

1-1 By: Janek S.B. No. 1977
1-2 (In the Senate - Filed March 29, 2007; April 3, 2007, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 23, 2007, reported favorably by the following
1-5 vote: Yeas 4, Nays 0; April 23, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the creation of Fort Bend County Municipal Utility
1-9 District No. 189; providing authority to impose taxes and issue
1-10 bonds; granting the power of eminent domain.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subtitle F, Title 6, Special District Local Laws
1-13 Code, is amended by adding Chapter 8210 to read as follows:

1-14 CHAPTER 8210. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 189

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8210.001. DEFINITIONS. In this chapter:

1-17 (1) "Board" means the board of directors of the
1-18 district.

1-19 (2) "Director" means a member of the board.

1-20 (3) "District" means Fort Bend County Municipal
1-21 Utility District No. 189.

1-22 Sec. 8210.002. NATURE OF DISTRICT. The district is created
1-23 as a municipal utility district created under and essential to
1-24 accomplish the purposes of Section 59, Article XVI, Texas
1-25 Constitution.

1-26 Sec. 8210.003. CONFIRMATION ELECTION REQUIRED. The board
1-27 shall hold an election to confirm the creation of the district as
1-28 provided by Section 49.102, Water Code.

1-29 Sec. 8210.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE.

1-30 (a) All land and other property included in the district will
1-31 benefit from the improvements and services to be provided by the
1-32 district.

1-33 (b) The district is created to accomplish the purposes of a
1-34 municipal utility district as provided by general law.

1-35 Sec. 8210.005. INITIAL DISTRICT TERRITORY. (a) The
1-36 district is initially composed of territory described by Section 2
1-37 of the Act creating this chapter.

1-38 (b) The boundaries and field notes contained in Section 2 of
1-39 the Act creating this chapter form a closure. A mistake in the
1-40 field notes or in copying the field notes in the legislative process
1-41 does not in any way affect the district's:

1-42 (1) organization, existence, or validity;

1-43 (2) right to issue any type of bond for the purposes
1-44 for which the district is created or to pay the principal of and
1-45 interest on a bond;

1-46 (3) right to impose or collect an assessment or tax; or

1-47 (4) legality or operation.

1-48 [Sections 8210.006-8210.050 reserved for expansion]

1-49 SUBCHAPTER B. BOARD OF DIRECTORS

1-50 Sec. 8210.051. BOARD OF DIRECTORS; TERMS. (a) The
1-51 district is governed by a board of five directors.

1-52 (b) Except as provided by Section 8210.053, directors serve
1-53 staggered four-year terms.

1-54 Sec. 8210.052. ELECTION OF DIRECTORS. On the uniform
1-55 election date in May of each even-numbered year, the appropriate
1-56 number of directors shall be elected.

1-57 Sec. 8210.053. INITIAL DIRECTORS. (a) The initial board
1-58 consists of:

1-59 (1) Dan LeNeveu;

1-60 (2) Nikki Ball;

1-61 (3) Glenn Hansen;

1-62 (4) Joseph Charles Tusa; and

1-63 (5) Howard Moon.

1-64 (b) Unless otherwise agreed, the directors shall decide the

2-1 initial terms of office by lot, with a simple majority of directors
2-2 serving until the second succeeding directors election and the
2-3 remaining directors serving until the next directors election.

2-4 [Sections 8210.054-8210.100 reserved for expansion]

2-5 SUBCHAPTER C. POWERS AND DUTIES

2-6 Sec. 8210.101. 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. 8210.102. 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. 8210.103. COMPLIANCE WITH MUNICIPAL CONSENT
2-15 ORDINANCES OR RESOLUTIONS. Subject to the limitations of Section
2-16 54.016, Water Code, the district shall comply with all applicable
2-17 requirements of any ordinance or resolution adopted by the
2-18 governing body of the municipality that consents to the creation of
2-19 the district or to the inclusion of land within the district.

