

By: Hegar

S.B. No. 1992

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 190; providing authority to impose a tax and issue bonds.

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 8233 to read as follows:

CHAPTER 8233. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 190

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8233.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Fort Bend County Municipal Utility District No. 190.

Sec. 8233.002. 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 8233.102 and Section 52, Article III, Texas Constitution, has road powers.

Sec. 8233.003. 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. 8233.004. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
2 All land and other property in the district will benefit from the
3 improvements and services to be provided by the district.

4 (b) The district is created to accomplish:

5 (1) the purposes of a municipal utility district as
6 provided by general law; and

7 (2) to the extent authorized by Section 52, Article
8 III, Texas Constitution, the financing, construction, or
9 acquisition of road projects.

10 Sec. 8233.005. INITIAL DISTRICT TERRITORY. (a) The
11 district is initially composed of the territory described by
12 Section 2 of the Act creating this chapter.

13 (b) The boundaries and field notes contained in Section 2 of
14 the Act creating this chapter form a closure. A mistake in the
15 field notes or in copying the field notes in the legislative process
16 does not affect the district's:

17 (1) organization, existence, or validity;

18 (2) right to issue any type of bond for a purpose for
19 which the district is created or to pay the principal of and
20 interest on the bond;

21 (3) right to impose an assessment or tax; or

22 (4) legality or operation.

23 [Sections 8233.006-8233.050 reserved for expansion]

24 SUBCHAPTER B. BOARD OF DIRECTORS

25 Sec. 8233.051. GOVERNING BODY; TERMS. (a) The district is
26 governed by a board of five elected directors.

27 (b) Directors serve staggered four-year terms.

1 Sec. 8233.052. INITIAL DIRECTORS. (a) The initial board
2 consists of:

- 3 (1) Phil Mullan;
4 (2) Shannon M. Frederick;
5 (3) Barbara D. Colihan;
6 (4) Randy Young; and
7 (5) Ronald D. Petersen.

8 (b) Unless the initial board agrees otherwise, the initial
9 directors shall draw lots to determine which two shall serve until
10 the first regularly scheduled election of directors and which three
11 shall serve until the second regularly scheduled election of
12 directors.

13 (c) This section expires September 1, 2014.

14 [Sections 8233.053-8233.100 reserved for expansion]

15 SUBCHAPTER C. POWERS AND DUTIES

16 Sec. 8233.101. MUNICIPAL UTILITY DISTRICT POWERS AND
17 DUTIES. (a) 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 (b) The district has the powers and duties necessary to
22 accomplish the purposes for which the district is created.

23 Sec. 8233.102. ROAD PROJECTS. (a) Under Section 52,
24 Article III, Texas Constitution, a district may finance, construct,
25 or acquire a road project as provided by this section.

26 (b) A road project must meet all applicable standards,
27 regulations, ordinances, or orders of:

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

3 (2) each county in which the road project is located.

4 (c) The district may, with the consent of the municipality
5 or county, convey a completed road project to:

6 (1) a municipality in whose corporate limits or
7 extraterritorial jurisdiction the road project is located; or

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

9 Sec. 8233.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
10 OR RESOLUTION. The district shall comply with all applicable
11 requirements of any ordinance or resolution, adopted by the
12 governing body of a municipality under Section 54.016, Water Code,
13 that consents to the creation of the district or to the inclusion of
14 land in the district.

15 [Sections 8233.104-8233.150 reserved for expansion]

16 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

17 Sec. 8233.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
18 district may issue, without an election, bonds and other
19 obligations secured by revenue or contract payments from a source
20 other than ad valorem taxation.

21 (b) The district must hold an election in the manner
22 provided by Chapters 49 and 54, Water Code, to obtain voter approval
23 before the district may impose an ad valorem tax or issue bonds
24 payable from ad valorem taxes.

25 (c) The district may not issue bonds to finance a road
26 project under Section 8233.102 unless the issuance is approved by a
27 vote of a two-thirds majority of district voters voting at an

1 election held for that purpose.

