

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Waller County Municipal Utility District No. 9; 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 8304 to read as follows:

CHAPTER 8304. WALLER COUNTY MUNICIPAL UTILITY DISTRICT NO. 9

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 8304.001. DEFINITIONS. In this chapter:

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

(2) "Director" means a board member.

(3) "District" means the Waller County Municipal Utility District No. 9.

Sec. 8304.002. NATURE OF DISTRICT. The district is a municipal utility district created under Section 59, Article XVI, Texas Constitution.

Sec. 8304.003. 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. 8304.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 8304.003 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. 8304.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

5 (a) 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, improvement, operation,
11 or maintenance of macadamized, graveled, or paved roads, or
12 improvements, including storm drainage, in aid of those roads.

13 Sec. 8304.006. INITIAL DISTRICT TERRITORY. (a) The

14 district is initially composed of the territory described by
15 Section 2 of the Act creating this chapter.

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

20 (1) organization, existence, or validity;

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

24 (3) right to impose a tax; or

25 (4) legality or operation.

26 [Sections 8304.007-8304.050 reserved for expansion]

1 SUBCHAPTER B. BOARD OF DIRECTORS

2 Sec. 8304.051. GOVERNING BODY; TERMS. (a) The district is
3 governed by a board of five elected directors.

4 (b) Except as provided by Section 8304.052, directors serve
5 staggered four-year terms.

6 Sec. 8304.052. TEMPORARY DIRECTORS. (a) On or after the
7 effective date of the Act creating this chapter, the owner or owners
8 of a majority of the assessed value of the real property in the
9 district may submit a petition to the Texas Commission on
10 Environmental Quality requesting that the commission appoint as
11 temporary directors the five persons named in the petition. The
12 commission shall appoint as temporary directors the five persons
13 named in the petition.

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

15 (1) the date permanent directors are elected under
16 Section 8304.003; or

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

19 (c) If permanent directors have not been elected under
20 Section 8304.003 and the terms of the temporary directors have
21 expired, successor temporary directors shall be appointed or
22 reappointed as provided by Subsection (d) to serve terms that
23 expire on the earlier of:

24 (1) the date permanent directors are elected under
25 Section 8304.003; or

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

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

8 [Sections 8304.053-8304.100 reserved for expansion]

9 SUBCHAPTER C. POWERS AND DUTIES

10 Sec. 8304.101. GENERAL POWERS AND DUTIES. The district has
11 the powers and duties necessary to accomplish the purposes for
12 which the district is created.

13 Sec. 8304.102. MUNICIPAL UTILITY DISTRICT POWERS AND
14 DUTIES. The district has the powers and duties provided by the
15 general law of this state, including Chapters 49 and 54, Water Code,
16 applicable to municipal utility districts created under Section 59,
17 Article XVI, Texas Constitution.

18 Sec. 8304.103. AUTHORITY FOR ROAD PROJECTS. Under Section
19 52, Article III, Texas Constitution, the district may design,
20 acquire, construct, finance, issue bonds for, improve, operate,
21 maintain, and convey to this state, a county, or a municipality for
22 operation and maintenance macadamized, graveled, or paved roads, or
23 improvements, including storm drainage, in aid of those roads.

24 Sec. 8304.104. ROAD STANDARDS AND REQUIREMENTS. (a) A
25 road project must meet all applicable construction standards,
26 zoning and subdivision requirements, and regulations of each
27 municipality in whose corporate limits or extraterritorial

1 jurisdiction the road project is located.

2 (b) If a road project is not located in the corporate limits
3 or extraterritorial jurisdiction of a municipality, the road
4 project must meet all applicable construction standards,
5 subdivision requirements, and regulations of each county in which
6 the road project is located.

7 (c) If the state will maintain and operate the road, the
8 Texas Transportation Commission must approve the plans and
9 specifications of the road project.

10 Sec. 8304.105. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE
11 OR RESOLUTION. The district shall comply with all applicable
12 requirements of any ordinance or resolution that is adopted under
13 Section 54.016 or 54.0165, Water Code, and that consents to the
14 creation of the district or to the inclusion of land in the
15 district.

