

1-1 By: Zerwas (Senate Sponsor - Hegar) H.B. No. 1691  
1-2 (In the Senate - Received from the House May 13, 2009;  
1-3 May 15, 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  
1-6 printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to the creation of the Waller County Municipal Utility  
1-10 District No. 14; providing authority to impose a tax and issue  
1-11 bonds; granting a limited power of eminent domain.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subtitle F, Title 6, Special District Local Laws  
1-14 Code, is amended by adding Chapter 8351 to read as follows:

1-15 CHAPTER 8351. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 14

1-16 SUBCHAPTER A. GENERAL PROVISIONS

1-17 Sec. 8351.001. DEFINITIONS. In this chapter:

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

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

1-20 (3) "District" means the Waller County Municipal  
1-21 Utility District No. 14.

1-22 Sec. 8351.002. NATURE OF DISTRICT. The district is a  
1-23 municipal utility district created under Section 59, Article XVI,  
1-24 Texas Constitution.

1-25 Sec. 8351.003. CONFIRMATION AND DIRECTORS' ELECTION  
1-26 REQUIRED. The temporary directors shall hold an election to  
1-27 confirm the creation of the district and to elect five permanent  
1-28 directors as provided by Section 49.102, Water Code.

1-29 Sec. 8351.004. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)  
1-30 The district is created to serve a public purpose and benefit.

1-31 (b) The district is created to accomplish the purposes of:

1-32 (1) a municipal utility district as provided by  
1-33 general law and Section 59, Article XVI, Texas Constitution; and

1-34 (2) Section 52, Article III, Texas Constitution, that  
1-35 relate to the construction, acquisition, or improvement of  
1-36 macadamized, graveled, or paved roads described by Section 54.234,  
1-37 Water Code, or improvements, including storm drainage, in aid of  
1-38 those roads.

1-39 Sec. 8351.005. INITIAL DISTRICT TERRITORY. (a) The  
1-40 district is initially composed of the territory described by  
1-41 Section 2 of the Act creating this chapter.

1-42 (b) The boundaries and field notes contained in Section 2 of  
1-43 the Act creating this chapter form a closure. A mistake made in the  
1-44 field notes or in copying the field notes in the legislative process  
1-45 does not affect the district's:

1-46 (1) organization, existence, or validity;

1-47 (2) right to issue any type of bond for the purposes  
1-48 for which the district is created or to pay the principal of and  
1-49 interest on a bond;

1-50 (3) right to impose a tax; or

1-51 (4) legality or operation.

1-52 [Sections 8351.006-8351.050 reserved for expansion]

1-53 SUBCHAPTER B. BOARD OF DIRECTORS

1-54 Sec. 8351.051. GOVERNING BODY; TERMS. (a) The district is  
1-55 governed by a board of five elected directors.

1-56 (b) Except as provided by Section 8351.052, directors serve  
1-57 staggered four-year terms.

1-58 Sec. 8351.052. TEMPORARY DIRECTORS. (a) On or after the  
1-59 effective date of the Act creating this chapter, the owner or owners  
1-60 of a majority of the assessed value of the real property in the  
1-61 district may submit a petition to the Texas Commission on  
1-62 Environmental Quality requesting that the commission appoint as  
1-63 temporary directors the five persons named in the petition. The  
1-64 commission shall appoint as temporary directors the five persons

2-1 named in the petition.

2-2 (b) Temporary directors serve until the earlier of:

2-3 (1) the date permanent directors are elected under  
 2-4 Section 8351.003; or

2-5 (2) the fourth anniversary of the effective date of  
 2-6 the Act creating this chapter.

2-7 (c) If permanent directors have not been elected under  
 2-8 Section 8351.003 and the terms of the temporary directors have  
 2-9 expired, successor temporary directors shall be appointed or  
 2-10 reappointed as provided by Subsection (d) to serve terms that  
 2-11 expire on the earlier of:

2-12 (1) the date permanent directors are elected under  
 2-13 Section 8351.003; or

2-14 (2) the fourth anniversary of the date of the  
 2-15 appointment or reappointment.

