

By: Janek

S.B. No. 1977

A BILL TO BE ENTITLED

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

AN ACT

relating to the creation of Fort Bend County Municipal Utility District No. 189; providing authority to impose taxes 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 8210 to read as follows:

CHAPTER 8210. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 189

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8210.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a member of the board.

(3) "District" means Fort Bend County Municipal Utility District No. 189.

Sec. 8210.002. NATURE OF DISTRICT. The district is created as a municipal utility district created under and essential to accomplish the purposes of Section 59, Article XVI, Texas Constitution.

Sec. 8210.003. CONFIRMATION ELECTION REQUIRED. The board shall hold an election to confirm the creation of the district as provided by Section 49.102, Water Code.

Sec. 8210.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

(a) All land and other property included in the district will

1 benefit from the improvements and services to be provided by the  
2 district.

3 (b) The district is created to accomplish the purposes of a  
4 municipal utility district as provided by general law.

5 Sec. 8210.005. INITIAL DISTRICT TERRITORY. (a) The  
6 district is initially composed of territory described by Section 2  
7 of the Act creating this chapter.

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

12 (1) organization, existence, or validity;

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

16 (3) right to impose or collect an assessment or tax; or

17 (4) legality or operation.

18 [Sections 8210.006-8210.050 reserved for expansion]

19 SUBCHAPTER B. BOARD OF DIRECTORS

20 Sec. 8210.051. BOARD OF DIRECTORS; TERMS. (a) The  
21 district is governed by a board of five directors.

22 (b) Except as provided by Section 8210.053, directors serve  
23 staggered four-year terms.

24 Sec. 8210.052. ELECTION OF DIRECTORS. On the uniform  
25 election date in May of each even-numbered year, the appropriate  
26 number of directors shall be elected.

27 Sec. 8210.053. INITIAL DIRECTORS. (a) The initial board

1 consists of:

- 2 (1) Dan LeNeveu;
- 3 (2) Nikki Ball;
- 4 (3) Glenn Hansen;
- 5 (4) Joseph Charles Tusa; and
- 6 (5) Howard Moon.

7 (b) Unless otherwise agreed, the directors shall decide the  
8 initial terms of office by lot, with a simple majority of directors  
9 serving until the second succeeding directors election and the  
10 remaining directors serving until the next directors election.

11 [Sections 8210.054-8210.100 reserved for expansion]

12 SUBCHAPTER C. POWERS AND DUTIES

13 Sec. 8210.101. GENERAL POWERS AND DUTIES. The district has  
14 the powers and duties necessary to accomplish the purposes for  
15 which the district is created.

16 Sec. 8210.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
17 DUTIES. The district has the powers and duties provided by the  
18 general law of this state, including Chapters 49 and 54, Water Code,  
19 applicable to municipal utility districts created under Section 59,  
20 Article XVI, Texas Constitution.

21 Sec. 8210.103. COMPLIANCE WITH MUNICIPAL CONSENT  
22 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section  
23 54.016, Water Code, the district shall comply with all applicable  
24 requirements of any ordinance or resolution adopted by the  
25 governing body of the municipality that consents to the creation of  
26 the district or to the inclusion of land within the district.

27 [Sections 8210.104-8210.150 reserved for expansion]

1                   SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2                   Sec. 8210.151. ELECTIONS REGARDING TAXES OR BONDS.

3                   (a) The district may issue, without an election, bonds and other  
4                   obligations secured by revenues or contract payments from any  
5                   lawful sources other than ad valorem taxation.

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

10                  Sec. 8210.152. OPERATION AND MAINTENANCE TAX. (a) If  
11                  authorized at an election held in accordance with Section 8210.151,  
12                  the district may impose an operation and maintenance tax on taxable  
13                  property in the district in accordance with the provisions of  
14                  Chapter 49.107, Water Code.

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

17                  [Sections 8210.153-8210.200 reserved for expansion]

18                   SUBCHAPTER E. BONDS OR OTHER OBLIGATIONS

19                  Sec. 8210.201. OBLIGATIONS. The district may issue bonds,  
20                  notes, or other obligations payable in whole or in part from ad  
21                  valorem taxes, impact fees, revenue, grants, or other district  
22                  money, or any combination of those sources, to pay for any  
23                  authorized district purpose.

