

By: Hegar

S.B. No. 1955

A BILL TO BE ENTITLED

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AN ACT

relating to the creation of the Waller County Municipal Utility District No. 3; 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 8237 to read as follows:

CHAPTER 8237. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 3

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8237.001. 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. 3.

Sec. 8237.002. 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 8237.103 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8237.003. 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. 8237.004. 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. 8237.005. 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. 8237.006. 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 8237.007-8237.050 reserved for expansion]

22 SUBCHAPTER B. BOARD OF DIRECTORS

23 Sec. 8237.051. 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. 8237.052. INITIAL DIRECTORS. (a) The initial board
27 consists of:

- 1 (1) Larry Mueller;
- 2 (2) Michael Bien;
- 3 (3) Mark Ross;
- 4 (4) Henry Anawaty; and
- 5 (5) Phyllis Oustifine.

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 8237.053-8237.100 reserved for expansion]

13 SUBCHAPTER C. POWERS AND DUTIES

14 Sec. 8237.101. 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. 8237.102. 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. 8237.103. 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. 8237.104. 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 8237.105-8237.150 reserved for expansion]

2 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3 Sec. 8237.151. 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. 8237.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8237.151, 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 8237.153-8237.200 reserved for expansion]

22 SUBCHAPTER E. BONDS

23 Sec. 8237.201. 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. 8237.202. 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. 8237.203. 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 3 initially includes all the territory contained in the following
24 area:

25 Being a 350.342-acre (15,260,917 square foot) tract of land
26 situated in the H.H. Pennington Survey, A-321, the H. &T.C.R.R.
27 Survey, Section 73, A-154, and the Nathan Brookshire Survey, A-16,

1 Waller County, Texas, being out of Outlots 17, 18, 19 and 20 of the
2 Brookshire Outlets as recorded in Volume 14, Page 380 of the Waller
3 County Deed Records, being out of a 19.6105-acre tract of land
4 recorded in Volume 250, Page 128 of the Waller County Deed Records,
5 being out of a 47.116-acre tract of land recorded in Volume 243,
6 Page 606 of the Waller County Deed Records, being out of a
7 4.8152-acre tract of land recorded in Volume 277, Page 795 of the
8 Waller County Deed Records, being out of a 93.675-acre tract of land
9 recorded in Volume 240, Page 93 of the Waller County Deed Records,
10 being out of a 24.1408-acre tract of land recorded in Volume 250,
11 Page 9 of the Waller County Deed Records, being out of a 50-acre
12 tract of land recorded in Volume 338, Page 791 of the Waller County
13 Deed Records, being out of a 50-acre tract of land recorded in
14 Volume 338, Page 796 of the Waller County Deed Records, and being
15 out of a 26.309-acre tract of land recorded in Volume 242, Page 492
16 of the Waller County Deed Records and being more particularly
17 described by metes and bounds as follows:

18 BEGINNING at the point-of-intersection of the centerline of
19 Brookshire Creek with the southerly right-of-way line of Interstate
20 Highway No. 10 (width varies) for the northeasterly corner of said
21 26.309-acre tract and for the northeasterly corner of this tract;
22 THENCE South 21° 33' 40" West, a distance of 544.92 feet with the
23 centerline of said Brookshire Creek to an angle point of this tract;
24 THENCE South 24° 59' 22" West, a distance of 575.40 feet with the
25 centerline of said Brookshire Creek to an angle point of this tract;
26 THENCE South 11° 25' 18" West, a distance of 256.84 feet with the
27 centerline of said Brookshire Creek to an angle point of this tract;

