

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 1601
1-2 (In the Senate - Received from the House May 13, 2009;
1-3 May 14, 2009, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 22, 2009, reported favorably by
1-5 the following vote: Yeas 5, Nays 0; May 22, 2009, sent to printer.)

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

1-8 relating to the creation of the Waller County Municipal Utility
1-9 District No. 13; providing authority to impose a tax and issue
1-10 bonds; granting a limited 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 8336 to read as follows:

1-14 CHAPTER 8336. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 13

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8336.001. DEFINITIONS. In this chapter:

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

1-18 (2) "Director" means a board member.

1-19 (3) "District" means the Waller County Municipal
1-20 Utility District No. 13.

1-21 Sec. 8336.002. NATURE OF DISTRICT. The district is a
1-22 municipal utility district created under Section 59, Article XVI,
1-23 Texas Constitution.

1-24 Sec. 8336.003. CONFIRMATION AND DIRECTORS' ELECTION
1-25 REQUIRED. The temporary directors shall hold an election to
1-26 confirm the creation of the district and to elect five permanent
1-27 directors as provided by Section 49.102, Water Code.

1-28 Sec. 8336.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-29 The district is created to serve a public purpose and benefit.

1-30 (b) The district is created to accomplish the purposes of:

1-31 (1) a municipal utility district as provided by
1-32 general law and Section 59, Article XVI, Texas Constitution; and

1-33 (2) Section 52, Article III, Texas Constitution, that
1-34 relate to the construction, acquisition, or improvement of
1-35 macadamized, graveled, or paved roads described by Section 54.234,
1-36 Water Code, or improvements, including storm drainage, in aid of
1-37 those roads.

1-38 Sec. 8336.005. INITIAL DISTRICT TERRITORY. (a) The
1-39 district is initially composed of the territory described by
1-40 Section 2 of the Act creating this chapter.

1-41 (b) The boundaries and field notes contained in Section 2 of
1-42 the Act creating this chapter form a closure. A mistake made in the
1-43 field notes or in copying the field notes in the legislative process
1-44 does not affect the district's:

1-45 (1) organization, existence, or validity;

1-46 (2) right to issue any type of bond for the purposes
1-47 for which the district is created or to pay the principal of and
1-48 interest on a bond;

1-49 (3) right to impose a tax; or

1-50 (4) legality or operation.

1-51 [Sections 8336.006-8336.050 reserved for expansion]

1-52 SUBCHAPTER B. BOARD OF DIRECTORS

1-53 Sec. 8336.051. GOVERNING BODY; TERMS. (a) The district is
1-54 governed by a board of five elected directors.

1-55 (b) Except as provided by Section 8336.052, directors serve
1-56 staggered four-year terms.

1-57 Sec. 8336.052. TEMPORARY DIRECTORS. (a) On or after the
1-58 effective date of the Act creating this chapter, the owner or owners
1-59 of a majority of the assessed value of the real property in the
1-60 district may submit a petition to the Texas Commission on
1-61 Environmental Quality requesting that the commission appoint as
1-62 temporary directors the five persons named in the petition. The
1-63 commission shall appoint as temporary directors the five persons
1-64 named in the petition.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 8336.003; or

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

(c) If permanent directors have not been elected under Section 8336.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 8336.003; or

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

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

[Sections 8336.053-8336.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 8336.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 8336.102. MUNICIPAL UTILITY DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 54, Water Code, applicable to municipal utility districts created under Section 59, Article XVI, Texas Constitution.

Sec. 8336.103. AUTHORITY FOR ROAD PROJECTS. (a) Under Section 52, Article III, Texas Constitution, the district may design, acquire, construct, finance, issue bonds for, improve, and convey to this state, a county, or a municipality for operation and maintenance macadamized, graveled, or paved roads described by Section 54.234, Water Code, or improvements, including storm drainage, in aid of those roads.