24                  Sec. 8210.202. TAXES FOR BONDS. At the time bonds payable  
25                  in whole or in part from ad valorem taxes are issued:

26                   (1) the board shall impose a continuing direct annual  
27                   ad valorem tax, without limit as to rate or amount, for each year

1 that all or part of the bonds are outstanding; and

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

5 (A) pay the interest on the bonds as the interest  
6 becomes due;

7 (B) create a sinking fund for the payment of the  
8 principal of the bonds when due or the redemption price at any  
9 earlier required redemption date; and

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

11 SECTION 2. Fort Bend County Municipal Utility District No.  
12 189 initially includes all the territory contained in the following  
13 area:

14 All those certain tracts or parcels containing a total of  
15 238.597 acres of land in the William Pettus League, A-68, Fort Bend  
16 County, Texas, being all of that certain tract called 9.284 acres  
17 conveyed to BGM Land Investments, Ltd., by an instrument of record  
18 in File No. 2006124260 of the Official Public Records of said Fort  
19 Bend County (F.B.C.O.P.R.); all of that certain tract called 46.415  
20 acres conveyed to said BGM Land Investments, Ltd., by an instrument  
21 of record in File No. 2006124259 of the F.B.C.O.P.R.; all of those  
22 certain tracts called 179.359 acres and 2.559 acres conveyed to  
23 said BGM Land Investments, Ltd., by an instrument of record in File  
24 No. 2006086726 of the F.B.C.O.R. and all of that certain tract  
25 called 1.000 acres conveyed to said BGM Land Investment, Ltd, by an  
26 instrument of record in File No. 2006086725 of the F.B.C.O.P.R. and  
27 all of Farm No. 1 thru Farm No. 9, all of Farm No. 39 thru Farm No. 41

1 and part of Farm No. 15 of the Emigration Land Company Subdivision  
2 as recorded in Volume 618, Page 725 of the Plat Records of said Fort  
3 Bend County and being more particularly described as Part One  
4 containing 236.039 acres and Part Two containing 2.558 acres by  
5 metes and bounds as follows, all bearings referenced to the Texas  
6 State Plane Coordinate System, South Central Zone;

7 PART ONE

8 BEGINNING at a 2-inch pipe found marking the northwest corner  
9 of said 9.284 acre tract, same being on the easterly right-of-way  
10 line of F.M. No. 521, 115.0 feet wide, on the common line between  
11 said William Pettus League and the William Hall League, A-31, and on  
12 the south line of Southern Colony Section One, a subdivision of  
13 record on Plat No. 20050137 of the Plat Records of said Fort Bend  
14 County;

15 Thence North  $86^{\circ} 59' 51''$  East, 4,218.75 feet with said common  
16 survey line, with the north line of said 9.284 acre tract, with the  
17 north line of the aforesaid 1.000 acre tract, with the north line of  
18 the aforesaid 179.359 acre tract and with the south line of said  
19 Southern Colony to a 1/2-inch iron pipe with a Kalkomey Cap found  
20 for corner, the common north corner of Farm No. 40 and 51 and in the  
21 center line of a 40.0 foot wide platted roadway (not open) as shown  
22 on said Emigration Land Company Subdivision;

23 Thence South  $03^{\circ} 01' 47''$  East, 2,359.44 feet departing said  
24 common and north line, with the common line between Farm No. 40 and  
25 51 and Farm No. 41 and 50, with the east line of said 179.359 acre  
26 tract and with the centerline of said 40.0 foot wide platted roadway  
27 (not open) to a 1/2-inch iron pipe with a Kalkomey cap found for

1 corner on the north right-of-way line of Juliff-Manvel Road, 60.0  
2 feet wide, same being the southeast corner of said 179.359 acre  
3 tract;

4 Thence South 86° 58' 17" West, 2,458.02 feet with the north  
5 line of said Juliff-Manvel Road and with the south line of said  
6 179.359 acre tract to a 1/2-inch iron pipe with a Kalkomey Cap found  
7 for corner;

8 Thence South 03° 01' 43" East, 30.00 feet with a west line of  
9 said 179.359 acre tract to a cotton picker spindle found for corner  
10 on the centerline of Juliff-Manvel Road;

11 Thence South 86° 58' 17" West, 674.01 feet with a south line of  
12 said 179.359 acre tract and with the centerline of said  
13 Juliff-Manvel Road to a cotton picker spindle found for corner;