2-16 (d) If Subsection (c) applies, the owner or owners of a  
 2-17 majority of the assessed value of the real property in the district  
 2-18 may submit a petition to the commission requesting that the  
 2-19 commission appoint as successor temporary directors the five  
 2-20 persons named in the petition. The commission shall appoint as  
 2-21 successor temporary directors the five persons named in the  
 2-22 petition.

2-23 [Sections 8351.053-8351.100 reserved for expansion]

2-24 SUBCHAPTER C. POWERS AND DUTIES

2-25 Sec. 8351.101. GENERAL POWERS AND DUTIES. The district has  
 2-26 the powers and duties necessary to accomplish the purposes for  
 2-27 which the district is created.

2-28 Sec. 8351.102. MUNICIPAL UTILITY DISTRICT POWERS AND  
 2-29 DUTIES. The district has the powers and duties provided by the  
 2-30 general law of this state, including Chapters 49 and 54, Water Code,  
 2-31 applicable to municipal utility districts created under Section 59,  
 2-32 Article XVI, Texas Constitution.

2-33 Sec. 8351.103. AUTHORITY FOR ROAD PROJECTS. (a) Under  
 2-34 Section 52, Article III, Texas Constitution, the district may  
 2-35 design, acquire, construct, finance, issue bonds for, improve, and  
 2-36 convey to this state, a county, or a municipality for operation and  
 2-37 maintenance macadamized, graveled, or paved roads described by  
 2-38 Section 54.234, Water Code, or improvements, including storm  
 2-39 drainage, in aid of those roads.

2-40 (b) The district may exercise the powers provided by this  
 2-41 section without submitting a petition to or obtaining approval from  
 2-42 the Texas Commission on Environmental Quality as required by  
 2-43 Section 54.234, Water Code.

2-44 Sec. 8351.104. APPROVAL OF ROAD PROJECT. (a) The district  
 2-45 may not undertake a road project authorized by Section 8351.103  
 2-46 unless:

2-47 (1) each municipality or county that will operate and  
 2-48 maintain the road has approved the plans and specifications of the  
 2-49 road project, if a municipality or county will operate and maintain  
 2-50 the road; or

2-51 (2) the Texas Transportation Commission has approved  
 2-52 the plans and specifications of the road project, if the state will  
 2-53 operate and maintain the road.

2-54 (b) Except as provided by Subsection (a), the district is  
 2-55 not required to obtain approval from the Texas Transportation  
 2-56 Commission to design, acquire, construct, finance, issue bonds for,  
 2-57 improve, or convey a road project.

2-58 Sec. 8351.105. LIMITATION ON USE OF EMINENT DOMAIN. The  
 2-59 district may not exercise the power of eminent domain outside the  
 2-60 district to acquire a site or easement for:

2-61 (1) a road project authorized by Section 8351.103; or

2-62 (2) a recreational facility as defined by Section  
 2-63 49.462, Water Code.

2-64 [Sections 8351.106-8351.150 reserved for expansion]

2-65 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

2-66 Sec. 8351.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The  
 2-67 district may issue, without an election, bonds and other  
 2-68 obligations secured by:

2-69 (1) revenue other than ad valorem taxes; or

3-1 (2) contract payments described by Section 8351.153.  
3-2 (b) The district must hold an election in the manner  
3-3 provided by Chapters 49 and 54, Water Code, to obtain voter approval  
3-4 before the district may impose an ad valorem tax or issue bonds  
3-5 payable from ad valorem taxes.

3-6 (c) The district may not issue bonds payable from ad valorem  
3-7 taxes to finance a road project unless the issuance is approved by a  
3-8 vote of a two-thirds majority of the district voters voting at an  
3-9 election held for that purpose.