16 Sec. 8304.106. LIMITATION ON USE OF EMINENT DOMAIN. The
17 district may not exercise the power of eminent domain outside the
18 district to acquire a site or easement for:

- 19 (1) a road project authorized by Section 8304.103; or
20 (2) a recreational facility as defined by Section
21 49.462, Water Code.

22 Sec. 8304.107. DIVISION OF DISTRICT. (a) The district may
23 be divided into two or more new districts only if the district:

- 24 (1) has no outstanding bonded debt; and
25 (2) is not imposing ad valorem taxes.

26 (b) This chapter applies to any new district created by the
27 division of the district, and a new district has all the powers and

1 duties of the district.

2 (c) Any new district created by the division of the district
3 may not, at the time the new district is created, contain any land
4 outside the area described by Section 2 of the Act creating this
5 chapter.

6 (d) The board, on its own motion or on receipt of a petition
7 signed by the owner or owners of a majority of the assessed value of
8 the real property in the district, may adopt an order dividing the
9 district.

10 (e) The board may adopt an order dividing the district
11 before or after the date the board holds an election under Section
12 8304.003 to confirm the district's creation.

13 (f) An order dividing the district shall:

14 (1) name each new district;

15 (2) include the metes and bounds description of the
16 territory of each new district;

17 (3) appoint temporary directors for each new district;

18 and

19 (4) provide for the division of assets and liabilities
20 between or among the new districts.

21 (g) On or before the 30th day after the date of adoption of
22 an order dividing the district, the district shall file the order
23 with the Texas Commission on Environmental Quality and record the
24 order in the real property records of each county in which the
25 district is located.

26 (h) Any new district created by the division of the district
27 shall hold a confirmation and directors' election as required by

1 Section 8304.003.

2 (i) Municipal consent to the creation of the district and to
3 the inclusion of land in the district granted under Section
4 8304.004 acts as municipal consent to the creation of any new
5 district created by the division of the district and to the
6 inclusion of land in the new district.

7 (j) Any new district created by the division of the district
8 must hold an election as required by this chapter to obtain voter
9 approval before the district may impose a maintenance tax or issue
10 bonds payable wholly or partly from ad valorem taxes.

11 [Sections 8304.108-8304.150 reserved for expansion]

12 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

13 Sec. 8304.151. ELECTIONS REGARDING TAXES OR BONDS.

14 (a) The district may issue, without an election, bonds and other
15 obligations secured by:

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

17 (2) contract payments described by Section 8304.153.

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

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

26 Sec. 8304.152. OPERATION AND MAINTENANCE TAX. (a) If
27 authorized at an election held under Section 8304.151, the district

1 may impose an operation and maintenance tax on taxable property in
2 the district in accordance with Section 49.107, Water Code.

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

5 Sec. 8304.153. CONTRACT TAXES. (a) In accordance with
6 Section 49.108, Water Code, the district may impose a tax other than
7 an operation and maintenance tax and use the revenue derived from
8 the tax to make payments under a contract after the provisions of
9 the contract have been approved by a majority of the district voters
10 voting at an election held for that purpose.

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

14 [Sections 8304.154-8304.200 reserved for expansion]

15 SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

16 Sec. 8304.201. AUTHORITY TO ISSUE BONDS AND OTHER
17 OBLIGATIONS. The district may issue bonds or other obligations
18 payable wholly or partly from ad valorem taxes, impact fees,
19 revenue, contract payments, grants, or other district money, or any
20 combination of those sources, to pay for any authorized district
21 purpose.

22 Sec. 8304.202. TAXES FOR BONDS. At the time the district
23 issues bonds payable wholly or partly from ad valorem taxes, the
24 board shall provide for the annual imposition of a continuing
25 direct ad valorem tax, without limit as to rate or amount, while all
26 or part of the bonds are outstanding as required and in the manner
27 provided by Sections 54.601 and 54.602, Water Code.

1 Sec. 8304.203. BONDS FOR ROAD PROJECTS. At the time of
2 issuance, the total principal amount of bonds or other obligations
3 issued or incurred to finance road projects and payable from ad
4 valorem taxes may not exceed one-fourth of the assessed value of the
5 real property in the district.

