

1-1 By: Hegar S.B. No. 1954
1-2 (In the Senate - Filed March 19, 2007; March 27, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 16, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;
1-6 April 16, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1954 By: Nichols

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the creation of the Waller County Municipal Utility
1-11 District No. 2; providing authority to impose a tax and issue bonds;
1-12 granting the power of eminent domain.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-15 Code, is amended by adding Chapter 8236 to read as follows:

1-16 CHAPTER 8236. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 2

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8236.001. DEFINITIONS. In this chapter:

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

1-20 (2) "Director" means a board member.

1-21 (3) "District" means the Waller County Municipal
1-22 Utility District No. 2.

1-23 Sec. 8236.002. NATURE OF DISTRICT. (a) The district is a
1-24 municipal utility district created under and essential to
1-25 accomplish the purposes of Section 59, Article XVI, Texas
1-26 Constitution.

1-27 (b) The district, to the extent authorized by Section
1-28 8236.103 and Section 52, Article III, Texas Constitution, has road
1-29 powers.

1-30 Sec. 8236.003. 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. 8236.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. All
1-34 land and other property in the district will benefit from the
1-35 improvements and services to be provided by the district.

1-36 Sec. 8236.005. INITIAL DISTRICT TERRITORY. (a) The
1-37 district is initially composed of the territory described by
1-38 Section 2 of the Act creating this chapter.

1-39 (b) The boundaries and field notes contained in Section 2 of
1-40 the Act creating this chapter form a closure. A mistake in the
1-41 field notes or in copying the field notes in the legislative process
1-42 does not affect the district's:

1-43 (1) organization, existence, or validity;

1-44 (2) right to issue any type of bond for a purpose for
1-45 which the district is created or to pay the principal of and
1-46 interest on the bond;

1-47 (3) right to impose an assessment or tax; or

1-48 (4) legality or operation.

1-49 Sec. 8236.006. EFFECT OF CHAPTER ON BROOKSHIRE-KATY
1-50 DRAINAGE DISTRICT OF WALLER COUNTY. This chapter does not affect
1-51 the powers of the Brookshire-Katy Drainage District of Waller
1-52 County.

1-53 [Sections 8236.007-8236.050 reserved for expansion]

1-54 SUBCHAPTER B. BOARD OF DIRECTORS

1-55 Sec. 8236.051. GOVERNING BODY; TERMS. (a) The district is
1-56 governed by a board of five elected directors.

1-57 (b) Directors serve staggered four-year terms.

1-58 Sec. 8236.052. INITIAL DIRECTORS. (a) The initial board
1-59 consists of:

1-60 (1) Jason Kelly;

1-61 (2) Sandra E. Baggett;

1-62 (3) Irma Ocampo;

1-63 (4) Paul Cornett; and

2-1 (5) Ben Stamets.

2-2 (b) Unless the initial board agrees otherwise, the initial
2-3 directors shall draw lots to determine which two shall serve until
2-4 the first regularly scheduled election of directors and which three
2-5 shall serve until the second regularly scheduled election of
2-6 directors.

2-7 (c) This section expires September 1, 2014.

2-8 [Sections 8236.053-8236.100 reserved for expansion]

2-9 SUBCHAPTER C. POWERS AND DUTIES

2-10 Sec. 8236.101. GENERAL POWERS AND DUTIES. The district has
2-11 the powers and duties necessary to accomplish the purposes for
2-12 which the district is created.

2-13 Sec. 8236.102. MUNICIPAL UTILITY DISTRICT POWERS AND
2-14 DUTIES. The district has the powers and duties provided by the
2-15 general law of this state, including Chapters 49 and 54, Water Code,
2-16 applicable to municipal utility districts created under Section 59,
2-17 Article XVI, Texas Constitution.

2-18 Sec. 8236.103. ROAD PROJECTS. (a) Under Section 52,
2-19 Article III, Texas Constitution, the district may finance,
2-20 construct, or acquire a road project as provided by this section.

2-21 (b) The district shall employ or contract with a licensed
2-22 engineer to certify whether a proposed road project meets the
2-23 criteria for a thoroughfare, arterial, or collector road of:

2-24 (1) a county in whose jurisdiction the proposed road
2-25 project is located; or

2-26 (2) a municipality in whose corporate limits or
2-27 extraterritorial jurisdiction the proposed road project is
2-28 located.

2-29 (c) The district may finance, construct, or acquire a road
2-30 that has been certified by the licensed engineer as a thoroughfare,
2-31 arterial, or collector road, or any improvements in aid of the
2-32 certified road.

