

1-1 By: Maldonado (Senate Sponsor - Ogden) H.B. No. 4803
1-2 (In the Senate - Received from the House May 18, 2009;
1-3 May 19, 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 South Fork Ranch Municipal Utility
1-9 District; providing authority to impose a tax and issue bonds;
1-10 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 8345 to read as follows:

1-14 CHAPTER 8345. SOUTH FORK RANCH MUNICIPAL UTILITY DISTRICT

1-15 SUBCHAPTER A. GENERAL PROVISIONS

1-16 Sec. 8345.001. 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 South Fork Ranch Municipal
1-20 Utility District.

1-21 Sec. 8345.002. 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. 8345.003. 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. 8345.004. CONSENT OF MUNICIPALITY REQUIRED. The
1-29 temporary directors may not hold an election under Section 8345.003
1-30 until each municipality in whose corporate limits or
1-31 extraterritorial jurisdiction the district is located has
1-32 consented by ordinance or resolution to the creation of the
1-33 district and to the inclusion of land in the district.

1-34 Sec. 8345.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a)
1-35 The district is created to serve a public purpose and benefit.

1-36 (b) The district is created to accomplish the purposes of:

1-37 (1) a municipal utility district as provided by
1-38 general law and Section 59, Article XVI, Texas Constitution; and

1-39 (2) Section 52, Article III, Texas Constitution, that
1-40 relate to the construction, acquisition, or improvement of
1-41 macadamized, graveled, or paved roads described by Section 54.234,
1-42 Water Code, or improvements, including storm drainage, in aid of
1-43 those roads.

1-44 Sec. 8345.006. INITIAL DISTRICT TERRITORY. (a) The
1-45 district is initially composed of the territory described by
1-46 Section 2 of the Act creating this chapter.

1-47 (b) The boundaries and field notes contained in Section 2 of
1-48 the Act creating this chapter form a closure. A mistake made in the
1-49 field notes or in copying the field notes in the legislative process
1-50 does not affect the district's:

1-51 (1) organization, existence, or validity;

1-52 (2) right to issue any type of bond for the purposes
1-53 for which the district is created or to pay the principal of and
1-54 interest on a bond;

1-55 (3) right to impose a tax; or

1-56 (4) legality or operation.

1-57 [Sections 8345.007-8345.050 reserved for expansion]

1-58 SUBCHAPTER B. BOARD OF DIRECTORS

1-59 Sec. 8345.051. GOVERNING BODY; TERMS. (a) The district is
1-60 governed by a board of five elected directors.

1-61 (b) Except as provided by Section 8345.052, directors serve
1-62 staggered four-year terms.

1-63 Sec. 8345.052. TEMPORARY DIRECTORS. (a) The temporary
1-64 board consists of:

