

1-1 By: Hegar S.B. No. 1961  
1-2 (In the Senate - Filed March 22, 2007; March 27, 2007, read  
1-3 first time and referred to Committee on Intergovernmental  
1-4 Relations; April 12, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 4, Nays 0;  
1-6 April 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1961 By: Nichols

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

1-10 relating to the creation of the Willow Creek Farms Municipal  
1-11 Utility District; providing authority to impose a tax and issue  
1-12 bonds; 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 8218 to read as follows:

1-16 CHAPTER 8218. WILLOW CREEK FARMS MUNICIPAL UTILITY DISTRICT

1-17 SUBCHAPTER A. GENERAL PROVISIONS

1-18 Sec. 8218.001. 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 Willow Creek Farms Municipal  
1-22 Utility District.

1-23 Sec. 8218.002. 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 8218.103 and Section 52, Article III, Texas Constitution, has road  
1-29 powers.

1-30 Sec. 8218.003. 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. 8218.004. 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. 8218.005. 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 [Sections 8218.006-8218.050 reserved for expansion]

1-50 SUBCHAPTER B. BOARD OF DIRECTORS

1-51 Sec. 8218.051. GOVERNING BODY; TERMS. (a) The district is  
1-52 governed by a board of five elected directors.

1-53 (b) Directors serve staggered four-year terms.

1-54 Sec. 8218.052. INITIAL DIRECTORS. (a) The initial board  
1-55 consists of:

1-56 (1) Steven Bonjonia;

1-57 (2) Julie Styles;

1-58 (3) Alesha Herbert;

1-59 (4) Kevin Labban; and

1-60 (5) Glynda Cross-Paris.

1-61 (b) Unless the initial board agrees otherwise, the initial  
1-62 directors shall draw lots to determine which two shall serve until  
1-63 the first regularly scheduled election of directors and which three

2-1 shall serve until the second regularly scheduled election of  
2-2 directors.

2-3 (c) This section expires September 1, 2014.

2-4 [Sections 8218.053-8218.100 reserved for expansion]

2-5 SUBCHAPTER C. POWERS AND DUTIES

2-6 Sec. 8218.101. 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. 8218.102. 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. 8218.103. ROAD PROJECTS. (a) Under Section 52,  
2-15 Article III, Texas Constitution, the district may construct,  
2-16 acquire, maintain, or operate macadamized, graveled, or paved roads  
2-17 or improvements in aid of those roads.

2-18 (b) A road project must meet all applicable standards,  
2-19 regulations, ordinances, or orders of:

2-20 (1) each municipality in whose corporate limits or  
2-21 extraterritorial jurisdiction the road project is located; and

2-22 (2) each county in which the road project is located,  
2-23 if the road project is not located in the corporate limits of a  
2-24 municipality.

2-25 Sec. 8218.104. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE  
2-26 OR RESOLUTION. The district shall comply with all applicable  
2-27 requirements of any ordinance or resolution, adopted by the  
2-28 governing body of a municipality under Section 54.016, Water Code,  
2-29 that consents to the creation of the district or to the inclusion of  
2-30 land in the district.

2-31 [Sections 8218.105-8218.150 reserved for expansion]

2-32 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-33 Sec. 8218.151. ELECTIONS REGARDING TAXES OR BONDS.

2-34 (a) The district may issue, without an election, bonds and other  
2-35 obligations secured by revenue or contract payments from a source  
2-36 other than ad valorem taxation.

2-37 (b) The district must hold an election in the manner  
2-38 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
2-39 before the district may impose an ad valorem tax or issue bonds  
2-40 payable from ad valorem taxes.

2-41 (c) The district may not issue bonds payable from ad valorem  
2-42 taxes to finance a road project unless the issuance is approved by a  
2-43 vote of a two-thirds majority of district voters voting at an  
2-44 election held for that purpose.

2-45 Sec. 8218.152. OPERATION AND MAINTENANCE TAX. (a) If  
2-46 authorized at an election held under Section 8218.151, the district  
2-47 may impose an operation and maintenance tax on taxable property in  
2-48 the district as provided by Chapter 49.107, Water Code.