1 THENCE South 02° 44' 07" West, a distance of 747.11 feet with the
2 centerline of said Brookshire Creek to an angle point of this tract;
3 THENCE South 15° 15' 56" West, a distance of 518.79 feet with the
4 centerline of said Brookshire Creek to an angle point of this tract;
5 THENCE South 02° 48' 28" East, a distance of 364.81 feet with the
6 centerline of said Brookshire Creek to an angle point of this tract;
7 THENCE South 35° 26' 22" West, a distance of 429.10 feet with the
8 centerline of said Brookshire Creek to an angle point of this tract;
9 THENCE South 22° 29' 32" West, a distance of 187.70 feet with the
10 centerline of said Brookshire Creek to an angle point of this tract;
11 THENCE South 07° 43' 32" West, a distance of 821.92 feet with the
12 centerline of said Brookshire Creek to an angle point of this tract;
13 THENCE South 13° 39' 28" East, a distance of 424.80 feet with the
14 centerline of said Brookshire Creek to an angle point of this tract;
15 THENCE South 09° 09' 28" West, a distance of 308.36 feet with the
16 centerline of said Brookshire Creek to a point for the
17 southeasterly corner of this tract;
18 THENCE South 87° 24' 31" West, a distance of 1,562.15 feet with the
19 northerly line of a 51.4349-acre tract of land conveyed to Ferrin B.
20 Moreland, et ux, as recorded in Volume 425, Page 448 of the Waller
21 County Deed Records to a 1-1/2-inch iron pipe found for an angle
22 point of this tract;
23 THENCE South 87° 41' 43" West, a distance of 2,035.93 feet with the
24 northerly line of said 51.4349-acre tract to a 1-1/2-inch iron pipe
25 found in the easterly right-of-way line of F.M. Road No. 359 (100
26 feet wide) for the southwesterly corner of said 93.675-acre tract
27 and for the southwesterly corner of this tract;

1 THENCE North 02° 23' 35" West, a distance of 31.29 feet with the
2 easterly right-of-way line of said F.M. Road No. 359 to a 5/8-inch
3 iron rod with cap stamped "Weisser Eng. Houston, Tx. " set for an
4 angle point of this tract;

5 THENCE North 02° 54' 35" West, a distance of 982.52 feet with the
6 easterly right-of-way line of said F.M. Road No. 359 to a 5/8-inch
7 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an
8 angle point of this tract;

9 THENCE North 03° 34' 35" West, a distance of 660.84 feet with the
10 easterly right-of-way line of said F.M. Road No. 359 to a 5/8-inch
11 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a
12 northwesterly corner of this tract, from which a 1/2-inch iron rod
13 found bears North 87° 03' 23" East, a distance of 0.77 feet;

14 THENCE North 87° 03' 23" East, a distance of 296.08 feet with the
15 southerly line of a 1.000-acre tract of land conveyed to Harold E.
16 Brown and Ester M. Brown as recorded in Volume 663, Page 520 of the
17 Waller County Deed Records to a 1/2-inch iron rod found for an
18 interior corner of this tract;

19 THENCE North 03° 38' 37" West, a distance of 147.60 feet with the
20 easterly line of said 1.000-acre tract to a 1/2-inch iron rod found
21 for an interior corner of this tract;

22 THENCE South 87° 03' 23" West, a distance of 295.91 feet with the
23 northerly line of said 1.000-acre tract to a 5/8-inch iron rod with
24 cap stamped "Weisser Eng. Houston, Tx." set in the easterly
25 right-of-way line of said F.M. Road No. 359 for a southwesterly
26 corner of this tract, from which a 1-inch iron pipe found bears
27 North 71° 32' 54" East, a distance of 0.58 feet;

1 THENCE North 03° 34' 35" West, a distance of 1,048.35 feet with the
2 easterly right-of-way line of said F.M. Road No. 359 to a 5/8-inch
3 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an
4 angle point of this tract, from which a 1/2-inch iron pipe found
5 bears North 38° 40' 18" West, a distance of 0.84 feet;
6 THENCE North 87° 18' 18" East, a distance of 1,465.66 feet with the
7 southerly line of a 3.1323-acre tract of land conveyed to Jessye
8 Davis Spencer as recorded in Volume 577, Page 183 of the Waller
9 County Deed Records, with the southerly line of a 1-acre tract of
10 land conveyed to the City of Brookshire as recorded in Volume 602,
11 Page 556 and described in Volume 275, Page 435 of the Waller County
12 Deed Records, with the southerly line of the Mrs. I. Soloman tract
13 of land recorded in Volume 96, Page 22 of the Waller County Deed
14 Records, with the southerly line of a 1-acre tract of land conveyed
15 to Nelson Shelton, et ux, as recorded in Volume 156, Page 119 of the
16 Waller County Deed Records, and with the southerly line of a
17 0.6878-acre tract of land conveyed to Annie Shelton as recorded in
18 Volume 233, Page 394 of the Waller County Deed Records to a 5/8-inch
19 iron rod found for the southwesterly corner of said 4.8152-acre
20 tract and for an interior corner of this tract;
21 THENCE North 02° 44' 02" West, a distance of 909.39 feet with the
22 easterly line of said 0.6878-acre tract to a 5/8-inch iron rod with
23 cap stamped "Weisser Eng. Houston, Tx." set in the southerly
24 right-of-way line of Twelfth Street (40 feet wide as occupied) for a
25 northwesterly corner of this tract;
26 THENCE North 88° 16' 35" East, a distance of 228.87 feet with the
27 southerly right-of-way line of said Twelfth Street to a 5/8-inch