2-20 [Sections 8210.104-8210.150 reserved for expansion]

2-21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-22 Sec. 8210.151. ELECTIONS REGARDING TAXES OR BONDS.
2-23 (a) The district may issue, without an election, bonds and other
2-24 obligations secured by revenues or contract payments from any
2-25 lawful sources other than ad valorem taxation.

2-26 (b) The district must hold an election in the manner
2-27 provided by Chapters 49 and 54, Water Code, to obtain voter approval
2-28 before the district may impose an operation and maintenance tax or
2-29 issue bonds payable from ad valorem taxes.

2-30 Sec. 8210.152. OPERATION AND MAINTENANCE TAX. (a) If
2-31 authorized at an election held in accordance with Section 8210.151,
2-32 the district may impose an operation and maintenance tax on taxable
2-33 property in the district in accordance with the provisions of
2-34 Chapter 49.107, Water Code.

2-35 (b) The board shall determine the tax rate. The rate may not
2-36 exceed the rate approved at the election.

2-37 [Sections 8210.153-8210.200 reserved for expansion]

2-38 SUBCHAPTER E. BONDS OR OTHER OBLIGATIONS

2-39 Sec. 8210.201. OBLIGATIONS. The district may issue bonds,
2-40 notes, or other obligations payable in whole or in part from ad
2-41 valorem taxes, impact fees, revenue, grants, or other district
2-42 money, or any combination of those sources, to pay for any
2-43 authorized district purpose.

2-44 Sec. 8210.202. TAXES FOR BONDS. At the time bonds payable
2-45 in whole or in part from ad valorem taxes are issued:

2-46 (1) the board shall impose a continuing direct annual
2-47 ad valorem tax, without limit as to rate or amount, for each year
2-48 that all or part of the bonds are outstanding; and

2-49 (2) the district annually shall impose an ad valorem
2-50 tax on all taxable property in the district in an amount sufficient
2-51 to:

2-52 (A) pay the interest on the bonds as the interest
2-53 becomes due;

2-54 (B) create a sinking fund for the payment of the
2-55 principal of the bonds when due or the redemption price at any
2-56 earlier required redemption date; and

2-57 (C) pay the expenses of imposing the taxes.

2-58 SECTION 2. Fort Bend County Municipal Utility District No.
2-59 189 initially includes all the territory contained in the following
2-60 area:

2-61 All those certain tracts or parcels containing a total of
2-62 238.597 acres of land in the William Pettus League, A-68, Fort Bend
2-63 County, Texas, being all of that certain tract called 9.284 acres
2-64 conveyed to BGM Land Investments, Ltd., by an instrument of record
2-65 in File No. 2006124260 of the Official Public Records of said Fort
2-66 Bend County (F.B.C.O.P.R.); all of that certain tract called 46.415
2-67 acres conveyed to said BGM Land Investments, Ltd., by an instrument
2-68 of record in File No. 2006124259 of the F.B.C.O.P.R.; all of those
2-69 certain tracts called 179.359 acres and 2.559 acres conveyed to

3-1 said BGM Land Investments, Ltd., by an instrument of record in File
 3-2 No. 2006086726 of the F.B.C.O.R. and all of that certain tract
 3-3 called 1.000 acres conveyed to said BGM Land Investment, Ltd, by an
 3-4 instrument of record in File No. 2006086725 of the F.B.C.O.P.R. and
 3-5 all of Farm No. 1 thru Farm No. 9, all of Farm No. 39 thru Farm No. 41
 3-6 and part of Farm No. 15 of the Emigration Land Company Subdivision
 3-7 as recorded in Volume 618, Page 725 of the Plat Records of said Fort
 3-8 Bend County and being more particularly described as Part One
 3-9 containing 236.039 acres and Part Two containing 2.558 acres by
 3-10 metes and bounds as follows, all bearings referenced to the Texas
 3-11 State Plane Coordinate System, South Central Zone;