2-49 (b) The board shall determine the tax rate. The rate may not  
2-50 exceed the rate approved at the election.

2-51 [Sections 8218.153-8218.200 reserved for expansion]

2-52 SUBCHAPTER E. BONDS

2-53 Sec. 8218.201. AUTHORITY TO ISSUE BONDS AND OTHER  
2-54 OBLIGATIONS. The district may issue bonds or other obligations  
2-55 payable wholly or partly from ad valorem taxes, impact fees,  
2-56 revenue, grants, or other district money, or any combination of  
2-57 those sources, to pay for any authorized district purpose.

2-58 Sec. 8218.202. BONDS FOR ROAD PROJECTS. At the time of  
2-59 issuance, the total principal amount of a bond, note, or other  
2-60 obligation issued or incurred to finance a road project may not  
2-61 exceed one-fourth of the assessed value of real property in the  
2-62 district.

2-63 Sec. 8218.203. TAXES FOR BONDS AND OTHER OBLIGATIONS. At  
2-64 the time bonds or other obligations payable wholly or partly from ad  
2-65 valorem taxes are issued:

2-66 (1) the board shall impose a continuing direct annual  
2-67 ad valorem tax, without limit as to rate or amount, for each year  
2-68 that all or part of the bonds are outstanding; and

2-69 (2) the district annually shall impose an ad valorem

3-1 tax on all taxable property in the district in an amount sufficient  
3-2 to:

3-3 (A) pay the interest on the bonds or other  
3-4 obligations as the interest becomes due;

3-5 (B) create a sinking fund for the payment of the  
3-6 principal of the bonds or other obligations when due or the  
3-7 redemption price at any earlier required redemption date; and

3-8 (C) pay the expenses of imposing the taxes.

3-9 SECTION 2. The Willow Creek Farms Municipal Utility  
3-10 District initially includes all the territory contained in the  
3-11 following area:

3-12 All of that certain 330.2 acres of land, which is out of the 3.659  
3-13 acre tract described in the deed from Cooper Cameron Corporation to  
3-14 West I-10 Katy Holdings I, LTD. recorded under Volume 908, Page 385,  
3-15 in the Deed Records of Waller County, Texas, in the Jessie Thompson  
3-16 Survey, A-394, out of the 140.000 acre tract described in the deed  
3-17 from Devon Energy Production Company, L.P. to West I-10 Katy  
3-18 Holdings I, LTD. recorded under Volume 773, Page 100, in the Deed  
3-19 Records of Waller County, Texas, in the J.G. Bennett Survey,  
3-20 Section 104, A-292, Waller County, Texas, out of the 249.010 acre  
3-21 tract described in the deed from O.M. Pederson, Jr. et ux to  
3-22 Pederson Farms, Inc. recorded under Volume 280, Page 316, in the  
3-23 Deed Records of Waller County, Texas, in the Jessie Thompson  
3-24 Survey, A-394, out of the 316 acre tract described in the deed from  
3-25 Frances Y. Rochow, et al to R & Y Interests, LTD. recorded under  
3-26 Volume 553, Page 88, Volume 553, Page 91, and Volume 553, Page 93,  
3-27 in the Deed Records of Waller County, Texas, in the Jessie Thompson  
3-28 Survey, A-394, and out of the 261.701 acre tract described in the  
3-29 deed from Susan L. Cummins, et al to West I-10 Katy Holdings II,  
3-30 Ltd. recorded under Volume 808, Page 67, in the Deed Records of  
3-31 Waller County, Texas, and File No. 2003150688, in the Official  
3-32 Public Records of Fort Bend County, Texas, in the J.G. Bennett  
3-33 Survey, Section 104, A-292, Waller County, Texas, and more  
3-34 particularly described by metes and bounds as follows: (All  
3-35 bearings based on the State Plane Coordinate System, South Central  
3-36 Zone)