1 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a
2 northeasterly corner of this tract;
3 THENCE South 03° 08' 25" East, a distance of 905.54 feet with the
4 westerly line of the Sam Hill Estate tract of land (per the Waller
5 County tax rolls, no deed was found for this tract) to a 5/8-inch
6 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for an
7 interior corner of this tract;
8 THENCE North 87° 18' 18" East, a distance of 240.25 feet with the
9 southerly line of said Sam Hill Estate tract to a 5/8-inch iron rod
10 with cap stamped "Weisser Eng. Houston, Tx." set for an interior
11 corner of this tract;
12 THENCE North 02° 19' 50" West, a distance of 472.63 feet with the
13 easterly line of said Sam Hill Estate tract to a 1-1/2-inch iron
14 pipe found for a northwesterly corner of this tract;
15 THENCE North 88° 22' 33" East, a distance of 822.46 feet with the
16 southerly line of Maud Malone, et al, 1-acre tract as recorded in
17 Volume 100, page 391 of the Waller County Deed Records, with the
18 southerly line of the Robert Rogers, et ux, 1.012-acre tract as
19 recorded in Volume 301, Page 690 of the Waller County Deed Records
20 and with the southerly line of a 1.012-acre tract of land as
21 recorded in Volume 202, Page 54 of the Waller County Deed Records to
22 a 1-1/2-inch iron pipe found for an interior corner of this tract;
23 THENCE North 00° 07' 40" East, a distance of 209.56 feet with the
24 easterly line of said 1.012-acre tract to a 1-1/2-inch iron pipe
25 found for an interior corner of this tract;
26 THENCE South 88° 28' 52" West, a distance of 620.27 feet with the
27 northerly line of said 1.012-acre tracts and with the northerly

1 line of the Maud Malone, et al, tract as shown in Volume 436, Page
2 404 of the Waller County Deed Records to a 5/8-inch iron rod with
3 cap stamped "Weisser Eng. Houston, Tx." set for a southwesterly
4 corner of this tract;
5 THENCE North 03° 20' 48" West, a distance of 105.02 feet with the
6 easterly line of a 1-acre tract of land conveyed to the City of
7 Brookshire as recorded in Volume 469, Page 659 of the Waller County
8 Deed Records and described in Volume 136, Page 264 of the Waller
9 County Deed Records to a 5/8-inch iron rod with cap stamped "Weisser
10 Eng. Houston, Tx." set for an interior corner of this tract;
11 THENCE South 88° 28' 52" West, a distance of 174.49 feet with the
12 northerly line of said 1-acre tract to a 1/2-inch iron rod found for
13 a southwesterly corner of this tract;
14 THENCE North 01° 52' 35" West, a distance of 89.06 feet with the
15 easterly right-of-way line of a 30-foot wide easement to a 5/8-inch
16 iron rod with cap stamped "Weisser Eng. Houston, Tx." set for a
17 northwesterly corner of this tract;
18 THENCE North 87° 48' 41" East, a distance of 233.82 feet with the
19 southerly line of a 0.181-acre tract of land conveyed to Elenor J.
20 Taylor as recorded in Volume 456, Page 553 of the Waller County Deed
21 Records to a 1-1/2-inch iron pipe found for an interior corner of
22 this tract;
23 THENCE North 01° 26' 25" West, a distance of 34.10 feet with the
24 easterly line of said 0.181-acre tract to a 1-1/2-inch iron pipe
25 found for a northwesterly corner of this tract;
26 THENCE North 87° 49' 35" East, a distance of 427.55 feet with the
27 southerly line of a 6.779-acre tract of land conveyed to Elton R.R.