PART ONE

3-12 BEGINNING at a 2-inch pipe found marking the northwest corner
 3-13 of said 9.284 acre tract, same being on the easterly right-of-way
 3-14 line of F.M. No. 521, 115.0 feet wide, on the common line between
 3-15 said William Pettus League and the William Hall League, A-31, and on
 3-16 the south line of Southern Colony Section One, a subdivision of
 3-17 record on Plat No. 20050137 of the Plat Records of said Fort Bend
 3-18 County;

3-19 Thence North $86^{\circ} 59' 51''$ East, 4,218.75 feet with said common
 3-20 survey line, with the north line of said 9.284 acre tract, with the
 3-21 north line of the aforesaid 1.000 acre tract, with the north line of
 3-22 the aforesaid 179.359 acre tract and with the south line of said
 3-23 Southern Colony to a 1/2-inch iron pipe with a Kalkomey Cap found
 3-24 for corner, the common north corner of Farm No. 40 and 51 and in the
 3-25 center line of a 40.0 foot wide platted roadway (not open) as shown
 3-26 on said Emigration Land Company Subdivision;

3-27 Thence South $03^{\circ} 01' 47''$ East, 2,359.44 feet departing said
 3-28 common and north line, with the common line between Farm No. 40 and
 3-29 51 and Farm No. 41 and 50, with the east line of said 179.359 acre
 3-30 tract and with the centerline of said 40.0 foot wide platted roadway
 3-31 (not open) to a 1/2-inch iron pipe with a Kalkomey cap found for
 3-32 corner on the north right-of-way line of Juliff-Manvel Road, 60.0
 3-33 feet wide, same being the southeast corner of said 179.359 acre
 3-34 tract;

3-35 Thence South $86^{\circ} 58' 17''$ West, 2,458.02 feet with the north
 3-36 line of said Juliff-Manvel Road and with the south line of said
 3-37 179.359 acre tract to a 1/2-inch iron pipe with a Kalkomey Cap found
 3-38 for corner;

3-39 Thence South $03^{\circ} 01' 43''$ East, 30.00 feet with a west line of
 3-40 said 179.359 acre tract to a cotton picker spindle found for corner
 3-41 on the centerline of Juliff-Manvel Road;

3-42 Thence South $86^{\circ} 58' 17''$ West, 674.01 feet with a south line of
 3-43 said 179.359 acre tract and with the centerline of said
 3-44 Juliff-Manvel Road to a cotton picker spindle found for corner;

3-45 Thence North $03^{\circ} 01' 30''$ West, 30.00 feet with a west line of
 3-46 said 179.359 acre tract to a 1/2-inch iron pipe with a Kalkomey Cap
 3-47 found for corner on the north right-of-way line of Juliff-Manvel
 3-48 Road;

3-49 Thence South $86^{\circ} 58' 17''$ West, 187.93 feet with a south line of
 3-50 said 179.359 acre tract and with the north right-of-way line of
 3-51 Juliff-Manvel Road to a 1/2-inch iron pipe with a Kalkomey Cap found
 3-52 for corner, the southwest corner of said 179.359 acre tract and on
 3-53 the east line of the aforesaid 46.415 acre tract;

3-54 Thence South $03^{\circ} 01' 43''$ East, 30.00 feet with the east line of
 3-55 said 46.415 acre tract to a cotton picker spindle found for corner,
 3-56 the southeast corner of said 46.415 acre tract and on the centerline
 3-57 of the aforesaid Juliff-Manvel Road;

3-58 Thence South $86^{\circ} 58' 17''$ West, 1130.82 feet with the south
 3-59 line of said 46.415 acre tract and with the centerline of said
 3-60 Juliff-Manvel Road to a cotton picker spindle found for corner, the
 3-61 southwest corner of said 46.415 acre tract and on the easterly
 3-62 right-of-way line of the aforesaid F.M. No. 521;

