

By: Zerwas

H.B. No. 1252

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 200; providing authority to impose a tax and issue bonds; granting a limited 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 8337 to read as follows:

CHAPTER 8337. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 200

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8337.001. 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. 200.

Sec. 8337.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8337.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 8337.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8337.003 until each municipality in whose corporate limits or

1 extraterritorial jurisdiction the district is located has
2 consented by ordinance or resolution to the creation of the
3 district and to the inclusion of land in the district.

4 Sec. 8337.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
5 The district is created to serve a public purpose and benefit.

6 (b) The district is created to accomplish the purposes of:

7 (1) a municipal utility district as provided by
8 general law and Section 59, Article XVI, Texas Constitution; and

9 (2) Section 52, Article III, Texas Constitution, that
10 relate to the construction, acquisition, or improvement of
11 macadamized, graveled, or paved roads described by Section 54.234,
12 Water Code, or improvements, including storm drainage, in aid of
13 those roads.

14 Sec. 8337.006. INITIAL DISTRICT TERRITORY. (a) The
15 district is initially composed of the territory described by
16 Section 2 of the Act creating this chapter.

17 (b) The boundaries and field notes contained in Section 2 of
18 the Act creating this chapter form a closure. A mistake made in the
19 field notes or in copying the field notes in the legislative process
20 does not affect the district's:

21 (1) organization, existence, or validity;

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

25 (3) right to impose a tax; or

26 (4) legality or operation.

27 [Sections 8337.007-8337.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8337.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8337.052, directors serve
5 staggered four-year terms.

6 Sec. 8337.052. TEMPORARY DIRECTORS. (a) The temporary
7 board consists of:

8 (1) Alan Lee;

9 (2) U. L. Edwards;

10 (3) Danny Wilbanks;

11 (4) Jim Taylor; and

12 (5) John West.

13 (b) Temporary directors serve until the earlier of:

14 (1) the date permanent directors are elected under
15 Section 8337.003; or

16 (2) the fourth anniversary of the effective date of
17 the Act creating this chapter.

18 (c) If permanent directors have not been elected under
19 Section 8337.003 and the terms of the temporary directors have
20 expired, successor temporary directors shall be appointed or
21 reappointed as provided by Subsection (d) to serve terms that
22 expire on the earlier of:

23 (1) the date permanent directors are elected under
24 Section 8337.003; or

25 (2) the fourth anniversary of the date of the
26 appointment or reappointment.

27 (d) If Subsection (c) applies, the owner or owners of a

1 majority of the assessed value of the real property in the district
2 may submit a petition to the commission requesting that the
3 commission appoint as successor temporary directors the five
4 persons named in the petition. The commission shall appoint as
5 successor temporary directors the five persons named in the
6 petition.

7 [Sections 8337.053-8337.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8337.101. GENERAL POWERS AND DUTIES. The district has
10 the powers and duties necessary to accomplish the purposes for
11 which the district is created.

12 Sec. 8337.102. MUNICIPAL UTILITY DISTRICT POWERS AND
13 DUTIES. The district has the powers and duties provided by the
14 general law of this state, including Chapters 49 and 54, Water Code,
15 applicable to municipal utility districts created under Section 59,
16 Article XVI, Texas Constitution.

17 Sec. 8337.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
18 Section 52, Article III, Texas Constitution, the district may
19 design, acquire, construct, finance, issue bonds for, improve, and
20 convey to this state, a county, or a municipality for operation and
21 maintenance macadamized, graveled, or paved roads described by
22 Section 54.234, Water Code, or improvements, including storm
23 drainage, in aid of those roads.

24 (b) The district may exercise the powers provided by this
25 section without submitting a petition to or obtaining approval from
26 the Texas Commission on Environmental Quality as required by
27 Section 54.234, Water Code.

1 Sec. 8337.104. APPROVAL OF ROAD PROJECT. (a) The district
2 may not undertake a road project authorized by Section 8337.103
3 unless:

4 (1) each municipality or county that will operate and
5 maintain the road has approved the plans and specifications of the
6 road project, if a municipality or county will operate and maintain
7 the road; or

8 (2) the Texas Transportation Commission has approved
9 the plans and specifications of the road project, if the state will
10 operate and maintain the road.

11 (b) Except as provided by Subsection (a), the district is
12 not required to obtain approval from the Texas Transportation
13 Commission to design, acquire, construct, finance, issue bonds for,
14 improve, or convey a road project.