2 Sec. 8233.152. OPERATION AND MAINTENANCE TAX. (a) If
3 authorized at an election held under Section 8233.151, the district
4 may impose an operation and maintenance tax on taxable property in
5 the district as provided by Chapter 49.107, Water Code.

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

8 [Sections 8233.153-8233.200 reserved for expansion]

9 SUBCHAPTER E. BONDS

10 Sec. 8233.201. AUTHORITY TO ISSUE BONDS AND OTHER
11 OBLIGATIONS. The district may issue bonds or other obligations
12 payable wholly or partly from ad valorem taxes, impact fees,
13 revenue, grants, or other district money, or any combination of
14 those sources, to pay for any authorized district purpose.

15 Sec. 8233.202. BONDS FOR ROAD PROJECTS. At the time of
16 issuance, the total principal amount of bonds, notes, or other
17 obligations issued or incurred to finance a road project under
18 Section 8233.102 may not exceed one-fourth of the assessed value of
19 real property in the district according to the most recent
20 appraisal roll for Fort Bend County.

21 Sec. 8233.203. TAXES FOR BONDS. At the time bonds payable
22 wholly or partly from ad valorem taxes are issued:

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

26 (2) the district annually shall impose an ad valorem
27 tax on all taxable property in the district in an amount sufficient

1 to:

2 (A) pay the interest on the bonds as the interest
3 becomes due;

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

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

8 SECTION 2. The Fort Bend County Municipal Utility District
9 No. 190 initially includes all the territory contained in the
10 following area:

11 Being 794.4 acres of land located in the Leonard Burknapp
12 Survey, Abstract-108, the Hugh Rogers Survey, Abstract-309, the
13 Benjamin Orsburn Survey, Abstract-390, and the Day Land and Cattle
14 Company Survey, Abstract-451, Fort Bend County, Texas; said 794.4
15 acre tract being all of a called 15.5 acre save and except tract
16 retained by TXI Operations, LP., and out of a called 1,095.0 acre
17 tract, recorded in the name of Terravista Lakes, LLC, under Fort
18 Bend County Clerk's File Number (F.B.C.C.F.No.) 2006064288; said
19 794.4 acre tract being more particularly described by metes and
20 bounds as follows (bearings based on the Texas State Plane
21 Coordinate System, South Central Zone, NAD 83):

22 COMMENCING at the southwest corner of said 1,095.0 acre
23 tract, being in the center of Harlem Road, and in the north line of a
24 called 463.25 acre tract recorded in the name of Joseph A. Bono Jr.,
25 Trustee, under F.B.C.C.F.No. 9545430;

26 THENCE, along the west line of said 1,095.0 acre tract, North
27 02 degrees 07 minutes 17 seconds West, a distance of 2,431.25 feet,

1 to an angle point;

2 THENCE, continuing along the west line of said 1,095.0 acre
3 tract, and the center of said Harlem Road, North 02 degrees 03
4 minutes 06 seconds West, a distance of 50.15 feet, to a point in the
5 proposed north right-of-way (R.O.W.) line of Beechnut Street
6 (proposed 100 feet in width), for the southwest corner and POINT OF
7 BEGINNING of the herein described tract;

8 THENCE, continuing along the west line of said 1,095.0 acre
9 tract, and the center of said Harlem Road, North 02 degrees 03
10 minutes 06 seconds West, a distance of 7,748.81 feet, to the
11 northwest corner of said 1,095.0 acre tract, and the southwest
12 corner of a called 5.056 acre tract recorded in the name of Fort
13 Bend County Toll Road Authority under F.B.C.C.F.No. 2004049483, for
14 the northwest corner of the herein described tract;

15 THENCE, along northerly lines of said 1,095.0 acre tract,
16 being southerly lines of said 5.056 acre tract, the following four
17 (4) courses:

18 1. North 88 degrees 00 minutes 56 seconds East, a distance
19 of 24.83 feet, to an angle point;

20 2. North 40 degrees 32 minutes 01 seconds East, a distance
21 of 21.00 feet, to an inner corner;

22 3. North 83 degrees 04 minutes 08 seconds East, a distance
23 of 1,411.35 feet, to an angle point;

24 4. North 87 degrees 45 minutes 00 seconds East, a distance
25 of 116.96 feet, to the northwest corner of a called 11.322 acre
26 tract recorded in the name of Fort Bend County Toll Road Authority,
27 under Fort Bend County Clerk's File Number (F.B.C.C.F.No.)