3-63 Thence North $02^{\circ} 31' 47''$ East, with the west line of said
 3-64 46.415 acre tract and with the easterly right-of-way line of F.M.
 3-65 No. 521, at 30.14 feet pass a 5/8-inch iron rod found on the north
 3-66 right-of-way line of Juliff-Manvel Road and continuing in all a
 3-67 total of 1960.12 feet to a 5/8-inch iron rod found for corner, the
 3-68 northwest corner of said 46.415 acre tract and the southwest corner
 3-69

4-1 of the aforesaid 9.284 acre tract;
4-2 Thence North 02° 26' 06" East, 442.48 feet with the easterly
4-3 right-of-way line of said F.M. No. 521 and with the west line of
4-4 said 9.284 acre tract to the POINT OF BEGINNING and containing
4-5 236.039 acres of land.

4-6 PART TWO

4-7 BEGINNING at a 1/2-inch iron pipe with a Kalkomey Cap found
4-8 marking the northwest corner of the aforesaid 2.559 acre tract,
4-9 same being on the south right-of-way line of Juliff-Manvel Road,
4-10 60.0 feet wide;

4-11 Thence North 86° 58' 17" East, 240.76 feet with the north line
4-12 of said 2.559 acre tract and with the south right-of-way line of
4-13 Juliff-Manvel Road to a 1/2-inch iron pipe with a Kalkomey Cap found
4-14 marking the northeast corner of said 2.559 acre tract and the
4-15 northwest corner of that certain tract called 10.3 acres conveyed
4-16 to Fabian Valdez by an instrument of record in Volume 2500, Page
4-17 1181 of the Official Records of Fort Bend County (F.B.C.O.R.);

4-18 Thence South 02° 50' 17" East, 528.91 feet with the east line
4-19 of said 2.559 acre tract and with the west line of said 10.3 acre
4-20 tract to a 1/2-inch iron pipe with a Kalkomey Cap found for corner,
4-21 the southeast corner of said 2.559 acre tract;

4-22 Thence North 64° 38' 41" West, 271.49 feet departing said west
4-23 line and with a south line of said 2.559 acre tract to a 1/2-inch
4-24 iron pipe with a Kalkomey Cap found for corner, the southwest corner
4-25 of said 2.559 acre tract;

4-26 Thence North 03° 03' 00" West, 399.85 feet with the west line
4-27 of said 2.559 acre tract to the POINT OF BEGINNING and containing
4-28 2.558 acres of land.

4-29 Said Part One and Part Two containing a total of 238.597 acres
4-30 of land.

4-31 SECTION 3. The legislature finds that:

4-32 (1) proper and legal notice of the intention to
4-33 introduce this Act, setting forth the general substance of this
4-34 Act, has been published as provided by law, and the notice and a
4-35 copy of this Act have been furnished to all persons, agencies,
4-36 officials, or entities to which they are required to be furnished by
4-37 the constitution and laws of this state, including the governor,
4-38 who has submitted the notice and Act to the Texas Commission on
4-39 Environmental Quality;

4-40 (2) the Texas Commission on Environmental Quality has
4-41 filed its recommendations relating to this Act with the governor,
4-42 lieutenant governor, and speaker of the house of representatives
4-43 within the required time;

4-44 (3) the general law relating to consent by political
4-45 subdivisions to the creation of districts with conservation and
4-46 reclamation powers and the inclusion of land in those districts has
4-47 been complied with; and

4-48 (4) all requirements of the constitution and laws of
4-49 this state and the rules and procedures of the legislature with
4-50 respect to the notice, introduction, and passage of this Act have
4-51 been fulfilled and accomplished.

4-52 SECTION 4. This Act takes effect immediately if it receives
4-53 a vote of two-thirds of all the members elected to each house, as
4-54 provided by Section 39, Article III, Texas Constitution. If this
4-55 Act does not receive the vote necessary for immediate effect, this
4-56 Act takes effect September 1, 2007.

4-57 * * * * *