14 Thence North 03° 01' 30" West, 30.00 feet with a west line of  
15 said 179.359 acre tract to a 1/2-inch iron pipe with a Kalkomey Cap  
16 found for corner on the north right-of-way line of Juliff-Manvel  
17 Road;

18 Thence South 86° 58' 17" West, 187.93 feet with a south line of  
19 said 179.359 acre tract and with the north right-of-way line of  
20 Juliff-Manvel Road to a 1/2-inch iron pipe with a Kalkomey Cap found  
21 for corner, the southwest corner of said 179.359 acre tract and on  
22 the east line of the aforesaid 46.415 acre tract;

23 Thence South 03° 01' 43" East, 30.00 feet with the east line of  
24 said 46.415 acre tract to a cotton picker spindle found for corner,  
25 the southeast corner of said 46.415 acre tract and on the centerline  
26 of the aforesaid Juliff-Manvel Road;

27 Thence South 86° 58' 17" West, 1130.82 feet with the south

1 line of said 46.415 acre tract and with the centerline of said  
2 Juliff-Manvel Road to a cotton picker spindle found for corner, the  
3 southwest corner of said 46.415 acre tract and on the easterly  
4 right-of-way line of the aforesaid F.M. No. 521;

5 Thence North 02° 31' 47" East, with the west line of said  
6 46.415 acre tract and with the easterly right-of-way line of F.M.  
7 No. 521, at 30.14 feet pass a 5/8-inch iron rod found on the north  
8 right-of-way line of Juliff-Manvel Road and continuing in all a  
9 total of 1960.12 feet to a 5/8-inch iron rod found for corner, the  
10 northwest corner of said 46.415 acre tract and the southwest corner  
11 of the aforesaid 9.284 acre tract;

12 Thence North 02° 26' 06" East, 442.48 feet with the easterly  
13 right-of-way line of said F.M. No. 521 and with the west line of  
14 said 9.284 acre tract to the POINT OF BEGINNING and containing  
15 236.039 acres of land.

16 PART TWO

17 BEGINNING at a 1/2-inch iron pipe with a Kalkomey Cap found  
18 marking the northwest corner of the aforesaid 2.559 acre tract,  
19 same being on the south right-of-way line of Juliff-Manvel Road,  
20 60.0 feet wide;

21 Thence North 86° 58' 17" East, 240.76 feet with the north line  
22 of said 2.559 acre tract and with the south right-of-way line of  
23 Juliff-Manvel Road to a 1/2-inch iron pipe with a Kalkomey Cap found  
24 marking the northeast corner of said 2.559 acre tract and the  
25 northwest corner of that certain tract called 10.3 acres conveyed  
26 to Fabian Valdez by an instrument of record in Volume 2500, Page  
27 1181 of the Official Records of Fort Bend County (F.B.C.O.R.);

1           Thence South 02° 50' 17" East, 528.91 feet with the east line  
2 of said 2.559 acre tract and with the west line of said 10.3 acre  
3 tract to a 1/2-inch iron pipe with a Kalkomey Cap found for corner,  
4 the southeast corner of said 2.559 acre tract;

5           Thence North 64° 38' 41" West, 271.49 feet departing said west  
6 line and with a south line of said 2.559 acre tract to a 1/2-inch  
7 iron pipe with a Kalkomey Cap found for corner, the southwest corner  
8 of said 2.559 acre tract;

9           Thence North 03° 03' 00" West, 399.85 feet with the west line  
10 of said 2.559 acre tract to the POINT OF BEGINNING and containing  
11 2.558 acres of land.

12           Said Part One and Part Two containing a total of 238.597 acres  
13 of land.

14           SECTION 3. The legislature finds that:

15           (1) proper and legal notice of the intention to  
16 introduce this Act, setting forth the general substance of this  
17 Act, has been published as provided by law, and the notice and a  
18 copy of this Act have been furnished to all persons, agencies,  
19 officials, or entities to which they are required to be furnished by  
20 the constitution and laws of this state, including the governor,  
21 who has submitted the notice and Act to the Texas Commission on  
22 Environmental Quality;

23           (2) the Texas Commission on Environmental Quality has  
24 filed its recommendations relating to this Act with the governor,  
25 lieutenant governor, and speaker of the house of representatives  
26 within the required time;

27           (3) the general law relating to consent by political

1 subdivisions to the creation of districts with conservation and  
2 reclamation powers and the inclusion of land in those districts has  
3 been complied with; and

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

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