

By: Zerwas

H.B. No. 1597

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Fort Bend County Municipal Utility District No. 202; 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 8328 to read as follows:

CHAPTER 8328. FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 202

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8328.001. 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. 202.

Sec. 8328.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8328.003. 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. 8328.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is created to serve a public purpose and benefit.

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

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

3           (2) Section 52, Article III, Texas Constitution, that  
4 relate to the construction, acquisition, or improvement of  
5 macadamized, graveled, or paved roads described by Section 54.234,  
6 Water Code, or improvements, including storm drainage, in aid of  
7 those roads.

8           Sec. 8328.005. INITIAL DISTRICT TERRITORY. (a) The  
9 district is initially composed of the territory described by  
10 Section 2 of the Act creating this chapter.

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

15                   (1) organization, existence, or validity;

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

19                   (3) right to impose a tax; or

20                   (4) legality or operation.

21           [Sections 8328.006-8328.050 reserved for expansion]

22                           SUBCHAPTER B. BOARD OF DIRECTORS

23           Sec. 8328.051. GOVERNING BODY; TERMS. (a) The district is  
24 governed by a board of five elected directors.

25           (b) Except as provided by Section 8328.052, directors serve  
26 staggered four-year terms.

27           Sec. 8328.052. TEMPORARY DIRECTORS. (a) On or after the

1 effective date of the Act creating this chapter, the owner or owners  
2 of a majority of the assessed value of the real property in the  
3 district may submit a petition to the Texas Commission on  
4 Environmental Quality requesting that the commission appoint as  
5 temporary directors the five persons named in the petition. The  
6 commission shall appoint as temporary directors the five persons  
7 named in the petition.

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

9 (1) the date permanent directors are elected under  
10 Section 8328.003; or

11 (2) the fourth anniversary of the effective date of  
12 the Act creating this chapter.

13 (c) If permanent directors have not been elected under  
14 Section 8328.003 and the terms of the temporary directors have  
15 expired, successor temporary directors shall be appointed or  
16 reappointed as provided by Subsection (d) to serve terms that  
17 expire on the earlier of:

18 (1) the date permanent directors are elected under  
19 Section 8328.003; or

20 (2) the fourth anniversary of the date of the  
21 appointment or reappointment.

22 (d) If Subsection (c) applies, the owner or owners of a  
23 majority of the assessed value of the real property in the district  
24 may submit a petition to the commission requesting that the  
25 commission appoint as successor temporary directors the five  
26 persons named in the petition. The commission shall appoint as  
27 successor temporary directors the five persons named in the

1 petition.

2 [Sections 8328.053-8328.100 reserved for expansion]

3 SUBCHAPTER C. POWERS AND DUTIES

4 Sec. 8328.101. GENERAL POWERS AND DUTIES. The district has  
5 the powers and duties necessary to accomplish the purposes for  
6 which the district is created.

7 Sec. 8328.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
8 DUTIES. The district has the powers and duties provided by the  
9 general law of this state, including Chapters 49 and 54, Water Code,  
10 applicable to municipal utility districts created under Section 59,  
11 Article XVI, Texas Constitution.

12 Sec. 8328.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
13 Section 52, Article III, Texas Constitution, the district may  
14 design, acquire, construct, finance, issue bonds for, improve, and  
15 convey to this state, a county, or a municipality for operation and  
16 maintenance macadamized, graveled, or paved roads described by  
17 Section 54.234, Water Code, or improvements, including storm  
18 drainage, in aid of those roads.

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

23 Sec. 8328.104. APPROVAL OF ROAD PROJECT. (a) The district  
24 may not undertake a road project authorized by Section 8328.103  
25 unless:

26 (1) each municipality or county that will operate and  
27 maintain the road has approved the plans and specifications of the

1 road project, if a municipality or county will operate and maintain  
2 the road; or

3 (2) the Texas Transportation Commission has approved  
4 the plans and specifications of the road project, if the state will  
5 operate and maintain the road.