2-1 (1) Nyle Maxwell;
 2-2 (2) John Avery;
 2-3 (3) Charles Avery;
 2-4 (4) Joseph Rutledge; and
 2-5 (5) Troy Lawson.
 2-6 (b) Temporary directors serve until the earlier of:
 2-7 (1) the date permanent directors are elected under
 2-8 Section 8345.003; or
 2-9 (2) the fourth anniversary of the effective date of
 2-10 the Act creating this chapter.
 2-11 (c) If permanent directors have not been elected under
 2-12 Section 8345.003 and the terms of the temporary directors have
 2-13 expired, successor temporary directors shall be appointed or
 2-14 reappointed as provided by Subsection (d) to serve terms that
 2-15 expire on the earlier of:
 2-16 (1) the date permanent directors are elected under
 2-17 Section 8345.003; or
 2-18 (2) the fourth anniversary of the date of the
 2-19 appointment or reappointment.
 2-20 (d) If Subsection (c) applies, the owner or owners of a
 2-21 majority of the assessed value of the real property in the district
 2-22 may submit a petition to the Texas Commission on Environmental
 2-23 Quality requesting that the commission appoint as successor
 2-24 temporary directors the five persons named in the petition. The
 2-25 commission shall appoint as successor temporary directors the five
 2-26 persons named in the petition.
 2-27 [Sections 8345.053-8345.100 reserved for expansion]
 2-28 SUBCHAPTER C. POWERS AND DUTIES
 2-29 Sec. 8345.101. GENERAL POWERS AND DUTIES. The district has
 2-30 the powers and duties necessary to accomplish the purposes for
 2-31 which the district is created.
 2-32 Sec. 8345.102. MUNICIPAL UTILITY DISTRICT POWERS AND
 2-33 DUTIES. The district has the powers and duties provided by the
 2-34 general law of this state, including Chapters 49 and 54, Water Code,
 2-35 applicable to municipal utility districts created under Section 59,
 2-36 Article XVI, Texas Constitution.
 2-37 Sec. 8345.103. AUTHORITY FOR ROAD PROJECTS. (a) Under
 2-38 Section 52, Article III, Texas Constitution, the district may
 2-39 design, acquire, construct, finance, issue bonds for, improve, and
 2-40 convey to this state, a county, or a municipality for operation and
 2-41 maintenance macadamized, graveled, or paved roads described by
 2-42 Section 54.234, Water Code, or improvements, including storm
 2-43 drainage, in aid of those roads.
 2-44 (b) The district may not exercise the powers provided by
 2-45 this section unless the district submits a petition to and obtains
 2-46 approval from the Texas Commission on Environmental Quality as
 2-47 required by Section 54.234, Water Code.
 2-48 Sec. 8345.104. APPROVAL OF ROAD PROJECT. (a) The district
 2-49 may not undertake a road project authorized by Section 8345.103
 2-50 unless:
 2-51 (1) each municipality or county that will operate and
 2-52 maintain the road has approved the plans and specifications of the
 2-53 road project, if a municipality or county will operate and maintain
 2-54 the road; or
 2-55 (2) the Texas Transportation Commission has approved
 2-56 the plans and specifications of the road project, if the state will
 2-57 operate and maintain the road.
 2-58 (b) The district may not design, acquire, construct,
 2-59 finance, issue bonds for, improve, or convey a road project unless
 2-60 the district obtains approval from the Texas Transportation
 2-61 Commission.
 2-62 Sec. 8345.105. STREET REPAIR AND MAINTENANCE. (a) After
 2-63 the 10th anniversary of the effective date of the Act creating this
 2-64 chapter, the district, at the district's expense, shall repair and
 2-65 maintain the streets in the district.
 2-66 (b) A district's repair and maintenance of a street under
 2-67 this section must meet all applicable construction standards and
 2-68 regulations of Williamson County.
 2-69 Sec. 8345.106. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE

3-1 OR RESOLUTION. The district shall comply with all applicable
3-2 requirements of any ordinance or resolution that is adopted under
3-3 Section 54.016 or 54.0165, Water Code, and that consents to the
3-4 creation of the district or to the inclusion of land in the
3-5 district.

3-6 Sec. 8345.107. LIMITATION ON USE OF EMINENT DOMAIN. The
3-7 district may not exercise the power of eminent domain outside the
3-8 district to acquire a site or easement for:

- 3-9 (1) a road project authorized by Section 8345.103; or
- 3-10 (2) a recreational facility as defined by Section

3-11 49.462, Water Code.
3-12 [Sections 8345.108-8345.150 reserved for expansion]

3-13 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

3-14 Sec. 8345.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The
3-15 district may issue, without an election, bonds and other
3-16 obligations secured by:

- 3-17 (1) revenue other than ad valorem taxes; or
- 3-18 (2) contract payments described by Section 8345.153.

3-19 (b) The district must hold an election in the manner
3-20 provided by Chapters 49 and 54, Water Code, to obtain voter approval
3-21 before the district may impose an ad valorem tax or issue bonds
3-22 payable from ad valorem taxes.

3-23 (c) The district may not issue bonds payable from ad valorem
3-24 taxes to finance a road project unless the issuance is approved by a
3-25 vote of a two-thirds majority of the district voters voting at an
3-26 election held for that purpose.