6 SECTION 2. The Waller County Municipal Utility District No.
7 9 initially includes all the territory contained in the following
8 area:

9 BEING a 883.8 acre tract of land situated in the Fred Eule Survey,
10 Section 114, Abstract No. 374 and the H.&T.C. R.R. Co. Survey,
11 Section 111, Abstract No. 172 of Waller County, Texas and being all
12 of a called 562.636 acre tract of land conveyed to Katy 884 Partner,
13 Ltd. as recorded in Volume 1077, Page 592 of the Waller County Deed
14 Records (W.C.D.R.), all of a called 106.590 acre tract of land
15 conveyed to Katy 884 Partner, Ltd. as recorded in Volume 1077, Page
16 685 W.C.D.R., all of a called 107.332 acre tract of land conveyed to
17 Katy 884 Partner, Ltd. as recorded in Volume 1077, Page 675 W.C.D.R.
18 and all of a called 107.257 acre tract of land conveyed to Katy 884
19 Partner, Ltd. as recorded in Volume 1077, Page 608 W.C.D.R., said
20 883.8 acres described as follows:

21 BEGINNING at a point for the southwest corner of said 562.636 acre
22 tract, the northwest corner of a called 0.9738 acre tract as
23 recorded in Volume 686, Page 15 W.C.D.R., lying in the east
24 right-of-way line of F.M. 2855 (100 feet wide), lying in the south
25 line of said Fred Eule Survey, Sect. 114, A-374 and the north line
26 of said and the H.&T.C. R.R. Co. Survey, Sect. 111, A-172, also
27 being the most westerly southwest corner of the herein described

1 tract and lying in the centerline of Beckendorf Road (unimproved);
2 THENCE, with the east right-of-way line of said F.M. 2855 and the
3 west line of said 562.636 acre tract the following courses and
4 distances

5 N 02°05'10" W, 1507.93 feet to a point for a corner of the
6 herein described tract;

7 N 01°13'56" W, 331.24 feet to a point for a corner of the
8 herein described tract;

9 N 00°21'14" W, 213.88 feet to a point for a corner of the
10 herein described tract;

11 N 00°41'02" W, 348.01 feet to a point for a corner of the
12 herein described tract;

13 N 02°19'54" W, 251.32 feet to a point for a corner of the
14 herein described tract;

15 N 02°49'45" W, 451.99 feet to a point for a corner of the
16 herein described tract;

17 N 04°12'11" W, 104.06 feet to a point for a corner of the
18 herein described tract;

19 N 03°27'43" W, 447.87 feet to a point for a corner of the
20 herein described tract;

21 N 02°05'22" W, 384.85 feet to a point for the southwest corner
22 of a called 8.603 acre tract as recorded in Volume 583, Page
23 225 W.C.D.R.;

24 THENCE N 87°41'09" E, 436.33 feet with the south line of said 8.603
25 acre tract to a point for the southeast corner of said 8.603 acre
26 tract and an interior corner of said 562.636 acre tract;

27 THENCE N 01°57'59" W, 1177.95 feet with the east line of said 8.603

1 acre tract and the east line of a called 11.76 acre tract as
2 recorded in Volume 432, Page 449 W.C.D.R. to a point for the
3 northeast corner of said 11.76 acre tract and the common most
4 northwesterly corner of said 562.636 and the herein described
5 tract, also lying in the south right-of-way line of F.M. 529 (120
6 feet wide);

7 THENCE N 87°58'24" E, 469.07 feet with the north line of said 562.636
8 acre tract and the south right-of-way line of said F.M. 529 to a
9 point for the northwest corner of a called 20.000 acre tract as
10 recorded in Volume 917, Page 270 W.C.D.R.;

11 THENCE S 02°00'00" E, 1181.11 feet with the west line of said 20.000
12 acre tract to a point for the southwest corner of said 20.000 acre
13 tract and an interior corner of the herein described tract;

14 THENCE N 88°00'36" E, 1922.94 feet with the south line of said 20.000
15 acre tract, a called 7.408 acre tract as recorded in Volume 954,
16 Page 389 W.C.D.R., a called 13.695 acre tract as recorded in Volume
17 931, Page 404 W.C.D.R. and a second called 13.695 acre tract as
18 recorded in Volume 779, Page 874 W.C.D.R. to a point for the
19 southeast corner of the second mentioned 13.695 acre tract;