15 Sec. 8337.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
16 OR RESOLUTION. The district shall comply with all applicable
17 requirements of any ordinance or resolution that is adopted under
18 Section 54.016 or 54.0165, Water Code, and that consents to the
19 creation of the district or to the inclusion of land in the
20 district.

21 Sec. 8337.106. LIMITATION ON USE OF EMINENT DOMAIN. The
22 district may not exercise the power of eminent domain outside the
23 district to acquire a site or easement for:

24 (1) a road project authorized by Section 8337.103; or

25 (2) a recreational facility as defined by Section
26 49.462, Water Code.

27 [Sections 8337.107-8337.150 reserved for expansion]

1 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2 Sec. 8337.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3 district may issue, without an election, bonds and other
4 obligations secured by:

5 (1) revenue other than ad valorem taxes; or

6 (2) contract payments described by Section 8337.153.

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 the district voters voting at an
14 election held for that purpose.

15 Sec. 8337.152. OPERATION AND MAINTENANCE TAX. (a) If
16 authorized at an election held under Section 8337.151, the district
17 may impose an operation and maintenance tax on taxable property in
18 the district in accordance with 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 Sec. 8337.153. CONTRACT TAXES. (a) In accordance with
22 Section 49.108, Water Code, the district may impose a tax other than
23 an operation and maintenance tax and use the revenue derived from
24 the tax to make payments under a contract after the provisions of
25 the contract have been approved by a majority of the district voters
26 voting at an election held for that purpose.

27 (b) A contract approved by the district voters may contain a

1 provision stating that the contract may be modified or amended by
2 the board without further voter approval.

3 [Sections 8337.154-8337.200 reserved for expansion]

4 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

5 Sec. 8337.201. AUTHORITY TO ISSUE BONDS AND OTHER
6 OBLIGATIONS. The district may issue bonds or other obligations
7 payable wholly or partly from ad valorem taxes, impact fees,
8 revenue, contract payments, grants, or other district money, or any
9 combination of those sources, to pay for any authorized district
10 purpose.

11 Sec. 8337.202. TAXES FOR BONDS. At the time the district
12 issues bonds payable wholly or partly from ad valorem taxes, the
13 board shall provide for the annual imposition of a continuing
14 direct ad valorem tax, without limit as to rate or amount, while all
15 or part of the bonds are outstanding as required and in the manner
16 provided by Sections 54.601 and 54.602, Water Code.

17 Sec. 8337.203. BONDS FOR ROAD PROJECTS. At the time of
18 issuance, the total principal amount of bonds or other obligations
19 issued or incurred to finance road projects and payable from ad
20 valorem taxes may not exceed one-fourth of the assessed value of the
21 real property in the district.

22 SECTION 2. The Fort Bend County Municipal Utility District
23 No. 200 initially includes all the territory contained in the
24 following area:

25 FIELD NOTES FOR A 65.877 ACRE TRACT OF LAND IN THE WILLIAM
26 ANDREWS LEAGUE, ABSTRACT 3, AND THE JOHN FOSTER 2-1/2 LEAGUE GRANT,
27 ABSTRACT 26, FORT BEND COUNTY, TEXAS, SAID 65.877 ACRE TRACT BEING

1 COMPRISED OF THAT CERTAIN CALLED 7.00 ACRE TRACT RECORDED IN VOLUME
2 1722, PAGE 589, OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT
3 CERTAIN CALLED 28.00 ACRE TRACT RECORDED IN VOLUME 1722, PAGE 574,
4 OFFICIAL RECORDS, FORT BEND COUNTY, TEXAS, THAT CERTAIN CALLED
5 26.00 ACRE TRACT RECORDED IN VOLUME 2375, PAGE 1438, OFFICIAL
6 RECORDS, FORT BEND COUNTY, TEXAS, AND THAT CERTAIN CALLED 5.00 ACRE
7 TRACT RECORDED IN VOLUME 1543, PAGE 848, OFFICIAL RECORDS, FORT
8 BEND COUNTY, TEXAS, WITH ALL BEARINGS BASED UPON THE TEXAS
9 COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD83, BASED UPON GPS
10 OBSERVATIONS OF FORT BEND COUNTY MONUMENT NUMBER FB08.