3-10 Sec. 8351.152. OPERATION AND MAINTENANCE TAX. (a) If  
3-11 authorized at an election held under Section 8351.151, the district  
3-12 may impose an operation and maintenance tax on taxable property in  
3-13 the district in accordance with Section 49.107, Water Code.

3-14 (b) The board shall determine the tax rate. The rate may not  
3-15 exceed the rate approved at the election.

3-16 Sec. 8351.153. CONTRACT TAXES. (a) In accordance with  
3-17 Section 49.108, Water Code, the district may impose a tax other than  
3-18 an operation and maintenance tax and use the revenue derived from  
3-19 the tax to make payments under a contract after the provisions of  
3-20 the contract have been approved by a majority of the district voters  
3-21 voting at an election held for that purpose.

3-22 (b) A contract approved by the district voters may contain a  
3-23 provision stating that the contract may be modified or amended by  
3-24 the board without further voter approval.

3-25 [Sections 8351.154-8351.200 reserved for expansion]

3-26 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-27 Sec. 8351.201. AUTHORITY TO ISSUE BONDS AND OTHER  
3-28 OBLIGATIONS. The district may issue bonds or other obligations  
3-29 payable wholly or partly from ad valorem taxes, impact fees,  
3-30 revenue, contract payments, grants, or other district money, or any  
3-31 combination of those sources, to pay for any authorized district  
3-32 purpose.

3-33 Sec. 8351.202. TAXES FOR BONDS. At the time the district  
3-34 issues bonds payable wholly or partly from ad valorem taxes, the  
3-35 board shall provide for the annual imposition of a continuing  
3-36 direct ad valorem tax, without limit as to rate or amount, while all  
3-37 or part of the bonds are outstanding as required and in the manner  
3-38 provided by Sections 54.601 and 54.602, Water Code.

3-39 Sec. 8351.203. BONDS FOR ROAD PROJECTS. At the time of  
3-40 issuance, the total principal amount of bonds or other obligations  
3-41 issued or incurred to finance road projects and payable from ad  
3-42 valorem taxes may not exceed one-fourth of the assessed value of the  
3-43 real property in the district.

3-44 SECTION 2. The Waller County Municipal Utility District No.  
3-45 14 initially includes all the territory contained in the following  
3-46 area:

3-47 Being 1064.491 acres of land located in the Nathan Brookshire  
3-48 League, Abstract 16 and the William Cooper League, Abstract 20,  
3-49 Waller County, Texas, more particularly being all of that certain  
3-50 called 1.9030 acre tract conveyed to NBI Properties, Inc., by  
3-51 instrument of record in Volume 1110, Page 389, Official Public  
3-52 Records, of said Waller County (W.C.O.P.R.), being all of that  
3-53 certain called 121.983 acre tract conveyed to NBI Properties, Inc.,  
3-54 by instrument of record in Volume 0998, Page 700, W.C.O.P.R., being  
3-55 a portion of that certain called 477.895 acre tract conveyed to NBI  
3-56 Properties, Inc., by instruments of record in Volume 0998, Page  
3-57 753, W.C.O.P.R., and File No. 2006146687, F.B.C.O.P.R., and being  
3-58 a portion of that certain called 993.533 acre tract conveyed to NBI  
3-59 Properties, Inc., by instrument of record in Volume 0989, Page 154,  
3-60 W.C.O.P.R., said 1064.491 acres being more particularly described  
3-61 by metes and bounds as follows (all bearings are assumed);

3-62 BEGINNING at the southwest corner of said 1.9030 acre tract,  
3-63 same being on the common survey line of said William Cooper League  
3-64 and the Randolph Foster League, Abstract 27, and on the easterly  
3-65 right-of-way line of F.M. 1489, the beginning of a curve whose  
3-66 center bears North 41° 27' 49" West;

3-67 Thence, with the westerly line of said 1.9030, 121.983 and  
3-68 477.895 acre tracts and the easterly line of said F.M. 1489, the  
3-69 following eight (8) courses:

- 4-1 1) 118.81 feet along the arc of a curve to the left, having a  
 4-2 radius of 326.48 feet, a central angle of 20° 51' 00" and a chord  
 4-3 which bears North 38° 06' 41" East (called North 40° 17' 02" East),  
 4-4 118.15 feet to a point for corner, the beginning of a curve;  
 4-5 2) 333.71 feet along the arc of a non-tangent curve to the  
 4-6 left, having a radius of 517.46 feet, a central angle of 36° 57' 00"  
 4-7 and a chord which bears North 21° 18' 03" East, 327.96 feet to a  
 4-8 point for corner, the beginning of a curve;  
 4-9 3) 418.49 feet along the arc of a non-tangent curve to the  
 4-10 left, having a radius of 326.48 feet, a central angle of 73° 26' 33"  
 4-11 and a chord which bears North 18° 39' 12" West, 390.42 feet to a  
 4-12 point for corner, the beginning of a curve;  
 4-13 4) 184.69 feet along the arc of a non-tangent curve to the  
 4-14 left, having a radius of 517.46 feet, a central angle of 20° 26' 59"  
 4-15 and a chord which bears North 51° 02' 24" West, 183.71 feet to a  
 4-16 point for corner;  
 4-17 5) North 61° 15' 54" West, 156.01 feet to a point for corner,  
 4-18 the beginning of a curve;  
 4-19 6) 59.91 feet along the arc of a tangent curve to the right,  
 4-20 having a radius of 676.20 feet, a central angle of 05° 04' 35" and a  
 4-21 chord which bears North 58° 43' 37" West, 59.89 feet to a point for  
 4-22 corner, the beginning of a curve;  
 4-23 7) 292.26 feet along the arc of a non-tangent curve to the  
 4-24 right, having a radius of 687.23 feet, a central angle of 24° 41' 58"  
 4-25 and a chord that bears North 42° 44' 35" West, 293.97 feet to a point  
 4-26 for corner;  
 4-27 8) North 30° 23' 37" West, 741.98 feet to the northwest  
 4-28 corner of said 477.895 acre tract, same being the southwest corner  
 4-29 of said 993.533 acre tract;  
 4-30 Thence, with the common line of said 993.533 acre tract and  
 4-31 said F.M. 1489, the following thirty-two (32) courses:  
 4-32 1) North 26° 40' 36" West (called North 24° 31' 01" West),  
 4-33 234.01 feet to a point for corner;  
 4-34 2) North 26° 47' 33" West, 139.17 feet to a point for corner;  
 4-35 3) North 18° 23' 52" West, 144.17 feet to a point for corner;  
 4-36 4) North 04° 55' 11" West, 148.56 feet to a point for corner;  
 4-37 5) North 06° 29' 21" East, 154.86 feet to a point for corner;  
 4-38 6) North 20° 57' 59" East, 181.75 feet to a point for corner;  
 4-39 7) North 27° 29' 41" East, 320.27 feet to a point for corner;  
 4-40 8) North 24° 38' 10" East, 170.11 feet to a point for corner;  
 4-41 9) North 23° 26' 48" East, 360.62 feet to a point for corner;  
 4-42 10) North 13° 06' 57" East, 45.92 feet to a point for corner;  
 4-43 11) North 19° 18' 25" East, 219.10 feet to a point for  
 4-44 corner;  
 4-45 12) North 10° 45' 21" East, 77.16 feet to a point for corner;  
 4-46 13) North 10° 44' 48" East, 217.41 feet to a point for  
 4-47 corner;  
 4-48 14) North 10° 13' 04" East, 167.66 feet to a point for  
 4-49 corner;  
 4-50 15) North 17° 33' 30" West, 245.38 feet to a point for  
 4-51 corner;  
 4-52 16) North 17° 44' 43" West, 234.77 feet to a point for  
 4-53 corner;  
 4-54 17) North 17° 57' 38" West, 260.85 feet to a point for  
 4-55 corner;  
 4-56 18) North 28° 49' 48" West, 240.40 feet to a point for  
 4-57 corner;  
 4-58 19) North 28° 51' 56" West, 246.74 feet to a point for  
 4-59 corner;  
 4-60 20) North 24° 07' 44" West, 89.42 feet to a point for corner;  
 4-61 21) North 12° 57' 32" West, 101.02 feet to a point for  
 4-62 corner;  
 4-63 22) North 00° 51' 04" East, 119.18 feet to a point for  
 4-64 corner;  
 4-65 23) North 12° 39' 21" East, 99.21 feet to a point for corner;  
 4-66 24) North 25° 40' 31" East, 103.11 feet to a point for  
 4-67 corner;  
 4-68 25) North 38° 02' 39" East, 110.88 feet to a point for  
 4-69 corner;