20 THENCE N 02°00'00" W, 1181.11 feet with the east line of the second
21 mentioned 13.695 acre tract to a point for the northeast corner of
22 the second mentioned 13.695 acre tract and lying in the south
23 right-of-way line of said F.M. 529;

24 THENCE N 88°02'44" E, 2394.91 feet with the north line of said
25 562.636 acre tract and the south right-of-way line of said F.M. 529
26 to a point for the northwest corner of a called 160 acre tract as
27 recorded in Volume 788, Page 891 W.C.D.R., lying in the east line of

1 said Fred Eule Survey, Sec. 114, A-374, lying in the west line of
2 said H.&T.C. R.R. Co. Survey, Sect. 119, A-200 and being the common
3 northeast corner of said 562.636 acre tract and the herein
4 described tract;

5 THENCE S 02°15'31" E, 5222.03 feet with the east line of said 562.636
6 acre tract, the west line of said 160 acre tract and a second called
7 160 acre tract as recorded in Volume 995, Page 457 W.C.D.R. and
8 being the common line of said Fred Eule Survey, Sect. 114, A-374 and
9 H.&T.C. R.R. Co. Survey, Sect. 119, A-200 to a point for the common
10 northwest corner of a called 15.000 acre tract as recorded in Volume
11 387, Page 62 W.C.D.R. and Fred Eule Survey, Sect. 120, A-375, the
12 common northeast corner of said 107.257 acre tract and said H.&T.C.
13 R.R. Co. Survey, Sect. 111, A-172 and lying in the centerline of
14 said Beckendorf Road;

15 THENCE S 02°04'50" E, 5271.15 feet with the common east line of said
16 107.257 acre tract and said H.&T.C. R.R. Co. Survey, Sect. 111,
17 A-172, the west line of said Fred Eule Survey, Section 120, Abstract
18 No. 375 to a point for the southwest corner of a called 53.83 acre
19 tract as recorded in Volume 474, Page 314 W.C.D.R., lying in the
20 south line of said Fred Eule Survey, Sect. 120, A-375, lying in the
21 common north line of the H.&T.C. R.R. Co. Survey, Sect. 121, A-201
22 and a called 281.50 acre tract as recorded in Volume 420, Page 766
23 W.C.D.R., also being the common southeast corner of said H.&T.C.
24 R.R. Co. Survey, Sect. 111, A-172 and the herein described tract;

25 THENCE S 87°53'22" W, 2655.75 feet with the south line of said
26 H.&T.C. R.R. Co. Survey, Sect. 111, A-172, said 107.257 acre tract,
27 said 107.332 acre tract, said 106.590 acre tract, the north line of

1 said H.&T.C. R.R. Co. Survey, Sec. 121, A-No. 201 and the Fred Eule
2 Survey, Sect. 112, A-373 to a point for the southeast corner of a
3 called 5.0 acre tract as recorded in Volume 287, Page 806 W.C.D.R.,
4 the southwest corner of said 106.590 acre tract and the most
5 southerly southwest corner of the herein described tract;
6 THENCE N 01°59'57" W, 5279.82 feet with the west line of said 106.590
7 acre tract to a point for the northeast corner of a called 15 acre
8 tract as recorded in Volume 226, Page 16 W.C.D.R., the northwest
9 corner of said 106.590 acre tract and lying in the north line of
10 said H.&T.C. R.R. Co. Survey, Sec. 111, A-No. 172 and the common
11 south line of said Fred Eule Survey, Sect. 114, A-374 and said
12 562.636 acre tract also being the centerline of said Beckendorf
13 Road;
14 THENCE S 87°59'15" W, 2591.53 feet with the common south line of said
15 Fred Eule Survey, Sect. 114, A-374 and said 562.636 acre tract, the
16 north line of said H.&T.C. R.R. Co. Survey, Sect. 111, A-172 and the
17 centerline of said Beckendorf Road to the POINT OF BEGINNING and
18 containing 883.8 acres of land.

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

26 (b) The governor, one of the required recipients, has
27 submitted the notice and Act to the Texas Commission on

1 Environmental Quality.

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

6 (d) All requirements of the constitution and laws of this
7 state and the rules and procedures of the legislature with respect
8 to the notice, introduction, and passage of this Act are fulfilled
9 and accomplished.

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