11 BEGINNING at a 1/2 inch iron pipe with cap marked "Kalkomey
12 Surveying" found in the north right-of-way line of F. M. Highway 359
13 (100-feet wide) for the southeast corner of said called 28.00 acre
14 tract, same being the southwest corner of an adjoining called
15 4.5256 acre tract recorded under County Clerk's File Number
16 1999005944, Official Public Records, Fort Bend County, Texas, for
17 the lower southeast corner and Place of Beginning of the herein
18 described tract, said point bears North 69 degrees 07 minutes 59
19 seconds West, 658.65 feet (called North 66 degrees 53 minutes 39
20 seconds West, 658.51 feet) from a concrete monument found at the
21 intersection of the north right-of-way line of F. M. Highway 359
22 with the west right-of-way line of F. M. Highway 723 (100-feet
23 wide);

24 THENCE North 69 degrees 06 minutes 58 seconds West (called
25 North 66 degrees 53 minutes 39 seconds West) along the south line of
26 the herein described tract and the south line of said called 28.00
27 acre tract, same being the north right-of-way line of F. M. Highway

1 359, 672.77 feet (called 672.80 feet) to a 1/2 inch iron pipe found
2 on said line for angle point, being the southwest corner of said
3 called 28.00 acre tract, same being the southeast corner of the
4 aforementioned called 26.00 acre tract;

5 THENCE North 68 degrees 55 minutes 26 seconds West (called
6 North 66 degrees 53 minutes 39 seconds West) along the south line of
7 the herein described tract, the south line of said called 26.00 acre
8 tract, and the south line of the aforementioned called 5.00 acre
9 tract, same being the north right-of-way line of F. M. Highway 359,
10 668.02 feet to a concrete monument found at the beginning of a curve
11 to the left;

12 THENCE along said curve to the left having a central angle of
13 02 degrees 16 minutes 15 seconds, a radius of 3,870.00 feet, an arc
14 length of 153.37 feet, and a chord bearing North 69 degrees 55
15 minutes 17 seconds West, 153.36 feet to a point on said curve for
16 the southwest corner of the herein described tract and the
17 southwest corner of said called 5.00 acre tract, same being the
18 southeast corner of an adjoining called 10.228 acre tract recorded
19 in Volume 2584, Page 467, Official Records, Fort Bend County,
20 Texas;

21 THENCE North 02 degrees 03 minutes 09 seconds West (adjoiner
22 called North 00 degrees 17 minutes 10 seconds West) along the west
23 line of the herein described tract and the west line of said called
24 5.00 acre tract, same being the east line of said adjoining called
25 10.228 acre tract, at 0.35 feet pass a 1/2 inch iron pipe found in
26 concrete on said line, and continuing for a total distance of 462.83
27 feet (adjoiner called 462.4 feet) to an axle found on said line for

1 angle point;

2 THENCE North 02 degrees 17 minutes 04 seconds West (adjoiner
3 called North) continuing along the west line of the herein
4 described tract and the west line of said called 5.00 acre tract,
5 and along the west line of the aforementioned called 26.00 acre
6 tract, same being the east line of said adjoining called 10.228 acre
7 tract, at 327.68 feet pass a 1/2 inch iron pipe found 2.95 feet left
8 of said line, and continuing for a total distance of 512.48 feet
9 (adjoiner called 512.70 feet) to a 1-1/4 inch iron pipe found on
10 said line for angle point, said point being the northeast corner of
11 said adjoining called 10.228 acre tract, same being the southeast
12 corner of an adjoining called 112.617 acre tract recorded in Volume
13 759, Page 180, Deed Records, Fort Bend County, Texas;

14 THENCE North 02 degrees 23 minutes 34 seconds West (adjoiner
15 called North) along the west line of the herein described tract and
16 the west line of said called 26.00 acre tract, same being the east
17 line of said adjoining called 112.617 acre tract, at 565.00 feet
18 pass a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" set
19 on said line for reference, and continuing for a total distance of
20 785.90 feet (adjoiner called 760 feet) to a point on the centerline
21 of Jones Creek for the northwest corner of the herein described
22 tract and the northwest corner of said called 26.00 acre tract, same
23 being the northeast corner of said adjoining called 112.617 acre
24 tract, the southeast corner of an adjoining called 64.28 acre tract
25 recorded under Probate File Number 16,393, Probate Records, Fort
26 Bend County, Texas, described in Volume 203, Page 392, Deed
27 Records, Fort Bend County, Texas, and the southwest corner of an

1 adjoining called 26.2992 acre tract recorded under County Clerk's
2 File Number 2004151301, Official Public Records, Fort Bend County,
3 Texas;

4 THENCE along the centerline of Jones Creek, being the common
5 line of the herein described tract and said adjoining called
6 26.2992 acre tract, with the following meanders:

7 South 64 degrees 31 minutes 36 seconds East, 280.44
8 feet;

9 South 76 degrees 15 minutes 19 seconds East, 149.11
10 feet;

11 North 88 degrees 53 minutes 35 seconds East, 340.35
12 feet;

13 South 81 degrees 11 minutes 21 seconds East, 613.46
14 feet;

15 South 75 degrees 31 minutes 44 seconds East, 38.64 feet
16 to a point for the upper northeast corner of the herein described
17 tract and the northeast corner of the aforementioned called 28.00
18 acre tract, same being the northwest corner of an adjoining called
19 6.00 acre tract recorded under Probate File Number 15,316, Probate
20 Records, Fort Bend County, Texas, described in Volume 1291, Page
21 289, Official Records, Fort Bend County, Texas;

22 THENCE South 02 degrees 23 minutes 02 seconds East (adjoiner
23 called South 00 degrees 09 minutes 07 seconds East) along the common
24 line of the herein described tract and said adjoining called 6.00
25 acre tract, at 170.05 feet pass a 1/2 inch iron pipe found on said
26 line for reference, and continuing for a total distance of 431.86
27 feet (adjoiner called 431.93 feet) to a 1/2 inch iron pipe found for

1 a reentry corner to the herein described tract, same being the
2 southwest corner of said adjoining called 6.00 acre tract, and
3 being the northwest corner of the aforementioned called 7.00 acre
4 tract;

5 THENCE South 76 degrees 29 minutes 28 seconds East (called
6 South 74 degrees 17 minutes 23 seconds East) continuing along said
7 common line, 632.36 feet (called 632.52 feet) to a 1/2 inch iron
8 pipe found in the west right-of-way line of F. M. Highway 723 for
9 the lower northeast corner of the herein described tract and the
10 northeast corner of said called 7.00 acre tract, same being the
11 southeast corner of said adjoining called 6.00 acre tract;

12 THENCE South 02 degrees 16 minutes 54 seconds East (called
13 South 00 degrees 02 minutes 09 seconds East) along the most easterly
14 east line of the herein described tract and the east line of said
15 called 7.00 acre tract, same being the west right-of-way line of F.
16 M. Highway 723, 543.27 feet (called 543.35 feet) to a 1/2 inch iron
17 pipe found for the upper southeast corner of the herein described
18 tract and the southeast corner of said called 7.00 acre tract, same
19 being the northeast corner of an adjoining called 5.236 acre tract
20 recorded under County Clerk's File Number 2006017382, Official
21 Public Records, Fort Bend County, Texas;

22 THENCE North 69 degrees 21 minutes 26 seconds West (called
23 North 67 degrees 14 minutes 09 seconds West) along the common line
24 of the herein described tract and said adjoining called 5.236 acre
25 tract, 659.41 feet (called 659.37 feet) to a 1/2 inch iron pipe with
26 cap marked "Kalkomey Surveying" found for a reentry corner to the
27 herein described tract, being the southwest corner of said called

1 7.00 acre tract, same being the northwest corner of said adjoining
2 called 5.236 acre tract, and being in the east line of the
3 aforementioned called 28.00 acre tract;

4 THENCE South 02 degrees 16 minutes 32 seconds East (adjoiner
5 called South 00 degrees 09 minutes 07 seconds East) continuing
6 along said common line, 377.92 feet (adjoiner called 377.90 feet)
7 to a 1/2 inch iron pipe with cap marked "Kalkomey Surveying" found
8 on said line for angle point, said point being the upper southwest
9 corner of said adjoining called 5.236 acre tract, same being the
10 northwest corner of the aforementioned adjoining called 4.5256 acre
11 tract;

12 THENCE South 02 degrees 19 minutes 53 seconds East (adjoiner
13 called South 00 degrees 09 minutes 07 seconds East) along the lower
14 east line of the herein described tract and the east line of said
15 called 28.00 acre tract, same being the west line of said adjoining
16 called 4.5256 acre tract, at 341.30 feet pass a 1/2 inch iron pipe
17 found on said line, and continuing for a total distance of 772.86
18 feet (adjoiner called 771.90 feet) to the Place of Beginning and
19 containing 65.877 acres of land, more or less.

20 SECTION 3. (a) The legal notice of the intention to
21 introduce this Act, setting forth the general substance of this
22 Act, has been published as provided by law, and the notice and a
23 copy of this Act have been furnished to all persons, agencies,
24 officials, or entities to which they are required to be furnished
25 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
26 Government Code.

27 (b) The governor, one of the required recipients, has

1 submitted the notice and Act to the Texas Commission on
2 Environmental Quality.

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

7 (d) All requirements of the constitution and laws of this
8 state and the rules and procedures of the legislature with respect
9 to the notice, introduction, and passage of this Act are fulfilled
10 and accomplished.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.