5-1 26) North 50° 23' 53" East, 96.05 feet to a point for corner;  
5-2 27) North 62° 06' 26" East, 105.29 feet to a point for  
5-3 corner;  
5-4 28) North 74° 01' 50" East, 103.53 feet to a point for  
5-5 corner;  
5-6 29) North 89° 55' 40" East, 128.14 feet to a point for  
5-7 corner;  
5-8 30) North 88° 31' 17" East, 474.84 feet to a point for  
5-9 corner;  
5-10 31) North 89° 13' 26" East, 739.56 feet to a point for  
5-11 corner;  
5-12 32) North 88° 53' 17" East, 435.66 feet to a point for  
5-13 corner;  
5-14 Thence, leaving said common line, South 43° 14' 43" East,  
5-15 446.58 feet to a point for corner;  
5-16 Thence, South 52° 46' 49" East, 498.65 feet to a point for  
5-17 corner;  
5-18 Thence, South 60° 55' 23" East, 328.56 feet to a point for  
5-19 corner;  
5-20 Thence, South 68° 43' 05" East, 369.58 feet to a point for  
5-21 corner;  
5-22 Thence, South 76° 13' 11" East, 287.55 feet to a point for  
5-23 corner;  
5-24 Thence, South 83° 20' 19" East, 446.74 feet to a point for  
5-25 corner;  
5-26 Thence, South 61° 25' 51" East, 759.48 feet to a point for  
5-27 corner;  
5-28 Thence, South 79° 09' 30" East, 795.06 feet to a point for  
5-29 corner;  
5-30 Thence, South 48° 39' 08" East, 572.36 feet to a point for  
5-31 corner;  
5-32 Thence, South 56° 39' 11" East, 556.76 feet to a point for  
5-33 corner;  
5-34 Thence, South 74° 53' 27" East, 692.70 feet to a point for  
5-35 corner;  
5-36 Thence, South 87° 06' 33" East, 692.70 feet to a point for  
5-37 corner;  
5-38 Thence, North 88° 26' 51" East, 1870.11 feet to a point for  
5-39 corner on the east line of the aforementioned 993.533 acre tract;  
5-40 Thence, with the east line of said 993.533 acre tract, South  
5-41 05° 39' 36" West, 520.09 feet to a point for corner on the common  
5-42 survey line of said Nathan Brookshire League and said William  
5-43 Cooper League;  
5-44 Thence, continuing with said east and said common survey  
5-45 line, South 01° 46' 55" East (called South 00° 22' 41" East), 484.08  
5-46 feet the common east corner of said 993.533 acre tract and the  
5-47 aforementioned 477.895 acre tract;  
5-48 Thence, continuing with said common survey line and the east  
5-49 line of said 477.895 acre tract, South 01° 51' 10" East, 716.22 feet  
5-50 to a point for corner;  
5-51 Thence, continuing with said common survey line and said east  
5-52 line, South 02° 47' 12" East, 560.51 feet to a reentrant corner of  
5-53 said 477.895 acre tract;  
5-54 Thence, leaving said common survey line and said east line  
5-55 and with a north line of said 477.895 acre tract, the following four  
5-56 (4) courses:  
5-57 1) North 87° 06' 35" East, 1052.17 feet to a point for  
5-58 corner;  
5-59 2) North 87° 01' 23" East, 1326.59 feet to a point for  
5-60 corner;  
5-61 3) North 06° 23' 38" West, 1527.81 feet to a point for  
5-62 corner;  
5-63 4) North 01° 56' 44" West, 715.60 feet to the northeast  
5-64 corner of said 477.895 acre tract, same being on the westerly  
5-65 right-of-way line of F.M. 359 (called 100 feet wide), the beginning  
5-66 of a curve;  
5-67 Thence, with the common line of said 477.895 acre tract and  
5-68 said F.M. 359, 27.62 feet along the arc of a non-tangent curve to  
5-69 the right, having a radius of 2860.16 feet, a central angle of 00°