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

10 Sec. 8328.105. LIMITATION ON USE OF EMINENT DOMAIN. The  
11 district may not exercise the power of eminent domain outside the  
12 district to acquire a site or easement for:

- 13 (1) a road project authorized by Section 8328.103; or  
14 (2) a recreational facility as defined by Section  
15 49.462, Water Code.

16 [Sections 8328.106-8328.150 reserved for expansion]

17 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

18 Sec. 8328.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
19 district may issue, without an election, bonds and other  
20 obligations secured by:

- 21 (1) revenue other than ad valorem taxes; or  
22 (2) contract payments described by Section 8328.153.

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

27 (c) The district may not issue bonds payable from ad valorem

1 taxes to finance a road project unless the issuance is approved by a  
2 vote of a two-thirds majority of the district voters voting at an  
3 election held for that purpose.

4 Sec. 8328.152. OPERATION AND MAINTENANCE TAX. (a) If  
5 authorized at an election held under Section 8328.151, the district  
6 may impose an operation and maintenance tax on taxable property in  
7 the district in accordance with Section 49.107, Water Code.

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

10 Sec. 8328.153. CONTRACT TAXES. (a) In accordance with  
11 Section 49.108, Water Code, the district may impose a tax other than  
12 an operation and maintenance tax and use the revenue derived from  
13 the tax to make payments under a contract after the provisions of  
14 the contract have been approved by a majority of the district voters  
15 voting at an election held for that purpose.

16 (b) A contract approved by the district voters may contain a  
17 provision stating that the contract may be modified or amended by  
18 the board without further voter approval.

19 [Sections 8328.154-8328.200 reserved for expansion]

20 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

21 Sec. 8328.201. AUTHORITY TO ISSUE BONDS AND OTHER  
22 OBLIGATIONS. The district may issue bonds or other obligations  
23 payable wholly or partly from ad valorem taxes, impact fees,  
24 revenue, contract payments, grants, or other district money, or any  
25 combination of those sources, to pay for any authorized district  
26 purpose.

27 Sec. 8328.202. TAXES FOR BONDS. At the time the district

1 issues bonds payable wholly or partly from ad valorem taxes, the  
2 board shall provide for the annual imposition of a continuing  
3 direct ad valorem tax, without limit as to rate or amount, while all  
4 or part of the bonds are outstanding as required and in the manner  
5 provided by Sections 54.601 and 54.602, Water Code.

6 Sec. 8328.203. BONDS FOR ROAD PROJECTS. At the time of  
7 issuance, the total principal amount of bonds or other obligations  
8 issued or incurred to finance road projects and payable from ad  
9 valorem taxes may not exceed one-fourth of the assessed value of the  
10 real property in the district.

11 SECTION 2. The Fort Bend County Municipal Utility District  
12 No. 202 initially includes all the territory contained in the  
13 following area:

14 Being 770.130 acres of land located in the Randolph Foster  
15 League, Abstract 28, the Isaac N. Charles League, Abstract 17 and  
16 the Nathan Brookshire League, Abstract 14, Fort Bend County, Texas,  
17 more particularly being a portion of that certain called 672.719  
18 acre tract conveyed to NBI Properties, Inc., by instruments of  
19 record in Volume 1005, Page 102, Official Public Records, of Waller  
20 County (W.C.O.P.R.) and File No. 2006149078, Official Public  
21 Records, of Fort Bend County (F.B.C.O.P.R.), being a portion of  
22 that certain called 152.516 acre tract conveyed to NBI Properties,  
23 Inc., by instruments of record in Volume 1005, Page 037,  
24 W.C.O.P.R., and File No. 2006149075, F.B.C.O.P.R., being all of  
25 that certain called 508.581 acre tract conveyed to NBI Properties,  
26 Inc., by instrument of record in File No. 2006124571, F.B.C.O.P.R.,  
27 and being all of that certain called 35.587 acre tract conveyed to