3-37 COMMENCING at a 5/8" iron rod with Kalkomey cap found for the  
3-38 northeast corner of said 140.000 acre tract, common to the  
3-39 northeast corner of the 12.933 acre tract described in the deed from  
3-40 West I-10 Katy Holdings I, LTD. to Cooper Cameron Corporation  
3-41 recorded under Volume 908, Page 380, in the Deed Records of Waller  
3-42 County, Texas and the northwest corner of the 58.6130 acre tract  
3-43 described in the deed from Cooper Industries, Inc. to Cooper  
3-44 Cameron Corporation recorded under Volume 509, Page 919, in the  
3-45 Deed Records of Waller County, Texas, in the south line of the  
3-46 31.6118 acre tract described as TRACT 1 in the deed from K-B  
3-47 Management Partners, LTD. to Blimp Base Project, LP recorded under  
3-48 Volume 720, Page 16, in the Deed Records of Waller County, Texas,  
3-49 from which a 1" iron rod found for the southeast corner of said  
3-50 31.6118 acre tract, common to the northeast corner of the  
3-51 additional 10' wide right-of-way for Pederson Road to Waller County  
3-52 recorded under Volume 325, Page 764, in the Deed Records of Waller  
3-53 County, Texas bears North 87° 53' 38" East - 1249.52'; THENCE South  
3-54 87° 53' 38" West - 300.00', along the north line of said 140.000 acre  
3-55 tract, common to the north line of said 12.933 acre tract and the  
3-56 south line of said 31.6118 acre tract to a 3/4" iron rod set for the  
3-57 most northerly northeast corner and POINT OF BEGINNING of the  
3-58 herein described tract, common to the northwest corner of said  
3-59 12.933 acre tract;

3-60 THENCE South 01° 59' 02" East - 1875.75' (called South 01° 58' 47"  
3-61 East - 1877.79'), along the west line of said 12.933 acre tract to a  
3-62 3/4" iron rod set for an angle corner of the herein described tract,  
3-63 common to the southwest corner of said 12.933 acre tract;

3-64 THENCE North 87° 51' 48" East - 300.00' (called North 87° 53' 45"  
3-65 East), along the south line of said 12.933 acre tract and the north  
3-66 line of aforesaid 3.659 acre tract, to the southeast corner of said  
3-67 12.933 acre tract, common to the northwest corner of said 3.659 acre  
3-68 tract in the east line of aforesaid 140.000 acre tract,  
3-69 THENCE South 01° 59' 02" East - 492.68' (called South 01° 59' 08"