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

Sec. 8336.104. APPROVAL OF ROAD PROJECT. (a) The district may not undertake a road project authorized by Section 8336.103 unless:

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

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

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

Sec. 8336.105. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain outside the district to acquire a site or easement for:

(1) a road project authorized by Section 8336.103; or

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

[Sections 8336.106-8336.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 8336.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 8336.153.

3-1 (b) The district must hold an election in the manner
3-2 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-3 before the district may impose an ad valorem tax or issue bonds
3-4 payable from ad valorem taxes.

3-5 (c) The district may not issue bonds payable from ad valorem
3-6 taxes to finance a road project unless the issuance is approved by a
3-7 vote of a two-thirds majority of the district voters voting at an
3-8 election held for that purpose.

3-9 Sec. 8336.152. OPERATION AND MAINTENANCE TAX. (a) If
3-10 authorized at an election held under Section 8336.151, the district
3-11 may impose an operation and maintenance tax on taxable property in
3-12 the district in accordance with Section 49.107, Water Code.

3-13 (b) The board shall determine the tax rate. The rate may not
3-14 exceed the rate approved at the election.

3-15 Sec. 8336.153. CONTRACT TAXES. (a) In accordance with
3-16 Section 49.108, Water Code, the district may impose a tax other than
3-17 an operation and maintenance tax and use the revenue derived from
3-18 the tax to make payments under a contract after the provisions of
3-19 the contract have been approved by a majority of the district voters
3-20 voting at an election held for that purpose.

3-21 (b) A contract approved by the district voters may contain a
3-22 provision stating that the contract may be modified or amended by
3-23 the board without further voter approval.

3-24 [Sections 8336.154-8336.200 reserved for expansion]

3-25 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-26 Sec. 8336.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-27 OBLIGATIONS. The district may issue bonds or other obligations
3-28 payable wholly or partly from ad valorem taxes, impact fees,
3-29 revenue, contract payments, grants, or other district money, or any
3-30 combination of those sources, to pay for any authorized district
3-31 purpose.

3-32 Sec. 8336.202. TAXES FOR BONDS. At the time the district
3-33 issues bonds payable wholly or partly from ad valorem taxes, the
3-34 board shall provide for the annual imposition of a continuing
3-35 direct ad valorem tax, without limit as to rate or amount, while all
3-36 or part of the bonds are outstanding as required and in the manner
3-37 provided by Sections 54.601 and 54.602, Water Code.

3-38 Sec. 8336.203. BONDS FOR ROAD PROJECTS. At the time of
3-39 issuance, the total principal amount of bonds or other obligations
3-40 issued or incurred to finance road projects and payable from ad
3-41 valorem taxes may not exceed one-fourth of the assessed value of the
3-42 real property in the district.

3-43 SECTION 2. The Waller County Municipal Utility District No.
3-44 13 initially includes all the territory contained in the following
3-45 area:

3-46 Being 992.903 acres of land located in the Randolph Foster
3-47 League, Abstract 27 and the William Cooper League, Abstract 20,
3-48 Waller County, Texas, more particularly being all of that certain
3-49 called 499.664 acre tract conveyed to Ralston-Cannon Ventures,
3-50 Inc., by instrument of record in Volume 1114, Page 327, Official
3-51 Public Records, of said Waller County (W.C.O.P.R.), being all of
3-52 that certain called 482.947 acre tract conveyed to NBI Properties,
3-53 Inc., by instrument of record in Volume 0989, Page 144, W.C.O.P.R.,
3-54 being all of that certain called 3.278 acre tract conveyed to NBI
3-55 Properties, Inc., by instrument of record in Volume 0998, Page 753,
3-56 W.C.O.P.R., and being all of that certain called 6.834 acre tract
3-57 conveyed to NBI Properties, Inc., by instrument of record in Volume
3-58 0989, Page 700, W.C.O.P.R., said 992.903 acres being more
3-59 particularly described in two (2) parts by metes and bounds as
3-60 follows (all bearings are assumed);