1 Mullins Ranch, Inc., by instrument of record in File No.  
2 2007044092, F.B.C.O.P.R., said 770.130 acres being more  
3 particularly described in three (3) parts by metes and bounds as  
4 follows (all bearings are assumed);

5 PART ONE

6 BEGINNING at the southwest corner of said 672.719 acre tract,  
7 same being on the north right-of-way line of Hunt Road and on the  
8 east right-of-way line of F.M. 1489 (called 80 feet wide);

9 Thence, with the common line of said 672.719 acre tract and  
10 said F.M. 1489, North 02° 49' 09" West (called North 02° 21' 50"  
11 West), 1257.30 feet to a point for corner on the common line of said  
12 Fort Bend County and Waller County;

13 Thence, with said common county line, North 87° 55' 15" East,  
14 5340.78 feet to a point for corner in the centerline of Bessies  
15 Creek;

16 Thence, leaving said county line and with the centerline  
17 meanders of Bessies Creek, the following five (5) courses:

- 18 1) South 21° 10' 25" West, 193.50 feet to a point for corner;
- 19 2) South 01° 41' 05" East, 209.65 feet to a point for corner;
- 20 3) South 49° 34' 26" East, 1093.06 feet to a point for  
21 corner;
- 22 4) South 17° 02' 57" East, 483.52 feet to a point for corner;
- 23 5) South 04° 24' 25" West, 500.20 feet to the southeast  
24 corner of said 35.587 acre tract, same being on the north line of  
25 said Hunt Road;

26 Thence, with the common line of said 35.587 acre tract and  
27 said Hunt Road, the following twelve (12) courses:

- 1           1) North 57° 28' 12" West, 170.42 feet to a point for corner;
- 2           2) South 86° 46' 42" West (called South 86° 46' 42" West),
- 3 1453.95 feet to a point for corner;
- 4           3) North 80° 00' 33" West, 126.25 feet to a point for corner;
- 5           4) North 65° 43' 54" West, 120.23 feet to a point for corner;
- 6           5) North 46° 00' 57" West, 108.95 feet to a point for corner;
- 7           6) North 45° 18' 11" West, 228.45 feet to a point for corner;
- 8           7) North 51° 58' 08" West, 109.18 feet to a point for corner;
- 9           8) North 55° 24' 54" West, 101.29 feet to a point for corner;
- 10          9) North 58° 46' 16" West, 169.17 feet to a point for corner;
- 11          10) North 67° 51' 54" West, 263.68 feet to a point for
- 12 corner;
- 13          11) North 59° 04' 07" West, 33.61 feet to a point for corner;
- 14          12) North 52° 16' 47" West, 156.79 feet to the west corner of
- 15 said 35.587 acre tract and on the south line of said 152.516 acre
- 16 tract;

17           Thence, with the south lines of said 152.516 and 672.719 acre  
18 tracts and the north line of said Hunt Road, the following five (5)  
19 courses:

- 20          1) South 86° 44' 32" West, 1067.90 feet to a point for
- 21 corner;
- 22          2) South 86° 47' 14" West, 508.38 feet to a point for corner;
- 23          3) South 88° 52' 26" West, 432.42 feet to a point for corner;
- 24          4) North 71° 55' 41" West, 15.88 feet to a point for corner;
- 25          5) South 88° 18' 43" West, 1345.31 feet to the POINT OF
- 26 BEGINNING and containing 199.898 acres of land.

27           PART TWO

1           COMMENCING for reference at the northeast corner of said  
2 672.719 acre tract, same being the northwest corner of said Nathan  
3 Brookshire League, and on the common line of said Fort Bend County  
4 and said Waller County;

5           Thence, with the east line of said 672.719 acre tract, the  
6 west line of said Nathan Brookshire League and with said common  
7 county line, South 03° 51' 34" West, 1455.67 feet to a point;

8           Thence, leaving the east line of said 672.719 acre tract and  
9 continuing with the west line of said Nathan Brookshire League and  
10 continuing with said common county line, South 03° 52' 13" East,  
11 147.96 feet to the POINT OF BEGINNING on the centerline of Bessies  
12 Creek;