1 Foster as recorded in Volume 526, Page 432 of the Waller County Deed
2 Records to a 1-1/2-inch iron pipe found for an interior corner of
3 this tract;

4 THENCE North 01° 29' 27" West, a distance of 1,092.80 feet with the
5 easterly line of said 6.779-acre tract, with the easterly line of
6 the Eliza Leonard tract as recorded in Volume 203, Page 528 of the
7 Waller County Deed Records and with the easterly line of a 1-acre
8 tract of land conveyed to Richard N. Dale as recorded in Volume 516,
9 Page 622 of the Waller County Deed Records to a 5/8-inch iron rod
10 with cap stamped "Weisser Eng. Houston, Tx." set in the southerly
11 right-of-way line of Tenth Street (60 feet wide) as recorded in
12 Volume 14, Page 380 of the Waller County Deed Records for a
13 northwesterly corner of this tract;

14 THENCE North 89° 13' 33" East, a distance of 855.74 feet with the
15 southerly right-of-way line of said Tenth Street to a 1/2-inch iron
16 pipe found for an interior corner of this tract;

17 THENCE North 00° 57' 53" West, a distance of 30.00 feet with the
18 easterly terminus of said Tenth Street to a 5/8-inch iron rod with
19 cap stamped "Weisser Eng. Houston, Tx." set for a northwesterly
20 corner of this tract;

21 THENCE North 89° 13' 33" East, a distance of 590.00 feet with the
22 southerly line of a Brookshire Municipal Water District 30-foot
23 wide right-of-way as recorded in Volume 129, Page 406 of the Waller
24 County Deed Records to a 5/8-inch iron rod with cap stamped "Weisser
25 Eng. Houston, Tx." set for a northeasterly corner of this tract;

26 THENCE South 00° 57' 53" East, a distance of 27.55 feet with the
27 westerly line of the Brookshire Municipal Water District Sewer

1 Plant as recorded in Volume 129, Page 403 of the Waller County Deed
2 Records to a 5/8-inch iron rod with cap stamped "Weisser Eng.
3 Houston, Tx." set for an interior corner of this tract;
4 THENCE South 60° 57' 53" East, a distance of 279.99 feet with the
5 southwesterly line of said Brookshire Municipal Water District
6 Sewer Plant to a 5/8-inch iron rod with cap stamped "Weisser Eng.
7 Houston, Tx." set for an interior corner of this tract;
8 THENCE North 89° 02' 07" East, a distance of 116.32 feet with the
9 southerly line of said Brookshire Municipal Water District Sewer
10 Plant to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston,
11 Tx." set for an interior corner of this tract, from which a 3/4-inch
12 iron rod found bears North 04° 23' 28" East, a distance of 1.53 feet;
13 THENCE North 00° 57' 53" West, a distance of 268.82 feet with the
14 easterly line of said Brookshire Municipal Water District Sewer
15 Plant to a 5/8-inch iron rod with cap stamped "Weisser Eng. Houston,
16 Tx." set in the southerly right-of-way line of said Interstate
17 Highway No. 10 (320 feet wide) for a northwesterly corner of this
18 tract, from which a 1/2-inch iron rod found bears South 70° 51' 53"
19 West, a distance of 1.54 feet;
20 THENCE In an easterly direction with the southerly right-of-way
21 line of said Interstate Highway No. 10 and with a non-tangent curve
22 to the right having a radius of 3,659.72 feet, central angle of 03°
23 22' 49", a length of 215.92 feet and a chord bearing South 84° 40'
24 43" East, a distance of 215.89 feet to a 5/8-inch iron rod with cap
25 stamped "Weisser Eng. Houston, Tx." set for a point-of-tangency,
26 from which a 4-inch concrete monument found bears North 77° 07' 11"
27 West, a distance of 0.79 feet;

1 THENCE South 82° 59' 18" East, a distance of 204.22 feet with the
2 southerly right-of-way line of said Interstate Highway No. 10 to
3 the POINT OF BEGINNING and containing 350.342 acres (15,260,917
4 square feet) of land.

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

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

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

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

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