

By: Maldonado

H.B. No. 4803

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the South Fork Ranch Municipal Utility District; 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 8345 to read as follows:

CHAPTER 8345. SOUTH FORK RANCH MUNICIPAL UTILITY DISTRICT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8345.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the South Fork Ranch Municipal Utility District.

Sec. 8345.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8345.003. 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. 8345.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8345.003 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. 8345.005. 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. 8345.006. 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 8345.007-8345.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8345.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8345.052, directors serve
5 staggered four-year terms.

6 Sec. 8345.052. TEMPORARY DIRECTORS. (a) The temporary
7 board consists of:

8 (1) Nyle Maxwell;

9 (2) John Avery;

10 (3) Charles Avery;

11 (4) Joseph Rutledge; and

12 (5) Troy Lawson.

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

14 (1) the date permanent directors are elected under
15 Section 8345.003; 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 8345.003 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 8345.003; 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 Texas Commission on Environmental
3 Quality requesting that the commission appoint as successor
4 temporary directors the five persons named in the petition. The
5 commission shall appoint as successor temporary directors the five
6 persons named in the petition.

7 [Sections 8345.053-8345.100 reserved for expansion]

8 SUBCHAPTER C. POWERS AND DUTIES

9 Sec. 8345.101. 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. 8345.102. 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. 8345.103. 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 not exercise the powers provided by
25 this section unless the district submits a petition to and obtains
26 approval from the Texas Commission on Environmental Quality as
27 required by Section 54.234, Water Code.

1 Sec. 8345.104. APPROVAL OF ROAD PROJECT. (a) The district
2 may not undertake a road project authorized by Section 8345.103
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) The district may not design, acquire, construct,
12 finance, issue bonds for, improve, or convey a road project unless
13 the district obtains approval from the Texas Transportation
14 Commission.

15 Sec. 8345.105. STREET REPAIR AND MAINTENANCE. (a) After
16 the 10th anniversary of the effective date of the Act creating this
17 chapter, the district, at the district's expense, shall repair and
18 maintain the streets in the district.

19 (b) A district's repair and maintenance of a street under
20 this section must meet all applicable construction standards and
21 regulations of Williamson County.

22 Sec. 8345.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
23 OR RESOLUTION. The district shall comply with all applicable
24 requirements of any ordinance or resolution that is adopted under
25 Section 54.016 or 54.0165, Water Code, and that consents to the
26 creation of the district or to the inclusion of land in the
27 district.

1 Sec. 8345.107. LIMITATION ON USE OF EMINENT DOMAIN. The
2 district may not exercise the power of eminent domain outside the
3 district to acquire a site or easement for:

4 (1) a road project authorized by Section 8345.103; or

5 (2) a recreational facility as defined by Section
6 49.462, Water Code.

7 [Sections 8345.108-8345.150 reserved for expansion]

8 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

9 Sec. 8345.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
10 district may issue, without an election, bonds and other
11 obligations secured by:

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

13 (2) contract payments described by Section 8345.153.

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

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

22 Sec. 8345.152. OPERATION AND MAINTENANCE TAX. (a) If
23 authorized at an election held under Section 8345.151, the district
24 may impose an operation and maintenance tax on taxable property in
25 the district in accordance with Section 49.107, Water Code.

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

1 Sec. 8345.153. CONTRACT TAXES. (a) In accordance with
2 Section 49.108, Water Code, the district may impose a tax other than
3 an operation and maintenance tax and use the revenue derived from
4 the tax to make payments under a contract after the provisions of
5 the contract have been approved by a majority of the district voters
6 voting at an election held for that purpose.

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

10 [Sections 8345.154-8345.200 reserved for expansion]

11 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

12 Sec. 8345.201. AUTHORITY TO ISSUE BONDS AND OTHER
13 OBLIGATIONS. The district may issue bonds or other obligations
14 payable wholly or partly from ad valorem taxes, impact fees,
15 revenue, contract payments, grants, or other district money, or any
16 combination of those sources, to pay for any authorized district
17 purpose.

18 Sec. 8345.202. TAXES FOR BONDS. At the time the district
19 issues bonds payable wholly or partly from ad valorem taxes, the
20 board shall provide for the annual imposition of a continuing
21 direct ad valorem tax, without limit as to rate or amount, while all
22 or part of the bonds are outstanding as required and in the manner
23 provided by Sections 54.601 and 54.602, Water Code.

24 Sec. 8345.203. BONDS FOR ROAD PROJECTS. At the time of
25 issuance, the total principal amount of bonds or other obligations
26 issued or incurred to finance road projects and payable from ad
27 valorem taxes may not exceed one-fourth of the assessed value of the

1 real property in the district.