1 2004049483, for an angle point of the herein described tract;

2 THENCE, along westerly, southerly, and easterly lines of said
3 11.322 acre tract, the following five (5) courses:

4 1. South 28 degrees 52 minutes 09 seconds West, a distance
5 of 1,124.24 feet, to the point of curvature of a tangent curve to
6 the left;

7 2. 116.21 feet along the arc of said curve to the left,
8 having a radius of 78.00 feet, through a central angle of 85 degrees
9 21 minutes 42 seconds, with a chord bearing of South 13 degrees 48
10 minutes 42 seconds East, a distance of 105.75 feet, to the point of
11 tangency;

12 3. South 56 degrees 29 minutes 33 seconds East, a distance
13 of 284.60 feet, to the point of curvature of a tangent curve to the
14 left;

15 4. 136.86 feet along the arc of said curve to the left,
16 having a radius of 78.00 feet, through a central angle of 100
17 degrees 31 minutes 51 seconds, with a chord bearing of North 73
18 degrees 14 minutes 31 seconds East, a distance of 119.97 feet, to
19 the point of tangency;

20 5. North 22 degrees 58 minutes 36 seconds East, a distance
21 of 1,329.10 feet, to the northeast corner of said 11.322 acre tract,
22 the southeast corner of said 5.056 acre tract, and the southwest
23 corner of a called 5.379 acre tract recorded in the name of Fort
24 Bend County Toll Road Authority under F.B.C.C.F.No. 2004049483, for
25 an angle point of the herein described tract;

26 THENCE, along northerly lines of said 1,095.0 acre tract,
27 being southerly lines of said 5.379 acre tract, the following five

1 (5) courses:

2 1. North 87 degrees 44 minutes 19 seconds East, a distance
3 of 176.73 feet, to an angle point;

4 2. North 83 degrees 04 minutes 51 seconds East, a distance
5 of 135.68 feet, to an angle point;

6 3. North 67 degrees 26 minutes 19 seconds East, a distance
7 of 196.03 feet, to an angle point;

8 4. North 83 degrees 04 minutes 27 seconds East, a distance
9 of 1,250.52 feet, to an angle point;

10 5. North 79 degrees 52 minutes 29 seconds East, a distance
11 of 709.72 feet, to the northerly northeast corner of said 1,095.0
12 acre tract, and the southeasterly corner of said 5.379 acre tract,
13 being in the west line of a called 3.4238 acre tract, being an 85
14 foot wide drainage easement, recorded in the name of Fort Bend
15 County, under F.B.C.C.F.No. 8741250, for the northeast corner of
16 the herein described tract;

17 THENCE, along the northerly east line of said 1,095.0 acre
18 tract, and the west line of said 3.4238 acre tract, South 03 degrees
19 02 minutes 36 seconds East, a distance of 1,796.66 feet, to the
20 northwest corner of a called 4.8853 acre, 50-foot wide right-of-way
21 (R.O.W.), recorded in the name of S/C Management #99, Ltd., in
22 Volume 614, Page 389, Fort Bend County Deed Records, for an angle
23 point;

24 THENCE, continuing along the northerly east line of said
25 1,095.0 acre tract, and the west line of said 3.4238 acre tract, and
26 the west line of a called 2.702 acre, 50-foot wide temporary
27 drainage easement recorded in the name of Fort Bend County, under

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1 F.B.C.C.F.No. 2001047405, South 03 degrees 16 minutes 55 seconds
2 East, a distance of 100.02 feet, to the southwest corner of said
3 2.702 acre tract, and the northwest corner of Twin Oaks Village,
4 Sec. 6, a subdivision plat of which is recorded under Plat Number
5 (P.No.) 20040013, Fort Bend County Plat Records (F.B.C.P.R.), for
6 an angle point;