13           Thence, leaving said west line and said common county line  
14 and with the centerline meanders of said Bessies Creek, the  
15 following nine (9) courses:

- 16           1) South 60° 36' 40" East, 445.96 feet to a point for corner;
- 17           2) South 72° 10' 05" East, 677.66 feet to a point for corner;
- 18           3) South 63° 45' 04" East, 311.20 feet to a point for corner;
- 19           4) South 38° 34' 04" East, 234.21 feet to a point for corner;
- 20           5) South 12° 57' 36" East, 253.54 feet to a point for corner;
- 21           6) South 06° 50' 44" West, 643.95 feet to a point for corner  
22 on the common line of said Isaac N. Charles League and the  
23 aforementioned Nathan Brookshire League;
- 24           7) leaving said common survey line and continuing with said  
25 centerline, South 34° 38' 27" West, 435.63 feet to a point for  
26 corner;
- 27           8) South 56° 39' 01" West, 550.92 feet to a point for corner;

1           9) South 64° 39' 53" West, 707.60 feet to a point for corner  
2 on the common line of said Fort Bend and Waller Counties;

3           Thence, with said common county line, North 02° 01' 06" West,  
4 2599.24 feet to the POINT OF BEGINNING and containing 61.649 acres  
5 of land.

6           PART THREE

7           BEGINNING at the northwest corner of said 508.581 acre tract,  
8 same being on the east right-of-way line of said F.M. 1489 and on  
9 the south right-of-way line of said Hunt Road;

10          Thence, with the common line of said 508.581 acre tract and  
11 said Hunt Road, the following sixteen (16) courses:

12          1) North 87° 00' 12" East, 495.22 feet to a point for corner;

13          2) North 88° 32' 51" East, 840.53 feet to a point for corner;

14          3) South 89° 06' 42" East, 287.39 feet to a point for corner;

15          4) North 87° 23' 42" East, 290.29 feet to a point for corner;

16          5) North 85° 49' 30" East, 1087.09 feet to a point for  
17 corner;

18          6) South 89° 36' 46" East, 349.85 feet to a point for corner;

19          7) South 58° 02' 58" East, 204.94 feet to a point for corner;

20          8) South 68° 03' 28" East, 205.01 feet to a point for corner;

21          9) South 61° 16' 46" East, 147.02 feet to a point for corner;

22          10) South 53° 05' 13" East, 304.45 feet to a point for  
23 corner;

24          11) South 46° 20' 06" East, 312.65 feet to a point for  
25 corner;

26          12) South 61° 23' 18" East, 132.54 feet to a point for  
27 corner;

1           13) North 86° 52' 59" East, 1226.32 feet to a point for  
2 corner;

3           14) North 88° 21' 37" East, 159.79 feet to a point for  
4 corner;

5           15) South 68° 34' 57" East, 249.09 feet to a point for  
6 corner;

7           16) South 88° 46' 41" East, 97.33 feet to the northeast  
8 corner of said 508.581 acre tract, same being on the centerline of  
9 said Bessies Creek;

10           Thence, with the easterly line of said 508.581 acre tract and  
11 said centerline, the following twenty-nine (29) courses:

12           1) South 01° 13' 19" West, 217.82 feet to a point for corner;

13           2) South 12° 49' 24" East, 424.89 feet to a point for corner;

14           3) South 24° 50' 47" East, 299.78 feet to a point for corner;

15           4) South 41° 36' 29" East, 88.95 feet to a point for corner;

16           5) South 31° 36' 15" East, 234.80 feet to a point for corner;

17           6) South 39° 01' 13" East, 229.46 feet to a point for corner;

18           7) South 18° 13' 06" East, 147.52 feet to a point for corner;

19           8) South 13° 55' 52" East, 240.08 feet to a point for corner;

20           9) South 08° 36' 21" West, 249.21 feet to a point for corner;

21           10) South 19° 28' 30" West, 95.00 feet to a point for corner;