4-1 East), along the east line of said 140.000 acre, common to the west  
4-2 line of aforesaid 316 acre tract to an angle corner of the herein  
4-3 described tract;  
4-4 THENCE North 87° 52' 05" East - 1220.64' to an angle corner of the  
4-5 herein described tract;  
4-6 THENCE North 42° 52' 05" East - 35.36' to an angle corner of the  
4-7 herein described tract;  
4-8 THENCE North 02° 07' 55" West - 467.78' to an angle corner of the  
4-9 herein described tract in the north line of aforesaid 3.659 acre  
4-10 tract, and in the west line of aforesaid Pederson Road;  
4-11 THENCE North 87° 51' 48" East - 60.00' continuing along said north  
4-12 line, to the most easterly northeast corner of the herein described  
4-13 tract, in the east right-of-way line of said Pederson Road;  
4-14 THENCE South 02° 07' 55" East - 627.78', partially along the east  
4-15 right-of-way line of said Pederson Road, to the most easterly  
4-16 southeast corner of the herein described tract;  
4-17 THENCE South 87° 52' 05" West - 60.00' to an angle corner of the  
4-18 herein described tract;  
4-19 THENCE North 02° 07' 55" West - 10.00' an angle corner of the herein  
4-20 described tract;  
4-21 THENCE North 47° 07' 55" West - 35.36' an angle corner of the herein  
4-22 described tract;  
4-23 THENCE South 87° 52' 05" West - 1220.90' to an angle corner of the  
4-24 herein described tract, in aforesaid east line of said 140.000 acre  
4-25 tract;  
4-26 THENCE South 01° 59' 02" East - 326.61' (called South 01° 59' 08"  
4-27 East), continuing along the east line of said 140.000 acre tract to  
4-28 a 1" iron pipe found for the southeast corner of said 140.000 acre  
4-29 tract, common to an angle corner of the herein described tract in  
4-30 the north line of aforesaid 261.701 acre tract;  
4-31 THENCE North 88° 12' 05" East - 24.50' continuing along said north  
4-32 line to a concrete post found for the most easterly northeast corner  
4-33 of said 261.701 acre tract;  
4-34 THENCE South 01° 52' 17" East - 584.20' (called South 01° 52' 23"  
4-35 East), along an east line of said 261.701 acre tract, common to the  
4-36 west line of aforesaid 316 acre tract, to a an angle corner of the  
4-37 herein described tract;  
4-38 THENCE South 65° 00' 39" West - 3923.27', along a southeast line of  
4-39 Waller County, Texas, according to the 261.701 acre tract deed, to  
4-40 an angle corner in a south line of said 261.701 acre tract, common  
4-41 to the north line of the 200 acre tract described as TRACT SIX in the  
4-42 deed from the Estate of Bessie Mae Jordan to Lyle Talbert Jordan,  
4-43 Trustee, et al recorded under Volume 648, Page 384, in the Deed  
4-44 Records of Waller County, Texas, and File No. 2000-015121, in the  
4-45 Official Public Records of Fort Bend County, Texas;  
4-46 THENCE South 87° 37' 06" West - 1694.69' (called South 87° 37' 00"  
4-47 West), continuing along a south line of said 261.701 acre tract,  
4-48 common to the north line of aforesaid 200 acre tract, to a 5/8" iron  
4-49 rod with Kalkomey cap found for the southwest corner of said 261.701  
4-50 acre tract, common to the northwest corner of said 200 acre tract,  
4-51 in the east line of the 280.3406 acre tract described in the deed  
4-52 from K-B Management Partners, LTD. to Dixie Farm Partners, LLP.  
4-53 recorded under Volume 817, Page 27, in the Deed Records of Waller  
4-54 County, Texas;  
4-55 THENCE North 01° 54' 14" West - 1202.21' (called North 01° 54' 20"  
4-56 West), along a west line of said 261.701 acre tract, common to the  
4-57 east line of aforesaid 280.3406 acre tract and the east line of the  
4-58 279.0613 acre tract described in the deed from Tiltex 97A, Ltd. to  
4-59 Shasta Minerals, Inc. recorded under Volume 745, Page 381, in the  
4-60 Deed Records of Waller County, Texas, to a 1" iron pipe found for an  
4-61 angle corner of said 261.701 acre tract, common to the southwest  
4-62 corner of the 20.0 acre tract described as TRACT EIGHT in the deed  
4-63 from the Estate of Bessie Mae Jordan to Lyle Talbert Jordan,  
4-64 Trustee, et al recorded under Volume 648, Page 384 in the Deed  
4-65 Records of Waller County, Texas;  
4-66 THENCE North 88° 03' 47" East - 933.95' (called North 88° 03' 41"  
4-67 East), along a north line of said 261.701 acre tract, common to the  
4-68 south line of said 20.0 acre tract, to a 5/8" iron rod with Kalkomey  
4-69 cap found for an angle corner of said 261.701 acre tract, common to