6-1 33' 12" and a chord which bears South 37° 47' 13" East, 27.62 feet to  
6-2 a point for corner;

6-3 Thence, continuing with said common line, South 35° 56' 20"  
6-4 East, 2232.18 feet to a point for corner on the common line of said  
6-5 Waller County and Fort Bend County;

6-6 Thence, with said common county line, South 64° 45' 09" West,  
6-7 3822.58 feet to a point for corner on the south line of said 477.895  
6-8 acre tract, same being the southeast corner of the aforementioned  
6-9 William Cooper League;

6-10 Thence, with the south line of said 477.895 acre tract and the  
6-11 south line of said William Cooper League and said common county  
6-12 line, South 87° 42' 18" West, 3541.24 feet to a point for corner;

6-13 Thence, continuing with said south line, said south survey  
6-14 line and said common county line, South 87° 38' 07" West, at 1191.63  
6-15 feet pass the southeast corner of the aforementioned 121.983 acre  
6-16 tract and continuing with the south line of said 121.983 acre tract,  
6-17 said south survey line and said common county line, in all a total  
6-18 distance of 2979.71 feet to a point for corner;

6-19 Thence, leaving said common county line and continuing with  
6-20 said south line and said south survey line, South 87° 44' 38" West,  
6-21 1562.25 feet to the east corner of the aforementioned 1.9030 acre  
6-22 tract;

6-23 Thence, continuing with the south line of said 1.9030 acre  
6-24 tract and said south survey line, South 87° 49' 39" West (called  
6-25 West), 827.66 feet to the POINT OF BEGINNING and containing  
6-26 1064.491 acres of land.

6-27 SECTION 3. (a) The legal notice of the intention to  
6-28 introduce this Act, setting forth the general substance of this  
6-29 Act, has been published as provided by law, and the notice and a  
6-30 copy of this Act have been furnished to all persons, agencies,  
6-31 officials, or entities to which they are required to be furnished  
6-32 under Section 59, Article XVI, Texas Constitution, and Chapter 313,  
6-33 Government Code.

6-34 (b) The governor, one of the required recipients, has  
6-35 submitted the notice and Act to the Texas Commission on  
6-36 Environmental Quality.

6-37 (c) The Texas Commission on Environmental Quality has filed  
6-38 its recommendations relating to this Act with the governor, the  
6-39 lieutenant governor, and the speaker of the house of  
6-40 representatives within the required time.

6-41 (d) All requirements of the constitution and laws of this  
6-42 state and the rules and procedures of the legislature with respect  
6-43 to the notice, introduction, and passage of this Act are fulfilled  
6-44 and accomplished.

6-45 SECTION 4. This Act takes effect immediately if it receives  
6-46 a vote of two-thirds of all the members elected to each house, as  
6-47 provided by Section 39, Article III, Texas Constitution. If this  
6-48 Act does not receive the vote necessary for immediate effect, this  
6-49 Act takes effect September 1, 2009.

6-50 \* \* \* \* \*