2-33 (d) A road project must meet all applicable standards,
2-34 regulations, ordinances, or orders of:

2-35 (1) each municipality in whose corporate limits or
2-36 extraterritorial jurisdiction the road project is located; and

2-37 (2) if the road project is not located in the corporate
2-38 limits of a municipality, each county in which the road project is
2-39 located.

2-40 (e) The district may, with the consent of the municipality
2-41 or county, convey a completed road project to:

2-42 (1) a municipality in whose corporate limits or
2-43 extraterritorial jurisdiction the road project is located; or

2-44 (2) a county in which the road project is located.

2-45 Sec. 8236.104. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
2-46 OR RESOLUTION. The district shall comply with all applicable
2-47 requirements of any ordinance or resolution, adopted by the
2-48 governing body of a municipality under Section 54.016, Water Code,
2-49 that consents to the creation of the district or to the inclusion of
2-50 land in the district.

2-51 [Sections 8236.105-8236.150 reserved for expansion]

2-52 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-53 Sec. 8236.151. ELECTIONS REGARDING TAXES OR BONDS.
2-54 (a) The district may issue, without an election, bonds and other
2-55 obligations secured by revenue or contract payments from a source
2-56 other than ad valorem taxation.

2-57 (b) The district must hold an election in the manner
2-58 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2-59 before the district may impose an ad valorem tax or issue bonds
2-60 payable from ad valorem taxes.

2-61 (c) The district may not issue bonds payable from ad valorem
2-62 taxes to finance a road project unless the issuance is approved by a
2-63 vote of a two-thirds majority of district voters voting at an
2-64 election held for that purpose.

2-65 Sec. 8236.152. OPERATION AND MAINTENANCE TAX. (a) If
2-66 authorized at an election held under Section 8236.151, the district
2-67 may impose an operation and maintenance tax on taxable property in
2-68 the district as provided by Section 49.107, Water Code.

2-69 (b) The board shall determine the tax rate. The rate may not

3-1 exceed the rate approved at the election.

3-2 [Sections 8236.153-8236.200 reserved for expansion]

3-3 SUBCHAPTER E. BONDS

3-4 Sec. 8236.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-5 OBLIGATIONS. The district may issue bonds or other obligations
3-6 payable wholly or partly from ad valorem taxes, impact fees,
3-7 revenue, grants, or other district money, or any combination of
3-8 those sources, to pay for any authorized district purpose.

3-9 Sec. 8236.202. BONDS FOR ROAD PROJECTS. At the time of
3-10 issuance, the total principal amount of a bond, note, or other
3-11 obligation issued or incurred to finance a road project may not
3-12 exceed one-fourth of the assessed value of real property in the
3-13 district according to the most recent certified tax appraisal roll
3-14 for Waller County.

3-15 Sec. 8236.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At
3-16 the time bonds or other obligations payable wholly or partly from ad
3-17 valorem taxes are issued:

3-18 (1) the board shall impose a continuing direct annual
3-19 ad valorem tax, without limit as to rate or amount, for each year
3-20 that all or part of the bonds are outstanding; and

3-21 (2) the district annually shall impose an ad valorem
3-22 tax on all taxable property in the district in an amount sufficient
3-23 to:

3-24 (A) pay the interest on the bonds or other
3-25 obligations as the interest becomes due;

3-26 (B) create a sinking fund for the payment of the
3-27 principal of the bonds or other obligations when due or the
3-28 redemption price at any earlier required redemption date; and

3-29 (C) pay the expenses of imposing the taxes.

3-30 SECTION 2. The Waller County Municipal Utility District No.
3-31 2 initially includes all the territory contained in the following
3-32 area:

3-33 Being a 419.987-acre (18,294,644 square foot) tract of land
3-34 situated in the H. &T.C.R.R. Survey, Section 73, A-154, the T.S.
3-35 Reese Survey, A-330 and the Nathan Brookshire Survey, A-16, Waller
3-36 County, Texas, being out of a 150.62-acre tract of land recorded in
3-37 Volume 262, Page 403 of the Waller County Deed Records, being out of
3-38 a 93.675-acre tract of land recorded in Volume 240, Page 93 of the
3-39 Waller County Deed Records, being out of a 24.1408-acre tract of
3-40 land recorded in Volume 250, Page 9 of the Waller County Deed
3-41 Records, being out of a 302.299-acre tract of land recorded in
3-42 Volume 233, Page 774 of the Waller County Deed Records, being out of
3-43 a 191.19-acre tract of land recorded in Volume 237, Page 329 of the
3-44 Waller County Deed Records and being more particularly described by
3-45 metes and bounds as follows:

3-46 BEGINNING at a 4-inch x 4-inch concrete monument found for the
3-47 point-of-intersection of the westerly right-of-way line of Woods
3-48 Road (80 feet wide) with the southerly right-of-way line of
3-49 Interstate Highway No. 10 (width varies) for the northeasterly
3-50 corner of said 191.19-acre tract and for the northeasterly corner
3-51 of this tract;

3-52 THENCE South 02° 06' 49" East, a distance of 1,690.14 feet with the
3-53 westerly right-of-way line of said Woods Road to a 5/8-inch iron rod
3-54 with cap stamped "Weisser Eng. Houston, Tx." set for a
3-55 point-of-curvature;

3-56 THENCE In a southerly direction with the westerly right-of-way line
3-57 of said Woods Road and with a tangent curve to the right having a
3-58 radius of 1,105.92 feet, a central angle of 17° 00' 00", a length of
3-59 328.13 feet and a chord bearing South 06° 23' 11" West, a distance of
3-60 326.93 feet to a 1/2-inch iron pipe found for a point-of-tangency;

3-61 THENCE South 14° 53' 11" West, a distance of 249.26 feet with the
3-62 westerly right-of-way line of said Woods Road to a 1/2-inch iron
3-63 pipe found for a point-of-curvature;

3-64 THENCE In a southerly direction with the westerly right-of-way line
3-65 of said Woods Road and with a tangent curve to the left having a
3-66 radius of 1,185.92 feet, a central angle of 17° 30' 00", a length of
3-67 362.22 feet and a chord bearing South 06° 08' 11" West, a distance of
3-68 360.81 feet to a 1/2-inch iron pipe found for a point-of-tangency;