22           11) South 33° 58' 55" West, 187.05 feet to a point for  
23 corner;

24           12) South 43° 32' 53" West, 181.54 feet to a point for  
25 corner;

26           13) South 57° 45' 22" West, 161.06 feet to a point for  
27 corner;

- 1           14) South 67° 17' 56" West, 217.15 feet to a point for  
2 corner;
- 3           15) South 62° 14' 41" West, 281.01 feet to a point for  
4 corner;
- 5           16) South 75° 54' 38" West, 205.52 feet to a point for  
6 corner;
- 7           17) South 70° 54' 24" West, 178.63 feet to a point for  
8 corner;
- 9           18) South 73° 48' 11" West, 186.02 feet to a point for  
10 corner;
- 11          19) South 69° 24' 18" West, 415.52 feet to a point for  
12 corner;
- 13          20) South 77° 07' 45" West, 266.10 feet to a point for  
14 corner;
- 15          21) South 78° 56' 08" West, 272.92 feet to a point for  
16 corner;
- 17          22) South 84° 26' 54" West, 174.72 feet to a point for  
18 corner;
- 19          23) North 88° 21' 42" West, 212.09 feet to a point for  
20 corner;
- 21          24) South 80° 21' 04" West, 81.80 feet to a point for corner;
- 22          25) South 69° 10' 16" West, 210.11 feet to a point for  
23 corner;
- 24          26) South 49° 28' 50" West, 121.89 feet to a point for  
25 corner;
- 26          27) South 36° 59' 03" West, 103.76 feet to a point for  
27 corner;

1           28) South 28° 42' 24" West, 92.55 feet to a point for corner;

2           29) South 05° 30' 33" West, 53.60 feet to the most southerly  
3 southeast corner of said 508.581 acre tract;

4           Thence, with the south line of said 508.581 acre tract, South  
5 87° 55' 38" West (called South 87° 55' 38" West), 3566.65 feet to a  
6 point for corner;

7           Thence, continuing with said south line, South 41° 17' 16"  
8 West, 165.81 feet to the southwest corner of said 508.581 acre tract  
9 and on the east line of the aforementioned F.M. 1489;

10          Thence, with the common line of said 508.581 acre tract and  
11 said F.M. 1489, North 08° 29' 32" East, 809.80 feet to a point for  
12 corner, same being the southwest corner of that certain called  
13 27.831 acre tract conveyed to Anna L. Madsen, et al, by instrument  
14 of record in File No. 1999057726, F.B.C.O.P.R.;

15          Thence, with the common line of said 508.581 and 27.831 acre  
16 tracts, the following five (5) courses:

17           1) North 85° 56' 42" East, 760.72 feet to a point for corner;

18           2) North 09° 27' 33" East, 842.61 feet to a point for corner;

19           3) North 13° 54' 13" East, 391.54 feet to a point for corner;

20           4) North 25° 54' 44" East, 469.92 feet to a point for corner;

21           5) South 87° 11' 48" West, 1139.49 feet to a point for  
22 corner, same being the northwest corner of said 27.831 acre tract  
23 and on the east line of said F.M. 1489;

24          Thence, with the common line of said 508.581 acre tract and  
25 said F.M. 1489, North 02° 16' 02" West, 1888.41 feet to the POINT OF  
26 BEGINNING and containing 508.583 acres of land.

27          Said Part One, Part Two and Part Three containing a total of

1 770.130 acres of land.

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

9 (b) The governor, one of the required recipients, has  
10 submitted the notice and Act to the Texas Commission on  
11 Environmental Quality.

12 (c) The Texas Commission on Environmental Quality has filed  
13 its recommendations relating to this Act with the governor, the  
14 lieutenant governor, and the speaker of the house of  
15 representatives within the required time.

16 (d) All requirements of the constitution and laws of this  
17 state and the rules and procedures of the legislature with respect  
18 to the notice, introduction, and passage of this Act are fulfilled  
19 and accomplished.

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