3-61 PART ONE

3-62 BEGINNING at the southeast corner of said 499.664 acre tract,
3-63 same being the northeast corner of that certain called 29.9947 acre
3-64 tract conveyed to Chambico Interests, LP, by instrument of record
3-65 in Volume 0677, Page 373, W.C.O.P.R., and on the west right-of-way
3-66 line of F.M. No. 1489 (called 80 feet wide);

3-67 Thence, with the south line of said 499.664 acre tract, the
3-68 following five (5) courses:

3-69 1) South 89° 31' 43" West (called South 89° 23' 31" West),

4-1 1065.36 feet to a point for corner;
4-2 2) South 87° 55' 29" West, 2986.99 feet to a point for
4-3 corner;
4-4 3) South 88° 07' 06" West, 2949.35 feet to a point for
4-5 corner;
4-6 4) South 87° 46' 47" West, 3606.21 feet to a point for corner;
4-7 5) South 87° 55' 27" West, 2833.31 feet to the southwest
4-8 corner of said 499.664 acre tract;
4-9 Thence, with the west line of said 499.664 acre tract, North
4-10 01° 44' 59" West, 1611.15 feet to the northwest corner of said
4-11 499.664 acre tract and on the south right-of-way line of House Road;
4-12 Thence, with the common line of said 499.664 acre tract and
4-13 said House Road, the following six (6) courses:
4-14 1) North 72° 30' 34" East, 46.40 feet to a point for corner;
4-15 2) North 87° 58' 35" East, 491.59 feet to a point for corner;
4-16 3) North 88° 02' 11" East, 2147.62 feet to a point for
4-17 corner;
4-18 4) North 88° 01' 07" East, 3754.63 feet to a point for
4-19 corner;
4-20 5) North 87° 36' 28" East, 4012.81 feet to a point for
4-21 corner;
4-22 6) North 88° 21' 12" East, 3211.55 feet to the northeast
4-23 corner of said 499.664 acre tract, same being on the westerly line
4-24 of said F.M. 1489, the beginning of a curve;
4-25 Thence, with the common line of said 499.664 acre tract and
4-26 said F.M. 1489, the following four (4) courses:
4-27 1) 602.97 feet along the arc of a non-tangent curve to the
4-28 left, having a radius of 565.93 feet, a central angle of 61° 00' 55"
4-29 and a which that bears South 26° 30' 51" West, 574.60 feet to a point
4-30 for corner;
4-31 2) South 03° 59' 49" East, 263.55 feet to a point for corner;
4-32 3) South 04° 59' 49" East, 544.73 feet to a point for corner,
4-33 the beginning of a curve;
4-34 4) 329.68 feet along the arc of a tangent curve to the right,
4-35 having a radius of 5650.90 feet, a central angle of 03° 20' 34" and a
4-36 chord which bears South 03° 19' 34" East, 329.64 feet to the POINT OF
4-37 BEGINNING and containing 499.664 acre of land.
4-38 PART TWO
4-39 BEGINNING at the southwest corner of said 482.947 acre tract,
4-40 same being the southeast corner of that certain called 103.78720
4-41 acre tract conveyed to Kathryn H. Ilkeston, et al, by instrument of
4-42 record in Volume 350, Page 326, Deed Records of said Waller County
4-43 and on the north right-of-way line of House Road;
4-44 Thence, with the west line of said 482.947 acre tract, North
4-45 03° 02' 04" West (called North 00° 52' 24" West), 1304.57 feet to a
4-46 point for corner;
4-47 Thence, continuing with said west line, North 02° 08' 53"
4-48 West, 1850.50 feet to the most westerly northwest corner of said
4-49 482.947 acre tract and on the centerline of Bessies Creek;
4-50 Thence, with the centerline meanders of said Bessies Creek,
4-51 the following six (6) courses:
4-52 1) North 79° 48' 27" East, 197.73 feet to a point for corner;
4-53 2) North 68° 12' 19" East, 344.11 feet to a point for corner;
4-54 3) North 64° 07' 29" East, 208.78 feet to a point for corner;
4-55 4) North 35° 02' 19" East, 418.79 feet to a point for corner;
4-56 5) North 11° 07' 11" West, 218.71 feet to a point for corner;
4-57 6) North 14° 58' 51" West, 436.16 feet to the most northerly
4-58 northwest corner of 482.947 acre tract;
4-59 Thence, leaving said centerline and with the north line of
4-60 said 482.947 acre tract, the following six (6) courses:
4-61 1) North 78° 44' 01" East, 975.55 feet to a point for corner;
4-62 2) North 89° 00' 25" East, 680.04 feet to a point for corner;
4-63 3) North 27° 20' 56" West, 538.55 feet to a point for corner;
4-64 4) North 67° 43' 18" East, 344.81 feet to a point for corner;
4-65 5) North 25° 43' 59" West, 227.15 feet to a point for corner;
4-66 6) North 78° 39' 40" East, 1611.48 feet to a point for corner
4-67 on the centerline of said Bessies Creek;
4-68 Thence, with said centerline, North 31° 29' 52" West, 575.59
4-69 feet to a point for corner;