3-27 Sec. 8345.152. OPERATION AND MAINTENANCE TAX. (a) If
3-28 authorized at an election held under Section 8345.151, the district
3-29 may impose an operation and maintenance tax on taxable property in
3-30 the district in accordance with Section 49.107, Water Code.

3-31 (b) The board shall determine the tax rate. The rate may not
3-32 exceed the rate approved at the election.

3-33 Sec. 8345.153. CONTRACT TAXES. (a) In accordance with
3-34 Section 49.108, Water Code, the district may impose a tax other than
3-35 an operation and maintenance tax and use the revenue derived from
3-36 the tax to make payments under a contract after the provisions of
3-37 the contract have been approved by a majority of the district voters
3-38 voting at an election held for that purpose.

3-39 (b) A contract approved by the district voters may contain a
3-40 provision stating that the contract may be modified or amended by
3-41 the board without further voter approval.

3-42 [Sections 8345.154-8345.200 reserved for expansion]

3-43 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

3-44 Sec. 8345.201. AUTHORITY TO ISSUE BONDS AND OTHER
3-45 OBLIGATIONS. The district may issue bonds or other obligations
3-46 payable wholly or partly from ad valorem taxes, impact fees,
3-47 revenue, contract payments, grants, or other district money, or any
3-48 combination of those sources, to pay for any authorized district
3-49 purpose.

3-50 Sec. 8345.202. TAXES FOR BONDS. At the time the district
3-51 issues bonds payable wholly or partly from ad valorem taxes, the
3-52 board shall provide for the annual imposition of a continuing
3-53 direct ad valorem tax, without limit as to rate or amount, while all
3-54 or part of the bonds are outstanding as required and in the manner
3-55 provided by Sections 54.601 and 54.602, Water Code.

3-56 Sec. 8345.203. BONDS FOR ROAD PROJECTS. At the time of
3-57 issuance, the total principal amount of bonds or other obligations
3-58 issued or incurred to finance road projects and payable from ad
3-59 valorem taxes may not exceed one-fourth of the assessed value of the
3-60 real property in the district.

3-61 SECTION 2. The South Fork Ranch Municipal Utility District
3-62 initially includes all the territory contained in the following
3-63 area:

3-64 DESCRIPTION, PREPARED FROM PUBLIC RECORD INFORMATION, OF
3-65 164.96 ACRES OF LAND OUT OF THE JOHN THOMAS SURVEY, ABSTRACT NO.
3-66 610, IN WILLIAMSON COUNTY, TEXAS; SAID 164.96 ACRES BEING CONVEYED
3-67 TO MAXWELL INVESTMENTS, INC. BY T. NYLE MAXWELL, JR. AND WIFE, NANCY
3-68 MAXWELL IN DOCUMENT NO. 2002036162, OFFICIAL PUBLIC RECORDS OF
3-69 WILLIAMSON COUNTY, TEXAS, (OPRWCT); OWNERSHIP TO THE NOW MAXWELL

4-1 INVESTMENTS, L.C. 164.96 ACRE TRACT IS AS FOLLOWS:

4-2 1) 25% RETAINED BY T. NYLE MAXWELL, JR AND WIFE, NANCY
4-3 MAXWELL

4-4 2) 20% CONVEYED TO JIM BOLES IN DOCUMENT NO. 2006072098. AN
4-5 ADDITIONAL 5% CONVEYED TO JIM BOLES IN DOCUMENT NO. 2007054616
4-6 (FROM JOHN LEWIS - SEE #3 BELOW)

4-7 3) 30% CONVEYED TO JOHN LEWIS IN DOCUMENT NO. 2006072100,
4-8 LESS 5% CONVEYED TO JIM BOLES IN DOCUMENT NO. 2007054616 (SEE #2
4-9 ABOVE)

4-10 4) 25% CONVEYED TO ROBERT D. WUNSCH IN DOCUMENT NO.
4-11 2007054615

4-12 THE SAID 164.96 ACRES BEING MORE PARTICULARLY DESCRIBED, BY
4-13 METES AND BOUNDS, AS FOLLOWS:

4-14 BEGINNING on the north line of called County Road No. 101 at
4-15 the southeast corner of the said 164.96 acre tract, same being the
4-16 southeast corner hereof, also being the southwest corner of a 147
4-17 acre tract conveyed to Evelyn M. Vittek, Trustee in Document No.
4-18 2007087054, OPRWCT;

4-19 THENCE along the south line of said 164.96 acre tract, same
4-20 being the north line of said County Road No. 101, S70°58'30"W,
4-21 1246.43 feet, to a point on the west line of said County Road No.
4-22 101, for an ell corner;

4-23 THENCE continuing along the south line of said 164.96 acre
4-24 tract, same being the west line of said County Road No. 101,
4-25 S14°11'E, 24.52 feet to a point on or near the south line of the said
4-26 John Thomas Survey for an ell corner, same being in the north line
4-27 of a 106.55 acre tract conveyed to Walter G. Krueger by Document No.
4-28 1998044003, OPRWCT;

4-29 THENCE continuing along the south line of said 164.96 acre
4-30 tract, same being the said north line of the 106.55 acre tract, also
4-31 being along the north line of a 52.025 acre tract conveyed to
4-32 Simmons Austin, L.L.C. by Document No. 2006078801, OPRWCT,
4-33 S71°19'W, 1409.23 feet to the southwest corner of the said 164.96
4-34 acre tract, same being the southwest corner hereof, also being the
4-35 southeast corner of a 240.72 acre tract conveyed to Dwayne Krueger
4-36 and wife, Nicki S. Krueger in Document No. 1997053672, OPRWCT;

4-37 THENCE, departing the said common line between the 164.96
4-38 acre tract and the said 52.025 acre tract, along the common line
4-39 between the 164.96 acre tract and the said 240.72 acre tract,
4-40 N18°10'30"W, 2748.34 feet to the northwest corner of the said 164.96
4-41 acre tract, same being the northwest corner hereof, also being the
4-42 southwest corner of a remainder portion of a called 178.4 acre tract
4-43 conveyed to Edgar D. Olson and Edna L (Harris) Billings in Volume
4-44 504, Page 33, Deed Records of Williamson County, Texas (DRWCT)

4-45 THENCE, along the said common line between the 164.96 acre
4-46 tract and the said 178.4 acre tract, N70°59'E, 2582.48 feet to the
4-47 northeast corner of the said 164.96 acre tract, same being the
4-48 northeast corner hereof, also being the southeast corner of said
4-49 178.4 acre tract, also being in the west line of the said 147 acre
4-50 tract;

4-51 THENCE, departing the 178.4 acre tract, along the common line
4-52 between the 164.96 acre tract and the said 147 acre tract, S19°45'E,
4-53 2731.91 feet to the POINT OF BEGINNING, and containing 164.96 acres
4-54 of land.

4-55 SECTION 3. (a) The legal notice of the intention to
4-56 introduce this Act, setting forth the general substance of this
4-57 Act, has been published as provided by law, and the notice and a
4-58 copy of this Act have been furnished to all persons, agencies,
4-59 officials, or entities to which they are required to be furnished
4-60 under Section 59, Article XVI, Texas Constitution, and Chapter 313,
4-61 Government Code.

4-62 (b) The governor, one of the required recipients, has
4-63 submitted the notice and Act to the Texas Commission on
4-64 Environmental Quality.

4-65 (c) The Texas Commission on Environmental Quality has filed
4-66 its recommendations relating to this Act with the governor, the
4-67 lieutenant governor, and the speaker of the house of
4-68 representatives within the required time.

4-69 (d) All requirements of the constitution and laws of this

5-1 state and the rules and procedures of the legislature with respect
5-2 to the notice, introduction, and passage of this Act are fulfilled
5-3 and accomplished.

5-4 SECTION 4. This Act takes effect immediately if it receives
5-5 a vote of two-thirds of all the members elected to each house, as
5-6 provided by Section 39, Article III, Texas Constitution. If this
5-7 Act does not receive the vote necessary for immediate effect, this
5-8 Act takes effect September 1, 2009.

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