2 SECTION 2. The South Fork Ranch Municipal Utility District
3 initially includes all the territory contained in the following
4 area:

5 DESCRIPTION, PREPARED FROM PUBLIC RECORD INFORMATION, OF
6 164.96 ACRES OF LAND OUT OF THE JOHN THOMAS SURVEY, ABSTRACT NO.
7 610, IN WILLIAMSON COUNTY, TEXAS; SAID 164.96 ACRES BEING CONVEYED
8 TO MAXWELL INVESTMENTS, INC. BY T. NYLE MAXWELL, JR. AND WIFE, NANCY
9 MAXWELL IN DOCUMENT NO. 2002036162, OFFICIAL PUBLIC RECORDS OF
10 WILLIAMSON COUNTY, TEXAS, (OPRWCT); OWNERSHIP TO THE NOW MAXWELL
11 INVESTMENTS, L.C. 164.96 ACRE TRACT IS AS FOLLOWS:

12 1) 25% RETAINED BY T. NYLE MAXWELL, JR AND WIFE, NANCY
13 MAXWELL

14 2) 20% CONVEYED TO JIM BOLES IN DOCUMENT NO. 2006072098. AN
15 ADDITIONAL 5% CONVEYED TO JIM BOLES IN DOCUMENT NO. 2007054616
16 (FROM JOHN LEWIS - SEE #3 BELOW)

17 3) 30% CONVEYED TO JOHN LEWIS IN DOCUMENT NO. 2006072100,
18 LESS 5% CONVEYED TO JIM BOLES IN DOCUMENT NO. 2007054616 (SEE #2
19 ABOVE)

20 4) 25% CONVEYED TO ROBERT D. WUNSCH IN DOCUMENT NO.
21 2007054615

22 THE SAID 164.96 ACRES BEING MORE PARTICULARLY DESCRIBED, BY
23 METES AND BOUNDS, AS FOLLOWS:

24 BEGINNING on the north line of called County Road No. 101 at
25 the southeast corner of the said 164.96 acre tract, same being the
26 southeast corner hereof, also being the southwest corner of a 147
27 acre tract conveyed to Evelyn M. Vittek, Trustee in Document No.

1 2007087054, OPRWCT;

2 THENCE along the south line of said 164.96 acre tract, same
3 being the north line of said County Road No. 101, S70°58'30"W,
4 1246.43 feet, to a point on the west line of said County Road No.
5 101, for an ell corner;

6 THENCE continuing along the south line of said 164.96 acre
7 tract, same being the west line of said County Road No. 101,
8 S14°11'E, 24.52 feet to a point on or near the south line of the said
9 John Thomas Survey for an ell corner, same being in the north line
10 of a 106.55 acre tract conveyed to Walter G. Krueger by Document No.
11 1998044003, OPRWCT;

12 THENCE continuing along the south line of said 164.96 acre
13 tract, same being the said north line of the 106.55 acre tract, also
14 being along the north line of a 52.025 acre tract conveyed to
15 Simmons Austin, L.L.C. by Document No. 2006078801, OPRWCT,
16 S71°19'W, 1409.23 feet to the southwest corner of the said 164.96
17 acre tract, same being the southwest corner hereof, also being the
18 southeast corner of a 240.72 acre tract conveyed to Dwayne Krueger
19 and wife, Nicki S. Krueger in Document No. 1997053672, OPRWCT;

20 THENCE, departing the said common line between the 164.96
21 acre tract and the said 52.025 acre tract, along the common line
22 between the 164.96 acre tract and the said 240.72 acre tract,
23 N18°10'30"W, 2748.34 feet to the northwest corner of the said 164.96
24 acre tract, same being the northwest corner hereof, also being the
25 southwest corner of a remainder portion of a called 178.4 acre tract
26 conveyed to Edgar D. Olson and Edna L (Harris) Billings in Volume
27 504, Page 33, Deed Records of Williamson County, Texas (DRWCT)

1 THENCE, along the said common line between the 164.96 acre
2 tract and the said 178.4 acre tract, N70°59'E, 2582.48 feet to the
3 northeast corner of the said 164.96 acre tract, same being the
4 northeast corner hereof, also being the southeast corner of said
5 178.4 acre tract, also being in the west line of the said 147 acre
6 tract;

7 THENCE, departing the 178.4 acre tract, along the common line
8 between the 164.96 acre tract and the said 147 acre tract, S19°45'E,
9 2731.91 feet to the POINT OF BEGINNING, and containing 164.96 acres
10 of land.

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

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

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

25 (d) All requirements of the constitution and laws of this
26 state and the rules and procedures of the legislature with respect
27 to the notice, introduction, and passage of this Act are fulfilled

1 and accomplished.

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