5-1 Thence, leaving said centerline and with a north line of said
5-2 482.947 acre tract, North 88° 24' 18" East, 780.78 feet to the
5-3 northeast corner of said 482.947 acre tract and on the westerly
5-4 right-of-way of F.M. 1489;

5-5 Thence, with the common line of said 482.947 acre tract and
5-6 said F.M. 1489, the following twenty-seven (27) courses:

5-7 1) South 37° 42' 45" West, 110.88 feet to a point for corner;
5-8 2) South 40° 00' 51" West, 69.11 feet to a point for corner;
5-9 3) South 27° 38' 51" West, 81.14 feet to a point for corner;
5-10 4) South 27° 20' 09" West, 77.68 feet to a point for corner;
5-11 5) South 09° 16' 15" West, 93.70 feet to a point for corner;
5-12 6) South 08° 52' 56" West, 60.52 feet to a point for corner;
5-13 7) South 05° 47' 43" East, 101.83 feet to a point for corner;
5-14 8) South 07° 28' 46" East, 117.60 feet to a point for corner;
5-15 9) South 28° 03' 02" East, 95.96 feet to a point for corner;
5-16 10) South 28° 15' 46" East, 246.70 feet to a point for
5-17 corner;
5-18 11) South 26° 58' 49" East, 232.17 feet to a point for
5-19 corner;
5-20 12) South 20° 22' 15" East, 252.67 feet to a point for
5-21 corner;
5-22 13) South 17° 19' 53" East, 234.53 feet to a point for
5-23 corner;
5-24 14) South 11° 44' 03" East, 219.28 feet to a point for
5-25 corner;
5-26 15) South 03° 38' 42" West, 145.35 feet to a point for
5-27 corner;
5-28 16) South 09° 11' 28" West, 217.48 feet to a point for
5-29 corner;
5-30 17) South 14° 26' 28" West, 64.85 feet to a point for corner;
5-31 18) South 15° 59' 19" West, 219.47 feet to a point for
5-32 corner;
5-33 19) South 20° 51' 07" West, 401.08 feet to a point for
5-34 corner;
5-35 20) South 24° 38' 22" West, 168.84 feet to a point for
5-36 corner;
5-37 21) South 28° 01' 52" West, 317.25 feet to a point for
5-38 corner;
5-39 22) South 21° 36' 21" West, 189.02 feet to a point for
5-40 corner;
5-41 23) South 05° 30' 40" West, 171.26 feet to a point for
5-42 corner;
5-43 24) South 01° 49' 13" East, 160.76 feet to a point for
5-44 corner;
5-45 25) South 14° 05' 04" East, 160.47 feet to a point for
5-46 corner;
5-47 26) South 25° 24' 35" East, 150.63 feet to a point for
5-48 corner;
5-49 27) South 28° 36' 29" East, 200.09 feet to the most easterly
5-50 southeast corner of said 482.947 acre tract, same being the
5-51 northeast corner of the aforementioned 3.278 acre tract;

5-52 Thence, with the easterly lines of said 3.278 acre tract and
5-53 the aforementioned 6.834 acre tract and the westerly line of said
5-54 F.M. 1489, the following six (6) courses:

5-55 1) South 30° 23' 37" East, 780.49 feet to a point for corner,
5-56 the beginning of a curve;
5-57 2) 332.20 feet along the arc of a tangent curve to the left,
5-58 having a radius of 767.23 feet, a central angle of 24° 48' 29" and a
5-59 chord which bears South 42° 47' 59" East, 329.61 feet to a point for
5-60 corner;
5-61 3) South 56° 11' 24" East, 386.83 feet to a point for corner,
5-62 the beginning of a curve;
5-63 4) 317.66 feet along the arc of a non-tangent curve to the
5-64 right, having a radius of 437.46 feet, a central angle of 41° 36' 20"
5-65 and a chord which bears South 18° 40' 20" East, 310.73 feet to a
5-66 point for corner, the beginning of a curve;
5-67 5) 5.72 feet along the arc of a non-tangent curve to the
5-68 right, having a radius of 246.48 feet, a central angle of 01° 19' 47"
5-69 and a chord which bears South 21° 02' 41" West, 5.72 feet to a point

6-1 for corner;
6-2 6) South 21° 42' 36" West, 144.05 feet to the most southerly
6-3 corner of said 6.834 acre tract and on the centerline of said
6-4 Bessies Creek;
6-5 Thence, with said centerline, the following four (4) courses:
6-6 1) North 71° 22' 05" West (called North 71° 22' 01"West),
6-7 30.30 feet to a point for corner;
6-8 2) North 56° 05' 11" West, 240.88 feet to a point for corner;
6-9 3) North 54° 21' 07" West, 180.76 feet to a point for corner;
6-10 4) North 38° 10' 22" West, 789.28 feet to a point for corner
6-11 on an easterly line of the aforementioned 482.947 acre tract;
6-12 Thence, leaving said centerline and with said easterly line,
6-13 South 05° 44' 49" West, 1149.00 feet to the southeast corner of said
6-14 482.947 acre tract, same being on the north line of the said F.M.
6-15 1489;
6-16 Thence, with the common line of said 482.947 acre tract and
6-17 said F.M. 1489, South 87° 47' 50" West, 886.43 feet to a point for
6-18 corner;
6-19 Thence, continuing with the south line of said 482.947 acre
6-20 tract and the north lines of said F.M. 1489 and the aforementioned
6-21 House Road, South 87° 55' 08" West, 1336.29 feet to a point for
6-22 corner;
6-23 Thence, continuing with the south line of said 482.947 acre
6-24 tract and the north line of said House Road, South 88° 21' 12" West,
6-25 2025.20 feet to the POINT OF BEGINNING and containing 493.239 acres
6-26 of land.
6-27 Said Part One and Part Two containing a total of 992.903 acre
6-28 of land.
6-29 SECTION 3. (a) The legal notice of the intention to
6-30 introduce this Act, setting forth the general substance of this
6-31 Act, has been published as provided by law, and the notice and a
6-32 copy of this Act have been furnished to all persons, agencies,
6-33 officials, or entities to which they are required to be furnished
6-34 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
6-35 Government Code.
6-36 (b) The governor, one of the required recipients, has
6-37 submitted the notice and Act to the Texas Commission on
6-38 Environmental Quality.
6-39 (c) The Texas Commission on Environmental Quality has filed
6-40 its recommendations relating to this Act with the governor, the
6-41 lieutenant governor, and the speaker of the house of
6-42 representatives within the required time.
6-43 (d) All requirements of the constitution and laws of this
6-44 state and the rules and procedures of the legislature with respect
6-45 to the notice, introduction, and passage of this Act are fulfilled
6-46 and accomplished.
6-47 SECTION 4. This Act takes effect immediately if it receives
6-48 a vote of two-thirds of all the members elected to each house, as
6-49 provided by Section 39, Article III, Texas Constitution. If this
6-50 Act does not receive the vote necessary for immediate effect, this
6-51 Act takes effect September 1, 2009.

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