3-69 THENCE South 02° 36' 49" East, a distance of 2,007.29 feet with the

4-1 westerly right-of-way line of said Woods Road to a 5/8-inch iron rod
 4-2 with cap stamped "Weisser Eng. Houston, Tx." set for the
 4-3 southeasterly corner of said 150.62-acre tract and for the
 4-4 southeasterly corner of this tract, from which a 1-1/2-inch iron
 4-5 pipe found bears South 87° 46' 29" West, a distance of 0.69 feet;
 4-6 THENCE South 87° 46' 29" West, a distance of 3,184.82 feet with the
 4-7 northerly line of a 150.0909-acre tract of land described as "First
 4-8 Tract" as recorded in Volume 152, Page 268 of the Waller County Deed
 4-9 Records to a 1-1/2-inch iron pipe found for the most southerly
 4-10 southwesterly corner of this tract;
 4-11 THENCE North 02° 33' 17" West, a distance of 1,996.16 feet with the
 4-12 easterly line of the Archie K. Brookshire 30-acre tract of land as
 4-13 recorded in Volume 60, Page 580 of the Waller County Deed Records to
 4-14 a 1-1/2-inch iron pipe found for an interior corner of this tract;
 4-15 THENCE South 86° 30' 38" West, a distance of 1,396.67 feet with the
 4-16 northerly line of said 30-acre tract and with the northerly line of
 4-17 the Howard L. Brookshire 30-acre tract of land as recorded in Volume
 4-18 147, Page 248 of the Waller County Deed Records to a 1-1/2-inch iron
 4-19 pipe found for an interior corner of this tract;
 4-20 THENCE South 03° 34' 47" East, a distance of 703.09 feet with the
 4-21 westerly line of said Howard L. Brookshire 30-acre tract to a
 4-22 1-1/2-inch iron pipe found for an angle point of this tract;
 4-23 THENCE South 02° 27' 11" East, a distance of 364.21 feet with the
 4-24 westerly line of said Howard L. Brookshire 30-acre tract to a
 4-25 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set
 4-26 for a southeasterly corner of this tract;
 4-27 THENCE South 87° 24' 31" West, a distance of 1,319.86 feet with the
 4-28 northerly line of a 51.4349-acre tract of land conveyed to Ferrin B.
 4-29 Moreland, et ux, as recorded in Volume 425, Page 448 of the Waller
 4-30 County Deed Records to a point in the centerline of Brookshire Creek
 4-31 for the southwesterly corner of this tract;
 4-32 THENCE North 09° 09' 28" East, a distance of 205.56 feet with the
 4-33 centerline of said Brookshire Creek to an angle point of this tract;
 4-34 THENCE North 86° 15' 35" East, a distance of 824.76 feet with a
 4-35 southerly line of the City of Brookshire Extra Territorial
 4-36 Jurisdiction (ETJ) to an angle point of this tract;
 4-37 THENCE North 03° 14' 31" West, a distance of 963.99 feet with an
 4-38 easterly line of said ETJ to an angle point of this tract;
 4-39 THENCE North 86° 33' 18" East, a distance of 1,511.04 feet with a
 4-40 southerly line of said ETJ to an angle point of this tract;
 4-41 THENCE North 03° 23' 50" West, a distance of 2,146.58 feet with an
 4-42 easterly line of said ETJ to an angle point of this tract;
 4-43 THENCE North 86° 59' 22" East, a distance of 691.51 feet with a
 4-44 southerly line of said ETJ to an angle point of this tract;
 4-45 THENCE North 02° 19' 12" West, a distance of 1,237.10 feet with an
 4-46 easterly line of said ETJ to an angle point of this tract;
 4-47 THENCE South 82° 59' 18" East, a distance of 1,969.10 feet with the
 4-48 southerly right-of-way line of said Interstate Highway No. 10 (320
 4-49 feet wide) to a 5/8-inch iron rod with cap stamped "Weisser Eng.
 4-50 Houston, Tx." set for a point-of-curvature, from which a 4-inch
 4-51 concrete monument found bears South 83° 31' 43" East, a distance of
 4-52 0.85 feet;
 4-53 THENCE In an easterly direction with the southerly right-of-way
 4-54 line of said Interstate Highway No. 10 and with a tangent curve to
 4-55 the right having a radius of 532.96 feet, central angle of 31° 16'
 4-56 33", a length of 290.92 feet and a chord bearing South 67° 21' 02"
 4-57 East, a distance of 287.33 feet to a 5/8-inch iron rod with cap
 4-58 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,
 4-59 from which a 4-inch concrete monument found bears South 79° 35' 01"
 4-60 East, a distance of 0.73 feet;
 4-61 THENCE South 51° 42' 45" East, a distance of 463.64 feet with the
 4-62 southerly right-of-way line of said Interstate Highway No. 10 to a
 4-63 5/8-inch iron rod with cap stamped "Weisser Eng. Houston, Tx." set
 4-64 for a point-of-curvature, from which a 4-inch concrete monument
 4-65 found bears South 77° 49' 56" East, a distance of 1.16 feet;
 4-66 THENCE In an easterly direction with the southerly right-of-way
 4-67 line of said Interstate Highway No. 10 and with a tangent curve to
 4-68 the left having a radius of 612.96 feet, central angle of 40° 00'
 4-69 00", a length of 427.93 feet and a chord bearing South 71° 42' 45"

5-1 East, a distance of 419.29 feet to a 5/8-inch iron rod with cap
5-2 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,
5-3 from which a 4-inch concrete monument found bears South 66° 01' 45"
5-4 East, a distance of 0.52 feet;
5-5 THENCE North 88° 17' 15" East, a distance of 105.30 feet with the
5-6 southerly right-of-way line of said Interstate Highway No. 10 to
5-7 the POINT OF BEGINNING and containing 419.987 acres (18,294,644
5-8 square feet) of land.

5-9 SECTION 3. (a) The legal notice of the intention to
5-10 introduce this Act, setting forth the general substance of this
5-11 Act, has been published as provided by law, and the notice and a
5-12 copy of this Act have been furnished to all persons, agencies,
5-13 officials, or entities to which they are required to be furnished
5-14 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
5-15 Government Code.

5-16 (b) The governor, one of the required recipients, has
5-17 submitted the notice and Act to the Texas Commission on
5-18 Environmental Quality.

5-19 (c) The Texas Commission on Environmental Quality has filed
5-20 its recommendations relating to this Act with the governor, the
5-21 lieutenant governor, and the speaker of the house of
5-22 representatives within the required time.

5-23 (d) All requirements of the constitution and laws of this
5-24 state and the rules and procedures of the legislature with respect
5-25 to the notice, introduction, and passage of this Act are fulfilled
5-26 and accomplished.

5-27 SECTION 4. This Act takes effect immediately if it receives
5-28 a vote of two-thirds of all the members elected to each house, as
5-29 provided by Section 39, Article III, Texas Constitution. If this
5-30 Act does not receive the vote necessary for immediate effect, this
5-31 Act takes effect September 1, 2007.

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