7 THENCE, along a northerly east line of said 1,095.0 acre
8 tract, and the west line of said Twin Oaks Village, Sec. 6, and the
9 west line of Twin Oaks Village, Sec. 9, a subdivision plat of which
10 is recorded under P.No. 20040035, F.B.C.P.R., at approximately
11 1,118.79 feet pass an angle point in the east line of a called 17.63
12 acre drainage easement recorded in the name of Fort Bend County
13 Municipal Utility Distreict No. 30, under F.B.C.C.F.No.
14 2005022422, and along the east line of said 17.63 acre tract, South
15 03 degrees 27 minutes 25 seconds East, a distance of 3,992.49 feet,
16 to an inner corner of said 1,095.0 acre tract, and being the
17 southwest corner of said Twin Oaks Village, Sec. 9, for an angle
18 point;

19 THENCE, through and across said 1,095.0 acre tract, and along
20 the east lines of said 17.63 acre tract, the following five (5)
21 courses:

22 1. South 03 degrees 27 minutes 57 seconds East, a distance
23 of 722.86 feet, to an angle point;

24 2. South 40 degrees 46 minutes 28 seconds East, a distance
25 of 439.31 feet, to the point of curvature of a tangent curve to the
26 right;

27 3. 371.44 feet along the arc of said curve to the right,

1 having a radius of 350.00 feet, through a central angle of 60
2 degrees 48 minutes 22 seconds, with a chord bearing of South 10
3 degrees 22 minutes 17 seconds East, a distance of 354.26 feet, to
4 the point of tangency;

5 4. South 20 degrees 01 minutes 54 seconds West, a distance
6 of 361.65 feet, to the point of curvature of a tangent curve to the
7 left;

8 5. 146.82 feet along the arc of said curve to the left,
9 having a radius of 600.00 feet, through a central angle of 14
10 degrees 01 minutes 14 seconds, with a chord bearing of South 13
11 degrees 01 minutes 17 seconds West, a distance of 146.46 feet, to a
12 point in the extended north line of a called 100-foot by 200-foot
13 tract recorded in the name of R.C. Darrough, et.al., Trustee, in
14 Volume 86, Page 350, Fort Bend County Deed Records, for an angle
15 point of the herein described tract;

16 THENCE, along said extended north line, North 87 degrees 49
17 minutes 30 seconds East, a distance of 46.97 feet, to an inner
18 corner of said 1,095.0 acre tract, and the northwest corner of said
19 100-foot by 200-foot tract, for an angle point of the herein
20 described tract;

21 THENCE, along an east line of said 1,095.0 acre tract, and the
22 west line of said 100-foot by 200-foot tract, South 02 degrees 49
23 minutes 45 seconds East, a distance of 200.91 feet, to a point in
24 the north R.O.W. line of said Beechnut Street, for the southeast
25 corner of the herein described tract;

26 THENCE, through and across said 1,095.0 acre tract, and along
27 the north R.O.W. line of said Beechnut Street, the following three

1 (3) courses:

2 1. South 87 degrees 48 minutes 26 seconds West, a distance
3 of 1,420.93 feet, to the point of curvature of a tangent curve to
4 the left;

5 2. 114.14 feet along the arc of said curve to the left,
6 having a radius of 2,050.0 feet, through a central angle of 03
7 degrees 11 minutes 24 seconds, with a chord bearing of South 86
8 degrees 12 minutes 44 seconds West, a distance of 114.12 feet, to
9 the point of tangency.

10 3. South 84 degrees 37 minutes 02 seconds West, a distance
11 of 3,181.23 feet, to the POINT OF BEGINNING, and containing 794.4
12 acres of land.

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

20 (b) The governor, one of the required recipients, has
21 submitted the notice and Act to the Texas Commission on
22 Environmental Quality.

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

27 (d) All requirements of the constitution and laws of this

1 state and the rules and procedures of the legislature with respect
2 to the notice, introduction, and passage of this Act are fulfilled
3 and accomplished.

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