, Page 448 of the Waller
10 County Deed Records to a point in the centerline of Brookshire Creek
11 for the southwesterly corner of this tract;
12 THENCE North 09° 09' 28" East, a distance of 205.56 feet with the
13 centerline of said Brookshire Creek to an angle point of this tract;
14 THENCE North 86° 15' 35" East, a distance of 824.76 feet with a
15 southerly line of the City of Brookshire Extra Territorial
16 Jurisdiction (ETJ) to an angle point of this tract;
17 THENCE North 03° 14' 31" West, a distance of 963.99 feet with an
18 easterly line of said ETJ to an angle point of this tract;
19 THENCE North 86° 33' 18" East, a distance of 1,511.04 feet with a
20 southerly line of said ETJ to an angle point of this tract;
21 THENCE North 03° 23' 50" West, a distance of 2,146.58 feet with an
22 easterly line of said ETJ to an angle point of this tract;
23 THENCE North 86° 59' 22" East, a distance of 691.51 feet with a
24 southerly line of said ETJ to an angle point of this tract;
25 THENCE North 02° 19' 12" West, a distance of 1,237.10 feet with an
26 easterly line of said ETJ to an angle point of this tract;
27 THENCE South 82° 59' 18" East, a distance of 1,969.10 feet with the

1 southerly right-of-way line of said Interstate Highway No. 10 (320
2 feet wide) to a 5/8-inch iron rod with cap stamped "Weisser Eng.
3 Houston, Tx." set for a point-of-curvature, from which a 4-inch
4 concrete monument found bears South 83° 31' 43" East, a distance of
5 0.85 feet;

6 THENCE In an easterly direction with the southerly right-of-way
7 line of said Interstate Highway No. 10 and with a tangent curve to
8 the right having a radius of 532.96 feet, central angle of 31° 16'
9 33", a length of 290.92 feet and a chord bearing South 67° 21' 02"
10 East, a distance of 287.33 feet to a 5/8-inch iron rod with cap
11 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,
12 from which a 4-inch concrete monument found bears South 79° 35' 01"
13 East, a distance of 0.73 feet;

14 THENCE South 51° 42' 45" East, a distance of 463.64 feet with the
15 southerly right-of-way line of said Interstate Highway No. 10 to a
16 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set
17 for a point-of-curvature, from which a 4-inch concrete monument
18 found bears South 77° 49' 56" East, a distance of 1.16 feet;

19 THENCE In an easterly direction with the southerly right-of-way
20 line of said Interstate Highway No. 10 and with a tangent curve to
21 the left having a radius of 612.96 feet, central angle of 40° 00'
22 00", a length of 427.93 feet and a chord bearing South 71° 42' 45"
23 East, a distance of 419.29 feet to a 5/8-inch iron rod with cap
24 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,
25 from which a 4-inch concrete monument found bears South 66° 01' 45"
26 East, a distance of 0.52 feet;

27 THENCE North 88° 17' 15" East, a distance of 105.30 feet with the

1 southerly right-of-way line of said Interstate Highway No. 10 to
2 the POINT OF BEGINNING and containing 419.987 acres (18,294,644
3 square feet) of land.

4 SECTION 3. (a) The legal notice of the intention to
5 introduce this Act, setting forth the general substance of this
6 Act, has been published as provided by law, and the notice and a
7 copy of this Act have been furnished to all persons, agencies,
8 officials, or entities to which they are required to be furnished
9 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
10 Government Code.

11 (b) The governor, one of the required recipients, has
12 submitted the notice and Act to the Texas Commission on
13 Environmental Quality.

14 (c) The Texas Commission on Environmental Quality has filed
15 its recommendations relating to this Act with the governor, the
16 lieutenant governor, and the speaker of the house of
17 representatives within the required time.

18 (d) All requirements of the constitution and laws of this
19 state and the rules and procedures of the legislature with respect
20 to the notice, introduction, and passage of this Act are fulfilled
21 and accomplished.

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