5-1 the southeast corner of said 20.0 acre tract;  
5-2 THENCE North 01° 55' 58" West - 933.37' (called North 01° 56' 04"  
5-3 West), along a west line of said 261.701 acre tract, common to the  
5-4 east line of said 20.0 acre tract, to a 5/8" iron rod with Kalkomey  
5-5 cap found for an angle corner of said 261.701 acre tract, common to  
5-6 the northeast corner of said 20.0 acre tract;  
5-7 THENCE South 88° 03' 47" West - 759.75' (called South 88° 03' 41"  
5-8 West), along a south line of said 261.701 acre tract, common to the  
5-9 north line of said 20.0 acre tract, to a 5/8" iron rod with Kalkomey  
5-10 cap found for an angle corner of said 261.701 acre tract;  
5-11 THENCE North 01° 42' 50" West - 292.04' (called North 01° 42' 56"  
5-12 West), along a west line of said 261.701 acre tract, to a 1/2" iron  
5-13 pipe found for an angle corner of said 261.701 acre tract, common to  
5-14 the southwest corner of the 161.8245 acre tract described as TRACT 3  
5-15 in the deed from K-B Management Partners, LTD. to Blimp Base  
5-16 Project, LP recorded under Volume 720, Page 16, in the Deed Records  
5-17 of Waller County, Texas;  
5-18 THENCE North 88° 02' 07" East - 2850.00' (called North 88° 02' 01"  
5-19 East), along a north line of said 261.701 acre tract, common to the  
5-20 south line of said 161.8245 acre tract, to a 5/8" iron rod with  
5-21 Kalkomey cap found for an angle corner of said 261.701 acre tract,  
5-22 common to the southeast corner of said 161.8245 acre tract;  
5-23 THENCE North 02° 36' 53" West - 2493.17' (called North 02° 36' 59"  
5-24 West), along a west line of said 261.701 acre tract, common to the  
5-25 east line of said 161.8245 acre tract, to a 1/2" iron pipe found for  
5-26 the most northerly northwest corner of said 261.701 acre tract,  
5-27 common to the northeast corner of said 161.8245 acre tract, in the  
5-28 south line of the 39.3537 acre tract described as TRACT 2 in the  
5-29 deed from K-B Management Partners, LTD. to Blimp Base Project, LP  
5-30 recorded under Volume 720, Page 16, in the Deed Records of Waller  
5-31 County, Texas, from which a 1/2" iron pipe found for the northwest  
5-32 corner of said 161.8245 acre tract, common to the southwest corner  
5-33 of said 39.3537 acre tract bears South 87° 55' 54" West - 2810.83';  
5-34 THENCE North 87° 55' 54" East - 324.23' (called North 87° 55' 47"  
5-35 East), along a north line of said 261.701 acre tract, common to the  
5-36 south line of said 39.3537 acre tract at 80.00' passing a 3/4" iron  
5-37 rod found for the most northerly northeast corner of said 261.701  
5-38 acre tract and the northwest corner of the aforesaid 140.000 acre  
5-39 tract, to a 1-1/4" iron pipe found for the southeast corner of said  
5-40 39.3537 acre tract, common to the southwest corner of the aforesaid  
5-41 31.6118 acre tract;  
5-42 THENCE North 87° 53' 38" East - 1657.68', along the south line of  
5-43 said 31.6118 acre tract, to the POINT OF BEGINNING of the herein  
5-44 described tract and containing 330.2 acres of land.

5-45 SECTION 3. (a) The legal notice of the intention to  
5-46 introduce this Act, setting forth the general substance of this  
5-47 Act, has been published as provided by law, and the notice and a  
5-48 copy of this Act have been furnished to all persons, agencies,  
5-49 officials, or entities to which they are required to be furnished  
5-50 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
5-51 Government Code.

5-52 (b) The governor, one of the required recipients, has  
5-53 submitted the notice and Act to the Texas Commission on  
5-54 Environmental Quality.

5-55 (c) The Texas Commission on Environmental Quality has filed  
5-56 its recommendations relating to this Act with the governor, the  
5-57 lieutenant governor, and the speaker of the house of  
5-58 representatives within the required time.

5-59 (d) All requirements of the constitution and laws of this  
5-60 state and the rules and procedures of the legislature with respect  
5-61 to the notice, introduction, and passage of this Act are fulfilled  
5-62 and accomplished.

5-63 SECTION 4. This Act takes effect immediately if it receives  
5-64 a vote of two-thirds of all the members elected to each house, as  
5-65 provided by Section 39, Article III, Texas Constitution. If this  
5-66 Act does not receive the vote necessary for immediate effect, this  
5-67 Act takes effect September 1, 2007.

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